

**REVISED**

**JEFFERSON COUNTY COMMISSION  
FOURTH QUARTERLY SESSION - OCTOBER - DECEMBER 2020  
THURSDAY, DECEMBER 17, 2020  
6:00 P.M.**

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

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- November 9, 2020 General Election Canvass - Part 1
- November 10, 2020 General Election Canvass - Part 2
- December 3, 2020 Regular Meeting
- December 10, 2020 Special Session

**APPROVAL OF REQUISITIONS**

- December 17, 2020

**APPROVAL OF ACCOUNTS PAYABLE**

- December 10, 2020
- December 17, 2020

**APPROVAL OF MANUAL CHECKS**

- December 11, 2020
- December 18, 2020

**APPROVAL OF PAYROLL**

- December 10, 2020

**PRESENTATION OF A RESOLUTIONS**

- Approval of Resolutions - Discussion/Action

## ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

## PUBLIC COMMENT

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

## PRESENTATIONS

1. 6:30 p.m. Angie Banks, Assessor  
- Exonerations - Discussion/Action
2. 6:40 p.m. Pete Dougherty, Sheriff  
- PRO Grant Contract - Discussion/Action
3. 6:50 p.m. Matt Harvey, Prosecuting Attorney  
- Annual Leave Accrual Maximums - Discussion/Action  
- Approval of VOCA Grant - Discussion/Action
4. 7:00 p.m. Jacki Shadle, County Clerk  
- Advertise for the open assistant clerk position - Discussion/Action
5. 7:10 p.m. Laura Storm, Circuit Clerk  
- Request to fill a vacancy in the Circuit Clerk's office - Discussion/Action
6. 7:20 p.m. Broadband Study Presentation - Discussion/Action
7. 7:40 p.m. Michelle Gordon, Finance Director  
- Review and Approval of FY2021 State Budget Revision 2 for the General County Fund - Discussion/Action  
- FY21 COVID19 Emergency Financial Policy - Discussion/Action  
- Review of FY22 Budget Charge for Departments - Discussion/Action  
- Review of FY21 financials as of 11/30/2020 - Discussion/Action
8. 8:00 p.m. Roger Goodwin, Chief County Engineer  
- Partial Release of construction bond security for Roderick Planes, LLC - Aspen Greens Subdivision, Phase 1A (File #07-15) - Discussion/Action
9. 8:10 p.m. Stephen S. Allen, Director, Jefferson County Office of Homeland Security and Emergency Management  
- Signing of Integrated Public Alert and Warning System (IPAWS) Memorandum of Agreement - Discussion/Action

10. 8:20 p.m. Elizabeth Wheeler, Director, Jefferson County Farmland Protection Board  
- Approval of purchase of one Agriculture Conservation Easement - Discussion/Action
  
11. 8:45 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
  - 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 Department of Interior inquiry of Historic Landmarks Commission activity for docket number PCRNPS-04-20 - Discussion/Action
  - Discussion with counsel regarding Charles Town Council changes to Article 147 - Discussion/Action
  - Discussion of all aspects of case, issues, potential for resolution, and use of outside counsel regarding Jefferson County Circuit Court Civil Action #20-C-125 and #s20-C-132-137- Discussion/Action

#### **NEW BUSINESS**

12. Discuss request for funding: COVID-19 Pandemic Block Grant \$100,000 - Discussion/Action
  
13. Set date, time, and location for the first regular meeting of 2021 - Discussion/Action
  
14. Approval of Contract for Professional Services - Broadband Study Grant - Discussion/Action

15. Decision - Proposed text amendment to the Zoning Ordinance regarding Drive Through Restaurants (ZTA20-02). The draft amendment proposes to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment proposes revisions to Article 5 District Regulations; Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C Principal Permitted and Conditional Uses Table - Discussion/Action
16. Decision - Proposed text amendment to the Zoning Ordinance regarding Commercial Cemeteries File #ZTA20-01). The draft amendment proposes to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use (by right) in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C Principal Permitted and Conditional Uses Table - Discussion/Action
17. Decision - Zoning Map Amendment (rezoning) for the property designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 10.2, 13, 14 & 15.2. The properties are located at 7948 Martinsburg Pike, Shepherdstown, WV. The property owner is James Van Evera III, et al. The contract purchaser is Sheetz, Inc. The total combined acreage of all the parcels is 23.48 acres; however, 5.4 acres is subject to the request. The property is currently zoned Residential Growth and a petition has been made to the County Commission by the property owner to change the zoning classification for 5.4 acres to Residential-Light Industrial-Commercial (Planning Commission File #20-1-Z) - Discussion/Action

#### COUNTY ADMINISTRATOR REPORTS

- Discuss Civil and Non-Civil employees Annual Leave Accrual Maximums -Discussion/Action

#### COUNTY COMMISSION REPORTS

18. ADJOURN

#### CORRESPONDENCE/INFORMATION

Impact Fee Status Report received for November, 2020.

Notice of Intent to Appoint to the Jefferson County Board of Zoning Appeals

Public Comment received from Al Cobb regarding the Impact Fee Study Report.

Public comment received from David Tabb regarding the December 3, 2020 agenda.

SPECIAL SESSION:

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

At a Special Session of the Jefferson County Commission, continued and held at the Jefferson County Commission Meeting Room, located at 200 E. Washington Street located in Charles Town, WV, 25414 on Monday, November 9, 2020 beginning at 9:30 a.m.

PRESENT: Jane Tabb, President  
Ralph Lorenzetti, Vice President  
Josh Compton, Commissioner  
Caleb Hudson, Commissioner  
Patsy Noland, Commissioner

STAFF: Nikki Painter, Chief Deputy Elections Officer  
Stephanie Grove, County Administrator  
Shaun Pacetti, Deputy Clerk, Elections  
Jessica Carroll, Recording Clerk  
Jacqueline Shadle, Clerk of the County Commission

The County Commission of Jefferson County, sitting as a Board of Canvassers, met this 9th day of November, 2020 at 9:52 am for the purpose of canvassing ballots cast in the November 3, 2020 Primary Election.

Commissioner Noland Pledge of Allegiance.

- **Motion by Mr. Compton to convene as a Board of Canvassers. Motion seconded and unanimously approved.**

Nathan Cochran, Assistant Prosecuting Attorney, advised the Commission to hold the Canvass virtually as advertised in the meeting notice in order to remain compliant with COVID-19 social distancing protocol.

- **Motion by Ms. Noland to hold the 2020 General Election Canvass via webcast only due to COVID-19 restrictions. Motion seconded and passes on a vote of 3-1 with Mr. Hudson opposing and Mr. Lorenzetti abstaining due to being on the ballot.**

Ms. Painter stated one precinct would need to be selected for a hand count. Precinct 3 (Charles Town Baptist Church) was randomly selected by staff.

Ms. Painter also stated the bond amount for a recount must be set prior to the start of the canvass.

- **Motion by Ms. Noland to set the bond amount at \$300.00 in the event of a recount. Motion seconded and unanimously approved.**

The Board proceeded with the Canvass by reviewing each precinct, checking to make sure the counts were accurate. The Board also reviewed the provisional and absentee ballots from each precinct to determine if the ballot in question could or could not be accepted into the count.

The Commission then recessed as a Board of Canvassers until 9:30 am the following morning, November 10, 2020 to recreate ballots that had been damaged or unable to be read by the voting machines.

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Jane M. Tabb, COMMISSION PRESIDENT

	A	B	C	D	E	F
1	Provisional Ballots					
2	2020 General Election					
3						
4	Precinct	Name	Reason	Motion/Second	Accept/Reject	Carries
5						
6	2	Steven Alvey	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
7		Jed Roper	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
8		Keecha Cook	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
9		Astrid Castro	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
10		Heather Waters	Not Registered	Compton/Lorenzetti	Reject	Yes
11		Ryon P. (illegible)	Not Registered	Compton/Lorenzetti	Reject	Yes
12		Christopher Rhoten	Not Registered	Compton/Lorenzetti	Reject	Yes
13		Christopher Vollmar	Registration OK	Tabb/Noland	Accept	Yes
14		Maria Vollmar	Registration OK	Tabb/Noland	Accept	Yes
15		Scott Bearyn	Voted in wrong precinct	Noland/Hudson	Reject	Yes
16		Sidney White III	voted in wrong precinct	Noland/Hudson	Reject	Yes
17		Elisa Taylor	Absentee never received	Tabb/Noland	Accept	Yes
18		Edward Wise	Canceled by Department of Corrections in 2017	Noland/Hudson	Reject	Yes
19		Harry Allen III	Not Registered	Compton/Noland	Reject	Yes
20						
21	3	Harrison Robinson	Absentee never received	Tabb/Noland	Accept	Yes
22		Christopher Clark	Registration OK	Noland/Compton	Accept	Yes
23		Patricia O'Connor	Moved Voting in Correct Precinct	Compton/Noland	Accept	Yes
24		Don O'Connor	Moved Voting in Correct Precinct	Compton/Noland	Accept	Yes
25		Zuleika Dejesus-Garcia	Moved Voting in Correct Precinct	Compton/Noland	Accept	Yes
26		Latavia Smith	Moved Voting in Correct Precinct	Compton/Noland	Accept	Yes
27		Richard Springer	Canceled for not voting	Noland/Compton	Reject	Yes
28		Kathlyn Nelson	Not Registered	Tabb/Noland	Reject	Yes
29		Maya Dozier	Not Registered	Tabb/Noland	Reject	Yes
30						
31	4A	Rosemarie Fields	Canceled for not voting	Tabb/Hudson	Reject	Yes
32		George Farias Jr	Not Registered	Noland/Compton	Reject	Yes
33		Janine Campbell	Absentee never received	Lorenzetti/Tabb	Accept	Yes

	A	B	C	D	E	F
34		Traci Baker	Not Registered	Compton/Noland	Reject	Yes
35		Tina Bohon	Canceled for not voting	Tabb/Noland	Reject	Yes
36		Cole Atchison	Absentee never received	Tabb/Noland	Accept	Yes
37		Steven Kay	Voted in wrong precinct	Compton/Noland	Reject	Yes
38		Taylor Gonzalez	Registration OK	Tabb/Noland	Accept	Yes
39		Clinton Jorgensen	Registration OK	Tabb/Noland	Accept	Yes
40		Lester Jackson	Registration OK	Tabb/Noland	Accept	Yes
41						
42	4B	Sydney McKinnon	Absentee never received	Noland/Compton	Accept	Yes
43		Denee Nordyke	Absentee never received	Noland/Compton	Accept	Yes
44		Christopher Pfaltzgraff	Absentee never received	Noland/Compton	Accept	Yes
45		Eslam Said Mabrouk	Not Registered	Compton/Hudson	Reject	Yes
46		Nada Agamy Elsa Malihy	Not Registered	Compton/Hudson	Reject	Yes
47						
48	6	Teresa Boyd	Not Registered	Noland/Compton	Reject	Yes
49		Rebecca Nick	Voted in wrong precinct	Tabb/Hudson	Reject	Yes
50		Lori Groves	Voted in wrong precinct	Tabb/Hudson	Reject	Yes
51		Angela Hoffman	Poll Worker	Tabb/Hudson	Accept	Yes
52						
53	7	Aleecia Foo	Registration OK	Tabb/Compton	Accept	Yes
54		Diamond Frye	Absentee never received	Noland/Tabb	Accept	Yes
55		Ahmed Mohamed Eisa	Not Registered	Compton/Noland	Reject	Yes
56		Ernest Himes	Canceled for not voting	Noland/Tabb	Reject	Yes
57		Karen Stoneburger	Moved Voting in Correct Precinct	Hudson/Lorenzetti	Accept	Yes
58		Sharon Watson	Moved Voting in Correct Precinct	Hudson/Lorenzetti	Accept	Yes
59		Katelin Watson	Moved Voting in Correct Precinct	Hudson/Lorenzetti	Accept	Yes
60		James Carson	Registration OK	Noland/Tabb	Accept	Yes
61		Julia Davila Castillo	Registration OK	Noland/Tabb	Accept	Yes
62		Rahsaan Edwards	Poll Worker	Compton/Noland	Accept	Yes
63		Brennan Jenkins	Not Registered	Compton/Tabb	Reject	Yes
64		Cinda Lee Rosenberry	Not Registered	Compton/Tabb	Reject	Yes
65		Esterany Trejo	Not Registered	Compton/Tabb	Reject	Yes
66						

	A	B	C	D	E	F
67	12	Travis Franklin	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
68		Lisa Stevenson	Absentee never received	Noland/Tabb	Accept	Yes
69		Holmes Stoner III	Not Registered	Compton/Noland	Reject	Yes
70		Abby Lantz	Not Registered	Compton/Noland	Reject	Yes
71		Abigail Donlon	Canceled for not voting	Tabb/Noland	Reject	Yes
72						
73	13	Lyndsey Vanderostyne	Registration OK	Tabb/Noland	Accept	Yes
74		Phyllis Spinks	Moved Voting in Correct Precinct	Compton/Noland	Accept	Yes
75		Ronnie Spinks	Moved Voting in Correct Precinct	Compton/Noland	Accept	Yes
76		Joyce Dailey	Voted in wrong precinct	Tabb/Noland	Reject	Yes
77		William Gooch	Voted in wrong precinct	Tabb/Noland	Reject	Yes
78		Dalton Jamison	Voted in wrong precinct	Tabb/Noland	Reject	Yes
79		Mark Waters	Voted in wrong precinct	Tabb/Noland	Reject	Yes
80		Steven Jenkins	Voted in wrong precinct	Tabb/Noland	Reject	Yes
81		Brittany Brady	Not Registered	Noland/Compton	Reject	Yes
82		Larry Moore	Canceled - no response to challenge	Noland/Tabb	Reject	Yes
83						
84	14	Tara Hofsiss	Absentee never received	Tabb/Noland	Accept	Yes
85		Adam Kearney	Registered in Berkeley County	Noland/Compton	Reject	Yes
86		Jerry oland	Voted in wrong precinct	Noland/Tabb	Reject	Yes
87		Leah Howell	Canceled - no response to challenge	Tabb/Lorenzetti	Reject	Yes
88						
89	15	Michael Burns	Absentee never received	Tabb/Noland	Accept	Yes
90		Eric Pry	Not Registered	Compton/Hudson	Reject	Yes
91		Oscar Romero	Not Registered	Compton/Hudson	Reject	Yes
92		Nannette Romero	Not Registered	Compton/Hudson	Reject	Yes
93		Patricia Clark	Absentee never received	Noland/Tabb	Accept	Yes
94		Judy Carroll	Poll Worker	Hudson/Tabb	Accept	Yes
95		Sophia Mayne	Voted in wrong precinct	Noland/Compton	Reject	Yes
96		James Cassell	Not Registered	Noland/Tabb	Reject	Yes
97		Sabrina Crummitt	Canceled for not voting	Tabb/Hudson	Reject	Yes
98						
99	16	Jennifer Witt	Moved Voting in Correct Precinct	Lorenzetti/Tabb	Accept	Yes

	A	B	C	D	E	F
100		Barbara Doxtater	Sent to alternate precinct by County Clerk	Noland/Tabb	Accept	Yes
101		Mihyun Schipper	Not Registered	Compton/Noland	Reject	Yes
102						
103	17	Mary Brooke	Absentee never received	Noland/Tabb	Accept	Yes
104		Jessica Lynn	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
105		Kenneth Shimp	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
106		Jacob Keith	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
107		John Staubs II	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
108		Christopher Cogle	Did not produce ID - Signature does not match	Noland	Reject	Yes
109		Richelle Wright	Not Registered	Compton/Tabb	Reject	Yes
110		Robert Herring Jr	Not Registered	Compton/Tabb	Reject	Yes
111						
112	19	George Burns IV	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
113		Denisa Terry	Absentee never received	Noland/Compton	Accept	Yes
114		Tellie Marple	Voted in wrong precinct	Compton/Tabb	Reject	Yes
115		Ronald Moats Jr	Not Registered	Noland/Compton	Reject	Yes
116		Tatavia Johnson	Not Registered	Noland/Compton	Reject	Yes
117						
118	20	Barbara Nelson	Not Registered	Compton/Tabb	Reject	Yes
119		Caroline Rose Kinley	Registration OK	Tabb/Noland	Accept	Yes
120		Sheri Stevens	Not Registered	Noland/Compton	Reject	Yes
121		Angela Delauter	Not Registered	Noland/Compton	Reject	Yes
122		Joseph McDonald	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
123		Danielle Shifflett	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
124		Derek Carson	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
125		Catherine Turner	Voted in wrong precinct	Compton/Noland	Reject	Yes
126		Saige Weaver	Poll Worker	Hudson/Tabb	Accept	Yes
127		Roberto Depetris	Voted in wrong precinct	Lorenzetti/Tabb	Reject	Yes
128		Kimberley Custer	Voted in wrong precinct	Lorenzetti/Tabb	Reject	Yes
129		Samantha Archer	Voted in wrong precinct	Lorenzetti/Tabb	Reject	Yes
130						
131	21A	Michael Kingsbury	Canceled for not voting	Noland/Hudson	Reject	Yes
132		Brrrett Frazier	Voted in wrong precinct	Compton/Noland	Reject	Yes

	A	B	C	D	E	F
133						
134	21B	Kayla Reifke	Absentee never received	Noland/Tabb	Accept	Yes
135		Justin Nelson	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
136		Sandra Donahue	Registration OK	Noland/Tabb	Accept	Yes
137		James Rowen	Poll Worker	Hudson/Tab	Accept	Yes
138		Carla Nilson	Absentee never received	Compton/Lorenzetti	Accept	Yes
139		Michael Moore	Not Registered	Noland/Tabb	Reject	Yes
140		Scott Long	Not Registered	Noland/Tabb	Reject	Yes
141		Zacchaues Vezzosi	Not Registered	Noland/Tabb	Reject	Yes
142		Charles Swire	Canceled for not voting	Compton/Hudson	Reject	Yes
143		Jessica Ralph	Canceled for not voting	Compton/Hudson	Reject	Yes
144		Timothy Shaw	Absentee never received	Noland/Lorenzetti	Accept	Yes
145						
146	22	David Coleman	Registration OK	Tabb/Noland	Accept	Yes
147		Megan Smith	Absentee never received	Noland/Lorenzetti	Accept	Yes
148		Amy Silver	Absentee never received	Noland/Lorenzetti	Accept	Yes
149		Susan Weimer	Moved Voting in Correct Precinct	Tabb/Compton	Accept	Yes
150		Shane Wagoner	Registered in Berkeley County	Compton/Noland	Reject	Yes
151						
152	23A	Cheryl Bentley	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
153		Natasha Backus	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
154		Joseph Greenley	Absentee never received	Noland/Lorenzetti	Accept	Yes
155		Genevieve Atlhoff	Voted in wrong precinct	Compton/Hudson	Reject	Yes
156		Joseph Athhoff	Voted in wrong precinct	Compton/Hudson	Reject	Yes
157		Nancy Adams	Voted in wrong precinct	Compton/Hudson	Reject	Yes
158		Rose Cheeks	Voted in wrong precinct	Compton/Hudson	Reject	Yes
159		Gary Cheeks	Voted in wrong precinct	Compton/Hudson	Reject	Yes
160		Roman Dominiski	Not Registered	Noland/Compton	Reject	Yes
161		Karl Boyd	Canceled for not voting	Tabb/Noland	Reject	Yes
162		Aaron Daly	Canceled for not voting	Tabb/Noland	Reject	Yes
163						
164	23B	Tommy Staubs Jr	Moved Voting in Correct Precinct	Hudson/Lorenzetti	Accept	Yes
165		Audrey Palamara	Absentee never received	Noland/Tabb	Accept	Yes

	A	B	C	D	E	F
166		Christine Perez	Absentee never received	Noland/Tabb	Accept	Yes
167		Robert Martin Jr	Not Registered	Compton/Noland	Reject	Yes
168		Stewart Ware	Not Registered	Compton/Noland	Reject	Yes
169		Susan Sawyer	Voted in wrong precinct	Tabb/Noland	Reject	Yes
170		Kevin Sawyer	Voted in wrong precinct	Tabb/Noland	Reject	Yes
171		Clifton McDonald	Voted in wrong precinct	Tabb/Noland	Reject	Yes
172						
173	24	Dale Panton	Absentee never received	Noland/Tabb	Accept	Yes
174		Tracy Lynn Smart	Absentee never received	Noland/Tabb	Accept	Yes
175		Doris Gone	Absentee never received	Noland/Tabb	Accept	Yes
176		Peter Gone	Absentee never received	Noland/Tabb	Accept	Yes
177		Noah Garretson	Voter lives in Martinsburg	Compton/Noland	Reject	Yes
178		Jesus Galarza	Not Registered	Compton/Noland	Reject	Yes
179		Victor Villegas	Not Registered	Compton/Noland	Reject	Yes
180		Jose Lopez	Moved Voting in Correct Precinct	Noland/Hudson	Accept	Yes
181		Lori Reynolds	Moved Voting in Correct Precinct	Noland/Hudson	Accept	Yes
182		Doris Lopez	Moved Voting in Correct Precinct	Noland/Hudson	Accept	Yes
183		Hunter Carr	Moved Voting in Correct Precinct	Noland/Hudson	Accept	Yes
184		Cheryl Warton	Moved Voting in Correct Precinct	Noland/Hudson	Accept	Yes
185		Kelli Tiong	Voted in wrong precinct	Compton/Hudson	Reject	Yes
186		Vincent Tiong	Voted in wrong precinct	Compton/Noland	Reject	Yes
187		Timothy Schmahl	Voted in Wrong Precinct	Compton/Noland	Reject	Yes
188		Gabriel Sigala	Not Registered	Noland/Tabb	Reject	Yes
189		Ashley Barr	Not Registered	Noland/Tabb	Reject	Yes
190		Griffin Price	Not Registered	Noland/Tabb	Reject	Yes
191		Brenda Maloney	Canceled - Moved out of state	Compton/Noland	Reject	Yes
192						
193	25A	Shirley Baker	Registered in Berkeley County	Noland/Compton	Reject	Yes
194		Gary Hutchinson	Absentee never received	Tabb/Noland	Reject	Yes
195		Jeff Barr	Voted in wrong precinct	Compton/Noland	Reject	Yes
196		Jessica Barr	Voted in wrong precinct	Compton/Noland	Reject	Yes
197						
198	25B	Jimmy Smart	Canceled for not voting	Noland/Lorenzetti	Reject	Yes

	A	B	C	D	E	F
199		Emily Lahman	Absentee never received	Tabb/Noland	Accept	Yes
200		Mary Raymond	Absentee never received	Tabb/Noland	Accept	Yes
201						
202	26	Joel Waybright	Moved Voting in Correct Precinct	Hudson/Tabb	Accept	Yes
203		Helen Kardos	Absentee never received	Tabb/Noland	Accept	Yes
204		Sharon Bobbitt	Absentee never received	Tabb/Noland	Accept	Yes
205		William Smith	Absentee never received	Tabb/Noland	Accept	Yes
206		Natalie Ring	Absentee never received	Tabb/Noland	Accept	Yes
207		Eve Barcolleh	Voter lives in Berkeley County	Compton/Tabb	Reject	Yes
208		Ezekial Goldbranson	Registration OK	Lorenzetti/Tabb	Accept	Yes
209		Brian Pifer	Canceled for not voting	Noland/Tabb	Reject	Yes
210		Terea Shumate	Canceled for not voting	Noland/Tabb	Reject	Yes
211		Gary Owens	Canceled for not voting	Noland/Tabb	Reject	Yes
212		Tonya Braithwaite	Canceled for not voting	Noland/Tabb	Reject	Yes
213		Tomika Lacar	Voted in wrong precinct	Compton/Tabb	Reject	Yes
214		Michael Burrows	Voted in wrong precinct	Compton/Tabb	Reject	Yes
215		Winston Threadgill	Voted in wrong precinct	Compton/Tabb	Reject	Yes
216		Casey Frick	Voted in wrong precinct	Compton/Tabb	Reject	Yes
217		Timothy Brown	Not Registered	Noland/Compton	Reject	Yes
218		Jerry Strawderman	Not Registered	Noland/Compton	Reject	Yes
219		Britney Moore	Not Registered	Noland/Compton	Reject	Yes
220		John Duffy	Registered in Berkeley County	Compton/Noland	Reject	Yes
221						
222	27	Lawrence Reed III	Canceled for not voting	Noland/Tabb	Reject	Yes
223		Tyler Schlote	Absentee never received	Tabb/Noland	Accept	Yes
224		Cassie Twigg	Poll Worker	Hudson/Noland	Accept	Yes
225		Karyn Hannum	Registration OK	Lorenzetti/Tabb	Accept	Yes
226		Amanda Courtney	Registration Ok	Lorenzetti/Tabb	Accept	Yes
227		Andrew Cave	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
228		Lorena Quintama-Cave	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
229		Sarah Hamrick	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
230		Brandon Harrison	Moved Voting in Correct Precinct	Tabb/Noland	Accept	Yes
231		Kiara Johnson	Absentee never received	Compton/Hudson	Accept	Yes

	A	B	C	D	E	F
232		Gregory Baker	Absentee never received	Compton/Hudson	Accept	Yes
233		Sherry Grove	Registered in Berkeley County	Noland/Tabb	Reject	Yes
234		Roy Dillow	Not Registered	Lorenzetti/Tabb	Reject	Yes
235		Floyd Stephen	Not Registered	Lorenzetti/Tabb	Reject	Yes
236		David Smith	Canceled for not voting	Tabb/Compton	Reject	Yes
237		Brenda Chpaman	Canceled for not voting	Tabb/Compton	Reject	Yes
238		Trystin Titus	Voted in wrong precinct	Noland/Compton	Reject	Yes
239		Alex Bain	Voted in wrong precinct	Noland/Compton	Reject	Yes
240		Michael Metz	Voted in wrong precinct	Noland/Compton	Reject	Yes
241		Joyce Lear	Voted in wrong precinct	Noland/Compton	Reject	Yes
242		Heather Green	Voted in wrong precinct	Noland/Compton	Reject	Yes
243		Jonathan Collins	Voted in wrong precinct	Noland/Compton	Reject	Yes
244						
245	28	David Isenhart	Poll worker error - sent to wrong precinct	Hudson/Compton	Accept	Yes
246		Christopher Wilt	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
247		Gregory Bushman	Moved Voting in Correct Precinct	Noland/Tabb	Accept	Yes
248		Michael Boyd	Canceled for not voting	Tabb/Noland	Reject	Yes
249		John Franklin Fargo	Canceled for not voting	Tabb/Noland	Reject	Yes
250		Joseph Carr	Canceled for not voting	Tabb/Noland	Reject	Yes
251		Mariama Chinmoun	Not Registered	Noland/Compton	Reject	Yes
252		Brittany Tomlin	Lives in Berkeley County	Compton/Tabb	Reject	Yes
253		Nathaniel Smith	Voted in wrong precinct	Lorenzetti/Tabb	Reject	Yes
254						
255	29	Mark Breeden Jr	Not Registered	Compton/Noland	Reject	Yes
256		Ana Hernnadez-Derequeno	Not Registered	Compton/Noland	Reject	Yes
257		Richard Gageby	Canceled for not voting	Tabb/Noland	Reject	Yes
258		Britney St Clair	Canceled for not voting	Tabb/Noland	Reject	Yes
259		Ashley Nuckols	Moved Voting in Correct Precinct	Hudson/Noland	Reject	Yes
260		Dawn Imbach	Moved Voting in Correct Precinct	Hudson/Noland	Reject	Yes
261		Victoria Canning	Registered in Berkeley County	Compton/Noland	Reject	Yes
262						
263	31	Kristen Carter	Moved Voting in Correct Precinct	Tabb/Lorenzetti	Accept	Yes
264		Thomas Smoot	Moved Voting in Correct Precinct	Tabb/Lorenzetti	Accept	Yes

	A	B	C	D	E	F
265		Briann Leuters	Moved Voting in Correct Precinct	Tabb/Lorenzetti	Accept	Yes
266		Fatima Miller	Moved Voting in Correct Precinct	Tabb/Lorenzetti	Accept	Yes
267		Gregory Barr	Canceled for not voting	Noland/Tabb	Reject	Yes
268		Sandra Crouse	Canceled for not voting	Noland/Tabb	Reject	Yes
269		Barrie Riese	Canceled for not voting	Noland/Tabb	Reject	Yes
270		Merl Nesselrodte	Canceled for not voting	Noland/Tabb	Reject	Yes
271		Dylan Unger	Absentee never received	Compton/Noland	Accept	Yes
272		Britney Lazeration	Absentee never received	Compton/Noland	Accept	Yes
273		Larry Gsell	Not Registered	Compton/Tabb	Reject	Yes
274		Shawn Aronhalt	Not Registered	Compton/Tabb	Reject	Yes
275						
276	32	Joyce Weddle	Absentee never received	Noland/Tabb	Accept	Yes
277		Noah Baihly	Absentee never received	Noland/Tabb	Accept	Yes
278		Melanie Thacker	Absentee never received	Noland/Tabb	Accept	Yes
279		Edward Tom	Registration OK	Tabb/Hudson	Accept	Yes
280		Christine Pflieger	Registration OK	Tabb/Hudson	Accept	Yes
281		Matthew Budek	Moved Voting in Correct Precinct	Compton/Noland	Accept	Yes
282		Anton Dvoraesck	Moved Voting in Correct Precinct	Compton/Noland	Accept	Yes
283		James Shimp, Jr	Moved Voting in Correct Precinct	Compton/Noland	Accept	Yes
284		Erin Bajada	Absentee never received	Tabb/Noland	Accept	Yes
285		Nicholas Bajada	Absentee never received	Tabb/Noland	Accept	Yes
286		Edward Giebas	Canceled for not voting	Noland/Hudson	Reject	Yes
287		Hontas Kidwiler	Canceled for not voting	Noland/Hudson	Reject	Yes
288		Kelsey Baker	Not Registered	Tabb/Noland	Reject	Yes
289						
290	33	Arin Anderson	Not Registered	Compton/Noland	Reject	Yes
291		Lora Maxwell	Not Registered	Compton/Noland	Reject	Yes
292		Donald Eddy	Not Registered	Compton/Noland	Reject	Yes
293		Carmella Rice	Registered in Berkeley County	Tabb/Noland	Reject	Yes
294		James Cummins IV	Absentee never received	Noland/Tabb	Accept	Yes
295						
296	34	Grant Rohrer	Registration OK	Noland/Tabb	Accept	Yes
297		Stephen Rickard	Moved Voting in Correct Precinct	Hudson/Tabb	Accept	Yes

	A	B	C	D	E	F
298		Aaron Collins	Moved Voting in Correct Precinct	Hudson/Tabb	Accept	Yes
299		Andrew Kelvington	Moved Voting in Correct Precinct	Hudson/Tabb	Accept	Yes
300		Ellie Lloyd	Moved Voting in Correct Precinct	Hudson/Tabb	Accept	Yes
301		Andrea Sherman	Absentee never received	Noland/Tabb	Accept	Yes
302		Joseph Anderson	Absentee never received	Noland/Tabb	Accept	Yes
303		Vernie Breeden	Canceled for not voting	Compton/Noland	Reject	Yes
304						
305	35A	Katrina Harrelson	Absentee never received	Noland/Compton	Accept	Yes
306		Diane Cushing	Absentee never received	Noland/Compton	Accept	Yes
307		Michael Graham	Not Registered	Compton/Tabb	Reject	Yes
308		Claudia DiLima	Registration OK	Tabb/Noland	Accept	Yes
309		Kelly Green	Voted in wrong precinct	Compton/Tabb	Reject	Yes
310		Zackery Bishop	Absentee never received	Noland/Tabb	Accept	Yes
311		Hunter Keyes	Absentee never received	Noland/Tabb	Accept	Yes
312		Eric Hoffmaster	Moved Voting in Correct Precinct	Hudson/Tabb	Accept	Yes
313		Jana Hoffmaster	Moved Voting in Correct Precinct	Hudson/Tabb	Accept	Yes
314		Eddie Arechiga	Not Registered	Lorenzetti/Noland	Reject	Yes
315		Jeannette Cogan	Not Registered	Lorenzetti/Noland	Reject	Yes
316		Peter Genovese	Not Registered	Lorenzetti/Noland	Reject	Yes
317		Rebecca Conrad	Canceled - moved out of county	Noland/Tabb	Reject	Yes
318		Sean Guerra	Canceled for not voting	Tabb/Noland	Reject	Yes
319		Eileen Higgins	Registration OK	Noland/Compton	Accept	Yes
320						
321	35B	Brittney Shumate	Registered in Berkeley County	Noland/Tabb	Reject	Yes
322		Joel Myers	Poll Worker Error	Compton/Noland	Accept	Yes
323		Kasey Myers	Poll Worker Error	Compton/Noland	Accept	Yes
324		Nicole Lowe	Absentee never received	Tabb/Noland	Accept	Yes
325		Mary Matlage	Absentee never received	Tabb/Noland	Accept	Yes
326		Michale Maraughha	Voter Resides in Berkeley County	Compton/Tabb	Reject	Yes
327		Michael Valasek	Registered by Berkeley County in error	Noland/Tabb	Accept	Yes
328		Charles Lowery	Resides in Berkeley County	Compton/Lorenzetti	Reject	Yes
329						

SPECIAL SESSION:

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

At a Special Session of the Jefferson County Commission, continued and held at the Jefferson County Commission Meeting Room, located at 200 E. Washington Street located in Charles Town, WV, 25414 on Tuesday, November 10, 2020 beginning at 9:30 a.m.

PRESENT: Jane Tabb, President  
Ralph Lorenzetti, Vice President  
Caleb Hudson, Commissioner  
Patsy Noland, Commissioner

STAFF: Nikki Painter, Chief Deputy Elections Officer  
Stephanie Grove, County Administrator  
Shaun Pacetti, Deputy Clerk, Elections  
Jessica Carroll, Recording Clerk  
Jacqueline Shadle, Clerk of the County Commission

The County Commission of Jefferson County, sitting as a Board of Canvassers, met this 10th day of November, 2020 at 9:36 am for the purpose of canvassing ballots cast in the November 3, 2020 Primary Election.

The Commission then proceeded with opening the provisional and absentee ballots and recreating ballots that were damaged or unreadable. Commissioner Lorenzetti did not participate in the recreation of ballots as he was a candidate on the ballot.

After all provisional and absentee ballots were reviewed and discussed, the Commission approved the addition of 554 ballots to the final count.

Ms. Tabb read the unofficial results and noted the number of ballots added after the canvass did not impact the original reported results.

Ms. Painter informed the Commission on the timeline regarding the certification of results. It was decided the certification of the State and local results would occur during the next regularly scheduled Commission meeting, contingent upon whether the rest of the counties in the State has completed their canvasses.

There being no further business, the Commission adjourned as a Board of Canvassers at 1:38 pm on a motion by Mr. Hudson. Motion was seconded and unanimously approved.

