

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THIRD QUARTERLY SESSION - JULY - SEPTEMBER 2020**  
**THURSDAY, JULY 30, 2020**  
**9:30 A.M.**

County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

*\*\*This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through GoToWebinar. Invites will be posted on Facebook and email alerts.*

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- July 16, 2020 - Regular Meeting

**APPROVAL OF ACCOUNTS PAYABLE**

- July 23, 2020
- July 30, 2020

**APPROVAL OF MANUAL CHECKS**

- July 24, 2020
- July 31, 2020

**APPROVAL OF PAYROLL**

- July 23, 2020

**PUBLIC COMMENT**

*\*\*You may participate in public comment during the virtual meeting by raising your hand. Please submit comments via email to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org). Your comments will be included in the minutes and agenda correspondence. Please include your name.*

**PRESENTATIONS**

1. 9:45 a.m. Angie Banks, Assessor  
- Exonerations/Split Tickets - Discussion/Action

2. 10:00 a.m. **Jacqueline C. Shadle, Clerk of the County Commission**  
- Resolution for Gail Magaha - Retirement - Discussion/Action
3. 10:10 a.m. **Pete Dougherty, Sheriff**  
- PRO Program Grant Application - Discussion/Action
4. 10:15 a.m. **Robert M. Trainor and Daryl Hennessy, City of Charles Town**  
- Request of University Healthcare Foundation, Inc. For annexation of 14.249 acres of land into the City of Charles Town - Discussion/Action
5. 10:30 a.m. **Interview/appointment to the Jefferson County Planning Commission - one unexpired term ending March 31, 2023 - Discussion/Action**
6. 10:40 a.m. **Roger Goodwin, Chief County Engineer**  
- Partial Bond Release - Seneca Crossing, LLC - Seneca Crossing Subdivision, Lots 1-3 (File #18-25-SD) - Discussion/Action  
- Partial Bond Release - Berkeley Medical Center - Lot 1 Seneca Crossing Subdivision (File #19-3-S) - Discussion/Action  
- Adoption of the 2020 Building Code Enforcement Ordinance - Discussion/Action
7. 10:55 a.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 WV Supreme Court #20-0012 (from 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
  - Discussion of Jefferson County Circuit Court Civil Action #17-C-174 - Discussion/Action
  - Review and report on aspects of county policies and local government/component/agency/department involvement based on the C-19 - Discussion/Action
  - Discussion of Jefferson County Circuit Court Civil Action #20-C-20 - Discussion/Action

- Discussion of legal issues regarding proposed solar text amendment including bonding and related matters - Discussion/Action
- Discussion of issues regarding implementation of compensation standards for certain employees under compensation policy 204 and associated policies - Discussion/Action

## **NEW BUSINESS**

8. Discuss Senate Bill 690 and the Jefferson County Ordinance relating to the regulation of All-Terrain Vehicles - Discussion/Action (JC)
9. Discuss Millville Dam area, large number of folks gathering, trash and related issues - Discussion/Action (JC)
10. Solar Farm Text Amendments Workshop - Discuss the workshop format - Discussion/Action (JT)
11. Discuss possibility of VFD funding - Discussion/Action
12. Discuss possible funding for the Broadband Grant Survey - Discussion/Action

## **COUNTY ADMINISTRATOR REPORTS**

## **COUNTY COMMISSION REPORTS**

13. **ADJOURN**

## **CORRESPONDENCE/INFORMATION**

Comments received from David Tabb regarding the July 16, 2020 Regular Meeting.

Various public comments received via e-mail regarding the items on the July 16, 2020 agenda.

Letter from the Jefferson County Historic Landmarks Commission re: the addition of Boidstone's Barn to the list of Jefferson County Historic Landmarks.

*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, July 16, 2020**

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A meeting of the Jefferson County Commission was held on Thursday, July 16, 2020 during the third quarterly session at 9:30 a.m. The meeting was held via GoToWebinar. Present were Commissioners Jane Tabb, President, Patricia Noland, Ralph Lorenzetti, Caleb Judson, and Josh Compton. Also present were Stephanie Grove, County Administrator; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, July 16, 2020 meeting is available on the Jefferson County Commission website.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Lorenzetti led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

**Motion by Ms. Noland to approve the June 15, 2020 Primary Election Canvass Minutes as amended. Motion seconded and unanimously approved.**

**Motion by Mr. Compton to approve the June 18, 2020 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.**

**Motion by Mr. Lorenzetti to approve the June 25, 2020 Special Session Minutes as presented. Motion seconded and unanimously approved.**

#### **APPROVAL OF REQUISITIONS**

**Motion by Ms. Noland to approve Requisitions for July 16, 2020 in the amount of \$64,348.35 to include Requisition Nos. 20052, 20053, 20058, 20059, and 20060. Motion seconded and unanimously approved.**

**APPROVAL OF ACCOUNTS PAYABLE**

CHECK#	VENDOR NAME	AMOUNT
83406	ADVANCE AUTO PARTS	\$ 90.32
83407	BUREAU OF CHILD SUPPORT	\$ 248.31
83408	CACH LLC	\$ 274.77
83409	CERVIS TECHNOLOGIES INC	\$ 1,500.00
83410	CITY OF CHARLES TOWN	\$ 4,500.00
83411	COMPILED TECHNOLOGIES LLC	\$ 890.00
83412	COMPTROLLER OF MARYLAND	\$ 1,344.00
83413	CORPORATION OF SHEPHERDSTOWN	\$ 204.68
83414	CRYSTAL SPRING	\$ 16.00
83415	EFTPS IRS TAXES	\$ 102,405.63
83416	EMPOWER RETIREMENT	\$ 2,590.00
83417	JEFFERSON SECURITY BANK	\$ 4,880.00
83418	KELSEY STIPANOVIC	\$ 495.64
83419	KONE INC.	\$ 1,621.34
83420	MARION A. HAZEL	\$ 1,395.03
83421	MAZZITTI & SULLIVAN EAP	\$ 936.00
83422	NATIONWIDE RETIREMENT SOLUTIONS	\$ 849.00
83423	RANSON POLICE DEPT	\$ 313.16
83424	TONI L MILBOURNE	\$ 850.00
83425	MOOREFIELD POLICE DEPARTMENT	\$ 867.88
83426	VA DEPT OF TAXATION	\$ 1,215.25
83427	WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 17,868.88
83428	WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 47,029.58
83429	WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 500.00
83430	WV SHERIFFS ASSOCIATION	\$ 2,200.00
83431	WV STATE TAX DEPARTMENT	\$ 35,534.59
83432	JCESA	\$ 240,973.00
<b>TOTAL</b>		<b>\$ 471,593.06</b>

**Motion by Mr. Compton to approve the Accounts Payable for June 25, 2020 in the amount of \$471,593.06. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
83433		AHA-ARTS & HUMANITIES ALLIANCE		293.38
83434		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU		3,194.16
83435		BOLIVAR / HARPERS FERRY PUBLIC LIBRARY		20,625.00
83436		COAST TO COAST COMPUTER PRODUCTS		393.80
83437		COLONIAL LIFE		163.20
83438		CREAMERS WRECKER SERVICE		85.00
83439		CRYSTAL SPRING		536.25
83440		DELTA DENTAL OF WV		6,665.13
83441		DODSON SEPTIC SERVICE LLC		300.00
83442		EASTERN PANHANDLE CONSERVATION DISTRICT		500.00
83443		GUTTMAN OIL CO		2,042.76
83444		HIGHMARK WV		207,045.11
83445		JAMIE WOLFE		530.31
83446		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION		434.42
83447		JEFFERSON CO EMERGENCY SERVICES AGENCY		655,711.75
83448		JEFFERSON CO CONVENTION AND VISITORS BUREAU		7,334.49
83449		JEFFERSON COUNTY DEVELOPMENT AUTHORITY		26,500.00
83450		JEFF CO PARKS & RECREATION COMMISSION		73,801.69
83451		JEFFERSON DAY REPORT CENTER		37,502.50
83452		JEFFERSON CO SCHOOLS		909.00
83453		NATIONAL VISION ADMIN.		1,841.56
83454		OLD CHARLES TOWN LIBRARY		22,125.00
83455		SHAUN PACETTI		56.25
83456		SHENTEL		2,015.55
83457		SHEPHERDSTOWN PUB LIBRARY		20,625.00
83458		SHERWIN-WILLIAMS		71.70
83459		SOUTH JEFFERSON PUBLIC LIBRARY		20,625.00
83460		TOWN OF BOLIVAR		19.65
83461		WVU WEST VIRGINIA UNIVERSITY		3,700.00
83462		XEROX FINANCIAL SERVICES		249.81
83463	AM/53	TYLYER TECH		1,728.00
<b>TOTAL</b>				<b>1,117,625.47</b>

**Motion by Mr. Compton to approve the Accounts Payable for July 2, 2020 in the amount of \$1,117,625.47. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
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83465		AMANDA MASTERS	\$	77.06
83466		AT&T	\$	140.95
83467		BOLAND TRANE SERVICES INC	\$	1,771.00
83468		BUREAU OF CHILD SUPPORT	\$	248.31
83469		CACH LLC	\$	276.30
83470		CAPITAL LIGHTING & SUPPLIES, LLC	\$	21.77
83471		EFTPS IRS TAXES	\$	98,100.60
83472		EMPOWER RETIREMENT	\$	4,309.13
83473		FEDEX	\$	50.21
83474		GLOBAL SCIENCE & TECHNOLOGY INC.	\$	730.00
83475		GUTTMAN OIL CO	\$	4,995.82
83476		INVESTIGATIVE SPECIALTY SERVICES LLC	\$	825.00
83477		JEFFERSON SECURITY BANK	\$	4,680.00
83478		LANGUAGE LINE SERVICES	\$	125.59
83479		MILLENIUM INSURANCE GROUP	\$	900.00
83480		NATIONWIDE RETIREMENT SOLUTIONS	\$	849.00
83481		R.E. MICHEL CO. LLC	\$	129.45
83482		RICE TIRES CO	\$	2,149.92
83483		THE HARTFORD	\$	2,406.65
83484		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$	15,576.05
83485		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	46,660.08
83486		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	500.00
83487		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$	166.49
83488		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	\$	56,356.00
<b>TOTAL</b>			<b>\$</b>	<b>242,045.38</b>

**Motion by Mr. Lorenzetti to approve the Accounts Payable for July 9, 2020 in the amount of \$242,045.38. Motion seconded and unanimously approved.**

CHECK#	VENDOR NAME	AMOUNT
83489	AMERIFLEX	\$ 128.00
83490	CONTROL SYSTEMS INC	\$ 38.54
83491	CRYSTAL SPRING	\$ 19.98
83492	DAVID BOOBER	\$ 963.57
83493	EASTERN PANHANDLE REGIONAL PLANNING & DEVELOPMENT	\$ 29,973.26
83494	FIFTH THIRD BANK	\$ 103,334.20
83495	KELSEY STIPANOVIC	\$ 314.39
83496	MATTHEW BENDER	\$ 204.16

83497		MATTHEW BENDER		\$ 1,334.07
83498		SENCOMMUNICATIONS LLC		\$ 295.00
83499		THE HARTFORD		\$ 3,756.70
83500		WV ASSOCIATION OF COUNTY CLERKS		\$ 650.00
83501		WVCORP WV COUNTIES SELF INSURANCE RISK POOL		\$ 193,784.25
83502		XEROX CORPORATION		\$ 1,058.44
83503		GENERAL CO FUND- 004		\$ 26,929.80
<b>TOTAL</b>				<b>\$ 362,784.36</b>

**Motion by Ms. Noland to approve the Accounts Payable for July 16, 2020 in the amount of \$362,784.36. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
807	AV/56	PRINT-O-STAT		\$ 190.00
808	AV/56	THE THRASHER GROUP		\$ 14,800.00
1478	CO/246	TYLER TECH		\$ 1,275.00
<b>TOTAL</b>				<b>\$ 16,265.00</b>

**Motion by Mr. Lorenzetti to approve the Manual Checks for June 26, 2020 in the amount of \$16, 265.00. Motion seconded and unanimously approved.**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
809	AV/56	MILLERS SUPPLIES AT WORK		\$ 223.04
701	HD/8	ENVIVO HEALTH LLC		\$ 1,960.00
506	CS/2	EPTA EASTERN PANHANDLE TRANSIT		\$ 3,583.50
507	CS/2	JEFF CO CCOMMUNITY MINISTRIES		\$ 3,000.00
<b>TOTAL</b>				<b>8,766.54</b>

**Motion by Mr. Compton to approve the Manual Checks for July 3, 2020 in the amount of \$8,766.54. Motion seconded and unanimously approved.**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
508	CS/2	EASTRIDGE HEALTH SYSTEM		\$ 1,300.00
702	HD/8	ATTENTI		\$ 3,696.00
703	HD/8	CDA		\$ 360.00
811	AV/56	SEGRA		\$ 599.50
810	AV/56	MR. PRINT		\$ 1,653.04
<b>TOTAL</b>				<b>\$ 7,608.54</b>

**Motion by Ms. Noland to approve the Manual Checks for July 10, 2020 in the amount of \$7,608.54. Motion seconded and unanimously approved.**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
509	CS/2	GREENWAY ENG		\$ 19,796.60
705	HD/8	FIFTH THIRD BANK		\$ 57.27
704	HD/8	ENVIVO HEALTH LLC		\$ 208.00
327	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 103,428.20
813	AV/56	GLOBAL SCIENCE & TECH		\$ 1,645.00
812	AV/56	FIFTH THIRD BANK		\$ 1,072.63
1241	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 155,179.43
1242	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 1,584.44
1243	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 11,293.11
1244	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 1,222.44
138	IP/249	TISCHLERBISE		\$ 1,455.00
130	IP/249	TISCHLERBISE		\$ 1,980.00
107	IP/249	TISCHLERBISE		\$ 1,620.00
116	IP/249	TISCHLERBISE		\$ 3,030.00
<b>TOTAL</b>				<b>\$ 303,572.12</b>

**Motion by Mr. Compton to approve the Manual Checks for July 17, 2020 in the amount of \$303,572.12. Motion seconded and unanimously approved.**

**APPROVAL OF PAYROLL**

**Motion by Ms. Noland to approve the Payroll for July 9, 2020 in the amount of \$271,636.70. Motion seconded and unanimously approved.**

**PUBLIC COMMENT**

Public comment was received by Christine Wimer, Catherine Jozwick, Danny Chiotis, Steven Welch, Jenn Miller, and David Tabb (via e-mail)

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

**PRESENTATIONS**

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

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Robert & Sandra Biggs	PP	CTD	300717	\$27.83

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 300717 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Joni Miller	PP	HFD	308416	\$95.60

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 308416 as presented. Motion seconded and unanimously approved.**

2. Jacki Shadle, Clerk of the County Commission – requested the approval of a resolution of appreciation for Gail Magaha, longtime employee. – This item was postponed, as Ms. Shadle was unavailable to attend and present the Resolution.

3. Pete Dougherty, Sheriff – requested the approval of employment for a deputy to fill a current vacancy within the ranks.
  - **Motion by to approve the employment of Micah Hutchins for the position of Deputy Sheriff, effective August 2, 2020, at a salary of \$47,833.00. Motion seconded and unanimously approved.**
4. Ronda Eddy, Jefferson Day Report Center – introduced Kelly Franklin, the newly hired Executive Director of the Jefferson Day Report Center and John Unger, the Community Engagement & Economic Development Director, John Unger.
5. Neil McLaughlin or Lyn Goodwin, Jefferson County Development Authority – introduced Dennis Jarvis II, newly hired Executive Director of the Jefferson County Development Authority Board.
6. Jennifer Myers, Director, Jefferson County Parks and Recreation – updated the Commission the budgetary effects of COVID-19 on the JCPRC.
7. Edgar Aguilar and Nathan Fox, Kinsley Construction – requested the approval of placing a field trailer on County property – this item was pulled from the agenda as the construction company found another section of land for the trailer.
8. Lynn Fields, Probate Office – Quarterly Review
  - **Motion by Ms. Tabb to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**
  - **Motion by Ms. Noland to approve the estates both opened and closed during the third quarter, including the accountings and waivers and the final settlement, as presented. Motion seconded and unanimously approved.**
  - **Motion by Mr. Compton to adjourn as a Fiduciary Review Board. Motion seconded and unanimously approved.**
9. Interviews and Appointments
  - a. Summit Point Library Committee – one five-year term ending June 30, 2025



- Ms. Noland nominated Jerry Franklin for the unexpired term (1 vote – Ms. Noland)
  - Ms. Tabb nominated Judith Jones for the unexpired term (4 votes – Ms. Tabb, Mr. Compton, Mr. Hudson, and Mr. Lorenzetti)
  - After receiving the majority vote, Ms. Jones was appointed to an unexpired term ending June 30, 2021.
10. Kathy Santa Barbara, Attorney – expressed objections to the “legally defective” notice of public hearing by the Planning Commission as respect to the Solar Energy Facilities text amendment.
11. Alexandra Beaulieu, Zoning Administrator – Solar Energy Facilities Text Amendment overview and scheduling of a public hearing.
- **Motion by Ms. Tabb to send the proposed solar energy facilities amendment back to the Planning Commission for further edits. Motion seconded and fails on a vote of 2-3 with Ms. Noland, Mr. Compton, and Mr. Hudson opposing.**
  - **Motion by Ms. Noland for the Commission to hold a public workshop on the proposed solar energy facilities amendment to be coordinated by staff. Motion seconded and unanimously approved.**

## NEW BUSINESS

12. Discuss/Update the Jefferson County recycling Ordinance - it was the consensus of the Commission to direct counsel to do more research on this matter.
13. Discuss relocation of the SWA Transfer Station – no action was taken on this matter; however, Ms. Noland asked that Mr. Compton approach Mr. Jarvis at the Development Authority to inquire about available land that may be a good fit for the relocation of the Transfer Station.
14. Discussion of JCC Meeting Room use by outside agencies during COVID-19 – it was the consensus of the Commission to disallow outside use of the JCC Meeting Room for the time being due to concerns regarding COVID-19.
15. Approval of Cooperation Law Enforcement Agreement

- **Motion by Mr. Compton to approve the Cooperative Law Enforcement Agreement between the Jefferson County Sheriff's Department and the USDA Forest Service, Region Nine Law Enforcement and Investigation and Harpers Ferry Job Corps Civilian Conservation Center. Motion seconded and unanimously approved.**

## COUNTY ADMINISTRATOR REPORTS

COVID-19 Updates – Ms. Grove notified the Commission of a few COVID-19 related updates, including the Governor's mask mandate and the County's application for funds from the CARES Act grant.

Ambulance Fee Billing Updates – Ms. Grove stated that, due to the Ambulance Fee office transitioning to the Tyler system, there would be a delay in the mailing of the ambulance fee bills.

- **Motion by Ms. Tabb to extend the mail out of the ambulance fee bills until August 31, 2020. Motion seconded and unanimously approved.**

### 16. Nathan Cochran, Assistant Prosecuting Attorney

1. Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
2. Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
3. Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
4. Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282). Discussion/Action.
5. Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1). Discussion/Action.
6. 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.
7. Discussion of Jefferson County Circuit Court Civil Action #17-C-174. Discussion/Action.
8. Discussion of Jefferson County Circuit Court Civil Action #20-C-26. Discussion/Action.
9. Review and report on aspects of county policies and local

government/component/agency/department involvement based on C-19 crisis – Discussion/Action.

- **Motion by Ms. Tabb to go into Executive Session to receive legal advice regarding Jefferson County Circuit Court Civil Action #19-P-69; Jefferson County Circuit Court Civil Action #20-C-20; discussion of legal issues regarding proposed solar text amendment including bonding and related matters and discussion of issues regarding implementation of compensation standards for certain employees under compensation policy 204 and associated policies. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to direct the assistant Prosecuting Attorney provide an opinion concerning the constitutionality of retroactive payments to the county employees in questions and provide a copy of the opinion to both the County Commission and the Clerk of the County Commission.**

17. The Commission adjourned at 11:02 pm on a motion by Ms. Noland. Motion was seconded and unanimously approved.

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Jane M. Tabb, PRESIDENT

Respectfully submitted  
Jessica Carroll  
Executive Administrative Assistant

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$403,583.28		\$403,583.28
6.2% Tax Payable OASDI	\$23,840.98		\$23,840.98
1.45% Tax Payable HI	\$5,575.66		\$5,575.66
Fed Withholding	\$36,074.45		\$36,074.45
WV State Withholding	\$16,602.78		\$16,602.78
PERS Retirement Deduct 4.5%	\$10,480.91		\$10,480.91
PERS Retirement Deduct 6%	\$4,690.10		\$4,690.10
Hosp. Pre-Taxed	\$16,301.00		\$16,301.00
Cancer/ICU Pre-Taxed	\$610.48		\$610.48
Cancer/ICU Not Pre-Taxed	\$939.76		\$939.76
Optional Life Not Pre Taxed	\$1,580.08		\$1,580.08
Christmas Club	\$4,720.00		\$4,720.00
Wage Attach #1	\$248.31		\$248.31
Wage Attach #2	\$275.99		\$275.99
Wage Attach #3	\$500.00		\$500.00
Wage Attach #4			\$0.00
DSRS Retirement Deduct 8.5%	\$6,126.71		\$6,126.71
457 - Nationwide	\$849.00		\$849.00
457I - Empower	\$3,730.14		\$3,730.14
457R - Roth	\$785.00		\$785.00
MD State Tax	\$720.66		\$720.66
D/VF	\$2,140.44		\$2,140.44
VA State Tax	\$171.39		\$171.39
Colonial(Plus)	\$81.60		\$81.60
Uniforms			\$0.00
Total Deductions	\$137,045.44	\$0.00	\$137,045.44
Net Wages Total	\$266,537.84	\$0.00	\$266,537.84
Payroll Date	July 23, 2020		

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



Name: Angela Banks, Assessor

Department or Organization: Assessor's Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: July 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*): Exonerations/Split Tickets – Discussion/Action

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable





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

Name: Jacki Shadle

Department or Organization: Clerk of the County Commission

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: July 16, 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):

**1). Resolution – Gail Magaha - 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](#)



**County Commission of Jefferson County  
Charles Town, West Virginia**

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**RESOLUTION**

**GAIL MAGAHA**

**WHEREAS**, Gail D. Magaha has served Jefferson County Government since January 2, 1991; and

**WHEREAS**, she has served the Jefferson County Clerk's Office as a clerk and currently Senior Chief Deputy Clerk, to the County Clerk with dedication; and

**WHEREAS**, she has provided many years of kindness and knowledge for all departments that fall under the Jefferson County Clerk's Office, including many elections; and

**WHEREAS**, she is a friend with a smiling face to anyone she meets. We appreciate and value her.

**THEREFORE, BE IT RESOLVED**, upon Gail D. Magaha's retirement, the County Commission of Jefferson County commends her for her many years of service to Jefferson County and wishes her well in her retirement.

