

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THIRD QUARTERLY SESSION - JULY - SEPTEMBER 2020**  
**THURSDAY, AUGUST 6, 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.*

*Please register for Jefferson County Commission Regular Meeting - August 6, 2020 - 9:30 a.m. EDT at:*

*<https://attendee.gotowebinar.com/register/7457837146742374926>*

*After registering, you will receive a confirmation email containing information about joining the webinar.*

*Brought to you by GoToWebinar®  
Webinars Made Easy®*

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF ACCOUNTS PAYABLE**

- August 6, 2020

**APPROVAL OF MANUAL CHECKS**

- August 7, 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 on the next agenda as correspondence. Written public comment will be accepted by close of business on Wednesday and submitted to Commissioners. Please remember to include your name.*

**PRESENTATIONS**

1. 9:45 a.m. Angie Banks, Assessor  
- Exonerations - Discussion/Action
  
2. 9:50 a.m. Laura Storm, Circuit Clerk  
- Approval of Order - Use of Alternative Facility for Jury Selection - Discussion/Action  
- Parking for Jury Trials - Funding requested - Discussion/Action

3. 10:00 a.m. Interviews/Appointments to the Jefferson County Community Criminal Justice Board - Seven 3-year terms ending July 3, 2023 - Discussion/Action
4. 10:15 a.m. Russell Burgess, Information Technology
  - Request to approve promotion of Andrew Rosen from Level 1 IT Support to Level 2 IT Support - Discussion/Action
5. 10:30 a.m. Kelly Franklin, Jefferson Day Report Center
  - Community Corrections Grant Contract - Discussion/Action
6. 10:40 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
  - Legal clarification of Senate Bill 690 and the Jefferson County Ordinance relating to the regulation of All-Terrain Vehicles - Discussion/Action
  - Report and review issues surrounding the County Commission's appointment to the Planning Commission - Discussion/Action

7. 11:00 a.m. Staff Workshop on Proposed Solar Facilities Amendment - The workshop will involve Commission members, staff and invited subject matter specialists. The live workshop can be viewed by the public at:  
<https://attendee.gotowebinar.com/register/7457837146742374926>  
There will not be public comment during the workshop.

#### **UNFINISHED BUSINESS**

8. Follow up discussion and anticipated action on the litter problem along the Shenandoah - Discussion/Action (PN)

#### **NEW BUSINESS**

9. Discuss Commissioners return to convening in the County Commission Room - Discussion/Action (JT)
10. Discussion of Executive Order (EO) on Building and Rebuilding Monuments to American Heroes - Discussion/Action
12. Approval of Lease - Department of Health and Human Resources - Discussion/Action

#### **COUNTY ADMINISTRATOR REPORTS**

#### **COUNTY COMMISSION REPORTS**

13. ADJOURN

#### **CORRESPONDENCE/INFORMATION**

Planning and Zoning Annual Report FY2020 received.

Comments received from David Tabb regarding the July 30, 2020 Regular Meeting.

Correspondence received from Stanley Dunn regarding comments on the Solar Farm Amendment.

Correspondence received from Stacey Hough regarding comments on the Solar Farm Amendment.

Correspondence received from Susan Hough regarding comments on the Solar Farm Amendment.

Correspondence received from Rebecca Hall regarding comments in regards to Senate Bill 690 - All-Terrain Vehicles.

Correspondence received from Ryan Matthew Sokol regarding comments in regard to ATV Laws.

Broadband Survey - Residential.

**Broadband Survey - Business.**

*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.*

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



Name: Angela Banks, Assessor

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

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **August 6, 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 – 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: **Laura Storm, Circuit Clerk**

Department or Organization: **Circuit Clerk's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **August 6, 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*):

**Approval of Order – Use of Alternative Facility for Jury Selection – Discussion/Action**

**Parking – Jury trials – Funding requested – 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](#)



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

**IN RE: USE OF ALTERNATIVE FACILITY FOR JURY SELECTION**

**ORDER**

**WHEREAS** the COVID-19 pandemic has created an unprecedented public health crisis and has necessitated the implementation of social distancing guidelines.

**WHEREAS** the Supreme Court of Appeals of West Virginia issued an Administrative Order Re: Resumption of Operations and COVID-19 Resumption of Operations Protocols on May 6, 2020.

**WHEREAS** the Circuit Court of the Twenty-Third Judicial Circuit entered an Administrative Order in Re: Resumption of Operations for In-Person Hearings on May 26, 2020.

**WHEREAS** the Supreme Court of Appeals of West Virginia issued a Memorandum Re: Guidance for Jury Management and COVID-19 on June 26, 2020.

**WHEREAS** a court may only hold a jury trial through strict compliance with the Supreme Court's COVID-19 Resumption of Operations Protocols ("Protocols"). Each courtroom in West Virginia is unique with multiple variables that impact the ability to safely hold jury trials, and some courtrooms lack sufficient size or layout that allow for compliance with the Protocols. Due to logistical challenges, judges are encouraged to utilize existing court space as much as possible; however, if no suitable space exists, courts may consider alternative spaces in the community. Judges may also consider whether certain portions of the jury selection process could be held at the alternative location before moving back to the courtroom for the actual trial itself.

**WHEREAS** the Circuit Court of Jefferson County, the Honorable David Hammer, supervising judge, the Honorable Debra McLaughlin, as well as the magistrate courts, have jury trials scheduled during every term of court. In consultation with the local health department, Judge Hammer has determined that the current courtrooms in the Jefferson County courthouse, as well as, the St. Margaret's Building lack sufficient size and layout for jury selection, and strict compliance with the Protocols and social distancing guidelines will not be possible in those courtrooms. Judge Hammer has further determined that the Ranson Civic Center is a suitable alternative space to conduct the jury selection process. Judge Hammer has further determined that the alternative space has in place or can be easily equipped with sufficient audio and video technology to conduct jury selection, the alternative space can be restricted for security purposes, and standard security precautions can be maintained. Judge Hammer has further determined that once a jury is selected, the remainder of the trial can be held in the courtrooms of the respective judicial officer.

**WHEREAS** West Virginia Code § 51-3-7 provides that circuit court “shall be held at the courthouse of such county, except where some other place is prescribed by law or lawfully appointed.” Further, “When the courthouse of a county...is not in a condition to be occupied, such court shall hold its sessions at such places as may be appointed by order of the county court.”

**WHEREAS** the County Commission consents to the use of an alternative facility for jury proceedings, upon finding that occupying the existing court space is not feasible for the purpose of jury selection due to restrictions placed by the local health officer.

**IT IS ORDERED** that the Circuit and Magistrate Courts of Jefferson County may use the Ranson Civic Center as an alternative location.

**IT IS FURTHER ORDERED** pursuant to West Virginia Code §51-3-7: “A copy of such order...shall be posted by the clerk of the county court at the front door of her office, at the courthouse door...and at the place so appointed.”

**IT IS FURTHER ORDERED** that the County Commission shall provide a copy of this Order to the Circuit and Magistrate Court Clerks of Jefferson County.

**IT IS FURTHER ORDERED** that the Circuit Clerk of Jefferson County shall provide a copy of this Order to the Honorable David Hammer and the Honorable Debra McLaughlin, and to the Administrative Office, Supreme Court of Appeals of West Virginia, 1900 Kanawha Boulevard East, Bldg. One, Room E-100, Charleston, WV 25305.

**ENTERED** on this \_\_\_\_ day of August, 2020.

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JANE M. TABB, PRESIDENT  
JEFFERSON COUNTY COMMISSION

**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: **August 6, 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*): **Interviews/Appointments to the Jefferson County Community Criminal Justice Board – seven three-year terms ending July 3, 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:

**Jefferson County Community Criminal Justice Board - seven three-year terms ending July 03, 2023**

The following board member positions are vacant:

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

**All appointees must be residents of Jefferson County.**

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

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

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

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



**NOTICE OF  
INTENT TO APPOINT**

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:

**Jefferson County  
Community Criminal Justice  
Board - seven (7) three-year  
terms ending July 03, 2023**

The following board member positions are vacant:

■ One member with a background in mental health care and services.

■ One member with a background in substance abuse treatment and services.

■ One member who can represent organizations or programs advocating for the rights of victims of crimes with preference given to organizations or programs advocating for the rights of victims of the crimes of domestic violence.

■ **Three at-large members** who are familiar with the community and have an interest in advancing access to substance abuse treatment

■ One member who is a public defender or an attorney who practices in the area of criminal defense.

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

To: Jefferson County Commission  
From: Gilbert L. HEIMAN  
DATE: 27 July 2020

I have been privileged to serve on our Community Criminal Justice BOARD for the PAST 3 1/2 YEARS AND hereby want to apply for ANOTHER 3 year Appointment AS AN AT-LARGE member.

My detailed resume is herewith included with two local references AT the bottom.

THANK you for your continued support for this important public service. Jefferson County CAN rightly be proud of the outstanding leadership provided by our DRC to many OTHER counties in West Virginia

Gil Heiman  
681-252-3858

Jefferson County Commission

JUL 27 2020

10:19

Received



## Resume: Gilbert Lewis Heiman

**Father, George F. Heiman**, born 1912 and raised in Preston County, WV.

**Born in 1944 and Raised** in Niagara Falls, NY.

**Ordained R.C. Priest** in December 1970.

**Married** Carrie in 1974 (now 46 years!) and moved to Virginia

**Raised** four children and five grandchildren

**Employed** by several federal contractors since 1984

**Retired** in December 2011 from Northrop Grumman Corp.

**Moved** to Charles Town, WV in January 2015

**Education:** B.A. in Philosophy and M.Div. in Theology

M.A. in Political Science & Government from Marquette University in 1972

Certified Professional Contract Manager (CPCM) since 2001

Licensed Marriage Officiant in Loudoun County, VA since 1994

Appointed to the Jefferson County, WV Community Criminal Justice Board in December 2016

**Since retirement:** regular authorized volunteer for Prison Ministry and Transition Assistance services for Catholic Charities at the ADC in Leesburg, Virginia, and the JC Community Ministry. Member of Eastern Panhandle Reentry Council. Also co-founded the *Hope in the Darkness Project* (HNDP), a non-profit registered in West Virginia, which has provided counseling services at the JDC in Augusta and Davis.

**Inspired** by the words and deeds of: **Dorothy Day & ML King**

**Joan Chittister & Richard Rohr**

**Ilia Delio and Teilhard de Chardin**

**Thomas Merton and Pope Francis**

**Robert Shefner and Ronda Eddy**

Jefferson County Commission

JUL 7 7 2020

Received



10:19 AM



Dear Commissioners:

I am writing to request reappointment to the Jefferson County Day Report Center, please. Currently, I am the President of that Board and have been a member since we broke away from Berkeley County. That was necessary to provide greater services to our county residents. During the years we have increased services to the people of Jefferson County who need them. Our facility is a model for WV and the United States.

Thanks for your consideration,

A handwritten signature in cursive script that reads "Dale Manuel". The signature is written in black ink and is positioned below the typed name.

Dale Manuel



## Jessica Carroll

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**From:** Christopher Stroech <cstroech@arnoldandbailey.com>  
**Sent:** Sunday, August 2, 2020 3:06 PM  
**To:** Jessica Carroll  
**Cc:** Kelly Franklin  
**Subject:** Re: Jefferson County Community Criminal Justice Board Term Expiration

Yes, I am interested in continuing to serve. Thank you,

Christopher P. Stroech, Esq.  
Arnold & Bailey, PLLC  
208 N. George Street  
Charles Town, WV 25414  
304-725-2002  
304-725-0282 (Fax)  
[cstroech@arnoldandbailey.com](mailto:cstroech@arnoldandbailey.com)

THIS MESSAGE IS PRIVILEGED AND CONFIDENTIAL AND FOR THE INTENDED RECIPIENT ONLY. IF THIS MESSAGE WAS SENT IN ERROR, PLEASE CONTACT THE SENDER IMMEDIATELY.

DEBT COLLECTION NOTICE: THE PURPOSE OF THIS COMMUNICATION AND OTHERS FROM ME MAY BE TO COLLECT AN ALLEGED DEBT OWED, AND ANY INFORMATION OBTAINED IN RESPONSE MAY BE USED FOR THAT PURPOSE. WE WILL ASSUME THE DEBT TO BE VALID UNLESS YOU DISPUTE THE VALIDITY OF ALL OR ANY PART OF THE DEBT WITHIN THIRTY (30) DAYS OF RECEIPT OF THIS NOTICE. IF YOU NOTIFY US IN WRITING THAT YOU DISPUTE ANY OR ALL OF THE DEBT, WE WILL OBTAIN AND SEND VERIFICATION OF THE DEBT AND PROVIDE YOU CONTACT INFORMATION FOR THE ORIGINAL CREDITOR, IF APPLICABLE.

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**From:** Jessica Carroll <jcarroll@jeffersoncountywv.org>  
**Date:** Friday, July 31, 2020 at 3:51 PM  
**To:** Christopher Stroech <cstroech@arnoldandbailey.com>  
**Subject:** Jefferson County Community Criminal Justice Board Term Expiration

Mr. Stroech –

Please be advised your term as the criminal defense attorney on the Jefferson County Community Criminal Justice Board has expired. The Commission will be making appointments/reappointments to the board during their August 6, 2020 regularly scheduled meeting. Please respond prior to the date of the meeting as to whether you're interested in continuing to serve.

Many thanks,

Jessica Carroll  
Executive Administrative Assistant  
Jefferson County Commission  
PO BOX 250  
Charles Town, WV 25414  
(p) – 304-728-3284  
(f) – 304-725-7916



## **Stephen C Cox II**

37 Cox Henry Lane Summit Point, WV 25446  
(304) 728-2200 | [scox2nd@gmail.com](mailto:scox2nd@gmail.com)

### **Appointment Request to: Jefferson County Community Criminal Justice Board**

#### *Bio:*

I am a Jefferson County resident married (wife Julie Cox) with three children. In 1990 I started what has turned into a life service directly or relating to the Criminal Justice System. My service incorporates volunteer positions in Fire and EMS services, addiction and rehabilitation services and Professional Law Enforcement as a standard local police officer to a world wide Subject Matter Expert training instructor. In 2018 I received approval by the 23 Circuit Court of West Virginia to operate Cox Bail Bonding, a business that allows me to assist in maintaining the rights afforded to Americans and written into the Constitution of the United States while providing assurance to victims seeking resolution through the courts . However services while not truly official have expanded. Cox Bail Bonding (at times solely but non the less) has been instrumental with assisting our clients seeking Addiction Services often times even assisting with obtaining medical insurance for clients and even personally funding these services. The services have ranged from substance/drug testing, emergency medical detoxification, in-patient and out-patient recovery. I have even called on as a Recovery Services Motivational/Experience Speaker at patient facilities. I am currently (however slowly) educating myself on a program that raises funding and awareness for addiction services. The funding is used to pay for patient "tuition" into a recovery center.

#### *Professional Experience:*

1998 2008: Ranson Police Department, Police Officer

2007 2018: Law Enforcement Subject Matter Expert (SME)/Instructor

Private Sector Contracting Companies: providing SME instruction to Local, State, Federal and World Wide Law Enforcement agencies along with our Military and Allied Militaries

U.S. Department of State,  
Security/Law Enforcement Training Division assigned to the Special Services Bureau.

2018 Current: Owner Operator/Bondsman, Cox Bail Bonding, Appointed and serving the 23rd Circuit Court, West Virginia.



July 27, 2020

Dear Commissioners,

Please accept my request for consideration of appointment to the Jefferson County Community Corrections Board to an at-large position. I have summarized my active community involvement and my dedication to increasing access to services for those who experience harmful substance dependencies.

I have served my community through the Shepherdstown Visitors Center in the positions of volunteer, director, and board president. Currently, I am a member of the Business Organization of Shepherdstown as part owner of Evolve, Shepherdstown. I am chair of the volunteer group, Accessible Shepherdstown, whose mission is to advocate for accessibility for all residents and visitors in our town. I am a board member of Shepherdstown Shares, a non-profit whose mission is to support those in our 25443-zip code area who are in need due to COVID-19.

I have also served on the vestry of Trinity Episcopal Church, Shepherdstown, and am the chair of our Opioid Crisis Committee. For the past three years we have helped to raise awareness in our community of the causes of and remedies for those who are suffering from chronic drug and alcohol dependence. We have sponsored two vigils, a viewing of a film on addiction with a potluck for the community and facilitated Narcan training for our community in partnership with the Shepherdstown Community Club and the Jefferson County Health Department. We also invited two guest preachers to share their experiences in connection with the recovery community. We also sponsored an information fair on addiction and recovery for our congregation on those days. We have established a wall display of information to help anyone whose life is touched by addiction inside the church entrance which, before COVID-19 was open every day for prayer.

I have great respect for the Jefferson Day Report Center and know its program well having served as a neurofeedback specialist and parent educator in 2017. I am honored to be an active member of the GRaCE community of recovery coaches throughout our state. Finally, I know that recovery is possible because addiction and recovery have touched my own family. It would be an honor to continue to serve our community as a member of the Jefferson County Community Corrections Board.

Sincerely,

Jan Christian Hafer

Shepherdstown



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



Name: Russell Burgess

Department or Organization: **Information Technology**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **August 6, 2020**

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

Date Requested – 2<sup>nd</sup> Choice: August 20, 2020

Subject (*Wording to be placed on agenda*): **Request to Approve Promotion of Andrew Rosen from Level 1 IT Support to Level 2 IT Support.**

Please provide the County Commission with a description of your request or presentation, including any background information: **Andrew Rosen successfully completed the required Networking Technical Certification (Comptia Networking +) and continues to expand his technical and networking knowledge. Andrew has stepped up to take on added responsibilities with the departure of Information Technology Staff and has shown a dedication to improving services within the Information Technology department.**

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*):

- **Motion to approve Andrew Rosen promotion from Level 1 IT Support to Level 2 IT Support with raise in salary from base of \$35,000 per year to \$42,000 per year.**

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: Kelly Franklin

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

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

Date Requested – 1<sup>st</sup> Choice: **8/6/2020**

*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*): Community Corrections Grant Contract

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? \$ **0**

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: Kelly Franklin

Email address: [kfranklin@jeffersondrc.com](mailto:kfranklin@jeffersondrc.com)

Phone Number: 304-728-3527

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

not applicable





State of West Virginia  
**OFFICE OF THE SECRETARY DEPARTMENT OF HOMELAND SECURITY**  
**Division of Administrative Services, Justice and Community Services**

1124 Smith Street, Suite 3100

Charleston, WV 25301

(304) 558-8814

July 14, 2020

**JEFF S. SANDY, CFE, CAMS**  
CABINET SECRETARY

**JENNIFER A. WILSON**  
DIRECTOR

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

**Re: Approved Funding – \$155,000.00**  
Community Corrections - CC  
Project Number: 21-CC-07

Dear Ms. Tabb:

Congratulations on your recent award for a Community Corrections Grant Award. Enclosed you will find:

- A Contract with Attachment A (copy of completed application);
- A Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements;
- Revised Standard and Federal Conditions and Assurances;
- EEOC Certification – Two (2) forms – one completed form to be mailed to the Office for Civil Rights at the address listed on the form and one completed form returned to the Division of Administrative Services, Justice and Community Services; and,
- A sample resolution.

To formalize your acceptance of this grant award, please sign the contract, certification, Conditions and Assurances and affect a resolution (if necessary) and return the **originals** to this office by August 5, 2020.

Additional information regarding the administrative procedures that govern this grant program will be sent directly to your designated Project Director in the near future. In the interim, should you have questions concerning the contract or other enclosures, please contact me at (304) 558-8814, Extension 22414, or via email at Marty A. Hatfield@wv.gov. I look forward to working with you on this project and feel confident that our efforts will prove tremendously beneficial to the State of West Virginia.

Sincerely yours,

  
Marty A. Hatfield  
Senior Program Specialist

For M H

MAHlanm

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





**GRANT CONTRACT AGREEMENT**  
**BETWEEN**  
**DIVISION OF ADMINISTRATIVE SERVICES**  
**JUSTICE AND COMMUNITY SERVICES SECTION**  
**AND**  
**Jefferson County Commission**  
**21-CC-07**

This **AGREEMENT**, entered into this **14th Day of July 2020**, by the Deputy Director of the Division of Administrative Services, Justice and Community Services Section, hereinafter referred to as "JCS", and the Jefferson County Commission, hereinafter referred to as "Grantee."

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

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

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

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. JCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application, which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by JCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **July 1, 2020** and shall continue those services/activities until **June 30, 2021**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.
5. In consideration of the services rendered by the Grantee, the sum of up to **\$155,000.00** shall be obligated by JCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that JCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. It is the understanding of all parties to this Agreement that JCS has determined that the Grantee will receive an upfront scheduled allocation of funds.

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

16. The parties hereto agree that notice shall be given by personal service or served when mailed certified U.S. Mail, postage prepaid, return receipt requested to the following addresses:

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

b. **Grantee Mailing Address:**  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414

17. The Grantee shall hold and save JCS and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent or representative of the Grantee.

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

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Jane Tabb, President  
Jefferson County Commission

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



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

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

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

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

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

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

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

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

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

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

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

8. **ACCOUNTING REQUIREMENTS:** Grantee agrees to record all project funds and costs following generally accepted accounting principles. A unique account number or cost recording

must separate all project costs from the grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material must be retained and be available for audit purposes. Federal regulations prohibit the commingling of Federal grant funds with funds from other sources; further, funds received on an upfront basis from JCS for one program may not be comingled with funds received on an upfront basis for another JCS program.

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

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

State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Grantee agrees to consult with JCS regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

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

reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5 U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code. JCS recognizes that some information submitted in the course of applying for funding under this program or provided in the course of its grant management activities, may be considered law enforcement, personnel, juvenile sensitive, or personal or otherwise important to national or state security interests. This may include threat, risk and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures.

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

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

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

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

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

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

41. **IMMIGRATION AND NATURALIZATION VERIFICATION:** The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.
42. **POLITICAL ACTIVITY:** The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government, and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.) Please reference West Virginia Code § 29-6-20 for state restricted activities.
43. **PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at [www.it.ojp.gov/gjxdm](http://www.it.ojp.gov/gjxdm).

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

Authorized Official [please print]: \_\_\_\_\_

Authorized Official Signature: \_\_\_\_\_

Date: \_\_\_\_\_



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

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

All correspondence to the Division of Administrative Services, Justice and Community Services Section (JCS), which is required and/or occurs as a result or action of any of the following Assurances, or as a result of the administration of any JCS grant program, should be mailed to the following address:

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

1. **CONSULTANT RATES:** Consultant rates in excess of \$650 per day, or \$81.25 per hour, require prior approval by JCS and DOJ is applicable prior to obligation or expenditure of such funds. All contracts must be submitted 90 days prior to training for approval.
2. **FRAUD, WASTE & ABUSE:** Reporting potential fraud, waste, and abuse, and similar misconduct. The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the Department of Justice (DOJ) Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act; or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: [oig.hotline@usdoj.gov](mailto:oig.hotline@usdoj.gov); and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax). Additional information is available from the DOJ OIG website at <https://www.usdoj.gov/oig>.
3. **USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:** Grantee understands and agrees that it cannot use any grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.
4. **LIMITED ENGLISH PROFICIENCY:** Title VI's prohibition of national origin discrimination includes discrimination against individual who are limited in their English proficiency (LEP) because of their national origin. Under Title VI (and the Safe Streets Act), recipients are required to take reasonable steps to ensure that LEP individuals have meaningful access to the recipient's programs and services. Providing "meaningful access" will generally involve

some combination of oral interpretation services and written translation of vital documents. More information can be found at <http://www.lep.gov>.