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Jane M. Tabb, COMMISSION PRESIDENT



## **Minutes**

### **Jefferson County Commission**

**Thursday, December 3, 2020**

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A meeting of the Jefferson County Commission was held on Thursday, December 3, 2020 during the fourth quarterly session at 9:30 a.m. The meeting was held via GoToWebinar. Present were Commissioners Jane Tabb, President, Patricia Noland, Ralph Lorenzetti, Caleb Hudson, 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, December 3, 2020 meeting is available on the Jefferson County Commission website.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Noland led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

**Motion by Ms. Tabb to approve the November 5, 2020 Regular Meeting Minutes as with noted corrections. Motion seconded and unanimously approved.**

**Motion by Mr. Compton to approve the November 19, 2020 Regular Meeting Minutes with noted corrections. Motion seconded and unanimously approved.**

**Motion by Ms. Tabb to approve the amendment to the minutes concerning the deputy vacation hour carry-over as presented by Ms. Grove. Motion seconded and unanimously approved.**

#### **APPROVAL OF REQUISITIONS**

**Motion by Ms. Noland to approve the Requisitions for December 3, 2020 in the amount of \$44,784.66 to include Requisition Nos. 21019, 21020, 21021 and 21022. Motion seconded and unanimously approved.**

**APPROVAL OF ACCOUNTS PAYABLE**

CHECK#		VENDOR NAME	AMOUNT
84047		ANGELA LAWRENCE	\$ 104.00
84048		AT&T	\$ 163.76
84049		BUREAU OF CHILD SUPPORT	\$ 248.31
84050		CACH LLC	\$ 276.76
84051		CITY OF CHARLES TOWN	\$ 80.00
84052		CITY OF CHARLES TOWN	\$ 30.00
84053		COMPTROLLER OF MARYLAND	\$ 1,669.58
84054		CRYSTAL SPRING	\$ 9.56
84055		DELTA DENTAL OF WV	\$ 6,780.41
84056		EFTPS IRS TAXES	\$ 102,276.08
84057		EMPOWER RETIREMENT	\$ 5,307.27
84058		ESS ELECTION SYSTEMS & SOFTWARE	\$ 303.57
84059		FEDEX	\$ 249.01
84060		J.C. EHRlich	\$ 748.00
84061		JANE M TABB	\$ 3,250.00
84062		JEFFERSON SECURITY BANK	\$ 4,674.00
84063		LANGUAGE LINE SERVICES	\$ 289.06
84064		MILLENIUM INSURANCE GROUP	\$ 900.00
84065		MILLERS SUPPLIES AT WORK	\$ 262.80
84066		NATIONWIDE RETIREMENT SOLUTIONS	\$ 849.00
84067		SHAUN PACETTI	\$ 61.00
84068		TEK ADVISORS LLC	\$ 4,200.00
84069		VICTOR C LUPIS III	\$ 3,250.00
84070		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 15,950.94
84071		WV DIVISION OF LABOR	\$ 90.00
84072		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 47,995.00
84073		WV STATE TAX DEPARTMENT	\$ 35,413.97
84074	AM/053	AXION	\$ 529.82
84075	FC/058	SHERIFF OF JEFFERSON CO	\$ 200,000.00
			\$ 435,961.90

**Motion by Mr. Compton to approve the Accounts Payable for November 26, 2020 in the amount of \$435,961.90. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
84076		AHA-ARTS & HUMANITIES ALLIANCE		823.42
84077		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU		3,091.26
84078		COLONIAL LIFE		163.20
84079		DARYLL WIMER		16.45
84080		DR. ROBERT E JONES III		1,000.00
84081		ED HANNON		11.32
84082		GUTTMAN OIL CO		4,278.21
84083		INFORMER SYSTEMS LLC		143.00
84084		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION		1,219.28
84085		JEFFERSON CO CONVENTION AND VISITORS BUREAU		20,585.60
84086		JEFF CO PARKS & RECREATION COMMISSION		18,542.89
84087		OLD CHARLES TOWN LIBRARY		1,500.00
84088		RICE TIRES CO		1,729.56
84089		ROBERT L PETERSON SR		1.89
84090		RONALD DANTZIC		36.56
84091		WV DIVISION OF LABOR		90.00
<b>TOTAL</b>				<b>53,232.64</b>

**Motion by Mr. Lorenzetti to approve the Accounts Payable for December 3, 2020 in the amount of \$53,232.64. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
518	CS/2	EASTRIDGE HEALTH SYSTEM		\$ 1,400.00

**Motion by Mr. Compton to approve the Manual Checks for November 24, 2020 in the amount of \$1,400.00. Motion seconded and unanimously approved.**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
715	HD/8	ENVIVO HEALTH LLC		\$ 80.00
844	AV/56	PRINT-O-STAT		\$ 190.00



3. Kelly Franklin, Director, Jefferson County Day Report Center – follow up from the Case Management Support Request Presented in October 2020 – no action was taken on this item.
4. Interview and Appointment to the Jefferson County Emergency Services Agency – one three-year term ending June 30, 2023 – no action was taken on this item and two citizen representative vacancies remain on the JCESA Board.
5. Annette Gavin Bates, Director, Jefferson County Convention and Visitor’s Bureau – presented the CVB Annual Report and requested the Jefferson County Commission to waive maintenance costs associated with Jefferson County WV Welcome Center.
  - **Motion by Ms. Noland to waive the materials and labor costs associated with the completion of the Jefferson County WV Welcome Center in the amount of \$53,860.68. Motion seconded and passes on a vote of 3-2 with Commissioners Lorenzetti and Tabb opposing.**
6. Laura Kuhn, Interim Director, Jefferson County Maintenance Department – requested permission to begin the advertising and application process to fill an upcoming vacancy of a custodial position within the Maintenance Department.
  - **Motion by Ms. Tabb to approve the hire of a custodial position within the Maintenance Department at a Grade II, starting salary of \$31,500, when the position becomes vacant and to begin the advertising and application process immediately. Motion seconded and unanimously approved.**
7. Dennis Jarvis, Director, Jefferson County Development Authority – requested the approval of Resolution of Participation and Cooperation for Local Economic Development Grant Program
  - **Motion by Ms. Tabb to approve the Resolution of Participation and Cooperation for the JCDA’s application for the Local Economic Development (LED) Grant of \$22,727 from the West Virginia Development Office. Motion seconded and unanimously approved.**
8. Roger Goodwin, Chief County Engineer and Michelle Mason, Impact Fee Specialist – Impact Fees 2020 Recalculation Study – Presentation of Results
  - **Motion by Ms. Tabb to schedule a public hearing on the Impact Fee Study at a date and time to be determined in January 2021. Motion seconded and unanimously approved.**

- **Motion by Ms. Tabb to recess until 1:30 pm. Motion seconded and unanimously approved.**

9. 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 legal issues regarding proposed solar text amendment including bonding and related matters – Discussion/Action
  - Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket no. PCRNPS-04-20 – Discussion/Action
  - Discussion with counsel regarding Charles Town City Council changes to Article 147 – Discussion/Action
  - Discussion of all aspects of case, issues, potential for resolution, and use of outside counsel regarding Jefferson County Circuit Court Civil Action #20-C-125 and #s20-C-132-137 – Discussion/Action
- **Motion by Ms. Noland to enter into Executive Session to receive legal advice regarding the following: 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 legal issues regarding proposed solar text amendment including bonding and related matters; discussion with counsel regarding Charles Town City Council changes to Article 147; and discussion of all aspects of case, issues,**

**potential for resolution, and use of outside counsel regarding Jefferson County Circuit Court Civil Action #20-C-125 and #s20-C-132-137. Motion seconded and unanimously approved.**

- **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to approve Mr. Rohrbaugh to proceed as directed in Executive Session re: Jefferson County Circuit Court Civil Action #20-C-125 and #20-C-132-137. Motion seconded and unanimously approved.**

10. Public Hearing – proposed text amendment to the Zoning Ordinance regarding Commercial Cemeteries File #ZTA20-01. The draft amendment proposes to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use (by right) in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C Principal Permitted and Conditional Uses Table.

- Ms. Tabb opened the public hearing at 1:32 pm. Ms. Beaulieu, Zoning Administrator, provided the Commission and the audience with an overview of the amendment, and Ms. Tabb opened the floor for public comment. Public comment was received by Christine Balmert Marshall. There being no further public comment, Ms. Tabb stated the record would remain open for two weeks to allow time for written comment.

11. Public Hearing - proposed text amendment to the Zoning Ordinance regarding Drive Through Restaurants (ZTA20-02). The draft amendment proposes to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment proposes revisions to Article 5 District Regulations; Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C Principal Permitted and Conditional Uses Table.

- Ms. Tabb opened the public hearing at 1:45 pm. Ms. Beaulieu, Zoning Administrator, provided the Commission and the audience with an overview of the amendment, and Ms. Tabb opened the floor for public comment. No public comment was received. Ms. Tabb then closed the floor for public comment and stated the record would remain open for two weeks to allow time for written comment.

12. Public Hearing – Sheetz Zoning Map Amendment (rezoning): referral to Planning Commission to review zoning amendment request for the 5.4 acre property identified in Shepherdstown District (9), Map Number 8, Parcel 13, 15.2 and portions of 10.2 and 14.

- Chad Wallen, Gordon Associates, provided the Commission and the audience with a description of the zoning map amendment. Ms. Tabb then opened the floor for public comment which was received by the following: Christine Balmert Marshall and Anastaysa Tabb. There being no further public comment, Ms. Tabb stated the record would be open for two weeks to allow time for written comment.

### UNFINISHED BUSINESS

13. Request to start the process to advertise for the position of JCDA Administrative Assistant.

- **Motion by Ms. Noland to allow the JCDA Director to advertise for the position of administrative assistant. Motion seconded and passes on a vote of 3-2 with Commissioners Compton and Lorenzetti opposing.**

### NEW BUSINESS

14. Certification of the 2020 General Election Results for Federal and State elections

- **Motion by Ms. Tabb to approve the 2020 General Election Results for the Federal and State elections as presented. Motion seconded and unanimously approved.**

15. Approval of 2021 Holiday Scheduled

- **Motion by Ms. Noland to approve the 2021 Holiday Schedule as presented. Motion seconded and unanimously approved.**

### FINANCE DIRECTOR REPORTS

- Highmark One-Time Premium Credit Issued – Discuss options for the employee portion of the premium credit
- **Motion by Ms. Noland to approve the acceptance of the December 2020 health insurance premium holiday for all county employees. Motion seconded and unanimously approved.**

## COUNTY ADMINISTRATOR REPORTS

- COVID Quarantine and Return to Work Policy – Ms. Grove presented the Remote Work from Home Policy and the COVID Quarantine and Return to Work Policy. The Commissioners provided unanimous consent to accept the policies as presented.
- Remote Work from Home Policy
- **Motion by Ms. Tabb to approve the Remote Work from Home Policy as presented. Motion seconded and unanimously approved.**

16. The Commission adjourned at 4:08 p.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

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Jane M. Tabb, PRESIDENT

Respectfully submitted  
Jessica Carroll  
Executive Administrative Assistant



## **SPECIAL SESSION**

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

At a Special Session of the County Commission of said County and State continued and held via GoTo Webinar on Thursday, December 10, 2020.

**PRESENT:** Jane Tabb, President  
Ralph Lorenzetti, Vice President  
Josh Compton, Commissioner  
Caleb Hudson, Commissioner  
Patricia Noland, Commissioner  
Stephanie Grove, County Administrator  
Nathan Cochran, Assistant Prosecuting Attorney  
William Rohrbaugh, Special Counsel  
Jessica Carroll, Administrative Assistant

**In Re: Discussion of all aspects of case, issues, and potential for resolution regarding Jefferson County Circuit Court Civil Action #20-C-125 and #20-C-132-137.**

President Tabb opened the meeting at 9:37 am and Commissioner Hudson led the Pledge of Allegiance.

**Motion by Commissioner Noland to enter into Executive Session to receive legal advice regarding Jefferson County Circuit Court Civil Action #20-C-125 and #20-C-132-137. Motion seconded and unanimously approved.**

**Motion by Commissioner Noland to come out of Executive Session. Motion seconded and unanimously approved.**

**Motion by Commissioner Noland to vacate the October 1, 2020 Commission approval of Zoning Text Amendment 19-03 (Solar Energy Facilities Amendment) and return the text amendment to the Jefferson County Planning Commission for further review and consideration, including additional public hearings as required by law and authorize William Rohrbaugh, Esq., to sign the Order and any additional associated documents on behalf of the Commission. Motion seconded and passes on a vote of 3-2 with Commissioner Compton and Hudson opposing.**

The special session was adjourned at 10:25 am on a motion by Commissioner Compton. Motion was seconded and unanimously approved.

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Jane M. Tabb, President

Respectively Submitted:

Jessica Carroll

Executive Administrative Assistant



**REQUISITIONS TO BE APPROVED**

**December 17, 2020**

DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
COMMUNICATIONS	21015	\$ 37,113.92	MOTOROLA	Radio System FY2020-2021
COUNTY CLERK - ELECTIONS	21023	\$ 6,444.10	ES&S	Ballot Coding - mat./supplies
COUNTY COMMISSION	21025	\$ 9,525.00	DesignNine	Broadband Study - Grant
<b>GRAND TOTAL</b>		<b>\$ 53,083.02</b>		



# Requisitions



- Back
- Add
- Excel
- Mass Allocate
- Duplicate
- Custom Interface
- Notes
- Actions/ Approvers
- Release
- Activate
- My Approvals
- Attach

## Requisition: 2021/21015

Released, Jeffrey Polczynski, 10/20/2020

Total Cost: \$37,113.92

### Requisition

Vendor Quotes (0) General Notes (0)

Fiscal Year*	Requisition Number*	Created Date*
2021	21015	10/20/2020

Department\*  
 (712) COMMUNICATIONS CENTER-911 ... View

Commodity  
 ... View

Description  
 MOTOROLA SMA RADIO SYSTEM FY2020-2021

Buyer  
 ...

Type  
 (N) NORMAL

Purchase order

Review

Needed by  
 10/20/2020

PO Expiration  
 03/04/2021

- Project Accounts Applied
- Notify Originator When Converted or Rejected
- Notify Originator of Overages
- Receive by Amount
- Three Way Match Required
- Inspection Required

by

Check all pre-approval requisition

### Items (4)

Add Item

Line	Description	Qty	UOM	Unit Price	Line Total	GL Account
1	ONSITE INFRASTRUCTURE RESPONSE - STANDARD	1.00	EACH	\$14,023.60000	\$14,023.60	E (001712-421600) MAINT/REP EQUIPMENT
2	ASTRO INFRASTRUCTURE REPAIR W/ADV REPL	1.00	EACH	\$19,150.96000	\$19,150.96	E (001712-421600) MAINT/REP EQUIPMENT
3	ASTRO DISPATCH SERVICE	1.00	EACH	\$1,253.71000	\$1,253.71	E (001712-421600) MAINT/REP EQUIPMENT
4	NETWORK PREVENTATIVE MAINTENANCE - LEGACY	1.00	EACH	\$2,685.65000	\$2,685.65	E (001712-421600) MAINT/REP EQUIPMENT



# Service Agreement

Attn: National Service Support  
 1307 East Algonquin Road  
 Schaumburg, IL 60196  
 (800) 247-2346

Service Agreement # : USC000005783 - OPTION 1 v2

Date: 8/26/2020

Company Name: <u>JEFFERSON COUNTY COMMISSION</u>
Attn: _____
Billing Address: <u>28 INDUSTRIAL BLVD STE 100</u>
City, State, Zip: <u>KEARNEYSVILLE , WV, 25430</u>
Customer Contact: <u>Jeff Polczynski</u>
Phone: <u>304-728-3317</u>

Required P.O.: No

Customer # : 1011117472

Bill to Tag # : \_\_\_\_\_

Contract Start Date: 01-Oct-2020

Contract End Date: 30-Sep-2021

Payment Cycle: ANNUAL

Tax Exempt: \_\_\_\_\_

PO # : \_\_\_\_\_

Qty	Model/Option	Service Description	Monthly Ext	Extended
	SVC01SVC1410C	ONSITE INFRASTRUCTURE RESPONSE-STANDARD	\$ 1,168.63	\$ 14,023.60
	SVC01SVC1104C	ASTRO TECHNICAL SUPPORT		n/a
	SVC01SVC1101C	ASTRO INFRASTRUCTURE REPAIR W/ADV REPL	\$ \$ 1,551.96	
	SVC01SVC1102C	ASTRO DISPATCH SERVICE	\$ 104.48	\$ 1,253.71
	SVC01SVC1405C	NETWORK PREVENTATIVE MAINTENANCE-LEGACY	\$ 223.80	\$ 2,685.65
<b>Subtotal - Recurring Services</b>			<b>\$ \$ 3,048.92</b>	
<b>Subtotal - One-Time Event</b>			<b>\$ -</b>	<b>\$ -</b>
<b>Total</b>			<b>\$ \$ 3,048.92</b>	

<b>SPECIAL INSTRUCTIONS:</b>  <b>This service agreement covers 1 dispatch site, 10 MCC7500e, 1 AIS, and 1 NM Client.</b>  <b>This SA will include best effort repair for MTR2000 Base Stations and XTL consolettes, as this equipment is currently at end of life.</b>	THIS SERVICE AMOUNT IS SUBJECT TO STATE AND LOCAL TAXING JURISDICTIONS WHERE APPLICABLE. TO BE VERIFIED BY MOTOROLA.					
	<table border="1"> <thead> <tr> <th>SUBCONTRACTOR(S)</th> <th>LOCATION</th> </tr> </thead> <tbody> <tr> <td>Motorola Infrastructure Depot Operations (IDO)</td> <td>Elgin, IL</td> </tr> <tr> <td>Motorola Winchester Shop</td> <td>Winchester, Va. 22602</td> </tr> </tbody> </table>	SUBCONTRACTOR(S)	LOCATION	Motorola Infrastructure Depot Operations (IDO)	Elgin, IL	Motorola Winchester Shop
SUBCONTRACTOR(S)	LOCATION					
Motorola Infrastructure Depot Operations (IDO)	Elgin, IL					
Motorola Winchester Shop	Winchester, Va. 22602					

I received Statements of Work that describe the services provided on this Agreement. Motorola's Service Terms and Conditions, a copy of which is attached to this Service Agreement, is incorporated herein by this reference.

  
 AUTHORIZED CUSTOMER SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE 10/20/2020

Jeffrey A. Polczynski, ENP Director of Communications  
 CUSTOMER (PRINT NAME) \_\_\_\_\_

MOTOROLA REPRESENTATIVE SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ DATE \_\_\_\_\_  
  
 MOTOROLA REPRESENTATIVE SIGNATURE \_\_\_\_\_ TITLE Customer Service Manager \_\_\_\_\_ DATE \_\_\_\_\_

Cheryl J. Elliott 443-684-1101 cheryl.elliott@motorolasolutions.com  
 MOTOROLA REPRESENTATIVE (PRINT NAME) \_\_\_\_\_ Phone: \_\_\_\_\_ Email \_\_\_\_\_

# Requisitions



- Back
- Add
- Excel
- Mass Allocate
- Duplicate
- Custom Interface
- Notes
- Actions/ Approvers
- Release
- Activate
- My Approvals
- Attach

## Requisition: 2021/21023

Released, Nikki Painter, 12/07/2020

Total Cost: \$6,444.10

### Requisition

Vendor Quotes (0) General Notes (0)

Fiscal Year*	Requisition Number*	Created Date*	Type	
2021	21023	12/07/2020	(N) NORMAL	<input type="checkbox"/> Project Accounts Applied
Department*	(413) COUNTY CLERK ELECTIONS		Purchase order	<input type="checkbox"/> Notify Originator When Converted or Rejected
Commodity			Review	<input type="checkbox"/> Notify Originator of Overages
Description	BALLOT CODING - GENERAL ELECTION		Needed by	<input type="checkbox"/> Receive by Amount
Buyer			PO Expiration	<input type="checkbox"/> Three Way Match Required
				<input type="checkbox"/> Inspection Required

### Items (1)

Add Item

Line	Description	Qty	UOM	Unit Price	Line Total	GL Account
1	BALLOT CODING 2020 GENERAL ELECTION	1.00	EACH	\$6,444.10000	\$6,444.10	E (001413-434100) MATERIALS AND SUPPLIES



**Election Systems & Software, LLC**  
 6055 Paysphere Circle  
 Chicago, IL 60674  
 (877) 377-8683



INVOICE NO.	PAGE
1172800	1
INVOICE DATE	
11/23/20	

**BILL TO:** JEFFERSON COUNTY, WEST VIRGINIA  
 PO BOX 208  
 CHARLES TOWN WV 25414-0208

**SHIP TO:** Jefferson County, West Virginia  
 128 Industrial Blvd

Kearneysville, WV 25430

ACCOUNT NO.	CUSTOMER P.O. NUMBER	TERMS	ORDER NO.	SALES REP.	SHIP VIA
113345	CODING 11/03/20	NET 30 DAY	1258576	2861	ELECTRON
QTY. ORDERED	DESCRIPTION		UNIT PRICE	UOM DISC. %	EXTENDED PRICE

	Coverage Date		
	Election Ref: 11/03/2020		
1.00	Base Charge:Precinct Tabulator	525.000000 EA	525.00
1.00	Base Charge-Reporting Database	525.000000 EA	525.00
2.00	Ballot Types	78.750000 EA	157.50
32.00	Precincts	9.450000 EA	302.40
64.00	Ballot Faces	16.800000 EA	1,075.20
21.00	Contests / Issues	18.500000 EA	388.50
101.00	Candidate / Responses	8.000000 EA	808.00
213.00	Media Burn	12.500000 EA	2,662.50
	PCMCIA/Thumb Drives		
1.00	CODING SVCS	.000000 EA	.00

0 USD .00  
 .00  
 .00

FREIGHT DISCOUNT .00  
 SHIPPING & HANDLING .00  
**TOTAL 6,444.10**  
 USD

INVOICE NO.	ACCOUNT NO.	AMOUNT
1172800	113345	6,444.10 USD

Election Systems & Software  
 ABA Routing No: 071000039  
 Account No: 5800923558

WV

PLEASE DETACH AND RETURN THIS STUB WITH YOUR PAYMENT. THANK YOU.

# Requisitions



- Back
- Add
- Delete
- Excel
- Mass Allocate
- Duplicate
- Custom Interface
- Notes
- Actions/Approvers
- Release
- Activate
- My Approvals
- Attach <sup>(1)</sup>

Requisition: 2021/21025  
Released, Sandra McDonald, 12/09/2020

Total Cost: \$9,525.00

## Requisition

Vendor Quotes (0) General Notes (0)

Fiscal Year*	Requisition Number*	Created Date*		Type
2021	21025	12/09/2020		(N) NORMAL
Department*				Purchase order
(401) COUNTY COMMISSION <span style="float: right;">... View</span>				
Commodity				Review
Description				Needed by
Broadband Study - Grant				
Buyer				PO Expiration

- Project Accounts Applied
  - Notify Originator When Converted or Rejected
  - Notify Originator of Overages
  - Receive by Amount
  - Three Way Match Required
  - Inspection Required
- by  ...

## Items (1)

Add Item

Delete	Line	Description	Qty	UOM	Unit Price	Line Total	GL Account
	1	Broadband Study - Grant	1.00	EACH	\$9,525.00000	\$9,525.00	E (001401-423000) CONTRACTED SERVICES

Design Nine, Inc.  
 2000 Kraft Drive  
 Suite 2200  
 Blacksburg, VA 24060

# Invoice

Date	Invoice #
12/2/20	2004076

Bill To
Jefferson County Commission Sandra McDonald P.O. Box 250 Charles Town, WV 25414

P.O. No.	Terms	Project
Broadband study	Net 30	

Description	Qty	Rate	Amount
Broadband study Project, payment 3/5: technical recommendations complete, GIS mapping, gap analysis complete	1	9,525.00	9,525.00
Broadband Study Project, payment 4/5: All report sections completed in draft for review	1	9,525.00	9,525.00

<b>Total</b>	\$19,050.00
<b>Payments/Credits</b>	\$0.00
<b>Balance Due</b>	\$19,050.00

Design Nine, Inc.  
 2000 Kraft Drive  
 Suite 2200  
 Blacksburg, VA 24060

# Statement

Date
------

11/23/20

Bill To
---------

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

Amount Due	Amount Enc.
\$29,703.70	

Date	Description	Amount	Balance		
05/31/20	Balance forward		0.00		
07/31/20	INV #2004065. --- Advisory, 1 @ \$9,525.00 = 9,525.00	9,525.00	9,525.00		
10/09/20	INV #2004071. --- Reimbursable expenses, 1 @ \$10,653.70 = 10,653.70	10,653.70	20,178.70		
10/09/20	INV #2004072. --- Advisory, 1 @ \$9,525.00 = 9,525.00	9,525.00	29,703.70		
Current	1-30 Days Past Due	31-60 Days Past Due	61-90 Days Past Due	Over 90 Days Past Due	Amount Due
0.00	0.00	20,178.70	9,525.00	0.00	\$29,703.70



DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$398,760.29		\$398,760.29
6.2% Tax Payable OASDI	\$24,552.44		\$24,552.44
1.45% Tax Payable HI	\$5,742.13		\$5,742.13
Fed Withholding	\$38,150.82		\$38,150.82
WV State Withholding	\$17,376.48		\$17,376.48
PERS Retirement Deduct 4.5%	\$10,076.23		\$10,076.23
PERS Retirement Deduct 6%	\$4,669.67		\$4,669.67
Hosp. Pre-Taxed	\$203.00		\$203.00
Cancer/ICU Pre-Taxed	\$605.87		\$605.87
Cancer/ICU Not Pre-Taxed	\$939.76		\$939.76
Optional Life Not Pre Taxed	\$1,742.67		\$1,742.67
Christmas Club	\$4,634.00		\$4,634.00
Wage Attach #1	\$248.31		\$248.31
Wage Attach #2	\$276.76		\$276.76
Wage Attach #3	\$166.49		\$166.49
Wage Attach #4	\$820.33		\$820.33
DSRS Retirement Deduct 8.5%	\$6,805.10		\$6,805.10
457 - Nationwide	\$849.00		\$849.00
457I - Empower	\$4,603.36		\$4,603.36
457R - Roth	\$705.00		\$705.00
MD State Tax	\$871.40		\$871.40
D/VF	\$1,944.03		\$1,944.03
VA State Tax	\$117.92		\$117.92
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
Total Deductions	\$126,148.61	\$0.00	\$126,148.61
Net Wages Total	\$272,611.68	\$0.00	\$272,611.68
Payroll Date	December 10, 2020		





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

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

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

**Resolution – Commissioner Patricia Noland - DISCUSSION/ACTION**

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

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

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

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

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

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

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

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

Contact information:

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

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

[Click here to enter text.](#)



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



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

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

👉 **Exonerations – Discussion/Action**

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

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

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

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

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

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

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

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

Contact information:

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

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

[Click here to enter text.](#)



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



Name: Pete Dougherty

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

Estimation of amount of time needed for appointment: 10 minutes

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

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

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

Subject (*Wording to be placed on agenda*): PRO Grant Contract

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

The grant contract for the PRO grant has been received. This is a grant for \$15,000 to help offset the cost of having a PRO at JHS.

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

I move to accept the grant award of \$15,000 to have a PRO at JHS and approve the Commission President to affix her signature to the document.

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@jcsdwv.com](mailto:pdougherty@jcsdwv.com)

Phone Number: 304-728-3205

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

not applicable





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

Name: **Matt Harvey, Prosecuting Attorney**

Department or Organization: **Prosecuting Attorney's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

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

**Discuss employee leave accrual – Discussion/Action**

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

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

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

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

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

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

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

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

Contact information:

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

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

[Click here to enter text](#)



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



Name: **Jacki Shadle**

Department or Organization: **County Clerk**

Estimation of amount of time needed for appointment: **5 mins**

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

Subject (*Wording to be placed on agenda*): **Advertise for the open assistant clerk position**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**I would like to advertise to fill the assistant clerk position that has been open since July 1, 2020. The position would not be filled until the new year. This is not a new position and all of the County Clerk's position are essential.**

Is this a funding request? **Y/N**

If so, how much? **\$**

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

## **Full-Time Opening for Assistant Clerk**

### **Closing Date:**

The Jefferson County Clerk's Office is seeking a motivated professional to fill the role of Assistant Clerk.

Duties will include data entry, recording, scanning, answering phones, handling cash, document research, map reading, issuing official documents, election duties, customer service, working in a team environment and other duties as asked or required. Interested applicant must have excellent verbal and written communication skills and have the ability to perform very detail oriented tasks.

High school diploma required. Minimum 3-5 years office experience preferred.

Applicant must submit a resume and three professional references to Nikki Painter via email to [npainter@jeffersoncountywv.org](mailto:npainter@jeffersoncountywv.org).

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



Name: **Laura E. Storm**

Department or Organization: **Circuit Clerk**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

Subject (*Wording to be placed on agenda*): **Request to fill a vacancy in the Circuit Clerks office.**

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

Due to Shayna Mason accepting the appointment of Magistrate Clerk, I am requesting the transfer of Deanna Davis from the County Clerk's office to the Circuit Clerk's office. Effective date of January 4, 2021. She will transfer with, and I will honor, her start date and all earned vacation, sick time and comp time. This position is an already approved position and the funds are within my budget and I am not requesting any additional monies from the County Commission. As a Deputy Clerk in the criminal division, her starting salary will be \$37,000.

Is this a funding request? Y/N  NO

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

Approve the transfer of Deanna Davis from the County Clerk's office to the Circuit Clerk's office at a salary of \$37,000 with all benefits and accrued time transferring with her. To be effective January 4<sup>th</sup>, 2021.

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: Laura E. Storm, Circuit Clerk

Email address: [laura.storm@courtswv.gov](mailto:laura.storm@courtswv.gov)

Phone Number: 304-728-3232

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

not applicable



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

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

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

**Broadband Study Presentation - 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.](#)

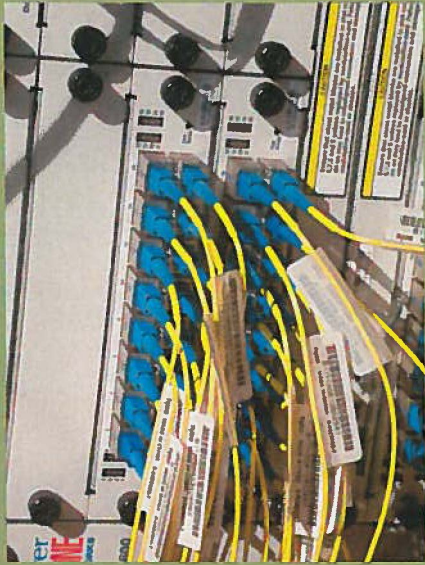
Contact information:

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.](#)





# Jefferson County Broadband Study

Andrew Cohill, Ph.D.  
Design Nine, Inc.

# Survey Results

- ▶ Residential Survey: 2344 responses— 12% response rate where 3% considered good
- ▶ Business Survey: 104 responses— very good for size of the county

89% of respondents want better Internet service.

44% of residents are “dissatisfied” or “very dissatisfied” with current Internet service.

86% of business respondents want better Internet access.

99% of businesses indicated that the Internet is essential to their business.

55% indicate that availability of broadband Internet is affecting where they choose to live.

97% of respondents believe that local Government should help facilitate better Internet access

99% indicated that the Internet is important to the success of their business over the next five years.

Only 28% of businesses are “satisfied” or “very satisfied” with their current Internet service.

63% of respondents report they have trouble using common Internet services

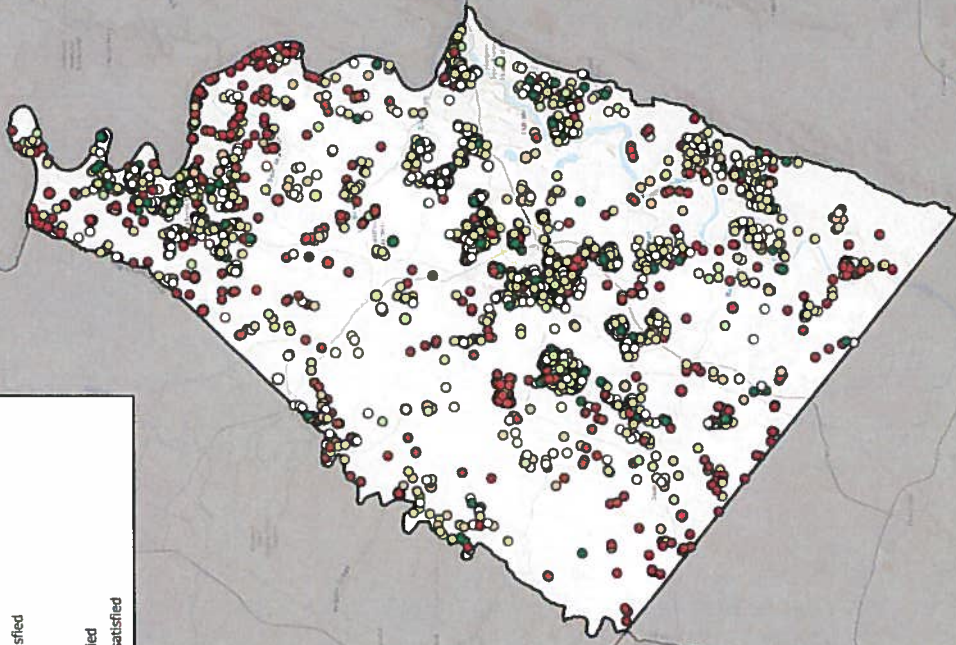
33% of the Jefferson County businesses that responded are home-based

88% of businesses that responded need employees to be able to work from home

### Residential Survey Results

How satisfied are you with the reliability of your internet service?