Adopted this \_\_\_\_ day of July, 2020 by the County Commission of Jefferson County:

County Commission of Jefferson County:

\_\_\_\_\_  
Jane M. Tabb, President

\_\_\_\_\_  
Caleb Hudson

\_\_\_\_\_  
Patricia A. Noland

\_\_\_\_\_  
Josh Compton

\_\_\_\_\_  
Ralph Lorenzetti



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



Received  
JUL 27 2020  
Jefferson County Commission  
@ 8:18am

Name: Pete Dougherty

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice next meeting

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): Grant Application

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

This grant is for the continuation of State funding in the amount of \$15,000 for the Prevention Resource Officer (PRO) program at Jefferson High School.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: none

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

I move to approve the Sheriff's Office the application for the PRO grant and authorize the Commission President to affix her signature.

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

If not attached, explain:

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

Contact information:

Email address: pdougherty@jcsdvw.com

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



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



Name: Robert M. Trainor and Daryl Hennessy

Department or Organization: **City of Charles Town**

Estimation of amount of time needed for appointment: 10 minutes

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

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

Date Requested – 2<sup>nd</sup> Choice: August 6, 2020

Subject (*Wording to be placed on agenda*): **City of Charles Town Annexation**

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

Request of University Healthcare Foundation, Inc. for annexation of 14.249 acres of land into the City of Charles Town

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*):

Commissioner X moves that the proposed Order Approving and Confirming the Annexation to the City of Charles Town a parcel of real estate containing 14.249 acres, more particularly described as the Subject Property in the municipal corporation's Certificate dated July 13, 2020, presently located in the Charles Town District, Jefferson County, West Virginia, and owned by University Healthcare Foundation, Inc., as provided by West Virginia Code §§ 8-6-4 & 8-6-4a (Annexation Without an Election).

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

If not attached, explain:

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

Contact information: Daryl Hennessy

Email address: [citymanager@charlestownwv.us](mailto:citymanager@charlestownwv.us)

Phone Number: 304-724-3244

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

not applicable





# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414  
Phone: (304) 725-2311 ♦ Web: [www.charlestownwv.us](http://www.charlestownwv.us)

---

July 13, 2020

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

**MAYOR**  
*Robert M. Trainor*

Re: Request for Inclusion on July 30, 2020 or August 6, 2020 County Commission Agenda

**CITY  
COUNCIL**

*Chet Hines*

*James Kratoril*

*Heather Sprenger*

*Kevin Tester*

*Todd Coyle*

*Jean Petti*

*Michael George*

*Rikki Tuffyord*

Dear Ms. Carroll:

Enclosed please find a completed Agenda Request Form along with a Certificate from the City of Charles Town, West Virginia to annex real estate without an election. Also enclosed is a proposed Order Approving and Confirming the Annexation to the City of Charles Town.

I request that this Certificate be included on the July 30, 2020 or August 6, 2020 agenda of the County Commission.

Thank you for reviewing and considering this request. If you have any questions, please do not hesitate to reach out to Daryl Hennessy by email at [citymanager@charlestownwv.us](mailto:citymanager@charlestownwv.us) or by phone at 304-724-3244.

Sincerely,

  
Robert M. Trainor  
Mayor

**CITY  
MANAGER**

*Daryl Hennessy*

Enclosures

cc: Daryl Hennessy, Charles Town City Manager



CERTIFICATE OF THE CITY OF CHARLES TOWN, WEST VIRGINIA TO ANNEX WITHOUT AN ELECTION UNDER THE PROVISIONS OF WEST VIRGINIA CODE §§ 8-6-4 & 8-6-4a A PARCEL OF REAL ESTATE CONTAINING APPROXIMATELY 14.25 ACRES PRESENTLY LOCATED IN THE CHARLES TOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA, DESCRIBED WITH MORE PARTICULARITY ON A PLAT OF RECORD IN THE OFFICE OF THE CLERK OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA, IN PLAT BOOK 25, AT PAGE 746, *et seq.*, AND OWNED BY UNIVERSITY HEALTHCARE FOUNDATION, INC.

**WHEREAS**, University Healthcare Foundation, Inc. is the owner of a parcel of real estate containing approximately 14.25 acres presently located in the Charles Town District, Jefferson County, West Virginia, and more particularly described as follows (hereinafter, the "Subject Parcel"):

All that certain tract or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Charles Town District, Jefferson County, West Virginia, containing in the aggregate 14.24924 acres, more or less, and designated as "Walter James Truettner, III and William Ken Truettner, Trustees of the Belvedere Farm Family Trust Agreement, Northeast Tract, 620,697 Sq. Ft. or 14.24924 Ac.", on a plat of survey dated April, 2018, prepared by William H. Gordon Associates, Inc., signed by Kevin D. Nelson, P.S., and entitled "Plat Showing Boundary Survey on Properties of Walter James Truettner, III and William Ken Truettner, Trustees of the Belvedere Farm Family Trust Agreement, Deed Book Number 1132, Page 301, Charles Town District, Jefferson County, West Virginia", which said plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25, at Page 746, *et seq.* (Slide 2318B, *et seq.*), and to which said plat reference is hereby made for a more complete and accurate description by metes and bounds of the Subject Parcel;

AND BEING the same parcel of real estate conveyed to University Healthcare Foundation, Inc. from Walter James Truettner, III and William Ken Truettner, Trustees of the Belvedere Farm Family Trust Agreement under Agreement Dated October 11, 2013, by deed dated January 23, 2020, and recorded in the aforesaid Clerk's Office in Deed Book 1235, at Page 449 (a copy of which deed is attached hereto as Exhibit A).

**WHEREAS**, University Healthcare Foundation, Inc. requested annexation of the Subject Parcel into the City of Charles Town (the "City") as evidenced by a Petition for Annexation and Zoning dated January 2, 2020 (the "Petition"), a copy of which Petition is attached hereto as Exhibit B; and

**WHEREAS**, West Virginia Code ("Code") Section 8-6-4a provides for annexation without election and applies to municipalities in counties that have adopted a countywide zoning ordinance with designated urban growth boundaries and, prior to January 1, 2009, have adopted local impact fees pursuant to the

provisions of Code Section 7-2-1, *et seq.*; Jefferson County, West Virginia, has adopted a countywide zoning ordinance with designated urban growth boundaries and has, prior to January 1, 2009, adopted local impact fees; and Code Section 8-6-4a is accordingly applicable to the City; and

**WHEREAS**, Code Section 8-6-4a(c)(1) provides that, if property proposed to be annexed is entirely within a municipality's designated urban growth boundary, the municipality may annex the property without an election pursuant to Code Section 8-6-4 and, in such case, the agreement of the county commission is not required; the Subject Parcel is entirely within the City's Urban Growth Boundary; and the City may accordingly annex the Subject Parcel pursuant to Code Section 8-6-4 without the agreement of the Jefferson County Commission; and

**WHEREAS**, Code Section 8-6-4(a) provides that the governing body of a municipality may, by ordinance, provide for annexation of additional territory without an election if both a majority of the qualified voters of the territory and a majority of all freeholders of the additional territory file a petition to be annexed, Code Section 8-6-4(b) provides that "qualified voters of the additional territory" includes firms and corporations in the additional territory, and Code Sections 8-6-4(d) and 8-6-4(f), respectively, provide that a qualified voter of the additional territory who is also a freeholder of the additional territory may join only one petition and that only a voter's petition is required if all of the eligible petitioners are qualified voters; as represented by University Healthcare Foundation, Inc., and verified by the City, University Healthcare Foundation, Inc. is the sole owner, sole qualified voter, and sole freeholder of the Subject Parcel, and the Subject Parcel is currently unimproved; and the single Petition submitted by University Healthcare Foundation, Inc. accordingly satisfies the petition requirement of Code Section 8-6-4; and

**WHEREAS**, the entire north and east boundaries of the Subject Parcel are adjacent to and contiguous with the existing corporate boundary of the City, and the proposed annexation is consistent with the City's Comprehensive Plan; and

**WHEREAS**, Code Section 8-6-4(g) provides that, if satisfied that a petition is sufficient in every respect, the governing body of a municipality shall enter that fact upon its journal and forward to the county commission a certificate to that effect, and the county commission shall thereupon enter an order as described in Code Section 8-6-3, following which the corporate limits of the municipality shall include the annexed property; by Ordinance duly adopted April 6, 2020, a copy of which is attached hereto as Exhibit C, the Council of the City found the Petition to be sufficient in every respect and approved the requested annexation of the Subject Parcel; and, accordingly, the City thereby provided for annexation of the Subject Parcel into the City pursuant to the provisions of Code Sections 8-6-4, Annexation without an election, and 8-6-4a, Annexation without election for municipalities in counties that have an adopted countywide zoning ordinance which includes urban growth boundaries, subject only to the final Order of the Jefferson County Commission recognizing said annexation;

**NOW, THEREFORE**, this Certificate certifies that: (i) the representations set forth herein are true and accurate to the best knowledge, information, and belief of the City; (ii) all of the applicable

requirements of Code Sections 8-6-3, 8-6-4, and 8-6-4a have been met with regard to the Petition; (iii) the Petition filed by University Healthcare Foundation, Inc., as the sole owner, qualified voter, and freeholder of the Subject Parcel, is sufficient in every respect in regard to the annexation into the City of the Subject Parcel; (iv) that the Council of the City has by Ordinance provided for annexation of the Subject Parcel; and (v) a copy of this Certificate, together with a copy of said Ordinance, has been filed with the records of the City; and

**AND FURTHER**, as required by Code Sections 8-6-3 and 8-6-4, this Certificate is hereby filed with the Jefferson County Commission for entry of an Order as required pursuant to West Virginia Code Sections 8-6-4(g) and 8-6-4a(h);

**WHEREFORE**, the City of Charles Town prays that the County Commission of Jefferson County, West Virginia, enter an Order, as described in Code Section 8-6-3 and as required by Code Sections 8-6-4(g) and 8-6-4a(h), reflecting the annexation and modification to the corporate limits of the City by addition thereto of the Subject Parcel and ordering that such annexation by the City be approved and confirmed.

Dated this 13<sup>th</sup> day of July, 2020.

CITY OF CHARLES TOWN, WEST VIRGINIA, a municipal corporation,

  
\_\_\_\_\_  
Robert M. Trainor  
Mayor

Attest:

  
\_\_\_\_\_  
Daryl Hennessy  
City Manager/Clerk

BOWLES RICE LLP  
P.O. DRAWER 1419  
WARTINGBURG WV 25401-3315

Jefferson County  
Jacqueline C Shadle, Clerk  
Instrument 20200001120  
01/28/2020 @ 03:43:27 PM  
DEED  
Book 1235 @ Page 449  
Pages Recorded 5  
Recording Cost \$ 46.00  
Transfer Tax \$ 698.25  
Farm Land Tax \$ 313.50

DEED

THIS DEED, made and entered into this 23<sup>rd</sup> day of January, 2020 by and between WALTER JAMES TRUETTNER, III AND WILLIAM KEN TRUETTNER, TRUSTEES OF THE BELVEDERE FARM FAMILY TRUST UNDER AGREEMENT DATED OCTOBER 11, 2013, parties of the first part (hereinafter referred to as "Grantors"), and UNIVERSITY HEALTHCARE FOUNDATION, INC., a West Virginia nonprofit corporation (formerly known as City Hospital Foundation, Inc.), party of the second part (hereinafter referred to as "Grantee").

WITNESSETH: That for and in consideration of the sum of FIVE DOLLARS (\$5.00) cash in hand paid, the receipt of which is hereby acknowledged and other good and valuable consideration passing from the said Grantee to the said Grantors, the receipt of which is also hereby acknowledged, the said Grantors do hereby grant, bargain, sell and convey unto the said University Healthcare Foundation, Inc., a West Virginia nonprofit corporation, in fee simple, with covenants of general warranty, all that certain lot or parcel of land, with the improvements thereon and the appurtenances thereunto belonging, situate, lying and being in the Charles Town District, Jefferson County, West Virginia, and more particularly described as follows (hereinafter referred to as the "Property"):

All that certain tract or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Charles Town District, Jefferson County, West Virginia, being a portion of Belvedere Farm, containing in the aggregate 14.24924 acres, more or less, and designated as "Walter James Truettner, III and William Ken Truettner, Trustees of the Belvedere Farm Family Trust Agreement, Northeast Tract, 620,697 Sq. Ft. Or 14.24924 Ac.", on a plat of survey dated April, 2018, prepared William H.

Gordon Associates, Inc., and signed by Kevin D. Nelson, P.S., entitled, "Plat Showing Boundary Survey on Properties of Walter James Truettner, III and William Ken Truettner, Trustees of The Belvedere Farm Family Trust Agreement, Deed Book 1132, Page 301, Charles Town District, Jefferson County, West Virginia", which said plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25, at Page 746, et seq. (Slide 2318B, et seq.), and to which said plat reference is hereby made for a more complete and accurate description by metes and bounds of the parcel hereby conveyed.

AND BEING a portion of the same real estate conveyed to Walter James Truettner, III, and William Ken Truettner, Trustees of the Belvedere Farm Family Trust Agreement under Agreement Dated October 11, 2013, from Nancy Tyndale Wilson (also known as Nancy T. Wilson), Walter James Truettner, III, William Ken Truettner, Nancy Hooper Truettner (formerly known as Nancy Truettner Fiocco) and Linda Truettner Albrecht, by deed dated October 11, 2013, and recorded in the aforesaid Clerk's Office in Deed Book 1132, at Page 301.

**SUBJECT TO AND TOGETHER WITH**, all those rights, reservations, restrictions, covenants, conditions, easements and rights-of-way of record;

**DECLARATION OF CONSIDERATION OR VALUE**

Under the penalties of fine and imprisonment as provided by law, the undersigned Grantors hereby declare that the total consideration of the Property transferred by the document to which this declaration is appended is \$142,500.

**CERTIFICATION OF EXEMPTION FROM WITHHOLDING TAX**

Under the penalties of fine and imprisonment as provided by law, the undersigned Grantors hereby declare that they claim exemption from the tax withholding requirements of West Virginia Code § 11-21-71b for the reason that the undersigned Grantor/Trust is a resident entity of West Virginia, as defined under West Virginia Code § 11-21-71b(a)(4), that the signatories for the

resident entity are agents of the Grantor/Trust, and have authority to sign this document on the Grantor/Trust's behalf.

WITNESS the following signatures and seals:

*Walter James Truettner III*

Walter James Truettner, III  
As Trustee of The Belvedere Farm  
Family Trust Under Agreement  
dated October 11, 2013

STATE OF Colorado  
COUNTY OF Chautauque, TO-WIT:

I, *Christina Cesario*, a notary public of said county, do certify that Walter James Truettner, III, who signed the writing hereto annexed as Trustee of The Belvedere Farm Family Trust Under Agreement dated October 11, 2013, bearing date as of the 23 day of January, 2020, has this day in my said county, before me, acknowledged the same.

Given under my hand this 23 day of January, 2020.

My commission expires: 6/18/22

*Christina Cesario*  
Notary Public

(NOTARIAL SEAL)

CHRISTINA CESARIO  
NOTARY PUBLIC  
STATE OF COLORADO  
NOTARY ID 19984018768  
MY COMMISSION EXPIRES JUNE 18, 2022

*William Ken Traettner trustee*

William Ken Traettner

As Trustee of The Belvedere Farm  
Family Trust Under Agreement  
dated October 11, 2013

STATE OF \_\_\_\_\_,  
COUNTY OF \_\_\_\_\_, TO-WIT:

I, \_\_\_\_\_, a notary public of said county, do certify that William Ken Traettner, who signed the writing hereto annexed as Trustee of The Belvedere Farm Family Trust Under Agreement dated October 11, 2013, bearing date as of the \_\_\_\_ day of January, 2020, has this day in my said county, before me, acknowledged the same.

Given under my hand this \_\_\_\_ day of January, 2020.

My commission expires: \_\_\_\_\_.

\_\_\_\_\_  
Notary Public

(NOTARIAL SEAL)

*See attached*

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

State of CA

County of Placer

On 1/23/2020 before me, Heather Ramey, Notary Public,  
(here insert name and title of the officer)

personally appeared William Ken Truettner  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.  
Heather Ramey  
Signature



Prepared by:  
Frederick M. Martin's  
Books & More

Received 1-23-2020

Annexation No. ANNX-2020-01

INVOICE: 200019



PC - Jan 31st (50111)  
Feb 24th (meeting)  
**RECEIVED**  
CITY OF CHARLES TOWN  
DEPARTMENT OF COMMUNITY  
DEVELOPMENT  
DATE: 1-23-2020

## PETITION FOR ANNEXATION AND ZONING

Annexation petitions shall provide the following information:

1. DATE: 1/2, 2020
2. APPLICANT'S NAME\* University Healthcare Foundation, Inc  
 Address: 2500 Hospital Drive, Martinsburg, WV 25401  
 Telephone Number c/o Paul Raco (304) 670-8256 Fax Number ( )  
 Email Address c/o Paul Raco PRAC@unhcf.com
3. PROPERTY OWNER'S NAME University Healthcare Foundation, Inc  
 Address: SAME AS ABOVE  
 Telephone Number ( ) Fax Number ( )  
 Email Address \_\_\_\_\_
- PROPERTY OWNER'S NAME \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone Number ( ) Fax Number ( )  
 Email Address \_\_\_\_\_
- PROPERTY OWNER'S NAME \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone Number ( ) Fax Number ( )  
 Email Address \_\_\_\_\_

\*Applicants include: Property owner(s), Engineer(s), Surveyor(s), or Consultant(s)

4. LEGAL DESCRIPTION OF THE SUBJECT PROPERTY: (list all parcels that apply)

Property Address: Vacant : Corner of Rt 340 and (new) Route 9

Tax Map # and Parcel(s): CT DISTRICT <sup>PI</sup> MAP 10 Parcel 8

Deed Book and Page: PB 25 PAGE 746

Property Area in Square Feet or Acres: 14.25± Acres see plat

5. PROVIDE SCALED MAP, TO BE ATTACHED, OF THE PROPERTY CLEARLY SHOWING THE PROPERTY'S LOCATION AND PROPERTY AREA IN SQUARE FEET AND/OR ACRES:

Attached approximately 14.25± Acres

6. DESCRIPTION OF APPLICANT'S INTEREST IN THE PROPERTY:

Annex into City and zone General Commercial  
Adjacent 50 acres owned by WUI Melrose is already  
in City of Charles Town and zoned General Commercial  
This Request is to make additional 14.25± acres consistent  
and compatible with adjacent 50 acres

7. DESCRIPTION OF THE PRESENT USE(S) OF THE PROPERTY AND EXISTING ZONING DISTRICT:

VACANT  
County Zoning: Residential Growth District

8. REQUESTED ZONING FOR THE PROPERTY:

General Commercial since adjacent with 50 acres is  
already approved and annexed as General Commercial

9 DESCRIBE HOW THE REQUESTED ZONING WILL BE CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE CHARLES TOWN COMPREHENSIVE PLAN:

Recommendations: 4.3 Utilize The City's Annexation Policy To Provide For  
Future Growth : Increase Economic Development in URBAN Growth Boundary.  
S.1 INCREASE The City's Economic VITALITY ... BY Promoting STRATEGIC  
Economic Development within The City's URBAN Growth Boundary.  
8.1 ENSURE Delivery of Adequate Quality AND Affordable Public Water- / Sewer Utility  
To SUPPORT ... Economic Development.

10. DESCRIPTION OF THE PROPOSED USE(S) OF THE PROPERTY, IF KNOWN:

Possible offices

11. PARCEL HISTORY (List all pending or previously approved applications on the subject parcels inventoried above, including previous site plan applications if this application is a site plan amendment)

None

Application No.	Project Name and Phase	Status	Approval Date

**12. INTERESTED PARTY ADDRESSES, FOR PUBLIC NOTICE: (including across street)**

(Interested parties are defined as adjacent properties within 100 feet) *Per online Assessor Records 1/2/20 P/R*

Owner	# and Street	City, State, Zip
West Virginia University Hospitals, Inc	MEDICAL CENTER DRIVE	Morgantown, WV 26506
MARK LAURET, TRUSTEE	544 LEGO DRIVE	Charlottesville, VA 22911
J. Russell FRITS, INC	309: W. Washington ST	Charles Town, WV 25714
WALTER AND William TRUEHNER, TRUSTEES	PO Box 247	CRESTED BUTTE, CO 81224

**NOTES**

Additional exhibits may be required by the Zoning Administrator such as a plot plan or site plan showing existing and if applicable, proposed structures, easements, watercourses, curb cuts and description of the uses of adjacent property that are necessary to describe existing or proposed conditions.

Any desire to amend or withdraw this petition must be submitted in writing to the Zoning Administrator. Also, if ownership of any part of or all of the real property subject to the petition shall change during the pendency of the petition, the Petitioner shall be required to immediately advise the Zoning Administrator in writing.

