



AGENDA
JEFFERSON COUNTY COMMISSION
THIRD QUARTERLY SESSION - JULY - SEPTEMBER 2020
THURSDAY, AUGUST 20, 2020
1:00 P.M. - WORKSHOP
6:00 P.M. - REGULAR MEETING

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

1. 1:00 p.m. Staff Workshop on Proposed Solar Facilities Amendment - The workshop will include Commission members, staff and invited subject matter specialists. There will not be public comment during the workshop. A link to the text amendment can be found at <http://www.jeffersoncountywv.org/home/showdocument?id=18419>

2. 6:00 p.m. Regular Meeting

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- July 30, 2020
- August 6, 2020

APPROVAL OF ACCOUNTS PAYABLE

- August 13, 2020
- August 20, 2020

APPROVAL OF MANUAL CHECKS

- August 14, 2020
- August 21, 2020

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT (20 minutes) ****You may participate in public comment during the virtual meeting by raising your hand. Please submit comments via email to 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

3. 6:30 p.m. Angie Banks, Assessor
- Exonerations/Split Tickets - Discussion/Action
4. 6:45 p.m. Nikki Painter, Elections
- Agreement for CARES Act reimbursement for 2020 Primary Election Expenses - Discussion/Action
- Location Change Pct 14 - Camp Hill Wesley Church - Discussion/Action
- Emergency Absentee Policy - Discussion/Action
- Update on 2020 General Election - Discussion/Action
5. 7:00 p.m. Interviews and Appointments to the Jefferson County Planning Commission - one unexpired term ending March 31, 2023 - Discussion/Action
6. 7:15 p.m. Nathan Cochran, Assistant Prosecuting Attorney
 - Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues - Discussion/Action
 - Discussion of EEOC Charge #533-2017-00706 and 533-2019-01397 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #19-P-69 - Discussion/Action
 - Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282) - Discussion/Action
 - Discussion of 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
- Discussion of Department of Interior of Historic Landmarks Commission activity for docket number PCRNPS-04-20 - Discussion/Action

7. 7:30 p.m. Pete Dougherty, Sheriff
 Board of Education Agreement - Discussion/Action
 Vehicle Purchase - No action at this time
 Front Office Staff - No action at this time

NEW BUSINESS

8. Approval of 2020 Sheriff's Commission - Discussion/Action
9. Schedule a Workshop with the County Commission, Legal Counsel, Finance Director, ESA Board members and the Fire & Rescue Association - Discussion/Action (JT)

COUNTY ADMINISTRATOR REPORTS

- Possibility of becoming a member of the CCAWV - Discussion/Action
- Andrew Rosen - Promotion effective date - Discussion/Action

COUNTY COMMISSION REPORTS

10. **ADJOURN**

CORRESPONDENCE/INFORMATION

Notice of Public Hearing on Friday, September 11, 2020 at 1pm regarding Solar Facilities Amendments.

Memorandum regarding Street Legal Special Purpose Vehicles.

Comments received from David Tabb regarding the August 6, 2020 Regular Meeting.

Correspondence received from Ron Rissler regarding Solar Panel Amndment.

Correspondence received from Monongalia County Solid Waste Authority regarding 2020 solid waste issue bill.

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

Minutes

Jefferson County Commission

Thursday, July 30, 2020

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

PLEDGE OF ALLEGIANCE

Commissioner Compton led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the July 16, 2020 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
83505	AMERIFLEX	121.60
83506	BUREAU OF CHILD SUPPORT	248.31
83507	CACH LLC	275.99
83508	CAPITAL LIGHTING & SUPPLIES, LLC	131.95
83509	CASTO & HARRIS INC	497.83
83510	CITY OF CHARLES TOWN	142.68
83511	COMPTROLLER OF MARYLAND	1,392.11
83512	CRYSTAL SPRING	51.50
83513	DOING BETTER BUSINES	787.82
83514	DR. ROBERT E JONES III	1,000.00

CHECK#	VENDOR NAME	AMOUNT
83543	AHA-ARTS & HUMANITIES ALLIANCE	\$ 769.06
83544	AUTOZONE	\$ 58.98
83545	AWVA-ASSOCIATION OF WV ASSESSORS	\$ 100.00
83546	CASTO & HARRIS INC	\$ 919.33
83547	COAST TO COAST COMPUTER PRODUCTS	\$ 747.12
83548	COMPILED TECHNOLOGIES LLC	\$ 2,500.00
83549	CRYSTAL SPRING	\$ 689.56
83550	DOING BETTER BUSINES	\$ 565.01
83551	ESS ELECTION SYSTEMS & SOFTWARE	\$ 8,346.40
83552	GUTTMAN OIL CO	\$ 2,612.06
83553	JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	\$ 1,138.78
83554	JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$ 19,226.47
83555	JEFF CO PARKS & RECREATION COMMISSION	\$ 17,318.63
83556	JOYCE A. JOHNS	\$ 4,200.00
83557	LANGUAGE LINE SERVICES	\$ 175.54
83558	JENNIFER BLIMLINE	\$ 100.00
83559	PATRICK SHUNNEY	\$ 100.00
83560	SOFTWARE SYSTEMS INC	\$ 89.00
83561	US POSTAL SERVICE	\$ 20,000.00
83562	WV STATE TAX DEPARTMENT	\$ 13,934.63
83563	WV TREASURY	\$ 4,800.00
83564	WVCORP WV COUNTIES SELF INSURANCE RISK POOL	\$ 5,000.00
TOTAL		103,390.57

Motion by Ms. Noland to approve the Accounts Payable for July 30, 2020 in the amount of \$103,390.57. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS			
Check#	Fund	VENDOR	Amount
510	CS/2	EASTRIDGE HEALTH SYSTEM	\$ 1,000.00

Motion by Ms. Tabb to approve the Manual Checks for July 24, 2020 in the amount of \$1000.00. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
814	AV/56	MILLERS SUPPLIES AT WORK		\$ 161.95

Motion by Mr. Lorenzetti to approve the Manual Checks for July 31, 2020 in the amount of \$161.95. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Ms. Noland to approve the Payroll for July 23, 2020 in the amount of \$266,537.84. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was received by David Tabb (via e-mail), Keith Berkeley, Susan Hough, Stacy Hough, Catherine Jozwick, and Lanae Johnson.

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

PRESENTATIONS

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

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Christopher McDounough	PP	Ranson	314761	\$8.43

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 314761 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
John E. Lowery	PP	Shepherdstown	316752	\$74.21

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 316752 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
John E. Lowery	PP	Shepherdstown	316630	\$93.80

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 316630 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
John E. Lowery	PP	Shepherdstown	316784	\$61.45

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 316784 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Belinda Tiambeng	PP	Ranson	315251	\$249.84

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 315251 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Mark Aswall	PP	Charles Town District	300549	\$138.84

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 300549 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
John M. and Lisa A. Murphy	PP	Charles Town District	303457	\$40.97

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 303457 as presented. Motion seconded and unanimously.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Rebecca Buchanan	PP	Kabletown	309777	\$61.45

- **Motion by Mr. Lorenzetti to approve the Exoneration for Ticket No. 309777 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Jody and Albert Meadows	PP	Middleway	312974	\$27.31

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 312974 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Nilan Baddeliyanage	PP	Kabletown	309622	\$13.66

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 309622 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Jessie James Ramsey	PP	Harpers Ferry	308709	\$207.12

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 308709 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Diana Hawk	PP	Charles Town District	305814	\$74.74

- **Motion by Ms. Compton to approve the Exoneration for Ticket No. 305814 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Semper Fi Transport LLC	PP	Charles Town District	304194	\$525.76

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 304194 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
John E. Lowery	PP	Shepherdstown	316102	\$115.11

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 316102 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Gagan & Preeti Batra	PP	Charles Town District	300656	\$223.06

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 300656 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Digna E. Zavala and Elvis R. Amaya	RE	Ranson Corp.	316194	\$2151.40

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 316194 as presented. Motion seconded and unanimously approved.**

2. Jacqueline Shadle, Clerk of the County Commission – Resolution for Gail Magaha, Retirement – Ms. Shadle was unavailable to present this item.

3. Pete Dougherty, Sheriff – requested approval for the submission of the PRO Program Grant Application.
 - **Motion by Ms. Noland to approve the Sheriff's Office grant application for the Prevention Resource Officer grant program and authorize the Commission President to affix her signature to the associated documents. Motion seconded and unanimously approved.**

4. Robert M. Trainor, Mayor, and Daryl Hennessy, City Manager – requested an annexation for the City of Charles Town
 - **Motion by Ms, Noland to approve the proposed Order Approving and Confirming the Annexation to the City of Charles Town a parcel of real estate containing 14.29 acres, more particularly described as the Subject Property in the municipal corporation's Certificate dated July 13, 2020, presently located in the Charles Town District, Jefferson County, West Virginia, and owned by University Healthcare Foundation, Inc., as provided by West Virginia Code SS 8-6-4 & 8-6-4a (Annexation Without an Election). Motion seconded and unanimously approved.**

5. Interview/Appointment to the Jefferson County Planning Commission – one unexpired term ending March 31, 2023.
 - Mr. Lorenzetti offered his nomination for Mr. Christopher Garcia (2 votes – Commissioners Lorenzetti and Tabb and one nay vote from Ms. Noland)
 - Mr. Hudson offered his nomination for Mr. Curt Compton (2 votes – Commissioners Hudson and Compton and one nay vote from Ms. Noland)
 - **Motion by Ms. Noland to re-advertise the unexpired Planning Commission term to appoint at a future County Commission meeting. Motion seconded and unanimously approved.**

6. **Roger Goodwin, Chief County Engineer**
 - a. Seneca Crossing, LLC – Seneca Crossing Subdivision, Lots 1-3 (Files #18-25-SD)
 - **Motion by Ms. Tabb to authorize a partial release of Irrevocable Letter of Credit #300025580-44 with United Bank in the amount of \$702,736.00 construction bond amount for Seneca Crossing, LLC – Seneca Crossing Subdivision, Lots 1-3 (File #18-25-SD). Motion seconded and unanimously approved.**

b. Berkeley Medical Center – Lot 1 Seneca Crossing Subdivision (File #19-3-S)

- **Motion by Ms. Noland to authorize a partial release of Irrevocable Letter of Credit #4832790-44 with United Bank in the amount of \$223,159.00 construction bond amount for Berkeley Medical Center – Lot 1 Seneca Crossing Subdivision (File #19-3-S). Motion seconded and unanimously approved.**

c. Adoption of the 2020 Building Code Enforcement Ordinance

- **Motion by Ms. Tabb to adopt the Resolution and the Building Code Enforcement Ordinance as presented. Motion seconded and unanimously approved.**

7. 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 & #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 of Jefferson County Circuit Court Civil Action #17-C-174. Discussion/Action.
- Discussion of Jefferson County Circuit Court Civil Action #20-C-26. Discussion/Action.
- Review and report on aspects of county policies and local government/component/agency/department involvement based on C-19 crisis – Discussion/Action.
- Discussion of Jefferson County Circuit Court Civil Action #20-C-20
- Discussion of legal issues regarding proposed solar text amendment including bonding and related matters.
- Discussion of issues regarding implementation of compensation standards for certain employees under compensation policy 204 and associated policies.