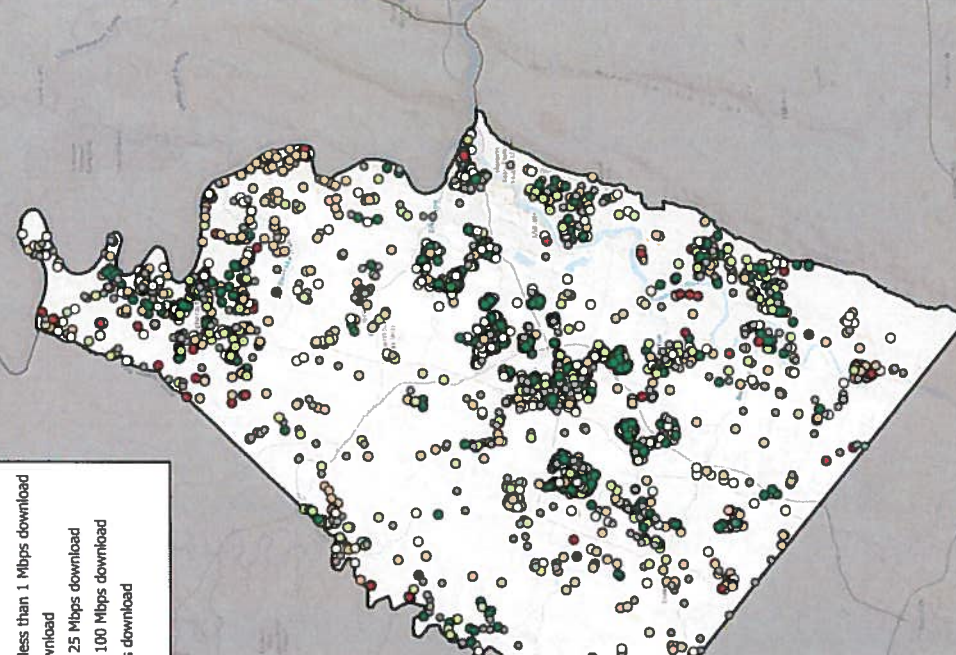
- Very satisfied
- Satisfied
- Neutral
- Dissatisfied
- Very dissatisfied



### Residential Survey Results

What is the speed of your internet service?

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



# Do the math for Jefferson County

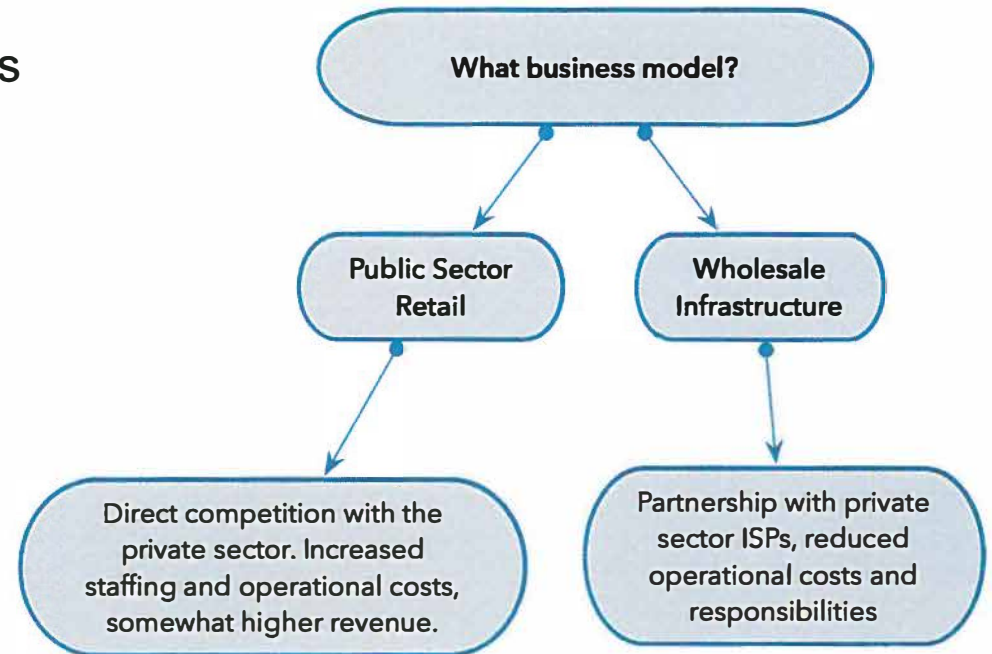
Jefferson County 30 Year Estimated Telecom Expenditures				
Total Households	20,895			
Businesses	872			
Estimated Internet Access Type	Households using Cell Phone for Internet	Households with "little" broadband DSL	Households with Cable Modems	Households with no Internet
Household Percentage	9%	42%	32%	17%
Number of households	1,881	8,776	6,686	3,552
Average monthly telecom expenditures	Cell Phone for Voice/Internet \$90 Cable/satellite TV: \$65 bundle	Cell Phone \$70 Phone: \$13 Satellite TV: \$60 Broadband Internet: \$45	Cell Phone \$70 Phone \$15 TV \$43 Broadband Internet \$45	Cell Phone, no Internet, \$70 Cable/satellite TV: \$65
Monthly Cost of Services	\$155	\$188	\$173	\$135
Annual household cost	\$1,860	\$2,256	\$2,076	\$1,620
Annual cost all households	\$3,497,823	\$19,798,430	\$13,880,966	\$5,754,483
30 year expenditure	\$104,934,690	\$593,952,912	\$416,428,992	\$172,634,490
Total residential expenditures	\$1,287,951,084			
Total Estimated Cost of Hidden Fees	\$189,870,859			
Total Business Costs	\$54,151,200			
Total expenditures	\$1,531,973,143			

# Findings

- ▶ Many residents and businesses lack even minimally adequate broadband
- ▶ Fixed point wireless broadband important to improving access, creating competition
- ▶ County should not be in the Internet business, should not compete with the private sector
- ▶ County role should be limited to providing basic infrastructure for private sector providers
- ▶ Look for opportunities for public/private partnerships
- ▶ Grant funds may be available to meet some of the needs

# Access and Affordability

- ▶ Make existing tower space improvements to attract more WISPs
- ▶ Adjust price structure for access to towers
- ▶ Evaluate need for new towers in areas of high need and no existing towers
- ▶ Evaluate creating shared backhaul network between towers
  - ▶ Lower WISP capital costs
  - ▶ Create redundant ring for more redundancy and reliability
  - ▶ Could support improved K12 school reliability
  - ▶ Could support public safety voice/data uses







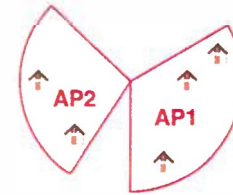


**Community Poles** Tall Utility Poles are one way that communities are lowering infrastructure costs, and avoiding lengthy permitting processes involved in installing a tower.

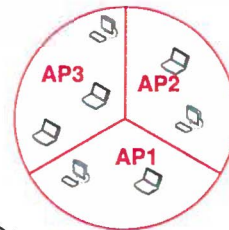


**CPE - Customer Premise Equipment**

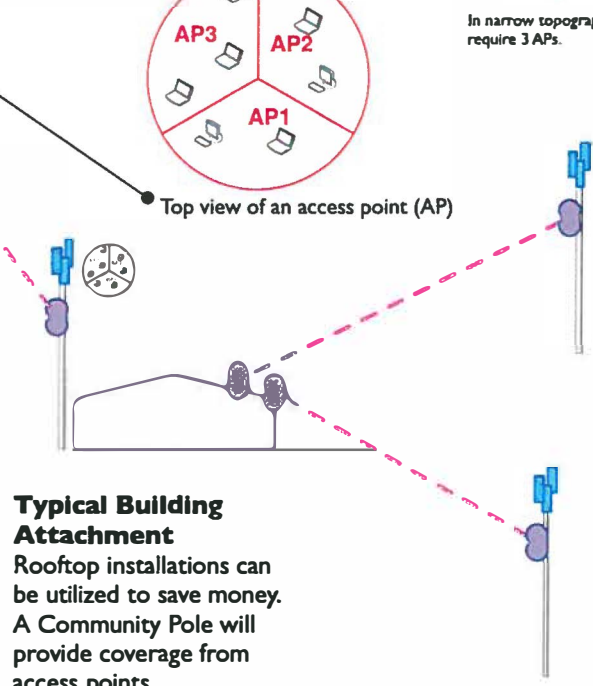
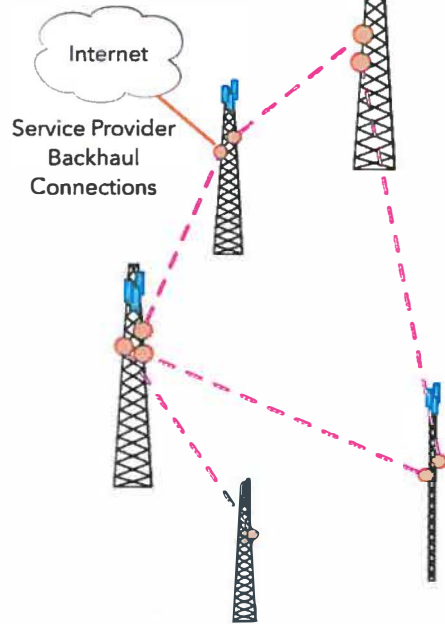
A radio and antenna will be installed at each customer's home. As the subscriber base grows the Town will need to re-order CPE.



In narrow topographies, not all sites will require 3 APs.



Top view of an access point (AP)



**Typical Pole** - A 60' wooden utility pole or small tower can be installed to extend broadband to a wider area.

**Typical Building Attachment**

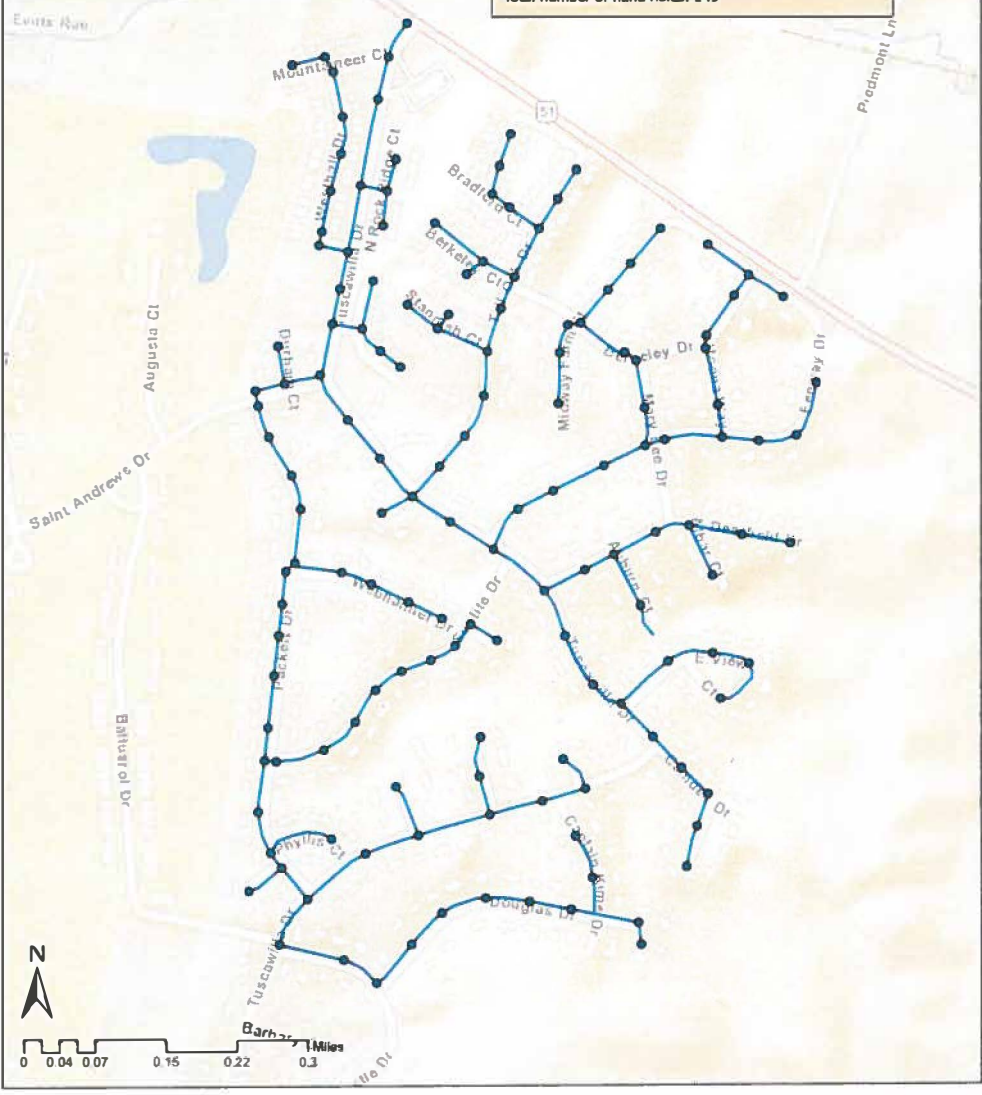
Rooftop installations can be utilized to save money. A Community Pole will provide coverage from access points.

**Typical Pole** - A 60' wooden utility pole or small tower can be installed to extend broadband to a wider area.

**Proposed Fiber Pilot Route:  
Tuscawila Hills  
Jefferson County, WV**

- Proposed Fiber Route
- Proposed Hand Hole Locations

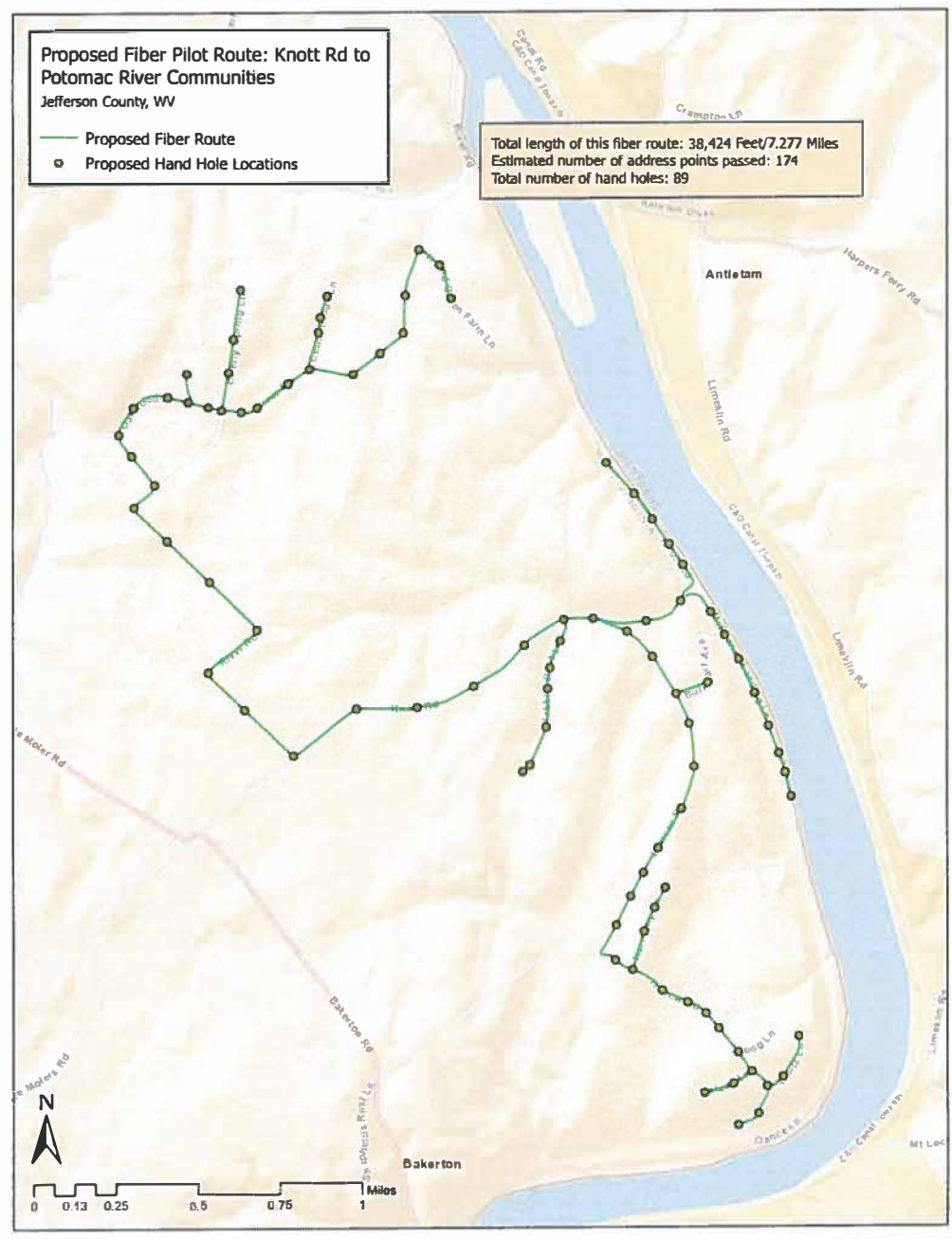
Total length of this fiber route: 26,633 Feet/5.044 Miles  
 Estimated number of address points passed: 498  
 Total number of hand holes: 149



**Proposed Fiber Pilot Route: Knott Rd to Potomac River Communities**  
Jefferson County, WV

- Proposed Fiber Route
- Proposed Hand Hole Locations

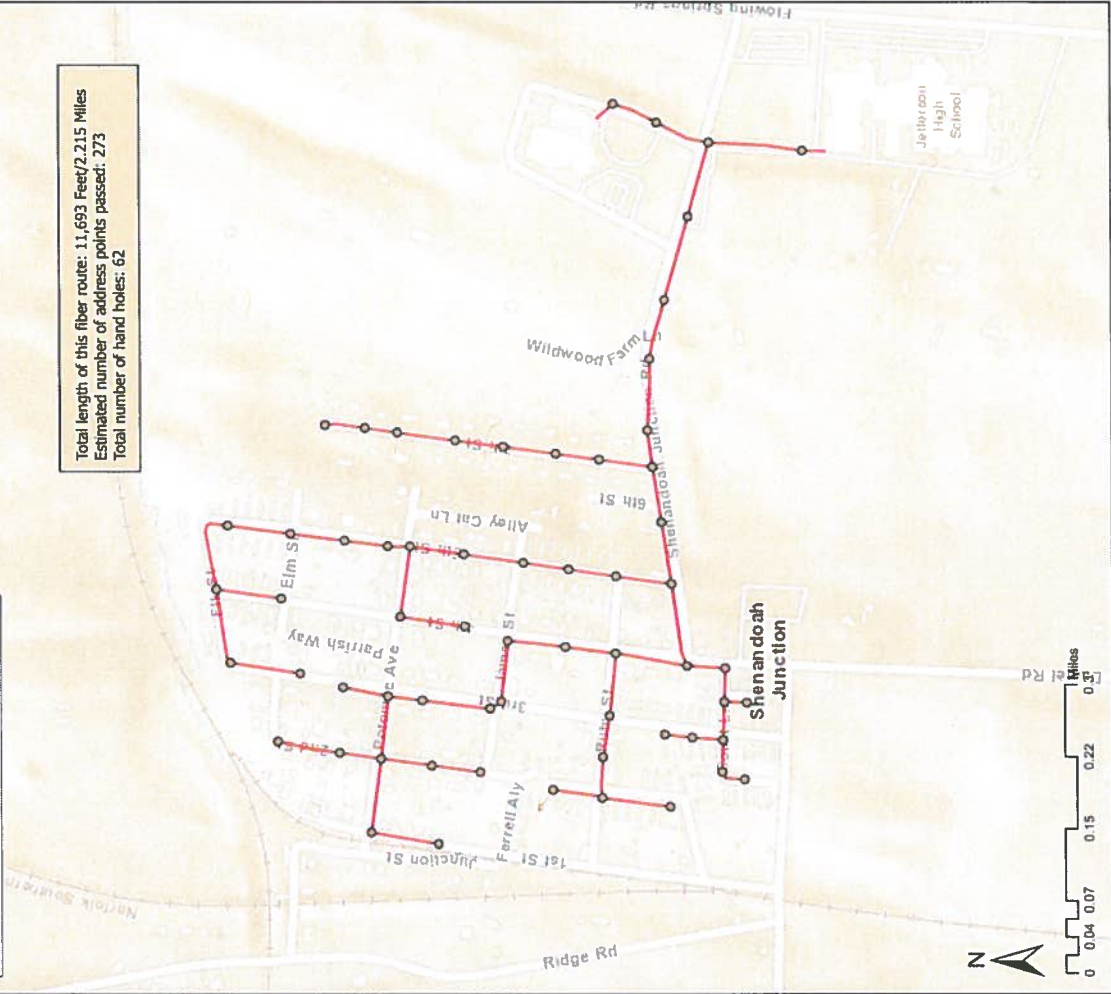
Total length of this fiber route: 38,424 Feet/7.277 Miles  
Estimated number of address points passed: 174  
Total number of hand holes: 89



**Proposed Fiber Pilot Route:**  
Shenandoah Junction  
Jefferson County, WV

- Proposed Fiber Route
- Proposed Hand Hole Locations

Total length of this fiber route: 11,693 Feet/2.215 Miles  
Estimated number of address points passed: 273  
Total number of hand holes: 62



- ▶ Fiber projects can get Internet from a nearby tower
- ▶ Fiber with wireless backhaul can easily deliver 100 Meg/100 Meg service
- ▶ Dark fiber only—service providers install and manage all equipment
- ▶ Dark fiber very easy for the County to maintain—no day to day responsibility
- ▶ Fiber repair can be outsourced—additional County staff not required

Knott Road to Potomac River FTTH Pilot Cost Summary		
0	ITEM/PROJECT	ESTIMATED
1	Knott Road to Potomac River FTTH Pilot Construction Materials	\$129,918
2	Knott Road to Potomac River FTTH Pilot Distribution Labor	\$410,733
3	Knott Road to Potomac River FTTH Pilot Structures, Cabinets, and Equipment	\$28,455
4	Knott Road to Potomac River FTTH Pilot Drop Construction	\$88,775
5	Network Construction Subtotal	\$657,881
6	Project Management, Network Engineering, Integration, and Testing	\$78,946
7	Misc Fees, Advertising, Technical Services	\$5,000
8	Bookkeeping and Administration	\$2,500
9	Engineering, Permitting	\$43,680
10	Legal Costs	\$2,500
11	Network Management Software and Services	\$4,500
12	Other Costs Subtotal	\$137,126
13	Project Total	\$795,007
14	Contingency at 5%	\$39,750
15	Project Total (with contingency)	\$834,757

# Attracting WISPs

- ▶ **Work with wireless and wireline ISPs**
  - ▶ Modest application fee for tower access, use fixed monthly lease fee
  - ▶ Use a single tower space agreement for all providers
  - ▶ Offer a grace period of three to six months to allow WISPs to build subscriber base
  - ▶ Include performance requirements to encourage good service from WISPs
- ▶ **Keep structural analysis costs as low as possible**
  - ▶ Some localities charge high engineering analysis fees
- ▶ **Provide space at base of towers for WISP equipment**
- ▶ **Keep electric service fees as low as possible**
  - ▶ Shared generator access is desirable
- ▶ **Consider single lease agreement that includes all towers**
  - ▶ Provides more incentive to offer service throughout Grant County

# Getting Started

- ▶ County should not be in the Internet business, should not compete with the private sector
- ▶ Focus on improved wireless broadband access in the short term
- ▶ Long term goal should be some fiber to the home in some areas
  - ▶ Critical to attracting and retaining businesses, a younger workforce
- ▶ Fund for success
  - ▶ Grants could supply much of the funding needed
- ▶ Manage expectations
- ▶ Get started with what is possible now
  - ▶ Don't wait
- ▶ Develop public/private partnerships with service providers
- ▶ ~~Look for opportunities~~ <sup>to</sup> leverage public safety opportunities



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



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

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

- Review and Approval of FY2021 State Budget Revision 2 for the General County Fund
- FY21 COVID19 Emergency Financial Policy– Discussion / Action
- Review of FY22 Budget Charge for Departments – Discussion/Action
- Review of FY21 financials as of 11/30/2020

Please provide the County Commission with a description of your request or presentation, including any background information: Since this is an election year and there are two (2) new commission members, do you want to table the discussion on 1) COVID19 Emergency Financial Policy; and, 2) FY22 Budget Charge Review until January 7, 2021?

Is this a funding request? Y/N  No

If so, how much? \$ NA

Provide exact financial impact/request:

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

- Motion to accept FY21 State Budget Revision 2 for the General County Fund

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



Ora Ash, Director  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26302  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

**REQUEST FOR REVISION TO APPROVED BUDGET**

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

Jefferson County Commission  
 GOVERNMENT ENTITY

CONTROL NUMBER  
**2021**  
 FY  
**001**  
 FUND  
**2**  
 REV. NO.  
**1 of 1**  
 PG. OF NO.  
 COUNTY  
 Government Type

Person To Contact Regarding

Budget Revision: **Michelle Gordon**  
 Phone: **304-724-8425**  
 Fax: **304-725-7916**

P.O. Box 250  
 STREET OR PO BOX  
 Charles Town 25414  
 CITY ZIP CODE

**REVENUES: (net each acct.)**

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	9,336,259	533,021		9,869,280
324	Other Grants		40,009		40,009
330	Sheriff's Earnings	190,500	41,638		232,138
	#N/A				
	#N/A				
	#N/A				
<b>NET INCREASE/(DECREASE) Revenues (ALL PAGES)</b>			<b>614,668</b>		

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	1,907,280		3,982	1,903,298
423	Insurance Program (Self Insured)	2,383,624	11,734		2,395,358
425	Other Buildings	726,300	7,015		733,315
428	Data Processing	547,471	18,647		566,118
698	Transfers/Reim. (Audit Findings)	4,450,810	246,276		4,697,086
700	Sheriff-Law Enforcement	3,888,334	137,221		4,025,555
712	Communication Center	1,997,282	12,757		2,010,039
900	Parks & Recreation	803,892	185,000		988,892
	#N/A				
	#N/A				
	#N/A				
	#N/A				
<b>NET INCREASE/(DECREASE) Expenditures</b>			<b>614,668</b>		

APPROVED BY THE STATE AUDITOR

BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY

APPROVAL DATE



RESOLUTION

At a regular session of the Jefferson County Commission, held on the 17th Day of December 2020, the following Order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered.

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised as shown on **Fiscal Year 2021 budget revision number #2 to the General County Fund**, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by

\_\_\_\_\_, and duly seconded by \_\_\_\_\_  
the vote was as follows:

Ralph Lorenzetti	_____
Jane Tabb	_____
Patricia Noland	_____
Caleb Hudson	_____
Josh Compton	_____

Whereupon, Commissioner Tabb declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and Jane Tabb, President of the Jefferson County Commission, is authorized to affix his signature to the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

\_\_\_\_\_  
Jane Tabb, President  
Jefferson County Commission



Jefferson County Commission  
State Budget Revision JE

**Budget Revision #2 of General Fund FY21**

<u>Description</u>	<u>GL acct</u>	<u>Increase</u>	<u>Decrease</u>
<b>1. Record Adjustment for FY20 Ending Fund Balance and FY21 Beginning Fund Balance</b>			
Unencumbered Fund Balance	001.299001	(533,021)	
Transfer to Capital Outlay Fund	001698.456609	533,021	
<b>2. Record Adjustment for FY20 Open Purchase Orders</b>			
Other Buildings-Contracted Services	001425.423000	7,015	
IT-Professional Services	001428.422300	10,575	
IT-Computer Software	001428.435300	8,072	
LEO-Materials and supplies	001700.434100	25,579	
LEO-Materials and supplies	001700.434100 Grant	37,747	
911-Maint/Rep Eqpt	001712.421600	12,757	
Transfer to Capital Outlay Fund	001698.456609		(101,745)
<b>3. Increase in LEO Wages &amp; Benefits offset by increase on revenue for amended Bolivar Contract and BCI. Addition of 2 deputies funded by other sources. Approved by Commission on 11/5/2020</b>			
Bolivar Contract:			
LEO Wages	001700.410300	29,896	
LEO FICA	001700.410400	1,854	
LEO Medicare	001700.410401	433	
LEO Insurance	001700.410500	5,867	
LEO Retirement	001700.410600	3,588	
LEO Insurance Contra	001700.410599	(5,867)	
Insurance Program-Health Insurance	001423.410599	5,867	
Charges for Services-Bolivar Contract	001.330CS5	(41,638)	
BCI Contract:			
LEO Wages	001700.410300	28,535	
LEO FICA	001700.410400	1,769	
LEO Medicare	001700.410401	414	
LEO Insurance	001700.410500	5,867	
LEO Retirement	001700.410600	3,424	
LEO Insurance Contra	001700.410599	(5,867)	
Insurance Program-Health Insurance	001423.410599	5,867	
Other Grants	001.324IG0	(40,009)	
<b>4. Parks &amp; Recreation COVID19 Stopgap Funding. Presented 10/29/20-tabled, Approved 11/5/20 by the Commission. Funding to ensure that the county component unit remains in operation. \$25k is contingent on grant approval/denial.</b>			
PARKS AND REC PERSONNEL CONTRB	001900.456701	160,000	
Transfer to Capital Outlay Fund	001698.456609	(160,000)	
PARKS AND REC PERSONNEL CONTRB	001900.456701	25,000	
Transfer to Capital Outlay Fund	001698.456609	(25,000)	
<b>5. Increase in LEO Wages &amp; Benefits for pay adjustment on one employee EB. Approved by the Commission on 9-3-2020. Funded by excess Merit Increase funds in the County Commission Line.</b>			
LEO Wages	001700.410300	3,120	
LEO FICA	001700.410400	193	
LEO Medicare	001700.410401	45	
LEO Retirement	001700.410600	624	
Co Comm -Wages	001401.410300		(3,982)
<b>Total</b>		<b>101,745</b>	<b>(101,745)</b>



**Jefferson County**  
Charles Town, West Virginia

1  
P | glbalsht

Jefferson County, WV - Production  
BALANCE SHEET FOR 2020 12

11/24/2020 10:24  
mgordon

FUND: 001 GENERAL FUND			NET CHANGE FOR PERIOD	ACCOUNT BALANCE
<b>ASSETS</b>				
001	101	CASH-GENERAL FUND	115,213.99	6,944,531.39
001	106	PETTY CASH	.00	200.00
001	10901	AD VALOREM TAXES - CURRENT	29,227.32	783,056.01
001	10902	TAXES - PRIOR YEAR - 1ST YEAR	1,101.87	86,513.04
001	10903	TAXES - PRIOR YEAR - 2ND YEAR	7,198.56	54,466.57
001	10904	TAXES - PRIOR YEAR - 3RD YEAR	-937.83	42,411.41
001	10905	TAXES - PRIOR YEAR - 4/5TH YRS	-49,587.17	40,571.43
001	112	UNCOLLECTIBLE TAXES	61,496.78	-198,578.92
001	114	DUE FROM OTHER FUNDS	98,196.28	64,130.67
001	11459	DUE FROM CONCEALED WEAP FUND	563.58	.00
001	11473	DUE FROM JURY & WITNESS FUND	34,186.79	34,186.79
001	115	DUE FROM OTHER GOV UNITS	2,762,695.74	2,897,695.74
001	116	ACCOUNT RECEIVABLE	168,979.30	171,676.33
001	120	INVENTORY ACCOUNT	2,629.31	2,629.31
001	122	PREPAID ACCOUNT	-20,876.11	183,874.13
TOTAL ASSETS			3,210,088.41	11,107,363.90
<b>LIABILITIES</b>				
001	200	AP CONTROL ACCOUNT	-302,392.38	-369,489.99
001	201	MISCELLANEOUS PAYABLES	3,750.00	.00
001	20101	HRA PAYABLE	-27,409.48	-27,409.48
001	202	VOUCHERS PAYABLE	97,421.60	97,421.60
001	203	PCARD CONTROL / LIABILITY	-17,317.39	-58,759.80
001	210	DUE TO OTHER GOV UNITS	-13,789.76	-13,789.76
001	215	DUE TO OTHER FUNDS	121.63	.00
001	220	WAGES PAYABLE	-201,324.08	-201,324.08
001	221	FICA TAX PAYABLE	-33,413.84	-33,413.84
001	22101	MEDICARE TAX PAYABLE	-7,814.64	-7,814.64
001	222	FEDERAL WITHHOLDG TAX PAYABLE	-25,690.34	-25,690.34
001	223	STATE WITHHOLDING TAX PAYABLE	-11,869.35	-11,869.35
001	22301	MARYLAND STATE TAX PAYABLE	-468.50	-468.50
001	22302	VIRGINIA STATE TAX PAYABLE	702.00	-124.85
001	224	RETIREMENT CONTRIB PAYABLE	-41,957.97	-41,957.97
001	22501	HEALTH INS PAYABLE-BCBS	-5,908.22	.00
001	22502	LIFE INS PAYABLE-HARTFORD	-175.33	-62.90
001	22505	DENTAL VISION INS PAYABLE	-202.12	.00
001	22701	WAGE ATTACHMENT - 1	-499.81	-499.81
001	22702	WAGE ATTACHMENT - 2	-350.00	-350.00
001	22704	457 PLAN / NACO	-1,126.97	-1,126.97
001	22705	457I ING DEFRD COMP.	-2,438.33	-2,438.33
001	22710	CHRISTMAS CLUB	-3,214.56	-3,214.56
001	239	DEFERRED REVENUES	27,841.73	-535,700.57
TOTAL LIABILITIES			-567,526.11	-1,238,084.14
<b>FUND BALANCE</b>				
001	280	FUND BALANCE-RESERVE FOR ENCUMB	6,048.60	102,366.66
001	282	FUND BALANCE-RESERVE CY ENCUMB	-6,048.60	-102,366.66
001	285	APPROPRIATIONS	.00	-31,676,969.00
001	286	ESTIMATED REVENUES	.00	31,676,969.00

11/24/2020 10:24 AM Jefferson County, WV - Production  
mgordon BALANCE SHEET FOR 2020 12

FUND: 001 GENERAL FUND	NET CHANGE FOR PERIOD	ACCOUNT BALANCE
<b>FUND BALANCE</b>		
001 299 FUND BALANCE-UNRESERVED	.00	-6,303,574.68
001 300 REVENUE CONTROL ACCOUNT	-5,707,060.72	-28,542,793.28
001 400 EXPENDITURE CONTROL ACCOUNT	3,064,498.42	24,977,088.20
<b>TOTAL FUND BALANCE</b>	<b>-2,642,562.30</b>	<b>-9,869,279.76</b>
<b>TOTAL LIABILITIES + FUND BALANCE</b>	<b>-3,210,088.41</b>	<b>-11,107,363.90</b>

A-FY20 Ending Fund Bal

\*\* END OF REPORT - Generated by Michelle Gordon \*\*

Need budget revision to adjust beginning balance of FY21  
Budget to ending Funding Balance for FY20

A	9,869,280.00	FY20 End Fund Bal
B	9,336,259.00	FY21 Beginning Fund Bal-Budgetary
	533,021.00	Adjustment needed

### Account Inquiry [Jefferson County, WV - Production]

Account: 001 GEN FUND Acct: 001 299001 FUND BALANCE UNASSIGNED BUDGET

Org: 001 GEN FUND Acct name: Revenue

Object: 299001 FB-UNAS-BD Type: Revenue

Project: Sub-Rollup

Account Notes: MultiYr Fund

4 YEAR COMPARISON

Yr/Per	2020/12	2019	2018	2021
Original Budget	-4,685,097.00	-4,634,541.00	-5,005,763.00	-4,635,799.00
Transfers In	-1,618,517.00	-551,606.00	.00	-4,700,450.00
Transfers Out	.00	.00	406,956.00	.00
Revised Budget	-6,303,574.00	-5,186,147.00	-4,598,827.00	-9,336,259.00
Actual (Memo)	.00	.00	.00	.00
Encumbrances	.00	.00	.00	.00
Requisitions	.00	.00	.00	.00
Available	-6,303,574.00	-5,186,147.00	-4,598,827.00	-9,336,259.00
Percent used				

HISTORY GRAPH

A - Need budget revision for open PO's at the end of FY20  
Invoices not paid until FY21.