**CERTIFICATION**

I certify that, to the best of my knowledge, the submitted information and statements are true and correct. I also certify that I have received and read the City of Charles Town Annexation Policy and relevant provisions of the Charles Town Zoning and Subdivision/Land Development Ordinances outlining applicable procedures.

Signature of Applicant

*Anthony P. Zeh* Date 1-2-20

Signature of Owner(s) (If different than Applicant)

*Anthony P. Zeh* Date 1-2-20

Signature of <sup>Applicant</sup> Owner(s) (If different than Applicant)

*Anthony P. Zeh* Date 1-2-20

Signature of Owner(s) (If different than Applicant)

*Anthony P. Zeh* Date 1-2-20

Please submit an original completed petition to the following:

City Planner  
City of Charles Town  
101 E. Washington Street  
Charles Town, WV 25414

---

**FOR CITY USE ONLY**

Application Number: \_\_\_\_\_ Date Petition Received: \_\_\_\_\_

Fee: \$ \_\_\_\_\_ Check No. \_\_\_\_\_ Receipt No. \_\_\_\_\_

City Council Approval: \_\_\_\_\_ Date: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414  
Phone: (304) 725-2311 ♦ Web: [www.charlestownwv.us](http://www.charlestownwv.us)

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## CITY OF CHARLES TOWN WEST VIRGINIA

**AN ORDINANCE TO ANNEX APPROXIMATELY 14.25 ACRES OF LAND INTO THE CITY OF CHARLES TOWN, PURSUANT TO §8-6-4 ANNEXATION WITHOUT AN ELECTION OF THE WV CODE, AND TO ZONE THE ANNEXED LAND FOR GENERAL COMMERCIAL USE.**

**WHEREAS, the governing body of a municipality may, by ordinance, provide for the annexation of additional territory without ordering a vote on the question if: (1) a majority of the qualified voters of the addition territory file with the governing body a petition to be annexed; and (2) a majority of freeholders of the additional territory, whether they reside or have a place of business within or not, file with the governing body a petition to be annexed;**

**WHEREAS, for purposes of this section of law, the term "qualified voter of the additional territory" includes firms and corporations in the additional territory regardless of whether the firm or corporation is a freeholder and the petition may be signed by any officer duly designated by the firm;**

**WHEREAS, University Healthcare Foundation, Inc., as the sole freeholder and qualified voter of the property proposed for annexation has submitted a written petition, signed by a duly authorized officer of the corporation, to the city requesting annexation;**

**WHEREAS, it is the responsibility of the governing body to enumerate and verify the total number of eligible petitioners and, when satisfied that the petition is sufficient in every respect, shall enter that fact upon its journal and forward a certificate to that effect to the county commission;**

**WHEREAS, the county commission shall enter an order and the corporate limits of the municipality shall be as set forth therein;**

**WHEREAS, the proposed annexation and zoning has been determined to be consistent with the city's comprehensive plan by the Charles Town Planning Commission on February 24, 2020;**

**WHEREAS, the proposed annexation is adjacent to land currently owned by WVU Hospitals, Inc. and already zoned for General Commercial use;**

WHEREAS, annexation of this land into the municipal boundaries and zoning it for General Commercial use will allow for continued orderly growth in an area were urban level amenities like the medical uses intended by the applicant should be provided; and

WHEREAS, the land proposed for annexation is located with the municipality's approved Urban Growth Zone.

NOW, THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that municipality finds the applicant's petition for annexation and rezoning to be sufficient in every respect; and

LET IT BE FURTHER ORDAINED BY THE COUNCIL OF THE CITY OF CHARLES TOWN, that the municipality approves the requested annexation of approximately 14.25 acres of land owned by University Healthcare Foundation, Inc. into the corporate boundaries and recommends a zoning map amendment allowing for General Commercial use on the property.

This Ordinance shall take effect upon enactment.

Public Hearing: MARCH 16, 2020

First Reading: MARCH 16, 2020

Public Hearing: APRIL 6, 2020

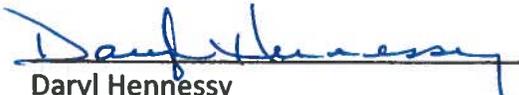
Passed on Second Reading: APRIL 6, 2020

Enacted this 6<sup>th</sup> day of APRIL, 2020

City of Charles Town

  
\_\_\_\_\_  
Robert M. Trajnor  
Mayor

Attest:

  
\_\_\_\_\_  
Daryl Hennessy  
City Manager/Clerk

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

ORDER APPROVING AND CONFIRMING THE ANNEXATION TO THE CITY OF CHARLES TOWN A PARCEL OF REAL ESTATE CONTAINING APPROXIMATELY 14.25 ACRES PRESENTLY LOCATED IN THE CHARLES TOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA, AND OWNED BY UNIVERSITY HEALTHCARE FOUNDATION, INC., AS PROVIDED BY WEST VIRGINIA CODE §§ 8-6-4 & 8-6-4a (ANNEXATION WITHOUT AN ELECTION).

This \_\_\_\_\_ day of \_\_\_\_\_, 2020, came the City of Charles Town, West Virginia, a municipal corporation, and moved the County Commission of Jefferson County, West Virginia, to approve and confirm the annexation by the City of Charles Town of one parcel of real estate consisting of 14.249 acres and more particularly described as follow (hereinafter, the "Subject Parcel"):

All that certain tract or parcel of real estate, with the improvements thereon and the appurtenances thereunto belonging, situate in the Charles Town District, Jefferson County, West Virginia, containing in the aggregate 14.24924 acres, more or less, and designated as "Walter James Truettner, III and William Ken Truettner, Trustees of the Belvedere Farm Family Trust Agreement, Northeast Tract, 620,697 Sq. Ft. or 14.24924 Ac.", on a plat of survey dated April, 2018, prepared by William H. Gordon Associates, Inc., signed by Kevin D. Nelson, P.S., and entitled "Plat Showing Boundary Survey on Properties of Walter James Truettner, III and William Ken Truettner, Trustees of the Belvedere Farm Family Trust Agreement, Deed Book Number 1132, Page 301, Charles Town District, Jefferson County, West Virginia", which said plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25, at Page 746, *et seq.* (Slide 2318B, *et seq.*), and to which said plat reference is hereby made for a more complete and accurate description by metes and bounds of the Subject Parcel;

AND BEING the same parcel of real estate conveyed to University Healthcare Foundation, Inc. from Walter James Truettner, III and William Ken Truettner, Trustees of the Belvedere Farm Family Trust Agreement under Agreement Dated October 11, 2013, by deed dated January 23, 2020, and recorded in the aforesaid Clerk's Office in Deed Book 1235, at Page 449 (a copy of which deed is attached hereto as Exhibit A).

It appearing by the Certificate of the City of Charles Town ("Certificate") filed this date with the Jefferson County Commission and by a Petition for Annexation of the Subject Parcel by the property owner dated January 2, 2020 and attached to said Certificate, that the sole owner and freeholder of the Subject Parcel has requested that the hereinabove referred to real estate be annexed to and become a part of the City of Charles Town.

It further appearing that the Certificate of the governing body of the municipality of Charles Town was this day filed showing that the annexation has been made in the manner required by law, to the corporate limits thereof, and that by such annexation the said corporate limits should be increased to include the Subject Parcel more particularly described above.

It further appearing from the said Certificate that the entire north and east boundaries of the Subject Parcel are adjacent to and contiguous with the existing corporate boundary of Charles Town.

It further appearing that the Subject Parcel is entirely within the City of Charles Town's Urban Growth Boundary, and, according to the governing body of the municipality, the annexation is consistent with the City of Charles Town's Comprehensive Plan.

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

This Order shall take effect this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

JEFFERSON COUNTY COMMISSION

By: \_\_\_\_\_  
Jane Tabb, President

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

ATTEST:

\_\_\_\_\_  
Clerk of the County Commission of  
Jefferson County, West Virginia

**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: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **July 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 Jefferson County Planning Commission – one unexpired term ending March 31, 2023 – Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



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

**Planning Commission - one unexpired term ending March 31, 2023**

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, by 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.



**Subject:** Raymond Bruning - Resignation

Dear Mr. Shepp,

It is with great regret that I need to inform you of my resignation from the Planning Commission.

We have sold our home and will be moving out of the area in July. I will be resigning effective Wednesday June 24, 2020.

I have thoroughly enjoyed serving on this board and the experiences I have gained. Thank you for the opportunity, and best wishes to you and the other members going forward.

Sincerely yours,

*Raymond Bruning*

Raymond Bruning



July 10, 2020

Dear Jefferson County Commission,

I am writing to express my interest in the current open position on the Jefferson County Planning Commission.

I would like to take the opportunity to provide a brief summary of why I can be of good service to the Jefferson Planning Commission.

I both live and work in Jefferson County and have lived here since 1987. I have a genuine vested interest in responsible and considered management of Jefferson County, in this case, within the arena of the Planning Commission's charter and mission.

I have worked for both large technology businesses and smaller regional businesses. I have a good perspective on the operational needs of both large and small businesses, land use, balancing private infrastructure availability vs property rights, and the ability to draft sensible and reasonable ordinances.

I have the dedication, vested interest and a passion to serve Jefferson County and I hope to be selected for the available post.

Thank you for considering my application! I have attached a copy of my resume for review.

Regards,

*ECCompton*

Edward C. Compton  
Summit Point, West Virginia



**EDWARD C. COMPTON**  
SUMMIT POINT, WEST VIRGINIA 25446

Phone: 304-725-6462

Email: [CCOMP3@FRONTIERNET.NET](mailto:CCOMP3@FRONTIERNET.NET)

**PROFESSIONAL PROFILE:**

Sales and Marketing professional with Project Management and wide-ranging customer-oriented Information Technology experience. Additional Application Administration and Technical Training experience. Exceptional interpersonal, written and verbal skills.

**AREAS OF EXPERTISE:**

- Application administration/implementation
- Project Management
- Customer-facing technical support
- Building and maintaining customer relations
- Change management

**ACCOMPLISHMENTS:**

- Sales Leader – 2011
- \$2.7 Million in Project Revenue - 2009
- Technical Excellence Award Freddie Mac- 1997, 1998, 1999

**EMPLOYMENT HISTORY:**

***TRACK MARSHALL***

**SUMMIT POINT MOTOR SPORTS PARK**

**2018-PRESENT**

Responsible for track control and track safety. Immediately responded to, assessed and communicated, through direct radio contact, any and all active or unsafe on-track situations to ensure the safest possible conditions for drivers, spectators and other participants. Communicated appropriate information quickly, concisely, clearly and professionally. Close coordination of EMS and Emergency Fire personnel and emergency track maintenance is a must. Professionalism, good judgment and rapid, clear-thinking are essential, as life, limb and property can, literally, be at risk in the high-speed, auto-racing environment.

***PRODUCT SPECIALIST***

**MITSUBISHI MOTORS CORP. MOORE MITSU./CHANTILLY, VA**

**2011-2012**

Developed and maintained current and complete product information and technical specifications for dissemination to both public and private sources. Maintained and updated customer data bases. Developed sales and marketing strategies to build new, profitable business relationships. Worked directly with business vendors and clients to actively promote and increase sales.

- Developed and provided current regional market trends to sales and marketing for analysis
- Provided comprehensive technical information on full product line to sales and customer base
- Increased sales volume by 21% through innovation and implementation of new marketing tools

***WEB-HOSTING INSTALL PROJECT ENGINEER***

**VERIZON BUSINESS/ASHBURN, VA**

**2007-2009**

Managed complex projects within Verizon Business premium co-location data centers to design and install new data center infrastructure for domestic business customers. Managed support and field personnel to perform complex installs and maintenance to satisfy stringent customer project requirements.

- Installed and maintained specialized cabinets & racks for customer apparatus, cages, video surveillance equipment, biometric security measures for physical security
- Provided power equipment and cabling, telco circuit cabling and connectivity ( for cat5e, cat6e, coax & fiber connections), internet bandwidth, IP allocation as well as satellite communications equipment
- Coordinated specifications with sales engineering teams to control and maintain appropriate ordering, product management and order entry to ensure accurate billing and service levels
- Authored and edited departmental QA, procedural and technical documentation

**PRODUCT MANAGER**

**THE LIBRARY CORPORATION/INWOOD, WV**

**2005-2006**

Product Manager for third-party vendors. Managed advanced library automation technological products, solutions and service.

- Integrated, tested and setup RFID products, automated telephony software and enhanced imaging and video content.
- Authored functional product specifications to be utilized by development teams to ensure smooth product integration. Technical advisor to the customer support and business development
- Involved in the production of technical & non-technical documentation for customer interfacing teams

**SYSTEMS INTEGRATION AND BUSINESS SUPPORT SPECIALIST**

**COMPUTER HORIZONS CORPORATION/VIENNA, VA -- IBM CORPORATION/HERNDON, VA 1999-2005**

Functioned in application administration role servicing AT&T's AIX and Unix-based application platforms.

- Reviewed, procured and integrated new hardware and software – change management
- Automated and streamlined manual processes
- On call representative for large scale batch management and technical support for internal clients
- In-depth experience with: HPUX, AIX, MS Windows/Office products, Visio, Lotus, Remedy and Vantive ticketing systems, Hummingbird X Windows Emulators and Connect Direct

**TECHNICAL ANALYST III**

**FEDERAL HOME LOAN MORTGAGE CORP./RESTON, VA**

**1991-1999**

Implemented quality solutions for short-term and long-term production problems.

- Supported Unix (Solaris, Sun, HPUX) and mainframe production applications and scheduling systems
- Coordinated communication between technical and business areas resulting in strategic technical solutions
- Created and implemented corporate-wide documentation and impact-management reporting ensuring conformity to corporate standards
- Performed set up and installation of a wide variety of software products and equipment
- Trained internal staff on new and existing products

**EDUCATION**

Radford University / English & History (Major/Minor)

CLC- Computer Operations & Technical Analysis Certification (93.6 GPA)

**CLEARANCES**

Secret ~ Inactive

**COMMUNITY SERVICE**

Cub Scouts - Assistant Pack Leader

2009-2011

HOA Architectural Review Board

2007-Present

**Volunteer Activities**

President ~ We the People of West Virginia – Jefferson County

2017-2018

Vice President ~ We the People of West Virginia – Jefferson County (527-PAC)

2018-Present

Treasurer ~ Jefferson County Prosperity, Inc.

2019 -2019

Technical Consultant ~ Audio / Video Presentations – Covenant Church

2010-2018

# CHRISTOPHER J. GARCIA

AICP, ASSOC. AIA, CZA

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July 22, 2020

Jefferson County Commission  
116 East Washington Street, Suite 200  
P. O. Box 716  
Charles Town, WV 25414

**RE: Application for Jefferson County, WV Planning Commission Vacany**

Dear Sir or Ma'am:

I am pleased to present my application and resume for your consideration for a board member position on Jefferson County's Planning Commission. As my resume details, I have extensive experience in the field of planning, zoning and architecture over the past 20 years. I am looking for a volunteer opportunity to utilize my professional experience and qualifications to serve my community.

I welcome the opportunity to further discuss my skills and experience with the Commission and county planning staff in the very near future. If you have questions or require any additional information, please contact me by phone at (830) 237-1484 or by email at [chrisgarcia\\_iniraq@hotmail.com](mailto:chrisgarcia_iniraq@hotmail.com). Thank you.

Very Respectfully,

*Christopher J. Garcia*

Christopher J. Garcia, AICP, Assoc. AIA, CZA

Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

Name: Christopher J. Garcia, AICP, Assoc. AIA, CZA

Home Telephone Number: 830-237-1484

Work Address: Town of Herndon, VA 777 Lynn Street, Herndon, VA

Work Phone Number: 703-787-7380

Mobile Phone Number: 830-237-1484

E-mail Address: alwaysbsideu@gmail.com

Party Affiliation: *(Building Commission and Health Department applicants)*  
None

Occupation: Urban planner/designer, deputy zoning administrator

Education: High School Canyon High School, New Braunfels, TX

University of Texas at San Antonio, B.S. Architecture, 1998  
College Hood College, Frederick, MD, M.S. Environmental Biology, in-progress

Trade/Business School Multiple US military schools / training

Are you a United States citizen?                      Yes X                      No   

Are you a West Virginia resident?                      Yes X                      No   

Are you a resident of Jefferson County?                      Yes X                      No   

Are you able to produce verification of residency?                      Yes X                      No   

(Proof of paying personal property tax, voter registration, etc.)    Voter registration

Address: 25 Bayberry Court  
Harpers Ferry, WV 25425

Magisterial District: Harpers Ferry

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

Certified urban and community planner with over 20 years of experience in local and federal government planning, architecture, urban design, zoning administration, historic preservation, environmental design/protection, and numerous other areas of planning and architecture.

Organization Memberships and Positions Held : American Planning Association, American Institute of Certified Planners (AICP), American Institute of Architects (associate member), Commonwealth of Virginia Certified Zoning Administrator

Have you even been convicted of any felonies? If yes, please list.    None

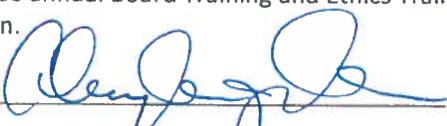
Date:	Offense:

Statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

I understand that falsified statements of any kind or omissions of facts called for on this application shall be considered sufficient basis for removal.

I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading, adhering and signing the County's Ethics Statement and adhering to Robert's Rules as provided in a packet to me when obtaining my Oath of Office or on the County's website. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

Signature:  Date: April 13, 2020

*This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.*

## CHRISTOPHER J. GARCIA

AICP, ASSOC. AIA, CZA

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**SUMMARY OF EXPERIENCE:** Experienced management-level planner and architectural designer with a wide range of skills, knowledge and abilities in urban and community planning, urban & architectural design, facility planning and programming, historic preservation, zoning administration, project management, cost estimating, construction management, community development, leadership, and organizational management. Results-oriented leader focused on positive impacts and influence on livable, sustainable development of communities in challenging environments.

### CORE COMPETENCIES

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- Architecture
- Comprehensive / Long Range Planning
- Community / Neighborhood Planning
- Urban Design
- Zoning Code Development/Administration
- Historic Preservation
- Permitting/Plan Review
- Leadership, Mentoring, Coaching, Teaching
- Program / Project Management
- Environmental Assessments & Impacts
- Cost Estimating / Economic Analysis
- Consultant / Contract Management
- Construction Management
- Personnel Management / Administration

### PROFESSIONAL EXPERIENCE

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#### **March 2018 – Present Town of Herndon Community Development Department, Herndon VA**

**Position Description:** Community Design Planner/ Deputy Zoning Administrator; public sector planning agency. Non-management-level zoning and design program position for small-sized, growing suburban and urbanizing community. Utilizing multi-disciplinary skills covering a wide range of activities including: local government zoning administration, historic preservation, urban design / urban planning, environmental planning, architectural design, legislative application review, zoning consultation, board/commission management and front-line customer service. Duties include preparing narratives and technical reports utilizing standard design and planning analysis, principles and standards.

#### **December 2015 – March 2018 Loudoun County Department of Planning and Zoning, Leesburg, VA**

**Position Description:** Community Planning Program Manager, public sector planning agency. Management-level project/program position utilizing multi-disciplinary skills covering a wide range of activities including: land use planning, community outreach and engagement, coordination of transportation planning, environmental planning, architectural design, legislative application review, zoning consultation, technical consultant / sub-consultant and contract monitoring/management, division-level budget management, and customer service for growing suburban and rural community.

#### **Project Specific Experience:**

##### **Envision Loudoun – New Comprehensive Plan for Loudoun County**

- Project manager for complex, multi-faceted countywide comprehensive plan update, including a new general plan and countywide transportation plan. Managed multiple teams of county employees, citizen stakeholders committees, and consultant / technical working groups. Responsible for solving complex planning problems with conflicting factors related to long range land use, economic growth and development, and social/cultural conditions of various communities. Responsible for developing cooperative/collaborative relationships and leading a joint technical planning effort.

##### **Silver Line Metrorail Comprehensive Plan Amendment**

- Project manager for technical planning project focusing on future land use planning, transportation planning, urban design guidelines, and related planning policy development to support the extension of two transit stations for the Washington Metrorail Service being constructed in the County. Planning goals, objectives and actions considered land use compatibility, urban design, public utilities, open spaces, locations of buildings, bulk densities, and multi-modal transportation and correlating forecasted economic / housing data through fact gathering and analyses.

#### **May 2010 – January 2016 Government Services IPT, Largo, MD**

**Position Description:** Planning Project Manager, private sector planning agency. Mid-level project/program management position utilizing multi-disciplinary skills covering a wide range of activities including: federal

installation planning, architectural design, facility programming and cost estimating, client account management, sub-contractor management, budget management and customer service for mid-sized A/E firm.

### **Relevant Project Experience:**

#### **Department of Defense – Military Construction (MILCON) Facilities Planning & Programming Studies**

- Project manager for multiple planning and design charrettes and conceptual designs for the development of various military facilities; providing architectural-engineering services: evaluation of DOD facility planning criteria and requirements, charrette facilitation, site investigations, preparation of concept plans and alternatives, facility cost estimates, and economic analyses completed on accelerated schedules. Recent MILCON planning project experience:
  - US Army, Carlisle Barracks, PA: US Army War College Academic Facility
  - US Army, Letterkenny Army Depot, Chambersburg, PA: Missile Maintenance Facility and Fire Station
  - US Army, Picatinny Arsenal, NJ: Installation Access Control Points
  - US Marine Corps, Marine Corps Base Quantico: Installation Access Control Point, Communications Officers Course Academic Building, Marine Corps Air Facility Communications Facility
  - US Marine Corps, Marine Corps Air Station Cherry Point, NC: Air Control Squadron Administration /Operations Building, UAV Squadron Administration / Operations Building, Communications Squadron Administration /Operations Building

#### **US Army Corps of Engineers / State of Vermont – Dams Safety: Periodic Safety Inspection**

- Project manager for technical engineering team tasked with periodic safety inspections for three dams owned / managed by the State of Vermont Environmental Protection Department via USACE administered civil works programs.