5. **PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantee must support public safety and justice information sharing. This grantee is required to use the Global Justice Data Model specifications and guidelines of this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at [www.it.ojp.gov/gjxdm](http://www.it.ojp.gov/gjxdm).
6. **PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:** Federal Office of Management and Budget (OMB) sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. If applicable, this grant shall adhere to the audit requirements set forth at the time of award. (2CFR Part 200 or OMB Circular A-133 – for further information go to OMB Uniform Guidelines at:

[https://search.whitehouse.gov/search?affiliate=wh&form\\_id=usasearch\\_box&query=Indirect+Costs](https://search.whitehouse.gov/search?affiliate=wh&form_id=usasearch_box&query=Indirect+Costs)

§200.501(a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a sub-recipient, approves in advance a program-specific audit.

Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

If an audit must be conducted pursuant to the Uniform Guidelines, a copy of the audit shall be submitted to JCS as well as to the Federal clearinghouse.

The Federal clearing house is as follows:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 E. 10<sup>th</sup> Street

Jeffersonville, IN 47132

7. **CONFIDENTIALITY OF RESEARCH INFORMATION:** Research information identifiable to an individual, which was obtained through a project funded wholly or in part with United States Department of Justice program funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).
8. **OFFICE OF JUSTICE PROGRAMS (OJP) FINANCIAL GUIDE:** Grantee agrees to comply with the financial and administrative requirements as set forth in the current edition of the DOJ/OJP Financial Guide.
9. **CENTRAL CONTRACTOR REGISTRATION:** Grantee agrees to register with the System for Grants Management (SAM) at [www.sam.gov](http://www.sam.gov) and provide documentation to JCS with application for funding.
10. **DATA UNIVERSAL NUMBERING SYSTEM:** Grantee agrees to acquire a Data Universal Numbering System (DUNS) number, [www.dnb.com](http://www.dnb.com) and provide documentation to JCS with application for funding.
11. **BIDDING PROCEDURES:** Funds for renovation, expansion or construction awarded to grantees or subgrantees, which require the letting of any single contract amounting to \$100,000 or more to a private company or individual shall require: a bid guarantee equivalent to 5% (five percent) of the bid price; the bid guarantee must consist of a firm commitment such as a bid bond, certified check, or negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified after forms are presented to the successful bidder; a performance bond on the part of the 100% (one hundred percent) of the contract price ("Performance bond" means a bond executed in connection with a contract to ensure payments required by all persons supplying labor and materials in the execution of the work provided for in the contract.); a payment bond on the part of the contractor for 100% (one hundred percent) of the contract price. ("Payment bond" is one executed in connection with a contract to ensure payment as required by law, of all persons supplying labor or materials in the execution of the work provided for in the contract.) Recipient/subgrantee is expected to follow the competitive bid process in the award of contracts involving Federal grant funds.
12. **COMPLIANCE WITH FEDERAL PROCEDURES:** Grantee assures compliance with the following where applicable:
  - Part 11, Applicability of Office of Management and Budget Circulars.
  - Part 18, Administrative Review Procedures.
  - Part 20, Criminal Justice Information Systems.
  - Part 22, Confidentiality of Identifiable Research and Statistical Information.
  - Part 23, Criminal Intelligence Systems Operating Policies.
  - Part 30, Intergovernmental Review of Department of Justice Programs and Activities
  - Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures
13. **ADDITIONAL REGULATIONS AND PROCEDURES:** In addition, all grantees must comply with the following applicable federal regulations and/or the United States Department of Justice, Office of Justice Programs - M 7100.1D manual, OMB Circulars No. A-21, A-110, A-122, A-128, A-87, E.O. 12372, Uniform Administrative Requirements for Grants and

Cooperative Agreements 28 CFR, Part 66, Common Rule, and all other applicable Federal regulations, policies, acts and guidelines:

- National Environmental Policy Act of 1969 (NEPA).
- National Historic Preservation Act of 1966.
- Flood Disaster Protection Act of 1973.
- Clean Air Act and Federal Water Pollution Control Act Amendments of 1972.
- Control Act Amendments of 1972.
- Safe Drinking Water Act.
- Endangered Species Act of 1973.
- Wild and Scenic Rivers Act.
- Fish and Wildlife Coordination Act.
- Historical and Archaeological Data Preservation.
- Coastal Zone Management Act of 1979.
- Animal Welfare Act of 1970.
- Impoundment Control Act of 1974.
- Uniform Relation Assistance and Real Property Acquisitions Policies Act of 1970.
- Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended
- Death in Custody Act of 2000.

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

**Authorized Official [please print]:** \_\_\_\_\_

**Authorized Official Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

# CERTIFICATION FORM

## Compliance with the Equal Employment Opportunity Plan (EEO) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

Recipient's Name: <u>Jefferson County Commission</u>	DUNS Number: <u>07-741-4548</u>	
Address: <u>PO Box 250, Charles Town, WV 25414</u>		
Grant Title: <u>Community Corrections</u>	Grant Number: <u>21-CC-07</u>	Award Amount: <u>\$155,000</u>
Name and Title of Contact Person: <u>JANE TABB, President</u>		
Telephone Number: <u>(304) 728-3284</u>	E-Mail Address: <u>VINEVANT.TABB@GMAIL.COM</u>	

### Section A—Declaration Claiming Complete Exemption from the EEO Requirement

Please check all the following boxes that apply:

- Recipient has less than fifty employees.     Recipient is an Indian tribe.     Recipient is a medical institution.  
 Recipient is a nonprofit organization.     Recipient is an educational institution.     Recipient is receiving an award less than \$25,000.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient] is  
not required to prepare an EEO for the reason(s) checked above, pursuant to 28 C.F.R. § 42.302.  
I further certify that \_\_\_\_\_ [recipient]  
will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of  
services.

Print or Type Name and Title

Signature

Date

### Section B—Declaration Claiming Exemption from the EEO Submission Requirement and Certifying That an EEO Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEO to the OCR for review as it certifies the following (42 C.F.R. § 42.305):

I, JANE TABB, PRESIDENT [responsible official],  
certify that JEFFERSON COUNTY COMMISSION [recipient],  
which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEO in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEO and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEO is on file at the following office:

JEFFERSON COUNTY COMMISSION [organization],  
PO BOX 250, CHARLES TOWN, WV 25414 [address].

JANE TABB, PRESIDENT  
Print or Type Name and Title

Signature

Date

### Section C—Declaration Stating that an EEO Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEO Utilization Report to the OCR for review.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient],  
which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEO in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on \_\_\_\_\_ [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Print or Type Name and Title

Signature

Date

## INSTRUCTIONS

### Completing the Certification Form Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

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

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

#### Section A

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

#### Section B

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

#### Section C

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

#### Submission Process

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

## **Public Reporting Burden Statement**

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



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

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

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

### 1. LOBBYING

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

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

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

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

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

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

A. The applicant certifies that it and its principals:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

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

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

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

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

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

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

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

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

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

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

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

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

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 Seventh Street NW., Washington, DC 20531.

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

1. Grantee Name and Address PO BOX 250, CHARLES TOWN, WV 25414

JEFFERSON COUNTY COMMISSION

55-6000296

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

JANE TABB, PRESIDENT

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date



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

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **August 6, 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.
12. Legal clarification of Senate Bill 690 and the Jefferson County Ordinance relating to the regulation of All-Terrain Vehicles. Discussion/Action.
13. Report and review issues surrounding the County Commission's appointment to the Planning Commission. Discussion/Action.

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

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



Name: Jefferson County Commission

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **August 6, 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*): **Staff Workshop on Proposed Solar Facilities Amendment – 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



Re: ZTA 19-03

Please include in Packet  
to the Planning Commission the  
enclosed 4 pages.

Thanks.

Doug Rockwell  
5/28/20

Section 8.20.B.2

§. Rural District

- i. A solar energy facility shall be a minimum of 200 feet from the State ROW or easement of any State Road. Where not in conflict herewith, subsections a and b above shall apply.

*Rockwell*  
6-2-20



# WEST VIRGINIA CODE

≡ MENU

CHAPTER 8A. LAND USE PLANNING.

CHAPTER 8A. LAND USE PLANNING.

Article 6

All Articles

Article 8

ARTICLE 7. ZONING ORDINANCE.

## §8A-7-8. Amendments to the zoning ordinance by the governing body.



(a) Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.

(b) When a proposed amendment to the zoning ordinance involves a change in the zoning map classification of any parcel of land, or a change to the applicable zoning ordinance text regulations that changes the allowed dwelling unit density of any parcel of land, the governing body shall, at least thirty days prior to the enactment of the proposed amendment if there is not an election, or at least thirty days prior to an election on the proposed amendment to the zoning ordinance:

(1) Give written notice by certified mail to the landowner(s) whose property is directly involved in the proposed amendment to the zoning ordinance; and

(2) Publish notice of the proposed amendment to the zoning ordinance in a local newspaper of general circulation in the area affected by the zoning ordinance, as a Class II-0 legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code.

Previous §8A-7-7. Election on a zoning ordinance.

§8A-7-8. Amendments to the zoning ordinance by the governing body.

Next §8A-7-8a. Requirements for adopting an amendment to the zoning ordinance



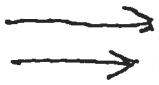
Search

*Rockwell*  
*6-2-20*

Hide



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



7. Fencing

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

8. Tower Color

Towers shall have a flat gray or galvanized finish unless the Planning Commission determines that another color scheme would be a preferable alternative to address visual mitigation and such scheme is consistent with FCC and FAA standards for antenna structure marking.

**Section 4B.8 Maintenance & Removal Bonds**

Prior to issuance of a Zoning Certificate, each applicant for a Facility shall be required to execute a standard Maintenance / Removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of, and to ultimately remove such facilities, upon abandonment or cessation of operations. The applicant shall be required to post a bond for this purpose in accordance with the Department of Planning & Zoning schedule of fees and charges. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the Maintenance/Removal agreement have been satisfied. Private business users operating a single Facility at their principal place of business and Governmental Users are exempt from this bond requirement.

**Section 4B.9 Abandonment & Removal**

- A. Any Facility or Support Structure that is not operated for a period of twelve (12) consecutive months may be referred to the Property Safety Enforcement Agency Board for a determination of the structural soundness of the Facility or Structure.
- B. If a structure is determined to be unsound, it will be considered abandoned.
- C. The owner or operator of any Facility or Support Structure shall remove the Facility pursuant to the requirements of the Jefferson County Property Safety Ordinance.

Rockwell  
6-2-20

May 27, 2020

**RECEIVED**

**MAY 28 2020**

**JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING**

From: Robert D. Aitcheson

To: Jefferson County Planning Commission

Re: ZTA 19-03 Solar Energy Facilities

The trade association for the solar energy industry in Washington, D.C., distinguishes between “community” solar facilities, such as the one at Double Toll Gates on Rt. 522 in Clarke County, VA, and the massive “industrial” solar facilities such as the one shown in Exhibit A from the Saving Greene website. To be clear, the proposed text amendment contemplates **industrial** solar facilities only. I **oppose** approval of the proposed text amendment and **oppose** industrial solar facilities in the Rural Zoning Districts of Jefferson County for the following reasons:

- 1. Allowing industrial solar facilities in Rural Zoning Districts violates West Virginia public policy. See W. Va. Code 24-2-10(b) definition of “Eligible site”.**

“Eligible sites” are defined as “any site in this state that has been previously used in electric generation, industrial, manufacturing or mining operations, including, but not limited to, closed landfills, hazardous waste sites, former industrial sites, and former mining sites”. Only if none of these are available may other sites be considered. We have plenty of the types of sites specifically enumerated above in this County.

- 2. Allowing industrial solar facilities in Rural Zoning Districts is contrary to the Jefferson County Comprehensive Plan and, therefore, in violation of W. Va. Code 8A-7-8(a).**

W. Va. Code 8A-7-8(a) states in relevant part:

- (a) Before amending a zoning ordinance, the governing body with the advice of the Planning Commission, **must find** that the amendment is consistent with the adopted comprehensive plan....(emphasis added)

The comprehensive plan adopted by this County requires that the rural and agricultural character of the County be preserved and that land uses inconsistent with that goal not be allowed. See Exhibit B attached hereto in furtherance thereof.

- 3. Designating industrial solar facilities in Rural Zoning Districts as a principal permitted use (PPU) while requiring a special event facility to secure a conditional use permit (CUP) for a one day event such as a wedding, is inconsistent and further, industrial**

**solar facilities are not compatible with non-residential rural areas.**

There can be no rational justification for this inconsistency when a CUP is required for a one day event, but not for a 25-30 year long project. Also, the comprehensive plan requires it. See Exhibit B **again**. Finally, virtually all of the nearby jurisdictions that have dealt with this issue require a CUP.

**4. Pollution of our groundwater through the porous limestone substrate by runoff, leaching contamination by toxic chemicals in industrial solar panels threatens the health of all Jefferson County residents.**

The County Engineer, in his report to this Commission of April 22, 2020, acknowledged this problem. It is not “clean” energy. Here is a sampling of the toxic chemicals found in industrial solar panels:

“...cadmium telluride, copper indium selenide, cadmium gallium (di) selenide, copper indium gallium (di) selenide, hexaflouroethane, lead and polyvinyl flouride, silicon tetrachloride, a by-product of producing crystalline silicon, is highly toxic”. Cancer biologist David H. Nguyen, Ph.D., as quoted in “Solar Panels Produce Tons of Toxic Waste - Literally”, Wirtz, p. 3 (November 18, 2019).

There are NO requirements for remediation and any other efforts to protect our drinking water from contamination.

**5. The failure to recommend that a surety bond be required of the landowner, developer and operator to cover all costs of remediation of toxic spills, decommissioning and reclamation of the land of abandoned sites, will leave Jefferson County taxpayers to bear those costs, along with the prospect of many years of litigation in an effort to obtain reimbursement.**

The reference by the County Engineer to the subdivision ordinance in his discussion of bonding is inapposite. Clearly, the County Commission has the authority to impose the requirement of a surety bond to remain in effect for the life of the project. See, for example, Zoning Ordinance, Section 4B.8 Maintenance and Removal Bonds, attached hereto as Exhibit C. If the County Commission has the authority to impose such a bond for cell phone towers, it certainly does for industrial solar facilities as well.

Disposal of the tons of toxic waste left at the time of decommissioning of an abandoned site mandates the necessity of a surety bond. See “Are We Headed for a Solar Waste Crisis?”, Desai & Nelson (June 21, 2017) in which the organization Environment Progress found that “Solar panels create 300 times more toxic waste per unit of energy than do nuclear power plants.” See pp 2 and 3 of this article for a more detailed discussion of their findings as to comparative amounts of toxic waste and carcinogenic substances emitted.

To fail to recommend the requirement of a surety bond leaves the County to the difficult, if not impossible, task to recoup its costs with respect to abandoned facilities after out-of-state investors and firms have taken their tax credits and profits and disappeared. The prospect of years of litigation to try to recover those costs only enriches the lawyers and adds insult to injury.

**6. The paltry setback and screening requirements and compounding those problems by allowing a zoning administrator to waive the requirements, all FAIL to protect adjoining and nearby property owners.**

The setback requirement should be 200 feet from any state or county right of way or adjoining property boundaries. Screening should require a minimum of 10 feet tall opaque fencing and vegetation. These requirements should not be waivable.

**7. The preparation of the draft ordinance in hours of SECRET subcommittee meetings with industry representatives to the exclusion of concerned citizens and then allotting citizens 3 or 5 minutes in the public hearing to address issues of concern, is an abrogation of your duty to the citizens of Jefferson County.**

Exhibit D sets forth the early clandestine efforts of political operatives, profiteers and environmental virtue signalers to violate West Virginia law and perpetrate a fraud on County citizens. Refusal to allow concerned citizens to participate meaningfully in this process is but another example of such an abuse of power as resulted in Branson ending up with Rockwool. You ought to be ashamed but I know you're not!

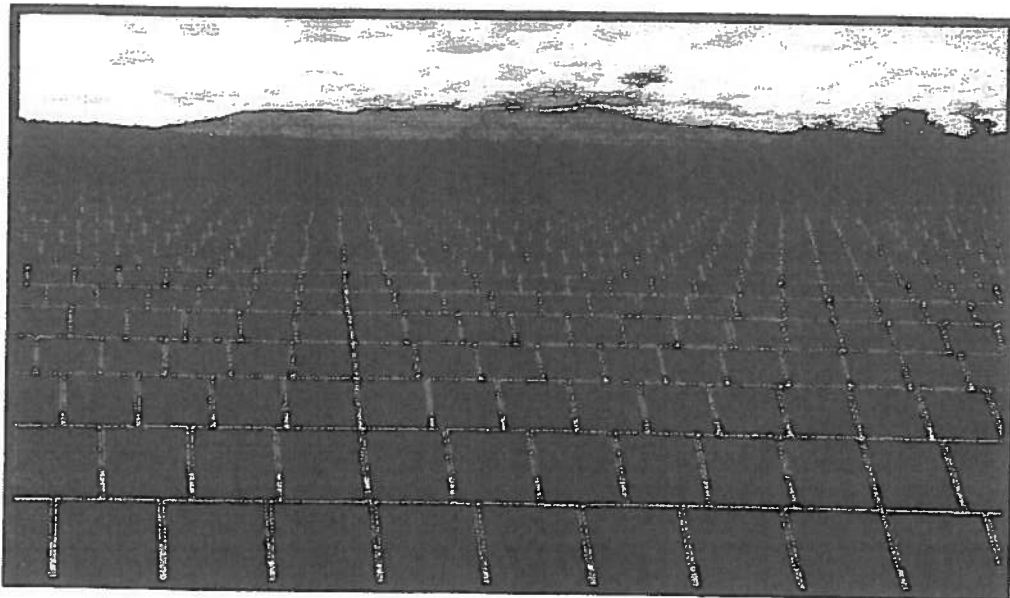


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Robert D. Aitchison



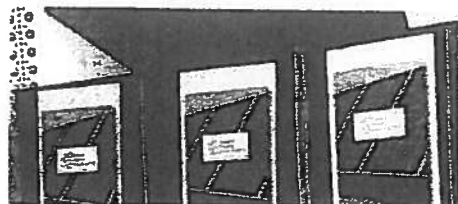
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CITIZENS FOR SENSIBLE SOLAR 

# Exhibit A

**Solar Siting is in the News with  
the latest New York State  
Budget and the New**



<b>Agricultural and Rural Economy Recommendations (Goal 8)</b>	
1.	Support West Virginia's and Jefferson County's "Right to Farm" policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19, Section 4.6 of the County's Zoning Ordinance)
	a. Identify and utilize a wider variety of funding sources that could serve to expand the County's farmland protection program.
	b. Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
2.	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	a. Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural Zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth
3.	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	a. performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	b. the adaptive reuse of existing historic and agricultural structures.
4.	Collaborate with the County's agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
5.	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	a. Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm product and related auxiliary products.
	b. Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety and welfare and if the use helps to preserve farmland and open space and continue agricultural operations.

Exhibit B

7. Fencing

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

8. Tower Color

Towers shall have a flat gray or galvanized finish unless the Planning Commission determines that another color scheme would be a preferable alternative to address visual mitigation and such scheme is consistent with FCC and FAA standards for antenna structure marking.

**Section 4B.8 Maintenance & Removal Bonds**

Prior to issuance of a Zoning Certificate, each applicant for a Facility shall be required to execute a standard Maintenance / Removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of, and to ultimately remove such facilities, upon abandonment or cessation of operations. The applicant shall be required to post a bond for this purpose in accordance with the Department of Planning & Zoning schedule of fees and charges. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the Maintenance/Removal agreement have been satisfied. Private business users operating a single Facility at their principal place of business and Governmental Users are exempt from this bond requirement.

**Section 4B.9 Abandonment & Removal**

- A. Any Facility or Support Structure that is not operated for a period of twelve (12) consecutive months may be referred to the Property Safety Enforcement Agency Board for a determination of the structural soundness of the Facility or Structure.
- B. If a structure is determined to be unsound, it will be considered abandoned.
- C. The owner or operator of any Facility or Support Structure shall remove the Facility pursuant to the requirements of the Jefferson County Property Safety Ordinance.

*Exhibit C*

## Secret Text Amendment to the Jefferson County Zoning Ordinance (Solar)

From: Bob Aitcheson (bob.aitch46@gmail.com)

To: ncochran@jcpawv.org

Date: Wednesday, April 22, 2020, 01:50 PM EDT

Nathan:

In early March 2020, I received information about a very concerning secret effort by certain members of the Planning Commission, in concert with a Colorado developer, to concoct an amendment to our Zoning Ordinance reference solar facilities in rural districts of our County. I learned that an unnoticed, secret & private SECOND meeting of a 3 Commissioner subcommittee charged with drafting an ordinance with only representatives of the developer likely present AND EXCLUDING ANY OTHER CONCERNED CITIZENS OF THE COUNTY, was to take place on Friday, March 27 at 3pm. When I tried to find out whether the meeting was cancelled (because of the virus, etc) & rescheduled, the new time, location, etc, I was denied that information.

In fact, I was told that Mike Shepp, President of the Planning Commission, responded to my inquiry saying "... that the drafting of an amendment is PROTECTED AS A DRAFT UNTIL SUBMITTED TO THE Planning Commission AS A PUBLIC DOCUMENT BECAUSE THE SUBCOMMITTEE MEETINGS DO NOT MEET THE DEFINITION OF 'meeting' within the Open Meetings Act...". Evidently, someone forgot to check the written public policy of the Jefferson County Commission that EVEN WORK SESSIONS ARE TO BE NOTICED & OPEN TO THE PUBLIC even though there are no votes taken & the public does not participate in the meeting!

My concerns are:

- 1) According to a fair reading of prior minutes, these secret meetings are held with at least one proponent of the ordinance present & having input, but NO concerned citizens of the County are allowed.
- 2) Recently, staff advised that the citizens of our County would not be allowed to see the proposed ordinance until it is sent to the Planning Commission for action in the packet for the meeting at which it is to be acted upon.
- 3) Recently, upon request of concerned citizens to meet with the President of the Planning Commission concerning fashioning a text amendment consistent with the Comprehensive Plan, state law & the protection of other residents of our County, the response was that it would be improper to engage in ex parte communications! This, of course, is notwithstanding the multiple, frequent input from the developer & a member of the Commission who is a commercial real estate agent with an unusually keen personal interest in seeing these blights on our landscape move forward unregulated in any meaningful way!
- 4) A recent article in the Spirit concerning this matter entitled "A Bright Idea", obviously propaganda from various proponents, contained, a misleading statement that these are to be solar "farms" when they're not farms at all. They are "facilities". If you've ever seen one, you would know they aren't 'farms'.
- 5) Once the ordinance is submitted to the Commission, you know as well as I do that citizens, with little time to evaluate it, concerned citizens will be the victims of a sham hearing as the self- interested on the Commission take the lead in ramming it thru.

Finally, I ask the question: WHAT IS IT THAT THOSE IN THESE SECRET MEETINGS ARE TRYING TO DO TO THIS COUNTY ie MY NEIGHBORS & ME, THAT THEY MUST BE "PROTECTED" FROM PUBLIC SCRUTINY? For what, to destroy agricultural land to provide electricity to Northern Virginia & line the pockets of crooked political operatives? It is an outrage that unelected bureaucrats think they have the power to put their interests above that of the citizens of Jefferson County to the detriment of many! This is exactly how they ended up poisoning this County with ROCKWOOL!!!

Awaiting your prompt reply, I am,  
Very truly yours,

Robert D. Aitcheson,

*Exhibit D*

May 27, 2020

RECEIVED

MAY 28 2020

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

From: Robert D. Aitcheson, WWSB #90 (inactive)

To: Jefferson County WV Planning Commission

Re: Member Stephen Stolipher; Failure to Recuse Himself from Solar Facility  
Text Amendment Discussion, Vote, etc.