- Mr. Cochran stated he did not have any updated to provide on the matters listed on the agenda.

NEW BUSINESS

8. Senate Bill 690 and the Jefferson County Ordinance relating to the regulation of All-Terrain Vehicles – it was the consensus of the Commission to request Counsel to further research SB690 and discuss at a future meeting to better inform the public as to whether special use vehicles would be permitted on the streets and highways in Jefferson County.
9. Millville Dam area, large number of folks gathering, trash and related issues – it was the consensus of the Commission to discuss this issue in tandem with the Jefferson County Sheriff's Office and the Solid Waste Authority and potentially draft a litter ordinance.
10. Discussion on workshop format: invite experts to educate the Commission of all aspects of Solar Facilities - it was the consensus of the Commission to hold an informational workshop with staff during the August 6, 2020 regularly scheduled County Commission meeting with no experts at this time.
11. Discuss possibility of VFD funding via P-card – it was the consensus of the Commission to issue P-cards to the seven volunteer fire departments in the amounts of the quarterly distribution for which they'll be responsible and allow staff to provide assistance to the departments should they need it.
12. Discuss possible funding for the Broadband Grant Survey
 - **Motion by Ms. Noland to approve the funding of the \$10,931.00 for the reimbursable grant for the mailing of the Broadband Planning Grant Surveys to county residents. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

Ms. McDonald stated she had no updates to provide at the time.

13. The Commission adjourned at 11:44 a.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

Jane M. Tabb, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant

Minutes

Jefferson County Commission

Thursday, August 6, 2020

A meeting of the Jefferson County Commission was held on Thursday, August 6, 2020 during the second quarterly session at 9:30 a.m. The meeting was held via GoToWebinar. Present were Commissioners Jane Tabb, President, Patricia Noland, Ralph Lorenzetti, Caleb Judson, and Josh Compton. Also present were Stephanie Grove, County Administrator; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, August 6, 2020 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Hudson led the Pledge of Allegiance.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
83566	84 LUMBER	\$ 922.02
83567	ALLAN THOMAS	\$ 3,935.79
83568	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	\$ 3,100.48
83569	BRANDON CONWAY	\$ 3,250.00
83570	BUREAU OF CHILD SUPPORT	\$ 248.31
83571	CACH LLC	\$ 276.76
83572	COAST TO COAST COMPUTER PRODUCTS	\$ 789.00
83573	COLONIAL LIFE	\$ 163.20
83574	DELTA DENTAL OF WV	\$ 6,990.63
83575	DR. ROBERT E JONES III	\$ 1,000.00
83576	EFTPS IRS TAXES	\$ 99,340.07
83577	EMPOWER RETIREMENT	\$ 4,551.68
83578	FIFTH THIRD BANK	\$ 108,773.98
83579	HIGHMARK WV	\$ 208,760.98

83580		JEFFERSON CO EMERGENCY SERVICES AGENCY		\$ 18,155.84
83581		JEFFERSON COUNTY DEVELOPMENT AUTHORITY		\$ 347.68
83582		JEFFERSON SECURITY BANK		\$ 4,720.00
83583		MILLENIUM INSURANCE GROUP		\$ 900.00
83584		NATIONAL VISION ADMIN.		\$ 1,768.90
83585		NATIONWIDE RETIREMENT SOLUTIONS		\$ 849.00
83586		OLD CHARLES TOWN LIBRARY		\$ 1,500.00
83587		R.E. MICHEL CO. LLC		\$ 381.12
83588		RICE TIRES CO		\$ 522.96
83589		RONALD FLETCHER		\$ 3,250.00
83590		RUSSELL BURGESS		\$ 4,275.79
83591		RYAN MILBOURNE		\$ 52.15
83592		SAMANTHA COMBS		\$ 684.05
83593		SHAYNA MASON		\$ 1,634.89
83594		THE HARTFORD		\$ 3,576.86
83595		WENDY SCHUTZ		\$ 788.75
83596		WV DEPUTY SHERIFF RETIREMENT SYSTEM		\$ 14,662.29
83597		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 47,932.05
83598		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 500.00
83599		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 166.49
83600		JEFFERSON DAY REPORT		\$ 5,293.40
TOTAL				\$ 554,065.12

Motion by Mr. Compton to approve the Accounts Payable for August 6, 2020 in the amount of \$554,065.12. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was received by Rob Hoxton and Diane Blust.

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

PRESENTATIONS

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

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Peter Baltusnik	PP	CTD	300618	\$175.25

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 316194 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Sarah Barz	PP	SD	315509	\$56.90

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 315509 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Kraig Burke	PP	RC	314038	\$88.38

- **Motion by Mr. Compton to approve the Exoneration for Ticket No. 314038 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Angela Chrisman	PP	SD	315783	\$289.05

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 315783 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Anna M. Sloan	PP	RC	315116	\$61.08

- **Motion by Mr. Lorenzetti to approve the Exoneration for Ticket No. 315116 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Anna M. Sloan	PP	RC	315128	\$70.30

- **Motion by Mr. Lorenzetti to approve the Exoneration for Ticket No. 315128 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Anna M. Sloan	PP	RC	314994	\$91.20

- **Motion by Mr. Lorenzetti to approve the Exoneration for Ticket No. 314994 as presented. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Sandra and Charles Cavalier	RE	CTC	7885	\$276.80

- **Motion by Ms. Noland to approve the Exoneration for Ticket No. 7885 as presented. Motion seconded and unanimously approved.**

2. Laura Storm, Circuit Clerk

a. Approval of Order – Use of Alternative Facility for Jury Selection

- **Motion by Ms. Noland to approve the Order allowing the use of an alternative facility for jury selection and authorize the President to sign the Order. Motion seconded and unanimously approved.**

b. Parking – Jury Trials – Funding Requested

- **Motion by Ms. Noland to create a line item in the Circuit Clerk’s budget for parking expenses associated with jury trials and provide the Circuit Clerk with \$1,200 from the Coal Severance fund to assist with parking costs for this fiscal year. Motion seconded and unanimously approved.**

3. Interviews and Appointments to the Jefferson County Community Criminal Justice Board – seven 3-year terms ending July 3, 2023

- **Motion by Ms. Noland to reappoint Dale Manuel and Gil Heiman and appoint Jan Hafer to the Jefferson County Community Corrections Board as at-large members each for a term of three years ending July 3, 2023. Motion seconded and unanimously approved.**
- **Motion by Mr. Lorenzetti to reappoint Chris Stroeck to the Jefferson County Community Corrections Board as the Criminal Defense Attorney for a term of three years ending July 3, 2023. Motion seconded and passes on a vote of 4-1 with Commission Compton opposing.**

4. Russell Burgess, Information Technology – request to approve the promotion of Andrew Rosen from Level 1 IT Support to Level 2 IT Support

- **Motion by Ms. Noland to approve the promotion of Andrew Rosen from Level 1 IT Support to Level 2 IT Support with a raise in salary from base**

of \$35,000 per year to \$42,000 per year. Motion seconded and unanimously approved.

5. Kelly Franklin, Jefferson Day Report Center – requested the approval of a Community Corrections Grant Contract.

- **Motion by Ms. Noland to approve the Community Corrections Grant Contract as presented and authorize the President of the Commission to sign the associated documents.**

6. 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 & #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 of Jefferson County Circuit Court Civil Action #17-C-174. 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
- Review and report on aspects of county policies and local government/component/agency/department involvement based on C-19 crisis – Discussion/Action.

- Mr. Cochran provided updates regarding the vote for Planning Commission appointments from the July 30, 2020 meeting and SB690 and the operation of all-terrain vehicles within the County.
7. Staff Workshop on Proposed Solar Facilities Text Amendment – Ms. Beaulieu discussed the solar facilities text amendment with the Commission and answered questions that arose from the discussion. It was the consensus of the Commission to hold another workshop on the amendment on August 20, 2020 at 1:00 pm and schedule a public hearing on the matter on Friday, September 11, 2020 at 1:00 pm.

UNFINISHED BUSINESS

8. Follow up discussion and anticipated action on the litter problem along the Shenandoah – it was the consensus of the Commission to request a letter be drafted to Millville Quarry, Eagle Creek Energy, and the Millville Hydroelectric Plant to discuss the issue of litter mitigation by the river and to also create an ad hoc committee to address the litter issue countywide with assistance from the Sheriff and the Prosecuting Attorney.

NEW BUSINESS

9. Discuss Commissioners return to convening in the County Commission Meeting Room – Ms. Tabb decided to remove this item from the agenda as she did not believe it was the appropriate time to return to in-person meetings given the COVID-19 numbers.
10. Discussion of Executive Order (EO) on Building and Rebuilding Monuments to American Heroes – it was the consensus of the Commission to provide a general response to the letter stating there were no monuments under the Commission’s purview that would be appropriate for a monument park.
11. Approval of Lease – Department of Health and Human Resources
 - **Motion by Ms. Noland to renew the lease between the Jefferson County Commission and the West Virginia Department of Health and Human Resources for space in the Public Services Center in Bardane. Motion seconded and unanimously approved.**

12. The Commission adjourned at 2:40 p.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

Jane M. Tabb, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **August 20, 2020**

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

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

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

- Exonerations – Discussion/Action
- Split Tickets – Discussion/Action

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

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

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

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

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nikki Painter**

Department or Organization: **Elections**

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

Date Requested – 1st Choice: **August 20, 2020**

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

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

- Agreement for CARES Act Reimbursement for 2020 Primary Election Expenses**
- Location Change Pct 14 – Camp Hill Wesley Church**
- **Emergency Absentee Policy**
- Update on 2020 General Election**

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

-**Agreement for CARES Act Reimbursement for 2020 Primary Election Expenses:** The reimbursement request was approved by the WVSOS but funds cannot be released until agreement has been signed.

-**Location Change Pct 14 – Camp Hill Wesley Church:** Camp Hill Wesley Church is unavailable for the 2020 General Election so we will move that precinct to Harpers Ferry Middle School.

- **Emergency Absentee Policy-** WV Code §3-3-5 allows the County Commission to extend emergency absentee voting to hospitals or duly registered medical facilities in an adjacent county or within 35 miles of the county seat.

-**Update on 2020 General Election-** Absentee Voting Update, Safety Plans for In-Person Voting, Early Voting Location Concerns

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*):

-**Agreement for CARES Act Reimbursement for 2020 Primary Election Expenses-** To sign the agreement as presented

-**Location Change Pct 14 – Camp Hill Wesley Church-** To approve the location change for precinct 14 from Camp Hill Wesley to Harpers Ferry Middle School.

- **Emergency Absentee Policy-** commission must decide if they wish to adopt an Extended Emergency Absentee Policy for the 2020 General Election

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

Extended Emergency Absentee Voting Policy General Election – November 3, 2020

Policy

The Jefferson County Commission will extend emergency absentee voting to voters who have been admitted to an approved hospital or duly licensed health care facility no earlier than three (3) days preceding the election and no later than noon on Election Day.

Provisions

The emergency absentee policy is extended to the following:

- Jefferson Medical Center
- Berkeley Medical Center
- Martinsburg VA Medical Center
- Winchester Medical Center
- Hospice of the Panhandle Inpatient Facility

Procedures

The voter or immediate family member requests an emergency absentee ballot from the County Clerk's Office no later than noon on Election Day.