#### **Picatinny Arsenal – Installation Design Guide**

- Project manager for development of a comprehensive planning and architectural design guide book for standard design and development with the purpose of improving the quality of the total environment of the installation.

#### **Ft. McNair / National Defense University, Washington, DC – Planning Charrette and Campus Development Plan Needs Assessment**

- Project Manager for a planning charrette and conceptual design project for the development of a 1200 seat Auditorium and Conference Center and Campus Development Plan Needs Assessment to identify gaps in existing master/community planning documents using USACE installation and facility planning processes/steps.

#### **NASA Jet Propulsion Lab (JPL), Pasadena, CA – Parking Plan and Study**

- Project manager leading development of a Parking Study and Plan to ensure current and future parking requirements are met, to reduce agency dependency on leased land and create traffic reduction on the JPL Campus. Project resulted in a planning study with recommended parking facilities, regulatory controls and bulk parking densities, facility locations, forms and heights.

### **January 2008 – May 2010 URS Corporation, Federal Planning Team, Gaithersburg, MD**

**Position Description:** Senior Planner; junior-level project management position utilizing multi-disciplinary skills covering a wide range of activities in: federal installation planning, federal facility construction management, critical infrastructure protection, facility programming, client management and customer service.

### **Relevant Project Experience:**

#### **DOD Pentagon Force Protection Agency, Washington, DC**

- Served as technical support for facility planning and construction activities, to include capital improvements, contingency and temporary construction projects with a focus on physical security at the Pentagon Reservation.

#### **Minot AFB Facility Planning Customer Concept Documents, Minot, ND**

- Served as technical writer for development of facility programming and cost estimating documentation in support of increased strategic mission assigned to Minot AFB, ND.

#### **Integrated Protective Measures Analysis, Confidential Client, NC**

- Served as technical writer and researcher for Integrated Protective Measures Analysis for critical regional infrastructure in North Carolina, providing technical review of existing security conditions and provided recommendations for correction, modification and improvement of physical security and emergency response plans.

#### **MCB Quantico, VA – US Marine Corps OCS Temporary Facilities, Training & Education Command HQ Temporary Relocation, and USMC Information Operations Center Temporary Facilities**

- Served as on-site supervisor for design-build construction of one modular building to support standup of new operational command); five new temporary barracks, one headquarters facility, one temporary training facility and one temporary messing facility at USMC Officer Candidate School; and re-location of Training & Education Command HQ Element into new temporary modular facilities with construction budgets of \$17 million.

#### **Naval Support Activity New Orleans, LA - East Bank Redevelopment Plan**

- Physical planner / designer of redevelopment options for future re-use of DOD property conveyed to the City of New Orleans for redevelopment resulting from BRAC re-alignments. Joint technical planning effort between DOD and the City of New Orleans.

### **May 1999 - January 2008 Neighborhood & Urban Design Division, City of San Antonio Planning Department, San Antonio, TX**

**Position Description:** Senior Planner; junior-level to mid-level project/program management position utilizing multi-disciplinary skills covering a wide range of activities including: neighborhood and community planning, local code development, plan review, code enforcement, customer service and public participation for a major municipality serving over 1.2 million citizens.

**April 1996-May 1999 City Architect's Office, City of San Antonio Public Works Department, San Antonio, TX**

**Position Description:** Intern Architect; part-time, entry-level architectural position utilizing architecture and planning skills covering a wide range of design and construction administration activities for a major municipality serving over 1.2 million citizens.

**PROFESSIONAL MILITARY EXPERIENCE**

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- United States Marine Corps, Retired Reserve, October 2015
- United States Marine Corps, Individual Ready Reserve, January 2013 – August 2015
- United States Marine Corps, 4th Civil Affairs Group, USMC, Washington, DC; Civil Affairs Detachment Chief / Group Operations Chief, October 2009 – January 2013
- United States Marine Corps, 'B' Company, 4<sup>th</sup> Light Armored Reconnaissance Battalion, 4th Marine Division, USMC, Frederick, MD; Radio Chief, Company Gunnery Sergeant. March 2008 – July 2009
- United States Marine Corps, 4th Reconnaissance Battalion, 4th Marine Division, USMCR, San Antonio, TX; Radio Chief, Company Gunnery Sergeant. August 1993 – March 2008
- United States Marine Corps, 4th Civil Affairs Group, USMC, Washington, DC; Civil Affairs Staff Noncommissioned Officer, April 2006 – May 2007 (Deployed to Al Anbar Province, Iraq in support of combat operations)
- United States Marine Corps, D Company, 4th Reconnaissance Battalion, 4th Marine Division, USMC, Albuquerque, NM; Radio Chief. February 2003 – August 2003 (Deployed to Iraq in support of combat operations)
- United States Marine Corps, Reconnaissance Detachment, Marine Forces UNITAS, II Marine Expeditionary Force, USMC, Camp Lejeune, NC; Radio Chief. April 2002– December 2002 (Deployed to Central / South America with Special Purpose Marine Air-Ground Task Force)

**EDUCATION**

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- December 1998                      University of Texas at San Antonio, San Antonio, TX
- **BS/Architecture, GPA 3.09**
- August 2013 - Present              Hood College, Frederick, MD
- **MS/Environmental Biology (developing final project; anticipated graduation late-2020)**

**PROFESSIONAL MEMBERSHIPS / CERTIFICATIONS**

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- American Planning Association, Virginia Chapter Member; National Member Feb. 2006-Present
- American Institute of Certified Planners, Cert. # 020838, July 2006 – Present
- American Institute of Architects, National/Virginia Assoc. Member #38012985, Sept. 2009 – Present
- Virginia Association of Zoning Officials Member, July 2019 – Present
- Certified Zoning Administrator, Virginia Association of Zoning Officials, October 2019 - Present
- URS Corporation – Associate Project Manager Certification, Sept. 2009
- LEED Green Associate, March 2010 to June 2018

**VOLUNTEER ACTIVITIES**

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- Frederick, MD Hood College Center for Coastal and Watershed Studies; June 2015
- Harpers Ferry, WV Knights of Columbus Council #12036; June 2017 - Present
- Jefferson County Youth Soccer League Coach / Referee; August 2016 – Present

**AWARDS / RECOGNITION**

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- 2008: Roxie Anderson Planning Excellence Award – American Planning Association, San Antonio, TX Chapter
- 2008: Letter of Appreciation – US Marine Corps Base Quantico, Public Works Department
- 1993 – 2015: US Marine Corps multiple individual, service, and unit awards
- 2016 – 2017: Loudoun County EMPACT Awards for exceptional performance, multiple awards

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



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

Estimation of amount of time needed for appointment: 5 minutes  
Date Requested – 1<sup>st</sup> Choice: July 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*): Two Partial Bond Release requests  
1. Seneca Crossing, LLC – Seneca Crossing Subdivision, Lots 1-3 (Files #18-25-SD)  
2. Berkeley Medical Center - Lot 1 Seneca Crossing Subdivision (File #19-3-S)

Please provide the County Commission with a description of your request or presentation, including any background information:  
1. Partial release of Irrevocable Letter of Credit #300025580-44 with United Bank, Chantilly, VA construction bond security for Seneca Crossing, LLC – Seneca Crossing Subdivision, Lots 1-3 (File #18-25-SD).  
2. Partial release of Irrevocable Letter of Credit #4832790-44 with United Bank, Chantilly, VA construction bond security for Berkeley Medical Center – Lots 1 Seneca Crossing Subdivision (File #19-3-S).

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

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
1. I authorize a partial release of Irrevocable Letter of Credit #300025580-44 with United Bank in the amount of \$702,736.00 construction bond amount for Seneca Crossing, LLC – Seneca Crossing Subdivision, Lots 1-3 (File #18-25-SD).  
2. I authorize a partial release of Irrevocable Letter of Credit #4832790-44 with United Bank in the amount of \$223,159.00 construction bond amount for Berkeley Medical Center – Lot 1 Seneca Crossing Subdivision (File #19-3-S).

Attach supporting documents for request, or request may be denied:  
Construction Bond Release Letter  
Bond Release Request Report  
Site Map  
Is equipment needed? Projector Y/NO Internet/Wi Fi Y/NO Telephone for conference call Y/NO  
Contact information:  
Email address: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org) Phone Number: 304-728-3257

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





## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT  
Jane M. Tabb

VICE PRESIDENT  
Ralph Lorenzetti

COMMISSIONER  
Caleb Wayne Hudson

COMMISSIONER  
Josh Compton

COMMISSIONER  
Patricia A. Noland

July 30, 2020

Mr. Robert M. Anderson, Assistant Vice President  
United Bank  
14048 Park East Circle, Suite 100  
Chantilly, Virginia 20150

RE: Irrevocable Letter of Credit #300025580-45 dated November 27, 2019, Construction Bond Surety for Seneca Crossing LLC - Seneca Crossing Subdivision, Lots 1-3 (File #18-25-SD).

Dear Mr. Anderson:

The Jefferson County Commission authorizes a partial release of \$702,736.00 from the construction bond amount for Seneca Crossing, LLC – Seneca Crossing Subdivision, Lots 1-3 (File #18-25-SD) for a new construction bond amount of \$480,985.00. This project is located on the south side of Route 45 Martinsburg Pike and MacLaine Way. Work remaining includes but is not limited to the following:

1. Erosion & Sediment Control
2. Grading & paving
3. Storm water management measures
4. Miscellaneous site construction & structures
5. Final stabilization
6. Bond contingency amount

In summary, you are hereby authorized to reduce the amount of the above referenced Irrevocable Letter of Credit, originally issued in amount of \$1,183,721.00 to \$480,985.00. Please contact the Jefferson County Department of Engineering, Planning & Zoning - Office of Engineering at (304) 728-3257 if you have any questions.

Sincerely,

Jane M. Tabb, President  
Jefferson County Commission

JMT:rfb

cc: Mr. Paul J. Raco  
P. J. Raco Consulting, LLC  
PO Box 548  
Charles Town, WV 25414  
Department of Engineering, Planning & Zoning  
Office of Engineering

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Slusher McDonald*

Email: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

### BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 07 / 10 / 2020

J.C.P.C. File No. 18 - 25 - SD

Consultant/Engineer/Firm Name: FOX & ASSOC.

Mailing Address: 981 Mt AETNA ROAD

City: HAGERSTOWN

State MD

Zip 21740

Contact Person: MICHAEL SHIFFLER

Phone: 301 + 733 - 8509

Project/Subdivision Name: SENCA CROSSING COMMERCIAL SUBDIVISION

Section/Phase: \_\_\_\_\_

Lots: \_\_\_\_\_

Review Comments:

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

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

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

Bonding Policy & Unit Cost Figures attached for your use.

Comments: \_\_\_\_\_

**Approved for:**  
**BOND REDUCTION**  
By [Signature] 07/21/20  
**County Engineer Date**

Original Bond Amt. \$ 1,029,322.00 + 15% Cont. \$ 154,398.00 = Total Original Bond Amt. \$ 1,183,721.00

Total Current Bond Amount \$ 1,183,721.00

Cost of Work Remaining \$ 418,297.00 + Contingency Amount \$ 62,737.00

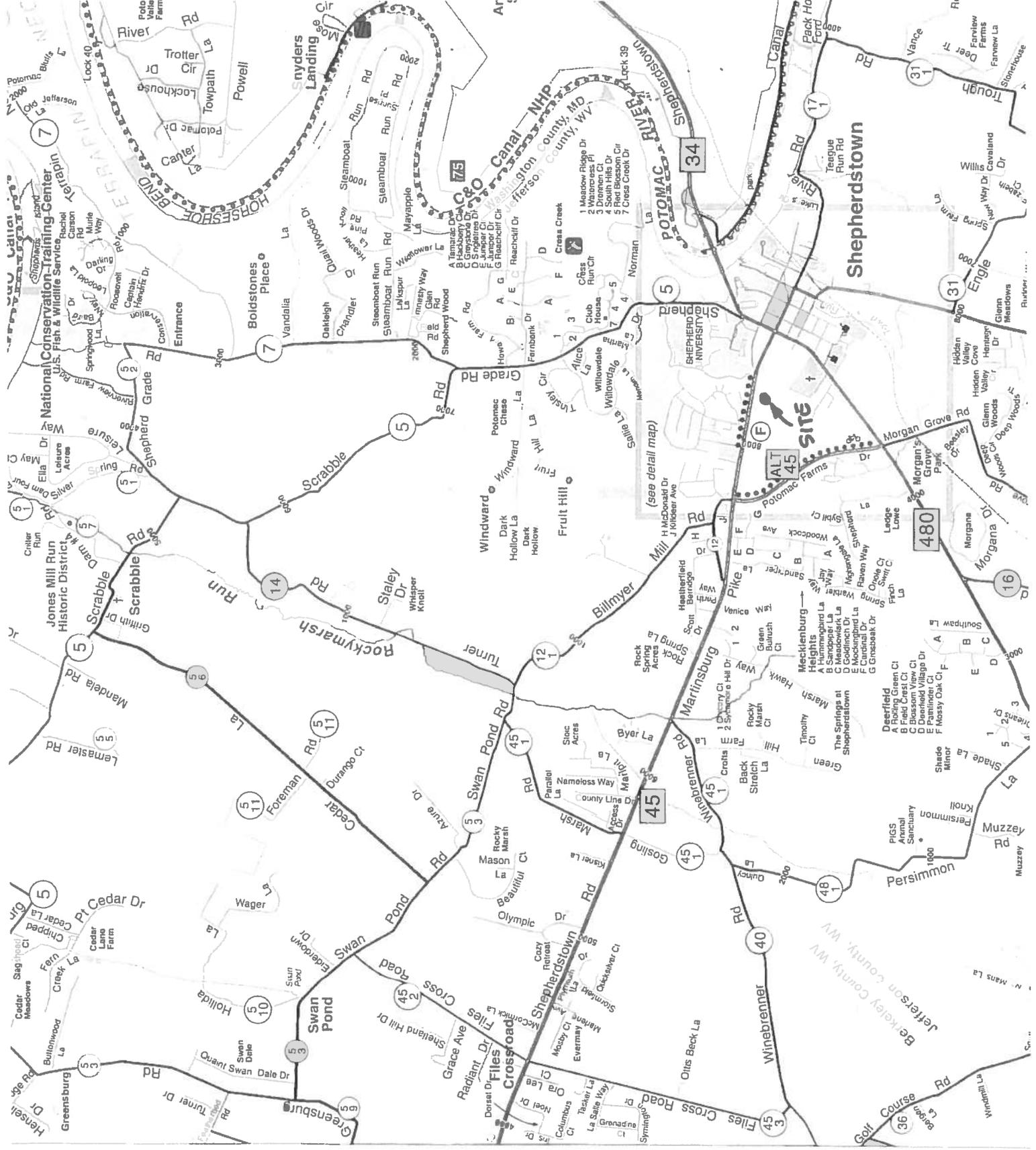
= Approved for Revised Bond Amount \$ 480,985.00

Reviewed By: JOSEPH KENT [Signature]

Title: L.D.I.

Signature: [Signature]

Date: 07 / 21 / 2020



1

- Co Dept of Human Serv...J-3
- Co Fairgrounds...D-6
- Co Judicial Center...J-3
- Co Public Services Ctr...D-5
- Co Solid Waste Authority
- Division of Highways...C-6
- Division of Motor Vehicles...E-5
- State Police...D-5
- University Tree Fruit Research Education Center...D-4

**Industrial and Business**

- Jane Industrial Park...D-6
- Business Park...D-5
- Business Park...C-9

**Recreational Centers**

- Boulevard (future)...E-6
- Plaza...F-7
- ...K-2
- Marketplace...E-6
- ...J-1
- ...E-7

**If Courses**

- Creek...F-2
- Hill...C-8, J-12
- Hollow...F-7

**Other**

- Wellfare Society...C-6
- Wachan Trail Conservancy...K-6
- Girls Club of Jeff Co...J-3
- ...O-1
- ...K-2
- ...O-1
- ...J-3
- ...E-12
- ...J-2
- ...R-2
- ...B-9

**In The National Register of Historic Places**

2

3



## JEFFERSON COUNTY COMMISSION

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

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

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

**PRESIDENT**

Jane M. Tabb

**VICE PRESIDENT**

Ralph Lorenzetti

**COMMISSIONER**

Caleb Wayne Hudson

**COMMISSIONER**

Josh Compton

**COMMISSIONER**

Patricia A. Noland

July 30, 2020

Mr. Robert M. Anderson, Assistant Vice President

United Bank

14048 Park East Circle, Suite 100

Chantilly, Virginia 20150

RE: Irrevocable Letter of Credit #4832790-44 dated December 19, 2019, Construction Bond Surety for Berkeley Medical Center – Lot 1 Seneca Crossing Subdivision (File #19-3-S).

Dear Mr. Anderson:

The Jefferson County Commission authorizes a partial release of \$223,159.00 from the construction bond amount for Berkeley Medical Center – Lot 1 Seneca Crossing Subdivision (File #19-3-S) for a new construction bond amount of \$258,642.00. This project is located on the south side of Route 45 Martinsburg Pike at 60 MacLaine Way. Work remaining includes but is not limited to the following:

1. Erosion & Sediment Control
2. Grading & paving
3. Storm water management measures
4. Final stabilization
5. Miscellaneous site construction & structures
6. Bond contingency amount

In summary, you are hereby authorized to reduce the amount of the above referenced Irrevocable Letter of Credit, originally issued in amount of \$481,801 to \$258,642.00. Please contact the Jefferson County Department of Engineering, Planning & Zoning - Office of Engineering at (304) 728-3257 if you have any questions.

Sincerely,

Jane M. Tabb, President  
Jefferson County Commission

JMT:rfb

cc: Mr. Paul J. Raco  
P. J. Raco Consulting, LLC  
PO Box 548  
Charles Town, WV 25414  
Department of Engineering, Planning & Zoning  
Office of Engineering

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Slusher McDonald*

Email: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 07 / 10 / 2020 J.C.P.C. File No 19 - 3 - 5

Consultant/Engineer/Firm Name FOX & ASSOC.

Mailing Address: 981 Mt AETNA ROAD

City: HAGERSTOWN State: MD Zip: 21740

Contact Person: MICHAEL SHIFFLER Phone: 301 + 733-8509

Project/Subdivision Name: BERKELEY MEDICAL CENTER SITE PLAN

Section/Phase: SENECA CROSSING Lots: 1

Review Comments:

The bond release/reduction is Approved as **REVISED** ~~Submitted~~ \_\_\_\_\_ The bond release/reduction request is Denied.

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

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

\_\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: \_\_\_\_\_

**Approved for:**  
**Bond Reduction**  
By [Signature] 07/22/20  
**County Engineer** **Date**

Original Bond Amt. \$ 418,957.25 15% Cont. \$ 62,843.62 Total Original Bond Amt. \$ 481,801

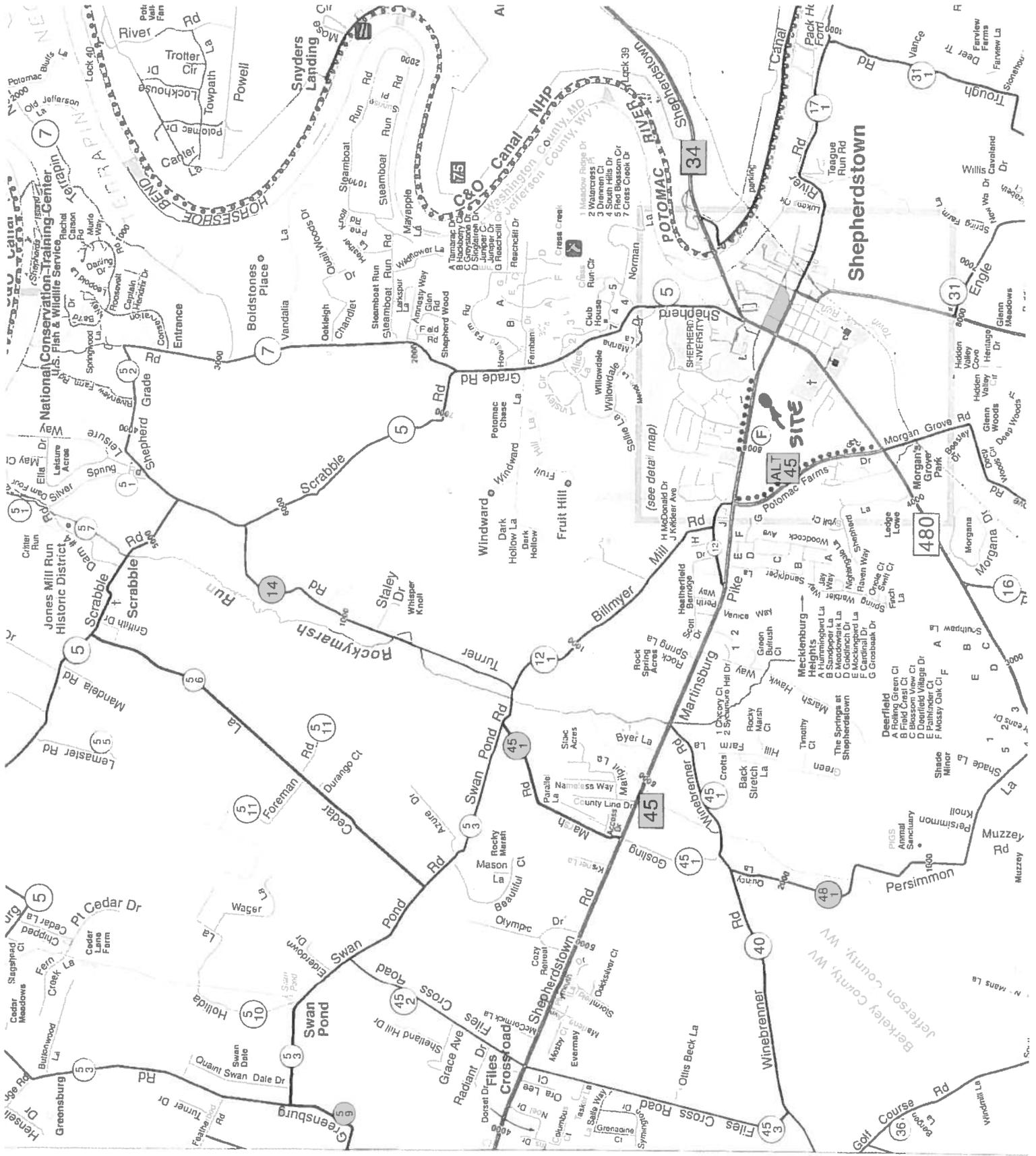
Total Current Bond Amount \$ 481,801.00

Cost of Work Remaining \$ 208,642.00 + Contingency Amount \$ 50,000.00

= Approved for Revised Bond Amount \$ 258,642.00

Reviewed By: JOSEPH W. KENT Title: L.D.I.