**The Planning Commission must REQUIRE Stephen Stolipher to recuse and disqualify himself from ANY vote, discussion, participation or other activity regarding the proposed solar facility text amendment because W.Va. Code 6B-2-5(b)(1) and separately W.Va. Code 8A-2-4(e) & (f) mandate such recusal and because the “class exception” under W.Va. Code 6B-2-5(j)(2)(A) of the Ethics Act is NOT available to Mr. Stolipher as a defense to his disqualification, more particularly as follows:**

1. W. Va. Code 8A-2-4(e) & (f) require that a Planning Commission (hereinafter “PC”) member recuse himself or herself from any vote, discussion or other activity regarding “the conflicting issue” if the member is pecuniarily interested in the matter.

2. Separately, the W. Va. Code 6B-2-5(b)(1) of the Ethics Act PROHIBITS a PC member from “knowingly and intentionally” using “his or her office or the prestige of his or her office for his or her own private gain...”.

3. FACTS:

(a) Mr. Stolipher is a commercial real estate agent with Oakcrest Realty. As such, he is believed to have contracts pending for the sale or lease of land in Jefferson County, WV with HORUS Renewables Corp. of Sacramento, California as prospective purchaser or lessor. At least three of those contracts are believed to be for Thorn Hill Subdivision (172 acres) at the corner of Route 115 and Kabletown Road, Highland Farm (123 acres) and another separate 100+ acre parcel.

(b) If said contracts are closed, Mr. Stolipher stands to receive a monetary commission or finder’s fee from each such transaction.

(c) The contracts with Horus Renewables Corp. are believed to be for the purpose of establishing solar facilities on said properties and are believed to be in some way dependent on the actions of this PC and the County Commission on the subject text amendment.

4. The class exception under W. Va. Code 6B-2-5(j)(2)(A) incorrectly relied upon by Mr. Stolipher as a defense to his recusal, is not available to him in this circumstance because:

(a) The essential requirement to relieve a member of the requirement of recusal is that the member not be uniquely affected, but be “a member of and to no greater extent than any other member of a profession,...consisting of not fewer than five similarly situated persons or businesses;...”

**“If, on some occasion, a Planning Commission member would be uniquely affected, he or she must fully recuse him or herself from the matters before the Planning Commission and the subcommittee in accordance with W. Va. Code 6B-2-5(j)(3)”....(emphasis in original) Advisory Opinion 2017-19 (West Virginia Ethics Commission).**

5. Mr. Stolipher is “uniquely affected” and “pecuniarily interested” because he stands to benefit directly and financially in specific, unique transactions depending upon the actions of this Commission and the County Commission thereafter. And it is well known that the County Commission generally accepts the recommendations of the Planning Commission as presented.



Robert D. Aitcheson  
Resident and Citizen of Jefferson County,  
W. Va. since April, 1979

BEFORE THE PLANNING COMMISSION OF JEFFERSON COUNTY,  
WEST VIRGINIA

RECEIVED

MAY 28 2020

In re: ZTA 19-03, Solar Energy Facilities

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

ROBERT D. AITCHESON'S MOTION TO RECUSE STEPHEN STOLIPHER,  
PLANNING COMMISSION MEMBER

COMES NOW, Robert D. Aitcheson, a resident and citizen of the Rural Zoning District, Jefferson County, West Virginia, and moves the Planning Commission to disqualify and recuse Stephen Stolipher, Planning Commission member, from ANY vote, discussion, participation or other activity regarding the above-referenced ZTA 19-03, Solar Energy Facilities, for the following reasons:

1. Movant is reliably informed and therefore states upon information and belief that Mr. Stolipher is pecuniarily interested, directly and/or indirectly, in the subject matter of ZTA 19-03 and the approval by this Commission of the draft text amendment prepared at the request of the Subcommittee of this Commission and representatives of one or more solar facilities developers.
2. Upon information and belief, Mr. Stolipher is a commercial real estate agent and has several contracts pending in Jefferson County, West Virginia, for one or more renewable energy developers that stand to also benefit pecuniarily from the approval by this Commission of said draft text amendment.
3. W.Va. Code Section 8A-2-4(e) states in part that:

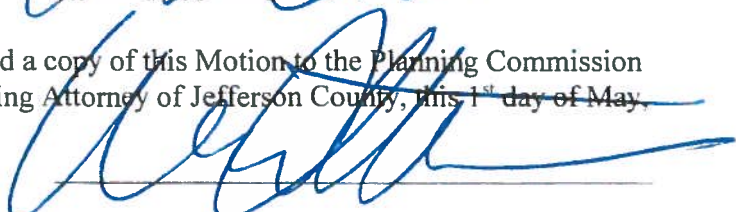
“...This member must recuse himself or herself from ANY vote, discussion, participation or other activity regarding the conflicting issue.” (emphasis added)

And this provision requires his said disqualification should he fail to do so. In that it appears Mr. Stolipher has, upon information and belief, failed to timely recuse himself in this matter, he must be required to disclose, on the record and under oath, all of his activities, directly or indirectly, to influence the votes of other members of this Commission on the proposed text amendment in ZTA 19-03.

Dated this 1<sup>st</sup> day of May, 2020.

  
Robert D. Aitcheson

I certify that I have hand delivered a copy of this Motion to the Planning Commission and Nathan Cochran, Assistant Prosecuting Attorney of Jefferson County, this 1<sup>st</sup> day of May, 2020.



## Zoning

---

**From:** Cam Tabb <cam.tabb@gmail.com>  
**Sent:** Sunday, May 31, 2020 10:46 AM  
**To:** Planning Department; Zoning  
**Subject:** Cam' comments Solar Energy  
**Attachments:** Cam' comments Solar Energy.docx

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Please see attached comments for the June 2 Planning Commission meeting per #4 agenda item - Public Hearing.

Please confirm receipt of these comments.

Thank You,

Cam Tabb

**Lyle C. Tabb, III  
1040 Old Leetown Pike  
Kearneysville, WV 25430  
304-725-4325 cam.tabb@gmail.com**

**Public Hearing Comments: #4 agenda item, June 2, 2020 #ZTA19-03**

I have numerous concerns with the Solar Energy Facilities amendments as written. I am not opposed to solar energy on existing buildings, new buildings or partial tracts. I am very concerned that large swaths of prime farmland could be covered with solar panels under this proposal as written.

I hope that the virtual meetings and chaos of Covid19 will not minimize the due diligence of the Planning Commission and public vetting process.

As a previous Planning Commission member for over 10 years, I was shocked to learn that the subcommittee was directed to work with consultants, Sam Gulland with Clean Torch Energy and Paul Raco, local land use consultant who was the Planning Director when I served on the Planning Commission.

Both of these individuals have a vested interest in minimizing requirements as much as possible and constitute a direct conflict of interest relative to these amendments.

My specific comments are as follows:

**#1 -p. 196 of 256, objective #9**

Energy sources within Jefferson County that respects the character of the County. A large solar facility would only enhance Northern Va. power supply, not eastern WV plus would not respect the character of the County.

**#2 -For reference on p. 33 of 137 under Definitions:**

“For Principal Permitted Use, if approved by the office of Planning and Zoning without requirement of approval by a board or commission, provided the use conforms with all applicable requirements of this ordinance.”

**This means that the Planning Commission and/or citizens would not have the opportunity to address a project since many of the requirements are being relaxed in the ordinance.**

**Lyle C. Tabb, III**  
**1040 Old Leetown Pike**  
**Kearneysville, WV 25430**  
**304-725-4325 cam.tabb@gmail.com**

#3 -p. 108 of 137, section 8.20 A2

This part has been gutted of commercial development criteria to the point of being useless to citizen comment.

#4 -p. 108 of 137, B standards

1. This section undermines all of the past and present requirement to develop a property and leaves a neighboring property owner looking at what could be a vast sea of solar panels with no break even as property ownership changes from one property line to another. The Comprehensive plan states numerous times the importance of open space and maintaining the character of the County. These amendments are contrary to that vision.

#5 -B, 3a Buffering

Buffer should extend along the entire length of the property line.

#6 -B4, Storm Water Management

This is a commercial development and should be policed as one (refer to p. 137 of 137, Appendix C, Solar Energy Facility is commercial).

#7 -5a.

A full decommissioning plan should be required with the Concept Plan to ensure proper review by the Planning Commission and the public.

#8 -5b.

Again this approach minimizes scrutiny and limits the possibility of public comment.

**Lyle C. Tabb, III**  
**1040 Old Leetown Pike**  
**Kearneysville, WV 25430**  
**304-725-4325 cam.tabb@gmail.com**

#9 -5 c, d & e

These sections should spell out the Bond requirement and how the Bond would be used for decommissioning the facility.

The office of Engineering staff report uses Chapter 8A, Article 6-1, Bond Requirements, as the basis for their believe that the County does not have authority to require a Bond but this is for construction, not clean up/decommissioning. The County does in fact have a provision in the ordinance to deal with decommissioning.

I direct your attention to Section 4B.8 Maintenance and Removal Bonds:

*“Section 4B.8 Maintenance & Removal Bonds Prior to issuance of a Zoning Certificate, each applicant for a Facility shall be required to execute a standard Maintenance / Removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of, and to ultimately remove such facilities, upon abandonment or cessation of operations. The applicant shall be required to post a bond for this purpose in accordance with the Department of Planning & Zoning schedule of fees and charges. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the Maintenance/Removal agreement have been satisfied. Private business users operating a single Facility at their principal place of business and Governmental Users are exempt from this bond requirement.”*

I believe that having the facility Bond in place protects the interest of the County and its Citizens as it would minimize the courts actions in which sometimes no one wins and the tax payers are left footing the bill.

#10 -8.20, C, 9

This is ridiculous to consider with liability concerns to Lessee, Property Owner and safety of equipment.

#11 -2h Stormwater Management Ordinance

**Lyle C. Tabb, III**  
**1040 Old Leetown Pike**  
**Kearneysville, WV 25430**  
**304-725-4325 cam.tabb@gmail.com**

H. Solar Farms – these facilities would no longer be farms and this should be labelled as Solar Energy Facility.

**From:** [Bob Aitcheson](#)  
**To:** [Planning Department](#)  
**Subject:** Correction to my memo re: ZTA 19-03 Solar Energy Facilities  
**Date:** Monday, June 1, 2020 10:18:37 AM

---

Hi Rachel,

Following up our phone conversation this morning, there is a correction to item no. 1, the citation to the new statute:

Where it says in bold “ See W. Va. Code 24-2-10(b)” it should read “See W. Va. Code 24-2-1o(b)”. The “zero” should be the letter “lower case o”.

Thank you for including this correction with my memo tomorrow.

All the best,  
Bob Aitcheson

Sent from my iPhone

## Zoning

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**From:** Planning Department  
**Sent:** Friday, June 12, 2020 9:31 AM  
**To:** 'Gavin Perry'  
**Cc:** Zoning  
**Subject:** RE: Proposed Solar Energy Facilities Text Amendment (ZTA19-03) - Residents Comments

Hi Gavin,

Thank you for your comments; we will be sure to get the edited version to the Planning Commission members prior to the meeting, 6-23-20. Please watch for the Agenda to be posted to our site later today, for the ZOOM meeting information, in case you would like to attend to listen to the solar discussion.

Thank you,  
*Rachael Burke*  
Planning Clerk  
(304) 728-3228

**From:** Gavin Perry <[gavarch@gmail.com](mailto:gavarch@gmail.com)>  
**Sent:** Thursday, June 11, 2020 1:25 PM  
**To:** Planning Department <[PlanningDepartment@jeffersoncountywv.org](mailto:PlanningDepartment@jeffersoncountywv.org)>  
**Subject:** Fwd: Proposed Solar Energy Facilities Text Amendment (ZTA19-03) - Residents Comments

I corrected the spelling of eliminate in the second paragraph

Gavin

----- Forwarded message -----

**From:** Gavin Perry <[gavarch@gmail.com](mailto:gavarch@gmail.com)>  
**Date:** Thu, Jun 11, 2020, 12:18 PM  
**Subject:** Proposed Solar Energy Facilities Text Amendment (ZTA19-03) - Residents Comments  
**To:** <[planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)>  
**Cc:** Gavin Perry <[gavarch@gmail.com](mailto:gavarch@gmail.com)>

My name is Gavin Perry, my family and I have lived in Jefferson County since 1975. I am a retired Architect, LEED Accredited Professional and a member of the Jefferson County Farmland Protection Board and the West Virginia's for Sustainable Development Board. The opinions below are my own and do not reflect the opinions of any organization.

My objections to the proposed solar facility is that it will be built on farmland. I fully support solar energy, being a LEED AP, but not at the expense of taking good farmland out of production. Solar facilities should be on the roofs of buildings; unused quarry or mine sites; on impervious areas, such as parking spaces and garages; and on unproductive farmland. For example the Rockwool factory has 500,000 square foot of roof area and large parking areas on which solar panels could be placed to provide power to electric arc furnaces and eliminate the need for coal powered furnaces.

We need both solar energy and productive farmland and can have both if we act intelligently.

The Jefferson County, WV Envision Jefferson Comprehensive Plan, January 2015 states, "One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses."

Thank you for your consideration of my opinion. Please acknowledge receipt of the email.

G. A. Perry, Architect, LEED AP.

## Zoning

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**From:** Planning Department  
**Sent:** Monday, June 1, 2020 10:34 AM  
**To:** Zoning  
**Subject:** FW: ZTA19-03, Draft Zoning Ordinance Amendment RE: solar Energy Facilities

I will distribute tomorrow - just wanted you to see it

Rachael

-----Original Message-----

From: Joyce Rawn [mailto:jsrawn@gmail.com]  
Sent: Sunday, May 31, 2020 9:22 PM  
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>  
Cc: Joyce Rawn <jsrawn@gmail.com>; Terry Rawn <terawn@gmail.com>  
Subject: ZTA19-03, Draft Zoning Ordinance Amendment RE: solar Energy Facilities

Dear Planning Commission Members,

I am a Jefferson County farmland owner and am against the proposed ordinances and text amendments for Solar Energy Facilities. I also would like Planning Commission member, Steve Stolipher, to recuse himself from voting on the proposed text amendment. His occupation as a commercial realtor should disqualify him. The proposed zoning ordinance amendment would benefit he and his business.

Jefferson County, West Virginia has the most productive farmland and rural economy in our state and that should be promoted by every proposal voted on by the Planning Commission. Our county is also privileged to have historic attractions that draw visitors from metropolitan Washington and Baltimore who enjoy the lovely vistas unmarred by commercial solar facilities. The Planning Commission should not allow easy access for Solar facilities in our county.

Solar facilities will add no value to Jefferson County. They are ugly and take productive farm land out of use indefinitely. There only value is monetary to those who directly benefit: the realtor, landowner and the Solar company. In addition the long term cost of toxic residue cleanup can be left for the local taxpayers.

My understanding is there has been significant discussion and meetings involving the Planning Commission over the proposed zoning ordinance amendment for solar facilities. My hope is that these were conducted in a fair and legal manner so that the interests of the residents and landowners of Jefferson County are being served by the committee members. I am not in favor of the Zoning Amendment ZTA19-03 RE: Solar Energy Facilities.

Sincerely,

Joy Rawn  
Stiles Family Partnership Three LLP



## Planning Department

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**From:** Elizabeth Wheeler <ewheelerwv@yahoo.com>  
**Sent:** Tuesday, June 16, 2020 7:46 PM  
**To:** Planning Department  
**Subject:** ZTA19-03, Draft Zoning Ordinance Amendment RE: Solar Energy Facilities

To the Planning and Zoning Department re: ZTA19-03, Draft Zoning Ordinance Amendment RE: Solar Energy Facilities

As a resident of Jefferson County and proponent of the protection of our county's rural historic agricultural lands, I wish to express my concerns regarding the proposed zoning ordinance amendment that would allow the construction of solar energy facilities on rural lands without the requirement of the CUP process or a clear and effective bonding requirement to address eventual decommission of such installations. As a county and as a society we must steward our resources for future generations, especially our productive farmland which we are losing at an increasing rate - forever. Allowing the construction of large scale solar facilities on rural lands without requiring the careful evaluation of a conditional use permitting process invites difficult and costly consequences to county residents. 25 or 30 years down the road residents may shoulder the burden of legal enforcement of provisions against utilities and landowners who are no longer involved. Good farmland will be lost. Solar facilities should be integrated into existing urban infrastructure - we have rooftops and parking lots aplenty that can integrate solar collectors, closer to the consumers.

Elizabeth Wheeler P.O. Box 1084 Shepherdstown, WV 25443 Tel: 304-876-6638 Cell: 304-283-3129



Attention: Alex Beaulieu

Re: Section 8.20 Solar Energy Facilities

Alex,

Please accept my comments on the Solar Energy Facility zoning test amendment.

RECEIVED

MAY 27 2020

JEFFERSON COUNTY PLANNING ZONING & ENGINEERING

1. Setbacks – the purpose of a setback is to protect the public and adjacent lands while providing for efficient use of a property. The proposed setback of 100' is excessive for a use that does not generate noise, traffic, light pollution, air pollution. Any visual impact is fully mitigated by the vegetative buffer required under B.3.b. Not other use except for industrial has a greater setback, in fact a gas station could be placed next to a subdivision with only a 25' setback.
  - a. A 100' setback reduces the usable area by 26.5% (see exhibit below)
  - b. A larger buffer has a negative impact on farmland in Jefferson County, requiring more land to achieve the same energy yield. If 250 acres of solar is developed in the county it will result in an additional 50 acres of farmland being taken out of production. Both farmland and sustainable energy are important and the best balance needs to be achieved.



- c. The 100' setback does serve a purpose on land developed or zoned residential, it does not serve a purpose against farmland, commercial land or roads.
- d. The following setbacks are suggested:
  - i. 50' setback from roads
  - ii. 100' setback from the following districts – V, RG, PND
  - iii. 100' setback from existing homes or dwellings, setback measured from the structure not the property line.
  - iv. 25' setback from the following districts – IC, RLIC, R, NC, GC, HC, LI, MI, OC

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SURVEY AND MAPPING  
SECURITY CONSULTING

2. Buffering – B.3.a “structures, materials” provide a definition of what a structure is and what materials are.
3. Buffering – permit a 6’ berm in lieu of an opaque fence.
4. Land Use Table – sustainable energy should be a cornerstone of Jefferson County's development objectives. As such it should be permitted on all undeveloped agricultural lands, including those zoned residential growth. To protect the residents of Jefferson County the following restriction would be applied to solar facilities within the RG zone;
  - a. All residential development will be prohibited until such point as the facility is fully decommissioned.
    - i. A solar facility has considerably less impact on Jefferson County resources (schools, roads, policing, fire, etc.) than a residential development. These facilities should be permitted and will help provide an alternate use for land owners whose only option is subdivision development.

I appreciate the opportunity to submit these comments and look forward to the public hearing.

Regards,

Mark Dyck

## Zoning

---

**From:** nicola bastian <nicolabastian@yahoo.de>  
**Sent:** Friday, June 12, 2020 12:31 PM  
**To:** Ralph Lorenzetti; Stephanie Grove; Daniel Lutz; Zoning  
**Subject:** solar farming ?  
**Attachments:** Solar Farming.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Stephanie, greetings, there is no online email address for Jefferson County Planning Commission , please forward.

Ralph, sending it to you as a rep as i do have your address.

Daniel, please comment.

Pres. J.Tyler Quynn, Jeffrey Bannon , Deirdre Catterton Leeds Corbin, MattMcKinney of the Zoning Board, I pray you you look for long term impact not just to help one farmer ,now.Thank you.

Love you all volunteers for your dedication, as well as staff, probably not terribly high pay.

Below some questions that i think need to be answered before we plunge again into an endeavour not deeply enough researched. I make no claim that my questions necessarily lead to a nol on permitting this solar farm- another out of state conglomerate , it is whispered. I do affirm, that the questions need to be asked . For a starter , please watch the (shortened version of) Michael Moore's film

. See below

Respectfully  
please stay safe

nicola

304 535 6907.

From  
Nicola Bastian  
Millville WV 25432  
[nicolabastian@yahoo.de](mailto:nicolabastian@yahoo.de)  
304 535 6907

To whom it may concern,

I am writing today to urge our Jefferson County officials and residents to consider to find answers to following questions regarding Solar Farming before committing to re-zone and permit big size solar farming .

- 1) How does the input in earth's resources , labor, energy foot print, and distruction of land per KWH of current produced compare with other forms of energy production, including the resources needed for energy storage batteries?  
( My efforts so far to research this issue, finding engeneers contacting the US Energy Information Agency, speaking with CEOs of Solar Companies have been inconclusive)
- 2) What is the environmental impact of de-installing such facilities , including the disposal of batteries and cleaning up possible contamination by damaged solar cells ?
- 3) Is there appropriate bonding issued so the companies can be held responsible for any clean-up/ environmental damage?
- 4) Has the issue of water runoff/stormwater in our karst topography been given in depth consideration and study?

Wheras I am a big proponent of alternative energy, some of these questions have nagged me for decades. After seeing Michael Moore's newest film ,Planet of Humans' ( on you Tube ) i am even more hesitant to fully support the installing of big solar farms. While Moore's film may contain dramatic exaggerations, the questions he seeks to answer are very valid .

I support whole heartedly do have alternatives for farmers to make a living . That is an issue we all should address before we commit to further reduce land available for food production, especially in times when it seems more important then ever to have food growing closer to whom then is now being practiced.

Public officials may be able to get a response from engeneers and/or the Energy Information Agency. I pray this matter will be tabled until the questions can be fully answered and the impact understood.

Thank you for your consideration.  
Questions?  
Please contact  
[nicolabastian@yahoo.de](mailto:nicolabastian@yahoo.de)

June 16, 2020

Alexandra Beaulieu  
Zoning Administrator  
Jefferson County, WV

Re: ZTA19-03, Solar Energy Facilities

Following are some comments to the proposed Solar Energy Facilities in Jefferson County

1. I do not find this proposal compliant with the goal of the Jefferson County Comprehensive Plan “to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.
2. While I do not oppose Solar Energy and understand benefits of using Solar Energy I do not think an industrial operation permitted use in Rural zoned land is appropriate and needs further study.
3. The COVID 19 Pandemic has brought to the forefront how important it is for a Community to have access to locally sourced food. In Jefferson County there is tremendous stress on loss of farmland for housing developments. The loss of valuable farmland for conversion to Solar Energy Facilities will further increase the loss of fertile farmland.
4. A 20ft. wide buffer along common property lines is minimal and should be expanded.
5. I do not see a County master plan for number, amount, location, effectiveness of Solar Energy Facilities. This proposal seems to be too unstructured and allows anyone to place a Solar Energy Facilities on their land regardless of impact to the surrounding area and electrical capacity gain versus loss of agricultural land.
6. The County will need to create a new division to oversite design, construction, installation and decommissioning, as well as oversite possible loss of trees for installation, roads, etc and oversite required natural vegetation at the facility.
7. Decommissioning of the Facility may involve mitigation of metals and other contaminants on the land. Is the County going to cover the cost of mitigation if the landowner does not properly decommission the land at the Facility. We have seen this issue in WV with failure by Companies in reclamation of land that has been used for mining.
8. There should be no exemption to stormwater management. Stormwater management and runoff into the local streams and Shenandoah River is an ever growing impact to the health of our natural waterways. The increase in water flow with continued addition of stormwater runoff from developments and expansion of CTUB has dramatically changed the water flow along Evitts Run with negative impact to adjacent land at times of increased waterflow.
9. I believe there should be further study and community input regarding Solar Energy Facilities being a permitted use in Rural zoned land.