The clerk's office will provide two (2) employees of opposite political party the *Application for Voting an Emergency Absentee Voter's Ballot, Declaration of Emergency Absentee Ballot Commissioners*, ballot and all absentee materials needed to vote.

The team of two (2) will deliver the materials to the voter and will await the completion of the application and ballot. If the voter is assisted in voting, the clerk employees or a person of the voter's choice must sign the *Absent Voter's Ballot Envelope No. 2* on the line provided for the "Name of Person Giving Assistance".

The voter must be able to sign the application. Power-of-attorney is not valid for voting.

The application and voted ballot will be returned to the courthouse and the clerks must sign an oath that no person other than the voter voted the ballot.

The Jefferson County Commission approved the policy on the 20th day of August, 2020.

Commission President

County Clerk



State Capitol Building
Charleston, WV 25305

July 31, 2020

Dear Jefferson County Commission,

The State Election Commission has approved your CARES subgrant application in the amount of \$34,689.02.

After entering your DUNS number in the Definitions Section (D) and Section E(2), please review, sign, and return the attached subgrant agreement. Upon receipt of your completed subgrant agreement, the Secretary of State's office will return a signed copy and release your funds.

You may return your completed subgrant application by U.S. Mail or by email to calder@wvsos.com (email is preferred).

Sincerely,

Chris Alder
Assistant General Counsel
West Virginia Secretary of State
304-356-2617

HAVA SUBGRANT AGREEMENT

This Help America Vote Act (“HAVA”) Subgrant Agreement (“Agreement”) is entered into as of this 16th day of June, 2020 by and between the State Election Commission, having an address at: The Secretary of the State of West Virginia, 1900 Kanawha Blvd. E., State Capitol Building, Charleston, WV 25305 and the Jefferson County Commission, having an address of: P.O. Box 250, Charles Town, WV 25414.

This Agreement is made pursuant to the 2020 Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which includes emergency funds made available to Grantor under HAVA through the United States Election Assistance Commission (“EAC”) for the purpose of preventing, preparing for, and responding to COVID-19, domestically or internationally, for the 2020 federal election cycle (“Purpose”).

In consideration of the covenants contained in this Agreement, the parties agree as follows:

DEFINITIONS:

As used in this document, the words and phrases set forth below shall have the following meanings:

A. “Auditors” means the EAC and its Inspector General, Comptroller General of the United States, West Virginia State Auditor, program monitors, or any authorized representatives thereof.

B. “Federal, state and local laws” means all federal statutes and regulations, all state laws, rules, regulations, and administrative rules, all Governor’s Executive Orders, any federal Office of Management and Budget (“OMB”) circulars applicable to state and local governments, as well as any rules, resolutions, or policies adopted by the Grantee . “Federal, state and local laws” also includes all federal, state and local laws as listed in this Agreement and existing on the effective date of this Agreement as well as those federal, state and local laws that are enacted, adopted, issued, effective, or amended, on or after the date of this Agreement.

C. “Grantor” is the Office of the West Virginia Secretary of State.

D. "Grantee" is the Jefferson County Commission, and is identifiable by DUNS number [55-6000333].

E. "HAVA" means the Help America Vote Act of 2002 (Pub.L. 107–252), as amended, and includes the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

ARTICLE I. PURPOSE OF THE SUBGRANT

The purpose of the subgrant and this Agreement is to establish the terms, conditions, and requirements governing the administration and use of the funds received by or used by Grantee pursuant to this Agreement for preventing, preparing for, and responding to COVID-19, domestically or internationally, during the 2020 Federal election cycle.

ARTICLE II. RESPONSIBILITIES OF GRANTOR

Grantor agrees to:

A. Provide funding to Grantee in accordance with this Agreement, and all applicable federal and state laws.

B. Provide technical assistance and training as may be reasonably requested to assist Grantee in fulfilling its obligations under this agreement.

C. Take action to recover funds that are not used in accordance with the conditions, requirements, or restrictions applicable to funds disbursed pursuant to this Agreement.

D. Grantor is responsible to monitor Grantee activities as necessary to provide reasonable assurance that Grantee: (1) uses the funds disbursed under this Agreement for authorized purposes only; (2) complies with all federal, state, and local laws; and (3) performs all obligations under this Agreement. Grantee shall fully cooperate and assist Grantor and Auditors. If as a result of its monitoring efforts, an Auditor uncovers deficiencies in Grantee's administration of funds disbursed under this Agreement, Grantor shall notify Grantee in writing. Grantee agrees to take immediate and timely corrective action as determined by the Auditor in an attempt to rectify any identified and reported deficiencies and to resolve the matter as directed by the Grantor.

ARTICLE III. RESPONSIBILITIES OF GRANTEE

Grantee agrees to:

A. Ensure the funds subject to this Agreement are used to achieve the Purpose in accordance with conditions, requirements and restrictions of federal, state and local laws, as well as all federal terms and conditions of the grant award.

B. Satisfy all financial reporting requirements as necessary for the county to meet its operational needs and obligations to Grantor and the federal government.

C. Promptly reimburse Grantor for any funds Grantor pays to any entity because of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty for which Grantor is responsible. All funds disbursed pursuant to this Agreement that are not expended at the completion of the term must be returned to Grantor by the earlier of: (1) Grantee's submission of its final expenditure report, or (2) February 28, 2021.

D. Take prompt corrective action, including paying amounts resulting from an adverse finding, sanction, or penalty, if Grantor, the Grantor's auditor, any federal agency, or other entity authorized by federal, state or local law to determine compliance with the conditions, requirements, and restrictions applicable to the federal program from which this subgrant is awarded determines compliance has not been achieved.

E. Make records available to Grantor, Auditors, federal agencies, and other authorized governmental agencies for review, audit, and investigation.

F. Use funds disbursed under this Agreement only for the Purpose, and for no other purpose.

G. Grantee agrees that it shall comply with all applicable federal, state and local laws, regulations, and rules.

I. Reports and Records.

1. Identification. All reports submitted by Grantee to Grantor must contain the contract ID number, which can be found Jefferson-CARES-01.

2. Required Reports. The Grantee shall comply with all applicable reporting and record retention requirements including all federal, state and local laws.

3. Access to Records. The Auditors shall have the right of timely and unrestricted access to all records of the Grantee, in order to make audits, examinations, excerpts, transcripts, and copies of such documents. Grantee shall further provide Auditors timely and reasonable access to the Grantee's past and present personnel for the purpose of interviewing, and discussing matters related to such records. Auditor's right of access is not limited to the required retention period.

4. Audit Requirements. The Grantee agrees that it has reviewed, understands and will comply with the federal audit requirements of 2 CFR 200 Subpart F as may be applicable, the State HAVA grant requirements of W. Va. Code § 3-1-48, the State accountability requirements of W. Va. Code § 12-4-14, and all Grantee Audit Certification and Federal Expenditure Disclosure requirements.

J. Failure to Perform. Grantee's failure to perform its obligations under this Agreement may result in disallowed costs, suspension, termination of funding, or returned grant monies and any associated fees under this Agreement or according to state or federal law.

ARTICLE IV. TERM OF THE SUBGRANT

A. This Agreement will be in effect from January 20, 2020 through January 31, 2021 unless this Agreement is earlier terminated by written notice by Grantor to Grantee.

B. Provisions in this Agreement relating to Records (generally, Article VI), and Audits (generally, Article VII) shall survive the expiration or termination of this Agreement and remain effective for three (3) years following the later of: (i) the expiration or termination of this Agreement, or (ii) the date of submission of the final expenditure report.

ARTICLE V. AMOUNT OF GRANT; PAYMENTS

A. This subgrant is in the total amount of \$34,689.02 dollars.

B. Payment will be made by Grantor to Grantee on a cost-reimbursement basis unless Grantee received prior written approval from the State Election Commission for a funding advance. The total estimated cost shall be in accordance with the budget approved by the State Election Commission, a copy of which is attached as Exhibit A, and shall not exceed the amount provided in Article V(A). Grantee may provide Grantor invoices for reimbursement of disbursements by submitting an invoice and expenditure report for costs incurred in the performance of this Agreement. Invoices shall be numbered, dated, reference this Agreement, show the cost incurred by budget category (i.e., salaries, fringe benefits, equipment, travel, supplies, etc.) for the billing period and in cumulative amount to date. All invoices shall be submitted to the West Virginia Secretary of State at:

West Virginia Secretary of State
ATTN: HAVA Grants
1900 Kanawha Blvd. E.
State Capitol Building
Building 1, Suite 157-K
Charleston, WV 25305

Grantor will make payment on all invoices submitted in accordance with the terms of this Agreement. All invoices must be submitted by January 31, 2021. Grantor is not obliged to reimburse any expenses submitted after January 31, 2021. Grantee's final invoice shall include a certification that "Payment of this invoice constitutes complete satisfaction of all of Grantor's obligations under the reference Agreement. Grantee releases and discharges Grantor from all further claims and obligations under this Agreement upon payment of this final invoice."

C. Grantee shall incur all costs associated with its performance of this Agreement on or before December 31, 2020. Any funds authorized this Agreement for which costs have not been obligated on or before December 31, 2020 shall be returned to Grantor by January 31, 2021.

D. As a subrecipient of federal funds, Grantee hereby specifically acknowledges its obligations relative to the funds provided under this Agreement pursuant to OMB Circulars A-110 (2 C.F.R.

215), A-87 (2 C.F.R. 225), A-102, as applicable under federal, state and local laws, and A-133, as well as:

1. Standards for financial management systems: Grantee will comply with the requirements of 2 C.F.R. including but not limited to:

- a. Fiscal and accounting procedures;
- b. Accounting records;
- c. Internal control over cash, real and personal property, and other assets (including inventory controls on durable goods);
- d. Budgetary control to compare actual expenditures or outlays to budgeted amounts;
- e. Source documentation; and,
- f. Cash management.

2. Period of Availability of Funds: Grantee may charge to the award only costs resulting from obligations incurred during the funding period of the federal awards noted in this Agreement, and for the term specified in this Agreement.

3. Matching or Cost Sharing: Matching or cost-sharing requirements applicable to this Agreement must be satisfied by disbursements for allowable costs or third-party in-kind contributions and must be clearly identified and used in accordance with all applicable federal, state and local laws. Grantor shall advise Grantee of necessary matching and cost-sharing requirements. For clarity, CARES Act subgrants do not require matching or cost-sharing; HAVA subgrants do require matching or cost-sharing.

4. Non-discrimination: Grantee shall not discriminate in the provisions of any services contemplated by this Agreement, or in the general conduct of its business affairs, on the basis of race, color, creed, religion, sex, national origin, or disability.

5. Real Property: Grantee is authorized to use subgrant funds for the acquisition of real property to further the Purpose.

6. Equipment: Title, use, management (including record keeping, internal control, and maintenance), and disposition of equipment acquired by Grantee with subgrant funds, will be governed by the applicable provisions of 2 C.F.R.

7. Supplies: Title and disposition of supplies acquired by Grantee with subgrant funds will be governed by the applicable provisions of 2 C.F.R.