Signature: [Signature] Date: 07 / 22 / 2020



- Co Dept of Human Serv...J-3
- Co Firegrounds...D-6
- Co Judicial Center...J-3
- Co Public Services Ctr...D-5
- Co Solid Waste Authority
- Motor Station...C-6
- Division of Highways...C-6
- Division of Motor Vehicles...E-5
- State Police...D-5
- University Tree Fruit Research Education Center...D-4

**Industrial and Business**

- Jane Industrial Park...D-6
  - Business Park...D-5
  - Business Park...C-9
- Shopping Centers**
- Boulevard (future)...E-6
  - Flies Town Plaza...F-7
  - Iron Crossing...K-2
  - Box Square...P-1
  - Marketplace...E-6
  - Son Square...J-1
  - erset Village...E-7

**If Courses**

- is Creek...F-2
- ist Hill...C-8, L-12
- py Hollow...F-7

- er
- nal Welfare Society...C-6
- Wachan Trail Conservancy...K-6
- er Center...O-1
- Flies Town Races & Slots
- 7, K-2
- k Center...O-1
- lge Tyler Moore Civil War
- inter...O-2
- ison County Museum...J-3
- ison County Telework Ctr...E-5
- Opera House...J-3
- ng Ridge Foundation...E-12
- or Center...J-2
- Station at Shepherdstown...R-2
- mit Point Raceway...B-9

**In The National Register of Historic Places**

- 1
- 2
- 3

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



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

Department or Organization: **Engineering Department**

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

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

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

Subject (*Wording to be placed on agenda*): **Adoption of the 2020 Building Code Enforcement Ordinance**

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

The West Virginia state legislature amended the state building code requirements (electrical requirements) effective August 1, 2020. Therefore, Jefferson County needs to amend the existing Building Code Enforcement Ordinance to adopt the versions of the building codes required by the State Fire Marshal's office under Title 87, Legislative Rule, Series 4, State Building Code.

Attached is the new Building Code Enforcement Ordinance adopting the required building codes and rules, which are effective August 1, 2020. The codes stay the same, with the exception of requirements related to arc-fault electrical protection devices and the adoption of the newer 2018 NFPA 101 Life Safety Code. The text changes to the ordinance are shown in red text.

Under state code, the building code cannot be amended from what is established by the state fire commission and the state fire marshal's office. Therefore, a public hearing is not held on the building code, as it cannot be amended from what is presented. Therefore, we are requesting adoption of the ordinance at this meeting.

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

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

Motion Requested: **Move to adopt the Resolution and the Building Code Enforcement Ordinance as presented.**

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

- **Resolution & 2020 Building Code Enforcement Ordinance.**
- **July 13, 2020 Letter from State Fire Marshal – Notice of Building Code Amendment**

If not attached, explain:

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

Contact information:

Email address: [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org) Phone Number: 304-728-3257

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



**Department of Homeland Security**  
Cabinet Secretary Jeff S. Sandy, CAMS, CFE  
State Fire Marshal Kenneth E. Tyree, Jr.

Phone: (304) 558-2191

Fax: (304) 558-2537

**OFFICE OF THE STATE FIRE MARSHAL**

1207 Quarrier St, 2<sup>nd</sup> Floor  
Charleston, WV 25301  
[www.firemarshal.wv.gov](http://www.firemarshal.wv.gov)

**To:** All Municipalities, Towns, Political Subdivisions, and Counties  
who have adopted the State Building Code

**From:** Office of the State Fire Marshal

**RE:** Title 87, Series 4, State Building Code

**Date:** July 13, 2020

The following changes were made to Title 87 – Series 4 and adopted by the legislature which will take effect on August 1, 2020. The following language will be considered for revision during the upcoming Legislative Rule Making Process:

4.1.j.l. Omit reference to International Fire Code and substitute NFPA Life Safety Code 20158 edition.

4.1.k. The 2017 edition of the National Electric Code, NFPA 70.

4.1.k.1. For renovations in one- and two-family homes where no new square footage is involved, arc-fault circuit interrupter (AFCI) protection shall not be required, except for in bedrooms. For renovation in one- and two-family homes where square footage is added but no electrical service is installed, arc-fault circuit interrupter (AFCI) protection shall not be required.

The final entry in the code reads:  
§87-4-8.

8.1. All building codes previously adopted by local jurisdictions are null and void.

Therefore, any and all jurisdictions who wish to have a recognized and adopted State Building Code will be required to adopt the new version by August 1, 2020. Please send a copy of any new adoption ordinances reflecting such action to our office for filing after such action is completed.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "K. Tyree".

Kenneth E. Tyree Jr.  
State Fire Marshal



RESOLUTION

WHEREAS, it is the desire of the County Commission of Jefferson County, West Virginia to protect the life and property of the citizens of Jefferson County; and

WHEREAS, The County Commission of Jefferson County, West Virginia duly passed an Ordinance adopting the State of West Virginia building code on March 29, 2001; and

WHEREAS, the County Commission of Jefferson County, West Virginia desires that all building permits issued before August 1, 2020, shall remain valid and regulated under the state building codes adopted and in effect prior to August 1, 2020; and

WHEREAS, The State of West Virginia has decreed that as of August 1, 2020, the State of West Virginia building code shall be amended to the following codes with local amendment as permitted by law:

2015 International Building Code (with exceptions/amendments).

2015 International Plumbing Code

2015 International Mechanical Code

2015 International Fuel Gas Code (with exception/amendment).

2015 International Property Maintenance Code (at the option of Jefferson County, this ordinance is not adopted)

2009 International Energy Conservation Code

2010 ANSI/ASHRAE/IESNA Standard 90.1 – for Commercial Buildings

2015 International Residential Code for One & Two Family Dwellings (with exceptions/amendments)

2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings and Facilities

2015 International Existing Building Code  
(with amendment adopting the NFPA 101, Life Safety Code 2018 Edition)

2017 Edition of the National Electric Code, NFPA 70

2015 International Swimming Pool and Spa Code; and

WHEREAS, the County Commission of Jefferson County, West Virginia desires that all building permits issued on or after August 1, 2020, be regulated under the revised State building code, as adopted by the County Commission of Jefferson County, West Virginia.

THEREFORE, BE IT RESOLVED that the County Commission of Jefferson County, West Virginia desires to adopt the revised State of West Virginia building code that shall become effective August 1, 2020, and HEREBY adopts the new Building Code Enforcement Ordinance, as attached.

BY: \_\_\_\_\_ DATE: July 30, 2020  
Jane Tabb, President  
County Commission of Jefferson County

ATTEST:

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**Jacqueline Shadle**  
CLERK OF JEFFERSON COUNTY

ORDINANCE AND ORDER

An ordinance and order to ADOPT the State of West Virginia building code relating to building construction and building inspection activities in Jefferson County, West Virginia, and enforcement of said codes.

WHEREAS, it is the desire of the County Commission of Jefferson County, West Virginia to adopt the state building code relating to minimum building and housing construction standards for the public safety, health, and well-being; and

WHEREAS, the adoption of this code is to facilitate proper permitting, inspection, and enforcement activities relating to the construction of buildings, structures, and additions within the jurisdiction of Jefferson County, West Virginia.

NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY The County Commission of Jefferson County, by authority of the Code of West Virginia under Section 3n, Article 1, Chapter 7, of the Code of West Virginia, One-thousand Nine-hundred Thirty-one, that the State Building Code as provided for in Section 5b, Article 3, Chapter 29, of the Code of West Virginia, One-thousand Nine-hundred Thirty-one, are hereby adopted and made a part hereof, as if fully set out in this ordinance, with the amendments/additions/insertions/changes/exceptions, if any, prescribed in the Jefferson County Building Code Enforcement Ordinance.

BE IT FURTHER ORDAINED AND ORDERED that **this Ordinance and Order shall take effect and be in force from the 1<sup>st</sup> day of August, 2020**, the public welfare requiring it.

PASSED AND APPROVED BY The County Commission of Jefferson County, West Virginia on the **30<sup>th</sup>** day of **July, 2020**.

BY: \_\_\_\_\_  
Jane Tabb, President  
County Commission of Jefferson County

ATTEST:

---

**Jacqueline Shadle**  
CLERK OF JEFFERSON COUNTY

## **JEFFERSON COUNTY BUILDING CODE ENFORCEMENT ORDINANCE**

### **GENERAL AUTHORITY**

By authority of the Code of West Virginia, Chapter 7, Article 1, Section 3n & Chapter 29, Article 3, Section 5b, to enforce minimum regulations governing the design, construction, alteration, enlargement, repair, demolition, removal, and use of all buildings and structures: providing for the issuance of permits, collection of fees, making of inspections, providing penalties for the violation thereof, to be known as the "Jefferson County Building Code Enforcement Ordinance".

### **STANDARDS & CODES**

In accordance with the provisions of the Code of West Virginia, Chapter 29, Article 3, Section 5b, the County Commission of Jefferson County, West Virginia does hereby adopt the State Building Code as set forth in Title 87, Legislative Rules, State Fire Commission, Series 4, State Building Code, which becomes effective on August 1, 2016. The standards and requirements as set out and published by the International Code Council (ICC) and the American National Standards Institute (ANSI), as listed below, shall have the same force and effect as if set out verbatim in this Section, except as modified and/or amended herein; any reference to the ICC Electrical Code shall mean NFPA 70, National Electrical Code 2014.

The Property Maintenance Code is not adopted and shall not be enforced.

### **ADMINISTRATIVE PROCESS**

The administration of the building code shall be in accordance with the Administration Chapter of the applicable building code.

### **AMENDMENTS, INSERTIONS, CHANGES & APPENDIX ADOPTION**

Fee Schedule for all codes: "Attachment A – Schedule of Permit Fees," shall apply. The Schedule of Permit Fees may be amended from time to time, by the County Commission of Jefferson County.

#### **International Residential Code 2015:**

**Section R101.1 Title**, insert "*Jefferson County, West Virginia*" where "[NAME OF JURISDICTION]" appears.

**Section R113.4 Violation Penalties**, shall be amended to read as follows:

*“Any person, firm or corporation violating any of the provisions of any of the adopted codes shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”*

**Section R114.2 Unlawful Continuance**, shall be amended to read as follows:

*“Any person, firm, or corporation who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor and each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm, or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”*

**Table R301.2 (1)** insert the following design criteria:

Ground Snow Load	Ultimate Wind design	Seismic Design Category	Subject to Damage From				Winter Design Temp (Deg. F)	Ice Shield Under-layment Req.	Flood Hazard	Air Freezing Index	Mean Annual Temp. (Deg. F)
			Weathering	Frost Line Depth (24")	Termite	Decay					
(lbs per sq. ft.)	Speed (mph)										
30	115	A	Severe	Min. 30 inches to bottom of footing	Heavy to Moderate	Slight to Moderate	10	No	F.I.R.M. 1980, as amended	1000	52.6

**IRC Section P2603.5.1 Sewer Depth**, insert “28 (twenty-eight) (710 mm)” where “[Number]” appears.

**IRC Section G2415.12 Minimum Burial Depth**, delete and replace with: “Underground piping systems shall be installed a minimum depth of 12 inches (305mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner”.

**IRC Section R311.7.5 Stair Treads and Risers:**

**Section R311.7.5.1 Riser** – The maximum riser height shall be eight and one-quarter (8-1/4) inches.

**Section R311.7.4.2 Treads** – The minimum tread depth shall be nine (9) inches.

**IRC Section R403.1.7.1 Building Clearances From Ascending Slopes,** delete in its entirety, no replacement.

**IRC Section R403.1.7.2 Footing Setbacks From Descending Slope Surfaces,** delete in its entirety, no replacement.

**IRC Section N1101-N1104 (Chapter 11) Energy Efficiency,** delete in its entirety, replace with 2009 International Energy Code, Chapter 4 - Residential Energy Efficiency.

**Fire Protection of Floors in Residential Buildings –**

**5.1** New One and Two Family Dwellings over one level in height. New One and Two Family Dwellings containing a basement, and One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide a method of fire protection of floors (1) A ½ inch (12.7mm) gypsum wall board membrane, 5/8 inch (16 mm) wood structural panel or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimensional lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings: *Provided*, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

**5.2** Townhouses meeting the Fire Resistant Construction Standard R302.2 will be treated as New One and Two Dwellings and shall comply with section 5.1 above

**IRC Section R507 Exterior Decks,** in addition to complying with this section, decks shall also comply with the most recent edition of American Wood Council's Design for Code Acceptance 6 – Prescriptive Residential Deck Construction Guide.

**NOTE:** DCA 6 will be available for review in the engineering office or obtain a copy at the follow web address:

[www.awc.org/codes-standards/publications/dca6](http://www.awc.org/codes-standards/publications/dca6)

**International Residential Code 2015 – Appendix Adoption:**

The following appendices are specifically adopted:

- Appendix A – Sizing and Capacities of Gas Piping.
- Appendix B – Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, And Appliances Listed For Use With Type B Vents.
- Appendix C – Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems.
- Appendix E – Manufactured Housing Used as Dwellings.
- Appendix F – Radon Control Methods.
- Appendix G – Piping Standards for Various Applications
- Appendix H – Patio Covers
- Appendix J – Existing Buildings and Structures.
- Appendix M – Home Day Care – R3 Occupancy.
- Appendix R – Light Straw-Clay Construction

2) **International Building Code 2015:**

**Section 101.1 Title** insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

**Section 101.4.5** Fire Prevention is deleted.

**Section 113.3 Board of Appeals** is deleted and replaced with the following:

**113.3 Qualifications.** *The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of*

*the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect, or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years' experience, five of which shall be in responsible charge of work."*

**Section 114.4 Violation Penalties** shall be amended to read as follows:

*"Any person, firm or corporation violating any of the provisions of any of the adopted codes shall be guilty of a misdemeanor and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia."*

**Section 115.3 Unlawful Continuance** shall be amended to read as follows:

*"Any person, firm, or corporation who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of a misdemeanor and each such person, firm, or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued, or permitted. Upon conviction of any such violation such person, firm, or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia"*

**Section 1608.2 Ground Snow Loads** add the following sentence at the end of the paragraph:

*"The ground snow load for Jefferson County, West Virginia shall be a minimum of 30 pounds per square foot."*

**Section 1612.3 Establishment of Flood Hazard Areas** insert "*Jefferson County, West Virginia*" where "[NAME OF JURISDICTION]" appears. Insert "*1980*" where "[INSERT DATE OF ISSUANCE]" appears in the first paragraph.

**Section 1809.5 Frost Protection**, method no. 1, extending below the frost line of the locality shall mean the depth to the bottom of the footing is a minimum of thirty (30) inches.

**Section 3412.2 Applicability**, insert “March 29, 2001” where “[DATE TO BE TO BE INSERTED BY THE JURISDICTION]” appears in the first paragraph.

**International Building Code 2015 – Appendix Adoption:**

The following appendices are specifically adopted:

Appendix E - Supplementary Accessibility Requirements

Appendix H - Signs

Appendix I - Patio Covers

3) **International Plumbing Code 2015:**

**Section 101.1 Title** insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

**Section 106.6.3 Fee Refunds** insert “zero percent (0%)” in paragraph no. 2 where “[SPECIFY PERCENTAGE]” appears.

**Section 106.6.3 Fee Refunds** insert “zero percent (0%)” in paragraph no. 3 where “[SPECIFY PERCENTAGE]” appears.

**Section 108.4 Violation Penalties** shall be amended as follows:

*“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia”.*

**Section 108.5 Stop Work Orders** insert “fifty (50)” for the not less than “[AMOUNT]” and “five-hundred (500)” for the not more than “[AMOUNT]”.

**Section 305.4.1 Sewer Depth** insert “28 (twenty-eight) (710mm)” where “[NUMBER]” appears twice in the first paragraph.

**International Plumbing Code 2015 – Appendix Adoption:**

The following appendices are specifically adopted:

Appendix B – Rates of Rainfall for Various Cities

Appendix D – Degree Day and Design Temperatures

Appendix E - Sizing of Water Piping System

4) **International Mechanical Code 2015:**

**Section 101.1 Title** insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

**Section 106.5.3 Fee Refunds** insert “zero percent (0%)” in paragraph no. 2 where “[SPECIFY PERCENTAGE]” appears.

**Section 106.5.3 Fee Refunds** insert “zero percent (0%)” in paragraph no. 3 where “[SPECIFY PERCENTAGE]” appears.

**Section 108.4 Violation Penalties** shall be amended as follows:

*“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia”.*

**Section 108.5 Stop Work Orders** insert “fifty (50)” for the not less than “[AMOUNT]” and “five-hundred (500)” for the not more than “[AMOUNT]”.

**International Mechanical Code 2015 – Appendix Adoption:**

The following appendices are specifically adopted:

Appendix A – Chimney Connector Pass -Throughs

5) **International Fuel Gas Code 2015:**

**Section 101.1 Title** insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

**Section 106.6.3 Fee Refunds** insert “zero percent (0%)” in paragraph no. 2 where “[SPECIFY PERCENTAGE]” appears.

**Section 106.6.3 Fee Refunds** insert “zero percent (0%)” in paragraph no. 3 where “[SPECIFY PERCENTAGE]” appears.

**Section 108.4 Violation Penalties** shall be amended as follows:

*“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”*

**Section 108.5 Stop Work Orders** insert “fifty (50)” for the not less than “[AMOUNT]” and “five-hundred (500)” for the not more than “[AMOUNT]”.

**International Fuel Gas Code 2015 – Appendix Adoption:**

The following appendices are specifically adopted:

- Appendix A – Sizing and Capacities of Gas Piping (IFGS)
- Appendix B - Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, And Appliances Listed For Use With Type B Vents (IFGS)
- Appendix C - Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems (IFGS)

6) **International Energy Conservation Code 2015:**

**Section 101.1 Title** insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

7) **Existing Buildings Code 2015:**

**Section 101.1 Title** insert “Jefferson County, West Virginia” where “[NAME OF JURISDICTION]” appears.

**Section 101.4.2** Buildings previously occupied, omit reference to “International Fire Code” and substitute “NFPA Life Safety Code 2009 Edition.”

**Section 113.4** Violation Penalties shall be amended as follows:

*“Any person, firm or corporation violating any of the provisions of any of the adopted codes or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor; and each such person, firm or corporation shall be deemed guilty of a separate offense for each and every day or portion thereof, during which any violation of any of the provisions of this code is committed, continued, or permitted, after notice has been served. Upon conviction of any such violation such person, firm or corporation shall be punishable by a fine of not less than \$50.00 or more than \$500.00. In addition to the criminal penalties provided herein, Jefferson County may, at its option, pursue injunctive relief in the Circuit Court of Jefferson County, West Virginia.”*

8) **NFPA 70, National Electric Code, 2017 Edition:** Amended as follows:

per WV Title 87 Series 4 State Building Code:

*4.1.k.1 For renovations in one- and two-family homes where no new square footage is involved, arc-fault circuit interrupter (AFCI) protection shall not be required, except in bedrooms. For renovation in one- and two-family homes where square footage is added but no electrical service is installed, Arc-fault circuit interrupter \*AFCI) protection shall not be required.*

Electrical inspections shall be conducted by an approved private (third-party) electrical inspector, using the National Electric Code approved by the West Virginia State Fire Commission. Fees for said electrical inspections shall be paid by the applicant directly to the private inspector or inspection service provider and shall not be included in the permit fees paid to the County.

9) **2009 ICC/ANSI A117.1 Standards for Accessibility and Useable Buildings and Facilities:** (no amendments).

**EXCEPTIONS:**

A) The following structures are not subject to inspection by local jurisdictions:

Group U utility structures and storage sheds comprising an area not more than 200 sq.-ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture). Not included are those utility structures and storage sheds which have plumbing or electrical connections, are a non-residential use, or for the storage of explosives or other hazardous or explosive materials.