Thank you,

Robin Huyett Thomas  
534 S. Samuel St./165 Sesame St.  
Charles Town, WV

## Planning Department

---

**From:** Robert Aitcheson <bob.aitch46@gmail.com>  
**Sent:** Monday, June 22, 2020 11:16 AM  
**To:** Planning Department  
**Subject:** Industrial/commercial solar facility text amendment

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

This concerns the sickeningly obvious, ongoing efforts by the Planning Commission (hereinafter "PC") to obstruct & indeed prevent any meaningful citizen input to the as-drafted unlawful proposed solar text amendment. See e.g. pp. 73, 74, 75, 77 & 78 of the 256 page Comprehensive Plan for easy reference to the legal requirements to which you must adhere.

To be clear, I am not opposed to solar facilities in the county on commercial or industrial or abandoned industrial sites. I am opposed to commercial/industrial solar facilities in the rural zoning districts.

Today I called the Planning Office to register to speak in person at tomorrow night's meeting since the Courthouse is now open. I assumed the PC would address the issue after further & this time, face-to-face input from concerned citizens. WRONG! Instead, Mr Shepp has exercised alleged discretion to prevent once again meaningful citizen contact with the PC on this issue. Call in!

When I indicated that I want to speak at the meeting, I was told "this is not a hearing". This struck me as being to the effect "Sit down & shut up, you've had your 3 minutes. (notwithstanding that the lobbyist & other proponents have had about 2 1/2 hrs of PC or subcommittee face time; that the subcommittee met in secret & that staff has refused a citizen request for documents reviewed in subcommittee meetings, etc.) Now the heavy hand of the government you pay taxes to, is going to unlawfully take (devalue) your property & there's not a damn thing you can do about it." Of course! What's another lawsuit when we're paying them with our tax dollars to defend against our legitimate claims.

When I pointed out that there is normally a 'citizen comment' portion of meetings, I was finally registered to address the PC, presumably for a whole 3 more minutes. Even though it is impossible to address the complex issues arising with this proposed text amendment, both the many procedural deficiencies & unlawful substantive provisions, in 3 minutes, I encourage other citizens to also sign up to speak.

The conduct of the PC & certain financially interested & conflicted member(s) thereof, is inimical to & irreconcilable with any semblance of our representative form of government.

Robert D. Aitcheson

**Proposed Zoning Ordinance text amendment ZTA19-03  
Solar Energy Facilities**

**Public Comments Received during 06-02-20 Planning Commission Public Hearing through the Public Comment Period which closed on 06-16-20  
For review during June 23, 2020 PC Meeting**

#	Public Comment	Staff Response
1.	<p>W. Va. Code 24-2-1o(b) – definition of eligible site:</p> <p>“Eligible Sites” are defined as “any site in this state that has been previously used in electric generation, industrial, manufacturing or mining operations, including, but not limited to, closed landfills, hazardous waste sites, former industrial sites, and former mining sites.” Only if none of these are available may other sites be considered. We have plenty of the types of sites specifically enumerated above in this County.</p>	<p>In Dec. 2019, Staff contacted the PSC for information on solar facilities. The contact in the legal division advised that they do not address local land use matters and that each jurisdiction is responsible for developing their own requirements as to how to process such projects.</p> <p>SB 583 went into effect in June of this year. Staff’s understanding of this bill was that it was specific to utility owned solar facilities, not privately owned solar facilities. Additionally, Staff’s understanding was that the new code encouraged locating to eligible sites as defined, but not as a prohibition to other locations. Staff reached out to the PSC to gain some insight and they directed Staff to review the rules associated with SB 583, specifically GO 263, which addresses non-utility solar facilities.</p> <p>Staff does not read this new section of State Code as prohibiting solar facilities from locating on other lands; however, Staff defers to Legal for input. Ultimately, the PSC has the final approval of a location (siting certificate). If local regulations allow solar projects in a location that the State does not allow, the State would override local rules.</p>
2.	<p>Section 4B.8 Maintenance &amp; Removal Bonds (existing section in Zoning Ordinance)</p>	<p>Article 4B of the Zoning Ordinance pertains to Telecommunication Towers. To date, the County has not processed applications for new towers; therefore, the County has not processed any Maintenance &amp; Removal Bonds as described in the referenced section.</p> <p>If Legal determines that State Code does not enable the County to require such bonds, then Article 4B will need to be amended to reflect this decision.</p>
3.	<p>Stormwater Management Ordinance refers to land use as “Solar Farms” and should be changed to “Solar Energy Facility”.</p>	<p>This has been revised.</p>

#	Public Comment	Staff Response
4.	General concern for loss of agricultural land.	<p>The agricultural community continues to seek alternative endeavors to diversify their operations to maintain income. The proposed text amendment encourages collocation of agricultural activities in conjunction with solar facilities (Sec. 8.20.C.9).</p> <p>It is more feasible for a site which has been developed with solar panels to be returned to its original condition for future farming than it is if the property is developed for a residential subdivision or for a commercial land use.</p> <p>The proposed text amendment requires ground cover comprised of natural vegetation, with a recommendation to utilize native or naturalized perennial vegetation (Sec. 8.20.C.8). This should help maintain soil quality.</p> <p>While the draft amendment provides provisions to allow solar facilities to process in the Rural zoning district, there are no provisions which diminish the right to continue farming and there isn't a preference in the amendment that these types of facilities locate to the Rural district. Solar facilities are permitted by right in the commercial districts as well. The expectation would be that if the property owner of an agricultural operation wants to continue the agricultural operation, then the property owner would not be developed for solar or any other non-agricultural land use. If the property owner is seeking another option to move away from an agricultural option, solar energy facilities would provide an alternative to residential development, or another commercial endeavor. It would seem that solar energy facilities may have a lesser impact on the County than a residential development or commercial development, particularly with the expectation that should a facility be decommissioned, the land could then be returned to its original conditional to reestablish an agricultural use.</p> <p>The Planning Commission directed the subcommittee to draft a text amendment that would allow solar energy facilities to process as a Principal Permitted Use (i.e. by right) and to address site development standards such as fencing, screening, and decommissioning. The Planning Commission can revise to include additional requirements, if they deem appropriate.</p>

#	Public Comment	Staff Response
5.	Concerns for environmental impact of solar facilities.	<p>The Planning Commission asked several questions pertaining to the environmental impact between the December 2019 and February 2020 meetings. The information presented indicated that environmental impact from solar energy facilities is minimal.</p> <p>It should be noted that no land use is without environmental impact, including residential development and agricultural operations. The Department of Environmental Protection is largely responsible for reviewing environmental impact of a proposed development and has their own regulations a project is subject to complying with for approval.</p> <p>The Planning Commission should evaluate the type of impact solar facilities may have and how those impacts can be mitigated (i.e. vegetative buffers, ground cover, etc.).</p> <p>Compliance with Section 8.9 is required, similar to any other non-residential land use. This section addresses noise, odor, smoke, ambient air quality, vibration, glare and heat, toxic matter, and fire hazards. The proposed text requires solvent's necessary for cleaning solar panels to be biodegradable (Sec. 8.20.C.4).</p> <p>Solar facilities do not emit odors. Noise is minimal, produced primarily from generators. The glare is minimal and the proposed amendment requires that "antireflective glass that is designed to absorb rather than reflect light" be utilized (Sec. 8.20.C.7).</p>
6.	Proposed setbacks are excessive.	<p>During their December 2019 and February 2020 meetings, the Planning Commission expressed concerns with regard to the aesthetics of these types of projects. The proposed setbacks are slightly above what is required for a commercial project in the rural district (75' when adjacent to a residence) but less than what is required for an industrial use (200' when adjacent to a residence). Based on research, it does not appear that a 100' setback for this type of land use is excessive.</p> <p>The intent was to provide a larger setback to provide a visual barrier.</p>
7.	Proposed setbacks are insufficient.	<p>The proposed setbacks exceed what is required for a commercial project in the Rural zoning district (75', when adjacent to a residence [25' if there is no residence]).</p> <p>The intent was to provide a visual barrier through a larger setback (similar to the distance requirements found in Section 4.6).</p>

#	Public Comment	Staff Response
8.	Solar energy facilities should be permitted within the Residential Growth zoning district. Solar facilities have less impact on resources than residential development and there should be more options for property owners in the RG district than just residential development.	<p>The original proposal was to allow these types of facilities in the Rural zoning district; however, Staff advised that the use should be permitted in the commercial districts as well, so as to not inadvertently prohibit this type of project from locating in a commercial district.</p> <p>This is a decision for the Planning Commission.</p>
9.	The proposed text amendment is not consistent with the Comprehensive Plan.	<p>It is the Planning Commission's role to determine whether a proposed text amendment is consistent with the adopted Comprehensive Plan and to make a recommendation to the County Commission. There are several references throughout the Plan which support renewable energy.</p> <p>The County Commission has the final authority to make land use decisions.</p>
10.	The text amendment was drafted during secret meetings with industry representatives.	<p>An industry representative, Sam Gulland, presented the petition on behalf of the Jefferson County landowner, Stanley Dunn, in December 2019. In February 2020, the Planning Commission appointed a subcommittee to work with Sam Gulland on revising the draft to create provisions to allow the use to process as a Principal Permitted Use. The Planning Commission also requested that the subcommittee include local Land Use Consultant Paul Raco and requested that a Staff member be present to facilitate the meetings (Alex Beaulieu).</p> <p>There were no secret meetings or negotiations occurring. The draft reflects exactly what the Planning Commission directed the subcommittee and participants to draft. There were no votes taken during such meetings; no official decisions were made. The purpose of the subcommittee was to revise the original submission to reflect the directives of the Planning Commission and create a working draft to be presented to the Planning Commission and the public for review.</p> <p>Planning Commission meetings are recorded and the recordings are archived online. The minutes are also available online. The Planning Commission's directions were clear and concise and the revised draft submitted did not take any liberties beyond that direction. Please refer to the records pertaining to December 2019 and February 2020 for Planning Commission discussion and direction.</p>

**Lyle C. Tabb, III**  
**1040 Old Leetown Pike**  
**Kearneysville, WV 25430**  
**304-725-4325 cam.tabb@gmail.com**

**Public Hearing Comments: Solar Farm Text Amendments June 23, 2020**

After reviewing the initial request by Stanley Dunn to amend the ordinance in a letter dated 11/18/19 and the subsequent text amendments before the Planning Commission:

The proposed amendments by Mr. Dunn are closer to the spirit of the Jefferson County Zoning ordinance and the Comprehensive Plan than the amendments generated by the subcommittee.

I cannot understand why the Planning Commission would want to make solar energy facilities a permitted use in so many districts. Doing so removes the input and review of the Planning Commission plus the public that may be a neighbor to an extensive project. I believe the conditional use process is far better for the County.

As stated in my previous public comment, the solar installer must be required to bond for decommissioning (see Section 4B.8, Maintenance and Removal Bonds from the Zoning Ordinance). Failure to require this bonding will cause problems down the road for landowners, their heirs and estates plus the County.

Thank you for your consideration.

**Proposed Zoning Ordinance text amendment ZTA19-03  
Solar Energy Facilities**

**Public Comments Received during 06-02-20 Planning Commission Public Hearing through the Public Comment Period which closed on 06-16-20  
For review during June 23, 2020 PC Meeting**

#	Public Comment	Staff Response
1.	<p>W. Va. Code 24-2-10(b) – definition of eligible site:</p> <p>“Eligible Sites” are defined as “any site in this state that has been previously used in electric generation, industrial, manufacturing or mining operations, including, but not limited to, closed landfills, hazardous waste sites, former industrial sites, and former mining sites.” Only if none of these are available may other sites be considered. We have plenty of the types of sites specifically enumerated above in this County.</p>	<p>In Dec. 2019, Staff contacted the PSC for information on solar facilities. The contact in the legal division advised that they do not address local land use matters and that each jurisdiction is responsible for developing their own requirements as to how to process such projects.</p> <p>SB 583 went into effect in June of this year. Staff’s understanding of this bill was that it was specific to utility owned solar facilities, not privately owned solar facilities. Additionally, Staff’s understanding was that the new code encouraged locating to eligible sites as defined, but not as a prohibition to other locations. Staff reached out to the PSC to gain some insight and they directed Staff to review the rules associated with SB 583, specifically GO 263, which addresses non-utility solar facilities.</p> <p>Staff does not read this new section of State Code as prohibiting solar facilities from locating on other lands; however, Staff defers to Legal for input. Ultimately, the PSC has the final approval of a location (siting certificate). If local regulations allow solar projects in a location that the State does not allow, the State would override local rules.</p>
2.	<p>Section 4B.8 Maintenance &amp; Removal Bonds (existing section in Zoning Ordinance)</p>	<p>Article 4B of the Zoning Ordinance pertains to Telecommunication Towers. To date, the County has not processed applications for new towers; therefore, the County has not processed any Maintenance &amp; Removal Bonds as described in the referenced section.</p> <p>If Legal determines that State Code does not enable the County to require such bonds, then Article 4B will need to be amended to reflect this decision.</p>
3.	<p>Stormwater Management Ordinance refers to land use as “Solar Farms” and should be changed to “Solar Energy Facility”.</p>	<p>This has been revised.</p>

#	Public Comment	Staff Response
4.	General concern for loss of agricultural land.	<p>The agricultural community continues to seek alternative endeavors to diversify their operations to maintain income. The proposed text amendment encourages collocation of agricultural activities in conjunction with solar facilities (Sec. 8.20.C.9).</p> <p>It is more feasible for a site which has been developed with solar panels to be returned to its original condition for future farming than it is if the property is developed for a residential subdivision or for a commercial land use.</p> <p>The proposed text amendment requires ground cover comprised of natural vegetation, with a recommendation to utilize native or naturalized perennial vegetation (Sec. 8.20.C.8). This should help maintain soil quality.</p> <p>While the draft amendment provides provisions to allow solar facilities to process in the Rural zoning district, there are no provisions which diminish the right to continue farming and there isn't a preference in the amendment that these types of facilities locate to the Rural district. Solar facilities are permitted by right in the commercial districts as well. The expectation would be that if the property owner of an agricultural operation wants to continue the agricultural operation, then the property owner would not be developed for solar or any other non-agricultural land use. If the property owner is seeking another option to move away from an agricultural option, solar energy facilities would provide an alternative to residential development, or another commercial endeavor. It would seem that solar energy facilities may have a lesser impact on the County than a residential development or commercial development, particularly with the expectation that should a facility be decommissioned, the land could then be returned to its original conditional to reestablish an agricultural use.</p> <p>The Planning Commission directed the subcommittee to draft a text amendment that would allow solar energy facilities to process as a Principal Permitted Use (i.e. by right) and to address site development standards such as fencing, screening, and decommissioning. The Planning Commission can revise to include additional requirements, if they deem appropriate.</p>

#	Public Comment	Staff Response
5.	Concerns for environmental impact of solar facilities.	<p>The Planning Commission asked several questions pertaining to the environmental impact between the December 2019 and February 2020 meetings. The information presented indicated that environmental impact from solar energy facilities is minimal.</p> <p>It should be noted that no land use is without environmental impact, including residential development and agricultural operations. The Department of Environmental Protection is largely responsible for reviewing environmental impact of a proposed development and has their own regulations a project is subject to complying with for approval.</p> <p>The Planning Commission should evaluate the type of impact solar facilities may have and how those impacts can be mitigated (i.e. vegetative buffers, ground cover, etc.).</p> <p>Compliance with Section 8.9 is required, similar to any other non-residential land use. This section addresses noise, odor, smoke, ambient air quality, vibration, glare and heat, toxic matter, and fire hazards. The proposed text requires solvent's necessary for cleaning solar panels to be biodegradable (Sec. 8.20.C.4).</p> <p>Solar facilities do not emit odors. Noise is minimal, produced primarily from generators. The glare is minimal and the proposed amendment requires that "antireflective glass that is designed to absorb rather than reflect light" be utilized (Sec. 8.20.C.7).</p>
6.	Proposed setbacks are excessive.	<p>During their December 2019 and February 2020 meetings, the Planning Commission expressed concerns with regard to the aesthetics of these types of projects. The proposed setbacks are slightly above what is required for a commercial project in the rural district (75' when adjacent to a residence) but less than what is required for an industrial use (200' when adjacent to a residence). Based on research, it does not appear that a 100' setback for this type of land use is excessive.</p> <p>The intent was to provide a larger setback to provide a visual barrier.</p>
7.	Proposed setbacks are insufficient.	<p>The proposed setbacks exceed what is required for a commercial project in the Rural zoning district (75' when adjacent to a residence [25' if there is no residence]).</p> <p>The intent was to provide a visual barrier through a larger setback (similar to the distance requirements found in Section 4.6).</p>

#	Public Comment	Staff Response
8.	Solar energy facilities should be permitted within the Residential Growth zoning district. Solar facilities have less impact on resources than residential development and there should be more options for property owners in the RG district than just residential development.	<p>The original proposal was to allow these types of facilities in the Rural zoning district; however, Staff advised that the use should be permitted in the commercial districts as well, so as to not inadvertently prohibit this type of project from locating in a commercial district.</p> <p>This is a decision for the Planning Commission.</p>
9.	The proposed text amendment is not consistent with the Comprehensive Plan.	<p>It is the Planning Commission's role to determine whether a proposed text amendment is consistent with the adopted Comprehensive Plan and to make a recommendation to the County Commission. There are several references throughout the Plan which support renewable energy.</p> <p>The County Commission has the final authority to make land use decisions.</p>
10.	The text amendment was drafted during secret meetings with industry representatives.	<p>An industry representative, Sam Gulland, presented the petition on behalf of the Jefferson County landowner, Stanley Dunn, in December 2019. In February 2020, the Planning Commission appointed a subcommittee to work with Sam Gulland on revising the draft to create provisions to allow the use to process as a Principal Permitted Use. The Planning Commission also requested that the subcommittee include local Land Use Consultant Paul Raco and requested that a Staff member be present to facilitate the meetings (Alex Beaulieu).</p> <p>There were no secret meetings or negotiations occurring. The draft reflects exactly what the Planning Commission directed the subcommittee and participants to draft. There were no votes taken during such meetings; no official decisions were made. The purpose of the subcommittee was to revise the original submission to reflect the directives of the Planning Commission and create a working draft to be presented to the Planning Commission and the public for review.</p> <p>Planning Commission meetings are recorded and the recordings are archived online. The minutes are also available online. The Planning Commission's directions were clear and concise and the revised draft submitted did not take any liberties beyond that direction. Please refer to the records pertaining to December 2019 and February 2020 for Planning Commission discussion and direction.</p>

**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 style with some capital letters.

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.

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### 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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## 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

---

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 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.**

## 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

Keith Berkeley

Public Comments for July 30, 2020 Commission Meeting re: Solar Amendment

My name is Keith Berkeley. I am a large animal veterinarian here in Jefferson County; I have been here since 1984. In July 2001, hard to believe 19 years ago, I was the chairman of the Jefferson County Agricultural Task Force. Part of the goal of that task force was to find ways for farmers to earn farm income, agricultural development, without a drain or damage to the agricultural lifestyle. In other words, other ways to earn income. I mention the Jefferson County Agriculture Task Force because today we are again considering new options to allow farmers to generate income besides the permanent, one-time sale of their land for development. We all know a housing development requires more county services such as ambulances, police, fire trucks, electricity and water than agricultural land.

In 2001, solar panels were not a hot topic of discussion. Today, solar energy has been developed and is an up and coming renewable source of energy. Hard for me to think of a better way to use agricultural land, allowing farmers to earn consistent long-term income, than solar panels. Solar panels can be built to allow sheep to graze in and around the panels. Farmers could grow blueberries and/or strawberries around them allowing farmers to have a pick-your-own berry patch, a seasonal source of income, all the while capturing renewable energy from the sun.

I think we would all agree solar panels are a better way to produce energy than windmills.

Perhaps the people that are concerned about the view of solar panels would considering purchasing a farm in the county to provide an agricultural view for themselves and their new neighbors.

I'd ask you to support the solar panel amendment.

Stacey Hough

Public Comments for July 30, 2020 Commission Meeting re: Solar Amendment

My name is Stacey Hough and I was born and raised in Jefferson County, WV on my family's dairy farm. Hough family dairies have operated for well over 150 years in this county. I love the farm, I love the way of life and I love the scenic views; but, all of that comes at a cost to the farmers. I often wonder how many people would apply for a job knowing you'll have to work 14 or more hours a day, most every single day until your body breaks down and you're unable to get out of bed or until you die. Add to that the fact that you are never, ever able to consistently predict your annual income. Who, in their right mind, takes a job where your income depends largely on the weather? Maybe if it rains enough this year or doesn't rain too much, you'll make income to cover all of your expenses... maybe you won't. Why do farmers do it? A lot of them were born into the business, it's all they know and they've grown to love the work and love the land – farming chose them, not the other way around. Thankfully, for all of us, they do what they do. Today, the problem is that the younger generation isn't agreeable to this kind of employment – they want security and sustainability – and who could blame them? So where does that leave today's older generation of farmers? As they get older, they are less inclined to want exposure to the volatility of traditional crops. Unless you farm for a living, you cannot understand the stress that faces them on how to handle backing out of the family business while maintaining their farmland. The solar option for farmers is like an answer to their prayers. Agricultural operations can use solar income to offset their farming costs; it will allow families to keep their farms and spread out predictable income over the years from leasing some of their land to solar companies.

It seems like farmers can never catch a break. We've all heard the complaints about farmers spreading manure on fields, about tractors and dirt being on the roads, about cows releasing methane gas, and the list goes on and on. Maybe it's time to give the farmers the break they deserve - they should be able to do what they want with their land. Solar is productive, it's an economic boost to the community through new jobs and steady tax revenue and it's clean green energy. It's a safe and effective alternative and it surely beats industrial and residential

development. The best part is that it evens out the farmers' income allowing the farmland to stay in the family. The farmer, who has worked hard all his life, could rest easy knowing that his family will be able to continue some type of farming with the consistent stream of revenue from their solar lease. Sadly, the Hough dairy will likely come to an end but I hope to be able to be the fifth generation of our family to continue some kind of farming. I ask that you seriously and strongly consider the solar amendment in Jefferson County.

Thank you for your time.

## Jessica Carroll

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**From:** Stanley Dunn <stanleydunn40@gmail.com>  
**Sent:** Thursday, July 30, 2020 9:32 AM  
**To:** JCCInfo; Stanley Dunn  
**Subject:** [Possible Spam] Solar Farm

July 30, 2020

Jefferson County Commission Members:

My name is Stanley Dunn and I am a lifelong resident of Jefferson County, West Virginia. I began farming in 1958, at the age of eighteen. I started a dairy operation in 1962 with 40 cows. Along with the dairy operation; crop farming was a part of the day-to-day operations, as well. In my later years, I retired from the dairy operation and began beef farming, in addition to crop farming. Today, I would like to share with you some of my experiences and beliefs for the future of Jefferson County.

Solar and wind energy are the cleanest producers for electric energy. The three properties being proposed are in a very rural part of Jefferson County and the least developed area of the county for housing. Solar projects will provide extra income for some farmers.

We do not want our country burning coal and polluting the air. Like coal, natural gas is a limited resource also. Natural gas has become so expensive that some power plants have gone back to burning coal. What will we do when all of the natural gas is depleted? Solar energy is a must for our future! Solar energy does not need any large bodies of water to cool them down as large power plants need.

We have been building houses and industries on farm land for more than a century. Farmers may utilize solar energy to increase their income, after a period of time, the land can be returned back to agricultural use, if needed.

As better and longer lasting batteries are produced for the energy needs of motor vehicles; we will plug-in for our cheapest energy, our county will need to double our energy resources.

The federal government subsidizes ethanol plants to produce ethanol to add to gasoline from corn. A large quantity of corn has to be grown in order to produce ethanol. The corn crop requires a large amount of fertilizer and fuel to be produced, as well as having some air pollution.