ARTICLE VI. RECORDS

A. For all expenses reimbursed pursuant to this Subgrant, Grantee shall maintain documentation conforming to all requirements prescribed by federal, state and local laws. Grantee shall prepare and maintain documentation to support all transactions, and to permit the reconstruction of all transactions. Grantee shall further ensure the proper completion of all reports required by federal, state and local laws. Grantee shall further maintain evidence of compliance with all applicable federal, state and local laws.

B. For all expenses reimbursed pursuant to this Subgrant, records must include sufficient detail to disclose:

1. Services provided to program participants;
2. Administrative cost of services provided to program participants;
3. Charges made and payments received for items identified in paragraphs (B)(1) and (B)(2) of this section; and,
4. Cost of operating the organizations, agencies, programs, activities, and functions.

C. Grantee must maintain all records relevant to the administration of this Subgrant for a period of three years from the date of submission of the final expenditure report. If any litigation, claim, or audit is started before the expiration of the three year period, the records shall be retained

until all litigation, claims, or audit findings involving the records have been resolved and final action taken. Records for equipment acquired under this Agreement shall be retained for three years after final disposition of such equipment.

ARTICLE VII. AUDITS OF GRANTEE

A. Grantee agrees to provide for timely audits as required by OMB Circular A-133, unless a waiver has been granted by a federal agency. Subject to the threshold requirements of 2 C.F.R., as applicable, and OMB Circular A-133, Grantee must ensure that it has an audit with a scope as provided in OMB Circular A-133, Subpart E, §500, that covers funds received under this Agreement. Grantee must send a copy of the final audit report to Grantor within two (2) weeks of Grantee's receipt of any such audit report.

B. Grantee will take prompt action to correct all problems identified in an audit.

ARTICLE VIII. SUSPENSION AND TERMINATION, BREACH AND DEFAULT

A. This Agreement may be terminated in accordance with any of the following:

1. The parties may mutually agree to a termination by entering into a written termination agreement that is signed by the Grantor's Director and an authorized officer or employee of Grantee. An agreement to terminate is effective on the later of the date stated in the agreement to terminate or the date it is signed by all parties.

2. Either party may terminate after giving ninety (90) days written notice of termination to the other party by registered United States mail, return receipt requested. The effective date of termination shall be the termination date specified in the termination notice.

B. Notwithstanding the provisions of Article VIII (A), Grantor may suspend or terminate this Agreement immediately upon delivery of a written notice to Grantee, if Grantor loses funding or discovers any illegal conduct on the part of Grantee.

C. If Grantee materially fails to comply with any term of an award, a federal, state and local laws, an assurance, a State plan or application, a notice of award, this Agreement, or any other

applicable rule, Grantor may take any or all of the following actions it deems appropriate in the circumstances:

1. Temporarily withhold cash payments pending correction of the deficiency by the Grantee, or pursue a more severe enforcement action as authorized by applicable law;
2. Disallow all or part of the cost of the subgrant activity or action not in compliance;
3. Wholly or partly suspend or terminate the current award for the Grantee;
4. Withhold further awards for the subgrant activity; or,
5. Take any other remedies that may be legally available, including but not limited to any additional remedies listed elsewhere in this Agreement.

D. Grantee, upon receipt of a notice of suspension or termination, will do all of the following:

1. Cease the performance of the suspended or terminated subgrant activities under this Agreement;
2. Take all necessary steps to limit disbursements and minimize costs that include, but are not limited to, the suspension or termination of all contracts and subgrants correlated to the suspended or terminated subgrant activities;
3. Prepare and furnish a report to Grantor, as of the date Grantee received the notice of termination or suspension, that describes the status of all subgrant activities and includes details of all subgrant activities performed and the results of those activities; and,
4. Perform any other tasks that Grantor requires.

E. Upon breach or default by Grantee of any of the provisions, obligations, or duties embodied in this Agreement, Grantor will retain the right to exercise any administrative, contractual, equitable, or legal remedies available, without limitation. A waiver by Grantor of any occurrence

of breach or default is not a waiver of subsequent occurrences. If Grantor or Grantee fails to perform any obligation under this Agreement and the failure is subsequently waived by the other party, the waiver will be limited to that particular occurrence of a failure and will not be deemed to waive failures that may subsequently occur.

ARTICLE IX. NOTICES

A. Notices to Grantor from Grantee concerning this Agreement shall be sent to the Grantor at the address specified in the preamble to this Agreement.

B. Notices to the Grantee from Grantor concerning this Agreement shall be sent to at the address specified in the preamble to this Agreement.

C. All notices in accordance with this Article shall be in writing and will be deemed given when received. All notices must be sent using a delivery method that documents actual delivery to the appropriate address herein indicated (*e.g.*, certified mail).

ARTICLE X. AMENDMENT

This document constitutes the entire agreement between Grantor and Grantee with respect to all matters herein. Except as provided in Article XI, only a document signed by both parties may amend this Agreement. Both Grantor and Grantee agree that any amendments to laws or regulations cited herein will result in the correlative modification of this Agreement without the necessity for executing written amendments.

ARTICLE XI. ADDENDUM

Grantor may elect to provide information concerning this Agreement in an addendum hereto. Any addenda to this Agreement will not need to be signed. Any claim on or draw of monies following the receipt of the addendum will constitute acceptance of the terms and conditions contained in the addendum. Subsequently, Grantor may modify any addendum by mailing a modified version to Grantee. Any claim on or draw of the modified addendum will constitute acceptance of the terms and conditions contained in the modified addendum.

ARTICLE XII. SUBGRANT PERFORMANCE

Grantee must perform all duties contemplated by this Agreement. None of Grantee's duties or actions pursuant to this Agreement may be subcontracted, nor shall this Agreement be assigned without the prior express written authorization of Grantor.

Grantor may, in its sole discretion, impose specific subgrant conditions upon Grantee, if appropriate, as described in 2 C.F.R. §200.207 Specific conditions.

Grantor may, in its sole discretion, verify that every Grantee is audited as required by Subpart F—Audit Requirements of 2 C.F.R. 200 when it is expected that the Grantee's grants expended during the term of this Agreement equaled or exceeded the threshold set forth in 2 C.F.R. §200.501 Audit requirements.

Grantor may, in its sole discretion, consider whether the results of the Grantee's audits, on-site reviews, or other monitoring indicate conditions that necessitate adjustments to the pass-through entity's own records.

Grantor may, in its sole discretion, consider taking enforcement action against noncompliant subrecipients as described in §200.338 Remedies for noncompliance of this part and in program regulations.

ARTICLE XIII. MISCELLANEOUS PROVISIONS

A. Limitation of Liability: To the extent permitted by law, Grantor agrees to be responsible for any liability directly relating to any and all acts of negligence by Grantor. To the extent permitted by law, Grantee agrees to be responsible for any liability directly related to any and all acts of negligence by Grantee. In no event shall either party be liable for any indirect or consequential damages, even if Grantor or Grantee knew or should have known of the possibility of such damages.

B. This Agreement will be governed, construed, and enforced in accordance with the laws of the State of West Virginia. Should any portion of this Agreement be found unenforceable by operation of statute or by administrative or judicial decision, the remaining portions of this Agreement will not be affected as long as the absence of the illegal or unenforceable provision does not render the performance of the remainder of the Agreement impossible.

C. Nothing in this Agreement is to be construed as providing an obligation for any amount or level of funding, resources, or other commitment by Grantor to Grantee that is not specifically set forth in state and federal law. Nothing in this Agreement is to be construed as providing a cause of action in any state or federal court or in an administrative forum against the State of West Virginia, the Secretary of State of the State of West Virginia, or any of the officers or employees of the State of West Virginia.

D. Incorporation by Reference

The April 17, 2020 letter by the Secretary of State of the State of West Virginia, and its Attachments A-E as completed by the Grantee as of the date of this Agreement are hereby incorporated by reference.

E. Required Information:

1. Grantee's name: Jefferson County Commission;
2. Grantee's unique entity identifier (DUNS): [55-600333];
3. Federal Award Identification Number: WV20101001;
4. Federal Award Date: April 06, 2020;
5. Subgrant Period of Performance: January 20, 2020 to December 31, 2020;
6. Amount of Federal Funds Obligated by this action by Grantor to Grantee:
\$34,689.02;
7. Total Amount of Federal Funds Obligated to the Grantee by the Grantor, including the current obligation: \$34,689.02;
8. Total Amount of the Federal Award committed to the Grantee by the Grantor, including the current obligation: \$34,689.02;
9. Federal award project description, as required to be responsive to the Federal Funding Accountability and Transparency Act (FFATA): preventing, preparing for,

and responding to COVID-19, domestically or internationally, for the 2020 federal election cycle;

10. Name of Federal awarding agency, pass-through entity, and contact information for awarding official of the Pass-through entity: United States Election Assistance Commission; the West Virginia Secretary of State; Chuck Flannery, West Virginia Deputy Secretary of State, (304) 558-6000;
11. CFDA Number and Name: 90.404;
12. Identification of whether the award is R&D: This Agreement does not contemplate R&D; and,
13. Indirect cost rate for the Federal award (including if the *de minimis* rate is charged per §200.414 Indirect (F&A) costs): 10.0%.
14. Funding Source: EAC1651DB2020XX-2020-61000001-410001-EAC1908000000.

E: Terms of Closeout:

1. Grantee shall permit Grantor access to all documentation and personnel necessary for Grantor to evaluate Grantee's risk of noncompliance with Federal statutes, regulations, and the terms and conditions of this Agreement for purposes of determining the appropriate Grantee monitoring described in subsections (2) and (3) of this section E, which may include consideration of:
 - a. The Grantee's prior experience with the same or similar subawards;
 - b. The results of previous audits including whether or not the Grantee receives a Single Audit in accordance with Subpart F—Audit Requirements of this 2 C.F.R. 200, and the extent to which the same or similar subaward has been audited as a major program;
 - c. Whether the Grantee has new personnel or new or substantially changed systems; and

d. The extent and results of Federal awarding agency monitoring (e.g., if the Grantee also receives Federal awards directly from a Federal awarding agency).

2. Monitor the activities of the Grantee as necessary to ensure that funds disbursed pursuant to this Agreement are used for the Purpose, in compliance with Federal statutes, regulations, and the terms and conditions of this Agreement; and that this Agreement's performance goals are achieved. Grantor shall monitor the Grantee to ensure compliance, such monitoring to include:

a. Reviewing financial and performance reports required by the Grantor.

b. Following-up and ensuring that the Grantee takes timely and appropriate action on all deficiencies pertaining to the Federal award provided to the Grantee from the pass-through entity detected through audits, on-site reviews, and other means.

c. Issuing a management decision for audit findings pertaining to the Federal award provided to the Grantee from the pass-through entity as required by 2 C.F.R. §200.521 Management decision.

3. Depending upon the Grantor's assessment of risk posed by the Grantee, the following monitoring tools may be useful for the pass-through entity to ensure proper accountability and compliance with program requirements and achievement of performance goals:

a. Providing Grantee with training and technical assistance on program-related matters;

b. Performing on-site reviews of the Grantee's program operations; and,

c. Arranging for agreed-upon-procedures engagements as described in 2 C.F.R. §200.425 Audit services.