B) The intent and requirements for an appeals board in each of the separate codes may be met with the creation of a single appeals board for the entire State Building Code, in accordance with and as amended in this ordinance under the International Building Code 2015

**Attachment A**

Jefferson County, West Virginia  
Office of Building Permits & Inspections

116 East Washington Street  
Charles Town, WV 25414  
304-725-2998

**Schedule of Residential Building Permit Fees (IRC)**

Effective August 1, 2015

Residential Permit Type	Fee Amount			
	Base Fee	plus Fee per Sq.-Ft. of Finished Area	plus Fee per Sq.-Ft. of Un-finished Area*	plus Fee per 4'x4' max Stoop at Entry Doors
Single-Family Dwelling	\$50.00	\$0.18	\$0.10	\$30/each
Mobile/Manufactured Home	\$50.00	\$0.18	\$0.10	\$30/each
Townhouse & Duplex (less than 4 story)	\$50 per unit	\$0.20	\$0.10	\$30/each
Residential Dwelling Addition	\$55.00	\$0.18	\$0.10	\$30/each
* Attached Garages, Porches & Unfinished Basements are considered Unfinished Area				
Residential Interior Room/Basement Renovation	\$75 + \$50 per required inspection			
Chimney/Fireplace (added to existing dwelling)	\$110 per chimney			
Sheds/Garage/Structure ancillary to Residence	\$60.00	\$0.18	\$0.08	
Decks & Above Ground Pool/Hot Tub Platforms	\$60.00	plus \$0.10/sq.-ft. of deck area		
Swimming Pool	\$60.00	plus \$0.10/sq.-ft. of pool area and patio area.		
Replacement Windows	\$110.00			
Electrial Wiring Only (Electric panel, new outlets, new lights, HVAC, generator, solar panels, hot tub, etc.)	\$110.00			
Demolition - Residential Dwelling	\$110.00	\$0.00	\$0.00	
Retaining Wall (4' or more from footer to top wall)	\$60 plus \$0.08/lineal foot of wall			
Fence (6' or more in height above ground surface)	\$60 plus \$0.08/lineal foot of fence			
Agricultural Building	\$55.00	\$0.00	\$0.00	
Re-inspection Fee	\$50/each re-inspection, paid prior to re-inspection			
Plan change after permit issued	\$50 plus \$50 for each additional inspection due to plan change.			
Permit Application Denied & Resubmitted within 90 days for review;	\$75 re-application fee			
Beginning Construction Without a Permit	1st time = \$50	2nd time = \$150	3rd time = \$300	

Round Pool Fee Calculator				
Round Pool Diameter (Feet)	Base Fee	Area of Pool (Sq-Ft)	per Sq-Ft Fee	Total Fee
15	\$60	176.71	\$0.08	\$74.14
16	\$60	201.06	\$0.08	\$76.08
17	\$60	226.98	\$0.08	\$78.16
18	\$60	254.47	\$0.08	\$80.36
19	\$60	283.53	\$0.08	\$82.68
20	\$60	314.16	\$0.08	\$85.13
24	\$60	452.39	\$0.08	\$96.19
27	\$60	572.55	\$0.08	\$105.80
28	\$60	615.75	\$0.08	\$109.26
29	\$60	660.52	\$0.08	\$112.84
30	\$60	706.86	\$0.08	\$116.55
33	\$60	855.30	\$0.08	\$128.42

Round Pool Fee includes the Base Fee + per Sq-Ft. Fee Amounts only. The applicant will also need to add the fee for any deck/platform that surrounds the pool

All fees are due upon submission of permit applications, plan changes, reinspection requests, etc; and are payable to:

Jefferson County Commission

**Attachment A**

Jefferson County, West Virginia  
Office of Building Permits & Inspections  
 116 East Washington Street  
 Charles Town, WV 25414  
 304-725-2998

**Schedule of Commercial/Industrial Building Permit Fees (IBC)**  
 Effective August 1, 2015

Commercial Permit Type	Fee Amount		
	Base Fee	Fee per Sq.-Ft. of Finished Floor Area	Fee per Sq.-Ft. of Un-finished Floor Area
Commercial/Industrial/Multi-Family Buildings (Less than 1,000 sq.-ft. floor area)	\$275.00	\$0.18	\$0.18
Commercial/Industrial/Multi-Family Buildings (Greater than or equal to 1,000 sq.-ft. floor area)	\$550.00	\$0.18	\$0.18
Commercial Interior Room Renovation	\$1,000 plus \$50 per required inspection		
Church Building	\$550.00	\$0.18	\$0.18
Church Addition, Pavillions & Ancillary Structures (Less than 1,000 sq.-ft. floor area/foot print)	\$75 + \$50 per required inspection		
Church Addition, Pavillions & Ancillary Structures (Greater than or equal to 1,000 sq.-ft. floor area/foot print)	\$275	\$0.18	\$0.18
Institutional (hospital, school, fire hall, etc.)	\$275	\$0.18	\$0.18
Commercial/Institutional Swimming Pool	\$275 per pool + \$0.18/sq-ft of pool & patio; \$250 per Whirlpool/Hot Tub		
Demolition Permit	\$225.00	\$0.00	\$0.00
Existing Cell Tower or Electric Substation & Equipment	\$275.00	\$0.00	\$0.00
New Cell Tower or Electric Substation & Equipment	\$1,100.00	\$0.00	\$0.00
Temporary Construction/Office Trailers	\$60.00	\$0.00	\$0.00
Sign Permit: Value < or = to \$2,500	\$60.00	N/A	N/A
Sign Permit: Value > \$2,500	\$275.00	N/A	N/A
Retaining Wall (4' or more from footer to top wall)	\$60 plus \$0.08/lineal foot of wall		
Fence (6' or more in height above ground surface)	\$60 plus \$0.08/lineal foot of fence		
Replacement Windows	\$110.00		
Electrial Wiring Only (New electric panel & electric panel upgrades, new outlets, new lights, HVAC, generators, solar panels, hot tub electrial, etc.)	\$110.00		
Site Plan with no Structures (parking lot, walkway, etc.)	\$275.00	plus \$1.00 for every \$1,000 value > \$50,000	
Re-inspection Fee	\$50/each re-inspection, paid prior to re-inspection		
Plan change after permit application reviewed	\$50 plus \$50 for each additional inspection due to plan change.		
Permit Application Denied & Resubmitted within 90 days for review;	\$100 re-application fee.		
Beginning Construction Without a Permit	(1st time = \$50, 2nd time \$150, 3rd time \$300) + permit fee		

All fees are due upon submission of permit applications, plan changes, reinspections requests, etc; and are payable to:  
Jefferson County Commission



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

5/5/2020 9:49:43 AM

Office of West Virginia  
Secretary Of State

NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE

AGENCY: Fire Commission TITLE-SERIES: 87-04  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: State Building Code

CITE STATUTORY AUTHORITY: 29-3-5b, 15A-11-11

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4275

Section 64-6-1(b) Passed On 3/7/2020 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

August 1, 2020

This rule shall terminate and have no further force or effect from the following date:

August 01, 2025

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Stacy L Nowicki-Eldridge -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

**87CSR4**

**TITLE 87  
LEGISLATIVE RULE  
STATE FIRE COMMISSION**

**SERIES 4  
STATE BUILDING CODE**

**§87-4-1. General.**

1.1. **Scope.** -- This rule establishes the standards considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure compliance with the minimum standards of safe construction of all structures erected or renovated throughout this state.

1.2. **Authority.** -- W. Va. Code §29-3-5b, repealed effective May 28, 2020, §15A-11-11, effective May 28, 2020.

1.3. **Filing Date.** -- May 5, 2020.

1.4. **Effective Date.** -- August 1, 2020.

1.5. **Sunset Provision.** -- This rule shall terminate and have no further force or effect on August 1, 2025.

1.6. **Incorporation of Other Documents.** -- This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Subsection 4.1 of this rule. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

**§87-4-2. Definitions.**

2.1. "ANSI" means American National Standards Institute, 25 West 43<sup>rd</sup> St., Fourth Floor, New York, NY 10036.

2.2. "ASTM" means American Society of Testing and Materials.

2.3. "Fire Commission" means the thirteen (13) appointed members of the West Virginia State Fire Commission.

2.4. "Fire Marshal" means the West Virginia State Fire Marshal and/or his or her designated representatives.

2.5. "ICC" or "International" means International Code Council.

2.6. "Local jurisdiction" means municipal, county, or other local government.

**87CSR4**

2.7. "NFPA" means National Fire Protection Association.

2.8. "State Building Code" means the entire contents of this rule and the referenced national standards and codes.

2.9. "State Fire Code" means the entire contents of the State Fire Code, 87CSR1, and the referenced standards and codes.

**§87-4-3. Conflicts.**

3.1. Whenever there is a conflict between the State Fire Code and the State Building Code, the State Fire Code takes precedence.

3.2. Whenever there is a conflict between the International Plumbing Code requirements of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources take precedence.

3.3. Whenever there is a conflict between the State Building Code and statutory laws of the State of West Virginia, the laws of the State of West Virginia take precedence.

**§87-4-4. National Standards and Codes.**

4.1. The standards and requirements as set out and as published by the International Code Council, and American National Standards Institute, and the National Fire Protection Association as listed in this subsection, have the same force and effect as if set out verbatim in this rule.

4.1.a. The 2015 edition, International Building Code, with the following exceptions:

4.1.a.1. Provided; that the section entitled "Fire Prevention" and identified as Section 101.4.5 is deleted and not considered to be a part of this rule.

4.1.a.2. Further provided that the entire subsection entitled "Qualifications" and identified as Section 113.3 is deleted and replaced with the following:

"Section 113.3. Board of Appeals

113.3. Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work. No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor."

87CSR4

4.1.b. The 2015 edition of the International Plumbing Code.

4.1.c. The 2015 edition of the International Mechanical Code.

4.1.d. The 2015 edition of the International Fuel Gas Code, with the following exception:

4.1.d.1. Section 404.10 Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.e. The 2015 edition of the International Property Maintenance Code. This code may be rejected at the option of the local jurisdiction.

4.1.e.2. This code may be adopted by the local jurisdiction without requiring adoption of the other national codes and standards listed in this rule.

4.1.f. The 2009 edition of the International Energy Conservation Code for residential buildings.

4.1.g. The ANSI/ASHRAE/IESNA Standard 90.1 2010 edition for commercial buildings.

4.1.h. The 2015 edition of the International Residential Code for One- and Two-Family Dwellings, with the following exceptions:

4.1.h.1. Chapter 11 of the 2015 edition of the International Residential Code for One- and Two-Family Dwellings, Seventh Printing, entitled "Energy Efficiency", is exempt from this rule.

4.1.h.2. Section G2415.12 (404.10) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.i.2. Section R311.7.5 Stair Treads and Risers

4.1.i.2.A. 311.7.5.1 Riser Heights -- The maximum riser height shall be eight and one-quarter (8 ¼) inches.

4.1.i.2.B. 311.7.5.2 Tread Depth -- The minimum tread depth shall be nine (9) inches.

4.1.i.3. Section R403.1.7.1: Building Clearances from Ascending Slopes is not applicable to this rule.

87CSR4

4.1.i.4. Section R403.1.7.2. Footings Setbacks from Descending Slope Surfaces is not applicable to this rule.

4.1.j. The 2017 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities.

4.1.k. The 2015 International Existing Building Code, with the following exception:

4.1.k.1. Omit reference to International Fire Code and substitute NFPA Life Safety Code 2015~~8~~ edition.

4.1.l. The 2017 edition of the National Electric Code, NFPA 70

4.1.l.1. For renovations in one- and two-family homes where no new square footage is involved, arc-fault circuit interrupter (AFCI) protection shall not be required, except for in bedrooms. For renovation in one- and two-family homes where square footage is added but no electrical service is installed, arc-fault circuit interrupter (AFCI) protection shall not be required.

4.1.m. The 2015 edition of the International Swimming Pool and Spa Code.

4.2. Wherever referenced in the several ICC codes adopted above, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2015~~8~~ edition.

4.3. Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 feet, the project documents shall be designed by an Architect licensed by the WV Board of Architects, or a Professional Engineer licensed by the WV State Board of Registration for Professional Engineers.

**§87-4-5. Fire Protection of Floors in Residential Buildings**

5.1. New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A 1/2 inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings; *Provided*, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings are exempt from this requirement.

5.2. Townhouses meeting the Fire-Resistant Construction Standard R302.2 will be treated as New One- and Two-Family Dwellings and shall comply with Section 5.1 above.

**§87-4-6. Exceptions.**

6.1. The following structures are not subject to inspection by local jurisdictions:

6.1.a. Group U utility structures and storage sheds comprising an area not more than 200 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

**§87-4-7. Adoption by Local Jurisdiction.**

7.1. Each local jurisdiction adopting the State Building Code shall notify the State Fire Commission in writing. The local jurisdiction shall send a copy of the ordinance or order to the State Fire Marshal, West Virginia State Fire Commission, 1207 Quarrier Street, 2nd floor, Charleston, West Virginia 25301, within thirty (30) days of adoption.

7.2. Each local jurisdiction which adopts the State Building Code is responsible for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

7.3. Throughout the national codes, adopted in subsection 4.1 of this rule, there are discretionary provisions or amendments which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. The appendices are not a part of the code and must also be adopted by the local jurisdiction to be enforceable. It is therefore the intent of this rule to further authorize each local jurisdiction to further complete, by order or ordinance, those respective areas which are indicated to be completed by the adopting "jurisdiction" and any of the appendices the local jurisdiction wishes to adopt.

7.4. Within the penalty sections of each of the national codes, adopted in Section 4.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of this rule is optional with each adopting local jurisdiction.

7.5. Each of the national codes adopted in subsection 4.1 of this rule provides for a separate appeals board. However, the intent and requirements for an appeal board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

7.6. Each local jurisdiction adopting the State Building Code shall comply with the requirements set forth in Title 87, Series 7 "Standards for the Certification and Continuing Education of Municipal, County, and Public-Sector Building Code Officials, Building Code Inspectors and Plans Examiners."

7.7. All questions of interpretation and enforcement of the State Building Code are delegated to the local jurisdiction unless expressly provided by State Code, by this Rule, or by the incorporated codes and standards referenced in this Rule.

**87CSR4**

**§87-4-8. Existing Building Codes.**

8.1. All building codes previously adopted by local jurisdictions are null and void.

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



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

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **July 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*):

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

1. Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
2. Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
3. Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
4. Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282). Discussion/Action.
5. Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1). Discussion/Action.
6. 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.
7. Discussion of Jefferson County Circuit Court Civil Action #17-C-174. Discussion/Action.
8. Review and report on aspects of county policies and local government/component/agency/department involvement based on the C-19. Discussion/Action.
9. Discussion of Jefferson County Circuit Court Civil Action #20-C-20. Discussion/Action.
10. Discussion of legal issues regarding proposed solar text amendment including bonding and related matters. Discussion/Action.
11. Discussion of issues regarding implementation of compensation standards for certain employees under compensation policy 204 and associated policies. Discussion/Action.

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

If so, how much?                \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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



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



Name: Josh Compton, Commissioner

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **July 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*): **Senate Bill 690 and the Jefferson County Ordinance relating to the regulation of All-Terrain Vehicles Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



# **WEST VIRGINIA LEGISLATURE**

**2020 REGULAR SESSION**

**Enrolled**

**Committee Substitute**

**for**

**Senate Bill 690**

SENATORS MAYNARD AND CLINE, *original sponsors*

[Passed March 7, 2020; in effect 90 days from  
passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §17A-13-1, relating to the operation of street-legal special purpose vehicles;  
3 permitting the operation of street-legal special purpose vehicles on highways; providing  
4 for registration of street-legal special purpose vehicles; establishing licensing and  
5 equipment requirements for street-legal special purpose vehicles; defining terms;  
6 requiring rulemaking; clarifying that low-speed vehicles are not special purpose vehicles  
7 or street-legal special purpose vehicles; and allowing low speed vehicles to cross state  
8 routes at traffic lights when the state route does not have a posted speed limit greater than  
9 40 miles per hour.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 13. STREET-LEGAL SPECIAL PURPOSE VEHICLES.**

**§17A-13-1. Street-legal special purpose vehicles; operation on highways; registration procedures; licensing requirements; equipment requirements.**

1 (a) Except as required in subsection (c) of this section, an individual may operate a “street-  
2 legal special purpose vehicle” on a street or highway.

3 (b) For the purposes of this section:

4 (1) “Special purpose vehicle” includes all-terrain vehicles, utility terrain vehicles, mini-  
5 trucks, pneumatic-tired military vehicles, and full-size special purpose-built vehicles, including  
6 those self-constructed or built by the original equipment manufacturer and those that have been  
7 modified.

8 (2) “Street-legal special purpose vehicle” is a special purpose vehicle that meets the  
9 requirements of this section.

10 (c) An individual may not operate a special purpose vehicle as a street-legal special  
11 purpose vehicle on a highway if:

12 (1) The highway is a controlled-access system, including, but not limited to, interstate  
13 systems; or

14           (2) The county, municipality, or the Division of Natural Resources where the highway is  
15 located prohibits special purpose vehicles.

16           (d) Street-legal special purpose vehicles are prohibited from traveling a distance greater  
17 than 20 miles on a highway displaying centerline pavement markings.

18           (e) All street-legal special purpose vehicles are subject to the certificate of title provisions  
19 of §17A-1-1 *et seq.* of this code.

20           (f) Nothing in this section authorizes the operation of a street-legal special purpose vehicle  
21 in an area that is not open to motor vehicle use.

22           (g) A street-legal special purpose vehicle may be registered in the same manner as  
23 provided for motorcycles pursuant to this chapter.

24           (h) Upon registration of any street-legal special purpose vehicle pursuant to this section,  
25 the Division of Motor Vehicles shall issue a registration plate that is of the same size as Class G  
26 special registration plates for motorcycles.

27           (i) Except as otherwise provided in this section, a street-legal special purpose vehicle shall  
28 comply with the Division of Motor Vehicles' licensing, fee, and other requirements pursuant to this  
29 chapter.

30           (j) The owner of a special purpose vehicle being operated as a street-legal special purpose  
31 vehicle shall ensure the vehicle is equipped with:

32           (1) One or more headlamps;

33           (2) One or more tail lamps;

34           (3) One or more brake lamps;

35           (4) A tail lamp or other lamp constructed and placed to illuminate the registration plate with  
36 a white light;

37           (5) One or more red reflectors on the rear;

38           (6) Amber electric turn system, one on each side of the front;

39           (7) Amber or red electric turn signals;

- 40 (8) A braking system, other than a parking brake;
- 41 (9) A horn or other warning device;
- 42 (10) A muffler and, if required by an applicable federal statute or rule, an emission control  
43 system;
- 44 (11) Rearview mirrors on the right and left side of the driver;
- 45 (12) A windshield, unless the operator wears eye protection while operating the vehicle;
- 46 (13) A speedometer, illuminated for nighttime operation;
- 47 (14) For vehicles designed by the manufacturer for carrying one or more passengers, a  
48 seat designed for passengers; and
- 49 (15) Tires that have at least 2/32 inches or greater tire tread.
- 50 (16) When owners of a street-legal special purpose vehicle have ensured that such  
51 vehicles are equipped as required by this subsection, and those owners obtain a valid registration  
52 card and certificate of insurance for such vehicles, those vehicles are eligible to apply for a  
53 motorcycle trailer sticker.
- 54 (k) Mini-trucks may not be operated as street-legal special purpose vehicles on highways  
55 that have been constructed pursuant to a federal highways program.
- 56 (l) Low-speed vehicles as defined in §17A-1-1 of the code are not considered special  
57 purpose vehicles or street-legal special purpose vehicles under this section. However, low-speed  
58 vehicles may cross state routes at traffic lights when the state route does not have a posted speed  
59 limit greater than 40 miles per hour.
- 60 (m) The Division of Motor Vehicles shall propose rules for legislative approval in  
61 accordance with §29A-3-1 *et seq.* of this code to implement this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

.....

*Chairman, Senate Committee*

.....

*Chairman, House Committee*

Originated in the Senate.

In effect 90 days from passage.

.....

*Clerk of the Senate*

.....

*Clerk of the House of Delegates*

.....

*President of the Senate*

.....

*Speaker of the House of Delegates*

\_\_\_\_\_

The within ..... this the.....

Day of ....., 2020.

.....

*Governor*



BEFORE THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA  
ORDINANCE RELATING TO THE REGULATION OF ALL-TERRAIN VEHICLES IN JEFFERSON COUNTY, WEST VIRGINIA

*WHEREAS* the West Virginia Legislature, by an act designated as W.VA Code § 17F-1, et. seq., had adopted an amendment to the Code of West Virginia relating to the regulation of all terrain vehicles generally prohibiting the operation of all all-terrain vehicle on interstate highways and on center lined roads or road with more than two lanes containing certain exception and other prohibitions; and

*WHEREAS* the West Virginia Legislature specifically authorized the political subdivisions of the state of West Virginia, including the County Commission of any County within this State with authority to regulate the operation of all-terrain vehicles of public roads within the County; and

*WHEREAS* the Legislature specifically authorized the County Commission of Jefferson County pursuant to W. Va. Code § 17F-1-3(3) to lawfully enact an ordinance regulating or prohibiting the operation of all-terrain vehicles on any road in this County except on interstate highways; and

*WHEREAS* W. Va. Code § 17F-1-3(3) authorizes only a County who has adopted a countywide Comprehensive Plan pursuant to W. Va. Code § 17F-1-3(3); and

*WHEREAS* the Jefferson County Commission has adopted a Comprehensive Plan on the 18th day of March, 2004, and meets the conditions for a local government to regulate the operation of all-terrain vehicles.

It is hereby enacted as an Ordinance of Jefferson County, West Virginia upon the duly authorized Motion, second and approval by the Jefferson County Commission on this 17th day of June, 2004 as follows:

I. (a) It shall be unlawful for any person to operate an all-terrain vehicle, as defined in W.VA. Code § 17F-1-9 on any road or highway within Jefferson County, West Virginia, whether or not the road or highway has a center line.

(b) All-terrain vehicle, or ATV, shall mean any motor vehicle, fifty-two inches or less in width, having an unladen weight of eight hundred pounds or less, traveling on three or more low pressure tires with a seat designed to be straddled by the ride, designed for or capable of travel over unimproved terrain.

(c) All-terrain vehicles, as defined in W.Va Code § 17F-1-9, shall be permitted to cross a public road or highway at an angle of approximately ninety degrees to the direction of the public road where this is not obstruction preventing a quick and safe crossing providing that the operator has a valid driver's license.

(d) Roads – a way made for traveling; a way; a course; a highway. This definition shall include public or private roads to which the public has access. Highway – a public road; a main road; a thoroughfare.