From 1959 to 2020, we have seen great changes in yields of corn, soybeans and wheat. Around 1959, corn yielded 60 to 70 bushels per acre to currently producing between 200 to 250 bushels per acre. Wheat, in 1959, produced 30 to 35 bushels per acre to currently producing between 70 to 90 bushels per acre. Soybeans, in 1959, produced 30 to 35 bushels per acre and currently produces between 60 to 90 bushels per acre.

Farmers have been blessed with improved science that has led to increases in yields within their crop farms and improved genetics that have helped to increase milk production all across the county. Additionally,

farmers are constantly improving their business and management skills to improve their crop yield incomes through the years.

I started a dairy operation in 1962 with 40 cows, producing 12,000 pounds of milk per year, per cow. In 1998 my herd of 300 cows produced 28,000 pounds of milk per year, per cow. Our country will never go hungry and we will help to feed the rest of the world also.

Jefferson County supports the thoroughbred industry which provides employment for the county. The thoroughbred industry provides sport and entertainment for the county. This industry covers over 2000 acres of land in Jefferson County that could otherwise be utilized for producing food in our county and our country.

Respectfully submitted,

Stanley Dunn



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



Name: Patricia Noland

Department or Organization: County Commissioner

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1<sup>st</sup> Choice: **8/6/2020**

*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*): Follow up discussion and anticipated action on the litter problem along the Shenandoah.

Please provide the County Commission with a description of your request or presentation, including any background information: Request help from the DNR, Law Enforcement, Parks and Rec. and owner of Millville Dam to assist with parking and litter clean up problems at the Bloomery and Millville along the Shenandoah River

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*):

To be determined after discussion.

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: Aug. 6 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):

**Commissioners return to convening in the County Commission room**

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

**Follow all COVID-19 safety protocols**

**Presenters would have the option to present in person or virtually,**

**Continue to receive public comment by email or virtually.**

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

Are documents attachments? Yes      NoX

If not, explain:

Is a projector needed? Yes      No X

Contact information:

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

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



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



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **August 6, 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*):

**Discuss the Executive Order on Building and Rebuilding Monuments to American Heroes – 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.](#)





THE SECRETARY OF THE INTERIOR  
WASHINGTON

JUL 23 2020

RECEIVED

JUL 29 2020

County Commission  
of Jefferson County, WV

Board of Commissioners  
Jefferson County  
100 E Washington Street  
Charles Town, West Virginia 25414-1072

Dear County Commissioners:

On July 3, 2020, President Donald J. Trump signed an Executive Order (EO) on Building and Rebuilding Monuments to American Heroes. Recently, many statues and monuments that preserve the memory of our collective American story have been vandalized, destroyed, or removed. President Trump has made clear that this Administration will not stand for anarchy and allow our Nation's history to be erased. We must preserve the story of America's heroes.

The President has directed me to lead a Task Force that will propose options for the creation of a National Garden of American Heroes, including potential locations for the site. The National Garden will feature the statues of the greatest Americans to ever live and express our noblest ideals: respect for our ancestors, love of freedom, and striving for a more perfect Union. These works of beauty, created as enduring tributes, will show reverence for our past, dignify our present, and inspire those who come to visit this majestic place in the future.

As outlined in the enclosed EO, the "National Garden should be located on a site of natural beauty that enables visitors to enjoy nature, walk among the statues, and be inspired to learn about great figures of America's history." The site should be proximate to at least one major population center and not cause significant disruption to the local community. My preference is that the site be on lands already in Federal ownership.

The Task Force will also develop a process for accepting donations or loans of statues and monuments by States, localities, civic organizations, businesses, religious organizations, and individuals for display at the National Garden of American Heroes. Statues and monuments will include the Founding Fathers, former Presidents of the United States, those who fought for the abolition of slavery, and other great Americans.

I ask that you respond to this letter in your capacity as county officials, and provide any recommendations that answer the following questions:

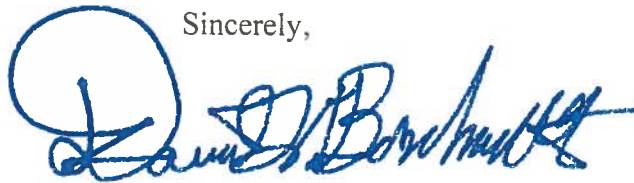
1. Are there locations of natural beauty within your unit of local government that would serve as a reputable location for these monuments, statues, and the National Garden of American Heroes? Please list and describe any such locations consistent with the EO.

2. Are there any statues or monuments your locality can donate or loan to this effort that will honor our nation's heroes? Please list and describe any such statues or monuments consistent with the EO.
3. In addition to the 31 individuals listed in the EO, are there any other American heroes who should be recognized in the National Garden of American Heroes? Please list and describe any such individuals consistent with the EO.

The Task Force intends to provide recommendations to the President expeditiously and would ask that you provide your response by July 31, 2020. Please send an electronic copy of your response to Mr. Jeffrey Small at [jeffrey\\_small@ios.doi.gov](mailto:jeffrey_small@ios.doi.gov).

America's heroes are embedded in our hearts and as a result of the President's leadership will forever be embedded in American history. This worthy and appropriate tribute to the legendary figures of the United States of America will transmit our national story to future generations.

Sincerely,

A handwritten signature in blue ink, appearing to read "David D. Bonchuck". The signature is fluid and cursive, with a large initial "D" at the start.

Secretary of the Interior

Enclosure

## EXECUTIVE ORDERS

# Executive Order on Building and Rebuilding Monuments to American Heroes

Issued on: July 3, 2020

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By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Purpose. America owes its present greatness to its past sacrifices. Because the past is always at risk of being forgotten, monuments will always be needed to honor those who came before. Since the time of our founding, Americans have raised monuments to our greatest citizens. In 1784, the legislature of Virginia commissioned the earliest statue of George Washington, a “monument of affection and gratitude” to a man who “unit[ed] to the endowment[s] of the Hero the virtues of the Patriot” and gave to the world “an Immortal Example of true Glory.” 1 Res. H. Del. (June 24, 1784). In our public parks and plazas, we have erected statues of great Americans who, through acts of wisdom and daring, built and preserved for us a republic of ordered liberty.

These statues are silent teachers in solid form of stone and metal. They preserve the memory of our American story and stir in us a spirit of responsibility for the chapters yet unwritten. These works of art call forth gratitude for the accomplishments and sacrifices of our exceptional fellow citizens who, despite their flaws, placed their virtues, their talents, and their lives in the service of our Nation. These monuments express our noblest ideals: respect for our ancestors, love of freedom, and striving for a more perfect union. They are works of beauty, created as enduring tributes. In preserving them, we show reverence for our past, we dignify our present, and we inspire those who are to come. To build a monument is to ratify our shared national project.

To destroy a monument is to desecrate our common inheritance. In recent weeks, in the midst of protests across America, many monuments have been vandalized or destroyed. Some local governments have responded by taking their monuments down. Among others, monuments to Christopher Columbus, George Washington, Thomas Jefferson, Benjamin Franklin, Francis Scott Key, Ulysses S. Grant, leaders of the abolitionist movement, the first all-volunteer African-American regiment of the Union Army in the Civil

War, and American soldiers killed in the First and Second World Wars have been vandalized, destroyed, or removed.

These statues are not ours alone, to be discarded at the whim of those inflamed by fashionable political passions; they belong to generations that have come before us and to generations yet unborn. My Administration will not abide an assault on our collective national memory. In the face of such acts of destruction, it is our responsibility as Americans to stand strong against this violence, and to peacefully transmit our great national story to future generations through newly commissioned monuments to American heroes.

Sec. 2. Task Force for Building and Rebuilding Monuments to American Heroes. (a) There is hereby established the Interagency Task Force for Building and Rebuilding Monuments to American Heroes (Task Force). The Task Force shall be chaired by the Secretary of the Interior (Secretary), and shall include the following additional members:

- (i) the Administrator of General Services (Administrator);
- (ii) the Chairperson of the National Endowment for the Arts (NEA);
- (iii) the Chairperson of the National Endowment for the Humanities (NEH);
- (iv) the Chairman of the Advisory Council on Historic Preservation (ACHP); and
- (v) any officers or employees of any executive department or agency (agency) designated by the President or the Secretary.

(b) The Department of the Interior shall provide funding and administrative support as may be necessary for the performance and functions of the Task Force. The Secretary shall designate an official of the Department of the Interior to serve as the Executive Director of the Task Force, responsible for coordinating its day-to-day activities.

(c) The Chairpersons of the NEA and NEH and the Chairman of the ACHP shall establish cross-department initiatives within the NEA, NEH, and ACHP, respectively, to advance the purposes of the Task Force and this order and to coordinate relevant agency operations with the Task Force.

Sec. 3. National Garden of American Heroes. (a) It shall be the policy of the United States to establish a statutory park named the National Garden of American Heroes (National Garden).

(b) Within 60 days of the date of this order, the Task Force shall submit a report to the President through the Assistant to the President for Domestic Policy that proposes options for the creation of the National Garden, including potential locations for the site. In identifying options, the Task Force shall:

(i) strive to open the National Garden expeditiously;

(ii) evaluate the feasibility of creating the National Garden through a variety of potential avenues, including existing agency authorities and appropriations; and

(iii) consider the availability of authority to encourage and accept the donation or loan of statues by States, localities, civic organizations, businesses, religious organizations, and individuals, for display at the National Garden.

(c) In addition to the requirements of subsection 3(b) of this order, the proposed options for the National Garden should adhere to the criteria described in subsections (c)(i) through (c)(vi) of this section.

(i) The National Garden should be composed of statues, including statues of John Adams, Susan B. Anthony, Clara Barton, Daniel Boone, Joshua Lawrence Chamberlain, Henry Clay, Davy Crockett, Frederick Douglass, Amelia Earhart, Benjamin Franklin, Billy Graham, Alexander Hamilton, Thomas Jefferson, Martin Luther King, Jr., Abraham Lincoln, Douglas MacArthur, Dolley Madison, James Madison, Christa McAuliffe, Audie Murphy, George S. Patton, Jr., Ronald Reagan, Jackie Robinson, Betsy Ross, Antonin Scalia, Harriet Beecher Stowe, Harriet Tubman, Booker T. Washington, George Washington, and Orville and Wilbur Wright.

(ii) The National Garden should be opened for public access prior to the 250th anniversary of the proclamation of the Declaration of Independence on July 4, 2026.

(iii) Statues should depict historically significant Americans, as that term is defined in section 7 of this order, who have contributed positively to America throughout our history. Examples include: the Founding Fathers, those who fought for the abolition of slavery or participated in the underground railroad, heroes of the United States Armed Forces, recipients of the Congressional Medal of Honor or Presidential Medal of Freedom, scientists and inventors, entrepreneurs, civil rights leaders, missionaries and religious leaders, pioneers and explorers, police officers and firefighters killed or injured in the line of duty, labor leaders, advocates for the poor and disadvantaged, opponents of national socialism or international socialism, former Presidents of the United States and other elected officials, judges and justices,

astronauts, authors, intellectuals, artists, and teachers. None will have lived perfect lives, but all will be worth honoring, remembering, and studying.

(iv) All statues in the National Garden should be lifelike or realistic representations of the persons they depict, not abstract or modernist representations.

(v) The National Garden should be located on a site of natural beauty that enables visitors to enjoy nature, walk among the statues, and be inspired to learn about great figures of America's history. The site should be proximate to at least one major population center, and the site should not cause significant disruption to the local community.

(vi) As part of its civic education mission, the National Garden should also separately maintain a collection of statues for temporary display at appropriate sites around the United States that are accessible to the general public.

Sec. 4. Commissioning of New Statues and Works of Art. (a) The Task Force shall examine the appropriations authority of the agencies represented on it in light of the purpose and policy of this order. Based on its examination of relevant authorities, the Task Force shall make recommendations for the use of these agencies' appropriations.

(b) To the extent appropriate and consistent with applicable law and the other provisions of this order, Task Force agencies that are authorized to provide for the commissioning of statues or monuments shall, in expending funds, give priority to projects involving the commissioning of publicly accessible statues of persons meeting the criteria described in section 3(b)(iii) of this order, with particular preference for statues of the Founding Fathers, former Presidents of the United States, leading abolitionists, and individuals involved in the discovery of America.

(c) To the extent appropriate and consistent with applicable law, these agencies shall prioritize projects that will result in the installation of a statue as described in subsection (b) of this section in a community where a statue depicting a historically significant American was removed or destroyed in conjunction with the events described in section 1 of this order.

(d) After consulting with the Task Force, the Administrator of General Services shall promptly revise and thereafter operate the General Service Administration's (GSA's) Art in Architecture (AIA) Policies and Procedures, GSA Acquisition Letter V-10-01, and Part 102-77 of title 41, Code of Federal Regulations, to prioritize the commission of works of art that portray historically significant Americans or events of American historical significance or illustrate the ideals upon which our Nation was founded. Priority should be given to public-facing monuments to former Presidents of the United States and to individuals and events relating to the discovery

of America, the founding of the United States, and the abolition of slavery. Such works of art should be designed to be appreciated by the general public and by those who use and interact with Federal buildings. Priority should be given to this policy above other policies contained in part 102-77 of title 41, Code of Federal Regulations, and revisions made pursuant to this subsection shall be made to supersede any regulatory provisions of AIA that may conflict with or otherwise impede advancing the purposes of this subsection.

(e) When a statue or work of art commissioned pursuant to this section is meant to depict a historically significant American, the statue or work of art shall be a lifelike or realistic representation of that person, not an abstract or modernist representation.

Sec. 5. Educational Programming. The Chairperson of the NEH shall prioritize the allocation of funding to programs and projects that educate Americans about the founding documents and founding ideals of the United States, as appropriate and to the extent consistent with applicable law, including section 956 of title 20, United States Code. The founding documents include the Declaration of Independence, the Constitution, and the Federalist Papers. The founding ideals include equality under the law, respect for inalienable individual rights, and representative self-government. Within 90 days of the conclusion of each Fiscal Year from 2021 through 2026, the Chairperson shall submit a report to the President through the Assistant to the President for Domestic Policy that identifies funding allocated to programs and projects pursuant to this section.

Sec. 6. Protection of National Garden and Statues Commissioned Pursuant to this Order. The Attorney General shall apply section 3 of Executive Order 13933 of June 26, 2020 (Protecting American Monuments, Memorials, and Statues and Combating Recent Criminal Violence), with respect to violations of Federal law regarding the National Garden and all statues commissioned pursuant to this order.

Sec. 7. Definition. The term “historically significant American” means an individual who was, or became, an American citizen and was a public figure who made substantive contributions to America’s public life or otherwise had a substantive effect on America’s history. The phrase also includes public figures such as Christopher Columbus, Junipero Serra, and the Marquis de La Fayette, who lived prior to or during the American Revolution and were not American citizens, but who made substantive historical contributions to the discovery, development, or independence of the future United States.

Sec. 8. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof;  
or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

DONALD J. TRUMP

THE WHITE HOUSE,  
July 3, 2020.

**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: **August 6, 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*):

**Approval of Contract Lease – Department of Health and Human Resources**

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

[Click here to enter text.](#)

Is this a funding request? Y/N [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.](#)



**ADDENDUM IV**

**THIS ADDENDUM**, made **JULY 28, 2020**, is hereby made an integral part of Contract of Lease No. **HHR-152-820**, which Contract of Lease was made **DECEMBER 7, 2010**, and amended via addenda thereto, by and between the **COUNTY COMMISSION OF JEFFERSON COUNTY**, a **Governmental Entity**, as Lessor, and the **STATE OF WEST VIRGINIA**, by the **DEPARTMENT OF ADMINISTRATION, REAL ESTATE DIVISION**, as Lessee, for and on behalf of the **DEPARTMENT OF HEALTH AND HUMAN RESOURCES**, as Tenant.

**WHEREAS**, the Lessor has leased unto the Lessee, for use by the Tenant, the following described Premises:

**Approximately 2,878 square feet of space, in that building known as the Bardane Public Health Center, at Bardane, Jefferson County, West Virginia, together with adequate parking facilities (hereinafter referred to as the "Premises").**

**WHEREAS**, both parties hereto agree to extend the term of said Contract of Lease for one additional **THREE-YEAR** period beginning **SEPTEMBER 1, 2020**, and ending at midnight on **AUGUST 31, 2023**, at the current annual per square foot rate of **\$6.50**.

**WHEREAS**, both parties agree that the Lessee has a new mailing address.

**WHEREAS**, both parties hereto agree that the above-stated changes shall be effective **SEPTEMBER 1, 2020**.

**NOW, THEREFORE, THIS ADDENDUM WITNESSETH:**

It is agreed by and between the parties hereto that certain sections of the subject Contract of Lease are amended as follows:

(A) Page 1, Item 1, entitled "TERM AND NOTICES", shall be amended to read as follows:

The term of this Contract of Lease, subject to the provisions hereof, shall begin on **SEPTEMBER 1, 2020**, and end at midnight on **AUGUST 31, 2023**. The Contract of Lease shall be considered renewed for each ensuing fiscal year during the term of the Contract of Lease unless it is canceled by the Lessee before the end of the then current fiscal year.

Notices may be given by personal service upon the party(s) entitled to such notice, or by certified mail, duly stamped and directed to the last-known address of the party to be notified, and deposited in the post office. The proper mailing of such notice and not the receipt thereof shall constitute the giving of such notice by either party to the other. Notices shall be directed as follows:

**To the Lessee**

State of West Virginia  
Department of Administration  
Real Estate Division  
601 57<sup>th</sup> Street, S.E., Suite #3  
Charleston, WV 25304

**To the Lessor**

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

(B) Other Terms and Conditions:

The subject Contract of Lease shall now be identified as **HHR-152-823** to reflect the new expiration date. All other terms and conditions shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused their names to be affixed to this Addendum.

COUNTY COMMISSION OF JEFFERSON COUNTY,  
LESSOR

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

STATE OF \_\_\_\_\_,

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

Before me, a notary public in and for the said County and State, personally appeared the above-named, **Jane M. Tabb**, who as **President**, for and on behalf of the **COUNTY COMMISSION OF JEFFERSON COUNTY, a Governmental Entity**, and he/she acknowledged the signing of the foregoing lease as a voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_.

My commission will expire \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

[SEAL]

STATE OF WEST VIRGINIA, LESSEE

By \_\_\_\_\_  
John K. McHugh, Executive Director of the  
Department of Administration, Real Estate Division,  
for and on behalf of the DEPARTMENT OF HEALTH  
AND HUMAN RESOURCES

STATE OF WEST VIRGINIA,

COUNTY OF KANAWHA, TO WIT:

Before me, a notary public in and for said County and State, personally appeared the above-named, **John K. McHugh, Executive Director, WEST VIRGINIA DEPARTMENT OF ADMINISTRATION, REAL ESTATE DIVISION**, on behalf of the **DEPARTMENT OF HEALTH AND HUMAN RESOURCES**, an agency of the State of West Virginia, and he acknowledged the signing of the foregoing lease as a voluntary act and deed for and as the act and deed of said **DEPARTMENT OF HEALTH AND HUMAN RESOURCES**, for the uses and purposes therein mentioned.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

My commission will expire \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

[SEAL]

**ACKNOWLEDGED BY: DEPARTMENT OF HEALTH AND HUMAN RESOURCES, AS TENANT**

By \_\_\_\_\_  
**George Montgomery, Executive Director of Operations**

STATE OF \_\_\_\_\_,

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

Before me, a notary public in and for the said County and State, personally appeared the above-named, **George Montgomery**, who as **Executive Director of Operations**, for and on behalf of the **DEPARTMENT OF HEALTH AND HUMAN RESOURCES**, and he/she acknowledged the signing of the foregoing lease as a voluntary act and deed for the uses and purposes therein mentioned.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

My commission will expire \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

[SEAL]

Approved as to form this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_. **Patrick Morrisey, Attorney General**

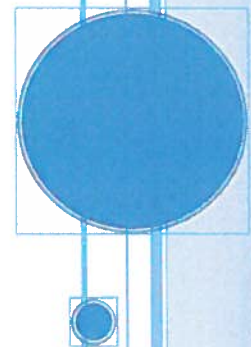
By \_\_\_\_\_,  
RED\Administration\LEASE CONTRACTS\ADDENDUMS\HHR-152-823 ADD IV BC

# ANNUAL REPORT FOR PLANNING AND ZONING

*FY 2020 (July 1, 2019 – June 30, 2020)*

West Virginia Code §8A-2-11, “Planning Commission's Powers and Duties” states that a planning commission is required to “make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction”.

To that end, the following is an overview of the major activities undertaken over the past fiscal year by the Jefferson County Office of Planning and Zoning, Planning Commission, and Board of Zoning Appeals, prepared by the Office of Planning and Zoning and approved to be forwarded to the County Commission of Jefferson County by the Planning Commission on July 14, 2020.



## FY 2020 Annual Report for Planning and Zoning (July 1, 2019 – June 30, 2020)

Attached is an electronically generated report of all applications submitted and reviewed within FY2020. This data is being provided as a part of the Annual Report from the Planning Commission and Offices of Planning and Zoning to the County Commission as required by State Law. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

### PLANNING COMMISSION ITEMS

**Planning Commission Meetings:** **12 Meetings (4 by ZOOM)**

**Subdivision Regulations Text Amendments** **1**

Greenway Subdivision Regulations Reorganization and Amendments underway

**Zoning Ordinance Text Amendments** **4**

**#ZTA19-01:** Zoning Ordinance Text Amendment to revise Article 2 Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C to create a process to allow special event facilities in the Rural, Residential Growth, and Village zoning districts.

*PC PH 7/9/19; CC PH 9/19/19; PC reviewed 11/12/19; CC approved as revised 11/21/19*

**#ZTA19-02:** Zoning Ordinance Text Amendment to revise Appendix C: Principle Permitted and Conditional Uses Table to change the provision for Churches in the IC Zone from Not Permitted (NP) to a Conditional Use (CU).

*PC PH 7/9/19; CC PH 8/29/19; Approved 9/19/19*

**#ZTA19-03:** Zoning Ordinance Text Amendment to allow Solar Energy Facilities in the Rural District.

*PC Committee formed; PC PH 6/2/20; Discussion and Recommendation to CC 6/23/20*

**#ZTA19-04:** Petition to request that the PC consider a Zoning Ordinance Text Amendment to allow Commercial Cemeteries in the Rural zoning district

*PC added to their work plan 5/5/20*

**Zoning Map Amendments/Rezoning** **1**

Zoning Map Amendment petition by property owner Murall Limited Partnership for a property located near the Jefferson and Berkeley County lines; currently zoned Rural/requesting General Commercial zoning; designated as Tax District: Middleway (07); Tax Map: 2; Parcel: 1.3; Size: 5.68 acres.

*PC review and recommendation 11/12/19; Approved by CC 1/30/20*

**Major Subdivision Concept Plan Public Workshop** **1**

**#19-7-SD** Rocky Ridge Major Residential Subdivision, including 132 townhouse units, a mini storage facility (four units 260' long, varying depth) and a boat and RV parking area on 16.6 acres.