Each of below signatories represent and warrant that they have authority to enter into a binding agreement on behalf of the organizations named in this Agreement with respect to the execution of this Agreement and the matters contained herein.

Accepted and Agreed to by:

West Virginia State Election Commission
MAC WARNER, *ex officio*
West Virginia Secretary of State

Print name: Jane M. Tabb, President
Board of Jefferson County
Commissioners

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **August 20, 2020**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interviews/Appointments to the Jefferson County Planning Commission – one unexpired term ending March 31, 2023 – Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, August 20, 2020 or as soon thereafter as the Commission may decide:

Planning Commission - one unexpired term ending March 31, 2023

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, by 12:00 pm on the Monday prior to the proposed date of appointment.

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

CHRISTOPHER J. GARCIA

AICP, ASSOC. AIA, CZA

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

CORE COMPETENCIES

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

PROFESSIONAL EXPERIENCE

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

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

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

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

Project Specific Experience:

Envision Loudoun – New Comprehensive Plan for Loudoun County

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

Silver Line Metrorail Comprehensive Plan Amendment

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

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

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

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

Relevant Project Experience:

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

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

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

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

Picatinny Arsenal – Installation Design Guide

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

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

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

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

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

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

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

Relevant Project Experience:

DOD Pentagon Force Protection Agency, Washington, DC

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

Minot AFB Facility Planning Customer Concept Documents, Minot, ND

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

Integrated Protective Measures Analysis, Confidential Client, NC

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

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

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

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

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

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

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

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

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

PROFESSIONAL MILITARY EXPERIENCE

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

EDUCATION

December 1998 University of Texas at San Antonio, San Antonio, TX

- **BS/Architecture, GPA 3.09**

August 2013 - Present Hood College, Frederick, MD

- **MS/Environmental Biology (developing final project; anticipated graduation late-2020)**

PROFESSIONAL MEMBERSHIPS / CERTIFICATIONS

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

VOLUNTEER ACTIVITIES

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

AWARDS / RECOGNITION

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

CHRISTOPHER J. GARCIA

AICP, ASSOC. AIA, CZA

August 10, 2020

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

RE: Application for Jefferson County, WV Planning Commission Vacany

Dear Sir or Ma'am:

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

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

Very Respectfully,

Christopher J. Garcia

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

Jefferson County Commission
Application for Boards, Committees or Commissions

Please type or print information

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

Home Telephone Number: 830-237-1484

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

Work Phone Number: 703-787-7380

Mobile Phone Number: 830-237-1484

E-mail Address: alwaysbsideu@gmail.com

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

Occupation: Urban planner/designer, deputy zoning administrator

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

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

Trade/Business School Multiple US military schools / training

Are you a United States citizen? Yes X No

Are you a West Virginia resident? Yes X No

Are you a resident of Jefferson County? Yes X No

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

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

Address: 25 Bayberry Court
Harpers Ferry, WV 25425

Magisterial District: Harpers Ferry

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

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

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

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

Date:	Offense:

Statement: _____

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

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

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

Signature:  Date: April 13, 2020

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

©N↓N

32 Flag Court
Charles Town, WV 25414
Home: (304) 725-4579 Cell: (304) 270-7529
E-mail: Spence62@gmail.com

Jefferson County Development Authority
Charles Town, WV 25414

August 14, 2020

Planning Committee Resume

Gentlemen & Ladies,

I am an accomplished Electrical Professional Engineer with experience in contributing to several planning committees at various places during my career. I've provided input and participated in planning committees for colleges and universities, religious organizations, home owners associations, villages, cities and municipalities.

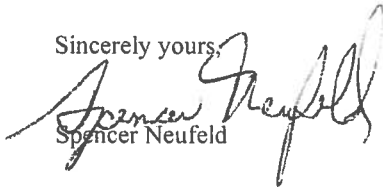
I'm familiar with processes involved in planning committees, and feel I could make a significant contribution in the future planning for the development of Jefferson County.

I was a Fairfax County Fairfax County Plans Review Peer Reviewer for over 20 years and still hold a Building Plan Review, Certification, as well as one in Commercial Electrical Plan Review. I am also a Certified Electrical Inspector by the International Building Council (IBC).

As a design engineer I was on a planning committee for the Veterans Administration, and was involved in the planning and design of a new medical complex in Orlando Florida, that consisted of an Acute Care Hospital, a Rehabilitation Center, A Chapel, A residence center, and a central energy plant.

I was a construction engineer with Tishman Construction, engaged in the building of Epcot Center, at Walt Disney World Florida.

Sincerely yours,


Spencer Neufeld

Jefferson County Commission
Application for Boards, Committees or Commissions

Please type or print information

Name: Spencer Neufeld

Home Telephone Number: 681-252-3718

Work Address: 32 Flag Court

Work Phone Number: 304-270-7529

Mobile Phone Number: 304-270-7529

E-mail Address: spence62@gmail.com

Party Affiliation: *(Building Commission and Health Department applicants)*

Occupation: Electrical Engineer (Semi)Retired

Education: High School Cleveland Heights High School

College Cleveland State University

Trade/Business School _____

Are you a United States citizen? Yes x No __

Are you a West Virginia resident? Yes x No __

Are you a resident of Jefferson County? Yes x No __

Are you able to produce verification of residency? Yes x No __

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

Address:
32 Flag Court
Charles Town, WV
25414-2101

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

43 years in the building construction industry as an Electrical Contractor, Building Inspector and Electrical Engineer. President of Home Owners Association in Wekiva Springs Florida, Building & Grounds Committee Chairman in Potomac Falls Virginia, Vice President of Broadlands HO, Vice President of Mission Ridge HO in WV

Organization Memberships and Positions Held : President of IEEE in Central Florida, Vice President of Florida Engineering Society Central Florida Chapter, Chairman of Building Committee for Shari Shalom Congregation in Leesburg VA , Member of IES and IEEE in Northern Virginia

Have you ever been convicted of any felonies? If yes, please list. No

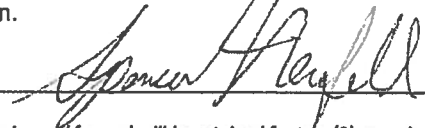
Date:-----	Offense:

Statement: _____

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

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

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

Signature:  Date: 8/14/2020

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

Jessica Carroll

From: suzie binns <soozie661@yahoo.com>
Sent: Monday, August 17, 2020 11:39 AM
To: Jessica Carroll; smcdonald@jeffersoncountywv.org
Subject: Planning Commission Member Opening

To Jane Tabb, President
Jefferson County Commission

My name is Timothy Shane Roper, and I would like to be considered to serve on the Jefferson County WV Planning Commission. I am a lifelong resident of Jefferson County, and my family, for generations before, have lived and farmed in Jefferson County... I have continued our family's farming tradition, along with my brother, as we now own and operate a cattle business, River Bend Cattle Company, LLC.. I believe that I can bring valuable insight to the issues brought before this commission, because of my knowledge of the past and my hopes for the future of this county.

Thank your for your consideration, and I look forward to hearing from you..

Timothy Shane Roper
304-671-7195

AGENDA REQUEST FORM
www.jeffersoncountywv.org



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

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **August 20, 2020**

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

Date Requested – 2nd Choice:

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

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

1. Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
2. Discussion of 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. Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket number PCRNPS-04-20. Discussion/Action.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Pete Dougherty

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice next meeting

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): BOE PRO Agreement
Personnel Update
Vehicles

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

Annual update and approval of the agreement between the Board of Education and Jefferson County Sheriff's Office to place a Prevention Resource Officer in Jefferson High School. (action required)

Update/Discussion about personnel at the Jefferson County Sheriff's Office.

Discussion about vehicle purchases.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: none

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

I move to approve the agreement between the Jefferson County Sheriff's Office and the Board of Education for the placement of a PRO at JHS and approve the President to affix her signature.

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

If not attached, explain:

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

Contact information:

Email address: pdougherty@jcsdww.com

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

RECEIVED

AUG 14 2020

County Commission
of Jefferson County, Wv

2:38 pm

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **August 20, 2020**

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

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

Subject (*Wording to be placed on agenda*): **Approval of 2020 Sheriff's Commission – 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*):

Motion to approve the computation of the 2020 Sheriff's Commission

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.](#)



Office of Sheriff and Treasurer of Jefferson County

Law Enforcement Office
102 Industrial Blvd.
Kearneysville, WV 25430
304-728-3205
Fax 304-728-3299

Tax Office
PO Box 9
Charles Town, WV 25414
304-728-3220
Fax 304-728-4034

August 4, 2020

Jefferson County Commission
124 East Washington St
Charles Town WV 25414

Re: Sheriff's Commission

Dear Commissioners:

Attached is a copy of the computation of the 2020 Sheriff's Commission report for your approval.

Should you have any questions or are in need of additional information, please don't hesitate to ask.

Sincerely,

Peter H. Dougherty
Sheriff and Treasurer
Jefferson County

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Jane Tabb

Department or Organization: ESA and Fire & Rescue Association

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: Aug. 20, 2020

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Schedule a Workshop with the County Commission, Legal Counsel, Finance Director, ESA Board members and the Fire & Rescue Association.

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

Workshop topic: Explore funding mechanisms for Emergency Services (ESA and Volunteer Fire Stations)

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: vinemont.farm@frontiernet.net

Phone number: 304.725.4325



AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name: **Stephanie Grove, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **August 20, 2020**

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

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

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

- **Possibility of becoming a member of the CCAWV - Discussion/Action**
- **Andrew Rosen Promotion effective date – 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.](#)



DUES SCHEDULE – FY2020-2021

COUNTY COMMISSIONER’S ASSOCIATION OF WEST VIRGINIA

(As approved by the Board of Directors January 7, 2001)

Class	# Of Counties in Class	Counties	Dues Per County
Class X	0	N/A	\$150.00
Class IX	3	Calhoun, Clay & Wirt	\$800.00
Class VIII	2	Gilmer & Webster	\$1,200.00
Class VII	0	N/A	\$1,500.00
Class VI	0	N/A	\$1,650.00
Class V	3	Lincoln, Monroe & Roane	\$2,100.00
Class IV	10	Barbour, Boone, Braxton, McDowell, Mingo, Pendleton , Pleasants, Summers , Tucker, & Wyoming	\$2,400.00
Class III	12	Brooke, Grant, Hancock, Hardy, Lewis, Mineral, Morgan, Nicholas, Pocahontas, Ritchie , Taylor & Upshur	\$2,950.00
Class II	6	Hampshire, Jackson, Logan, Mason, Randolph & Wayne	\$3,350.00
Class I*	16	Cabell, Doddridge , Fayette, Greenbrier, Harrison, Jefferson, Marion, Marshall, Mercer, Ohio, Preston, Putnam, Raleigh, Tyler , Wetzel & Wood	\$3,900.00
Class 1+**	3	Berkeley (6,347,453,118) \$3,900+600	\$4,500.00
		Monongalia (9,430,705) \$3900+1500	\$5,400.00
		Kanawha (11,375,256,659)+2100	\$6,000.00

Please note that classifications are re-evaluated on even numbered years by the WV State Auditor’s Office and will be revisited July 1, 2022.