II. In addition to any other legal remedy for violation of civil or criminal provisions of this Ordinance of W.Va. Code § 17F-1 et. seq.:

(a) Any person who violates the provision of this Ordinance or who owns or has control over an all-terrain vehicle and knowingly permits it to be used in violation of the provisions of this Ordinance shall

be guilty of a misdemeanor and upon conviction thereof, shall be subject to the penalties set forth in § 17F-1-8, W. Va. Code.

III. There is exempt from this Ordinance, the operation of all-terrain vehicle for lawful farm use, pursuant to W.Va. Code § 17F-1-6.

IV. It is further enacted by the County Commission that any homeowner association as provided in W. Va. Code § 17-1-3(2), may petition the County Commission for the enactment of an ordinance regulation or prohibiting the operation of all-terrain vehicle in all areas regulated by the homeowners' association; provided a petition in the form authorized by the County Commission, setting forth and verifying (1) that the petitioner is a duly constituted homeowners association as defined under West Virginia Law, (2) that the homeowner association has, through an appropriate vote of the majority of its participating members upon proper notice as provided by the homeowners association by-laws or rules, authorized and duly appointed representative or representative of the homeowners association, through its officers and/or directors, (3) to file a petition with the County Commission certifying that it is a duly authorized homeowners association under West Virginia Law, specifying the area to be regulated by the Ordinance, (4) providing verification that a majority of the participating property owners, who are legitimate voters in the homeowners association, have voted at a duly noticed, properly held meeting to petition the County Commission to enact an Ordinance regulation or prohibiting the operation of all-terrain vehicles, (5) specifically requesting the County Commission to enact such Ordinance regulating or prohibiting the operation of all terrain vehicles and (6) specifically designating the roads or area to be regulated by the homeowners association with reasonable certainty.

This Ordinance shall be effective the 1st day of July, 2004

Adopted this 17th day of June, 2004.

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



Name: Josh Compton, Commissioner

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **July 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*): **Millville Dam area, large number of folks gathering, trash and related issues Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



**AGENDA REQUEST FORM**

[www.jeffersoncountywv.org](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: July 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):

**Solar Farm Text Amendments Workshop**

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

**Discussion on Workshop format: invite experts to educate the Commission of all aspects of Solar Facilities.**

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: \_\_vinemont.farm@gmail.com

Phone number: \_\_304.725.4325



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



Name: Stephanie Grove, County Administrator and Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **July 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*): **Discuss possibility of VFD funding via P-card – Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable





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

**1). Discuss possible funding for the Broadband Grant Survey ~~Meeting~~ - 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.](#)



**From:** David Tabb <sssi27@yahoo.com>  
**Sent:** Thursday, July 16, 2020 4:04 PM  
**To:** JCCInfo  
**Subject:** Public Comment

## Public Comment for Jefferson County Commission meeting July 16, 2020

I, David Tabb, a lifelong resident/taxpayer protests the Jefferson County Commission (JCC) hindering residents/taxpayers from the recorded public comment.

It is time to reopen the meetings to the public comment or stop making decisions that affect the resident/taxpayer of this county. Such as appointments, purchases, projects: new and old, permits, studies or any non-essential approvals and/or actions.

It appears the JCC and Jefferson County Administrator have yet release the FIOA of the 12 proposals/bids connected to the proposed Courthouse complex.

It appears the JCC has failed to sit properly, for the approval of minutes, since March 17, 2020. If the JCC was not sitting properly, to approve the minutes, then the Commission was not proper to hold a meeting.

The "Approval of Manuel Checks" is just wrong. If you have a budget, just stick to it.

Public comment... It appears the complete agenda packet was not sent this time.

Agenda #5 – Neil McLaughlin – JCDA – Introduction of Dennis Jarvis

We are still under a pandemic and only essential services are required. The JCDA is not essential. Wasn't there a hiring freeze and financial crises at hand?

Agenda #6 – Jennifer Myers, JC Parks and Recs Commission – Updated Budget CoVid 19

If the public can't use the parks and recs, you should be pulling the plug and there should be no cost. Again, this is not essential.

Agenda #7 – Edgar Aguilar and Nathan Fox, Kinsley Construction: Request field Trailer on County Property

What is the project? Why is an office trailer needed? And who is the project for? No action can be taking without public knowledge for such a request.

Agenda #10 – Santa Barbara, Attorney, Notice of Hearing

Without a hearing (in person) no solar energy facility can not move forward. We are still in a pandemic, not essential.

Agenda #11 – Beaulieu, Dept of Planning, Zoning and Engineering. Overview of text amendment (ZTA 19-03) Stormwater Management Ordinance, Public hearing request under WV Code §8A-7-8.

This hearing requirement is to include in person participation. If this can not be accomplished or accommodated due to CoVid-19 this need to be put on hold until after the pandemic or until it can be accommodated.

Agenda #12 – Cochran, Asst Prosecuting Attorney Agenda # 19-P-69

Attorney Riddle was pressure by the local and state government to resign from this case. Again, hindering my challenge against the local and state government since you, the county commission put sanctions on me, denying me my constitutional rights. (Due process).

Agenda #14 – Discussion of transfer of Solid Waste Transfer Station relocation – possible Burr Industrial Park.

What would be the financial benefit to build a new location when there is already one in existence.

Correspondence/Information: Layoff at the Hollywood Casino at the Charles Town Races.

This is not the only layoff and/or businesses downsizing or completely gone.

*"The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The government's order to "stay at home" deprived the public of notice and comments without reimbursement provisions. This is affecting every resident and business owner to be responsible for all loses, including the government."*

It is hard to be safe, with the current County Commission, at this time.

Have a nice day!

**Rob Hoxton**  
Fruit Hill Farm  
Post Office Box 448  
Shepherdstown WV 25443  
304-283-0017

July 9, 2020

Jefferson County Commission  
124 E Washington Street  
Charles Town WV 25414

Re: Support for Jefferson County Solar Amendment

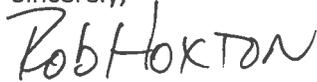
Dear Commissioners:

Thank you for considering whether to allow Jefferson County farmers the opportunity to use their farm land for the production of solar energy. I write in support of my farming friends who are trying to do this. I believe allowing this use of their rural farmland will:

- Provide an additional way for farms to remain financially viable in the future
- Promote multigenerational farm businesses
- Reduce the likelihood that the land might be used for housing developments or other non-farm/industrial uses
- Reduce the carbon footprint of the county and larger area by producing clean electricity and by repurposing the land from other agricultural uses that add carbon emissions

Thank you for reading this letter and considering these points.

Sincerely,

A handwritten signature in black ink that reads "Rob Hoxton". The signature is written in a cursive, slightly slanted style.

Rob Hoxton

## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Monday, July 13, 2020 3:09 PM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

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

**Form Name:** County Commission Contact  
**Date & Time:** 07/13/2020 3:08 PM  
**Response #:** 1377  
**Submitter ID:** 4759  
**IP address:** 73.212.69.253  
**Time to complete:** 3 min. , 2 sec.

---

### Survey Details

#### Page 1

**1. Name**

Emmy Dardick

**2. Email**

edardick@comcast.net

**3. Questions or Concerns**

Please. I beg of you. We already had to move across the county to escape Rockwool, now you want to ruin Kabletown? Please, not again. No solar for CA. Stop turning our county into an industrial wasteland. I assume you live here too. Thank you.

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

Yes

Thank you,  
Jefferson County Commission, WV

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

## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Monday, July 13, 2020 3:04 PM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

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

**Form Name:** County Commission Contact  
**Date & Time:** 07/13/2020 3:04 PM  
**Response #:** 1376  
**Submitter ID:** 4758  
**IP address:** 98.204.224.207  
**Time to complete:** 6 min. , 24 sec.

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### Survey Details

#### Page 1

**1. Name**

Olivia Welch

**2. Email**

owelch2013@yahoo.com

**3. Questions or Concerns**

Good afternoon. A neighbor notified us that the Commissioners' office is planning on leasing land along the Shenandoah to a Californian company to construct solar panels. We live in Avon Bend and moved here to get away from foolishness like this. We absolutely disagree with this decision and are frustrated that we heard about this through word-of-mouth vs. a notification from your office that would have given the locals more of a chance to debate this. It will ruin the landscape and be environmentally detrimental to the local wildlife.

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

Yes

Thank you,  
**Jefferson County Commission, WV**

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## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Monday, July 13, 2020 2:18 PM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

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

**Form Name:** County Commission Contact  
**Date & Time:** 07/13/2020 2:18 PM  
**Response #:** 1374  
**Submitter ID:** 4756  
**IP address:** 73.212.69.253  
**Time to complete:** 3 min. , 44 sec.

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### Survey Details

#### Page 1

**1. Name**

Chris Dardick

**2. Email**

cdardick@comcast.net

**3. Questions or Concerns**

Just heard that the JCC is considering proposals to rezone land south of Old Cave Road in Charles Town to allow the construction of an 8,000 acre solar farm? Is this true? If so I am appalled and very disturbed that our county would even consider such a thing. Has this been put out for public notice/comment?

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

Yes

Thank you,  
Jefferson County Commission, WV

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

**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Tuesday, July 14, 2020 9:00 PM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

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

**Form Name:** County Commission Contact  
**Date & Time:** 07/14/2020 9:00 PM  
**Response #:** 1382  
**Submitter ID:** 4766  
**IP address:** 73.201.70.202  
**Time to complete:** 7 min. , 1 sec.

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**Survey Details**

**Page 1**

**1. Name**

Melissa LePlatt

**2. Email**

Melissa.leplatt@hotmail.com

**3. Questions or Concerns**

Hello. I am concerned about the recent behavior and subsequent brag on social media by one of your commissioners. Mr. Caleb Hudson (per his own PUBLIC Facebook post) mocked the recently enacted mandatory mask mandate by the Governor. He stated that he had attended a movie in a local theater and did not wear a mask. He then proceeded to argue the effectiveness of mask wearing with persons who pointed out this was not wise, particularly given his position in public office. While I understand there are individuals who believe mask wearing is not effective, it does remain one of the easiest and most readily available weapons we have against COVID-19 at the moment.

Given his position, it seems irresponsible to promote other citizens to disregard a public health mandate, which was made with the intent of public safety. I hope the commission will address Mr. Hudson's behavior and his blatant disregard.

Sincerely,  
Melissa LePlatt  
Harpers Ferry

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

(o) No

Thank you,  
**Jefferson County Commission, WV**

## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Tuesday, July 14, 2020 8:45 PM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

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

**Form Name:** County Commission Contact  
**Date & Time:** 07/14/2020 8:44 PM  
**Response #:** 1381  
**Submitter ID:** 4765  
**IP address:** 73.212.68.55  
**Time to complete:** 7 min. , 28 sec.

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### Survey Details

#### Page 1

**1. Name**

Lindsay

**2. Email**

lindsayakoch@gmail.com

**3. Questions or Concerns**

Good evening.

I am not sure who this message needs to be directed towards but I think it would be in the best interest of Jefferson County and the other county commissioners to take in to consideration what a member of the commission is opening posting on his Facebook page. Caleb Wayne Hudson has openly posted on his Facebook page about how he has seen a movie in theaters and tags Governor Jim Justice saying "P.S. Governor Jim Justice I didn't wear a mask the whole time" to mock the mask mandate. This is a mandate that has been issued by our Governor and a local elected official has made it very clear that any mandate does not apply to him. How dare someone that makes decisions for the citizens of Jefferson County get by with doing this. You should all be ashamed of yourselves if you allow this behavior to continue.

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

Yes

Thank you,  
Jefferson County Commission, WV

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

## Jessica Carroll

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**From:** Stacy <sevanisko@hotmail.com>  
**Sent:** Thursday, July 16, 2020 3:58 PM  
**To:** Jane Tabb; Patricia Noland; jjcompton05@gmail.com;  
calebHUDSONforjeffersonwv@gmail.com; Ralph Lorenzetti  
**Cc:** JCCInfo  
**Subject:** Deny 07/16 listed agenda item request to schedule a public hearing  
**Attachments:** ZoningMap\_2019\_certPB26PG7.pdf

Dear Commissioners

I am fully aware that you do not want to discuss the contents of the solar energy facilities.

However, I am requesting that you **reject** the recommended Zoning Ordinance Text Amendment (ZTA 19-03) this evening and send it back to the Planning Commission for additional evaluation and criteria adjustments, which allow for knowledgeable and respectful public participation.

The initial land owner application/request to the JCPC on 12/10/19 agenda, was listed as - Discussion and Possible Action: Petition from landowner Stanley Dunn, represented by Torch Clean Energy, to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the **Rural zoning** district. Mr. Dunn requested this as a **conditional use** - as it should be.

After a closed JCPC workgroup met for 6 months to determine the amendment content, the acceptance of Solar Energy Facilities turned into a public notice citing **Principal Permitted Use** within 7 zones, three of which do not even exist in the County: Major Industrial, Light Industrial and Highway Commercial, then the others General Commercial, Rural, Residential-Light Industrial-Commercial and Industrial Commercial. (As shown in attached 2019 zoning map.)

I'd like to mention these zones do not exist neither in the Kabletown district where Mr. Dunn is located, or where it is rumored for a large scale facility (not farm) to be under analysis. Also, it was improper for the JCPC at the last moment to make and accept a motion, without public notice to include the Residential Growth zone.

Coincidentally, just this past WV legislative session SB 583 was passed for installations of this magnitude, for which the Legislature itself described the appropriate locations: "Eligible site" means any site in this state that has been previously used in electric generation, industrial, manufacturing or mining operations, including, but not limited to, brownfields, closed landfills, hazardous waste sites, former industrial sites, and former mining sites. In the event that there is no available site that has been previously used in electric generation, industrial, manufacturing or mining operations in the area to be served by a renewable electric facilities program an eligible site may include any suitable site in this state approved for use in connection with a renewable electric facilities program by the Secretary of the Department of Commerce.

Certainly Jefferson County has an old mining site, brownfield, or other "eligible site" appropriate for large installations and let's not purposefully 'plan' to give away our County's rights to Charleston - again.

I'd like to note, I am in favor of Solar as a renewable, alternative energy source, however it is your duty to ensure it is responsibly incorporated into our County and communities protecting and respecting the natural beauty and historic value. I will reserve my comments on the amendment detailing screening/fencing/decommissioning and stormwater guidelines until the appropriate time for the conversation during public comment/hearing.

For now, I urge you to not move ZTA 19-03 in it's current form to a public hearing, but send it back to the Planning Commission.

Thank You for your consideration.

Sincerely,

~ Anastasya Tabb

Shepherdstown

## Jessica Carroll

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**From:** Catherine Jozwik <jozwikc@gmail.com>  
**Sent:** Thursday, July 16, 2020 11:34 AM  
**To:** JCCInfo  
**Subject:** Solar Energy Facilities Amendment Concerns

Dear Jefferson County Commissioners,

Please include these comments as part of the record for the Jefferson County Commission meeting on 7/16/2020.

First, let me say that I fully support the development and implementation of alternative energy sources including solar and wind facilities. However, such power generating facilities must be developed responsibly, particularly for large industrial facilities like the one proposed for rural areas in Jefferson County and the subject of the Planning Commission's proposed Zoning Ordinance Amendment.

The Planning Commission drafted this amendment in subcommittee meetings that were not open to the public even though interest was expressed by Jefferson County residents. Additionally, after the amendment was presented to the entire Planning Commission, the Planning Commission further circumvented meaningful public comment and consideration of the amendment. Substantial changes were made to the proposed amendment at the June 23rd Planning Commission meeting, but no Planning Commission hearing was scheduled on the drastically revised amendment.

There are many potential problems with the zoning ordinance amendment that would make this massive commercial solar facility possible in our County. I respectfully request that the County Commission reject consideration of the proposed amendment and send it back to the Planning Commission for appropriate public comment and consideration.

Thank you,  
Catherine Jozwik

## Jessica Carroll

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**From:** Liz Shockley <j4shock@frontiernet.net>  
**Sent:** Thursday, July 16, 2020 7:07 AM  
**To:** JCCInfo  
**Subject:** Solar Energy Facilites

Dear Jefferson County Commission,

I recently heard the commission is considering rules to allow large "solar farms" in the county. I love the idea of promoting solar power in our county and greatly respect your willingness to consider this. However, I do think placement of large "solar farms" needs to be considered carefully. Just because it is solar does not necessarily make it a good idea for Jefferson County. Please considered all aspects of this before opening the flood gates for a new industry that may or may not be beneficial to the county. Where is the right place for "solar farms"? they are not really farms, so should they be in agricultural areas or industrial areas? What impact will they have on their surroundings? Will they impact our natural resources and tourism industries in negative ways? How do they impact wildlife and farm animals if on adjoining properties? What happens if the business fails? What measurements will be put in place to ensure the "solar farm" owner takes appropriate steps to maintain the property and clean it up should the business not be successful? Thank you for considering the many questions that surround a decision like this. Please do not take this lightly. Do the research before deciding.

Thank you Elizabeth Shockley, citizen of Jefferson County, WV.

## Jessica Carroll

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**From:** nicola bastian <nicolabastian@yahoo.de>  
**Sent:** Wednesday, July 15, 2020 1:11 PM  
**To:** JCCInfo  
**Subject:** solar farms and rezoning JC

To whom it concerns,

please include my comments into your Thursday July 16th meeting package and comment section.

1) given new discoveries about size and California landgrab of cheap WV land, suited for farmland to provide food for our nearest urban centers ( a much needed development and focus) ,

I urge you to take more time for more public discussion of this issue.

To be clarified: Who benefits from these solar farms?

I understand farmers like to sell to the highest bidder and now! .

Other considerations:

1) Bonding: deinstallation of these solar projects has been a problem in other areas of this country , see California ( go to You Tube and watch Michael Moore's film: The Planet of Humans" . Not all agree with some details. The questions raised are of highest importance for us.

2) What is the cost of mining for needed ingredients for the production of photovoltaic panels and batteries for storage and

what burdens are imposed in communities albeit out of our sight.

3) What infrastructure is necessary to feed current into the existing grid.

4) What are the needs for water and how is the runoff regulated. What chemicals may seep into the run-off if there is damage to solar cells.

thank you for giving our concerns weight in your deliberations.

nicola bastian  
nicolabastian@yahoo.de  
304 535 6907

## Jessica Carroll

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**From:** Sandra McDonald  
**Sent:** Thursday, July 16, 2020 4:56 PM  
**To:** Stephanie Grove  
**Cc:** Jessica Carroll  
**Subject:** Public Comment RE: Proposed Changes to Zoning to Allow Solar Energy Facilities

**From:** Lisa Payne [mailto:[lisagpayne@comcast.net](mailto:lisagpayne@comcast.net)]  
**Sent:** Thursday, July 16, 2020 4:54 PM  
**To:** JCCInfo <[info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)>  
**Subject:** Public Comment RE: Proposed Changes to Zoning to Allow Solar Energy Facilities

Dear Members of the Jefferson County Commission,

The proposed changes to the Jefferson County Zoning to allow for Solar Energy facilities pose several issues of concern.

The proposed facilities do not comply with the Comprehensive Plan. The comprehensive plan identifies renewable energy sources, such as generating solar energy to serve local customers. There are no benefits to local customers identified in the proposed facility/facilities. Power generated by the lessee would be delivered to California and New York. There does not appear to be any benefit to the citizens of Jefferson County, save the few landowners where the proposed facilities would be located.

The landowner proposing this change to the county zoning map is also a member of the Planning Commission. While this may be legal in West Virginia code, it poses a clear conflict of interest ethically. If not already completed, legal staff should provide written evidence showing this is not in conflict with state code.

The area where the solar energy generation is proposed poses a clear threat to the investments of nearby residents by altering the view-shed, creating industrial structures that will result in the devaluation of property for many property owners, without providing relief. In short, it serves as a "taking".

If located along the Shenandoah River, the panels and structures will negatively impact tourism and wildlife. By creating visually undesirable and unsightly objects that detract from the view-shed, it will destroy the attractiveness to tourism and recreational uses of areas by the river. It will impact wildlife, especially beneficial and threatened insects and birds through the large surface areas on the panels used to harvest solar energy.

Jefferson County has enormous potential for increasing tourism. Its proximity to the Washington, DC metropolitan area makes it a desirable and reasonable area for families to relocate. The potential for capitalizing on the types of business and industry already enjoyed by jurisdictions to the east and north of the county are immense and unrealized. It is truly appalling to me that local governments within this area that offers so much potential, consider making decisions that grant approval to projects and industry that benefit the few, at the sacrifice of the majority. Please don't limit the opportunities that offer Jefferson County so much greater reward by making decisions that limit the future for our residents and commerce.

I urge the Commission to take a long and serious look at what is being proposed. As a citizen, I oppose changes in zoning in the proposed area, for reasons noted above, and to any future approvals of a Solar Energy generating plant that does not directly benefit local consumers.

Respectfully submitted,  
Lisa Payne

-- Lisa G. Payne  
372 Apple Jack Lane  
Harpers Ferry, WV 25425-5781  
703-431-3920

## Sandra McDonald

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Monday, July 20, 2020 10:06 AM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

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

**Form Name:** County Commission Contact  
**Date & Time:** 07/20/2020 10:06 AM  
**Response #:** 1389  
**Submitter ID:** 4780  
**IP address:** 24.126.44.2  
**Time to complete:** 9 min. , 26 sec.