*PC accepted the Concept Plan as submitted with some recommendations 7/9/19*

### BOARD OF ZONING APPEALS (BZA) ITEMS

**Board of Zoning Appeals Meetings:** **12 meetings (3 by ZOOM)**

**Zoning Appeal of Administrative Decision:** **none this year**

### PLANNING & ZONING STAFF ITEMS

**Pre-Proposal Conference (PPC) Meetings:** 51 Total (24 Subdivision & 27 Site Plan)

**Information Request Forms (IRFs) -- general inquiries from the public:** 141 Total

**Zoning and Land Development Fees Collected:** **\$ 67,329.28**

**Planning and Zoning FY 2020 Annual Report**

7/1/2019 - 6/30/2020 (Generated 7/1/2020)

Type	Project Number	Creation Date	Owner Name	Location	Status	Description
Conditional Use Permit	19-2-CUP	9/23/2019	BURR PARK LLC	73 EDMOND RD STE 2 KEARNEYSVILLE WV	Closed	Request for a Conditional Use Permit to operate a Church that includes office space, meeting rooms and services for approximately 120 attendees. Applicant will utilize the existing parking and signage on site.
	19-3-CUP	9/30/2019	WHEATLANDS PROPERTY MANAGEMENT LLC - Jesse Morgan	2153 BERRYVILLE PIKE CHARLES TOWN WV	Closed	Request for a Conditional Use Permit to operate a Restaurant associated with the existing farm brewery, including construction of an addition to the existing structure and a 35 space parking lot.
	20-1-CUP	2/3/2020	Potomac Crossroads Counseling, LLC - Kenneth Lowe	4781 Kearneysville Pike, Shepherdstown, WV	Closed	Request to operate a Medical/Dental/Optical Office and/or Professional Office to operate a counseling facility with approximately eight therapists that meet with not more than eight clients during one appointment time
	20-2-CUP	3/2/2020	CHARLES A II & VIRGIE A MOORE	194 HUYETT RD. CHARLES TOWN, WV	Closed	Request for a Conditional Use Permit to operate a Nonprofit Commercial Use consisting of an outreach ministry to serve the community by offering free clothing, food, financial assistance, etc.
	20-3-CUP	4/29/2020	EISNER GARY A ET AL - Gary Eisner	76 BELLEVIEW LN CHARLES TOWN, WV	Closed	Request for a Conditional Use Permit to establish a homebased federal firearms business to include limited gunsmithing located in the existing garage, primarily internet based; proposed land use is listed in Appendix C Custom Manufacturing.
	20-4-CUP	6/22/2020	GREEN MONSTAH FIREARMS, LLC - RICHALIE DEMAINE	79 REHOBOTH LN, SUMMIT POINT, WV	Open	Request for a Conditional Use Permit to establish a homebased federal firearms business to include limited gunsmithing from an existing dwelling unit, primarily internet based; proposed land use is listed in Appendix C Custom Manufacturing.
					Type Total:	6
				Category Total:	6	
Easements	19-2-E	9/9/2019	Harry & Carol Kable	336 Rosemont Way, Charles Town, WV	Closed	Permanent Easement Norfolk Southern
	19-3-E	11/14/2019	CASE LINDA W-TR - Linda Case	1735 LLOYD RD, CHARLES TOWN, WV	Closed	49 8905 ac Conservation Easement to WV Land Trust
	19-4-E	12/4/2019	WILLARD HENRY A III & JOHN B	1502 RIVER RD. SHEPHERDSTOWN, WV	Closed	92.952 acre Farmland Protection Easement (includes the 3 acre residential dwelling area)
	19-5-E	12/6/2019	MAGAHA T L SONS INC	7924 MIDDLEWAY PIKE CHARLES TOWN, WV	Closed	14.545 acre Farmland Protection Easement
	19-6-E	12/27/2019	CASE LINDA - TR & POTOMAC VALLEY AUDOBON SOCIETY INC	1469 LLOYD RD CHARLES TOWN, WV	Closed	12.75 acre Conservation Easement PVAS to WV Land Trust
	19-7-E	3/6/2020	T L Magaha & Sons, Inc.	7924 Middleway Pike Charles Town, WV	Closed	Proposed 280 599 ac Battlefield Easement - withdrawn
	20-1-E	5/15/2020	MAGAHA T L SONS INC	7924 MIDDLEWAY PIKE, CHARLES TOWN WV	Closed	Magaha Lot 2R Lot 4, 175,827 ac Farmland Protection Easement
				Type Total:	7	
				Category Total:	7	
Merger or Boundary Line Adjustment	19-21-M	7/15/2019	JC2017 LLC	Greenbriar Lots 1 & 2	Closed	0.22 acre merger
	19-22-M	8/8/2019	David and Mary Wright	South Childs Road	Closed	To dissolve previously approved the Bowman Minor Subdivision (PC File #08-27).
	19-23-M	8/20/2019	RICHARDSON REBECCA A	1036 HIDDEN HOLLOW DR. KEARNEYSVILLE	Closed	Lots 36 & 39, Section 3, Hidden River Farm, 0.8207 acre merger
	19-24-M	9/10/2019	PARKER PAUL C & DENISE A	328 PALOMINO PL, CHARLES TOWN, WV	Closed	merged Lots 80 & 81, Spring Valley Hunt and Country Club Subdivision - Claymont Court Section One
	19-25-M	9/17/2019	KALLENBORN JAMES P & RAKEL R BOISVERT	Wide Horizon Blvd	Closed	Lots 10 and 11 RIVER BEND Section Part 3, HIDDEN RIVER - already merged - need to process MSD
	19-26-M	9/18/2019	Seneca Crossing, LLC	Shepherdstown, WV	Closed	merged 40 townhome lots on 4.48 acres for redvision as a 3 lot non-residential subdivision (Seneca Crossing South)
	19-27-M	9/20/2019	PANGLE WAYNE	340 KELLY DR, HARPERS FERRY, WV	Closed	Boundary Line Adjustment to consolidate Lots 1-3 and 8-10 into one 2.029 acre parcel.
	19-28-M	9/23/2019	CTCF, LLC - Ott	470 HALLTOWN RD, HARPERS FERRY, WV	Closed	0.0305 acre merger between Lots 8 and 9 of Lucus Extension to Halltown.
	19-29-M	11/1/2019	BURNIS BESSIE M	1238 LLOYD RD. SUMMIT POINT, WV	Closed	33 37 acre merger between Tax Map 12 Parcels 5 & 5 1 Kabletown District
	19-30-M	11/6/2019	Jason Gray - Nada Santmier	1619 BOWERS RD, KEARNEYSVILLE, WV	Closed	0.0058 acre merger - Lot 6 & Lot 7, Dpequon Forest Park 1
	19-31-M	11/27/2019	CASE LINDA W TR	1735 LLOYD RD, CHARLES TOWN, WV	Closed	Boundary Line Adjustment associated with conservation easement.
	19-32-M	12/10/2019	CROGHAN JOHN T & EDITH C - EST	1930 BAKERTON RD HARPERS FERRY, WV	Closed	1.0 acre merger Lot 2 & Residue, Croghan Tract "Peacher's Mill"
	19-33-M	12/27/2019	Mitchell Levendusky and Deborah Santurci	192 Scarlett Oak Dr, Harpers Ferry, WV	Closed	Merger of Lots 7, 8, 9 and 17 of Section XII, Keyes Ferry Subdivision
	20-1-M	1/8/2020	David Lutman	Musgrove Minor Subdivision Buckingham Lane	Closed	0.78 acres between Lots 1 & 2 Musgrove Minor Subdivision
	20-2-M	1/13/2020	WILLIAMSON TIMOTHY G	525 WREN LN, HARPERS FERRY WV	Open	Lots 28 & 29, Section 21-J, Shannondale
	20-3-M	2/21/2020	Charles Town Burr Park Station, LLC	Wiltshire Road WV	Open	Merger of Burr Industrial Park, Lots 16A and 16B
	20-4-M	4/23/2020	David & Kimberly Powell III and Michael Oehlson	249 & 277 Ryans Glen Dr, Charles Town WV	Closed	2,554 sq ft merger Lots 10 & 11 Ryans Glen Subdivision
	20-5-M	6/3/2020	Roger & Sherley Channing and William & Carolyn Beck	691 MISSION RIDGE DR HARPERS FERRY, WV	Open	Lots 19, 20 & 21 Mission Ridge
	20-6-M	6/29/2020	Richard Kroll and Charlotte Bennett Bufton	7583 LEETOWN RD KEARNEYSVILLE, WV	Open	0.24 acre merger between Lots 1 & 2 P to C Conveyance of Charlotte Bennett Bufton
					Type Total:	19
				Category Total:	19	
Miscellaneous Fees	19-11-Q	7/12/2019	N/A		Closed	Zoning Map
	19-12-Q	8/5/2019	PLOTNER JARROD C & SHANNON S	4 BELMEADE WAY, SHEPHERDSTOWN, WV	Closed	The Point, Lot 1 MPC
	19-13-Q	8/30/2019	David and Mary Wright	South Childs Road, Kearneysville, WV	Closed	Septic Reserve Relocation Minor Plat Change
	19-14-Q	9/23/2019	KEEGAN CHARLES E JR ET AL	Wildflower Lane, Shepherdstown	Closed	Septic Reserve Relocation Minor Plat Change
	19-15-Q	10/24/2019	ALLINGER TY B & BRANDY L	41 LOUISE CT, CHARLES TOWN, WV	Closed	Septic Reserve Relocation
	19-16-Q	10/25/2019	Crofts at Shepherdstown Homeowners Association - Peter Conum	Shepherdstown, WV	Withdrawn	Lot 17 Sec. II, Schaeffers Crossroads; Septic Reserve Relocation
	19-17-Q	11/4/2019	FREY CHRISTOPHER J JR	Meandering Lane, Kearneysville, WV	Closed	Addition of Security Gate and Control Box at the Crofts
	19-18-Q	12/10/2019	MCGEE CIVIL CONSTRUCTION LLC	306 JAMES BURR BLVD, KEARNEYSVILLE, WV 25430	Closed	Minor Plat Change Lot 1 Slebodnick Child to Parent plat; relocate septic reserve
						McGee Civil Construction redline revision to relocate structure, etc. 518-07 Lot 40 Expansion

	20-1-Q	1/8/2020	Lutman Land Development, LLC	Lot 1, Musgrove Minor Subdivision, Buckingham Lane	Closed	Minor Plat Change; drainfield and well relocation
	20-2-Q	2/6/2020	CHANNING ROGER J & SHERLEY A	691 MISSION RIDGE DR, HARPERS FERRY, WV	Closed	Final Plat Amendment to lift the Single Family restriction from Lot 20 of the Mission Ridge Subdivision (PC File #03-03) for the purpose of building an in-law suite above a detached garage
	20-3-Q	2/11/2020	DESAI MANISH B	3507 MISSION RD, HARPERS FERRY, WV	Closed	Request for an ABC Determination
					Type Total:	11
					Category Total:	11
Planning Commission Variance (1979 Subdiv Ord)	20-1-PCV	3/6/2020	Roderick Planes, LLC. - Maurice Gladhill	Aspen Green Subdivision Phase IIB	Closed	Requesting a 2 year extension from the 1979 Subdivision Ordinance Article 6; Section 6.3
	20-2-PCV	5/7/2020	Roderick Planes, LLC, Maurice Gladhill (as Managing Partner)	Aspen Greens Subdivision Phase IIB	Open	Variance from Section 8.2.c. to allow for grading before Final Plat approval, recording & then bonding.
	20-3-PCV	5/12/2020	Beallair Homes, LLC.	Community of Beallair Subdivision Phase 4A	Open	Requesting a 2 year extension from the 1979 Subdivision Ordinance Article 6; Section 6.3
					Type Total:	3
					Category Total:	3
Planning Commission Waiver	19-11-PCW	7/18/2019	BOYD LARRY H & DONNA K - Larry and Donna Boyd	303 WILLINGHAM RD, CHARLES TOWN, WV	Closed	Request to waive the Preliminary Plat requirement for an Archaeological Study for Ancient Oaks Cluster Subdivision
	19-12-PCW	7/22/2019	KURZ EDWARD S JR & FRANCES H	25 FOXWOOD FARM DR, KEARNEYSVILLE, WV	Closed	Request to waiver Section 20.201 A.2 that requires a 50' access easement, for both entrances off of Middleway Pike
	19-13-PCW	7/24/2019	Epic at Burr Park, LLC.	Wiltshire Road, Burr Park	Closed	Request to waive Section 22.208A and Appendix B Section 10.6 that requires sidewalks along the road right-of-way (Wiltshire Road and War Admiral Boulevard) for non-residential site development
	19-14-PCW	8/19/2019	Bradley Askin	WV 115 (Old Charles Town Rd)	Closed	Request to waive Section 20.201A(2) which requires all lots in minor residential subdivisions to have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots (Minerva Court is proposed to serve 10 lots and to serve two minor subdivisions)
	19-15-PCW	8/20/2019	SAB Real Estate 2, LLC. (ROCS)	Martinsburg Pike (WV 45)	Closed	Request to waive Section 20.102B to allow for site grading to commence prior to site plan approval.
	19-16-PCW	8/27/2019	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	MOTORSPORTS PARK CIRCLE, SUMMIT POINT	Closed	Request to waive Section 21.402.D to allow two freestanding signs within the planned 10' sidewalk easement.
	19-17-PCW	11/1/2019	Rahil Nawhz, II	Hite Road	Closed	Request to waive Section 20.201 and 20.202(C) to change the existing ROW Entrance to this property due to the location of the septic reserve.
	19-18-PCW	11/19/2019	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV	Closed	Request to waive Section 24.113B 10, Article 24 that requires a Phase I Archaeological Study
	20-1-PCW	2/12/2020	WILSON MICHAEL C & ALLA A	225 AMNESTY WAY, SHEPHERDSTOWN, WV	Closed	Request to waive Section 20.201A(2) to be permitted to utilize an existing 30' easement (Amnesty Way) to access a proposed two additional lots for a total of 6 lots. DENIED
	20-2-PCW	4/14/2020	WILSON MICHAEL C & ALLA A	225 AMNESTY WAY, SHEPHERDSTOWN, WV	Closed	Resubmittal of request to waive Section 20.201A(2) to be permitted to utilize an existing improved 30' easement (Amnesty Way) to access a proposed two additional lots for a total of 6 lots. Approved
	20-3-PCW	6/23/2020	FEDERAL GROUP INC	233 LOWE DR, SHEPHERDSTOWN, WV	Open	Request to waive Sections 21.402D and Appendix B, Section 2.2H which requires a non-residential subdivision to have a 60' road right-of-way rather than an easement (Appendix B) and states that no permanent encroachments, structures, fences or landscaping shall be allowed to be located in any easement area (21.402D)
					Type Total:	11
					Category Total:	11
Site Plan	<del>18-06-S</del>	12/6/2019	SAB Real Estate 2, LLC. - Jason Roach	Martinsburg Pike, Shepherdstown WV	Closed	Major Site Plan for the Martinsburg Pike ROCS Site Plan Application #18-06-S, consisting of a 6,000 sq. ft. gas station with convenience store, including 5 fuel islands and 10 gas pumps. Approved 3/26/20
	19-4-S	7/1/2019	EPIC at Burr Park, LLC.	Holtzman Oil Corp. Wiltshire Road	Open	Site Plan Burr Business Park Lot 16 to include a 4,760 S.F. Convenience Store building with fueling stations, truck parking, drive aisles, and associated infrastructure
	19-5-S	7/10/2019	MC2 PROPERTIES LLC	272 JAMES BURR BLVD, KEARNEYSVILLE, WV	Open	Site Plan for Burr Business Park Lot 41 expansion to include an 8,000 S.F. storage building with additional asphalt parking, and expanded chain link fence
	19-6-S	9/25/2019	FELLOWSHIP BIBLE CHURCH-TR'S - Richard Berlow	160 DANIEL RD, SHENANDOAH JUNCTION, WV	Open	Site Plan for Phase 1B & 1D Fellowship Bible Church
	19-7-S	10/24/2019	Kelly McGee; McGee Civil Construction, LLC	Steeley Way, Kearneysville, WV	Open	Site Plan for Burr Business Park Lots 27 and 28 (for a warehouse building, storage building, drive aisles and parking areas with associated utilities)
	19-8-S	11/18/2019	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV	Open	Joint Review with Subdivision: Site Plan for storage facility with various unit sizes (approx. 61,100 sq/ft total), RV and boat storage and a stormwater facility
	15-5-SP	12/18/2019	Shepherdstown Public Library	Lowe Drive extended, Shepherdstown, WV	Open	Site Plan for new library facility
	13-07-SP	2/27/2020	Harpers Ferry Holding, LLC. - Mathew Knott	408 Alstads Hill Rd., Harpers Ferry, WV	Open	Redline Revision for Maintenance Shed and Bus Parking
	20-1-SP	2/5/2020	Arcland - Noah Merkhram	107 KEYES FERRY RD, CHARLES TOWN, WV	Open	Site Plan for Parking for RV storage
	20-2-SP	2/14/2020	Shenandoah Valley Holdings LLC	315 JAMES BURR BLVD, KEARNEYSVILLE, WV	Open	The construction of a distillery building, drive aisles, parking areas with associated drainage structures SWM facilities, and utilities
	20-3-SP	2/21/2020	Krop Properties, LLC.	War Admiral Boulevard	Open	Site Plan for the construction of a store, playground, congregation area, drive aisles and parking areas with associated drainage structures, SWM facilities and utilities
	20-4-SP	2/25/2020	Richard and Phillip Childs	Corner of S. Childs & Leetown Roads	Open	Proposed AT&T 195 ft monopole cell tower with 6 Antennas and a 3,600 square foot fenced compound on the ground.
	14-02-SP	3/6/2020	ST. JAMES LUTHERAN CHURCH	4328 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV	Open	Site Plan for a paved parking lot
	05-09-SP	4/2/2020	SEBBAHI REAL ESTATE LLC	multiple suites 99 Cary Lu Circle	Open	Revised Site Plan (redline revision) for Old 340 Business Center include the construction of two flex-use buildings, mini storage, boat and rv parking/storage, driveway, parking lot and SWM Facility
					Type Total:	14
					Category Total:	14
Special Exception Permit	19-1-SE	9/3/2019	M E CHURCH - SOUTH - Charlotte Bennett	11133 LEETOWN RD, KEARNEYSVILLE, WV 25430	Closed	Request for a Special Exception Permit to allow a 91" (long) x 21 3/4" (high) electronic sign to remain affixed to the existing Leetown United Methodist Church Sign
					Type Total:	1
					Category Total:	1
	19-13-SD	8/13/2019	WALLS WALTER ET AL	879 KEARNEYSVILLE PIKE, KEARNEYSVILLE, WV	Closed	Lot 1 Residue & Lot 2
	19-14-SD	8/28/2019	KNIGHTEN WILLIAM A JR - William Knighten	Kearneysville Pike, Shepherdstown, WV	Closed	Lots 1, 2, and 3-Residue.
	19-15-SD	9/6/2019	MARRONE PATRICK L & BETH	1032 OLD CAVE RD, CHARLES TOWN, WV	Closed	3 Lots & Residue
	19-12-SD	7/15/2019	AUTOMATED MERCHANDISING SYSTEMS INC	255 W BURR BLVD, KEARNEYSVILLE, WV	Open	To subdivide existing Lot 19/20 within Burr Industrial Park into Lot 19 and Lot 20.
	17-20-SD	7/26/2019	BOYD LARRY H & DONNA K	303 WILLINGHAM RD, CHARLES TOWN, WV	Open	Major Residential 8-Lot Cluster Subdivision (Ancient Oaks)
	18-05-SD	8/13/2019	Magnolia WV, LLC.	Between Citizen's Way and Belvedere Farm Court, Charles Town	Open	Final Plat Magnolia Springs Subdivision, Phase 1 (94 of 300 Lots)