County Commissioners' Association of WV

2007 Quarrier Street
Charleston, WV 25311

Invoice

DATE	INVOICE #
7/1/2020	5724

BILL TO

Jefferson County Commission
PO Box 250
110 E. Washington Street
Charles Town, WV 25414



QUANTITY	DESCRIPTION	RATE	AMOUNT
1	Annual Dues to the County Commissioners' Association of West Virginia for FY July 1, 2020- June 30, 2021 Jefferson County - Class I	3,900.00	3,900.00
Please remit to the above address - Thank you for your partnership!		Total	\$3,900.00



2007 Quarrier Street
Charleston, WV 25311
304.345.4639
www.ccaavv.org

June 17, 2020

Dear County Commissioners:

Enclosed is the invoice for the 2020-21 dues to the County Commissioners' Association of West Virginia. The dues schedule has NOT increased for FY 2021 and remains the same as adopted by the Board of Directors, January 7, 2001.

Each county's participation in this organization is extremely important to CCA and continued membership in this organization should be extremely important to your county for several reasons. Some of these include:

- CCAWV has played a key role in helping counties navigate the current COVID-19 situation.
- CCAWV monitors potential legislative issues affecting county government, including the 2020 Legislative Session where we successfully defeated elimination of the business inventory tax.
- CCAWV provides valuable training opportunities. CCAWV will offer a 2-day "Basic Training" seminar (**FREE to newly elected county commissioners of member counties**) to help them understand the duties of the office once elected.
- Our Annual and Legislative meetings focus on information and training sessions that will best serve our counties.
- Overall, our most valuable service is the opportunity you are given to exchange ideas and information with fellow commissioners from around the state. **CCAWV is here to promote and protect the office of county commissioner and your concerns are our number one priority!**

We feel you will find it well worth the dues to maintain membership in CCAWV. **If your county has interest and wants to join CCAWV but is in a financial crisis, or you have any other questions, please contact our office.** The Association wants to work with you and I look forward to working with you in the coming year!

Sincerely,

Jennifer Piercy
CCAWV Executive Director

NOTICE OF PUBLIC HEARING
Friday, September 11, 2020 at 1:00 PM

The Jefferson County Commission has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C, Principal Permitted and Conditional Uses Table.

Oral or written comments can be provided at the hearing, **1:00 PM Friday, September 11, 2020**, which will be held virtually via GoTo Meeting. You may also submit written comments to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

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

By Order of the Jefferson County Commission
Jane Tabb, President

MEMORANDUM

To: Jefferson County Commission
From: Nathan Cochran, APA
Re: Street Legal Special Purpose Vehicles
Date: August 6, 2020

The following are highlights from W. Va. Code § 17A-13-1, which is the new statute defining Street Legal Special Purpose Vehicles. Note that these are only highlights, and do not contain all of the statutory requirements. Please refer to W. Va. Code § 17A-13-1 and other related statutes for the complete legal requirements.

What are Street Legal Special Purpose Vehicles?

(b) For the purposes of this section:

- (1) “Special purpose vehicle” includes all-terrain vehicles, utility terrain vehicles, mini-trucks, pneumatic-tired military vehicles, and full-size special purpose-built vehicles, including those self-constructed or built by the original equipment manufacturer and those that have been modified.
- (2) “Street-legal special purpose vehicle” is a special purpose vehicle that meets the requirements of this section.

May Street Legal Special Purpose Vehicles be driven on a Street or Highway?

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

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

- (1) The highway is a controlled-access system, including, but not limited to, interstate systems; or
- (2) The county, municipality, or the Division of Natural Resources where the highway is located prohibits special purpose vehicles.

Are There Additional Legal Requirements?

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

- (e) All street-legal special purpose vehicles are subject to the certificate of title provisions of §17A-1-1 et seq. of this code.
- (f) Nothing in this section authorizes the operation of a street-legal special purpose vehicle in an area that is not open to motor vehicle use.
- (g) A street-legal special purpose vehicle may be registered in the same manner as provided for motorcycles pursuant to this chapter.
- (h) Upon registration of any street-legal special purpose vehicle pursuant to this section, the Division of Motor Vehicles shall issue a registration plate that is of the same size as Class G special registration plates for motorcycles.
- (i) Except as otherwise provided in this section, a street-legal special purpose vehicle shall comply with the Division of Motor Vehicles' licensing, fee, and other requirements pursuant to this chapter.

Are There Specific Equipment Requirements for the Street Legal Special Purpose Vehicle?

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

- (1) One or more headlamps;
- (2) One or more tail lamps;
- (3) One or more brake lamps;
- (4) A tail lamp or other lamp constructed and placed to illuminate the registration plate with a white light;
- (5) One or more red reflectors on the rear;
- (6) Amber electric turn system, one on each side of the front;
- (7) Amber or red electric turn signals;
- (8) A braking system, other than a parking brake;
- (9) A horn or other warning device;
- (10) A muffler and, if required by an applicable federal statute or rule, an emission control system;
- (11) Rearview mirrors on the right and left side of the driver;
- (12) A windshield, unless the operator wears eye protection while operating the vehicle;
- (13) A speedometer, illuminated for nighttime operation;
- (14) For vehicles designed by the manufacturer for carrying one or more passengers, a seat designed for passengers; and
- (15) Tires that have at least 2/32 inches or greater tire tread.
- (16) When owners of a street-legal special purpose vehicle have ensured that such vehicles are equipped as required by this subsection, and those owners obtain a valid registration card and certificate of insurance for such vehicles, those vehicles are eligible to apply for a motorcycle trailer sticker.

Jessica Carroll

From: David Tabb <sssi27@yahoo.com>
Sent: Thursday, August 6, 2020 9:46 AM
To: Jessica Carroll; Sandra McDonald
Subject: Public Comment for 8-6-2020 the previous Public Comment was only partially posted

Public Comment for Jefferson County Commission meeting August 6, 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 sent this time. Hurray!

Agenda #4 – Russell Burgess, Information Technology

This will give a pay increase from a base of 35,000 per year to 42,000 per year. I was under the impression that we are in a pandemic with lower revue. Other counties and state governments are giving furloughs.

Agenda #5 – Kelly Franklin, Jefferson Day Report Center

The 155,100 grant is over 19 pages of requirements including one can request this information under a FIOA. This needed to be sent by August 5, 2020. Good luck with this, I will keep track of where the money goes.

Agenda #6 – Nathan Cochran, Assistant Prosecuting Attorney (Case 19-P-69)

I filed a response to this case several weeks ago and you received a copy. Judge Hammer refused to accept my filing due to the Jefferson County Commission's sanctions placed on me. Isn't that convenient that you control the court and the attorney that now wants to quit this case. I have made additional filings to others to see who will get into trouble.

Agenda #7 – Proposed Solar Facilities Amendment

As a lifelong resident/taxpayer any change to a permanent requirement associated with the planning commission/building permits require a referendum by the voters. Commissioner Tabb needs to recuse herself due to the filings of Lyle Tabb, her husband.

New Business

#9 Discuss returning to Commission Room

The county should be allow proper access to all the meetings, public notices, public hearings that are required by law or don't act on any subject material till you can. Furthermore, if you are not using the Library, the taxpayers shouldn't be paying for it.

#10 - Discussion of Executive Order by the President of the United States (Monuments)

You can't do that! You will surely offend someone. You are also out of time to respond by July 31, 2020.

#11 – (What happened to this?)

Is this an executive item?

#12 – Lease to Health and Human Resources

So, is this where you are getting the money to waste on renting the Library? \$6.50 per square foot, per year, of annual income of \$18,707. Can anyone else rent property from the county for this rate? This is less than what the rental property owners have to pay taxes on. I guess I can use this to set the new assessments by.

Correspondence/Information - Mr. David Tabb's complaint

Mr. Tabb's complaint was posted incomplete. The question is: how often does this happen?

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

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

Have a nice day!

TO: Jefferson County Commission

August 5, 2020

RE: Solar Panel Amendment

The "Citizens for the Preservation of Kabletown" is a Facebook site opposed to the solar panel amendment. A post on the Citizens for the Preservation of Kabletown states that Jane Tabb "was awesome" for bringing to the public's attention the allegation that 75% of the land in Jefferson County could be affected by the installation of solar panels. Commissioner Tabb knew, or should have known, that less than 50% of Jefferson County is farmland. Commissioner Tabb should also have known that a substantial percentage of the county farmland is not conducive to the installation of solar panels due to the lack of a necessary electrical power source in the immediate area.

Commissioner Tabb is a member of the Jefferson County Farmland Protection Board. Elizabeth Wheeler, Director of the Board, has presented documentation to the County Commission opposing the solar panel amendment. Commissioner Tabb serves on the Farmland Protection Board as a non-voting member to avoid a conflict of interest claim.

Commissioner Tabb's husband, in his opposition to the amendment, presented to the County Commission a list of concerns regarding the installation of solar panels on farmland.

Based on the above, I believe Commissioner Tabb should recuse herself from further involvement regarding the solar panel amendment, including voting on the amendment.

Ron Rissler
Charles Town, W.Va.

TO: Jefferson County Commission

August 4, 2020

RE: Solar Panel Amendment

In 2012, two Charles Town citizens filed suit in Jefferson County Circuit Court to stop the CVS store from being built on West Washington Street. Judge David Sanders ruled that the plaintiffs lacked standing and were “unable to demonstrate or allege, either in their pleadings or at the hearing on this matter, that they suffer any unique harm or injury beyond that of a general citizen.”

None of those who oppose the Solar Panel amendment have standing to offer an objection to the amendment for the simple reason none have presented any evidence that they have suffered or will suffer any harm or injury if the amendment is implemented as written. Secondly, none of those that have voiced opposition to the amendment have standing to object to the amendment because they have not and cannot present evidence as to the exact location of any proposed solar panel site in relationship to their own residence.

Based on an examination of the location of the residences of those who have submitted written opposition to the amendment, it is evident that a majority lack standing to object due to the fact that they do not presently reside adjacent to or in the proximity of any farmland that could possibly be used for the implementation of a solar panel site if the amendment passes. No opponent to the amendment residing in Avon Bend, Shannondale or any other subdivision in Jefferson County, has standing to argue against the amendment. Those residing within the town limits of Charles Town, Harpers Ferry or Shepherdstown lack standing to allege an objection to the amendment. At least two individuals who have written objections to the amendment do not own residential property in Jefferson County and therefore forfeit their right to object due to their lack of standing.

Bottom line, no objector to the amendment can allege they are harmed or injured by the proposed amendment or that they will be harmed or injured if the amendment is passed.

Some of the opponents allege that if the amendment passes, a solar panel site will be constructed on the farm property of Stanley Dunn in the Kabletown District. I believe Mr. Dunn’s property consists of approximately 900 acres. The opponents who have objected to having a solar panel site constructed in the Kabletown District do not specify how many acres may be involved or the exact location of the alleged solar panel site. Due to the objectors lack of knowledge and evidence as to the size and location of the alleged solar panel site, they, again, lack standing to oppose the amendment.

Citizens for the Preservation of Kabletown have posted on facebook that 75% of the county could be covered with panels if the amendment is allowed. That may be difficult since less than half the county is farmland and a large amount of that would not qualify for solar panels. Attorney Kathy Santa Barbara is mentioned on the site as representing opponents to the amendment. Santa Barbara has stated that those desiring to assist in fighting the amendment must be a local resident. As previously mentioned, simply being a resident of Jefferson County does not qualify one as having standing to object to the solar panel amendment. A county resident must provide evidence of actual harm or injury to self or property in his or her pursuit to defeat the solar panel amendment.