2. FY20 Open PO's for FY21 BR

**Jefferson County**  
Charles Town, West Virginia

1  
P | poglacct

Jefferson County, WV - Production  
PURCHASE ORDERS BY GL ACCOUNT

11/24/2020 10:39  
mgordon

Amounts Include Unposted AP Invoice Liquidations

YEAR/PERIOD: 2020/13

ACCOUNT/VENDOR	PO	YEAR/PER	OPEN LINE AMT	OPEN PO AMT	DESCRIPTION	STATUS
001425 OTHER BUILDINGS						
001.425.GG.423000.	2020038	2020/11	7,015.00	7,015.00	ANNUAL GENERATOR SERVIC	Closed
15040 FIDELITY POWER SYSTEMS		ACCOUNT TOTAL	7,015.00	7,015.00		
001425		ORG TOTAL	7,015.00	7,015.00		
001428 IT DATA PROCESSING						
001.428.GG.422300.	2020036	2020/11	10,574.91	10,574.91	County Website Support	Closed
16108 GRANICUS INC.		ACCOUNT TOTAL	10,574.91	10,574.91		
001.428.GG.435300.	2020033	2020/12	8,071.61	8,071.61	Adobe Acrobat DC Subscr	Printed
37243 ADOBE		ACCOUNT TOTAL	8,071.61	8,071.61		
001428		ORG TOTAL	18,646.52	18,646.52		
001700 SHERIFF LAW ENFORCEMENT						
001.700.PS.434100.	2020027	2020/10	25,578.94	25,578.94	Patrol Ballistic Vests	Closed
29138 10-42 TACTICAL LLC		ACCOUNT TOTAL	25,578.94	25,578.94		
37249 GALLS	2020028	2020/10	622.60	622.60	Patrol Ballistic Vests	Closed
		ACCOUNT TOTAL	26,201.54	26,201.54		
001.700.PS.434100.GRANT	2020031	2020/11	26,177.00	26,177.00	SRT Vests and Equipment	Printed
29138 10-42 TACTICAL LLC	2020032	2020/11	11,570.00	11,570.00	SRT Equipment	Closed
29138 10-42 TACTICAL LLC		VENDOR TOTAL	37,747.00	37,747.00		
		ACCOUNT TOTAL	37,747.00	37,747.00		
001.700.PS.446000.G2020	2020039	2020/12	11,900.00	11,900.00	Holding Cell Doors	Closed
11076 BERKELEY GLASS INC		ACCOUNT TOTAL	11,900.00	11,900.00		
001700		ORG TOTAL	75,848.54	75,848.54		
001712 COMMUNICATIONS CENTER						
001.712.PS.421600.	2020037	2020/11	12,756.60	12,756.60	NETMOTION 12 MONTH COMP	Printed
22196 MOBILE WIRELESS LLC		ACCOUNT TOTAL	12,756.60	12,756.60		

**Jefferson County**  
Charles Town, West Virginia

P 2  
poglacct

Jefferson County, WV - Production  
PURCHASE ORDERS BY GL ACCOUNT

11/24/2020 10:39  
mgordon

Amounts Include Unposted AP Invoice Liquidations

YEAR/PERIOD: 2020/13

ACCOUNT/VENDOR      PO      YEAR/PER      OPEN LINE AMT      OPEN PO AMT DESCRIPTION      STATUS

001712      ORG TOTAL      12,756.60      12,756.60

001      GENERAL FUND      FUND TOTAL      114,266.66      114,266.66



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



Name: Pete Dougherty

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 10 minutes

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

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

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

Subject (*Wording to be placed on agenda*): New Hires  
Vehicle Donation  
Reserve Deputy

11-5-2020

Approval to fill 2 deputy positions.  
One funded by the Bolivar  
Contract, and the other funded by  
BCI-Task Force.

Josh Compton Moved  
Ralph Lorenzetti 2nd  
Unanimous Approval

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

To fill the two vacancies created by the Bolivar addendum and BCI, I am requesting the approval of the hire of Charles VanGilder (non-certified) and Ryan Jenkins (certified).

Seeking approval to donate a vehicle to Paw Paw Police Department

Approval for the addition of Anthony Vitale as a Reserve Deputy

Discussion of Sheriff's Office Staffing – possible action

Is this a funding request? Y/N

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 hire of Charles VanGilder and Ryan Jenkins as probationary deputies

I move to approve the vehicle donation to Paw Paw Police Department.

I move to approve the addition of Anthony Vitale as a reserve deputy.

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@jeffersoncountywv.org](mailto:pdougherty@jeffersoncountywv.org)

Phone Number: 304-728-3205

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



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



10/29/20 Tabled for more information from County Staff  
11/5/2020 Josh Moved, Patsy 2nd Unanimous Approval of \$160k stopgap funding from general fund and \$25k contingent on grant application/approval or denial.

Name: Jennifer Myers & David Hill

Department or Organization: Jefferson County Parks & Recreation Commission

Estimation of amount of time needed for appointment: 15 min.

Date Requested – 1<sup>st</sup> Choice: October 29, 2020

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

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

Subject (Wording to be placed on agenda): The Jefferson County Parks & Recreation Commission presentation to update the county commission on financial status due to COVID-19.

Please provide the County Commission with a description of your request or presentation, including any background information: The Jefferson County Parks & Recreation Commission will provide a power point presentation to show the commission the impact COVID-19 has had on the department. The powerpoint will include data from last FY, current FY, and all assistance the JCPRC has received from outside sources. The powerpoint will be emailed prior to the meeting on October 29<sup>th</sup>.

JCPRC Respectfully and Responsibly Requests \$150,000 to overcome the COVID impacts of 2019 and the current fiscal period of the 2020 year. We cannot predict what the Spring and Summer of 2021 will entail.

Is this a funding request? Y/N Yes

If so, how much? \$

Provide exact financial impact/request: ~~\$150,000~~ \$160,000

*Also requesting additional \$25,000.00 to fund additional pavilion if CARES funding will not cover the cost*

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

Approval of a contribution of ~~\$150,000~~ <sup>\$160,000</sup> to overcome the COVID impacts of 2019 and the current fiscal period of the 2020 year.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



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



9-3-2020

Pay adjustment for Emma Brown to increase bi-weekly hours from 70 hours to 80 hours. Covered by funds set aside for merit increases in Co Commission wages line item.

Jane Tabb Moved, Josh Compton 2nd. Unanimous approval.

Name: Pete Dougherty

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 5 minutes

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

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

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

Subject (*Wording to be placed on agenda*): Employment Approval  
Pay Adjustment  
Vehicle Disposal  
Personnel Discussion/Possible Action

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

The Jefferson County Sheriff's Office has identified a candidate to fill the vacant administrative assistant position and is seeking approval to hire. This is an approved/funded position and will offer a cost savings.

I am seeking approval to provide an increase in salary for Emma Brown. This increase would be within our provided budget and is not a funding request. It will still offer a cost savings from item 1.

Given the current COVID environment, it is believed to be imprudent to conduct an on-site auction of county vehicles. I am seeking authorization to determine alternative methods to dispose of county property and approval to do so when that source is identified

Discuss personnel issues and potentially take action.

Is this a funding request? Y/N

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 hire of Cynthia Rezmer to the position of administrative assistant.

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

If not attached, explain:

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

Contact information:

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

Phone Number: 304-728-3205

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

Public comment was received by the following: David Tabb (via e-mail)

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

**PRESENTATIONS**

1. Pete Dougherty, Sheriff

a. Employment Approval

- **Motion by Ms. Noland to approve the employment of Cynthia Rezmer as an Administrative Assistant within the Sheriff's Office at a salary of \$31,559.00, effective September 8, 2020. Motion seconded and unanimously approved.**

b. Pay Adjustment

- **Motion by Ms. Tabb to reclassify Emma Brown from a 70 hour per week employee to an 80 hour a week employee with an annual salary of \$32,000. Motion seconded and unanimously approved.**

Emma Brown  
Pay Adjustment==>

c. Vehicle Disposal

d. Personnel Issues

2. Nikki Painter, County Clerk's Office, Elections – requested the approval of Poll Workers and Alternates for the 2020 General Election.

- **Motion by Ms. Noland to approve the poll workers and alternates for the 2020 General Election as presented. Motion seconded and unanimously approved.**
  - Ms. Painter also informed the Commission of the need to designate a new voting location for Precincts 23A and 23B as the former location was permanently closed due to COVID-19. It was the consensus of the Commission to decide this matter after the solar facilities text amendment public hearing on the afternoon of Friday, September 11, 2020.

3. Jacquelyn Milliron, Individual Charles Town Utility Board Director – provided the Commission and the audience with an informal update on the happenings at the Charles Town Utility Board.

4. David Bowen, Citizen – requested the exoneration of ambulance fee bill late fees accrued in 2016.



## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT

*Jane Tabb*

VICE PRESIDENT

*Ralph Lorenzetti*

COMMISSIONER

*Josh Compton*

COMMISSIONER

*Patricia A. Noland*

COMMISSIONER

*Caleb Wayne Hudson*

To: Jefferson County Commission

From: Michelle Gordon, Finance Director

Date: December 17, 2020

Subject: FY21 COVID19 Emergency Financial Policy

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In March and April of 2020, the County implemented a FY20 & FY21 COVID-19 Emergency Financial Policy in response to the COVID19 worldwide pandemic. The pandemic gave rise to nationwide, state and county business and school closures; additionally, operational changes included increased expenditures for public and employee safety, implementation of reduced hours, building capacity and social distancing. The County faced unprecedented revenue loss as a result.

The Emergency Financial Policy implemented the following cost cutting measures through 12/31/2020:

- **Part-time and under utilized** staff were reduced, eliminated or utilized in other departments
- **Overtime** was reduced through the use of compensatory time or flex time.
- **Travel & training** were deferred except for essential needs.
- **Equipment, materials and supplies** were deferred except for essential needs.
- **Contracted and professional services** were deferred except for essential needs.
- **Vacant positions** remained unfilled for 6 months except for essential positions or where departments would be unable to maintain services.
- **Capital outlay fund projects** were placed on hold except for essential service projects.

Departments and elected officials have adhered to the Emergency Financial Policy and would like to know what if any of these restrictions will be lifted on 1/1/2021.

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Slusher McDonald*





# JEFFERSON COUNTY COMMISSION

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COMMISSIONER

*Caleb Wayne Hudson*

To: Jefferson County Commission  
From: Michelle Gordon, Finance Director  
Date: December 17, 2020  
Subject: FY22 Budget Charge

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## **Tax Levy Rate**

The County realized an increase in tax revenue of approximately \$537,000 in FY20 over FY19 (\$14,365,058 and \$13,827,216 respectively) and is projected to increase by \$154k for FY21 (\$14,519,911). The projected increase for the FY22 preliminary budget is approximately \$618,000, or from \$14,944,397 for FY21's budget to \$15,128,654 for FY22's preliminary budget. Final assessment values are not available from the Assessor until late January or early February.

Preliminary numbers indicate that real property assessed values will increase by 2.3% or \$89 million in FY22 over the total assessed values of \$3.88 billion in FY21. The increase is a result of new construction totaling \$417 million which is offset by a decrease of -8.5% in the market value of existing properties (-\$328 million). During fiscal years 2016-2021, the County realized an average annual growth in the total assessable base of 3.7% with 1.9% of that growth being attributable to new construction. For projection purposes, the percentage increase used for assessable base growth is 2.3% for FY22 tax revenue estimates.

The levy rate is driven by growth in the assessable value of existing properties. New construction does not impact that calculation; however, new construction impacts the final calculation of tax revenue generated. The County reached the maximum levy rate in FY19; and, the class II levy rate remained at the max levy rate of \$28.60 cents per \$100 of assessed value for FY21. Based on preliminary calculations of the FY22 Levy Rate, the decrease in assessable base growth for existing properties will mean that tax rate will remain at the max levy rate of \$28.60 cents per \$100 of assessed value for class II property.

## **FY22 and Future Year Budget Projections**

Revenue and expenditure projections reflect increases or decreases in FY22 and future years based on the historical trend for all accounts except:

- **Video Lottery Revenue-** To estimate FY22's revenue of \$2,114,800, a decrease of -4.4% from FY21's projected revenue (\$2,212,000) was included. The five year projection includes increases in revenue for FY23 and FY24 as the County economy is expected to slowly recover from COVID19 pandemic business closures, and reductions in business hours and capacity. Future years after FY24 reflect that this revenue will return to a flat revenue stream based on COVID19 pandemic destabilization of this revenue.
- **Table Game Revenue-** As a result of the COVID19 pandemic, FY20's actual table game revenue decreased by -20.0% or from \$635,682 in FY19 to \$508,749 in FY20. FY19 was the first year since FY12 that this revenue did not decline. FY21's revised budget is \$479,400. FY21 is projected to end the fiscal year at \$392,170, which is a

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Slusher McDonald*

decrease of -22.9% from FY20. This revenue stream has been impacted by the COVID19 pandemic business closures, and reductions in business hours and capacity and additional decreases were included for FY22. A (6.8%) decrease from FY21's projected revenue (\$392,170) was used to project FY22's revenue (\$365,400). The five year projection includes increases in revenue for FY23 and FY24 as the County slowly recovers from COVID19 pandemic business closures. Future years after FY24 reflect that this revenue will return to a flat revenue stream.

- **Medical Insurance Expense-** Based on discussions with our insurance representative and the anticipated continuance of the Affordable Care Act, we should plan on continued increases for FY22 and future years. For projection purposes, an increase of 5% annually was included. For FY22, that 5% increase amounts to \$115,000. For FY21, an analysis of employer versus employee premiums showed that the County was paying a much higher portion of insurance premiums than that of surrounding government offices. The Commission adopted a plan to close this gap; and that plan will slowly increase the employee portion of insurance premiums from FY21 through FY29.
- **Employee Salaries-**
  - **Merit Increases** - Full-time employees have received regular increases since FY17. In FY19, the County realigned the grade scale and implemented a performance or merit based system for employee annual increases that would become effective on employee hire dates. In the FY22 projections, the cost of a full year for employee merit increases was included at \$195,000. Future increases of 2% were included in FY23 through FY26.
  - **Cost of Living Adjustments (COLA's)**—To ensure that the County is maintaining competitive salaries with neighboring States and other WV Counties, I recommend the continuance of regular COLA's for employees through adjustments of the County's grade scale. The projection includes \$75,000 in FY22 for a COLA. Future years also include 0.7% for COLA's. COLA's are generally determined based on the CPI (Consumer Price Index) for the previous year. The CPI index rate for 2019 is 2.3; and the average for 2020 through October is 1.23.

#### **Budget Charge Items**

- Thorough review of Ambulance Fee to ensure that the fee being charged covers the cost of providing services. Review and adjustment of the tiers to accommodate the completion of a plant in Ranson, WV.
- New Fee Consideration (continuance from last fiscal year) - Implementation of a fire fee in accordance with WV Code, §7-17, County Fire Boards. Establish a fire fee to cover the cost of contributions made to support local volunteer fire companies. Authorize Staff to begin the lengthy process:
  1. Contact legislators regarding Dual Fees.
  2. Begin the process established in §7-17-12. County fire service fees; petition; election; dedication; and increase
- Employee COLA

1%	\$110,000
2%	\$218,000
3%	\$327,000
- Review of County Administrative Office building needs assessment that may include debt issuance and the determination of a funding source for debt payments.
- Other

Jefferson County Commission  
 General Fund  
 Five Year Projection (FY2022 - FY2026)

Date Prepared: 12/7/2020

	2 Year Actuals		Projected			Projection				
	Actual	Actual	FY21		Budget	TREND	TREND	TREND	TREND	
	FY19	FY20	Projection	Budget	Chg %	FY22	FY23	FY24	FY25	FY26
<b>Revenue</b>										
Taxes	13,827,216	14,365,058	14,519,911	14,944,397		15,128,654	15,562,885	15,998,485	16,458,385	16,932,085
<i>Tax Revenue % Inc/(Dec)</i>	2.0%	3.9%	1.1%	4.0%		1.2%	2.9%	2.8%	2.9%	2.9%
Tax Penalties	308,187	290,822	300,000	311,080	1.0%	303,000	306,030	309,090	312,180	315,300
Property Transfer	878,427	1,121,056	1,258,000	1,007,000	1.5%	1,276,870	1,296,020	1,315,460	1,335,190	1,355,220
Gas/oil	85,562	100,552	65,027	103,570	2.0%	66,330	67,660	69,010	70,390	71,800
Horse Racing	9,681	6,510	45,000	6,500	2.0%	45,900	46,820	47,760	48,720	49,690
Wine Liquor	43,303	255,144	310,000	250,810	2.0%	316,200	322,520	328,970	335,550	342,260
Hotel Occupancy	768,424	600,516	455,868	844,200	5.0%	638,220	765,860	788,840	828,280	869,690
<i>Hotel Occ % Inc/(Dec)</i>	4.1%	-21.9%	-24.1%	40.6%		40.0%	20.0%	3.0%	5.0%	5.0%
Hotel Occupancy- Other Entity	3,067	38,193	30,000	3,100		30,000	30,000	30,000	30,000	30,000
Waste Coal	5,562	-	-	-		-	-	-	-	-
Bldg Permits	328,778	412,819	430,000	386,640		464,400	496,910	511,820	527,170	532,440
<i>Building Permit % Inc/(Dec)</i>	19.2%	25.6%	4.2%	-6.3%		8.0%	7.0%	3.0%	3.0%	1.0%
Grants	506,093	2,734,578	2,350,024	370,506		320,000	270,000	270,000	270,000	270,000
Payment in lieu of taxes	19,296	22,324	22,000	20,000		22,000	22,000	22,000	22,000	22,000
Sheriff Service Process	17,051	15,175	18,900	18,900		17,900	18,000	18,000	18,000	18,000
Sheriff Earnings	190,623	202,011	190,500	190,500	1.0%	192,300	194,220	196,160	198,120	200,100
Clerk Earnings	192,584	242,582	201,600	198,800	0.5%	211,200	212,260	213,320	214,390	215,460
Circuit Clerk Earnings	59,453	57,547	60,000	60,000	1.0%	60,000	60,600	61,210	61,820	62,440
Prosecuting Earnings	2,133	2,099	2,000	1,841	1.0%	1,893	1,910	1,930	1,950	1,970
Charges for Services	40,860	18,505	58,000	41,100		-	-	-	-	-
Rent	306,906	307,700	316,484	316,484	2.0%	316,484	322,810	329,270	335,860	342,580
Ambulance Billings (In Kind Fire)	-	916,183	920,000	-	1.0%	929,200	957,076	985,788	1,035,000	1,035,000
911 Fees	1,909,532	2,046,615	1,905,700	1,962,900		1,962,900	1,982,500	2,002,300	2,022,300	2,042,500
<i>911 Fees % Inc/(Dec)</i>	8.4%	7.2%	-6.9%	-4.1%		3.0%	1.0%	1.0%	1.0%	1.0%
Franchise Agreements	824,770	538,780	566,000	566,000		577,300	583,100	588,900	594,800	600,700
<i>Franchise Fees % Inc/(Dec)</i>	57.7%	-34.7%	5.1%	5.1%		2.0%	1.0%	1.0%	1.0%	1.0%
IRP fees	18,789	14,694	17,200	17,200	1.0%	19,000	19,190	19,380	19,570	19,770
Jail fees	97,087	81,112	98,000	98,000	0.5%	98,000	98,490	98,980	99,470	99,970
Interest	36,954	41,153	57,490	33,413	0.2%	38,502	38,580	38,660	38,740	38,820
Misc revenue	66,434	58,943	4,300	4,300	1.0%	50,400	50,900	51,410	51,920	52,440
Sheriff Commission	11,514	9,160	11,520	11,600	1.0%	11,600	11,720	11,840	11,960	12,080
Table Games	635,682	508,749	392,170	479,400		365,400	372,700	380,200	380,200	372,600
<i>Table Games % Inc/(Dec)</i>	0.3%	-20.0%	-22.9%	-5.8%		-6.8%	2.0%	2.0%	0.0%	-2.0%
Filing Fees	4,941	-	-	-		-	-	-	-	-
Video Lottery	2,999,873	2,428,346	2,212,202	2,314,600		2,114,800	2,157,100	2,200,200	2,200,200	2,156,200
<i>Video Lottery % Inc/(Dec)</i>	-1.3%	-19.1%	-8.9%	-4.7%		-4.4%	2.0%	2.0%	0.0%	-2.0%
Reimbursements	267,937	193,321	170,000	184,300	1.0%	175,500	177,260	179,030	180,820	182,630
Gain/Loss on Sale of Fixed Assets	10,922	-	-	-		-	-	-	-	-
Charges to other entities	-	-	58,000	-		-	-	-	-	-
Trans from other entities	220	1,530	-	-		-	-	-	-	-
General School Reimbursements	307,276	252,026	264,000	264,000	1.0%	264,000	266,640	269,310	272,000	274,720
Trns Assessor Val fund	510,200	522,609	536,275	536,275	2.0%	526,515	537,050	547,790	558,750	569,930
<b>Total Revenue</b>	<b>25,295,337</b>	<b>28,406,412</b>	<b>27,846,171</b>	<b>25,547,416</b>		<b>27,473,668</b>	<b>28,205,887</b>	<b>28,870,901</b>	<b>29,568,735</b>	<b>30,123,395</b>

Jefferson County Commission  
 General Fund  
 Five Year Projection (FY2022 - FY2026)

Date Prepared: 12/7/2020

	2 Year Actuals		Projected			Projection				
	Actual	Actual	FY21		Proj	Budget	TREND	TREND	TREND	TREND
	FY19	FY20	Projection	Budget	Chg %	FY22	FY23	FY24	FY25	FY26
<b>Expenditures</b>										
Commission	1,928,692	2,036,168	1,878,671	1,907,280	2.0%	1,916,200	1,954,520	1,993,610	2,033,480	2,074,150
Employee Increases (~2% Merit)	-	-	-	-		195,000	198,900	202,878	206,936	211,074
Employee Increases (COLA)	-	-	-	-		75,000	80,300	85,900	91,900	98,300
County Clerk	677,164	740,849	653,325	663,274	2.0%	666,400	679,730	693,320	707,190	721,330
Circuit Clerk	623,346	632,535	500,838	508,465	2.0%	510,900	521,120	531,540	542,170	553,010
Sheriff's Tax Office	506,881	512,826	490,122	497,586	2.0%	499,900	509,900	520,100	530,500	541,110
Prosecuting Attorney	1,806,652	1,839,523	1,686,879	1,712,568	2.0%	1,720,600	1,755,010	1,790,110	1,825,910	1,862,430
Assessor	530,016	509,367	442,592	449,332	2.0%	451,400	460,430	469,640	479,030	488,610
Assesor Valuation Fund	508,508	519,867	528,231	536,275	2.0%	526,515	537,050	547,790	558,750	569,930
State Wide Computer Network	57,865	32,984	54,048	54,871	2.0%	55,100	56,200	57,320	58,470	59,640
Agricultural Agent	122,803	126,621	116,224	117,994	2.0%	118,500	120,870	123,290	125,760	128,280
County Clerk Elections	311,982	321,820	283,471	287,788	2.0%	289,100	294,880	300,780	306,800	312,940
Magistrate Court	2,298	2,963	2,955	3,000	2.0%	3,000	3,060	3,120	3,180	3,240
Insurance Program	-	-	2,347,870	2,383,624	2.0%	2,394,800	2,442,700	2,491,550	2,541,380	2,592,210
Health Increases (5%)	-	-	-	-		115,001	115,000	120,750	126,788	133,127
Maintenance Dept	1,078,105	1,045,787	1,051,767	1,067,784	3.0%	1,083,300	1,115,800	1,149,270	1,183,750	1,219,260
Other Building	710,177	613,514	715,406	726,300	2.0%	729,700	744,290	759,180	774,360	789,850
Data Processing (IT)	438,865	526,872	539,259	547,471	2.0%	550,000	561,000	572,220	583,660	595,330
RDA	19,794	19,794	29,524	29,974	2.0%	30,100	30,700	31,310	31,940	32,580
EC Development	553,549	528,383	451,706	458,585	2.0%	460,700	469,910	479,310	488,900	498,680
Engineering, Planning, Zoning, GIS	1,379,995	1,472,612	1,256,586	1,275,722	2.0%	1,281,700	1,307,330	1,333,480	1,360,150	1,387,350
Hotel Occupancy Other Entities	3,067	38,193	30,000	3,100		30,000	30,000	30,000	30,000	30,000
Contingency for Emergencies	-	-	197,000	200,000		200,000	200,000	200,000	200,000	200,000
Law Enforcement	4,313,311	4,209,711	3,830,009	3,888,334	2.0%	3,906,600	3,984,730	4,064,420	4,145,710	4,228,620
Service of Process	18,700	9,096	18,617	18,900		17,900	18,000	18,000	18,000	18,000
Regional Jail	1,204,513	759,070	1,034,250	1,050,000	2.0%	1,054,900	1,076,000	1,097,520	1,119,470	1,141,860
Regional Jail % Inc/(Dec)	-23.9%	-37.0%	36.3%	38.3%		2.0%	2.0%	2.0%	2.0%	2.0%
Homeland Security	238,496	233,985	236,797	240,403	2.0%	241,500	246,330	251,260	256,290	261,420
Communication Center (911)	1,807,990	1,908,901	1,967,323	1,997,282	2.0%	2,006,700	2,046,830	2,087,770	2,129,530	2,172,120
JCESA - Ambulance	2,102,376	1,493,683	2,697,847	2,622,847	2.0%	2,751,800	2,806,840	2,862,980	2,920,240	2,978,640
JCESA - Fire	665,000	2,263,293	1,497,500	577,500	0.0%	1,506,700	1,534,576	1,563,288	1,612,500	1,612,500
Animal Control	283,849	238,373	229,485	232,980	2.0%	234,100	238,780	243,560	248,430	253,400
Central Garage	301,626	256,392	308,186	312,879	6.0%	326,700	346,300	367,080	389,100	412,450
Health Department	79,980	80,380	80,782	80,782	2.0%	81,186	82,810	84,470	86,160	87,880
Parks and Recreation	742,886	675,974	785,813	803,892	2.2%	712,182	814,053	825,956	845,289	865,524
Arts and Humanities	15,367	12,010	9,117	16,884	5.0%	12,764	15,317	15,777	16,566	17,394
Historical Commission	25,257	17,784	13,501	25,001	5.0%	18,901	22,681	23,361	24,530	25,756
Visitors Bureau	384,213	307,758	285,934	422,100	5.0%	319,110	382,930	394,420	414,140	434,845
Library	330,000	330,000	330,000	330,000	0.0%	330,000	330,000	330,000	330,000	330,000
Public Transit	20,000	60,000	30,000	30,000		20,000	20,000	20,000	20,000	20,000
<b>Total Expenditures</b>	<b>23,793,323</b>	<b>24,377,088</b>	<b>26,611,635</b>	<b>26,080,777</b>		<b>27,443,959</b>	<b>28,154,877</b>	<b>28,736,330</b>	<b>29,366,958</b>	<b>29,962,840</b>
<b>Net Surplus / (Deficit)</b>	<b>1,502,014</b>	<b>4,029,324</b>	<b>1,234,536</b>	<b>(533,361)</b>		<b>29,709</b>	<b>51,009</b>	<b>134,571</b>	<b>201,776</b>	<b>160,554</b>

Jefferson County Commission  
 General Fund  
 Five Year Projection (FY2022 - FY2026)

Date Prepared: 12/7/2020

	2 Year Actuals		FY21		Proj Chg %	Projected Budget FY22	Projection			
	Actual FY19	Actual FY20	Projection	Budget			TREND FY23	TREND FY24	TREND FY25	TREND FY26
	<b>Net Surplus / (Deficit)</b>	<b>1,502,014</b>	<b>4,029,324</b>	<b>1,234,536</b>			<b>(533,361)</b>		<b>29,709</b>	<b>51,009</b>
<b>Transfers from/ (to) Other Funds</b>										
<b>Transfers to Capital Outlay Fund</b>										
<i>Trns to Capital Fund (5% Gambling)</i>	<i>(562,000)</i>	<i>(600,000)</i>	<i>(740,000)</i>	<i>(740,000)</i>		<i>(2,107,807)</i>	-	-	<i>(66,793)</i>	<i>(61,221)</i>
<i>Trns to Capital Fund</i>	<i>(38,755)</i>	-	<i>(3,710,810)</i>	<i>(3,710,810)</i>		-	-	-	-	-
<b>Subtotal Trns to Capital Outlay Fund</b>	<b>(600,755)</b>	<b>(600,000)</b>	<b>(4,450,810)</b>	<b>(4,450,810)</b>		<b>(2,107,807)</b>	-	-	<b>(66,793)</b>	<b>(61,221)</b>
Trns from Coal Severance Fund	70,000	-	-	-		-	-	-	-	-
Trns from (to) Other Funds	146,169	136,381	-	-		-	-	-	-	-
<b>Total Transfers Out of General Fund</b>	<b>(384,586)</b>	<b>(463,619)</b>	<b>(4,450,810)</b>	<b>(4,450,810)</b>		<b>(2,107,807)</b>	-	-	<b>(66,793)</b>	<b>(61,221)</b>
<b>Net Uses of Funds -Surplus/(Deficit)</b>	<b>1,117,428</b>	<b>3,565,705</b>	<b>(3,216,274)</b>	<b>(4,984,171)</b>		<b>(2,078,098)</b>	<b>51,009</b>	<b>134,571</b>	<b>134,984</b>	<b>99,333</b>
<b>Fund Balance</b>										
Beginning Fund Balance	5,186,147	6,303,575	9,869,280	9,336,259		6,653,006	4,574,908	4,625,917	4,760,488	4,895,472
Net Change in Fund Balance	1,117,428	3,565,705	(3,216,274)	(4,984,171)		(2,078,098)	51,009	134,571	134,984	99,333
<b>Ending Fund Balance</b>	<b>6,303,575</b>	<b>9,869,280</b>	<b>6,653,006</b>	<b>4,352,088</b>		<b>4,574,908</b>	<b>4,625,917</b>	<b>4,760,488</b>	<b>4,895,472</b>	<b>4,994,805</b>
<b>Fund Balance as a % of Operating Exp</b>	<b>26.49%</b>	<b>40.49%</b>	<b>25.00%</b>	<b>16.69%</b>		<b>16.67%</b>	<b>16.43%</b>	<b>16.57%</b>	<b>16.67%</b>	<b>16.7%</b>

## Jefferson County Commission FY22 Budget Process Calendar

- **November:** Finance Director to compile estimate of revenues
- **December 1, 2020:** More accurate property valuations are available. Finance Director to adjust projected revenues
- **December 17, 2020:** Budget Charge from Commissioners
- **Mid December 2020:** Preliminary health insurance renewal rates available
- **Last week of December 2020:** Budget reports distributed to departments (per auditor's office should be done no later than the 1<sup>st</sup> week of February)
- **January 20, 2021:** Department Heads to return budgets to Finance Director (per regulation must be done by March 2<sup>nd</sup>)
- **January 25, 2021:** Elected Officials to return budgets to Finance Director (per regulation must be done by March 2<sup>nd</sup>)
- **January 31, 2021:** Budget Binders distributed to Commissioners
- **February 2, 2021:** Tuesday evening Budget 101 (7PM)
- **February 8 – 12:** Need to schedule two to three full days of individual department budget presentations to the Commissioners
- **March 2, 2021:** Assessor to certify value of real and personal property (per regulation must be done by March 3<sup>rd</sup>)
- **March 8 – 12:** Schedule community forum for public hearing of budget (per regulation must be done between March 7<sup>th</sup> and March 28<sup>th</sup>)
- **Mid March 2021:** Final health insurance renewal rates obtained
- **March 18, 2021:** Currently, this is an evening regular session. Commissioners adopt budget (per regulation must be done by March 29<sup>th</sup>) or **Special Session on Tuesday, March 23, 2021.**
- **March 25, 2021:** Budget must be published by March 28<sup>th</sup> each year in the local paper of record.
- **April –May 2021:** Health insurance renewal rates/options presented to Commissioners
- **April 20, 2021:** Commissioners reconvene and consider any objections, and proceeds with the laying of property tax levy rates (per regulation must be done on April 20<sup>th</sup>, the 3<sup>rd</sup> Tuesday of April) – Normally a 9:30 meeting.
- **April 23, 2021:** Finance Director to forward the levy order to the State Auditor's Office (per regulation must be done within 3 days of the 3<sup>rd</sup> Tuesday in April)

**Jefferson County Commission**  
 FY2021 General Fund Revenues & Expenditures  
 As of 11/30/2020  
 Expenditures by Department