Subdivision	18-25-SD	9/19/2019	Seneca Crossing, LLC	Martinsburg Pike, Shepherdstown WV	Open	3 Lot Non Residential Major Subdivision	
	19-16-SD	11/8/2019	BEALLAIR HOMES LLC	Beallair Manor Drive, Charles Town, WV	Open	Beallair Subdivision Phase 4A Preliminary Plat Showing Lots 134-159 & Residue Parcel A	
	19-17-SD	12/30/2019	B C Partners, Inc.	corner of US 340 and Old Country Club Road (WV 24)	Open	Concept Plan for Country Club Commons, a proposed Major Non-Residential Subdivision with 4 lots and a public street for future commercial pad-users.	
	92-14-SD	1/3/2020	N/A		Closed	94 file input into MyGov for Pennoni Roger Harris	
	05-27-SD	11/14/2019	WINDMILL CROSSING HOME OWNERS ASSOCIATION INC		Closed	Import Paper to Digital File for Bob with Piedmont	
	05-41-SD	1/24/2020	Beallair Homes, LLC.	Beallair Manor Drive, Charles Town, WV	Open	Redlined Revision Preliminary Plat/Minor Plat Change to Final Plat to change townhouse lots to small SF detached lots	
	20-1-SD	2/20/2020	Roderick Planes, LLC. - Maurice Gladhill	Corner of Flowings Springs Road (WV17) and Old Country Club Road (WV 24)	Open	Preliminary Plat Phase IIB (Lots 47-85), 39 Single Family Residences + Residue with Access through existing Phase IIA entry	
	06-41-SD	3/6/2020	The Federal Group, Inc. - Ken Lowe	233 Lowe Dr., Shepherdstown, WV	Open	Preliminary Plat Redline creating 3 lots and Phase 1 Final Plat	
	20-2-SD	3/6/2020	MAGAHA T L SONS INC - MAGAHA T L SONS INC	7924 MIDDLEWAY PIKE CHARLES TOWN, WV	Closed	Minor Subdivision/Merger creating Lots 2R, 3, 4 and 5	
	20-3-SD	3/24/2020	Robert & Nancy Tabb	1885 Drake Lane, Kearneysville, WV	Closed	MSD creating Lot 3B and Lot 3 Residue	
	20-4-SD	4/13/2020	A. Bradley Askin, Tr	Minerva Court	Closed	Lots 3-Residue, 4 & 5 Rentier Bradacious Revocable Trust Minor Subdivision	
	20-5-SD	4/13/2020	A. Bradley Askin, Tr	Minerva Court	Closed	Lots 6, 7, & 8-Residue Rentier Bradacious Revocable Trust Minor Subdivision	
	20-6-SD	5/11/2020	H&G Catrow Contracting, Inc. - Harry & Garnett Catrow	443 Sandpiper Ln., Shepherdstown, WV	Open	Catrow Minor Subdivision Lots 3A & 3B	
	20-7-SD	5/15/2020	Lutman Land Development	Quinn Lea Road Old Cave Road (WV 36), Charles Town, WV	Open	Lutman Family Transfer Parcels 4A and 4B MSD	
	20-8-SD	5/15/2020	Lutman Land Development		Open	Lots 1-5 Residue Strider Cluster Subdivision	
	20-9-SD	5/28/2020	WALLS RAY E & NORA L & DORIS MECHANICK - LIFE - Nora L. Walls	274 VAN CLEVESVILLE RD, KEARNEYSVILLE, WV	Open	Combined MSD Lots 1, 2, & 3- Residue and Merger Plat	
					Type Total:	22	
					Category Total:	22	
	Zoning Certificate	19-19-ZC	7/2/2019	BURR PARK LLC - Vincent Petti	73 EDMOND RD STE 4, KEARNEYSVILLE, WV	Closed	To increase the occupancy of the existing Day Care Center, Large from 12 children to 30 children.
		19-20-ZC	7/17/2019	JEFFERSON UTILITIES INC - Lee Snyder	307 W BURR BLVD, KEARNEYSVILLE, WV	Closed	To remove nine antennas and to install eight new antennas and four RRUs on the existing water tower.
		19-21-ZC	7/17/2019	JEFFERSON UTILITIES INC	307 W BURR BLVD, KEARNEYSVILLE, WV	Closed	Install three new antennas, relocate six RRH from the ground to the tank, add three new RRH to the tank, remove 18 coax lines and add four new HFC.
		19-22-ZC	7/26/2019	Jennifer Deal	124 PLEASANT ALY, SUMMIT POINT, WV	Closed	A three room Bed and Breakfast per Section 8.3, Dog friendly.
19-23-ZC		8/7/2019	BANKS T NEILL & KENNA	3343 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV	Closed	Remove 12 antennas and install six new antennas to an existing 197' self supporting cell tower / Co-located Telecommunications Facility.	
19-24-ZC		8/16/2019	SUNNYSIDE LIMITED PARTNERSHIP	844 WHEATLAND RD, CHARLES TOWN, WV	Closed	Swapping antennas	
19-25-ZC		8/22/2019	LEFEVRE THOMAS E	237 TEL FARM LN, KEARNEYSVILLE, WV	Closed	Replace six antennas on an existing 199' telecommunication facility.	
19-26-ZC		8/29/2019	Elizabeth Hendricks	5388 SHEPHERDSTOWN PIKE, SHENANDOAH JUNCTION, WV	Closed	Rural Event/Reception Facility, Small	
19-27-ZC		9/4/2019	GARZA ROBERT C & DELIA M	10101 LEETOWN RD, KEARNEYSVILLE, WV	Closed	Convert remaining portion of the existing barn into 18 additional dog kennels for a total of 2800 sf., including a 300 sf Public Grooming facility. Five additional gravel parking spaces will be added.	
19-28-ZC		9/25/2019	BREEDEN RONALD L JR & ROBIN A	4827 BOWERS RD, KEARNEYSVILLE, WV	Closed	Accessory Dwelling Unit: In-Law Suite for Family Member	
19-29-ZC		9/26/2019	LEFEVRE THOMAS E	237 TEL FARM LN, KEARNEYSVILLE, WV	Closed	Tower equipment modification (antennas) on an existing 199' telecommunication facility.	
19-30-ZC		10/21/2019	WILT KENNETH L	539 MISSION RD N, HARPERS FERRY, WV	Closed	Installation of new antennas and associate equipment	
19-31-ZC		10/21/2019	Tri-State Investment Properties - Chris Hill	248 CHERRY TREE DR, CHARLES TOWN, WV	Closed	To operate a Large Day Care Center with approximately 50 children ages 6 weeks to 5 years old.	
19-32-ZC		11/7/2019	JEFFERSON REALTY LLC	4843 MIDDLEWAY PIKE STE 100, KEARNEYSVILLE, WV	Closed	A 41" (H) x 75" (W) Electronic Sign on an existing Free-standing Sign structure	
19-33-ZC		11/8/2019	KITA LLC	43 RULAND RD STE F, KEARNEYSVILLE, WV	Closed	Commercial Use: Chinese foot massage, cleaning and aromatherapy	
19-34-ZC		11/8/2019	Brian Renzella	75 SYBIL CT, SHEPHERDSTOWN, WV	Closed	Home Occupation, Level 1: Cosmetic Tattooing	
19-35-ZC		11/15/2019	ANNA S TAYLOR - ANNA TAYLOR	397 FRUIT HILL LN, SHEPHERDSTOWN, WV	Closed	Cottage Industry: Web and Graphic Design Business in a detached garage	
19-37-ZC		12/2/2019	LOCK BRYAN S & THERESA S	Charles Town Road, Harpers Ferry, WV	Closed	Accessory Dwelling Unit: In-Law Suite	
19-36-ZC		12/23/2019	S & T GROUP LLC	Subway, 7670 MARTINSBURG PIKE STE 3, SHEPHERDSTOWN, WV	Open	Replace face of 4'x16' sign; remove/replace 2'x8' sign. Replacement is ACM panel w/ routed PVC lettering	
19-38-ZC		12/30/2019	DDS LLP	1453 N MILDRED ST, RANSON, WV	Open	Leasing of this existing structure for Automobile Repair, Sales and Service, while their structure is rebuilt	
20-1-ZC		1/21/2020	KITA LLC	59 RULAND RD STE D, KEARNEYSVILLE, WV	Closed	Professional Office - Edward Jones Financial Advisors	
20-2-ZC		1/23/2020	Rock Spring Church - Michael Lourey	114 Poor Farm Rd, Kearneysville, WV	Closed	Addition of six classrooms for expansion of church preschool and daycare	
20-4-ZC		1/29/2020	GLADSTONE LAWRENCE E & ALISA A	961 CHERRY RUN RD, HARPERS FERRY, WV	Closed	Cottage Industry: Pottery Studio	
20-3-ZC		1/31/2020	Daniel Gansburg	26 Maddex Square Dr, Shepherdstown, WV	Closed	Removing "Rite Aid" signs and adding "Walgreens" signage.	
20-5-ZC		2/11/2020	MULLEN ROBERT S & CHRISTINE M	4893 CHARLES TOWN RD STE 101, KEARNEYSVILLE, WV	Closed	Change in Nonconforming Use: Customize headstones	
20-6-ZC	2/11/2020	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	770 HARDESTY RD, SUMMIT POINT, WV	Closed	The removal/replacement of antennas on an existing telecommunications tower		
20-7-ZC	2/26/2020	SEBBAHI REAL ESTATE LLC	99 CARY LU CIR STE 105, HARPERS FERRY, WV	Closed	Shopping Center: Change in tenant		
20-8-ZC	3/13/2020	POTOMAC VALLEY AUDUBON SOCIETY INC	1469 LLOYD RD, CHARLES TOWN, WV	Closed	Nature Center and Preserve, main office for Potomac Audubon Society; indoor space for programs related to the Preserve with an associated parking lot		
20-9-ZC	3/16/2020	BAILEY JOSHUA T	21 TROTting WAY, CHARLES TOWN, WV	Closed	Day Care Center, Small operated from the home with up to five children. No employees.		
20-10-ZC	4/10/2020	Matthew Rushizky	8428 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN, WV	Closed	Shentel / NBC, LLC Addition of six antennas and six radio heads at 155' of a 200' existing tower.		
20-11-ZC	4/22/2020	N/A	331 Marlow Rd, Charles Town, WV	Closed	Construction of Accessory Dwelling Unit - In-Law Suite		
20-12-ZC	5/4/2020	Summit Community Bank	88 Somerset Blvd, Charles Town, WV	Closed	Change in Ownership (Previously MVB Bank - Site Plan File #506-05)		
20-13-ZC	5/20/2020	Roger Channing	691 Mission Ridge Road, Harpers Ferry, WV	Closed	Accessory Dwelling Unit - In-Law Suite		
20-14-ZC	5/28/2020	SUSO 2 ALABAMA LP	96 PATRICK HENRY WAY, CHARLES TOWN, WV	Closed	Temporary sale of state legal fireworks: 20' x 40' temporary tent and a 10' x 20' storage container: 6/20/20 to 07/05/20 from 9:00 am to 10:00 pm. Removal: 07/10/20		
20-15-ZC	5/28/2020	SAIGURU LLC	106 JEFFERSON TERRACE RD CHARLES TOWN, WV	Open	Temporary sale of state legal fireworks: 30' x 50' temporary tent and a 10' x 20' storage container; 06/24/20 to 07/05/20 from 9:00 am to 12:00 am. Removal: 07/10/20		

	18-32-ZC	6/5/2020	Mary Schreyer	5437 Charles Town Rd, Kearneysville, WV	Closed	Approval to continue non-conforming use. The existing convenience store (formerly Sheetz) is a nonconforming use located on a nonconforming lot, subject to the provisions of Section 4.3
	20-16-ZC	6/5/2020	The Kentland Foundation, Inc - Jack Walker	98 Somerset Village Blvd, Charles Town, WV	Closed	Temporary sale of legal fireworks: 8' x 40' temporary stand; 06/19/20 to 07/10/20 from 9:00 am to 10:00 pm.
	20-17-ZC	6/5/2020	Mohammad Murtaza - Mohammad Murtaza	14840 Charles Town Rd, Charles Town, WV	Closed	Professional Office - satellite office for small law firm. Will be used to meet clients a few times a month. Law office will have no more than two employees at the office.
					Type Total:	38
					Category Total:	38
Zoning Map Amendment	19-1-Z	10/30/2019	Murall Limited Partnership	Route 115 Kearneysville, WV	Open	Petition for a Map Amendment to rezone from Rural to General Commercial.
					Type Total:	1
					Category Total:	1
Zoning Variance	19-16-ZV	7/1/2019	EPIC at Burr Park, LLC - Andre Fontaine	Wiltshire Road	Closed	Variance request from Section 10.4B.2 to increase the permitted freestanding nonresidential sign height from 35' to 65'.
	19-17-ZV	7/1/2019	EPIC at Burr Park, LLC - Andre Fontaine	Wiltshire Road	Closed	Variance from Section 4.11E to reduce the required side and rear landscape buffer to allow the proposed modified planting standard.
	19-22-ZV	8/27/2019	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	Motorsports Park Circle, Summit Point, WV	Closed	Variance request from Section 10.4B.3 to reduce the front setback from 25' to 1' for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign (Motorsports Park Circle-West Entrance).
	19-23-ZV	8/27/2019	SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC	Motorsports Park Circle, Summit Point, WV	Closed	Variance request from Section 10.2C to allow for a 96" (length) x 48" (width) x 7'4" (height) freestanding sign in the required right-of-way (Motorsports Park Circle-East Entrance).
	19-24-ZV	8/30/2019	GALLUP MICHAEL & JENNIFER HILLMANN	4174 FLOWING SPRINGS RD SHENANDOAH JUNCTION, WV	Closed	Variance from Section 4.10A to waive the requirement of a site plan for a dog kennel and associated parking lot; and Section 11.1B to allow for a modified parking standard.
	19-25-ZV	9/3/2019	Leroy Delauder	762 WILTSHIRE RD, KEARNEYSVILLE, WV	Closed	Variance from Section 9.6C to allow an accessory structure in the required front yard; and, Section 9.7 to reduce the front setback from 20' to 3' for a 12' x 20' shed.
	20-1-ZV	1/3/2020	Newman Sisk	Border Road and Southard Lane, Kearneysville, WV	Closed	Variance from Section 9.7 to reduce the side setback from 15' to 0' to convert an accessory structure into a residential dwelling unit; and, to reduce the rear setback from 50' to 28' to allow for a 36' x 44' attached garage.
	19-18-ZV	7/18/2019	QUYNN PATRICIA A	7017 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV	Open	Variance from Appendix A to reduce the side setback from 15' to 0' for an existing 15' x 28' garage.
	19-20-ZV	7/29/2019	Seneca Crossing LLC	Martinsburg Pike, Shepherdstown, WV	Open	Variance from Section 10.2C to allow a 9' (horizontal/long) x 8' (high) x 2' (wide) subdivision/monument sign in the right-of-way (McCline Way).
	19-21-ZV	7/29/2019	Seneca Crossing, LLC	Martinsburg Pike, Shepherdstown, WV	Open	Variance from Section 10.4B.3 to reduce the front setback from 25' to 15' for a 9' (horizontal/long) x 2' (wide) x 27" (high) base of a monument sign.
	19-26-ZV	9/12/2019	BARGER PRESTON L & TANA S D	188 Wide Horizon BLVD, Kearneysville, WV	Open	Variance from Section 9.6B to reduce the rear setback from 24' to 12' for an existing 24' x 12' accessory structure.
	19-27-ZV	9/12/2019	BARGER PRESTON L & TANA S D	188 Wide Horizon BLVD, Kearneysville, WV	Open	Variance from Section 9.6B to reduce the rear setback from 45' to 12' for a 45' x 40' inground swimming pool including the surrounding concrete.
	19-28-ZV	9/24/2019	Jefferson County Development Authority	McGee Civil Construction Lots 27 and 28 Steeley Way	Open	Variance from Section 4.11A.2 & 4.11E.1 and Appendix B to reduce the landscaping buffer between Lots 27 and 28 in the Burr Industrial Park; and to allow for a 50' unscreened buffer along the rear property line of both lots.
	19-29-ZV	9/25/2019	Keith Cranford - Keith Cranford	corner of Euclid Ave and First St, Charles Town	Open	Variance from Appendix A to reduce the side setback from 8' to 4' for an existing 40' x 44' garage to be converted into a house.
	19-30-ZV	9/30/2019	CUSTER PAMELA & THOMAS L II	1906 KABLETOWN RD, CHARLES TOWN, WV	Open	Variance from Section 9.7 to reduce the side setback from 12' to 1' for a 24' x 30' accessory structure.
	19-31-ZV	9/30/2019	WHEATLANDS PROPERTY MANAGEMENT LLC	2153 BERRYVILLE PIKE, CHARLES TOWN, WV	Open	Variance from Section 4.10A to waive the requirement of processing a site plan for a 35 space parking lot with drive aisles and sidewalks which will support a proposed Restaurant (File 19-3-CUP).
	19-32-ZV	10/21/2019	Seneca Crossing LLC - Eric Lewis	50 Maclaine Way, Shepherdstown, WV	Open	Variance from Section 4.11A.2, 4.11E and Appendix B to reduce the landscape buffer from 10' to 0' on the southern boundary of Lot 1 and to retain an unscreened landscape buffer on the northern boundary of Lot 2; and to install a 6' privacy fence between Lots 1 and 2 in lieu of the required buffer.
	19-33-ZV	10/22/2019	BEALLAIR HOMES LLC	Beallair Manor Drive, Charles Town, WV	Open	Variance from Section 5.4B.1 and Appendix A to reduce the rear setbacks from 20' to 15'; the front setbacks from 25' to 20'; and the side setback from 12' to 10' for the proposed Phase 3A, Lots 134-159.
	19-34-ZV	10/22/2019	BEALLAIR HOMES LLC	Beallair Manor Drive, Charles Town, WV	Open	Variance from Appendix A to reduce the side setback from 5' to 2'; and, the rear setback from 20' to 10' to allow for the construction of a 10' x 16' deck on Villa Lots 50-67 (Phase 2) and Villa Lots 283-304 (Phase 3).
	19-35-ZV	11/14/2019	I&K FARM LLC	5437 CHARLES TOWN RD, KEARNEYSVILLE, WV	Open	Variance from Section 10.4B.3 to reduce the front setback from 25' to 5' along Route 480 and along Route 115 for a 20' tall Freestanding Sign with a 5' (W) x 8' (H) sign face.
	19-36-ZV	11/15/2019	COSTELLO JOSEPH D & CHRISTINA R POLEN	115 LEYLAND LN, HARPERS FERRY, WV	Open	Variance from Section 5.7B and 9.6C to reduce the front setback from 40' to 22' for a 24' x 41' accessory structure.
	19-37-ZV	12/13/2019	SAB REAL ESTATE 2 LLC	8272 MARTINSBURG PIKE, SHEPHERDSTOWN	Open	Variance from Sections
	19-38-ZV	1/3/2020	Richard Childs	Leetown Road, Summit Point, WV 25446	Open	Variance from Section 4B.7.2a to increase the height restriction for a telecommunications tower from 100' to 199'.
	20-2-ZV	1/29/2020	JULIAN MICHAEL A & PEGGY S	27 LACE LEAF WAY, CHARLES TOWN, WV	Closed	Variance from Appendix A to reduce the two front setbacks from 20' to 19' and 13' respectively and the side setback from 8' to 7' to complete the construction of a home with an attached garage.
	20-3-ZV	1/29/2020	GRAHAM ROBERT L & NANCY J	1191 TUSCAWILLA DR, CHARLES TOWN, WV	Closed	Variance from Section 9.7 to reduce the side setback from 8' to 4' for a 24' x 24' attached garage.
	20-4-ZV	2/4/2020	Lutman Land Development, LLC - David Lutman	Old Cave Road, Charles Town, WV	Closed	Variance from 5.7D.2.b.(b) - Request to allow the 50% green space to be allocated on each of the individual lots within the cluster.
	20-6-ZV	3/2/2020	WALKER TERRY L & MARGARET R	10179 LEETOWN RD, KEARNEYSVILLE, WV	Closed	Variance to reduce the side setback from 15' to 1' along the northern boundary to replace a 24' x 24' detached garage that was destroyed by fire.
	20-7-ZV	3/2/2020	Shepherdstown Public Library	Lowe Drive extended, Shepherdstown, WV	Closed	Variance from Section 4.11 and Appendix B to allow a 50' unscreened buffer in lieu of the required planted landscaping per Standard Detail M-53; and Section 4.6 to reduce the distance requirement from 75' to 40' from the front property line.
	20-8-ZV	3/2/2020	LOWE KENNETH F JR - REV TRUST - Kenneth Lowe	4781 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV	Closed	Variance from Section 4.6B to reduce the distance requirement from 75' to 50' along the western boundary (rear) and from 75' to 25' along the northern boundary (right side); and from Appendix B to reduce the commercial building setback from 25' to 20' along the northern boundary (right side); and to reduce the parking setback from 4' to 0' along the western (rear) and northern (right side) boundaries to allow for the operation of Potomac

20-9-ZV	3/5/2020	MOORE CHARLES A II & VIRGIE A	194 HUYETT RD. CHARLES TOWN, WV	Closed	Variance from Section 4.6B and Appendix B to reduce the distance requirement from 75' to 0' on all sides; to reduce the setbacks from 25' to 0' on the eastern property line and 25' to 20' on the northern property line (front); and to reduce the parking setback from 4' to 0' along the western property line for Church Without Walls Ministries of Jefferson County to process in an existing residence.
20-10-ZV	3/27/2020	William Hoak	675 Jefferson Orchard Rd. Kearneysville, WV	Closed	Reduction from 50' rear setback to 38' for a 12' x 12' deck
20-11-ZV	4/15/2020	Matthew Gorsuch	901 Marsh Hawk Way, Shepherdstown, WV	Closed	Variance from Section 5.7(b) [ZO in effect in 2004] to reduce the front setback from 40' to 34.8' for an existing house that was built within the setback area.
20-12-ZV	4/27/2020	Rolling Ridge Foundation, LLC / Friends Wilderness Center	305 Friends Way, Harpers Ferry, WV	Closed	Variance request from Section 4.10 to waive the requirement to process a Site Plan for a proposed campground.
20-13-ZV	4/27/2020	Jocelyn Stokes	170 Hensel Dr, Shepherdstown, WV 25443	Closed	Variance request from Section 5.4(b) [ZO in effect in 1990] to reduce side setback from 12' to 10' for a 10' x 22' deck.
20-15-ZV	5/4/2020	MURTAZA MOHAMMAD	14840 CHARLES TOWN RD. CHARLES TOWN, WV	Closed	Variance from Sections 4.6, and Appendix B for the following: to reduce the side setback from 25' to 6.5' on the western boundary line, and, to reduce the distance requirement from 75' to 32' on the eastern boundary line.
20-17-ZV	5/4/2020	270 LLC - Lee Snyder	270 INDUSTRIAL BLVD. KEARNEYSVILLE, WV	Closed	Variance from Section 8.9A.8 to reduce the setback requirement from 75' to 20' to replace an existing above ground propane tank with a new 30,000 gallon above ground fuel tank
20-16-ZV	5/4/2020	MOORE CHARLES A II & VIRGIE A	194 HUYETT RD. CHARLES TOWN, WV	Open	Variance from Section 10.2 to reduce the front setback and to allow a freestanding business sign to face a residence.
20-18-ZV	5/4/2020	SMITH RODNEY K & STACY L	EARLE RD. CHARLES TOWN, WV	Closed	Variance from Section 9.7 to reduce the Rear setback from 50' to 15' for the construction of a 3,400 square foot new home and a 45' x 16' foot in-ground swimming pool with surrounding concrete.
20-19-ZV	5/9/2020	EISNER GARY A ET AL - Gary Eisner	76 BELLEVIEW LN. CHARLES TOWN, WV	Open	variance from Section 4.6B to reduce the distance requirement from 75' to 50'
20-21-ZV	5/18/2020	LANDIS TODD & NANCY T	423 CROSSWINDS DR. CHARLES TOWN, WV	Open	Variance request from Section 5.4(b) for a reduction of the rear setback requirement from 20' to 10' for the construction of a 12' x 10' deck
20-22-ZV	5/29/2020	Scott and Kelly Meisenzahl - Scott and Kelly Meisenzahl	473 Spyglass Hill Drive, Charles Town, WV	Open	Variance request from Section 5.4(b) [of 2003 Zoning Ordinance] to reduce the rear setback from 20' to 10' for the purpose of constructing a 14' x 12' sunroom
18-18-ZV	6/5/2020	Mary Schreyer	5437 Charles Town Rd. Kearneysville, WV	Closed	In accordance with Section 4.3H, variance request to reestablish a nonconforming use. The applicant is requesting to reinstall two (2) fuel pump islands that were removed at the request of the WV DEP
20-23-ZV	6/16/2020	I&K FARM LLC	5437 Charles Town Rd. Kearneysville, WV	Open	Variance from Section 4.3H to increase the permitted fuel pumps from two (2) islands to four (4) islands.
20-24-ZV	6/22/2020	GREEN MONSTAH FIREARMS, LLC - RICHALIE DEMAINE	79 REHOBOTH LN. SUMMIT POINT, WV	Open	Variance from Sections 4.6B to reduce the 75' distance requirement to 50' along the rear property line for the purpose of operating a homebased federal firearms business from an existing dwelling unit (see Conditional Use Permit File #20-4-CLIP)
19-19-ZV	7/29/2019	GARZA ROBERT C & DELIA M	10045 LEETOWN RD. KEARNEYSVILLE, WV	Withdrawn	WITHDRAWN 08-14-19 - Variance from Section 4.10 to waive the requirement of a site plan to install a maximum 1,600 square foot gravel parking lot for the purpose of adding 18 stalls to expand the operations of the existing dog kennel (Tri-State Pet Care)
20-14-ZV	5/1/2020	Patrick Shunney	11426 Leetown Road, Kearneysville, WV	Withdrawn	Variance request from Section 9.7 to reduce side setback from 8' to 4' for a detached garage.
20-20-ZV	5/12/2020	GRAHAM BRYAN & JENNIFER BIIMLINE	32 SCOTT DR, SHEPHERDSTOWN, WV	Withdrawn	Variance from Sections 9.5B and 9.7 to allow an 8' privacy fence to be located 12" from the eastern property line.
				<b>Type Total:</b>	<b>47</b>
				<b>Category Total:</b>	<b>47</b>
				<b>Grand Total:</b>	<b>181</b>

<b>Regional Transportation Planning Meetings</b>	
Eastern Panhandle Transit Authority (EPTA) Board and Safety Committee Meetings EPTA Audit Bid Opening	7/15/19; 8/19/19; 9/16/19; 10/3/19; 10/21/19; 11/18/19; 12/16/19; 1/13/20; 2/10/20; 3/15/20; 3/19/20 (phone); 4/20/20 (ZOOM); 5/18/20 (ZOOM); 6/10/20; (ZOOM) 6/15/20 (ZOOM)
EPTA Transit Development Plan (TDP) Stakeholder Meetings	9/24/19; 12/9/9; 4/30/20; 6/9/20 (ZOOM)
Regional Division of Highways/Planners Roundtable Meetings	9/25/19; 2/26/20
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	8/21/19; 10/16/19; 1/15/20; 3/18/20; 5/20/20 (ZOOM);
MARC Public Hearing	9/7/19
HEPMPO US Bike Route 11 Public Meeting	12/4/19; 2/27/20

<b>Regional/State Planning Related Meetings</b>	
Maryland APA Chapter 2019 State Conference	10/6/19 - 10/8/19
Envision Jefferson 2035 Comp Plan presentation to JCDA Board	10/10/19
Safe Water Conservation Collaborative Meeting	12/18/19; 3/26/20 (ZOOM); 5/28/20 (ZOOM); 6/25/20 (ZOOM)
2019 West Virginia State Auditor's Training Seminar, Martinsburg	10/3/19
Chamber of Commerce Legislative Recap	6/11/20 (ZOOM)

## **PLANNING COMMISSION MEMBERS – FY 2020**

1. Mike Shepp, President (term expires 03/31/21)
2. Donnie Fisher, Vice President (term expires 03/31/23)
3. Wade Louthan, Secretary (term expires 03/31/22)
4. Steve Stolipher (term expires 03/31/21)
5. Ron Thomas (term expires 03/31/23)
6. Ray Bruning (*resigned 6/24/20*)
7. Jack Hefestay (term expires 03/31/22)
8. J Ware (term expires 03/31/22)
9. Ralph Lorenzetti, CC Liaison (term expires 12/31/2020)

## **BOARD OF ZONING APPEALS MEMBERS – FY 2020**

1. Jeffrey C. Bannon, Chair (term expires 01/01/22)
2. J. Tyler Quynn, Vice Chair (term expires 01/01/23)
3. Deirdre Catterton, Alternate (term expires 01/01/21)
4. Matt McKinny (term expires 01/01/21)
5. Leeds Corbin (01/01/23)

## **DEPARTMENTS OF PLANNING & ZONING STAFF – FY 2020**

1. Jennifer M. Brockman, AICP, County Planner
2. Alexandra Beaulieu, Zoning Administrator
3. Jennilee Hartman, Zoning Clerk
4. Rachael Burke, Planning Clerk

**Sandra McDonald**

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**From:** David Tabb <sssi27@yahoo.com>  
**Sent:** Thursday, July 30, 2020 8:38 AM  
**To:** JCCInfo  
**Subject:** Public Comment JCC meeting 7-30-2020

## Public Comment for Jefferson County Commission meeting July 30, 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 #6 – Roger Goodwin, Chief County Engineer

When was the public hearing and countywide notice to all landowners?