I reside on a farm that has been in the family since 1855 and is adjacent to Eastland housing development. Prior to its existence, the property was an apple orchard. Would I rather view an orchard from my residence than a housing development – of course I would. I, however, did not and would not take any action to prevent a landowner from altering his privately owned property because I would rather view fruit trees rather than houses on his property.

I am in favor of the amendment that permits portions of farmland to be leased to solar companies and pleased that the landowner would be allowed an additional alternative to use his property, rather than just for a housing development, which is presently permitted. If, however, the majority of the County Commission determines not to allow solar panel sites to be constructed on portions of farmland, than the land owner is left with the one option of developing his property.

Ron Rissler
Charles Town, W.Va.

A Brief Review of the Concept of Solar Farms in Rural Areas of Jefferson County

Introduction

This review examines the appropriateness of siting a “solar farm” on rural farmland in Jefferson County. It came about as the result of a request made to the WVU Extension Service for information on this matter. It is meant as a resource for the residents and public officials in Jefferson County, fully acknowledging that the ultimate decision rests on this matter rests with the County Commission.

Some notes and caveats about this information:

- It only examines rural areas within Jefferson County – the focus of the original inquiry. Other areas of the county are in different land use districts. This report does not address the placement of solar farms in those zones.
- It only looks at the situation from the Jefferson County perspective. As a result, this report does not consider the possibility that pre-emption of local regulations by the state or federal government, which could make county decisions moot.
- It focuses on planning issues. While this includes an examination of state law and county ordinances, such a review is done from a layman’s perspective. A lawyer would be required for precise (and proper) interpretation of the applicable laws.
- It only considers state laws or county ordinances directly-related to planning or referenced in planning documents. As a result, not all rules and regulations that could impact the placement or operation of solar energy facilities are discussed.
- It is an independent analysis. It was done separately from any examination of the issue conducted by other parties, such as the Jefferson County Office of Planning and Zoning. Similarities between the different reports may exist; any such similarities would be the product of different people reaching the same (or nearly the same) conclusions on their own.

Background

Solar farms are large scale installations where acres of photovoltaic (PV) panels (commonly referred to as solar panels) can provide utility scale power – tens of megawatts or more. The panels can be fixed or sun-tracking. The power generated is fed into the main electrical grid (NREL).

These energy producing installations have been touted as a way for farmers to diversify revenue streams. Some growing and grazing options can be co-located with such installations –

or the panels can be placed on marginal or damaged lands taken out of production (USDA, OEE&RE). Research shows that chemical leaching is unlikely and there is little to no microclimate impact. Some accommodations may have to be made in the crop selection or land use. Also, the land can be returned to its previous agricultural uses after the lifespan of the solar installation – about 20 to 25 years. (USDA, OEE&RE).

The U.S. Department of Agriculture has been supportive of this type of initiative. The Agricultural Act of 2014 created programs that focused on alternative energy production and this type of programming remained part of the Agricultural Improvement Act of 2018. The current Renewable Energy for America Program includes Audit & Renewable Energy Development Assistance Grants for government, land grant universities, utility companies, and similar entities to distribute to agricultural producers and rural small businesses. They can be used for energy audits, site assessments, and technical assistance. Meanwhile, the Renewable Energy Systems & Energy Efficiency Improvement Loans & Grants provides funds to agricultural producers and small rural businesses. These funds can be used for renewable energy systems, including small and large solar generation. (USDA, RD).

Recently, there have been proposals to permit these energy-producing installations on agricultural land in the county. This has led to residents and public officials wondering whether such development would be allowed or appropriate. These are separate questions. The former is a question of legality; it will be examined in this report through a review of a county's comprehensive plan and zoning ordinance. The latter is a question of policy and preference and must be decided by the deliberation of impacted residents and public officials.

Comprehensive Plan

Envision Jefferson 2035 provided Jefferson County with a 20-year plan when adopted in 2015. It covers the entire county and has guidance for all unincorporated areas with respect to land use and development. Many different activities are discussed in the plan, but it has only a limited discussion of solar energy or solar farms.

The plan includes solar power in a large list of alternative and renewable energy sources (*Envision Jefferson*, p. 89). It describes the American Public University System's solar collectors that also function as cover for parked cars at the institution's Charles Town building (*Envision Jefferson*, p. 65 & p. 90).

The plan also mentions concerns over rules on who could create a solar farm. Specifically, it notes that a prohibition of cooperatives or communities creating a solar panel system that would feed multiple houses is impacting the expansion and viability of implementing other solar projects in the county (*Envision Jefferson*, p. 90). This is similar to but on a substantially smaller scale than what is currently being proposed.

This existing restriction may be why solar power is not included in the general discussion of alternative and renewable energy sources as part of the broader section on infrastructure (*Envision Jefferson*, p. 89-90). It may be why the Agricultural and Rural Economy Recommendations section does not include solar power when it calls for the creation of a county or regional agricultural industrial park that could include sites for service providers such as farm equipment repair facilities, tractor and implement sales, meat processing facilities, and veterinarian services; as well as: “Alternative Energy Production facilities, ranging from ethanol refining to algae production for biofuels” (*Envision Jefferson*, p.79, Goal 8, Item 11i).

It also may explain why the Infrastructure and Technology Recommendations section states “Develop regulations to enable cooperatives or communities to create a solar panel system that would feed multiple houses in the County” as part of the general activity of encouraging public entities to utilize alternative and renewable energy sources for a variety of energy needs (*Envision Jefferson*, p.93, Goals 10 & 11, Item 8c).

Additionally, the plan noted that in 2009 the state adopted an Alternative and Renewable Energy Portfolio Standard. This required investor-owned electric utilities with more than 30,000 residential customers to supply 25 percent of retail sales from eligible alternative and renewable energy resources by 2025 (*Envision Jefferson*, p.89). This would have applied to Potomac Edison, the First Energy electricity utility that serves Jefferson County. However, the state repealed its renewable energy portfolio standard in 2015 – shortly after the county adopted the plan (Energy WV, Profile). As a result, less than 5 percent of the state’s electrical generation comes from renewable energy sources. Despite this, solar power remains listed among the energy sources in the description of the state’s energy plan (Energy WV, Plan)

The plan still contains recommendations related to the now-repealed standard. One encouraged public entities to utilize alternative and renewable energy sources for a variety of energy needs by enabling the construction of renewable energy generation facilities by residents and businesses (*Envision Jefferson*, p.93, Goals 10 & 11, Item 8a) among under Information and Technology goals. The other called for the consideration consider implementation of alternative energy systems as they become more efficient and cost effective in facilities owned and maintained by the County or other public entities businesses (*Envision Jefferson*, p.142, Goal 24, Item 14) among Finance goals.

Two other matters raised in the compressive plan are also important to consider as part of this review. Both are directly related to the appearance of and activities on rural lands.

The discussion on Rural Land Planning (*Envision Jefferson*, Section 1B, p. 34-40) begins by noting that nearly 14,000 acres of land were removed from agricultural production in the county between 1974 and 2007 (*Envision Jefferson*, p.34). It later talks about preserving rural landscapes, heritage, and lifestyles (*Envision Jefferson*, p.36). The related Rural Land Use Planning Recommendation is to encourage a variety of mechanisms to protect existing

farmlands, key farm buildings, and scenic corridors within Jefferson County (*Envision Jefferson*, p. 40, Goal 2, Item 5).

Meanwhile, the discussion on Agriculture and Rural Economy (*Envision Jefferson*, Section 2B, p. 72-80) starts with a discourse on the importance of maintaining the rural economy and small-town lifestyle of the county. It notes that by noting that rural economic enhancement is an important strategy in the plan. This includes allowing a wider range of service activities on farms. It is also in this section where the recommendation to create a county or regional agricultural industrial park that could serve as placement for alternative energy production facility is listed (*Envision Jefferson*, p.79, Goal 8, Item 11i).

Solar farms would help Jefferson County meet both above goals. These installations would not be expected to substantially change the essential characteristics of rural areas. They would maintain open space and prevent land from being developed in ways that might alter the bucolic nature of rural Jefferson County. It may be necessary for the solar panels to be placed on the ground in some settings; this would lead to energy production from the solar farm replacing food production from the agricultural farm. Still, some crops can to be grown around ground-level solar panels and panels can also be mounted higher to allow other crops to be grown under them (USDA, OEE&RE).

The installations would also be in line with the desire to provide economic diversification for rural and agricultural areas. They would provide farmers with another income stream. That would also permit the land to remain as open space and (at least partially) in agricultural production (USDA, OEE&RE).

Finally, the continued promotion of and funding for these installations by the U.S. Department of Agriculture is indicative of the general consensus that these installations are appropriate for rural farmland.

Zoning Ordinance

Jefferson County is one of only four counties in West Virginia with county-wide zoning. As a result, a county ordinance specifies what land uses can (and cannot) be done for different areas. The county's current zoning ordinance was adopted on July 7, 1988 and has been amended more than 40 times, most recently on November 21, 2019 (Zoning Ord., Title Page & Amendments).

There is no mention of utility plant or power generation in the zoning ordinance. The closest category may be the Light Industrial Uses classification based on the definition of terms in the ordinance. At present, light industry is prohibited in rural areas (Zoning Ord., Appx. C). This may not have always been the case however, as the ordinance also discusses requirements for lot size and yard requirements for Light Industrial Uses in the Rural District (Zoning Ord., 5.7 (B.2)).

It may also be possible to infer that since the ordinance permits Essential Utility Equipment in any district (Zoning Ordinance, Section 4.7) that this would also permit the placement of PV panels for the solar farm. Based on the definition of terms (Zoning Ordinance, 2.2), essential equipment includes the transmission lines and meters would be associated with a solar farm; it is unclear if it would cover the solar farm itself. Thus, taking such a broad of an interpretation of what is included under this land use category could result in court challenge.

A better approach would be for the county to amend its zoning ordinance to specify where (and under what conditions) solar farms could be placed. This would eliminate any uncertainties as to what-is-allowed-where and would give the county a greater ability to place any desired restrictions on the placement of solar farms.

Such a change would need to be done using processes in the ordinance and in the *West Virginia Code*. As part of this effort, the Planning Commission would have to ensure that any proposed amendment is consistent with the comprehensive plan (Zoning Ord., 12.2 & 12.4; *WVC*, §8A-7-8(a)). The discussion in the previous section shows this would appear to be the case.

So, if Jefferson County wishes to permit solar farms on agricultural lands, the option that provides the most control is to make “solar energy installations” a Conditional Use in the Rural (R) District. By making this a conditional use rather than a by-right (permitted) use, the county is better able to list specific requirements related to the placement of these installations. Furthermore, as a conditional use, the Board of Zoning Appeals (BZA) must approve any proposed installation before it can be constructed.

The county would have to make a text amendment to the zoning ordinance to create this conditional use. The amendment would have several parts. The term “solar energy installation” (or something similar) would need to be added to the list of Definitions (Zoning Ord., 2.2). The definition would need to be crafted so it encompassed larger-scale solar energy production operations (and to differentiate it from home-scale solar panels for heating houses or providing hot water).