Description	FY2021 Budget	FY2021 YTD	Budget	% Rec'd/ Exp'd	FY2020 YTD	YTD Actual	
		Actual As of 11/30/20	Variance Favorable/ (Unfavorable)		Actual As of 11/30/19	Variance Favorable/ (Unfavorable)	% Var PY- CY
<b>Beginning Fund Bal-Budget</b>							
<b>Total Beginning Fund Bal-Budget</b>	(9,336,259)						
<b>Revenues</b>							
AD VALOREM TAXES	(14,944,397)	<b>(8,894,400)</b>	(6,049,997)	59.52%	(8,543,052)	351,348	4.11%
BUILDING PERMIT FEES	(386,640)	<b>(171,413)</b>	(215,227)	44.33%	(134,212)	37,201	27.72%
CHARGES FOR SERVICES	-	<b>17,116</b>	(17,116)	100.00%	860	(16,256)	1,890.69%
CIRCUIT CLERKS EARNINGS	(60,000)	<b>(16,771)</b>	(43,229)	27.95%	(28,674)	(11,902)	-41.51%
CONTRIBUTIONS FR OTH ENTITIES	-	<b>(217)</b>	217	100.00%	(110)	107	97.27%
COUNTY CLERKS EARNINGS	(198,800)	<b>(100,125)</b>	(98,675)	50.36%	(78,876)	21,249	26.94%
EMERGENCY 911 FEES	(1,962,900)	<b>(460,136)</b>	(1,502,764)	23.44%	(525,796)	(65,660)	-12.49%
FEDERAL GRANTS	(370,506)	<b>(1,650,024)</b>	1,279,518	445.34%	53,182	1,703,207	-3,202.59%
FEDERAL PMT IN LIEU OF TAXES	(20,000)	-	(20,000)	0.00%	-	-	0.00%
FILING FEES	-	<b>(4,915)</b>	4,915	100.00%	-	4,915	-100.00%
FRANCHISE AGREEMENTS	(566,000)	-	(566,000)	0.00%	(132,308)	(132,308)	-100.00%
GAS & OIL SEVERANCE TAX	(103,570)	<b>(65,027)</b>	(38,543)	62.79%	(100,552)	(35,526)	-35.33%
HORSE & DOG RACING TAX	(6,500)	<b>(34,670)</b>	28,170	533.39%	(4,059)	30,611	754.17%
HOTEL OCCUPANCY TAX	(847,300)	<b>(212,086)</b>	(635,214)	25.03%	(396,002)	(183,916)	-46.44%
INTEREST EARNED	(33,413)	<b>(23,951)</b>	(9,462)	71.68%	(16,503)	7,448	45.13%
IRP FEES (INTERST REG PLAN)	(17,200)	<b>(7,141)</b>	(10,059)	41.52%	(7,207)	(67)	-0.92%
MISCELLANEOUS REVENUE	(4,300)	<b>(1,931)</b>	(2,369)	44.91%	(2,210)	(279)	-12.62%
MISECLLANEOUS REVENUE	(41,100)	<b>(11,191)</b>	(29,909)	27.23%	(14,794)	(3,603)	-24.35%
OTHER GRANTS	-	<b>12,736</b>	(12,736)	100.00%	(20,738)	(33,474)	-161.41%
PROPERTY TRANSFER TAX	(1,007,000)	<b>(533,145)</b>	(473,855)	52.94%	(372,236)	160,909	43.23%
PROSECUTING ATTY EARNINGS	(1,841)	<b>(1,067)</b>	(774)	57.95%	(901)	166	18.47%
REGIONAL JAIL REIMB	(98,000)	<b>(51,559)</b>	(46,441)	52.61%	(81,112)	(29,553)	-36.43%
REIMBURSEMENTS	(184,300)	<b>(310,558)</b>	126,258	168.51%	(176,109)	134,449	76.34%
RENTS	(316,484)	<b>(125,859)</b>	(190,625)	39.77%	(121,066)	4,793	3.96%
SHERIFFS COMMISSION	(11,600)	<b>(11,488)</b>	(112)	99.03%	(9,160)	2,328	25.41%
SHERIFFS EARNINGS	(190,500)	<b>(47,827)</b>	(142,673)	25.11%	(95,171)	(47,344)	-49.75%
SHERIFFS SERVICE OF PROCESS	(18,900)	<b>(5,287)</b>	(13,613)	27.97%	(7,425)	(2,138)	-28.79%
TABLE GAMES	(479,400)	<b>(137,103)</b>	(342,297)	28.60%	(258,682)	(121,579)	-47.00%
TAX PENALTIES	(311,080)	<b>(209,885)</b>	(101,195)	67.47%	(212,074)	(2,189)	-1.03%
VIDEO LOTTERY	(2,314,600)	<b>(1,363,330)</b>	(951,270)	58.90%	(1,544,232)	(180,901)	-11.71%
WASTE COAL	-	<b>(2,900)</b>	2,900	100.00%	-	2,900	-100.00%
WINE & LIQUOR TAX	(250,810)	<b>(159,746)</b>	(91,064)	63.69%	(123,127)	36,620	29.74%
<b>Total Revenues</b>	<b>(24,747,141)</b>	<b>(14,583,899)</b>	<b>(10,163,242)</b>	<b>58.93%</b>	<b>(12,952,344)</b>	<b>1,631,556</b>	<b>12.60%</b>
<b>Expenditures</b>							
401- COUNTY COMMISSION	1,907,280	<b>879,955</b>	1,027,325	46.14%	1,008,818	128,862	-12.77%
402- COUNTY CLERK	663,274	<b>220,452</b>	442,822	33.24%	306,649	86,197	-28.11%
403- CIRCUIT CLERK	508,465	<b>196,008</b>	312,457	38.55%	256,739	60,731	-23.65%
404- SHERIFF AND TREASURER	497,586	<b>198,398</b>	299,188	39.87%	218,337	19,939	-9.13%
405- PROSECUTING ATTORNEY	1,712,568	<b>637,434</b>	1,075,134	37.22%	746,588	109,154	-14.62%
406- ASSESSOR	449,332	<b>194,621</b>	254,710	43.31%	243,904	49,283	-20.21%
407- ASSESSORS VALUATION FUND	536,275	<b>202,517</b>	333,758	37.76%	215,428	12,911	-5.99%
408- STATEWIDE COMPUTER NET	54,871	-	54,871	0.00%	-	-	0.00%
412- AGRICULTURAL AGENT	117,994	<b>43,348</b>	74,646	36.74%	52,009	8,661	-16.65%
413- ELECTIONS COUNTY CLERK	287,788	<b>110,444</b>	177,344	38.38%	50,557	(59,888)	118.46%
415- MAGISTRATE COURT	3,000	<b>863</b>	2,137	28.76%	1,068	205	-19.21%

**Jefferson County Commission**  
 FY2021 General Fund Revenues & Expenditures  
 As of 11/30/2020  
 Expenditures by Department

Description	FY2021 Budget	FY2021 YTD		Budget Variance Favorable/ (Unfavorable)	% Rec'd/ Exp'd	YTD Actual		
		FY2021 Actual As of 11/30/20				FY2020 YTD Actual As of 11/30/19	FY2021-FY2020 Variance Favorable/ (Unfavorable)	% Var PY- CY
423- INSURANCE PROGRAM	2,383,624	874,251		1,509,373	36.68%	-	(874,251)	-100.00 %
424- COURTHOUSE (MAINTENANCE)	1,067,784	369,513		698,271	34.61%	435,154	65,641	-15.08 %
425- OTHER BUILDINGS	726,300	203,100		523,200	27.96%	208,768	5,668	-2.71 %
428- IT DATA PROCESSING	547,471	122,379		425,092	22.35%	187,735	65,355	-34.81 %
429- REGIONAL DEVELOPMENT AUTH	29,974	29,973		1	100.00%	19,794	(10,179)	51.42 %
431- DEVELOPMENT AUTHORITY	458,585	195,611		262,974	42.66%	294,661	99,050	-33.61 %
440- ENGINEERING	1,275,722	484,973		790,749	38.02%	599,158	114,185	-19.06 %
697- CONT/TRF OTHER STATUTORY ENT	3,100	3,342		(242)	107.80%	1,165	(2,177)	186.91 %
700- SHERIFF LAW ENFORCEMENT	3,888,334	1,449,932		2,438,402	37.29%	1,721,568	271,637	-15.78 %
701- SHERIFF SVC OF PROCESS	18,900	4,293		14,607	22.71%	953	(3,340)	350.51 %
704- REGIONAL JAIL	1,050,000	258,765		791,235	24.64%	342,865	84,100	-24.53 %
711- HOMELAND SECURITY	240,403	80,630		159,773	33.54%	100,144	19,515	-19.49 %
712- COMMUNICATIONS CENTER	1,997,282	648,880		1,348,402	32.49%	715,847	66,966	-9.35 %
713- FIRE DEPARTMENTS	577,500	55,335		522,165	9.58%	247,500	192,165	-77.64 %
715- AMBULANCE AUTHORITY	2,622,847	1,340,060		1,282,787	51.09%	1,115,674	(224,386)	20.11 %
716- ANIMAL CONTROL	232,980	92,891		140,089	39.87%	97,480	4,589	-4.71 %
717- CENTRAL GARAGE	312,879	87,757		225,122	28.05%	115,944	28,187	-24.31 %
800- LOCAL HEALTH DEPT	80,782	33,659		47,123	41.67%	33,492	(168)	0.50 %
900- PARKS AND RECREATION	803,892	446,490		357,402	55.54%	372,939	(73,551)	19.72 %
903- ARTS AND HUMANITIES	16,884	3,927		12,957	23.26%	7,897	3,970	-50.27 %
909- HISTORICAL COMMISSION	25,001	5,815		19,186	23.26%	11,693	5,878	-50.27 %
911- VISITORS BUREAU	422,100	98,180		323,920	23.26%	197,418	99,238	-50.27 %
916- LIBRARIES	330,000	165,000		165,000	50.00%	165,000	-	0.00 %
953- PUBLIC TRANSPORTATION	30,000	-		30,000	0.00%	10,000	10,000	-100.00 %
<b>Total Expenditures</b>	<b>25,880,777</b>	<b>9,738,799</b>		<b>16,141,978</b>	<b>37.63 %</b>	<b>10,102,945</b>	<b>364,146</b>	<b>-3.60 %</b>
<b>Transfers To/(From) Other Funds</b>								
698- TRANSFERS TO OTHER FUNDS	4,450,810	-		4,450,810	0.00%	600,000	600,000	-100.00 %
GENERAL SCHOOL FUND REIMB	(264,000)	(77,017)		(186,983)	29.17%	(116,493)	(39,476)	-33.89 %
TRANSFERS FROM ASSR VAL FUND	(536,275)	-		(536,275)	0.00%	-	-	0.00 %
TRANSFERS FROM OTHER FUNDS	-	-		-	0.00%	68,252	68,252	-100.00 %
<b>Total Transfers To/(Fr) Other Funds</b>	<b>3,650,535</b>	<b>(77,017)</b>		<b>3,727,552</b>	<b>-2.11 %</b>	<b>551,759</b>	<b>628,776</b>	<b>-113.96 %</b>
<b>Fund Balance-Budget</b>								
<b>Total Ending Fund Bal-Budget</b>	<b>4,552,088</b>							
<b>Fund Balance</b>								
BEGINNING FUND BALANCE	<b>(9,869,280)</b>		<b>(6,303,575)</b>					
NET USE OF FUNDS-(SURPLUS)/DEFICIT	<b>(4,922,117)</b>		<b>(2,297,640)</b>					
<b>Total Fund Balance</b>	<b>(14,791,397)</b>		<b>(8,601,214)</b>					

**Jefferson County Commission**  
 FY2021 General Fund Revenues & Expenditures  
 As of 11/30/2020  
 Expenditures by Object

Description	FY2021 Budget	FY2021 YTD	Budget	% Rec'd/ Exp'd	FY2020 YTD	YTD Actual	
		Actual As of 11/30/20	Variance Favorable/ (Unfavorable)		Actual As of 11/30/19	Variance Favorable/ (Unfavorable)	% Rec'd/ Exp'd
<b>Beginning Fund Bal-Budget</b>							
<b>Total Beginning Fund Bal-Budget</b>	(9,336,259)						
<b>Revenues</b>							
TAX REVENUE	(15,255,477)	<b>(9,104,285)</b>	(6,151,192)	59.68%	(8,755,127)	349,158	3.99 %
OTHER TAX REVENUE	(2,215,180)	<b>(1,007,575)</b>	(1,207,605)	45.49%	(995,976)	11,599	1.16 %
INTERGOVERNMENTAL	(390,506)	<b>(1,637,288)</b>	1,246,782	419.27%	32,444	1,669,732	-5,146.54 %
GAMING REVENUE	(2,794,000)	<b>(1,500,433)</b>	(1,293,567)	53.70%	(1,802,914)	(302,481)	-16.78 %
LICENSES AND PERMITS	(386,640)	<b>(171,413)</b>	(215,227)	44.33%	(134,212)	37,201	27.72 %
CHARGES FOR SERVICES	(3,336,925)	<b>(748,796)</b>	(2,588,129)	22.44%	(998,772)	(249,976)	-25.03 %
FINES AND FORFEITURE	(98,000)	<b>(51,559)</b>	(46,441)	52.61%	(81,112)	(29,553)	-36.43 %
MISCELLANEOUS REV	(237,000)	<b>(333,454)</b>	96,454	140.70%	(200,173)	133,282	66.58 %
INTEREST REVENUE	(33,413)	<b>(29,097)</b>	(4,316)	87.08%	(16,503)	12,594	76.31 %
<b>Total Revenues</b>	<b>(24,747,141)</b>	<b>(14,583,899)</b>	<b>(10,163,242)</b>	<b>58.93 %</b>	<b>(12,952,344)</b>	<b>1,631,556</b>	<b>12.60 %</b>
<b>Expenditures</b>							
<b>PERSONNEL SERVICES</b>							
FICA	843,889	<b>314,900</b>	528,989	37.32%	316,988	2,088	-0.66 %
HEALTH INSURANCE	2,449,168	<b>903,084</b>	1,546,085	36.87%	917,210	14,127	-1.54 %
RETIREMENT	1,073,708	<b>419,184</b>	654,524	39.04%	416,543	(2,641)	0.63 %
SALARIES	11,499,462	<b>4,344,866</b>	7,154,596	37.78%	4,311,777	(33,089)	0.77 %
<b>PERSONNEL SERVICES</b>	<b>15,866,227</b>	<b>5,982,033</b>	<b>9,884,194</b>	<b>37.70%</b>	<b>5,962,518</b>	<b>(19,515)</b>	<b>0.33 %</b>
<b>CONTRACTUAL SERVICES</b>							
ADVERTISING/LEGAL PUBS	34,800	<b>3,395</b>	31,405	9.76%	6,246	2,851	-45.65 %
AUDIT COSTS	35,000	-	35,000	0.00%	-	-	0.00 %
BANK CHARGES	750	<b>160</b>	590	21.32%	357	198	-55.26 %
BLDG/ EQPT RENTAL	23,400	<b>10,750</b>	12,650	45.94%	7,500	(3,250)	43.33 %
CONTRACTED SERVICES	244,432	<b>82,601</b>	161,831	33.79%	95,499	12,898	-13.51 %
COURT COSTS AND DAMAGES	6,000	<b>10,000</b>	(4,000)	166.67%	2,781	(7,219)	259.58 %
DUES AND SUBSCRIPTIONS	42,743	<b>12,242</b>	30,501	28.64%	18,819	6,577	-34.95 %
INSURANCE AND BONDS	483,229	<b>395,941</b>	87,288	81.94%	389,964	(5,978)	1.53 %
INSURANCE PREMIUM RETIREE	105,000	<b>41,960</b>	63,040	39.96%	43,506	1,546	-3.55 %
MAINT/REP AUTO	5,000	<b>220</b>	4,780	4.40%	100	(120)	120.08 %
MAINT/REP BLDG & GROUNDS	35,000	<b>3,082</b>	31,918	8.81%	7,806	4,724	-60.52 %
MAINT/REP EQUIPMENT	265,449	<b>22,264</b>	243,185	8.39%	26,709	4,445	-16.64 %
POSTAGE	122,400	<b>48,602</b>	73,798	39.71%	62,211	13,609	-21.88 %
PRINTING	22,550	<b>6,163</b>	16,387	27.33%	2,825	(3,337)	118.12 %
PROFESSIONAL SERVICES	363,500	<b>85,085</b>	278,415	23.41%	229,380	144,295	-62.91 %
REFUNDING ERRONEOUS PMTS	-	<b>300</b>	(300)	100.00%	-	(300)	-100.00 %
TELEPHONE	248,075	<b>67,141</b>	180,934	27.06%	96,144	29,003	-30.17 %
TRAINING AND EDUCATION	70,885	<b>4,202</b>	66,683	5.93%	17,704	13,502	-76.27 %
TRAVEL	75,434	<b>2,574</b>	72,860	3.41%	16,414	13,841	-84.32 %
UTILITIES	453,000	<b>97,882</b>	355,118	21.61%	95,770	(2,112)	2.20 %
<b>CONTRACTUAL SERVICES</b>	<b>2,636,647</b>	<b>894,563</b>	<b>1,742,084</b>	<b>33.93%</b>	<b>1,119,736</b>	<b>225,174</b>	<b>-20.11 %</b>
<b>COMMODITIES</b>							
AUTO SUPPLIES	226,000	<b>54,776</b>	171,224	24.24%	90,035	35,258	-39.16 %

**Jefferson County Commission**  
 FY2021 General Fund Revenues & Expenditures  
 As of 11/30/2020  
 Expenditures by Object

Description	FY2021 Budget	FY2021 YTD		Budget Variance Favorable/ (Unfavorable)	% Rec'd/ Exp'd	YTD Actual		
		Actual As of 11/30/20				FY2020 YTD Actual As of 11/30/19	FY2021-FY2020 Variance Favorable/ (Unfavorable)	% Rec'd/ Exp'd
C/F PRISONERS REG JAIL FEE	1,050,000	<b>258,765</b>		791,235	24.64%	342,865	84,100	-24.53 %
CHARGES BY OTHER GOV UNITS	54,871	-		54,871	0.00%	-	-	0.00 %
COMPUTER HARDWARE	106,680	<b>5,404</b>		101,276	5.07%	33,506	28,102	-83.87 %
COMPUTER SOFTWARE	41,800	-		41,800	0.00%	1,163	1,163	-100.00 %
ERROR-NO CATEGORY	-	-		-	0.00%	4,145	4,145	-100.00 %
INFORMATION TECH SUPPORT	56,250	<b>21,572</b>		34,678	38.35%	17,534	(4,039)	23.03 %
LICENSE AND ANNUAL FEES	103,233	<b>21,989</b>		81,244	21.30%	14,781	(7,208)	48.77 %
MATERIALS AND SUPPLIES	422,523	<b>146,527</b>		275,996	34.68%	133,763	(12,764)	9.54 %
RECORD BOOKS	9,400	<b>338</b>		9,062	3.60%	1,660	1,322	-79.62 %
UNIFORMS	34,400	<b>8,718</b>		25,682	25.34%	9,849	1,130	-11.48 %
<b>COMMODITIES</b>	<b>2,105,157</b>	<b>518,089</b>		<b>1,587,068</b>	<b>24.61%</b>	<b>649,299</b>	<b>131,210</b>	<b>-20.21 %</b>
<b>CAPITAL OUTLAY</b>								
C/O - CONST IN PROGRESS	-	-		-	0.00%	836	836	-100.00 %
C/O - EQUIPMENT	-	-		-	0.00%	14,930	14,930	-100.00 %
<b>CAPITAL OUTLAY</b>	<b>-</b>	<b>-</b>		<b>0</b>	<b>0.00%</b>	<b>15,766</b>	<b>15,766</b>	<b>-100.00 %</b>
<b>CONTRIBUTIONS TO OTH</b>								
CONTRIBUTION TO OTH AGENCY	271,689	<b>138,684</b>		133,005	51.05%	139,434	750	-0.54 %
CONTRIBUTION TO OTH GOV UNIT	5,001,057	<b>2,205,430</b>		2,795,627	44.10%	2,216,191	10,761	-0.49 %
<b>CONTRIBUTIONS TO OTH</b>	<b>5,272,746</b>	<b>2,344,114</b>		<b>2,928,632</b>	<b>44.46%</b>	<b>2,355,625</b>	<b>11,511</b>	<b>-0.49 %</b>
<b>Total Expenditures</b>	<b>25,880,777</b>	<b>9,738,799</b>		<b>16,141,978</b>	<b>37.63 %</b>	<b>10,102,945</b>	<b>364,146</b>	<b>-3.60 %</b>
<b>Transfers To/(Fr) Other Funds</b>								
TRANSFERS IN	(800,275)	<b>(77,017)</b>		(723,258)	9.62%	(48,241)	28,776	59.65 %
TRANSFERS OUT	4,450,810	-		4,450,810	0.00%	600,000	600,000	-100.00 %
<b>Total Transfers To/(From) Other Funds</b>	<b>3,650,535</b>	<b>(77,017)</b>		<b>3,727,552</b>	<b>-2.11 %</b>	<b>551,759</b>	<b>628,776</b>	<b>-113.96 %</b>
<b>Fund Balance-Budget</b>								
<b>Total Ending Fund Bal-Budget</b>	<b>4,552,088</b>							
<b>Fund Balance</b>								
BEGINNING FUND BALANCE		<b>(9,869,280)</b>				(6,303,575)		
NET USE OF FUNDS-(SURPLUS)/DEFICIT		<b>(4,922,117)</b>				(2,297,640)		
<b>Total Fund Balance</b>		<b>(14,791,397)</b>				<b>(8,601,214)</b>		

**Jefferson County Commission**  
 FY2021 General Fund Revenues & Expenditures  
 As of 11/30/2020  
 Expenditures by Funding Source

Description	FY2021 Budget	FY2021 YTD	Budget	% Rec'd/ Exp'd	FY2020 YTD	YTD Actual	
		Actual As of 11/30/20	Variance Favorable/ (Unfavorable)		Actual As of 11/30/19	FY2021-FY2020 Variance Favorable/ (Unfavorable)	% Var PY- CY
<b>STATUTORY REVENUES &amp; EXPENDITURES</b>							
AD VALOREM TAXES	(14,944,397)	<b>(8,894,400)</b>	(6,049,997)	59.52%	(8,543,052)	351,348	4.11 %
EMERGENCY 911 FEES	(1,962,900)	<b>(460,136)</b>	(1,502,764)	23.44%	(525,796)	(65,660)	-12.49 %
<b>Total Revenues</b>	<b>(16,907,297)</b>	<b>(9,354,536)</b>	<b>(7,552,761)</b>	<b>55.33%</b>	<b>(9,068,848)</b>	<b>285,688</b>	<b>3.15 %</b>
401- COUNTY COMMISSION	1,907,280	<b>879,955</b>	1,027,325	46.14%	1,008,818	128,862	-12.77 %
402- COUNTY CLERK	663,274	<b>220,452</b>	442,822	33.24%	306,649	86,197	-28.11 %
403- CIRCUIT CLERK	508,465	<b>196,008</b>	312,457	38.55%	256,739	60,731	-23.65 %
404- SHERIFF AND TREASURER	497,586	<b>198,398</b>	299,188	39.87%	218,337	19,939	-9.13 %
405- PROSECUTING ATTORNEY	1,712,568	<b>637,434</b>	1,075,134	37.22%	746,588	109,154	-14.62 %
406- ASSESSOR	449,332	<b>194,621</b>	254,710	43.31%	243,904	49,283	-20.21 %
408- STATEWIDE COMPUTER NET	54,871	-	54,871	0.00%	-	-	0.00 %
413- ELECTIONS COUNTY CLERK	287,788	<b>110,444</b>	177,344	38.38%	50,557	(59,888)	118.46 %
415- MAGISTRATE COURT	3,000	<b>863</b>	2,137	28.76%	1,068	205	-19.21 %
423- INSURANCE PROGRAM	2,383,624	<b>874,251</b>	1,509,373	36.68%	-	(874,251)	-100.00 %
424- COURTHOUSE (MAINTENANCE)	1,067,784	<b>369,513</b>	698,271	34.61%	435,154	65,641	-15.08 %
429- REGIONAL DEVELOPMENT AUTH	29,974	<b>29,973</b>	1	100.00%	19,794	(10,179)	51.42 %
700- SHERIFF LAW ENFORCEMENT	3,888,334	<b>1,449,932</b>	2,438,402	37.29%	1,721,568	271,637	-15.78 %
704- REGIONAL JAIL	1,050,000	<b>258,765</b>	791,235	24.64%	342,865	84,100	-24.53 %
711- HOMELAND SECURITY	240,403	<b>80,630</b>	159,773	33.54%	100,144	19,515	-19.49 %
712- COMMUNICATIONS CENTER	1,997,282	<b>648,880</b>	1,348,402	32.49%	715,847	66,966	-9.35 %
<b>Total Expenditures</b>	<b>16,741,565</b>	<b>6,150,120</b>	<b>10,591,445</b>	<b>36.74%</b>	<b>6,168,032</b>	<b>17,912</b>	<b>-0.29 %</b>
<b>SUBTOTAL STATUTORY REVENUES &amp; EXPENDITURES</b>	<b>(165,732)</b>	<b>(3,204,416)</b>	<b>3,038,684</b>	<b>1,933.49%</b>	<b>(2,900,816)</b>	<b>303,600</b>	<b>10.47 %</b>
<b>AMBULANCE FEE REVENUES &amp; EXPENDITURES</b>							
713- FIRE DEPARTMENTS	577,500	<b>55,335</b>	522,165	9.58%	247,500	192,165	-77.64 %
715- AMBULANCE AUTHORITY	2,622,847	<b>1,340,060</b>	1,282,787	51.09%	1,115,674	(224,386)	20.11 %
<b>Total Expenditures</b>	<b>3,200,347</b>	<b>1,395,395</b>	<b>1,804,952</b>	<b>43.60%</b>	<b>1,363,174</b>	<b>(32,221)</b>	<b>2.36 %</b>
<b>SUBTOTAL AMBULANCE FEE REVENUES &amp; EXPENDITURES</b>	<b>3,200,347</b>	<b>1,395,395</b>	<b>1,804,952</b>	<b>43.60%</b>	<b>1,363,174</b>	<b>(32,221)</b>	<b>2.36 %</b>
<b>HOTEL OCCUPANCY TAX REVENUES &amp; EXPENDITURES</b>							
HOTEL OCCUPANCY TAX	(847,300)	<b>(212,086)</b>	(635,214)	25.03%	(396,002)	(183,916)	-46.44 %
<b>Total Revenues</b>	<b>(847,300)</b>	<b>(212,086)</b>	<b>(635,214)</b>	<b>25.03%</b>	<b>(396,002)</b>	<b>(183,916)</b>	<b>-46.44 %</b>
900- PARKS AND RECREATION	803,892	<b>446,490</b>	357,402	55.54%	372,939	(73,551)	19.72 %
903- ARTS AND HUMANITIES	16,884	<b>3,927</b>	12,957	23.26%	7,897	3,970	-50.27 %
909- HISTORICAL COMMISSION	25,001	<b>5,815</b>	19,186	23.26%	11,693	5,878	-50.27 %
911- VISITORS BUREAU	422,100	<b>98,180</b>	323,920	23.26%	197,418	99,238	-50.27 %
<b>Total Expenditures</b>	<b>1,267,877</b>	<b>554,413</b>	<b>713,464</b>	<b>43.73%</b>	<b>589,948</b>	<b>35,534</b>	<b>-6.02 %</b>
<b>SUBTOTAL HOTEL OCCUPANCY TAX REVENUES &amp; EXPENDITURES</b>	<b>420,577</b>	<b>342,328</b>	<b>78,249</b>	<b>81.39%</b>	<b>193,946</b>	<b>(148,381)</b>	<b>76.51 %</b>
<b>PERMIT FEE REVENUES &amp; EXPENDITURES</b>							
BUILDING PERMIT FEES	(386,640)	<b>(171,413)</b>	(215,227)	44.33%	(134,212)	37,201	27.72 %
<b>Total Revenues</b>	<b>(386,640)</b>	<b>(171,413)</b>	<b>(215,227)</b>	<b>44.33%</b>	<b>(134,212)</b>	<b>37,201</b>	<b>27.72 %</b>
440- ENGINEERING	1,275,722	<b>484,973</b>	790,749	38.02%	599,158	114,185	-19.06 %

**Jefferson County Commission**  
 FY2021 General Fund Revenues & Expenditures  
 As of 11/30/2020  
 Expenditures by Funding Source

Description	FY2021 Budget	FY2021 YTD	Budget	% Rec'd/ Exp'd	FY2020 YTD	YTD Actual	
		Actual As of 11/30/20	Variance Favorable/ (Unfavorable)		Actual As of 11/30/19	FY2021-FY2020 Variance Favorable/ (Unfavorable)	% Var PY- CY
<b>Total Expenditures</b>	1,275,722	<b>484,973</b>	790,749	38.02%	599,158	114,185	-19.06 %
<b>SUBTOTAL PERMIT FEE REVENUES &amp; EXPENDITURES</b>	<b>889,082</b>	<b>313,561</b>	<b>575,521</b>	35.27%	<b>464,946</b>	<b>151,385</b>	-32.56 %
<b>SERVICE OF PROCESS REVENUES &amp; EXPENDITURES</b>							
SHERIFFS SERVICE OF PROCESS	(18,900)	<b>(5,287)</b>	(13,613)	27.97%	(7,425)	(2,138)	-28.79 %
<b>Total Revenues</b>	(18,900)	<b>(5,287)</b>	(13,613)	27.97%	(7,425)	(2,138)	-28.79 %
701- SHERIFF SVC OF PROCESS	18,900	<b>4,293</b>	14,607	22.71%	953	(3,340)	350.51 %
<b>Total Expenditures</b>	18,900	<b>4,293</b>	14,607	22.71%	953	(3,340)	350.51 %
<b>SUBTOTAL SERVICE OF PROCESS REVENUES &amp; EXPENDITURES</b>	<b>0</b>	<b>(994)</b>	<b>994</b>	100.00%	<b>(6,472)</b>	<b>(5,478)</b>	-84.64 %
<b>ASSESSOR VALUATION FUND REVENUES &amp; EXPENDITURES</b>							
407- ASSESSORS VALUATION FUND	536,275	<b>202,517</b>	333,758	37.76%	215,428	12,911	-5.99 %
<b>Total Expenditures</b>	536,275	<b>202,517</b>	333,758	37.76%	215,428	12,911	-5.99 %
TRANSFERS FROM ASSR VAL FUND	(536,275)	-	(536,275)	0.00%	-	-	0.00 %
<b>Total Transfers To/(Fr) Other Funds</b>	(536,275)	-	(536,275)	0.00%	-	-	0.00 %
<b>SUBTOTAL ASSESSOR VALUATION FUND REVENUES &amp; EXPENDITURES</b>	<b>0</b>	<b>202,517</b>	<b>(202,517)</b>	100.00%	<b>215,428</b>	<b>12,911</b>	-5.99 %
<b>NON-DEDICATED REVENUES &amp; EXPENDITURES</b>							
CHARGES FOR SERVICES	-	<b>17,116</b>	(17,116)	100.00%	860	(16,256)	1,890.69 %
CIRCUIT CLERKS EARNINGS	(60,000)	<b>(16,771)</b>	(43,229)	27.95%	(28,674)	(11,902)	-41.51 %
CONTRIBUTIONS FR OTH ENTITIES	-	<b>(217)</b>	217	100.00%	(110)	107	97.27 %
COUNTY CLERKS EARNINGS	(198,800)	<b>(100,125)</b>	(98,675)	50.36%	(78,876)	21,249	26.94 %
FEDERAL GRANTS	(370,506)	<b>(1,650,024)</b>	1,279,518	445.34%	53,182	1,703,207	-3,202.59 %
FEDERAL PMT IN LIEU OF TAXES	(20,000)	-	(20,000)	0.00%	-	-	0.00 %
FILING FEES	-	<b>(4,915)</b>	4,915	100.00%	-	4,915	-100.00 %
FRANCHISE AGREEMENTS	(566,000)	-	(566,000)	0.00%	(132,308)	(132,308)	-100.00 %
GAS & OIL SEVERANCE TAX	(103,570)	<b>(65,027)</b>	(38,543)	62.79%	(100,552)	(35,526)	-35.33 %
HORSE & DOG RACING TAX	(6,500)	<b>(34,670)</b>	28,170	533.39%	(4,059)	30,611	754.17 %
INTEREST EARNED	(33,413)	<b>(23,951)</b>	(9,462)	71.68%	(16,503)	7,448	45.13 %
IRP FEES (INTERST REG PLAN)	(17,200)	<b>(7,141)</b>	(10,059)	41.52%	(7,207)	(67)	-0.92 %
MISCELLANEOUS REVENUE	(4,300)	<b>(1,931)</b>	(2,369)	44.91%	(2,210)	(279)	-12.62 %
MISECLLANEOUS REVENUE	(41,100)	<b>(11,191)</b>	(29,909)	27.23%	(14,794)	(3,603)	-24.35 %
OTHER GRANTS	-	<b>12,736</b>	(12,736)	100.00%	(20,738)	(33,474)	-161.41 %
PROPERTY TRANSFER TAX	(1,007,000)	<b>(533,145)</b>	(473,855)	52.94%	(372,236)	160,909	43.23 %
PROSECUTING ATTY EARNINGS	(1,841)	<b>(1,067)</b>	(774)	57.95%	(901)	166	18.47 %
REGIONAL JAIL REIMB	(98,000)	<b>(51,559)</b>	(46,441)	52.61%	(81,112)	(29,553)	-36.43 %
REIMBURSEMENTS	(184,300)	<b>(310,558)</b>	126,258	168.51%	(176,109)	134,449	76.34 %
RENTS	(316,484)	<b>(125,859)</b>	(190,625)	39.77%	(121,066)	4,793	3.96 %
SHERIFFS COMMISSION	(11,600)	<b>(11,488)</b>	(112)	99.03%	(9,160)	2,328	25.41 %
SHERIFFS EARNINGS	(190,500)	<b>(47,827)</b>	(142,673)	25.11%	(95,171)	(47,344)	-49.75 %
TABLE GAMES	(479,400)	<b>(137,103)</b>	(342,297)	28.60%	(258,682)	(121,579)	-47.00 %
TAX PENALTIES	(311,080)	<b>(209,885)</b>	(101,195)	67.47%	(212,074)	(2,189)	-1.03 %
VIDEO LOTTERY	(2,314,600)	<b>(1,363,330)</b>	(951,270)	58.90%	(1,544,232)	(180,901)	-11.71 %
WASTE COAL	-	<b>(2,900)</b>	2,900	100.00%	-	2,900	-100.00 %
WINE & LIQUOR TAX	(250,810)	<b>(159,746)</b>	(91,064)	63.69%	(123,127)	36,620	29.74 %