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### Survey Details

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#### Page 1

**1. Name**

Daniel Zappe

**2. Email**

zappedan17@gmail.com

**3. Questions or Concerns**

Good morning, I live on the river across from the PE Hydro Power Station. Every year in the summer the station has huge organized public gatherings with professional loudspeakers (some seem to be 6 to 8 feet tall. The music starts in the morning and plays into the evening both Saturday and Sunday. When I purchase this property there we no large pubic gathering places such as racetracks or fairs which is why I purchased here. Over the past several years I've called the sheriff and the music seems to go down for a while but then later or the next day it's back up loud. While I know there is no noise ordinance except in the evenings, there should be something against massive public gatherings with professional loudspeakers etc. I just want to live in peace here. The music is loud, even in the house. I've spoken with PE Hydro multiple times and they seem unwilling to make any rules against these organized public gatherings. I'm tired, and I'm sure the sheriff is tired, of me calling to complain about the noise. This ins't an industrial area, nor is it a county fair or race track. I would appreciate the time to speak to the commission. Regards, Dan Zappe 302-670-2777

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

Yes

Thank you,  
Jefferson County Commission, WV

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



July 20, 2020

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

To the Jefferson County Commission,

The by-laws of the Jefferson County Historic Landmarks Commission require that the Jefferson County Commission and West Virginia State Historic Preservation Office be notified when the Landmarks Commission designates additional structures or sites as historic landmarks. At its July 8, 2020 meeting, the Landmarks Commission added **Boidstone's Barn** to the list of Jefferson County Historic Landmarks.

Attached is the Landmarks Commission's nomination report for **Boidstone's Barn**, including photographs and drawings. These are provided for your review; no action is required by the Jefferson County Commission. A duplicate report has been sent to the WV State Historic Preservation Office in Charleston.

If you have any questions regarding this report, please do not hesitate to contact me at (304) 876-3883.

Respectfully,

*Martin Burke*

Martin Burke  
Chair, JCHLC



## Landmarks Nomination Report Jefferson County Historic Landmarks Commission

### **Boidestone's Barn**

(On Boidestone's Place)  
Shepherd Grade Rd  
Shepherdstown, WV, 25443

#### **Physical Description:**

Boidestone's Barn is located on what is today referred to as Boidestone's Place, off Shepherd Grade Road and Vandalia Lane outside of Shepherdstown. Other contributing structures on the property include a frame house, a log cottage, a tenant house, a stone dairy, a garage, a machine shed, a spray shed, and a cemetery.

#### **Historic Description:**

The history of Boidestone's Barn begins in 1766 when Thomas Boydston built a farmhouse on the land. Over 30 years, Boydston built his home and accompanying farm complex. After the addition of 110 acres on Terrapin Neck and 24 acres on its south boundary, Boidestone's Place reached 330 acres. On this land, he built two log dwellings with outside log kitchens, two large log barns, and an outside kitchen to the main house. However, none of these outbuildings survive today.

In 1798, Boydston was evicted from his land due to a dispute over the Terrapin Neck land grant between Joist Hite and Lord Fairfax. Abraham Shepherd took ownership of Hite assignee's claims, which then passed through several generations of Shepherd sons. The Shepherd family continued to acquire land in the area and used the land primarily for racing stables.

The bank barn dates to 1835. Unlike other Shepherd barns in the area, the new Boidestone's Barn lacked any ornamentation and sat on a massive stone foundation. The unique roof framing construction, called "*Liegender Stuhl*," with the log cribs, makes Boidestone's Barn noteworthy.

R.D. Shepherd Jr died in 1862, and the onset of the Civil War greatly impacted the control of the property. The property was sold out of the family when Elizabeth Boteler Shepherd died. Since then, the property has passed into several different hands, but it has maintained its agricultural and/or orchard use since the 1760s.

**Historic Resource:**

Boidestone's main barn, built ca. ca. 1835, is a two ½ story bank barn with wooden vertical board siding and post and beam construction. The bank barn measures 78 feet long and 40 feet wide with a massive stone foundation/under story. The barn has four stables and a large hay loft. The upper story presents a threshing floor and vent dormer, which was used for threshing wheat before it was converted into hay storage. Two log cribs flank the threshing floor. It has an asymmetrical metal gable roof with a small gable dormer. Boidestone's Barn is believed to be the only extant log construction barn in Jefferson County. The barn's original construction reused pieces of an 18<sup>th</sup> century log house.

**Nomination Criteria:**

The JCHLC nominates this property under the following designations: *a property, structure or site the character of which is a particularly fine or unique example of a utilitarian structure, such as a barn or commercial structure, with a high level of architectural significance;* and *a property, structure or site representative of an architectural and/or landscape type which exemplifies a period, style, craftsmanship, method of construction or use of local materials and retains a high degree of integrity.* The property owner, John Allen, has agreed to have the property listed as a Jefferson County Historic Landmark.

**Nomination Action:**

The JCHLC voted unanimously to add Boidestone's Barn, to the rolls of registered Jefferson County Historic Landmarks on July 8, 2020.



Internal Rating: \_\_\_\_\_

## WEST VIRGINIA HISTORIC PROPERTY INVENTORY FORM

<b>Street Address</b> Shepherd Grade Rd	<b>Common/Historic Name/Both</b> <input type="radio"/> <input type="radio"/> <input checked="" type="radio"/> Boidestone's Barn	<b>Field Survey #</b>	<b>Site # (SHPO Only)</b>
<b>Town or Community</b> Shepherdstown	<b>County</b> Jefferson	<b>Negative No.</b>	<b>NR Listed Date</b>
<b>Architect/Builder</b> Undetermined	<b>Date of Construction</b> 1835	<b>Style</b> Bank Barn/Switzer Barn	
<b>Exterior Siding/Materials</b> vertical board siding/log construction	<b>Roofing Material</b> Metal gable roof with small gable dormer	<b>Foundation</b> Stone	
<b>Property Use or Function</b> Residence <input type="radio"/> Commercial <input type="radio"/> Other <input checked="" type="radio"/>	<b>UTM#</b>	<b>Photograph</b> (2" x 3" Contact)	
<b>Survey Organization &amp; Date</b>	<b>Quadrangle Name</b>		
	<b>Part of What Survey/FR#</b>		

Sketch Map of Property  
Or Attach Copy of USGS Map

Site No.

N



<b>Present Owners</b> John Allen  <b>Phone #</b> 304-582-2032	<b>Owners Mailing Address</b> PO Box 2006, Shepherdstown WV, 25443
<b>Describe Setting</b> Boidstones Barn is located on what is today referred to as Boidestone's Place, off Shepherd Grade Road and <u>200+</u> Acres Vandalia Lane outside of Shepherdstown. Other contributing structures on the property include a frame house, a log cottage, a tenant house, a stone dairy, a garage, a machine shed, a spray shed, and a cemetery. The plot of land is more than 200 acres, partially pasture and hay fields while the rest remains timberland.	
<input type="checkbox"/> <b>Archaeological Artifacts Present</b>	
<b>Description of Building or Site (Original and Present)</b> _____ Stories _____ Front Bays Boidstones main barn, built in 1835, is a two ½ story bank barn with wooden vertical board siding and post and beam construction. The bank barn measures 78 feet long and 40 feet wide with a massive stone foundation/under story. Two log cribs flank the threshing floor. The barn has four stables and a large hay loft. It has a metal gable roof with a small gable dormer.	
(Use Continuation Sheets)	
<b>Alterations</b> <input checked="" type="radio"/> <b>Yes</b> <input type="radio"/> <b>No</b> <b>If yes, describe</b> General upkeep, a new roof and stabilization of timbers	
<b>Additions</b> <input type="radio"/> <b>Yes</b> <input checked="" type="radio"/> <b>No</b> <b>If yes, describe</b>	
<b>Describe All Outbuildings</b> N/A	
(Use Continuation Sheets)	
<b>Statement of Significance</b> Boidestine's Barn is believed to be the only extant log construction barn in Jefferson County. Its original construction was via logs originating from the 18th century log house was built using reused pieces of an 18th century frame house. The current state of the barn retains a high degree of historical integrity.	
(Use Continuation Sheets)	
<b>Bibliographical References</b>	
(Use Continuation Sheets)	
<b>Form Prepared By:</b> _____ <b>Date:</b> _____	
<b>Name/Organization:</b> Jefferson County Historic Landmarks Commission <b>Address:</b> PO Box 23 Charles Town, WV 25414  <b>Phone #:</b> _____	



West Virginia Division of Culture and History  
 State Historic Preservation Office

# Barn Survey Form



**PROPERTY NAME:** Boidestone's Barn

**PROPERTY ADDRESS:** Shepherd Grade R, Shepherdstown WV, 25443

**OWNERS NAME:** John Allen

**CONTACT INFORMATION:** PO Box 2006, Shepherdstown, WV, 25443  
(304) – 582 – 2032

**COUNTY:** Jefferson

**TOWN:** Shepherdstown

**UTM #:**

**NATIONAL REGISTER:** Yes, as a part of Boidestone's Place

**COUNTY LANDMARK:** No

**PHOTOS #:** Exterior 5 Interior 4

**TYPE:** Bank Barn

**ESTIMATED DATE RANGE:** 1835

**MAIN CONSTRUCTION TYPE:** Stone foundation, double log cribs

**CONDITION:** Good condition, renovated to retain historical integrity.

**MEASUREMENTS:** Ext Width 40' Length 78'

Interior Lower Level 8' Upper Level 27'

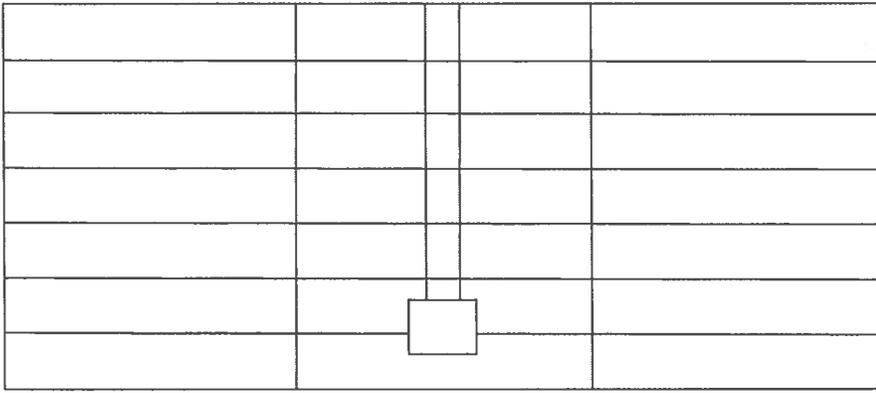
## BRIEF DESCRIPTION:

Unusual 3 compartment stone foundation with two log cribs above, forming 2 haymows separated by threshing floor. Rare post supported forebay. Four stables are located under the forebay.

## ROOF FRAMING TYPE:

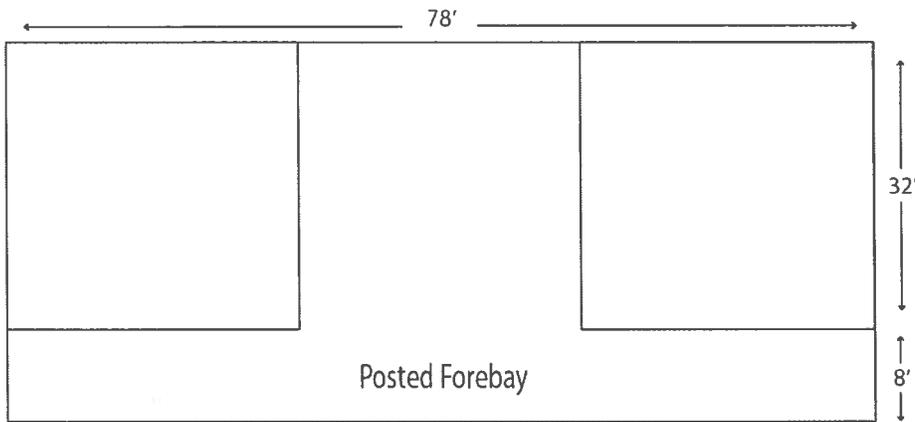
Originally principle rafter system, most removed or lost in storm, reformed with queen post trusses, modified with addition of hay fork late 19<sup>th</sup> century.

**FOUNDATION SKETCH:**

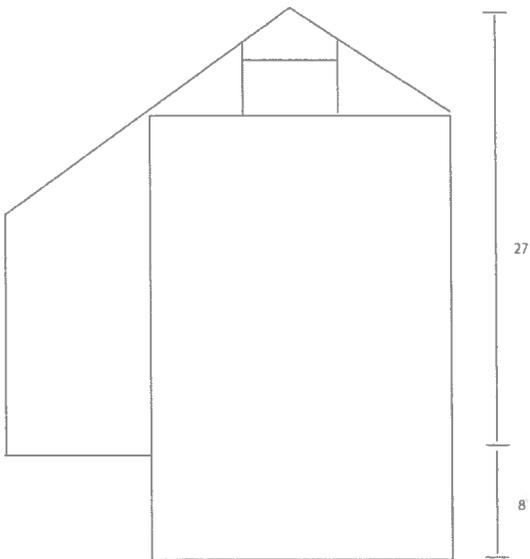


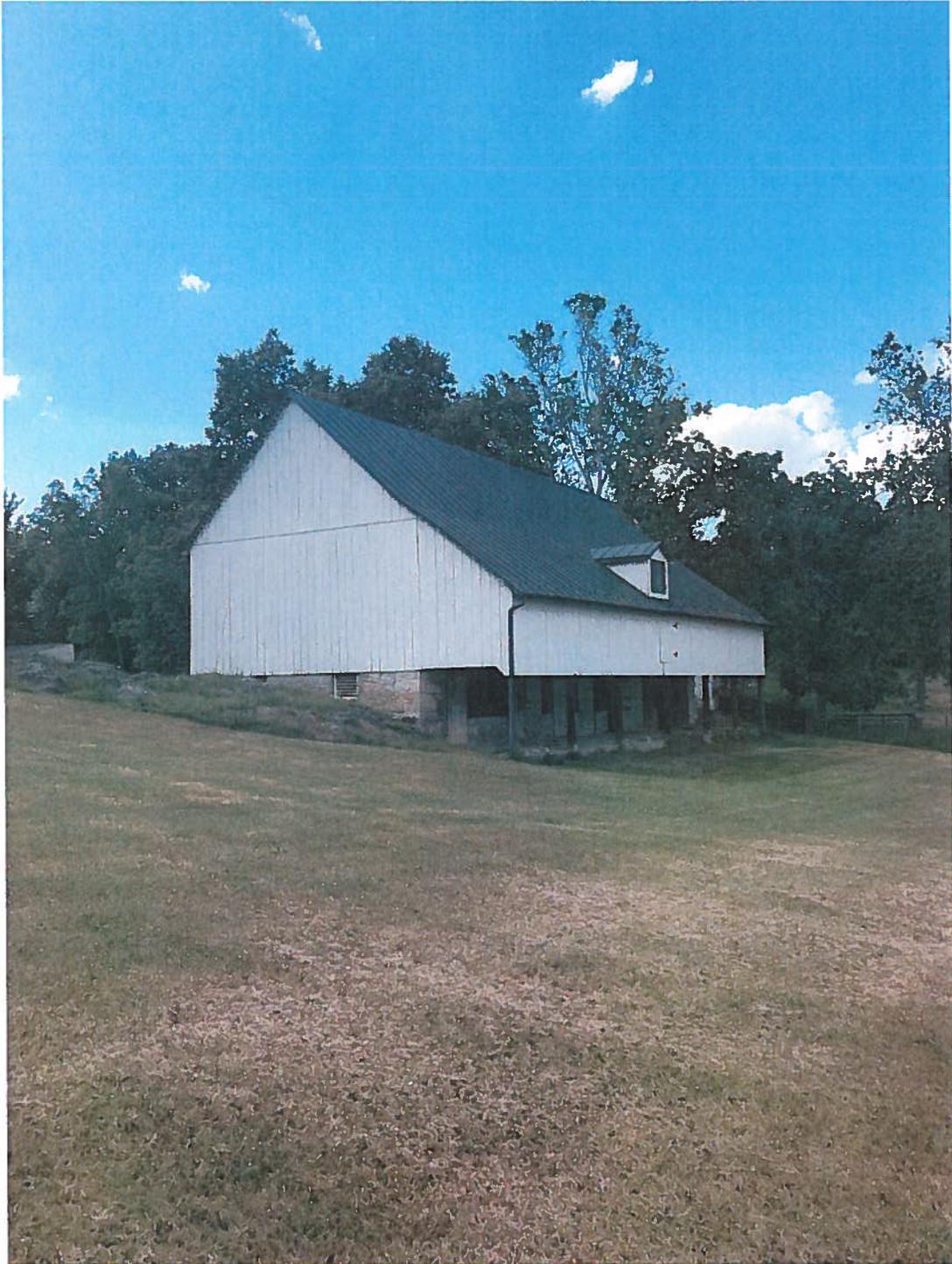
3 Compartment stone foundation  
Floor joists run gable to gable  
Double runners under threshing floor

**UPPER LEVEL SKETCH:**



**GABLE SKETCH:**





View to north west, showing east elevation and south gable elevation



View to north east, showing south gable elevation and west elevation



View to north, showing south gable elevation



View to east, showing west elevation



View to north gable, showing timber detailing



Detail of roofing structure



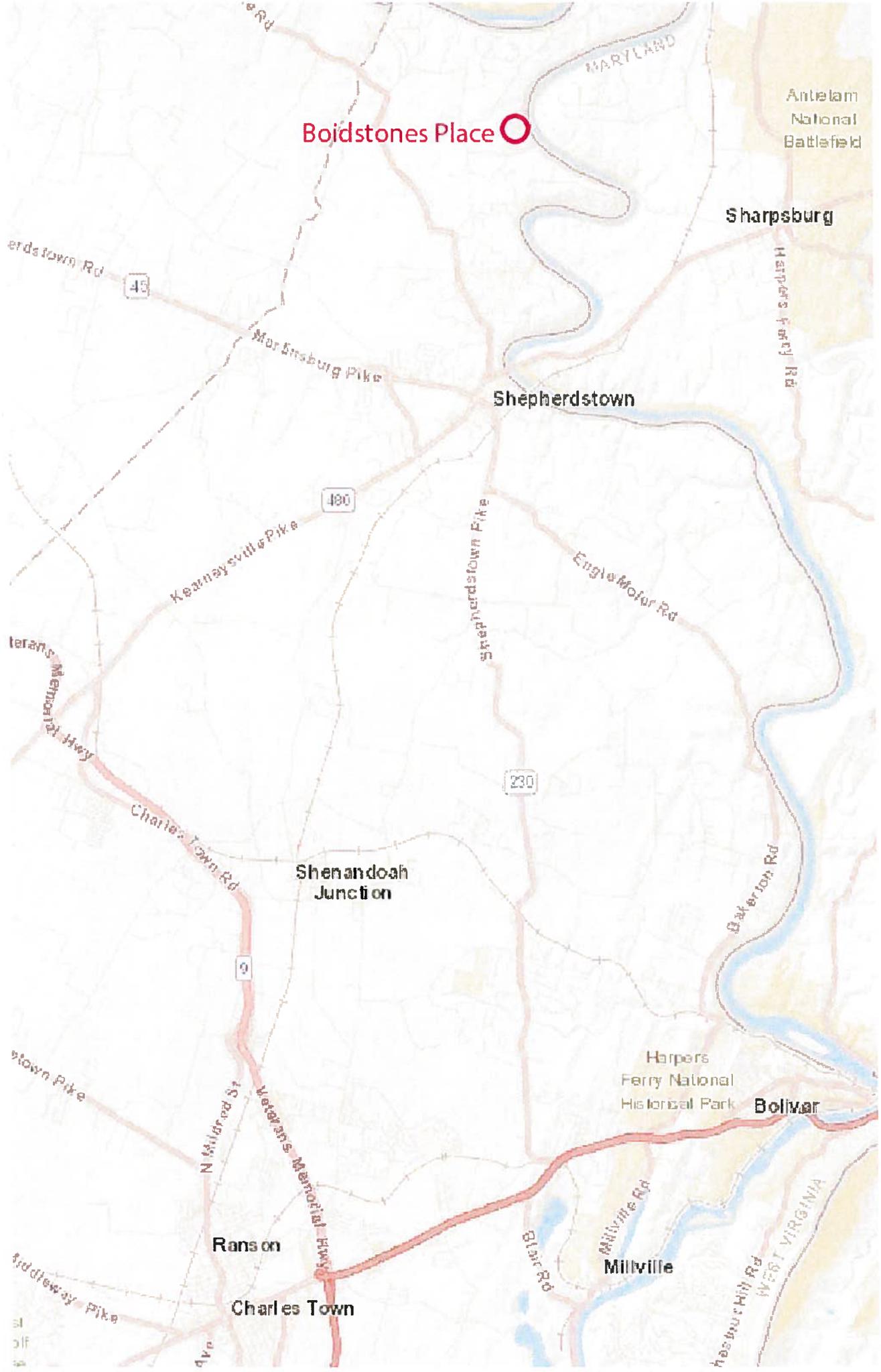
Detail of timber construction



Detail of timber construction



View to south, showing east elevation stable doors and forebay



Boidstones Place 

Antietam National Battlefield

Sharpsburg

Shepherdstown

Shenandoah Junction

Bolivar

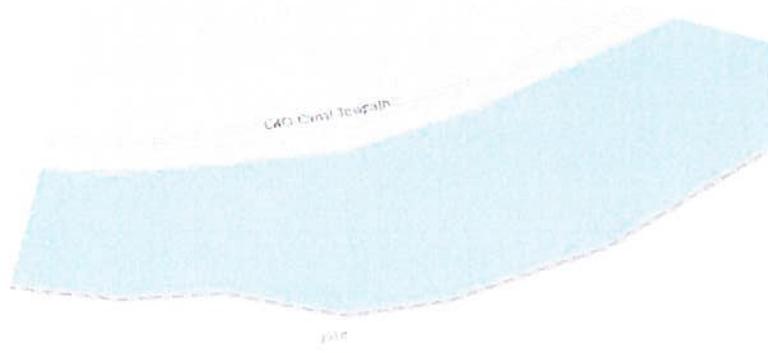
Millville

Charles Town

Ranson

MARYLAND

WEST VIRGINIA



Boidstones barn