The Land Use Table would need to be updated to list where and at what level the installations would be allowed (Zoning Ord., Appx. C). Under the situation described above, the table would list “CU” (for Conditional Use) for the Rural (R) District. It should be noted that the decision on whether how to handle this land use in the other districts is outside the scope of this report. But the table would need to list whether this activity is Permitted (“P”) as a by-right use, a Conditional Use (“CU”), or Not Permitted (“NP”) for all other zoning districts in the county.

Finally, it may also be necessary to discuss this land use in the section of the ordinance that discusses the Rural District (Zoning Ord., 4.7). This would be the appropriate place to discuss any special regulations or restrictions on solar farms.

Conclusions

The proposed installation of solar farms in the rural/agricultural areas of Jefferson County would be consistent with the county's comprehensive plan – *Envision Jefferson 2035*. It would help the county achieve its planning goals for its rural areas. It would not be expected to have any substantial environmental impact. The land use change itself could be allowed through a text amendment to the zoning ordinance. Making it a conditional use would allow the county greater control over the placement of such facilities.

In closing, the decision on how to proceed – or whether to proceed – with allowing these energy-production installations ultimately falls to the Jefferson County Commission. The county commission should do what it feels is in the best long-term interest of the county after considering all the information available to it and the wishes and desires of county residents.

Sources

Jefferson County Office of Planning and Zoning, *Envision Jefferson 2035 Comprehensive Plan*:
<http://www.jeffersoncountywv.org/home/showdocument?id=2219>:

Jefferson County Office of Planning and Zoning, *Jefferson County Zoning and Land Development Ordinance* (Adopted July 7, 1988, As Amended. Amendments adopted by the County Commission, November 21, 2019):
<http://www.jeffersoncountywv.org/home/showdocument?id=17486>

National Renewable Energy Laboratory, Photovoltaic Research, Photovoltaic Applications:
<https://www.nrel.gov/pv/applications.html>

United States Department of Agriculture, Office of Efficiency & Renewable Energy, Farmer's Guide to Going Solar: <https://www.energy.gov/eere/solar/farmers-guide-going-solar>

United States Department of Agriculture, Rural Development, Energy Programs:
<https://www.rd.usda.gov/programs-services/all-programs/energy-programs>

West Virginia Code: <https://code.wvlegislature.gov/>

West Virginia Office of Energy, WV Energy Plan: <https://www.energywv.org/state-energy-plan>

West Virginia Office of Energy, WV Energy Profile, Renewable Energy:
[https://www.energywv.org/wv-energy-profile/renewable-energy#:~:text=In%202009%2C%20West%20Virginia%20had,renewable %20energy%20resources%20by%202025.](https://www.energywv.org/wv-energy-profile/renewable-energy#:~:text=In%202009%2C%20West%20Virginia%20had,renewable%20energy%20resources%20by%202025.)

Preparer

Michael Dougherty, Professor & Extension Specialist, West Virginia University
Email: Michael.Dougherty@mail.wvu.edu. Phone: 304-293-2559. Date: August 2020.



MONONGALIA COUNTY SOLID WASTE AUTHORITY

3788 Morgantown Industrial Park

Morgantown, WV 26501

304-292-3801

**FY 2020
Board of
Directors**

Hayward
Helmick,
Chair

H. R. Scott
Vice –Chair

Eldon Callen,
Board
Member

David
Custer,
Board
Member

Robert
McConnell,
Board
Member

July 23, 2020

Jefferson County Commission
Jefferson County Courthouse
124 E Washington Street
Charles Town, WV 25414



Dear County Commission President:

During the 2020 Legislative session, an important solid waste issue bill, that could generate approximately \$2 million among all county Solid Waste Authorities (SWAs), was introduced by Senator Blair. Senate Bill 139’s main focus is to shift \$1.00 from the current \$3.50 fee of WV Department of Environmental Protection’s (DEP) Landfill Closure Assistance Program (LCAP) and distribute the \$1.00 fee to the 55 SWAs based upon their 2010 population. *This shift of funds would mean no new fees or taxes for county residents.* The DEP opposed the bill and raised difference of opinions resulting in SB 139 being deferred to the 2020 interims for further study.

Background

There is a state mandated assessment fee of \$8.25 placed on the tonnage of all solid waste disposed in state landfills to aid in funding programs administered by the DEP and WV Solid Waste Management Board (SWMB) (SWMB 8-1). From this fee \$3.50 is distributed to the Closure Cost Assessment Fee/Closure Fund per *W Va. Code 22-16-4* (SWMB 8-3). In FY 2018, \$7,432,540 was allocated for the LCAP with 28, of the original 30 landfills, in post-closure status and in the 30-year monitoring period (SWMB 4-19).

Expenses Reported

In FY2018, expenses of \$6,239,129 were reported to the WV Joint Committee on Government and Finance (*DEP FY2018 Annual Report*) and for FY2019, expenses were \$6,642,543 with an ending balance of \$20,500,567 (*DEP FY2019 Annual Report*).

2020 Legislature Statements

Before the WV Legislature, the DEP testified that all capping activities for the last few landfills will be 100% funded in 2023 and agreed that a phased reduction could start now with an increase up to the \$1.00 per ton reduction. Testifying before the House Government Organization Chairman, the DEP’s Scott Mandirola, Deputy Cabinet Secretary, agreed to these points and did not object to the bill amendment to do a phased reduction.

Questions to Consider

A major concern to clarify, what happens to the annual expense funding source after the 30-year monitoring period? Secondly, will this burden be placed upon our residents perpetually in assessment fees or taxation? Lastly, the real question to ask is, how does this affect your county?

Request to Consider

As commissioners, your contacts and relationships with legislators, state officials and other community representatives are immeasurable. We are asking that you talk to your delegates and legislators to support SB 139. With your support and assistance, we can get SB 139 passed in the next legislative session.

Feel free to contact us with your questions at 304-292-3801 or moncountyswa@gmail.com.

Sincerely,

Monongalia County Solid Waste Authority Board of Directors

Enclosures:

Enc 1: West Virginia Solid Waste Management Plan 2019, Solid Waste Disposal Fees, pages 8-1, 8-3

Enc 2: West Virginia Solid Waste Management Plan 2019, LCAP Summary, page 4-19

Enc 3: West Virginia Department of Environmental Protection Annual Report, FY2018

Enc 4: West Virginia Department of Environmental Protection Annual Report, FY2019

Chapter 8: Solid Waste Disposal Fees

8.1 Assessment Fees

The state has imposed assessment fees on the disposal of solid waste as a mechanism to fund solid waste management programs. These fees are collected on a rate per ton basis by the solid waste disposal facility and are remitted to the Department of Tax and Revenue monthly. The Auditor's Office and the Department of Tax and Revenue have jointly developed a system which deposits the dollars directly into the appropriate funds.

The \$8.25 assessment fee is distributed among three separate agencies, Department of Environmental Protection (DEP), Division of Natural Resources (DNR) and the Solid Waste Management Board (SWMB).

The Solid Waste Assessment Fee (DEP) - provides funding for the Solid Waste Reclamation and Environmental Response Fund, Solid Waste Enforcement Fund and the Solid Waste Management Board Reserve Fund, for bond reserve.

Solid Waste Assessment Interim Fee – (SWMB Solid Waste Planning Fund) provides funding for

grants and monthly operations for the 50 local solid waste authorities (SWAs) and SWMB administration costs and grants.

The Recycling Assessment Fee funds the DEP's REAP Recycling Assistance Program, Solid Waste Reclamation and Environmental Response Fund, Hazardous Waste Emergency Response Fund, a portion of DNR's Police Officer's salaries, and local solid waste authority assistance. Closure Cost Assessment Fee (DEP), is primarily used for expenses associated with proper landfill closure.

"Commercial Recyclers" may receive a special exemption, resulting in a \$2.00 Recycling Fee. To receive the exemption Commercial Recyclers must have DEP certification that 70% of the waste received at the disposal facility is recycled. The remaining 30% being disposed of at a landfill will be assessed \$2.00 per ton.

This section describes the fees the state collects and distributes to environmental agencies and programs. Table 8-1 represents the distribution of fees effective since July 1, 2005.

- The **Prichard Landfill (50)** in Wayne County closed in 1996 due to its inability to compete with Kentucky facilities offering lower tipping fees. The facility has been capped and is in post-closure monitoring;
- The **Webster County Landfill's (37)** permit was revoked by the DEP in 2004. PSC denied the facility a CON the following year. The facility's problems were related to decreasing tonnage and income. The Webster County Landfill ceased operation in 2002;
- The **Elkins/Randolph Landfill (24b)** closed in the fall of 2011, unable to generate enough income to cover cost due to the low tonnages. Closing cost for the facility was estimated by Environmental Solutions, Inc. during July 2012 at \$6,080,310;
- The **City of Huntington's Landfill (47)** was ordered closed in 1994 by the DEP because it was unable to comply with state and federal regulations requiring multiple liners and a comprehensive leachate management system.

4.6.2 LCAP Summary

The closure cost mentioned for the above LCAP facilities was for expenses up to and including the final cap and does not include cost associated with the 30-year monitoring period.

Of the original 28 facilities in the LCAP program and the 2 other facilities that were later added, 28 are in post-closure phase, three are in pre-closure and the remaining two are in closure phase.

The two facilities in the closure phase are Clarksburg and Elkins/Randolph. The three

facilities in pre-closure are Wheeling-North Park, Kingwood and Webster County. All others are in Post-Closure.

For FY 2018, \$7,432,540 of the \$17,708,481 collected by the state in landfill assessment fees was designated for the LCAP program.

DIGITAL VERSION: [Click here](#) for an interactive map of the state's nonoperational landfills and tire monofills.

4.7 Transfer Stations

As of November 2018, West Virginia currently has 17 municipal solid waste transfer stations. Most of these facilities are either in the eastern panhandle or the southwestern part of the state, commonly known as the coalfield counties. Transfer stations allow garbage from packer and smaller trucks to be transferred to larger trucks in areas where a long haul to the nearest landfill is necessary. On average, one large vehicle can haul 4 times the load of one standard size garbage truck saving time, wear and tear on the trucks and fuel. Transfer stations are an essential part of the waste management system.

In 2017, West Virginia's (then) 16 operational transfer stations collected and transferred 270,218 tons of waste, approximately 14% of the total volume going into the state's landfills. They process and transfer residential waste, non-hazardous commercial waste, bulky goods, construction and demolition waste and a few tires.

The following transfer stations are currently operational in West Virginia.

**West Virginia Department of Environmental Protection
Office of Environmental Remediation
Landfill Closure Assistance Program
Annual Report FY2019
Per WV Code 22-16-12(h)**

Fund 3328 - Closure Assistance Fund

Beginning Cash at July 1, 2019 **18,248,740**

Revenues:

Solid Waste Assessment Fees	7,888,342
Investment Earnings	443,420
Miscellaneous	562,608

TOTAL REVENUE **8,894,370**

Expenditures:

Personal Services	709,599
Benefits	208,552
Unclassified	5,724,392

TOTAL EXPENDITURES **6,642,543**

Ending Cash at June 30, 2020 **20,500,567**