# Jefferson County Commission

FY2021 General Fund Revenues & Expenditures

As of 11/30/2020

Expenditures by Funding Source

Description	FY2021 Budget	FY2021 YTD		Budget Variance Favorable/ (Unfavorable)	% Rec'd/ Exp'd	YTD Actual		% Var PY- CY
		Actual As of 11/30/20	FY2020 YTD Actual As of 11/30/19			FY2021-FY2020 Variance Favorable/ (Unfavorable)		
<b>Total Revenues</b>	(6,587,004)	<b>(4,840,578)</b>	(1,746,426)	73.49%	(3,345,857)	1,494,721	44.67 %	
412- AGRICULTURAL AGENT	117,994	<b>43,348</b>	74,646	36.74%	52,009	8,661	-16.65 %	
425- OTHER BUILDINGS	726,300	<b>203,100</b>	523,200	27.96%	208,768	5,668	-2.71 %	
428- IT DATA PROCESSING	547,471	<b>122,379</b>	425,092	22.35%	187,735	65,355	-34.81 %	
431- DEVELOPMENT AUTHORITY	458,585	<b>195,611</b>	262,974	42.66%	294,661	99,050	-33.61 %	
697- CONT/TRF OTHER STATUTORY EI	3,100	<b>3,342</b>	(242)	107.80%	1,165	(2,177)	186.91 %	
716- ANIMAL CONTROL	232,980	<b>92,891</b>	140,089	39.87%	97,480	4,589	-4.71 %	
717- CENTRAL GARAGE	312,879	<b>87,757</b>	225,122	28.05%	115,944	28,187	-24.31 %	
800- LOCAL HEALTH DEPT	80,782	<b>33,659</b>	47,123	41.67%	33,492	(168)	0.50 %	
916- LIBRARIES	330,000	<b>165,000</b>	165,000	50.00%	165,000	-	0.00 %	
953- PUBLIC TRANSPORTATION	30,000	-	30,000	0.00%	10,000	10,000	-100.00 %	
<b>Total Expenditures</b>	2,840,091	<b>947,088</b>	1,893,003	33.35%	1,166,253	219,165	-18.79 %	
698- TRANSFERS TO OTHER FUNDS	4,450,810	-	4,450,810	0.00%	600,000	600,000	-100.00 %	
GENERAL SCHOOL FUND REIMB	(264,000)	<b>(77,017)</b>	(186,983)	29.17%	(116,493)	(39,476)	-33.89 %	
TRANSFERS FROM OTHER FUNDS	-	-	-	0.00%	68,252	68,252	-100.00 %	
<b>Total Transfers To/(Fr) Other Funds</b>	4,186,810	<b>(77,017)</b>	4,263,827	-1.84%	551,759	628,776	-113.96 %	
<b>SUBTOTAL NON-DEDICATED REVENUES &amp; EXPENDITURES</b>	<b>439,897</b>	<b>(3,970,507)</b>	<b>4,410,404</b>	-902.60%	<b>(1,627,845)</b>	<b>2,342,662</b>	143.91 %	
<b>Total Beginning Fund Bal-Budget</b>	(9,336,259)							
<b>Total Ending Fund Bal-Budget</b>	4,552,088							
BEGINNING FUND BALANCE	(9,869,280)		(6,303,575)					
NET USE OF FUNDS-(SURPLUS)/DEFIC	(4,922,117)		(2,297,640)					
<b>Total Fund Balance</b>	<b>(14,791,397)</b>		<b>(8,601,214)</b>					

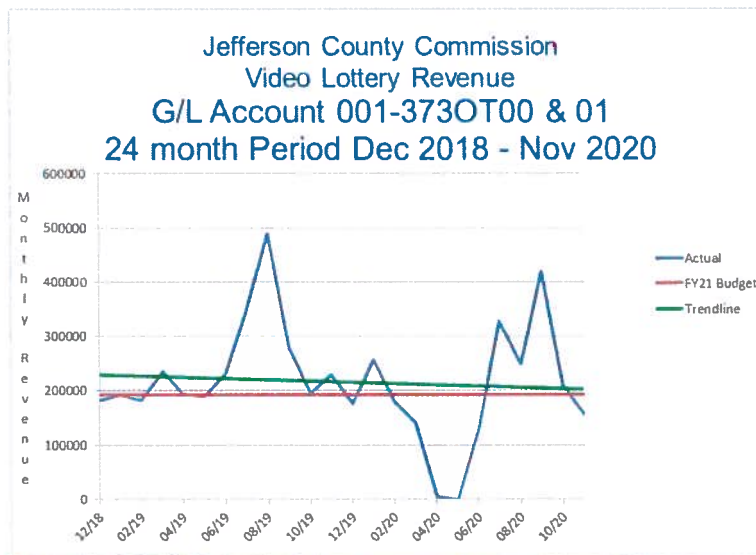


	Actual Rev	Est Rev	Budget	Act % Inc/(Dec)	Avg Mo	Change from FY12	
						%	Cumulative
FY12	4,269,886	4,269,886	4,700,000	3.6%	355,824		
FY13	3,632,491	3,632,491	4,100,000	-14.9%	302,708		(637,395)
FY14	3,365,543	3,365,543	3,303,301	-7.3%	280,462		(904,343)
FY15	3,237,305	3,237,305	3,224,793	-3.8%	269,775	-24.2%	(1,032,581)
FY16	3,263,264	3,263,264	3,114,553	0.8%	271,939	-23.6%	(1,006,622)
FY17	3,183,192	3,183,192	3,140,000	-2.5%	261,667	-25.5%	(1,086,694)
FY18	3,038,421	3,038,421	3,020,000	-4.5%	265,266	-28.8%	(1,231,465)
FY19	2,999,871	2,999,871	2,941,500	-1.3%	245,125	-29.7%	(1,328,386)
FY20	2,428,347	2,428,347	2,332,432	-22.2%	194,369	-43.1%	(1,937,454)
FY21	1,363,323	2,212,202	2,314,600	-0.8%			(1,955,286)
FY22			2,114,800	-8.6%			(2,155,086)
		Avg Dec FY16-20		-5.9%			(5,899,100)
		Act Dec FY12-20		-5.8%			

Video Lottery Revenue  
FY21 Projected Revenue

Month	Actual Rev	Estimated Chg/Mo	Estimated Revenue/Mo	Est. FY21 Total Revenue	FY21 Budget	Projected Variance	Decrease Over PY
07/20	327,878						-6.0%
08/20	248,279						-49.4%
09/20	420,555						50.6%
10/20	209,550						7.0%
11/20	157,061						-31.7%
12/20	-	-17.3%	129,916				
01/21	-	26.1%	163,783				
02/21	-	-21.7%	128,289				
03/21	-	23.2%	158,094				
04/21	-	-39.3%	96,029				
05/21	-	-26.1%	70,977				
06/21	-	43.4%	101,791				
Totals	1,363,323		848,879	2,212,202	2,314,600	(102,398)	

Orig Bud 2,834,600 (Dec 520k)



Jefferson County Commission  
Table Games Revenue

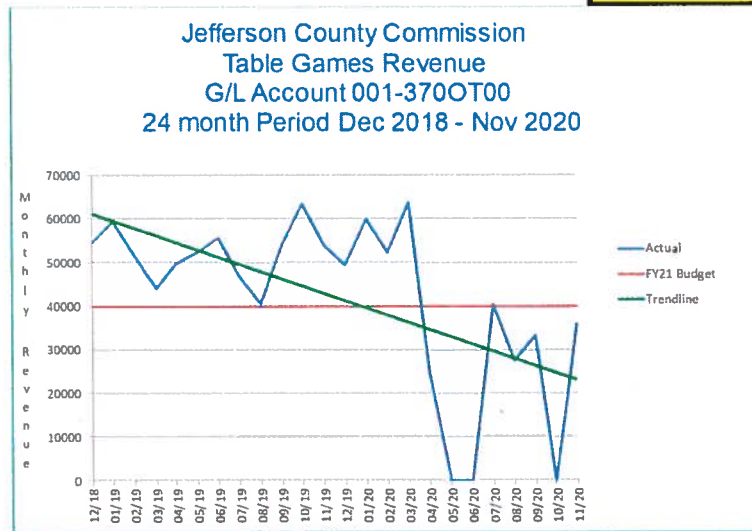
0013700T000

	Act Rev	Est Rev	Budget	Act % Inc/(Dec)	Avg Mo	Decrease from FY12	
						%	Cumulative
FY12	1,596,516	1,596,516	920,000	35.2%	133,043		
FY13	1,556,473	1,556,473	1,800,000	-2.5%	129,706		(40,043)
FY14	1,032,251	1,032,251	1,163,539	-33.7%	86,021		(564,265)
FY15	891,153	891,153	943,444	-13.7%	74,263	-44.2%	(705,363)
FY16	853,009	853,009	790,000	-4.3%	71,084	-46.6%	(743,507)
FY17	736,572	736,572	740,000	-13.2%	61,381	-53.9%	(859,944)
FY18	634,044	634,044	617,700	-13.9%	52,837	-60.3%	(962,472)
FY19	635,683	635,683	544,200	0.3%	52,974	-60.2%	(960,833)
FY20	508,749	508,749	536,610	-15.6%	42,396	-68.1%	(1,087,767)
FY21	137,103	392,170	479,400	-10.7%	32,681	-75.4%	(1,204,346)
FY22	-	-	365,400	-23.8%	-	-	-
			Avg Dec FY16-20	-9.4%			(3,875,594)
			Act Dec FY12-20	-6.8%			

Table Games Revenue  
FY21 Projected Revenue

Month	Actual Rev	Estimated Chg/Mo	Estimated Revenue/Mo	Est. FY21 Total Revenue	FY21 Budget	Projected Variance	Decrease Over PY
07/20	40,365						-13.6%
08/20	27,528						-32.1%
09/20	33,326						-38.4%
10/20	-	5.2%	35,063				
11/20	35,884						-33.6%
12/20	-	-1.3%	35,435				
01/21	-	4.8%	37,135				
02/21	-	-2.8%	36,086				
03/21	-	1.3%	36,551				
04/21	-	-10.9%	32,578				
05/21	-	-41.0%	19,219				
06/21	-		23,000				
Totals	137,103		255,067	392,170	479,400	(87,230)	

Orig Bud 564,400 (Dec 85k)



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



Name: Roger Goodwin

Department or Organization: Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: Decembr 17, 2020

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

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

Subject (*Wording to be placed on agenda*): Partial Release of construction bond security for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15).

Please provide the County Commission with a description of your request or presentation, including any background information:  
Partial release of construction bond security for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15) –  
Performance Bond #1000956765 with United States Surety Company, Timonium, MD.

Is this a funding request? Y/NO

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

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I authorize a partial release of Performance Bond #1000956765 with United States Surety Company in the amount of \$184,106.00 from the construction bond for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15).

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

Bond Release Request Report

Site Map

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

Contact information:

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

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

[Click here to enter text.](#)





## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT  
Jane M. Tabb

VICE PRESIDENT  
Ralph Lorenzetti

COMMISSIONER  
Caleb Wayne Hudson

COMMISSIONER  
Josh Compton

COMMISSIONER  
Patricia A. Noland

December 17, 2020

Mr. Jaime L. George, Trustee  
United States Surety Company  
P. O. Box 5605  
Timonium, MD 21094-5605

RE: Performance Bond No. 1000956765 dated September 28, 2012, Construction Bond Surety for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15).

Dear Mr. George:

The Jefferson County Commission authorizes a partial release of \$184,106.00 from the construction bond for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15). This project is located at the intersection of Country Club Road-Route 24 and Flowing Springs Road-Route 17. The work remaining includes but is not limited to the following:

1. Landscaping
2. Final Stabilization
3. Conveyance of ROW & Common Areas

In summary, you are hereby authorized to reduce the amount of the above referenced Performance Bond No. 1000956765 originally issued in the amount of \$2,418,557.00 to \$57,750.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Jane M. Tabb, President  
Jefferson County Commission

JMT:rfb

cc: Maurice Gladhill, Managing Member  
Roderick Planes, LLC  
5509 Mt. Zion Road  
Box 777  
Frederick, MD 21705  
Department of Engineering, Planning & Zoning

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Slusher McDonald*

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

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 10 / 09 / 2020 J.C.P.C. File No. 07 - 15  
(ORIGINAL REQUEST)  
Consultant/Engineer/Firm Name: GATES ASSOCIATED, INC  
Mailing Address: 153 VENICE WAY  
City: SHEPHERDSTOWN State: WV Zip: 25443  
Contact Person: FRED GATES Phone: 304-876-6124  
Project/Subdivision Name: ASPEN GREENS  
Section/Phase: PHASE 1A ONLY Lots: \_\_\_\_\_

Review Comments:

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

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

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

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

Comments: DEVELOPER REQUESTED FULL RELEASE.

WORK REMAINING:

"RAW GARDEN"

REPLACEMENT OF DEAD STREET TREES

CONVEYANCE OF R/W & OPEN AREAS

∴ RECOMMEND HOLDING BOND AMOUNT

Original Bond Amt \$ 2,103,092.00 + 15% Cont \$ 315,463.00 Total Original Bond Amt \$ 2,418,557.00

Total Current Bond Amount \$ 241,856.00

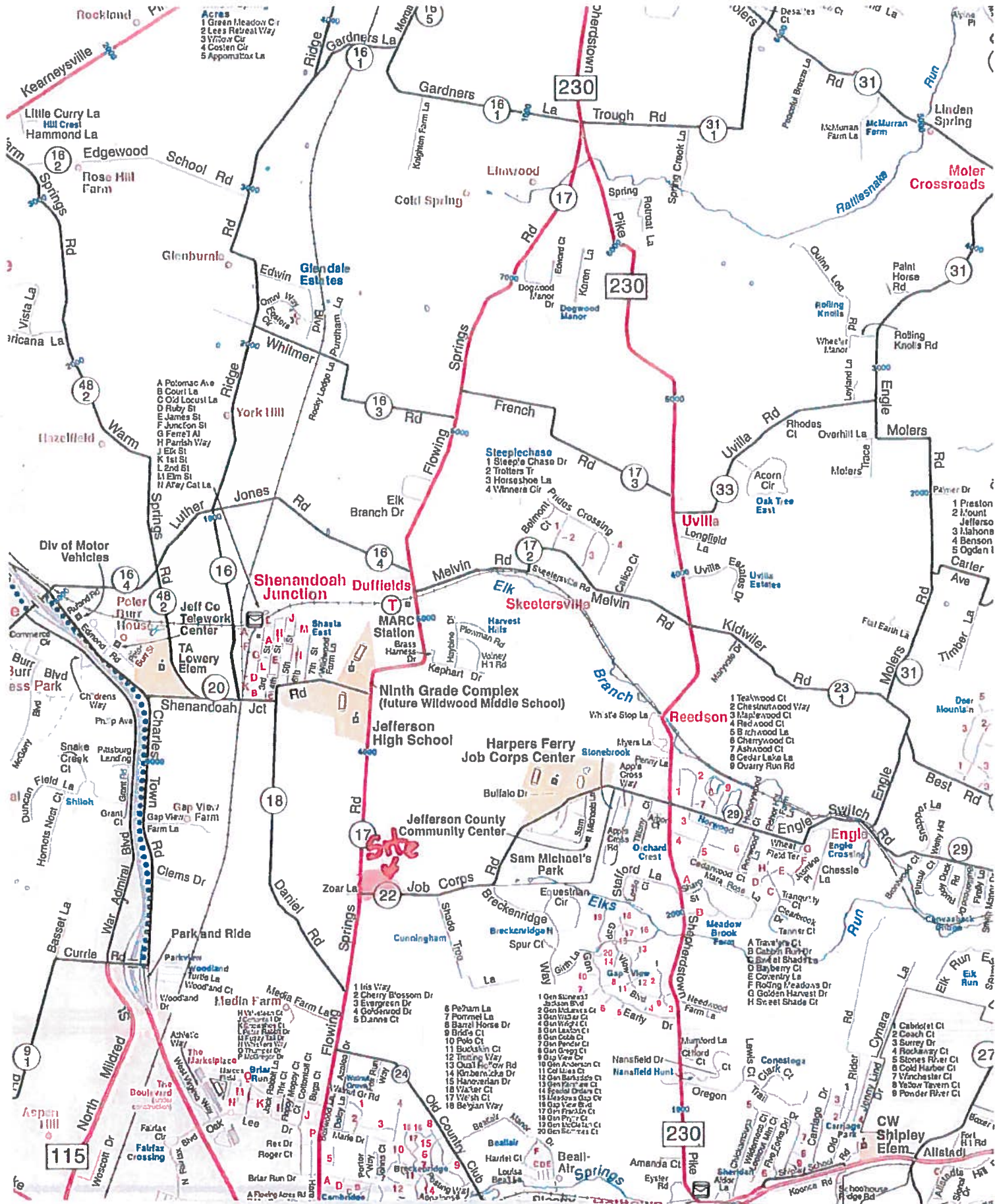
Cost of Work Remaining \$ 7,750.00 + Contingency Amount \$ 50,000.00

= Approved for Revised Bond Amount \$ 57,750.00

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

Signature: [Signature] Date: 10 / 30 / 2020

- Acres
- 1 Green Meadow Cr
  - 2 Lees Retreat Way
  - 3 Willow Cr
  - 4 Costen Cir
  - 5 Appomattox La



**Shenandoah Junction**

**Duffields**

**MARC Station**

**Ninth Grade Complex (future Wildwood Middle School)**

**Jefferson High School**

**Harpers Ferry Job Corps Center**

**Jefferson County Community Center**

**Job Corps**

**Reedson**

**Engle**

**Uvilla**

**CW Shipley Elem. Allstadt**

- 1 Iris Way
- 2 Cherry Blossom Dr
- 3 Evergreen Dr
- 4 Goswood Dr
- 5 Danna Ct

- 6 Peham La
- 7 Portwell La
- 8 Barnd Horse Dr
- 9 Brides Ct
- 10 Polo Ct
- 11 Buckskin Ct
- 12 Thrive Way
- 13 Quail Hollow Rd
- 14 Kambornzha Dr
- 15 Harwooden Dr
- 16 Walker Ct
- 17 Welsh Ct
- 18 Belgian Way

- 1 Oak St
- 2 Oak St
- 3 Oak St
- 4 Oak St
- 5 Oak St
- 6 Oak St
- 7 Oak St
- 8 Oak St
- 9 Oak St
- 10 Oak St
- 11 Oak St
- 12 Oak St
- 13 Oak St
- 14 Oak St
- 15 Oak St
- 16 Oak St
- 17 Oak St
- 18 Oak St
- 19 Oak St
- 20 Oak St

- A Travlers Ct
- B Cabbin Run Dr
- C Bay at Shadys
- D Bayberry Ct
- E Coventry La
- F Rolling Meadows Dr
- G Golden Harvest Dr
- H Sweet Shade Ct

- 1 Cabriol Ct
- 2 Coach Ct
- 3 Surrey Dr
- 4 Rockaway Ct
- 5 Stones River Ct
- 6 Cold Harbor Ct
- 7 Winchester Ct
- 8 Vesov Tavern Ct
- 9 Ponder River Ct

**115**

**230**

**230**

**17**

**17**

**17**

**24**

**230**

**29**

**27**

**Moler Crossroads**

**Site**



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



Name: Stephen S. Allen, Director

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

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: December 17, 2020

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

Date Requested – 2<sup>nd</sup> Choice: January 7, 2021

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

1. Signing of Integrated Public Alert and Warning System (IPAWS) Memorandum of Agreement

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

1. The Integrated Public Alert & Warning System (IPAWS) is FEMA's national system for local alerting that provides authenticated emergency and life-saving information to the public through mobile phones using Wireless Emergency Alerts, to radio and television via the Emergency Alert System, and on the National Oceanic and Atmospheric Administration's Weather Radio. Jefferson County uses NIXLE to connect to IPAWS and simultaneously alert our citizens to the various disasters and large-scale emergencies. This document is an update of the agreement previously signed in 2013.

Is this a funding request? No

If so, how much? N/A

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

1. I move to approve the signing of this Memorandum of Agreement between the Jefferson County Commission and FEMA authorizing the continued use of IPAWS.

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

If not attached, explain:

Attachment:

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

Contact information:

Email address: [sallen@jeffersoncountywv.org](mailto:sallen@jeffersoncountywv.org). Phone Number: 304-728-3290

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

[Click here to enter text](#)



**Memorandum of Agreement  
between the  
Jefferson County Commission  
and the**



**Federal Emergency Management Agency  
Integrated Public Alert and Warning System  
(IPAWS) Program Management Office**

---

**Regarding the use of:  
Jefferson County Commission  
Interoperable System(s)  
and  
IPAWS OPEN Platform for Emergency Networks  
(IPAWS-OPEN)**

Version 4.5

13 Nov 2020

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## Document Change History

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Description</b>
4.0	06/13/2019	Al Kenyon	Updated COG MOA with stakeholders' input
4.1	06/13/2019	Al Kenyon	Delete CISO and CIO signature blocks per CIO Corrected IPAWS Suite #, Zipcode
4.2	6/20/2019	Gustavo Barbet Jr	Fixed grammatical errors and made minor wording changes throughout document
4.3	9/6/2019	Mark Lucero	Changes to Section 3.0 from paragraph to bullet format
4.4	1/31/2020	Gustavo Barbet Jr	Updated FEMA CISO POC
4.5	6/30/2020	Gustavo Barbet Jr	Updated FEMA CISO POC
4.5	10/15/2020	Mark Lucero, Al Kenyon, Justin Singer	Authority Section, Version History Page, and Footer Updates

## MEMORANDUM OF AGREEMENT

**1.0 SUPERSEDES:** Jefferson County Commission\_MOA-1, signed 08/29/2013

### 2.0 INTRODUCTION

The purpose of this memorandum is to establish a management agreement between the Jefferson County Commission hereinafter referred to as the Collaborative Operating Group (COG), and the Federal Emergency Management Agency (FEMA) IPAWS Program regarding the utilization and security of Jefferson County Commission Interoperable System(s) (as shown in Appendix A), which interoperate with the IPAWS-Open Platform for Emergency Networks (IPAWS-OPEN). The expected benefit is to enable information interoperability across emergency response organizations and systems as intended by the FEMA IPAWS Program.

This agreement will govern the relationship between the Collaborative Operating Group and FEMA, including designated managerial and technical staff and system users associated with the aforementioned COG. As indicated within the terms of this agreement, both parties agree to allow system interoperability through the use of SOAP over HTTPS via the public internet. Under this agreement, no direct or networked connection using VPN (or equivalent technology) between the systems named in Appendix A and IPAWS-OPEN is allowed. In the event a direct connection is required, an Interconnection Security Agreement must be executed.

### 3.0 AUTHORITY

This agreement is authorized under the following authorities and regulations:

- Section 706 of 47 U.S.C. 666, The War Powers Act: Provides for Presidential Access to commercial communications during “a state of public peril or disaster or other national emergency”
- Public Law 93-288, The Stafford Act. Sec. 202. Disaster Warning: Directs FEMA to provide technical assistance to State and local governments to ensure that timely and effectively disaster warning is provided
- Public Law 114-143, The IPAWS Modernization Act: Enacts to law the policy statement and similar requirements found in Executive Order 14307
- Sec. 202. Disaster Warning: Directs FEMA to provide technical assistance to State and local governments to ensure that timely and effectively disaster warning is provided
- Executive Order 13407 of June 26, 2006, Public Alert and Warning System: Established as policy the requirement for the United State to have an effective, reliable, integrated, flexible, and comprehensive system to alert and warn the American people
- 47 CFR Part 10, Wireless Emergency Alert (WEA): Provide for alert and warning to devices on wireless carrier networks
- 47 CFR Part 11, Emergency Alert System (EAS): Provide for alert and warning over TV and radio broadcast

### 4.0 BACKGROUND

It is the intent of both parties to this agreement to establish and utilize a standardized web based application interface (as defined by the IPAWS-OPEN Web Service Interface Design Guidance) between the information technology (IT) systems shown below to facilitate the exchange of emergency messages within the production environment. The testing of the interoperability of these systems has been performed through the use of FEMA's Test and Development environment to ensure the transference and receipt of emergency messages using approved messaging standards. The interoperability between these systems is supported by the use of SOAP over HTTPS via the public internet.

### 5.0 COMMUNICATIONS

Frequent formal communications are essential to ensure the successful management and operation of system interoperability. Both parties agree to maintain open lines of communication between designated staff (as indicated in Appendix B) at both the managerial and technical levels. All communications described herein must be conducted in writing and may be disseminated by electronic means unless otherwise noted.

The owners of the respective systems agree to designate and provide contact information for technical leads for their respective systems, and to facilitate direct contacts between technical leads to support the management and operation of system interoperability. To safeguard the confidentiality, integrity, and availability of the systems and the data they store, process, and transmit, both parties agree to provide notice of specific events within the timeframes indicated below:

- **Security Incidents:** Technical, administrative and/or help desk staff will immediately notify their designated counterparts by telephone or e-mail when a security incident(s) is detected and/or a violation of the Rules of Behavior (see Appendix C) has been identified. Both parties agree to make the appropriate technical and administrative individuals available for all necessary inquiries and/or investigations. Containment and/or resolution procedures will be documented by the identifying party and after action reports generated and submitted to the system owner and/or designated security officials within five (5) business days after detection of the incident(s).
- **Disasters and Other Contingencies:** The FEMA IPAWS Program Office will notify the COG by telephone, e-mail or other acceptable means in the event of a disaster or other contingency that disrupts the normal operation of IPAWS-OPEN.
- **System Interconnections:** This MOA is intended for systems interoperating with IPAWS-OPEN using SOAP over HTTPS via the public Internet. If in the future, an interconnection (i.e. dedicated system-to-system connection) is required to IPAWS-OPEN, this MOA must be updated and an Interconnection Security Agreement (ISA) must be executed. If a change in status from interoperating to interconnected system is required, the initiating party will notify the other party at least 3 months before the planned interconnection is to be in place.
- **Discontinuation of Use:** In the event the use of IPAWS-OPEN is no longer required, the COG agrees to immediately notify, in writing, the FEMA IPAWS Program Office at which time the COGID and associated access credentials will be deactivated.
- **Personnel Changes:** Both parties agree to provide notification of changes to their respective system owner or technical lead. In addition, both parties will provide notification of any changes in the point of contact information provided in Appendix B. All relevant personnel changes and changes to contact information must be provided within 5 business days of the change.

## 6.0 TYPE OF INTERCONNECTIVITY

Both parties agree that the COG will utilize only the assigned COGID, associated credentials and digital certificates provided by the FEMA IPAWS Program Office to support interoperability between the system(s) listed in Appendix A and IPAWS-OPEN. In addition, all interoperable systems must be configured to interface with IPAWS-OPEN over the public Internet using only approved web service standards and associated requirements. A listing of approved web service standards and supporting requirements can be obtained from the IPAWS-OPEN Web Service Interface Design Guidance document.

In the event, a dedicated connection is required, both parties will agree to negotiate and execute an Interconnection Security Agreement (ISA) as required per Department of Homeland Security (DHS) policy which must be signed by all required parties before the interconnection is activated. Proposed changes to either system that affect system interoperability will be reviewed and evaluated to determine the potential impact. If the proposed changes impact the agreed upon terms, the MOA will be renegotiated and executed before changes are implemented.

## 7.0 SECURITY

To ensure the joint security of the systems and the message data they store, process, and transmit, both parties agree to adhere to and enforce the Rules of Behavior (as specified in Appendix C). In addition, both parties agree to the following:

- Ensure authorized users accessing the interoperable system(s) receive, agree to abide by and sign (electronically or in paper form) the IPAWS-OPEN Rules of Behavior as specified in Appendix C. Each jurisdiction is responsible for keeping the signed Rules of Behavior on file or stored electronically for each system user.

- Utilize FEMA approved PKI certificates to digitally sign messages as they are transported over the public Internet.
- Certify that its respective system is designed, managed and operated in compliance with all relevant federal laws, regulations, and policies.
- Document and maintain jurisdictional and/or system specific security policies and procedures and produce such documentation in response to official inquiries and/or requests.
- Provide physical security and system environmental safeguards for devices supporting system interoperability with IPAWS-OPEN.
- Ensure physical and logical access to the respective systems as well as knowledge of the COGID and associated access criteria are only granted to properly vetted and approved entities or individuals.
- Where applicable, ensure that only individuals who have successfully completed FEMA-required training can utilize the interoperable systems to issue alerts and warnings intended for distribution to the public.
- Where applicable, document and maintain records of successful completion of FEMA-required training and produce such documentation in response to official inquiries and/or requests.

## 8.0 PROFICIENCY DEMONSTRATION

Once enabled, each COG operating under this agreement must demonstrate their ability to compose and send a message through the IPAWS-OPEN system at regular intervals. Such demonstration must be performed on a monthly basis through generation of a message successfully sent through the IPAWS-OPEN Training and Demonstration environment.

## 9.0 ASSOCIATED SOFTWARE REQUIREMENTS

The COG will need to select a software package which will allow the COG to properly populate a Common Alerting Protocol (CAP) message which complies with both the *OASIS Common Alerting Protocol Version 1.2* and the *OASIS Common Alerting Protocol, v. 1.2 USA Integrated Public Alert and Warning System Profile Version 1.0*. With respect to the software and the software vendor selected FEMA expects the selected software to provide the following minimum critical capabilities and services:

- Permissions:
  - The ability to assign and manage user permissions; and
  - The ability to retrieve and view IPAWS Alerting Permissions
- Proficiency:
  - The provision of vendor support, to include user training, and around the clock technical support; and
  - The ability to submit both live and test digital certificates, with clear, easily identifiable information that indicates the environment to which the software is pointed (Live or Test)
- User Interface:
  - The provision of an intuitive user interface, to include help menus; and
  - The ability to notify the user of digital certificate expiration; and
  - The ability to constrain event types and geocodes to user permissions; and
  - The ability to send one alert to multiple channels; and
  - The provision of displays that show required fields based on selected channel; and
  - The ability to pre-populate fields to the greatest extent possible; and
  - The ability to support templates; and
  - The ability to create a polygon or circle, of less than 100 nodes; and

- The ability to update or cancel an alert, without having to reenter all of the data; and
- The ability to alert the end user if a software license has expired; and
- Clear explanations if alert information is case sensitive when entered
- Confirmation and Error Checking:
  - The ability to pre-check an alert message for errors, prior to sending; and
  - The ability to create free-form 90-character WEA text, while preventing prohibited characters; and
  - The provision to IPAWS of alert status codes for any sent alert, with a clear definition of whether the codes are advice codes or error codes, along with the meaning of those codes; and
  - The provision of user confirmation of connectivity to IPAWS; and
  - The ability for users to see alert history and/or logs

#### **10.0 COST CONSIDERATIONS**

This agreement does not authorize financial expenditures by the COG on behalf of FEMA. The FEMA IPAWS Program is responsible for the costs associated with developing, operating and maintaining the availability of the IPAWS-OPEN system. The COG is responsible for all costs related to providing their users with access to IPAWS-OPEN via the public Internet. These costs may include hardware, software, monthly Internet charges, completion of security awareness training and other related jurisdictional costs.

#### **11.0 PROPERTY OWNERSHIP**

Each Party agrees and acknowledges that nothing in this Agreement shall be construed as giving a party any proprietary rights in or to the intellectual property of the other party. Each Party further agrees that nothing in this Agreement shall be construed as creating or granting to a party any implied or express license in or to the intellectual property of the other party.

#### **12.0 TIMELINE**

This agreement will remain in effect based on the life of the Authority to Operate (ATO) for IPAWS-OPEN or a maximum of three (3) years after the last date on either signature in the signature block below. Upon expiration of the IPAWS-OPEN ATO or after three (3) years (whichever comes first), this agreement will expire without further action and system access privileges will be revoked. If the parties wish to extend this agreement, they may do so by reviewing, updating, and reauthorizing this agreement. This agreement supersedes all earlier agreements, which should be referenced above by title and date. If one or both of the parties wish to terminate this agreement prematurely, they may do so upon 30 days' advanced notice or in the event of a security incident that necessitates an immediate response. This agreement may be suspended by FEMA for failure to perform the Proficiency Demonstration for two consecutive months. A suspended COG may be reinstated upon a completion of a successful Proficiency Demonstration.

**SIGNATORY AUTHORITY**

I agree to the terms of this Memorandum of Agreement. Noncompliance on the part of either organization or its users or contractors concerning the policies, standards, and procedures explained herein may result in the immediate termination of this agreement.

**Jefferson County Commission Official**

**Name: Jane Tabb**

**Title: President**

**Federal Emergency Management Agency**

**IPAWS-OPEN System Owner**

**Name: Mark A. Lucero**

**Title: Chief, IPAWS Engineering**

\_\_\_\_\_  
(Signature Date)

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

\_\_\_\_\_  
(Signature Date)

**Attn: IPAWS-OPEN System Owner, Suite 5NW-0309  
Federal Emergency Management Agency  
500 C Street SW  
Washington, D.C. 20472-3153**

## Appendix A

### Listing of Interoperable Systems

The FEMA IPAWS Program recognizes that Emergency Management organizations may utilize multiple tools to facilitate the emergency management process. As a result, jurisdictions may need to interoperate with IPAWS-OPEN using more than one system. In order to comply with DHS policy, all systems interoperating with IPAWS-OPEN must be documented and supported by a Memorandum of Agreement. As a result this appendix must be completed to identify all systems associated with the COG and used for interoperating with IPAWS-OPEN. This Appendix must be amended as applicable systems are added or removed from operations.

- **IPAWS-OPEN**

Function:	IPAWS-OPEN is the backbone system that structures the alert and distributes the message from one interoperating and/or interconnected system (message sender) to another interoperating and/or interconnected system (message recipient).
Location:	Bluemont, VA; Clarksville, VA
Description of data, including sensitivity or classification level:	Messaging data is considered Sensitive But Unclassified (SBU) information and does not contain Personally Identifiable Information (PII), Financial data, Law Enforcement Sensitive Information or classified information. Each message that flows through the IPAWS-OPEN system will be associated to a specifically assigned system User ID and COGID as captured within the message elements. This information will be retained in system logs.

The systems listed below are managed and operated by the COG and are subject to the terms defined within the Memorandum of Agreement including the Rules of Behavior in Appendix C. Each interoperable system will be assigned unique authentication credentials, which must be protected by the COG. In the event these credentials are compromised, the COG is expected to immediately contact the FEMA IPAWS Program Management Office. The systems listed below are only allowed to interoperate with IPAWS-OPEN based on the criteria set forth within the IPAWS-OPEN Web Service Interface Design Guidance.

- **Everbridge**

Function:	Everbridge MNS provides critical information to residents during emergencies by sending public alerts for major events for disseminations to WEA/CMAS, EAS, NWEM and Public Feed.
Location:	Burbank, CA; Denver, CO;
Description of data, including sensitivity or classification level:	Data is comprised of emergency public alert messages.