## Sandra McDonald

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**From:** Stanley Dunn <stanleydunn40@gmail.com>  
**Sent:** Thursday, July 30, 2020 9:32 AM  
**To:** JCCInfo; Stanley Dunn  
**Subject:** [Possible Spam] Solar Farm

July 30, 2020

Jefferson County Commission Members:

My name is Stanley Dunn and I am a lifelong resident of Jefferson County, West Virginia. I began farming in 1958, at the age of eighteen. I started a dairy operation in 1962 with 40 cows. Along with the dairy operation; crop farming was a part of the day-to-day operations, as well. In my later years, I retired from the dairy operation and began beef farming, in addition to crop farming. Today, I would like to share with you some of my experiences and beliefs for the future of Jefferson County.

Solar and wind energy are the cleanest producers for electric energy. The three properties being proposed are in a very rural part of Jefferson County and the least developed area of the county for housing. Solar projects will provide extra income for some farmers.

We do not want our country burning coal and polluting the air. Like coal, natural gas is a limited resource also. Natural gas has become so expensive that some power plants have gone back to burning coal. What will we do when all of the natural gas is depleted? Solar energy is a must for our future! Solar energy does not need any large bodies of water to cool them down as large power plants need.

We have been building houses and industries on farm land for more than a century. Farmers may utilize solar energy to increase their income, after a period of time, the land can be returned back to agricultural use, if needed.

As better and longer lasting batteries are produced for the energy needs of motor vehicles; we will plug-in for our cheapest energy, our county will need to double our energy resources.

The federal government subsidizes ethanol plants to produce ethanol to add to gasoline from corn. A large quantity of corn has to be grown in order to produce ethanol. The corn crop requires a large amount of fertilizer and fuel to be produced, as well as having some air pollution.

From 1959 to 2020, we have seen great changes in yields of corn, soybeans and wheat. Around 1959, corn yielded 60 to 70 bushels per acre to currently producing between 200 to 250 bushels per acre. Wheat, in 1959, produced 30 to 35 bushels per acre to currently producing between 70 to 90 bushels per acre. Soybeans, in 1959, produced 30 to 35 bushels per acre and currently produces between 60 to 90 bushels per acre.

Farmers have been blessed with improved science that has led to increases in yields within their crop farms and improved genetics that have helped to increase milk production all across the county. Additionally,

farmers are constantly improving their business and management skills to improve their crop yield incomes through the years.

I started a dairy operation in 1962 with 40 cows, producing 12,000 pounds of milk per year, per cow. In 1998 my herd of 300 cows produced 28,000 pounds of milk per year, per cow. Our country will never go hungry and we will help to feed the rest of the world also.

Jefferson County supports the thoroughbred industry which provides employment for the county. The thoroughbred industry provides sport and entertainment for the county. This industry covers over 2000 acres of land in Jefferson County that could otherwise be utilized for producing food in our county and our country.

Respectfully submitted,

Stanley Dunn

Stacey Hough

Public Comments for July 30, 2020 Commission Meeting re: Solar Amendment

My name is Stacey Hough and I was born and raised in Jefferson County, WV on my family's dairy farm. Hough family dairies have operated for well over 150 years in this county. I love the farm, I love the way of life and I love the scenic views; but, all of that comes at a cost to the farmers. I often wonder how many people would apply for a job knowing you'll have to work 14 or more hours a day, most every single day until your body breaks down and you're unable to get out of bed or until you die. Add to that the fact that you are never, ever able to consistently predict your annual income. Who, in their right mind, takes a job where your income depends largely on the weather? Maybe if it rains enough this year or doesn't rain too much, you'll make income to cover all of your expenses... maybe you won't. Why do farmers do it? A lot of them were born into the business, it's all they know and they've grown to love the work and love the land – farming chose them, not the other way around. Thankfully, for all of us, they do what they do. Today, the problem is that the younger generation isn't agreeable to this kind of employment – they want security and sustainability – and who could blame them? So where does that leave today's older generation of farmers? As they get older, they are less inclined to want exposure to the volatility of traditional crops. Unless you farm for a living, you cannot understand the stress that faces them on how to handle backing out of the family business while maintaining their farmland. The solar option for farmers is like an answer to their prayers. Agricultural operations can use solar income to offset their farming costs; it will allow families to keep their farms and spread out predictable income over the years from leasing some of their land to solar companies.

It seems like farmers can never catch a break. We've all heard the complaints about farmers spreading manure on fields, about tractors and dirt being on the roads, about cows releasing methane gas, and the list goes on and on. Maybe it's time to give the farmers the break they deserve - they should be able to do what they want with their land. Solar is productive, it's an economic boost to the community through new jobs and steady tax revenue and it's clean green energy. It's a safe and effective alternative and it surely beats industrial and residential

development. The best part is that it evens out the farmers' income allowing the farmland to stay in the family. The farmer, who has worked hard all his life, could rest easy knowing that his family will be able to continue some type of farming with the consistent stream of revenue from their solar lease. Sadly, the Hough dairy will likely come to an end but I hope to be able to be the fifth generation of our family to continue some kind of farming. I ask that you seriously and strongly consider the solar amendment in Jefferson County.

Thank you for your time.

My name is Susan Hough and I am a lifetime resident of Jefferson county and member of a family that has been in the farming business for many generations. We are in favor of the solar amendment for a variety of reasons that will help to keep farmland in this county.

The farming business has diminished significantly in this county over the years, with only a few dairy farms left. Diversity is critical for farming to continue in Jefferson county and solar can provide this. Farmers should have the right to supplement their income so they can keep their land and continue farming. We see solar farming as a way to do this.

Not all farm families have a next generation of children that will continue in the farming business. Solar can ensure that farmland remains in the family and can always be used as cropland again in the future.

At some point in a farmers life, the 2 am milkings and the 16 hour days in a field comes to an end. Farmers want to retire just like all of you, but they do not have 401K's or pension plans waiting for them. Their retirement is their biggest asset, their land. Why should farmers be forced to sell their land to have a retirement nest egg when a solar farm lease could provide enough income to maintain their land in the family? Farming is one of the only jobs that the government pays you what they feel your product is worth, which can sometimes be less than it was worth 30 years ago while all of the bills continue to rise.

I would think that the people opposing this would rather see solar in the fields instead of houses, people, traffic and noise. Solar fields will be enclosed in barriers of fencing and trees, which will leave little to actually see. When you live near a farm, your views are not guaranteed. You enjoy the views without all of the hard

work and sacrifice that has been put into those fields over the years. Once farmland is turned into houses, it can never go back, with solar it can. Solar will not impact schools, roads or the county in general and will generate more tax benefits for the county than farm-valued land can.

Electricity is a resource that we all use every single day and with more and more demand from growing populations, we feel the benefit of solar outweighs the aesthetics.

We would appreciate your consideration of looking at the positive points of solar farming. Thank you.

## Sandra McDonald

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**From:** Rebecca Hall <rebeccawvs@gmail.com>  
**Sent:** Wednesday, July 29, 2020 4:34 PM  
**To:** JCCInfo  
**Subject:** Meeting July 30, 2020 Public Comment in regards to Senate Bill 690

I am writing to express my concern about Senate Bill 690 and the Jefferson County Ordinance relating to the regulation of All-Terrain Vehicles. I have lived in Jefferson County all my life. I have lived in Shannondale for the last 16 years. ATVs have always been a problem in Shannondale. I know many folks in Shannondale want the county ordinance changed so that they can then profess to ride "legally" on the roads. The reality is that very few of them will actually go through all of the necessary procedures to have their ATVs tagged, insured and have the necessary equipment. All that will happen is that there will be lots of people who will just start riding on the roads believing it will be harder for law enforcement to enforce the law. And that will be true. We will need law enforcement to patrol the area much more frequently than they currently do which takes them away from much more important duties. I realize in much of WV this law makes sense. But, as the county commission knows, Jefferson County is not like most of WV. We are far too populated. There are thousands of residents in Shannondale. Thousands of drivers. We cannot compete with thousands of ATVs on the road. It will not be safe for the ATV drivers or for other drivers. Please keep the county ordinance in place.

Thank you

Rebecca Hall

Hello everyone. My name is Ryan Matthew Sokol & I currently reside in Harpers Ferry...Shannondale to be more precise. I have been living here for over 4 years & active in our community issues. I am here to speak on JCC Agenda New Business #8. When I first moved here, I was under the assumption that WV STATE ATV Laws were in effect for every county. It wasn't until later I found out there was a strict & vague ordinance for Jefferson County that, in short, stating all ATVs are not permitted to ride on ANY roads in Jefferson County.

First of all, the ordinance is pretty vague that it doesn't explain if ATVs are able to ride certain roads for certain miles to get from one place to another (like State Law allows). For example, I have property where there are times I need to take a road to get to the other part of my property. The State law permits riding roads to get to/from another location & up to a certain mileage. What do I mean by roads are vague? Our county has a mix of marked roads, highways, unmarked, paved/unpaved, gravel, etc.. In other states like Ohio, they permit off-road vehicles and any unmarked roads w/out additional restrictions.

From the way I understood it from some members of this committee say the main reason ATV restrictions were first set in 2004 was due to "Safety" concerns. Such as, we should not allow ATVs on access roads. Ok? But, how is this any different from allowing bicyclists on these same roads that use only hand gestures. Motorcycles only have 2 wheels but they are fully allowed. To me this hasn't made any sense, it seems unfair as a WV resident, & needs updated.

Now, getting into WV SB (Senate Bill) 690 vs 2004 Jefferson County ATV ordinance...Who wants to supersede the other? If I bring up safety concerns again, when off-road vehicles become street-legal, they will be registered, insured, brakes, front & rear lights, reflectors, turn signals, horn, plate & light. Allowing special purpose vehicles on our county streets will reduce safety concerns, prove accountability for people's actions or accidents by having a tag & insurance coverage.

Everybody should be able to utilize any form of vehicle transportation given safety measures are in place such as insurance & registration. I have personally ridden atvs, snowmobiles, boats, basically anything with a motor on it. However, like myself, there are those who are responsible drivers & respectful of people's properties, and others who aren't. Therefore, another argument I've heard is to keep the ATV restrictions in place because of "disrespectful" ATV'ers. Regardless of having a law or not, there will ALWAYS be people who are like that, but MOST of the time they are respectful.

I've also heard comments from my community that the ATV ordinance poses a threat to the community during emergencies. Moreover, this is a mountain community which means the weather plays a big toll. Trees down, power outages, & the big one...SNOW. Neighbors are always helping each other out & when in such an emergency, ATVs or other off-road vehicles can play an important role in receiving someone's much needed prescription, or groceries.

Lastly, I wanted to get a feel for the community's opinion on allowing off-road vehicles to register as street-legal & used on Jefferson County roads. So, I created a poll on the "Shannondale & Neighbors" FaceBook group asking to vote on this topic. The results as of this morning showed 73% were in Support, 18.5% Oppose, & 8% were Neutral. The majority support allowing street-legal special purpose vehicles.

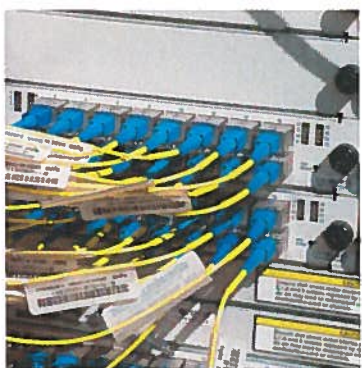
In conclusion, I ask that a vote be requested of the commissioners to change & permit SB 690 to supersede that of Jefferson County's ATV Ordinance & allow exceptions during emergencies.

>>> I thank you for your time & wltH that, I yield back my time <<<



**Jefferson County is conducting a broadband feasibility study to determine the best path to a faster and better broadband network in our county.**

For more information or if you want to ask a question, send us an email:  
[jcbroadbandsurvey@jeffersoncountywv.org](mailto:jcbroadbandsurvey@jeffersoncountywv.org)



**Help Us Improve  
Jefferson County's Internet!**

### **RETURN BY September 15th**

Jefferson County is conducting a Broadband Survey to assess your current broadband service and needs. The goal is to develop a comprehensive set of strategies to bring high performance broadband and Internet services to all residents and businesses.

Your participation in this survey will help us understand how to connect every home, school, doctor's office, and government agency to a high-speed network for our County.

The results will help Jefferson County determine where the need is greatest and help guide us on how to ensure that all citizens and businesses have affordable and adequate access to broadband services.

**We need your response!**

Take the survey online in less than 5 minutes at

<https://projects.designnine.com/survey/jefferson-residential>

Or return this survey in person or by mail to the following address:

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

**We need your response!**

**We thank you for your participation!**

**If you are a business - Please complete the business survey**  
at <https://projects.designnine.com/survey/jefferson-business>

Street Address: \_\_\_\_\_

*Please supply full street address with street or road number.*

City/State/Zip: \_\_\_\_\_

Name (optional): \_\_\_\_\_

1. Check the items you agree with below:

- I need better landline telephone service
- I need better cellular telephone service
- I need better Internet/data service
- I need better Internet for Covid-19 work from home
- I need free WiFi while visiting downtown
- I am satisfied with all of my services

2. Total number in household :

- a) Adults \_\_\_\_\_ b) K-12 Students \_\_\_\_\_
- c) College Students \_\_\_\_\_ d) Internet users \_\_\_\_\_

3. How important is Internet access to you or your household?

- Very important     Somewhat important
- Not important     No Opinion

4. For your household, how much do you spend each month for local and long distance telephone, TV, and/or Internet?

Do NOT include cellphones.

- \$50 or less                       \$50 to \$75
- \$75 to \$100                       \$100 to \$150
- \$150 to \$200                       More than \$200/month

5. How much do you pay now for at home Internet access each month?

- No Internet                       I only use free hotspots
- \$10 to \$20                       \$21 to \$40                       \$41 to \$60
- \$61 to \$80                       More than \$80/month                       I don't know

6. What type of Internet do you have at home?

- Dial-up                       DSL line                       Fiber
- Cable modem                       Satellite                       Cellular wireless
- I don't know                       Wireless ISP
- No Internet                       Other \_\_\_\_\_

7. Based on the type of Internet connection you selected above, why do you still have it? (check all that apply)

- Too expensive to change                       Not interested in changing
- Best price available                       No other options
- Most reliable service available                       Limited other options
- Still in contract

8. How many devices (for example computers, cellphones, smart speaker, smart TVs) connect to the Internet in your household?

- 1-4     5-8     9-12     12-15     16+

9. What is the speed of your Internet connection?

- Dial-up or any service less than 1 Mbps download
- Less than 10 Mbps download
- Between 10 Mbps and 25 Mbps download
- Between 25 Mbps and 100 Mbps download
- Greater than 100 Mbps download
- I don't know

10. Check the items you agree with below:

- I have trouble loading pictures to my social media account(s)
- I have trouble viewing online videos/lectures/movies/tv shows
- I have trouble using the Internet when other users are using it
- I have trouble using FaceTime, Skype, or other video chats
- I do not have trouble performing any of these activities

11. How satisfied are you with the speed and reliability of your Internet service?

- Very satisfied                       Satisfied                       Neutral
- Dissatisfied                       Very Dissatisfied

12. Check all items you use the Internet for now:

- Email
- Access news and current events
- Learn about Covid-19 pandemic issues and information
- Homework / Schoolwork / Distance learning
- Work from home during Covid-19 pandemic
- Download or listen to music or audio books online
- VoIP Internet phone (Vonage, Skype, FaceTime, etc.)
- Online Backup (files, photos, music)
- Telemedicine, telehealth
- Online gaming
- Social media and social networking (e.g. Facebook, Instagram, etc)
- Shopping
- Online banking
- Home security (e.g. video doorbells, security cameras, etc.)
- Smart speakers (e.g. Alexa, Echo Dot, Google Assistant, Homepod)
- TV and Streaming video (e.g. Netflix, Hulu, Amazon, Disney, etc.)
- Other \_\_\_\_\_

13. High speed, affordable Internet influences where I choose to live?

- Yes     No

14. Does anyone in your household use / need the Internet to complete school assignments, distance learning, or job training course work?

- Yes, several times a week
- Yes, at least once a week
- Yes, at least once a month
- No

15. Who is your Internet service provider?

- Frontier                       Shentel                       AT&T
- Comcast/Xfinity                       Wireless Internet
- Cellphone hotspot                       Satellite Internet                       Other

16. Do you have data limits (caps) on your current Internet service?

- Yes     No

17. If you have data limits, have you exceeded those limits?

- Yes     No     I don't know

18. Do you work from home?

- I am self employed and work part time from home
- I am self employed and work full time from home
- I work part time at home for my employer
- I work full time at home for my employer
- I need nights and weekends access for my job
- I never work from home
- I would if I had better Internet at home
- I am retired and do not work from home

19. I am interested in Gigabit fiber Internet service.

- Yes     No

20. Should the County government facilitate better broadband services and more affordable services?

- Yes     No

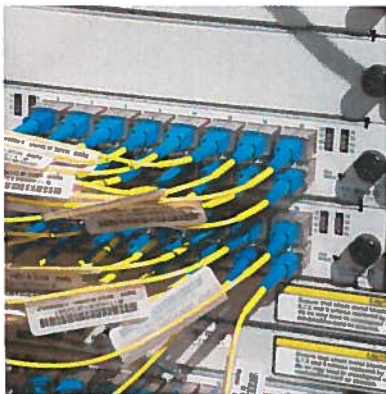
21. Any other comments?

\_\_\_\_\_



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**RETURN BY September 15th**

Jefferson County is conducting a Business and Residential Broadband Survey to assess your business broadband service and needs. The goal is to develop a comprehensive set of strategies to bring high performance broadband and Internet services to business community and residential areas of the county.

Your participation in this survey will help us understand how to connect every home, school, doctor's office, and government agency to a high-speed network for our County.

The results will help Jefferson County determine where the business need is greatest and help guide us on how to ensure that all businesses have affordable and adequate access to broadband services.

**We need your response!**

Take the survey online in less than 5 minutes at

<https://projects.designnine.com/survey/jefferson-business>

Or return this survey in person or by mail to the following address:

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

**We need your response!**

**We thank you for your participation!**

Business Name: \_\_\_\_\_

Street Address: \_\_\_\_\_  
*Please supply full street address with street or road number.*

City/State/Zip: \_\_\_\_\_

1. Check the items you agree with below  
 My business needs better landline telephone service  
 My business needs better cellular telephone service  
 My business needs better Internet/data service  
 I need better Internet for Covid-19 work from home  
 Downtown areas of the county need free WiFi for visitors  
 We are satisfied with all of our services
2. How important do you think Internet technology will be for the success of your business over the next five years?  
 Not important     Somewhat important     Neutral  
 Important     Very important
3. Total number of : a) employees \_\_\_\_\_ b) Internet users \_\_\_\_\_
4. If you are a business, what type? (check all that apply)  
 Retail / Wholesale     Professional/Office  
 Government     Educational     Medical  
 Non-Profit     Restaurant / Food Services  
 Communications / Technology     Agriculture / Forestry  
 Manufacturing     Construction / Maintenance / Repair  
 Other \_\_\_\_\_
5. Is this a home-based business?  Yes     No
6. How much do you pay now for Internet access each month?  
 No Internet     \$0 to \$100  
 \$101 to \$150     \$151 to \$300  
 \$301 to \$500     \$501 to \$1000  
 \$1001 to \$5000     \$5000+  
 I don't know
7. Are you satisfied with what you pay for Internet service?  
 Yes     No
8. What type of Internet access do you have?  
 Dial-up     DSL line     Fiber  
 Cable modem     Cellular wireless     Satellite  
 I don't know     Wireless broadband provider  
 Other \_\_\_\_\_
9. Based on the type of Internet connection you selected above, why do you still have it? (check all that apply)  
 Too expensive to change     Best price available  
 Not interested in changing     No other options  
 Most reliable service available     Limited other options
10. What is the speed of your Internet connection? (A Gigabit is 1000 Megabits (Mbps))  
 Dial-up only     56-512 Kbps  
 512 Kbps - 1 Mbps     1 - 5 Mbps  
 5 - 10 Mbps     10 - 50 Mbps  
 50 - 100 Mbps     100+ Mbps  
 Gigabit     I don't know
11. How satisfied are you with the speed and reliability of your current Internet service?  
 Very Dissatisfied     Dissatisfied  
 Neutral     Satisfied     Very satisfied

12. How important is a redundant or second Internet connection to your business?  
 Not important     Somewhat important     Neutral  
 Important     Very Important
  13. Please select all that apply to your current Internet provider:  
 Cannot rely on the service  
 Slow or poor technical support  
 Price is unreasonable for the service I receive  
 Poor customer service  
 The speed I want is not available at my business location  
 I am satisfied with my current Internet provider
  14. Check all items you use the Internet for now:  
 Email  
 Communication between headquarters and remote sites  
 VoIP Internet phone (Vonage, Skype, etc.)  
 Provide free WiFi service to customers  
 Online Backup (files, photos, music, company data)  
 Transfer large files  
 Monitor / control security, alarms, health, processes, etc.  
 Processing credit card / debit card transactions  
 Ordering / managing inventory  
 Maintaining a Web presence or blog  
 Social Media (Facebook, LinkedIn, Twitter, Instagram)  
 Receiving and processing online orders  
 Cloud-based business, accounting or other services  
 Other \_\_\_\_\_
  15. Who is your Internet service provider?  
 Frontier     Shentel     AT&T  
 Comcast/Xfinity     Wireless Internet  
 Cellphone hotspot     Satellite Internet     Other
  16. What kind of telephone service do you have?  
 Landline only, no cellphone service     Cellphone service only  
 Landline and cellphone service
  17. Do you or your employees use a VPN (Virtual Private Network) to obtain remote access for your work or to a company network?  
 Yes     No     I don't know
  18. Do you or your employees need or want to work from home?  
 No     It would be nice, but it's not important  
 Occasionally     Very important occasionally  
 Very important on a consistent basis
  19. Does limited Internet access at employees' residences impact your business?  
 Yes     No
  20. Do the existing Internet service options impact your business's decision to relocate or stay in the County?  
 Yes     No
- If yes, briefly state why:  
\_\_\_\_\_
21. We are interested in fiber delivered Internet service.  
 Yes     No
  22. Should the County government facilitate better broadband services and more affordable services?  
 Yes     No
  23. Any other comments?  
\_\_\_\_\_