## Appendix B

### COG Point of Contact Information

**Designated COG Primary Point of Contact:**

**Name: Stephen S. Allen**

**Title: Director**

**Business Email Address: [sallen@jeffersoncountywv.org](mailto:sallen@jeffersoncountywv.org)**

**Primary Phone Number: 304-728-3290**

**Alternate Phone Number:**

**Organization: Jefferson County Office of Homeland Security and Emergency Management**

**Mailing Address: 28 Industrial Blvd, Suite 101, Kearneysville, WV, 25430**

**Designated Alternate Point of Contact:**

**Name: James Sager**

**Title: Deputy Director - Program Manager**

**Business Email Address: [jsager@jeffersoncountywv.org](mailto:jsager@jeffersoncountywv.org)**

**Primary Phone Number: 304-728-3329**

**Alternate Phone Number:**

**Organization: Jefferson County Office of Homeland Security and Emergency Management**

**Mailing Address: 28 Industrial Blvd, Suite 101, Kearneysville, WV, 25430**

**Designated Technical Point of Contact:**

**Name: Brianna Gustafson**

**Title: Public Information Officer - Administrative Assistant**

**Business Email Address: [bgustafson@jeffersoncountywv.org](mailto:bgustafson@jeffersoncountywv.org)**

**Primary Phone Number: 304-724-8914**

**Alternate Phone Number:**

**Organization: Jefferson County Office of Homeland Security and Emergency Management**

**Mailing Address: 28 Industrial Blvd, Suite 101, Kearneysville, WV, 25430**

**FEMA: Integrated Public Alert and Warning System  
Open Platform for Emergency Networks (IPAWS-OPEN)**

<b>Contact Name</b>	<b>Contact Number</b>	<b>Email Address</b>	<b>Summary of System Responsibilities</b>
Lytwaive Hutchinson	202-212-2480	lytwaive.hutchinson@fema.dhs.gov	Chief Information Officer, FEMA
Cynthia Sutherland	202-710-5329	cynthia.sutherland@fema.dhs.gov	Chief Information Security Officer
Mark Lucero	202-646-1386	mark.lucero@fema.dhs.gov	System Owner
Gary Ham	703-899-6241	gary.ham@associates.fema.dhs.gov	FEMA PMO - IPAWS-OPEN
Gustavo Barbet	202-212-3586	gustavo.barbet@associates.fema.dhs.gov	FEMA ISSO - IPAWS-OPEN
Neil Bourgeois	703-732-6331	neil.bourgeois@associates.fema.dhs.gov	FEMA-EADIS IPAWS-OPEN Tech Lead

## Appendix C

### IPAWS-OPEN Rules of Behavior

#### 1.0 INTRODUCTION

The following rules of behavior apply to all persons with application access to Jefferson County Commission Interoperable System(s) and/or who have been issued a COGID with associated credentials for IPAWS-OPEN. These individuals shall be held accountable for their actions related to the information resources entrusted to them and must comply with the following rules or risk losing their access privileges. The Rules of Behavior apply to users on official travel as well as at their primary workplace (e.g., Emergency Operations Center – EOC) and at any alternative workplace (e.g., telecommuting from a remote or satellite site) using any electronic device including laptop computers and portable electronic devices (PED's). PED's include personal digital assistants (PDA's) (e.g. Palm Pilots), cell phones, text messaging systems (e.g., Blackberry), and plug-in and wireless peripherals that employ removable media (e.g. CDs, DVDs, etc.). PEDs also encompass USB flash memory (thumb) drives, external drives, and diskettes. These Rules of Behavior are consistent with existing DHS policies and DHS Information Technology (IT) Security directives and are intended to enhance the awareness of each user's responsibilities regarding accessing, storing, receiving and/or transmitting information using IPAWS-OPEN.

#### 2.0 APPLICATION RULES

##### 2.1 Official Use

- IPAWS-OPEN is a Federal application to be used only in the performance of the user's official duties in support of public safety as described in the National Incident Management System (NIMS).
- The use of the IPAWS-OPEN for unauthorized activities is prohibited and could result in verbal or written warning, loss of access rights, and/or criminal or civil prosecution.
- By utilizing IPAWS-OPEN, the user of the interoperable system(s) consents to allow system monitoring to ensure appropriate usage for public safety is being observed.
- Jefferson County Commission will be held accountable for safeguarding all configuration items and information entrusted to them by FEMA. Jefferson County Commission is expected to manage the relationship with supporting vendors, consultants and any other entities providing system support on their behalf. In addition, Jefferson County Commission will be held accountable in the event of a security breach or disclosure of sensitive configuration information such as digital certificates. Jefferson County Commission understands that the use of digital signatures, used on their behalf, is binding and Jefferson County Commission will be held accountable accordingly. In the event sensitive information is mishandled, utilization of IPAWS-OPEN may be immediately revoked by FEMA.
- If software interoperating with IPAWS-OPEN enables users to geo-target public alert messages by means of geospatial polygons or circles, then the user shall restrict any such geospatial boundaries so as to remain within the geographical limits of their public warning authority (or as near as possible), as determined by applicable state and/or local laws and duly adopted operational plans.

##### 2.2 Access Security

- All Email addresses provided in connection with interoperable system(s) user accounts must be associated to an approved email account assigned by the user's emergency management organization. The use of personal email accounts to support emergency messaging through IPAWS-OPEN is prohibited.
- Upon approval of the MOA by FEMA, a COG account with COGID and Digital Certificate will be created and issued to the designated technical representative. All individuals with knowledge of these credentials must not share or alter these authentication mechanisms without explicit approval from the FEMA IPAWS Program.

- Every interoperable system user is responsible for remote access security as it relates to their use of IPAWS-OPEN and shall abide by these Rules of Behavior.

### 2.3 Interoperable System User Accounts and Passwords

- All users must have a discrete user account ID which cannot be the user's social security number. To protect against unauthorized access, passwords linked to the user ID are used to identify and authenticate authorized users.
- Accounts and passwords shall not be transferred or shared. The sharing of both a user ID and associated password with anyone (including administrators) is prohibited.
- Accounts and passwords shall be protected from disclosure and writing passwords down or electronically storing them on a medium that is accessible by others is prohibited.
- The selection of passwords must be complex and shall:
  - Be at least eight characters in length
  - Contain a combination of alphabetic, numeric and special characters
  - Not the same as any of the user's previous 8 passwords.
- Passwords shall not contain any dictionary word.
- Passwords shall not contain any proper noun or the name of any person, pet, child, or fictional character. Passwords shall not contain any employee serial number, Social Security number, birth date, phone number, or any information that could be readily guessed about the creator of the password.
- Passwords shall not contain any simple pattern of letters or numbers, such as “qwerty” or “xyz123”.
- Passwords shall not be any word, noun, or name spelled backwards or with a single digit appended, or with a two-digit “year” string, such as 98xyz123.
- Pass phrases, if used in addition to or instead of passwords, should follow the same guidelines.
- Passwords shall not be the same as the User ID.
- Users shall either log off or lock their workstations when unattended.
- Workstations shall be configured to either log off, or activate a password-protected lock, or password-protected screensaver within fifteen (15) minutes of user inactivity.
- Locked sessions shall remain locked until the user re-authenticates.
- Workstations shall be protected from theft.
- A user's account shall be automatically locked after three consecutive failed logon attempts.
- The automatic lockout period for accounts locked due to failed login attempts shall be set for a minimum of twenty (20) minutes.
- A process shall exist for manually unlocking accounts prior to the expiration of the twenty (20) minute period, after sufficient user identification is established.
- Sessions shall automatically be terminated after sixty (60) minutes of inactivity.
- Users are required to change their passwords at least once every 90 days.

- Passwords must be promptly changed whenever a compromise of a password is known or suspected.

#### 2.4 Integrity Controls & Data Protection

- All computer workstations accessing IPAWS-OPEN must be protected by up-to-date anti-virus software. Virus scans must be performed on a periodic basis and when notified by the anti-virus software.
- Users accessing interoperable system(s) to utilize IPAWS-OPEN must:
  - Physically protect computing devices such as laptops, PEDs, blackberry devices, smartphones, etc;
  - Protect sensitive data sent to or received from IPAWS-OPEN;
  - Not use peer-to-peer (P2P) file sharing, which can provide a mechanism for the spreading of viruses and put sensitive information at risk;
  - Not program computing devices with automatic sign-on sequences, passwords or access credentials when utilizing IPAWS-OPEN.

Users may not provide personal or official IPAWS-OPEN information solicited by e-mail. If e-mail messages are received from any source requesting personal information or asking to verify accounts or other authentication credentials, immediately report this and provide the questionable e-mail to the Local System Administrator and/or the Jefferson County Commission Help Desk.

- Only devices officially issued through or approved by DHS, FEMA and/or approved emergency management organizations are authorized for use to interoperate with IPAWS-OPEN and use of personal devices to access and/or store IPAWS-OPEN data and information is prohibited.
- If a Blackberry, smartphone or other PED is used to access the interoperable system(s) to utilize IPAWS-OPEN, the device must be password protected and configured to timeout or lock after 10 minutes of inactivity.
- If sensitive information is processed, stored, or transmitted on wireless devices, it must be encrypted using approved encryption methods.

#### 2.5 System Access Agreement

- I understand that I am given access to the interoperable system(s) and IPAWS-OPEN to perform my official duties.
- I will not attempt to access data, information or applications I am not authorized to access nor bypass access control measures.
- I will not provide or knowingly allow other individuals to use my account credentials to access the interoperable system(s) and IPAWS-OPEN.
- To prevent and deter others from gaining unauthorized access to sensitive resources, I will log off or lock my computer workstation or will use a password-protected screensaver whenever I step away from my work area, even for a short time and I will log off when I leave for the day.
- To prevent others from obtaining my password via “shoulder surfing”, I will shield my keyboard from view as I enter my password.
- I will not engage in, encourage, or conceal any hacking or cracking, denial of service, unauthorized tampering, or unauthorized attempted use of (or deliberate disruption of) any data or component within the interoperable system(s) and IPAWS-OPEN.
- I agree to inform my Local System Administrator when access to the interoperable system(s) and/or

IPAWS-OPEN is no longer required.

- I agree that I have completed Computer Security Awareness training as may be required by my jurisdiction prior to my initial access to the interoperable system(s) and IPAWS-OPEN and that as long as I have continued access, I will complete Computer Security Awareness training on an annual basis. If my jurisdiction does not provide Computer Security Awareness training, I will complete the FEMA self-study course *IS-906: Workplace Security Awareness* (<https://training.fema.gov/is/courseoverview.aspx?code=IS-906>) on an annual basis.

## 2.6 Accountability

- I understand that I have no expectation of privacy while using any services or programs interoperating with IPAWS-OPEN.
- I understand that I will be held accountable for my actions while accessing and using interoperable system(s) and IPAWS-OPEN, including any other connected systems and IT resources.
- I understand it is my responsibility to protect sensitive information from disclosure to unauthorized persons or groups.
- I understand that I must comply with all software copyrights and licenses pertaining to the use of IPAWS-OPEN.

## 2.7 Incident Reporting

- I will promptly report IT security incidents, or any incidents of suspected fraud, waste or misuse of systems to the Local System Administrator and/or the Jefferson County Commission Help Desk.

## 3.0 IPAWS-OPEN Rules of Behavior Statement of Acknowledgement

*I have read and agree to comply with the requirements of these Rules of Behavior. I understand that the terms of this agreement are a condition of my initial and continued access to Jefferson County Commission Interoperable System(s) and IPAWS-OPEN and related services and that if I fail to abide by the terms of these Rules of Behavior, my access to any and all IPAWS-OPEN information systems may be terminated and I may be subject to criminal or civil prosecution. I have read and presently understand the above conditions and restrictions concerning my access.*

Printed Name (as listed in Appendix B): \_\_\_\_\_

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

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



Name: Elizabeth Wheeler, Director

Department or Organization: **Jefferson County Farmland Protection Board**

Estimation of amount of time needed for appointment: 5- 10 minutes

Date Requested – 1<sup>st</sup> Choice: December 17, 2020

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

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

Subject (*Wording to be placed on agenda*): **Approval of purchase of one Agricultural Conservation Easement**

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

**The attached Deed of Easement for (LLL.3) has been approved by the Jefferson County Farmland Protection Board (Board) and reviewed and approved by the Planning and Zoning Office and the Office of the Prosecuting Attorney. The easement is ready to close. Funding is provided for the easement through the Jefferson County Farmland Protection Program. The LLL.3 easement is for 104.772 acres with a cost to the Board of \$410,440.00**

**The Farmland Protection Board funds have been committed for the LLL.3 easement since February 2018.**

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

If so, how much? \$ 0

Provide exact financial impact/request:

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

**That the Jefferson County Commission approve the purchase by the Jefferson County Farmland Protection Board for the Jefferson County Farmland Protection Program one conservation easement on the property in Jefferson County owned by T.L. Magaha and Sons, Inc. (Property LLL.3).**

Attach supporting documents for request, or request may be denied. Map of easement location, Deed of Conservation Easement  
If not attached, explain:

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

Contact information:

Email address: [farmlandprotection@jcda.net](mailto:farmlandprotection@jcda.net)

Phone Number: 304-724-1414

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



## DEED OF CONSERVATION EASEMENT

This **DEED OF CONSERVATION EASEMENT** ("Deed of Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by **T. L. MAGAHA AND SONS, INC.**, a West Virginia corporation, having an address at 7924 Middleway Pike, Charles Town, WV 25414 ("Grantor"), and the **JEFFERSON COUNTY FARMLAND PROTECTION BOARD** ("JCFPB" or "Grantee") having its mailing address at P.O. Box 731, Charles Town, WV 25414. For purposes of this Deed of Easement, references to the rights, duties and obligations of Grantor and Grantee apply equally and in full force to any successors to the parties to this Deed of Easement.

WITNESSETH:

**WHEREAS**, Grantor is the sole owner in fee simple of certain real property in Jefferson County, West Virginia, consisting of 297.144 acres of land, more or less, described in a deed of record in the Office of the Clerk of the County Commission, Jefferson County, West Virginia (the "Clerk's Office") in Deed Book 406 Page 165 (the "Property");

**WHEREAS**, Grantor has subdivided the Property into four (4) separate lots of land identified as "Lot 2R," "Lot 3," "Lot 4," and "Lot 5" on that certain plat of subdivision entitled, "Final Plat Showing Magaha Minor Subdivision and Lot Merger of Lots 2R (Residual), Lot 3, Lot 4 & Lot 5 for T.L. Magaha & Sons, Inc." dated May 15, 2020, prepared by Keller Engineers, and recorded in the Clerk's Office in Plat Book 26, at Slide 98;

**WHEREAS**, pursuant to that certain Deed of Conservation Easement, dated March 20, 2020, and recorded in the Clerk's Office in Deed Book 1237, at Page 624 (the "March 2020 Conservation Easement"), Grantor conveyed to Grantee a perpetual conservation easement on a portion of the Property (now being a part of Lot 2R), as more particularly described in the March 2020 Conservation Easement (hereinafter referred to as "Farmland Parcel 2RA");

**WHEREAS**, pursuant to that certain Deed of Conservation Easement, dated May 28, 2020, and recorded in the Clerk's Office in Deed Book 1240, at Page 684 (the "May 2020 Conservation Easement"), Grantor conveyed to Grantee a perpetual conservation easement on a portion of the Property (now being a part of Lot 2R), as more particularly described in the May 2020 Conservation Easement as Lot 2R, less and except Farmland Parcel 2RA (hereinafter referred to as "Farmland Parcel 2RB"), and all of Lot 4, consisting in the aggregate of 175.827 acres of land, more or less;

**WHEREAS**, Grantor desires to convey a perpetual conservation easement to Grantee on Lot 5, consisting in the aggregate of 104.772 acres of land, more or less (together, the "Protected Property"), which is more particularly described by metes and bounds on **Exhibit A** attached hereto and incorporated herein by this reference, and which is shown on that certain plat entitled "Plat Showing Conservation Easement to Jefferson County Farmland Protection Board on Lands of T.L. Magaha & Sons, Inc." dated July 10, 2020, and recorded in the Clerk's Office in Plat Book \_\_\_\_\_, at Slide \_\_\_\_\_, and incorporated herein by this reference (the "Easement Plat");

**WHEREAS**, the Protected Property possesses agricultural values, including prime, unique and significant soils, open space and natural values (collectively, "Conservation Values") of great

## **DEED OF CONSERVATION EASEMENT**

importance to Grantor, the people of Jefferson County, and the people of the State of West Virginia, and all current and future generations of mankind;

**WHEREAS**, by execution of that certain Option Agreement by and between Grantor and Grantee dated May 28, 2020 (a memorandum of which was recorded in the Clerk's Office in Book 1240, at Page 677, in exchange for an option payment of \$10,000 (the "Option Payment") by Grantee to Grantor, Grantor granted to Grantee an option (the "Option"), exercisable on or before December 31, 2021, to acquire a farmland conservation easement on and over the Protected Property for a purchase price of \$410,440 (or Three Thousand Nine Hundred Twenty-Seven Thousand and 00/100 Dollars (\$3,927.00) per acre) less a credit of \$10,000 for the Option Payment;

**WHEREAS**, Grantee has timely and properly exercised the Option;

**WHEREAS**, Grantor has paid to Grantee the purchase price of \$410,440 (less a credit of \$10,000 for the Option Payment) to purchase a farmland conservation easement on Lot 5;

**WHEREAS**, the specific Conservation Values of the Protected Property are documented in an inventory of relevant features of the Protected Property, on file at the offices of Grantee and incorporated by reference ("Baseline Documentation Report"), which consists of reports, maps, photographs, and other documentation that the parties agree provide an accurate representation of the Protected Property at the time of this contract and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Deed of Easement Deed;

**WHEREAS**, Grantor and Grantee have the exclusive common purpose of preserving the agriculture and open space character of the Protected Property;

**WHEREAS**, Grantor further intends, as owner of the Protected Property, to convey to Grantee the right to preserve and protect the Conservation Values of the Protected Property in perpetuity;

**WHEREAS**, the Legislature of the State of West Virginia ("Legislature") has recognized the importance and significant public benefit of conservation and preservation easements in its ongoing efforts to protect the natural, historic, agricultural, open-space and scenic resources of the State of West Virginia;

**WHEREAS**, the Legislature has declared that agriculture is a unique life support industry, and it recognizes the need to support the irreversible loss of agricultural land. The Legislature authorizes the State of West Virginia and its counties so desiring to protect agricultural land and woodland as open-space land, to develop programs and to accept qualifying properties voluntarily entered into the farmland protection program;

**WHEREAS**, the County Commission of Jefferson County, West Virginia ("County Commission") has declared that the agriculture community of Jefferson County provides sources of agricultural products for the citizens of the state, enhances tourism, protects worthwhile community values, institutions and landscapes which are inseparably associated with traditional

## DEED OF CONSERVATION EASEMENT

farming, and controls urban expansion which is consuming land, topsoil and woodland of Jefferson County;

**WHEREAS**, the County Commission has resolved to provide landowners in Jefferson County an opportunity to voluntarily protect agricultural land by creating JCFPB and authorizing it to create and administer the Jefferson County Farmland Protection Program;

**WHEREAS**, JCFPB is a public agency established to provide landowners with an opportunity to voluntarily protect agricultural land in Jefferson County by the voluntary placement of conservation or preservation easements on eligible property; and

**WHEREAS**, Grantee affirms that this Deed of Easement represents a unique and valuable asset to the quality of life in Jefferson County and the state of West Virginia and that by the acceptance of this Deed of Easement that it will act in good faith to uphold the conservation easement and not seek to benefit from its conversion or elimination. Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the Conservation Values of the Protected Property for the benefit of this generation and the generations to come in the future.

NOW, THEREFORE, in consideration of the above and the mutual covenants, good and valuable consideration, terms, conditions and restrictions contained herein, and pursuant to the laws of West Virginia, Grantor hereby voluntarily grants, bargains, and conveys to Grantee a conservation easement in perpetuity over the Protected Property of the nature and character and to the extent hereinafter set forth in this Deed of Easement. It is the purpose of this Deed of Easement to assure that the Protected Property will be retained forever in its natural, agricultural, and open space condition and to prevent any use of the Protected Property that will significantly impair or interfere with the Conservation Values of the Protected Property, including its qualifying prime, unique, state, locally important soils.

To achieve these objectives, the terms, conditions, and restrictions of this Deed of Easement are hereinafter set forth.

### I. TERMS, CONDITIONS AND RESTRICTIONS

Grantor reserves to itself, and to its successors and assigns, all rights accruing from its ownership of the Protected Property, including the right to engage in or permit or invite others to engage in all uses of the Protected Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Deed of Easement. The following terms, conditions and restrictions clarify and govern the intent of Grantor and Grantee:

**1. Use and Quiet Enjoyment.** Grantor has the right to benefit from all aspects of the quiet enjoyment of the Protected Property. Grantor has the right to engage in any and all personal recreational uses of the Protected Property, including but not limited to hiking, touring, swimming, camping, biking, horse-back riding, hunting, and fishing, so long as such uses require no development of the land and are consistent with the Conservation Values.

## DEED OF CONSERVATION EASEMENT

2. **Agricultural Uses of the Land.** Grantor may engage in any and all agricultural uses of the Protected Property. For example, the production of plants and animals useful to man, including, but not limited to, forage, grain and field crops; pasturage, dairy and dairy products; poultry and poultry products; equestrian uses; livestock and fowl uses and livestock and fowl products; bees and apiary products; fruits nuts and vegetables of all kinds; nursery, floral and greenhouse products; aquaculture; a grain mill; and the processing and storage of the agricultural products produced principally on the Protected Property are permitted. Any secondary agricultural activity, including but not limited to farm mechanics, blacksmithing, or related activities, shall be considered an agricultural activity. However, such activities or businesses must be undertaken in the agricultural structures permitted under Part I - Section 3 (Agricultural Structures) of this Deed of Easement and must be consistent with the Conservation Values.

3. **Agricultural Structures.** Grantor has the right to maintain, construct, and place agricultural structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the Protected Property. Agricultural structures shall be limited by the maximum square footage as described in Part I - Section 10 (Maximum Impervious Surface Coverage) of this Deed of Easement.

4. **Wells and Septic System.** Grantor shall have the right to install wells on or under the Protected Property for agricultural benefit.

5. **Retail Sale of Farm Products.** Businesses directly related to the retail sale of farm products produced primarily on the Protected Property that are supportive and agriculturally compatible may be established on the Protected Property. Such businesses include roadside stands or structures to facilitate the direct sale to the public of agriculture products.

6. **Activities for Charitable or Educational Purposes or to Foster Tourism.** Activities or businesses undertaken for charitable or educational purposes or to foster tourism may be conducted on the Protected Property in order to foster rural economic uses while protecting the rural character of the Protected Property. Such activities or businesses must be compatible with and supportive of the rural character of the Protected Property, and must remain incidental to the agricultural and open space character of the Protected Property.

(a) Non-agricultural commercial and industrial structures and uses are prohibited. Activities or businesses undertaken for charitable or education purposes or to foster tourism must be undertaken in the agricultural structures permitted under Part I - Section 3 (Agricultural Structures) of this Deed of Easement; no other structures are permitted on the Protected Property.

(b) Stables, horseback riding arenas both within and outside barns, and supporting pavilion(s) and buildings are considered agricultural buildings. Such buildings shall be limited by the maximum square feet as described in Part I - Section 10 (Maximum Impervious Surface Coverage) of this Easement.

(c) Accommodation of tourists and visitors is permitted but only in the agricultural structures permitted under Part I - Section 3 (Agricultural Structures) of this Deed of Easement, except for rural recreational activities such as hayrides, corn mazes, etc.

(d) Accommodation of overnight guests is prohibited.

## DEED OF CONSERVATION EASEMENT

(e) Commercial operation of dune buggies, motorcycles, all-terrain vehicles, hang gliders, aircraft, jet skis, motorized boats or any other types of mechanized vehicles (other than farm equipment) whether or not considered to foster tourism is prohibited.

(f) Extensive commitment of land resources as required by golf courses, racetracks, tennis clubs, baseball, soccer and other ball fields and similar uses whether or not considered to foster tourism is prohibited.

7. **Residential Dwellings and Non-Agricultural Structures.** Grantor and Grantee acknowledge that no residential dwellings or other non-agricultural structures currently exist on the Protected Property, and no residential dwellings or other non-agricultural structures shall be permitted on the Protected Property in the future.

8. **Transfer of Development Rights.** All other development rights not specifically reserved under this Deed of Easement are hereby extinguished and shall not be transferred to any other property pursuant to a transfer of development rights program or any other means or used to calculate permitted development density. The Protected Property and any portion thereof shall not be included as part of the gross area of other property not subject to this Deed of Easement for the purposes of determining density, lot coverage, or open spaces requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights that have been encumbered or extinguished by this Deed of Easement shall be transferred to any other lands pursuant to a transferable development rights scheme or cluster development arrangement or otherwise.

9. **Subdivision.** It is the intention of Grantor to protect the open space values of the Protected Property. Accordingly, subdivision of the Protected Property is prohibited.

10. **Maximum Impervious Surface Coverage.** The total surface coverage of impervious surfaces on the Protected Property shall be subject to the limitations defined below.

(a) Impervious surfaces shall be defined as any material which covers land and inhibits the percolation of storm water directly into the soil, including, but not limited to, buildings, roofs, the area covered by permanent or nonpermanent structures, macadam and pavement, gravel and stone driveways and parking areas.

(b) The total surface coverage of the Protected Property by all impervious surfaces, including structures associated with agricultural uses as permitted under Part I - Section 3 (Agricultural Structures) of this Deed of Easement, driveways and parking areas, shall not exceed 95,049 square feet in the aggregate, which is less than two percent (2%) of the total acreage of the Protected Property.

11. **Removal of Natural Resources.** Ditching, draining, diking, filling, excavating, removal of topsoil or sand, gravel or rock on the Protected Property are prohibited, except when such activities are conducted in order to carry out activities permitted under this Deed of Easement, are in accordance with a conservation plan, do not exceed one (1) acre in total area, and result in restoration of the area within a reasonable time period. The exploration, development, mining or

## DEED OF CONSERVATION EASEMENT

extraction of minerals, oil, gas or any other hydrocarbon substance from the Protected Property is prohibited.

12. **Other Construction.** Except for agricultural structures permitted under Part I - Section 3 (Agricultural Structures) of this Deed of Easement, there shall be no constructing or placing of any buildings, manufactured homes, swimming pools or other recreational facilities, commercial lighting or any other temporary or permanent structure or facility on or above the Protected Property. Existing roads as identified in the Baseline Documentation Report may be maintained and repaired in their current state. New roads may be constructed only if they are necessary for agricultural operations. Paved roads are subject to the impervious surface limitations referenced in Part I - Section 10 (Maximum Impervious Surface Coverage) of this Deed of Easement.

13. **Fences.** Existing fences may be repaired and replaced, and new fences may be built on the Protected Property as necessary for agricultural operations on the Protected Property, including customary management of livestock and to delineate the boundary of the Protected Property.

14. **Signs.** Except for no trespassing signs, for-sale signs, signs identifying this Deed of Easement, and signs to advertise an on-site activity or business, all other signs, advertisements and billboards of any nature are prohibited. The permitted signs may not exceed 15 square feet per sign. Notwithstanding the foregoing, signs that advertise agricultural products produced on farms in the vicinity of the Protected Property may be permitted with the prior written approval of Grantee.

15. **Wastes.** Dumping or storage of trash, garbage, hazardous substances, abandoned vehicles or machines or other material on the Protected Property is prohibited. However, composting of biodegradable material used or produced on the Protected Property to improve gardens and pastures on the Protected Property is permitted so long as composting and its application is consistent with a conservation plan.

16. **Utilities.** Grantor shall not sell, lease or grant an easement covering any portion of the Protected Property where such sale, lease or easement is for the purpose of construction and installation of underground or above-ground utility systems, including, but not limited to, water, sewer, power, fuel, sewerage pumping stations, and cellular telephone or other communication towers. Grantor may install utilities necessary to serve agricultural structures permitted under Part I - Section 3 (Agricultural Structures) of this Deed of Easement.

17. **Streams, Wetland and Water Bodies.** There shall be no pollution, alteration, depletion of surface water, natural water courses, lakes, ponds, marshes, wetlands, springs, subsurface water or any other water bodies, nor shall there be activities conducted on the Protected Property which would be detrimental to water purity or which could alter natural water level and/or flow in or over the Protected Property. Nothing in this Section shall prohibit the creation or dredging of farm ponds and allow the reasonable use of the available water of the Protected Property for agricultural purposes permitted by this Deed of Easement. Structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation on the

## DEED OF CONSERVATION EASEMENT

Protected Property shall be considered an agricultural use. Expansion and construction of ponds and structures shall be in accordance with the conservation plan. Farm ponds shall not exceed two (2) acres in area.

**19. Irrigation Systems.** Subject to the provisions of Part I - Section 3 (Agricultural Structures) of this Deed of Easement, and Part I Section 10 (Maximum Impervious Surface Coverage) of this Deed of Easement:

(a) Grantor is permitted to construct, install, extend, locate, access, maintain, and repair above ground and below ground irrigation systems and supporting utility services that power the irrigation system, including but not limited to, piping, pumps, hydrants, cement pads, covered structures for diesel or electrical pumps, access and cleanout points, and other components, in and along roads on the Protected Property, either existing as of the date of this Deed of Easement or as thereafter altered or changed with the written approval of Grantee, and in other locations on the Protected Property as Grantor deems necessary in its reasonable discretion to operate and maintain permitted agricultural activities under this Deed of Easement.

(b) Notwithstanding the foregoing, once constructed and installed, access, maintenance, and repair of the below ground and/or above ground irrigation system within previously-disturbed areas may be conducted without the prior written approval of Grantee.

## II. GENERAL PROVISIONS

**1. Access.** No right of access by the general public to any portion of the Protected Property is conveyed by this Deed of Easement.

**2. Rights of the Grantee.** To accomplish the purpose of this Deed of Easement the following rights are conveyed to Grantee or its agent by this Deed of Easement:

(a) To preserve and protect the Conservation Values of the Protected Property;

(b) To enter upon the Protected Property on a yearly basis (or more frequently if violations are observed or suspected) in order to monitor Grantor's compliance with and otherwise enforce the terms of this Deed of Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantee shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Protected Property; and

(c) To prevent any activity on or use of the Protected Property that is inconsistent with the purpose of this Deed of Easement and to require the restoration of such areas or features of the Protected Property that may be damaged by any inconsistent activity or use, pursuant to Grantee's Remedies, below.

**3. Grantee Notification/Approval.** Grantor reserves for himself the right to engage in any and all activities not expressly prohibited herein and not inconsistent with the purpose of this Deed of Easement without seeking the approval of Grantee.

## DEED OF CONSERVATION EASEMENT

### 4. Grantee's Remedies.

(a) **Notice of Violation: Corrective Action.** If Grantee determines that Grantor is in violation of the terms of this Deed of Easement or that a violation is threatened, Grantee shall give written notice to Grantor of such violation and demand corrective action within 60 days sufficient to cure the violation and, where the violation involves injury to the Protected Property resulting from any use or activity inconsistent with the purpose of this Deed of Easement, to restore the portion of the Protected Property so injured to its prior condition in accordance with a plan approved by Grantee.

(b) **Injunctive Relief.** The Grantee, its successors or assigns shall have the right to enforce these restrictions by injunction and other appropriate proceedings, including, but not limited to, the right to require Grantor to restore the Protected Property to the condition existing at the time of this Deed of Easement in order to correct any violation(s) of this Deed of Easement. Grantee's rights under this Section apply equally in the event of either actual or threatened violations of the terms of this Deed of Easement, and Grantor agrees that Grantee shall be entitled to the injunctive relief in addition to such other relief to which Grantee may be entitled, including specific performance of the terms of this Deed of Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

(c) **Costs of Enforcement.** Any costs incurred by Grantee in enforcing the terms of this Deed of Easement against Grantor, including without limitation costs of suit and attorneys' fees, and costs or restoration necessitated by Grantor's violation of the terms of this Deed of Easement shall be borne by Grantor. If Grantor prevails in action to enforce the terms of this Deed of Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantee. Costs incurred by Grantee in enforcing the terms of this Deed of Easement against third parties shall be borne by Grantee.

(d) **Forbearance.** Forbearance by Grantee to exercise its rights under this Deed of Easement in the event of any breach of any term of this Deed of Easement by Grantor shall not be deemed or construed to be a waiver by Grantee of such term or of any subsequent breach of the same or any other term of this Deed of Easement or of any of Grantee's rights under this Deed of Easement. No delay or omission by Grantee in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

5. **Acts Beyond the Grantor's Control.** Nothing contained in this Deed of Easement shall be construed to entitle Grantee to bring any action against Grantor for any injury to or change in the Protected Property resulting from causes beyond Grantor's control including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Protected Property resulting from such causes. In the event the terms of this Deed of Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or prevented, Grantor agrees that Grantee has the right to pursue enforcement action against the responsible parties.

## DEED OF CONSERVATION EASEMENT

6. **Costs, Legal Requirements and Liabilities.** Grantor, its successors and assigns retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Protected Property.

7. **Control.** Nothing in this Deed of Easement shall be construed as giving rise to any right or ability of Grantee to exercise physical or managerial control over the day-to-day operations of the Protected Property, or any responsibility to the Protected Property within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (42 U.S.C. §§ 9602 et seq.).

8. **Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees and charges of whatever description levied on or assessed against the Protected Property by competent authority, including any taxes imposed upon, or incurred as a result of, this Deed of Easement.

9. **Environmental Warranty.** Grantor warrants that it is in compliance with, and will remain in compliance with, all applicable Environmental Laws (hereinafter defined). Grantor warrants that there are no notices by any governmental authority of any violation or alleged violation of, noncompliance or alleged noncompliance with, or any liability under, any Environmental Law relating to the operations or conditions of the Protected Property. Grantor further warrants that it has no actual knowledge of a release or threatened release of Hazardous Materials (hereinafter defined), as such substances and wastes are defined by applicable Federal and State law. Moreover, Grantor hereby promises to hold harmless and indemnify Grantee against all litigation, claims, demands, penalties and damages, including reasonable attorneys' fees, arising from or connected with the release or threatened release of any hazardous materials on, at, beneath or from the Protected Property, or arising from or connected with a violation of any Environmental Laws by Grantor or any other prior owner of the Protected Property. Grantor's indemnification obligation will not be affected by any authorizations provided by Grantor with respect to the Protected Property or any restoration activities carried out by Grantor at the Protected Property; provided, however, that Grantee will be responsible for any Hazardous Materials contributed after this date to the Protected Property by Grantee.

"Environmental Law" or "Environmental Laws" means any and all Federal, State, local or municipal laws, rules, orders, regulations, statutes, ordinances, codes, guidelines, policies, or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, hazardous materials, worker and community right-to-know, hazard communication, noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection, and similar environmental health, safety, building, and land use as may now or at any time hereafter be in effect.

"Hazardous Materials" means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, extremely hazardous substances, infectious materials, and any other element, mixture, chemical, radioactive materials, ignitable materials, petroleum products, fuel oil, waste oils, solution, or substance which may pose a present or potential hazard to human health or the environment.

## DEED OF CONSERVATION EASEMENT

10. **Hold Harmless.** Grantor shall hold harmless, indemnify, and defend Grantee and its members, directors, officers, employees, agents, and contractors (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: an injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Protected Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties and only that negligent party shall be deprived of this protection.

11. **Proceeds for Extinguishment; Condemnation Awards.** The conveyance of the conservation easement granted hereunder (the "Easement") gives rise to a property right immediately vested in the Grantee. If circumstances arise in the future that render the purpose of the Easement impossible to accomplish, this Deed of Easement can only be terminated or extinguished, whether in whole or in part, by judicial proceedings in a court of competent jurisdiction. The amount of the proceeds or condemnation award to which the Grantee shall be entitled from any sale, exchange, involuntary conversion or condemnation of all or any portion of the Protected Property subsequent to such termination, extinguishment or condemnation, shall be an amount equal to the ratio of the appraised value of the Easement to the unrestricted fair market value of the Protected Property as these values are determined on the date of this Deed of Easement, or 56% of such proceeds or condemnation award. The Grantor is entitled to 44% of such proceeds or condemnation award.

The Grantee shall use its share of such proceeds or condemnation award for land conservation in a manner consistent with the conservation purposes set forth herein.

In making this Deed of Easement, Grantor has considered the possibility that uses prohibited by the terms of this Deed of Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. Grantor believes that any such changes in the use of neighboring properties will increase the benefit to the public of continuation of this Deed of Easement, and Grantor and Grantee intend that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Deed of Easement.

12. **Condemnation.** If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, the person or entity exercising the power of eminent domain must pay compensation at not less than the fair market value of the Protected Property determined without regard to the existence of the Easement. Grantor, upon receipt of notification of any pending condemnation action brought by any government entity affecting and/or relating to the Protected Property, shall notify the Grantee in writing, within thirty (30) days of receipt of said notification.

13. **Assignment.** This Deed of Easement is not transferable by the Grantee to any other local, county or state department, board, agency, commission or successor. In the event that the Jefferson Farmland Protection Board ceases to operate or exist, the rights of the Grantee under this Deed of Easement shall be transferred to an organization that is qualified under Section 170(h) of

# DEED OF CONSERVATION EASEMENT

the Internal Revenue Code of 1986, as amended, and is a West Virginia-domiciled organization authorized to acquire and hold conservation easements under the West Virginia Conservation and Preservation Easements Act (WV Code 20-12-1, et seq., 1995).

The Grantee further covenants and agrees that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes which the Easement was originally intended to advance. The transfer of the easement to a new or successor transferee or assignee will not create a financial obligation of any kind on the Grantor.

**14. Subsequent Transfers.** Grantor agrees to incorporate the terms of this Deed of Easement in any deed or other legal instrument by which it divests itself of any interest in all or a portion of the Protected Property, including, without limitation, a leasehold interest.

**15. Estoppel Certificates.** Upon request by Grantor, Grantee shall within thirty (30) days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Deed of Easement and otherwise evidences the status of this Deed of Easement as may be requested by Grantor.

**16. Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by certified mail, return receipt, addressed as follows:

To Grantor:

T.L. Magaha and Sons, Inc.  
c/o Larry T. Magaha, President  
2255 Earle Road  
Charles Town, West Virginia, 25414

To Grantee:

Jefferson County Farmland Protection Board  
P.O. Box 731  
Charles Town, WV 25414

or to such other address as either party from time to time shall designate by written notice to the other.

**17. Recordation.** Grantee shall record this instrument in timely fashion with the Office of the Clerk of the County Commission of Jefferson County, West Virginia and may re-record it at any time as may be required to preserve its rights in this Deed of Easement.

**18. Amendment.** If circumstances arise under which an amendment to or modification of this Deed of Easement would be appropriate, Grantor and Grantee are free to jointly amend this Deed of Easement; provided that no amendment shall be allowed that will invalidate this Deed of

## DEED OF CONSERVATION EASEMENT

Easement or be inconsistent with the purpose of this Deed of Easement, and shall not affect its perpetual duration. Any such amendment shall be recorded as above specified. No such amendment shall be effective unless in writing and signed by all parties hereto.

### 19. **Access Easement.**

Grantor hereby grants and conveys to Grantee a perpetual, non-exclusive access easement over and across the Protected Property for the purpose of performing monitoring activities and exercising any other rights granted to Grantee under this Deed of Easement. Use of the access easement by vehicular means may only be made on vehicular travel ways existing on the date hereof. Use of the access easement beyond vehicular travel ways existing on the date hereof may be made only on foot, unless Grantor consents to vehicular or aerial access in its reasonable discretion. This easement is assignable by Grantee only along with an assignment of all of Grantee's rights and responsibilities hereunder. This easement shall not entitle Grantee to make any improvements to the Protected Property. This easement shall not obligate Grantor to maintain any vehicular travel ways existing on the date hereof or any other roads, lanes or paths. This easement shall not prohibit Grantor from constructing fences on the Protected Property as permitted herein, including fences on any part of the boundaries of the Protected Property.

### 20. **Other Provisions.**

(a) **Controlling Law.** The interpretation and performance of this Deed of Easement shall be governed by the laws of the State of West Virginia.

(b) **Severability.** If any provision of this Deed of Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Deed of Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(c) **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of the Grantor's title in any respect.

(d) **Successors.** The covenants, terms, conditions, and restrictions of this Deed of Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Protected Property.

(e) **Captions.** The captions herein have been inserted solely for convenience of reference and are not a part of this Deed of Easement and shall have no effect upon construction or interpretation.

(f) **Subordination.** Any mortgage or lien arising after the date of this Deed of Easement shall be subordinated to the terms of this Deed of Easement.

(g) **Title Warranties.** Grantor warrants that Grantor has good title to the Protected Property; that Grantor has the right to convey this Deed of Easement, and that the Protected Property is free and clear of any encumbrances.

## DEED OF CONSERVATION EASEMENT

(h) **Merger.** If Grantee at some future time acquires the underlying fee title in the Protected Property, the interest conveyed by this Deed of Easement will not merge with fee title but will continue to exist and be managed as a separate estate. The Grantor and Grantee explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of the conservation easement deed set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Protected Property by or to the local grantee, or any successor or assignee will be deemed to eliminate these conservation easement terms, or any portion thereof, pursuant to the doctrine of "merger" or any other legal doctrine.

(i) **Incorporation of Recitals.** The recitals set forth above are hereby incorporated herein by this reference.

(j) **Counterparts.** This Deed of Easement may be executed in several counterparts all of which when taken together shall constitute one and the same instrument.

**[Balance of Page Intentionally Left Blank]**

**[Signature Page(s) Follow(s)]**

**DEED OF CONSERVATION EASEMENT**

DECLARATION OF CONSIDERATION OF VALUE. The undersigned hereby declare under penalty of fine and imprisonment as provided by law, that the conveyance made by this document is a transfer of property right to State or County governmental entities, and therefore, is exempt from the West Virginia excise tax due on the transfer of real property.

IN WITNESS WHEREOF Grantor and Grantee have executed this Deed of Easement.

**GRANTOR:**

**T. L. MAGAHA AND SONS, INC.**

By \_\_\_\_\_  
Larry T. Magaha  
President

\_\_\_\_\_  
Date

**GRANTEE:**

**JEFFERSON COUNTY FARMLAND PROTECTION BOARD**

\_\_\_\_\_  
Robert E. Glenn  
President

\_\_\_\_\_  
Date

**DEED OF CONSERVATION EASEMENT**

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of December 2020, by Larry T. Magaha, as President of T. L. Magaha and Sons, Inc., a West Virginia corporation, on behalf of the corporation.

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

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

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2020, by Robert E. Glenn, President of JFCPB, on behalf of JFCPB.

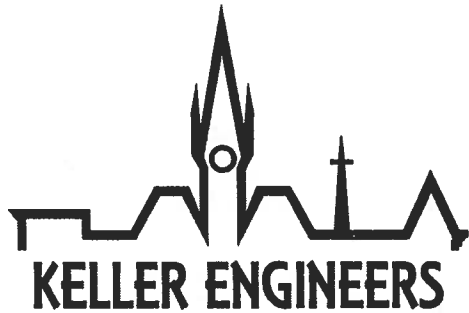
My commission expires: \_\_\_\_\_

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

**SCHEDULE OF EXHIBITS**

A-1. Legal Description of Property Subject to Easement

A-1. Legal Description of Property Subject to Easement



**Keller Engineers, Inc.**  
420 Allegheny Street  
Hollidaysburg, PA 16648  
Phone: 814-696-7430  
Fax: 814-696-0150  
www.keller-engineers.com

**FARMLAND CONSERVATION EASEMENT  
TO  
JEFFERSON COUNTY FARMLAND PROTECTION BOARD  
ON LANDS OF  
T.L. MAGAHA & SONS, INC.  
PROJECT NUMBER 3964-2  
JULY, 2020**

All that certain piece or parcel of land lying and being situate in the Charles Town District of Jefferson County, West Virginia, being more particularly bounded and described as follows:

Beginning at an existing iron pin on the westerly right-of-way line of West Virginia Route 51/1 (Earle Road) at the common corner with lands now or formerly of Larry T. & Janet L. Magaha; thence along the westerly right-of-way line of West Virginia Route 51/1 SOUTH 30 DEGREES 26 MINUTES 44 SECONDS EAST a distance of 146.40 FEET to a point; thence along the same and with a curve turning to the right with a radius of 286.60 FEET, an arc length of 132.75 FEET, a chord bearing of SOUTH 17 DEGREES 10 MINUTES 36 SECONDS EAST, and a chord length of 131.56 FEET to a point; thence along the same SOUTH 03 DEGREES 54 MINUTES 28 SECONDS EAST a distance of 1406.23 FEET to an existing iron pipe at the common corner of lands now or formerly of Annette H. Murphy; thence along the Murphy lands NORTH 77 DEGREES 45 MINUTES 33 SECONDS WEST a distance of 1048.75 FEET to an iron pin; thence along the same SOUTH 21 DEGREES 15 MINUTES 33 SECONDS WEST a distance of 573.37 FEET to an iron pin; thence along the same SOUTH 71 DEGREES 17 MINUTES 33 SECONDS EAST a distance of 110.60 FEET to an existing iron on the common line of other lands of said Murphy; thence along the other lands of Murphy SOUTH 22 DEGREES 25 MINUTES 17 SECONDS WEST a distance of 585.16 FEET to an iron pin on the common line of lands now or formerly of O'Sullivan Farms, LLC; thence along the O'Sullivan Farms, LLC lands NORTH 72 DEGREES 01 MINUTES 05 SECONDS WEST a distance of 11.61 FEET to an iron pin; thence along the same SOUTH 22 DEGREES 28 MINUTES 58 SECONDS WEST a distance of 1300.06 FEET to an existing stone at the common corner of lands now or formerly of Harold L. & Charlotte Shotwell; thence along the Shotwell lands NORTH 72 DEGREES 57 MINUTES 37 SECONDS WEST a distance of 980.09 FEET to a point in the centerline of the CSX Transportation Baltimore & Ohio Railroad and common corner of lands now or formerly of Amy N. & Bruce W. Chrisman; thence along the said railroad centerline and along the Chrisman lands and along lands now or formerly of Emmitt R. Boyd, Jr. NORTH 23 DEGREES 07 MINUTES 13 SECONDS EAST a distance of 3790.35 FEET to a point; thence leaving the railroad and along lands of said Larry T. & Janet L. Magaha SOUTH 88 DEGREES 19 MINUTES 20 SECONDS EAST a distance of 1082.57 FEET to the point and

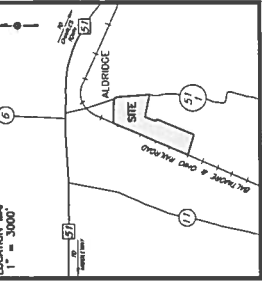


PROJECT NO.:	3984-2
FILE NAME:	3984-2 TOP.DWG
DATE:	7-10-20
DESIGNED BY:	X
DRAWN BY:	JSE
CHECKED BY:	JSE
DATE & INITIALS:	11-21-20 JSE
REVISION DESCRIPTION:	PLANNING AND ZONING COMMENT (SEE NOTE #)

# EXHIBIT A PLAT SHOWING FARMLAND CONSERVATION EASEMENT

TO  
JEFFERSON COUNTY FARMLAND  
PROTECTION BOARD  
ON LANDS OF  
T.L. MAGAHA & SONS, INC.,  
DISTRICT 2 MAP 13, PARCEL 3.1  
DEED BOOK 406, PAGE 165

CHARLES TOWN DISTRICT, JEFFERSON COUNTY  
WEST VIRGINIA



CURVE	RADIUS	ARC LEN	CHORD LEN	CHORD BEARING
C1	288.00	132.75	131.58	N17°10'38"W
C2	974.67	89.34	89.31	N72°56'44"E

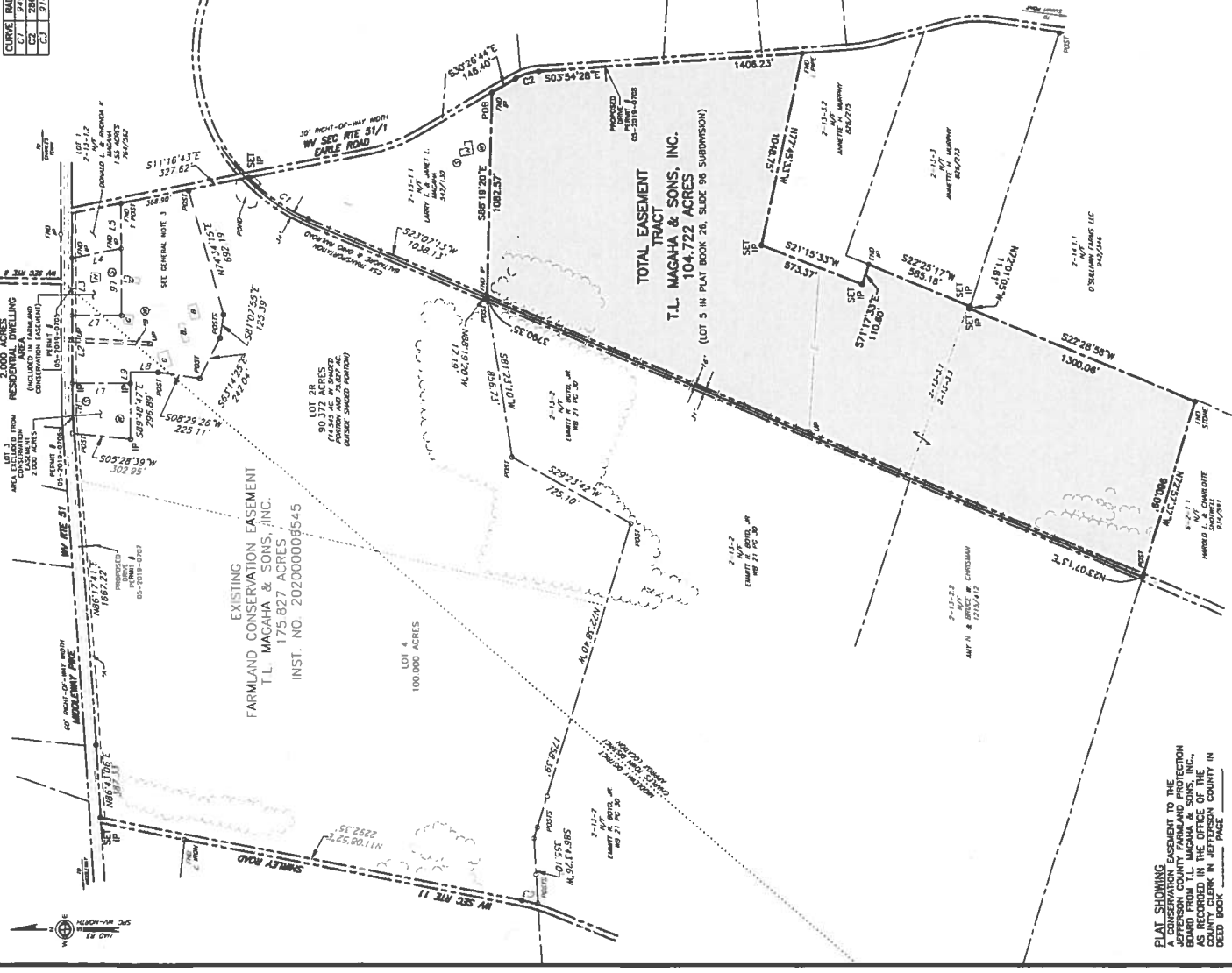
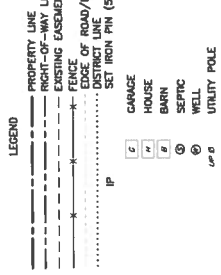
  

LINE	BEARING	DISTANCE
L1	S89°07'17"E	310.87
L2	S59°49'46"E	362.41
L3	S59°49'46"E	305.67
L4	S89°27'17"E	241.05
L5	S89°27'17"E	356.27
L6	S89°27'17"E	263.06
L7	S89°27'17"W	148.44
L8	S89°49'47"E	60.00

ENCUMBRANCES:  
 4. ELEC. CABLEWAY  
 277' / AS  
 NO MOON CREEK  
 98' / AS  
 98' / AS  
 NO MOON CREEK  
 NO MOON CREEK  
 SHADY AREA IMPROVEMENTS  
 FARMLAND CONSERVATION EASEMENT  
 DEED BOOK 1237, PAGE 684

**GENERAL NOTES:**

1. ACCORDING TO THE FLOOD INSURANCE RATE MAP FOR JEFFERSON COUNTY, PANEL 120 OF 245, MAP NUMBER 5403700180E WITH AN EFFECTIVE DATE OF DECEMBER 18, 2009, THE PROPERTY IS LOCATED WITHIN A FLOOD HAZARD ZONE. PROPERTY IS DESIGNATED AS BEING WITHIN ZONE X.
2. THIS PLAN RESERVES A CONSERVATION EASEMENT ONLY AND DOES NOT CREATE TOWNSHIP PARCELS OR GROUND ANY FUTURE CONDIMNEMENT, SUBDIVISIONS OR CREATION OF INDIVIDUAL PARCELS OF THE LAND MUST ADHERE TO ALL RULES AND REGULATIONS OF THE JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT DEPARTMENT. IN ADDITION, THE CONSERVATION EASEMENT AREA IS SUBJECT TO THE TERMS AND CONDITIONS OF THE CONSERVATION EASEMENT DEED.
3. THE HATCHED AREA INDICATES A SEPARATE EXISTING 14,545 ACRE AREA DEFINED AS A FARMLAND CONSERVATION EASEMENT WHICH ALSO CONTAINS A 2,000 ACRE RESIDENTIAL TRACT. THIS 14,545 ACRE FARMLAND EASEMENT IS RECORDED IN DEED BOOK 1237 AT PAGE 684.
4. LOT 4 (100,000 ACRES) AND 75.827 ACRES OF LOT 2R ARE PART OF A PREVIOUSLY APPROVED FARMLAND CONSERVATION EASEMENT RECORDED IN PLAT BOOK 26, SLIDE 101 AND DEED BOOK 1240 AT PAGE 684.
5. THE TOTAL AREA OF THE FARMLAND CONSERVATION EASEMENT DEPICTED ON THIS PLAT IS 104,722 ACRES (SHADY AREA).
6. LOTS SHOWN AS LOTS 2R, 3, 4 & 5 ARE BASED ON A SUBDIVISION PLAN AS RECORDED BY KELLER ENGINEERS, INC. FOR T.L. MAGAHA & SONS, INC., DATED 5/30/18, LAST REVISED 5/11/20, AND RECORDED IN PLAT BOOK 26, SLIDE 98.



PLAT SHOWING  
 EASEMENT TO THE  
 JEFFERSON COUNTY FARMLAND PROTECTION  
 BOARD FROM T.L. MAGAHA & SONS, INC.,  
 DISTRICT 2 MAP 13, PARCEL 3.1, DEED BOOK  
 406, PAGE 165, IN JEFFERSON COUNTY IN  
 DEED BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

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



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

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

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

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

1. Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
2. Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
3. Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
4. Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282). Discussion/Action.
5. Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1). Discussion/Action.
6. Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto.
7. Discussion of Jefferson County Circuit Court Civil Action #17-C-174. Discussion/Action.
8. Discussion of Jefferson County Circuit Court Civil Action #20-C-20. Discussion/Action.
9. Discussion of legal issues regarding proposed solar text amendment including bonding and related matters. Discussion/Action.
10. Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket number PCRNPS-04-20. Discussion/Action.
11. Discussion with counsel regarding Charles Town City Council changes to Article 147. Discussion/Action.
12. Discussion of all aspects of case, issues, potential for resolution, and use of outside counsel regarding Jefferson County Circuit Court Civil Action #20-C-125 and #s20-C-132-137. Discussion/Action.

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address: Phone Number:

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





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

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

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

**Discuss request for funding: COVID-19 Pandemic Block Grant \$100,000 - 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.](#)









## Request for Funding: COVID-19 Pandemic Block Grant

Please complete the information requested and return to the address below or e-mail to [sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org) with the subject COVID-19 Block Grant. All mailed applications should be addressed in care of COVID-19 Block Grant Administrator. Applications must be post-marked or e-mailed by August 21, 2020, in order to be considered.

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

Date:

Organization Name:

Address:

City:

State:

Zip: 25438

If address listed above is outside Jefferson County, list place of business in Jefferson County:

Street Address:

City:

State:

Zip:

Organization's Telephone Number:

Facsimile:

Contact Person:

Title:

Contact Person's Daytime Telephone Number:

Contact email address:

Amount of funding requested: \$

(Attach an itemized receipt/estimate/quote for the purchase must be attached)

*as per Michelle Gordon*

Has the organization applied for the same funding request from any other source?:

Yes

No

If yes, please provide the status of that request:



Provide a brief explanation of how the funds were/will be used and how the expenses relate to the COVID-19 pandemic (attach additional sheets if necessary):

Since the initial onset of the COVID-19 pandemic EMS systems nationwide have been tasked with patients requiring emergent and often aggressive airway management including orotracheal intubation both with and without rapid sequence induction. Jefferson Counties Rapid Sequence Intubation team members have been aggressively working to provide above standard care to the patients they encounter. In an effort to continue this standard the decision was made to purchase a new Carefusion LTV 1200 transport ventilator and all required accessories for its use and training. High Efficiency Particulate Filters (HEPA) were also purchased with the accessories to prevent the spread of COVID to the patient care providers. With the recent increase in positive COVID cases within Jefferson County this ventilator will allow the citizens we encounter to have access to better respiratory care with an increase in positive patient outcomes and decreased need for additional treatment and prolonged hospitalization. This device also provides Bi-level ventilation including peak end expiratory pressure that has proven vital to patients suffering from COVID related acute respiratory distress syndrome. The ability to manipulate ventilator setting supersedes our current options with post intubation respiratory management. (Cont. Please See Attached)

These block grant funds may only be expended for purposes allowable under the Federal Coronavirus Aid, Relief, and Economic Security Act (H.R. 748, the CARES Act), which means that these funds may only be used to cover for expenses that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the COVID-19 pandemic;
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for your county or municipality; and
3. Were or will be incurred during that begins on March 1, 2020, and ends December 20, 2020.

***These block grant funds are NOT meant to backfill local budgets or to pay ordinary expenses of the county or municipalities.***

**Applicant's Purpose:**

Municipality       Emergency Services       Public Safety

Recreational Activity     Other, Specify

**Eligible expenditures include, but are not limited to, payment for:**

1. Medical expenses such as:
  - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
  - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.

Cont. Page 2

Crew safety is also important during these trying times. Currently a crew member would have to manage a patient's airway utilizing a bag valve mask. This practice places the patient in direct close contact with the patient for an extended amount of time increasing the risk of exposure to our providers. Utilizing a ventilator will allow a provider to place the device and remain out of direct close contact with the patient and potentially decreasing their risks of exposure.

Jefferson County Emergency Services Agency also purchased a training Stryker Power Stretcher for use on the counties training ambulance. This unit is designed to mimic the current layout of the thirteen ambulance in Jefferson County. This cot will allow our providers to train in the current standards of care. EMS providers will be instructed on proper cleaning techniques of the stretcher including the stringent decontamination needed after responding to and providing care to a known or suspect patient suffering from COVID. EMS providers will also be instructed on airway management including orotracheal intubations utilizing a stretcher "tent", a protective clear plastic sheeting required for intubation of COVID positive patients. Advanced airway management is a daunting task under normal circumstances and JCESA feel it would be doing a disservice to our providers and patients without being able to provide adequate training before this new technique is to be used in the high stress atmosphere of a true emergency. Furthermore, if this technique is not adequately practiced in a controlled environment there is a significant chance that it will be performed inappropriately resulting in an exposure to all staff members involved in the patient care thus resulting in increased time off of work and a depletion of available EMS providers in Jefferson County.

**Master Medical Equipment:** Ventilator System including Hoses for Training Unit - training and patient care specifically related to those requiring assistance with difficulty breathing.

**McKesson Medical-Surgical:** Equipment and supplies to perform patient care with difficulty breathing/RSI.

**Valley Regional Enterprises, Inc:** Stryker Power Stretcher for Training Unit

- Costs of providing COVID-19 testing, including serological testing.
  - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
  - Expenses for establishing and operating public telemedicine capabilities for COVID-19 related treatment.
2. Public health expenses such as:
    - Expenses for communication and enforcement by State, territorial, local, and Tribal governments of public health orders related to COVID-19.
    - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
    - Expenses for disinfection of public areas and other facilities, e.g., nursing homes, in response to the COVID-19 public health emergency.
    - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
    - Expenses for public safety measures undertaken in response to COVID-19.
    - Expenses for quarantining individuals.
  3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID19 public health emergency.
  4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
    - Expenses for food delivery to residents, including, for example, senior citizens and other vulnerable populations, to enable compliance with COVID-19 public health precautions.
    - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
    - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
    - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
    - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
    - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
  5. Any other COVID-19-related expenses reasonably necessary to the function of

government that satisfy the Fund's eligibility criteria.

**Nonexclusive examples of ineligible expenditures:**

1. The following is a list of examples of costs that would not be eligible expenditures of payments from the Fund:
  - Expenses for the State share of Medicaid.
  - Damages covered by insurance.
  - Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
  - Expenses that have been or are eligible to be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, FEMA, HUD, COVID-19 grants or other resources.
  - Reimbursement to donors for donated items or services.
  - Workforce bonuses other than hazard pay or overtime.
  - Severance pay.
  - Legal settlements.

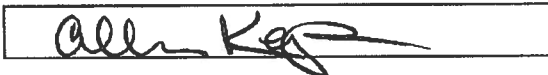
**Applicant Submission Statement:**

I hereby declare or affirm, under penalty of perjury, that the matters and facts set forth herein are true and correct and that any receipts/documents attached are unmodified and true and genuine copies. I also declare and affirm that I am a person duly authorized to enter into legally binding obligations on behalf of the herein applicant organization.

I hereby agree that I have provided proof that any funds received from the County Commission of Jefferson County were expended for the purpose requested herein from the receipt of said funds.

I hereby represent and warrant that the applicant organization does not discriminate on the basis of race, creed, sex, age national origin, physical or mental disabilities for employment or the achievement of the mission or goal of the organization.

I understand that any and all applications submitted, as well as supporting documentation may be considered public documents. As such, all applications and supporting documents may be viewable and obtainable by the public.

Signed: 

Date: 12/03/2020

Printed name and title: Director



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY 11-01  
419 - 18TH AVE.  
RANSON, WV 25438

BCT  
BANK OF CHARLES TOWN  
CHARLES TOWN OFFICE  
CHARLES TOWN, WV 25414

9

5684

69-141-570

10/23/2020

PAY TO THE ORDER OF Master Medical Equipment, LLC

\$ \*\*18,780.00

Eighteen Thousand Seven Hundred Eighty and 00/100\*\*\*\*\*

DOLLARS

Master Medical Equipment, LLC  
2345 FE Wright Drive  
Jackson, TN 38305



MEMO

*Allen Key*  
MP

⑈005684⑈ ⑆05700⑆1418⑆

⑈003075974⑈

Details on back.  
Security Features Included.

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

Master Medical Equipment, LLC

10/23/2020

5684

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/23/2020	Bill	27992	18,780.00	18,780.00		18,780.00
					Check Amount	18,780.00

General Fund Checkin

18,780.00

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

Master Medical Equipment, LLC

10/23/2020

5684

Date	Type	Reference	Original Amt.	Balance Due	Discount	Payment
10/23/2020	Bill	27992	18,780.00	18,780.00		18,780.00
					Check Amount	18,780.00

*Handwritten notes:*  
Total 18,780.00 ✓  
18,780.00  
18,780.00  
18,780.00  
18,780.00

General Fund Checkin

18,780.00 ✓



Remittance Address:  
 Master Medical Equipment  
 PO Box 11476  
 Jackson, TN 38305  
 accounting@mmemed.com  
 1.866.468.9558

# Invoice

Date	Invoice #
10/28/2020	48049

Bill To
Jefferson Co Emergency Services Richard Cluff 419 16th Ave Ranson, VA 25438

Ship To
Jefferson Co Emergency Services Richard Cluff 419 16th Ave Ranson, VA 25438

P.O. Number	Terms	Rep	Ship	Via
CARES10.22.20	Net 30	GCN	10/22/2020	UPSground

Qty	Item Code	Description	U/M	Price Each	Amount
1	CF18888-001	Ventilator, Carefusion LTV 1200 System, Ventilator Dust Cover, Protective Boot, AC Adapter / Power Cord, Operator's Manual - 1 Year Warranty Included Serial Number: 410236	ea	11,500.00	11,500.00T
1	Service Contract	Service Contract: Includes Vent and two pumps 1 YEAR EXTENDED WARRANTY and SERVICE CONTRACT: \$1500		1,500.00	1,500.00T
1	CF19102-001-R	Case, Transport Case for LTV Series Ventilators and Sprint Pack - RECERT	ea	0.00	0.00T
5	CF29657-001	Circuit, Adult Circuit without PEEP, 22mm, SPU, sold by the each or box of 10	Box 10	130.00	650.00T
1	CF11466	Vyaire Test Lung Kit, 1 each	ea	190.00	190.00T
2	EIT17000-028-...	Infusion Pump, Eitan Sapphire Multi-Therapy Infusion Kit Serial Numbers: 300282185, 300282223	ea	1,975.00	3,950.00T
30	EIT12003-000-...	IV Set, Microbore Infusion Set With Female Luer Lock, FX Administration Cassette, Slide Clamp, Needleless Y-Site and Spin Male Luer Lock (Half Set), AP416, 1 each	ea	8.00	240.00T
40	EIT12005-000-...	IV Set, BP450-01, Infusion Set 115" with 2 Y-Sites and backcheck valve, 1 each	ea	7.425	297.00T
1	EIT05020-110-...	Cable, Communication Cable for Eitan Sapphire Multi-Therapy Pump, 1 each	ea	67.00	67.00T
2	EIT15020-010-...	Case, Sapphire Travel Case	ea	70.00	140.00T
1	freight	UPS Ground		40.00	40.00T
1	MMEPROMO2	Promotional Marketing, "Welcome to the MME Family"	ea	0.00	0.00T
<b>Total</b>					

\* Note. Due to Covid 19 outbreak, MME can not accept Ventilator and/or other respiratory equipment & accessory returns.

**Payments/Credits**

**Balance Due**



Remittance Address:  
 Master Medical Equipment  
 P.O. Box 11476  
 Jackson, TN 38305  
 accounting@mmemed.com  
 1.866.468.9558

# Invoice

Date	Invoice #
10/28/2020	48049

<b>Bill To</b>
Jefferson Co Emergency Services Richard Cluff 419 16th Ave Ranson, VA 25438

<b>Ship To</b>
Jefferson Co Emergency Services Richard Cluff 419 16th Ave Ranson, VA 25438

P.O. Number	Terms	Rep	Ship	Via
CARES10.22.20	Net 30	GCN	10/22/2020	UPSGround

Qty	Item Code	Description	U/M	Price Each	Amount
	freight	Shipped On: 10/28/2020 Tracking #: 1Z9X42R00343864424, 1Z9X42R00343209230, 1Z9X42R00344133248, 1Z9X42R00343780452, 1Z9X42R00343374865, 1Z9X42R00345820477 Sales Tax		0.00	0.00T
				0.00%	0.00
<b>Total</b>					\$18,574.00

\* Note. Due to Covid 19 outbreak, MME can not accept Ventilator and/or other respiratory equipment & accessory returns.

<b>Payments/Credits</b>	\$0.00
-------------------------	--------

<b>Balance Due</b>	\$18,574.00
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Remittance Address:  
 Master Medical Equipment  
 PO Box 11476  
 Jackson, TN 38305  
 accounting@mmed.com  
 1.866.468.9558

# Invoice

Date	Invoice #
10/28/20	48354

Bill To
Jefferson Co Emergency Services Richard Cluff 419 16th Ave Ranson, VA 25438

Ship To
Jefferson Co Emergency Services Richard Cluff 419 16th Ave Ranson, VA 25438

P.O. Number	Terms	Rep	Ship	Via
CARIES10.22.20	Net 30	GCN	10/22/2020	UPSground

Qty	Item Code	Description	U/M	Price Each	Amount
2	AHP15-10-0603	O2 Hose w/ Ohmeda Style Quick Connect, 1ft	ea	50.00	100.00T
	freight	Shipped On: 11/04/2020 Tracking #: 1Z9X42R00345486759		0.00	0.00T
		Sales Tax		0.00%	0.00
				<b>Total</b>	<b>\$100.00</b>

\* Note. Due to Covid 19 outbreak, MME can not accept Ventilator and/or other respiratory equipment & accessory returns.

<b>Payments/Credits</b>	<b>\$0.00</b>
-------------------------	---------------

<b>Balance Due</b>	<b>\$100.00</b>
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Remittance Address:  
 Master Medical Equipment  
 PO Box 11476  
 Jackson, TN 38305  
 accounting@mmemcd.com  
 1.866.468.9558

# Invoice

Date	Invoice #
10/28/20	48376

<b>Bill To</b>
Jefferson Co Emergency Services Richard Cluff 419 16th Ave Ranson, VA 25438

<b>Ship To</b>
Jefferson Co Emergency Services Richard Cluff 419 16th Ave Ranson, VA 25438

P.O. Number	Terms	Rep	Ship	Via
CARES10.22.20	Net 30	GCN	10/22/2020	UPSground

Qty	Item Code	Description	U/M	Price Each	Amount
2	AHP15-10-3204	Hose, 6ft Oxygen Hose with Ohmeda Style Quick Connector Adapter & DISS O2	ea	53.00	106.00T
	freight	Shipped On: 11/05/2020 Tracking #: 1Z9X42R00343811730		0.00	0.00T
		Sales Tax		0.00%	0.00
<b>Total</b>					\$106.00

\* Note. Due to Covid 19 outbreak, MME can not accept Ventilator and/or other respiratory equipment & accessory returns.

<b>Payments/Credits</b>	\$0.00
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<b>Balance Due</b>	\$106.00
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JEFFERSON COUNTY EMERGENCY SERVICES AGENCY 11-01  
 419 - 18TH AVE.  
 RANSON, WV 26438

BCT  
 BANK OF CHARLES TOWN  
 CHARLES TOWN OFFICE  
 CHARLES TOWN, WV 25414

⑨ 5685  
 89-141-570  
 10/23/2020

PAY TO THE ORDER OF Valley Regional Enterprises, Inc.

\$\*\*3,500.00

Three Thousand Five Hundred and 00/100\*\*\*\*\*

DOLLARS

Valley Regional Enterprises, Inc.  
 DBA Valley Medical Transport  
 190 Prosperity Drive  
 Suite 4  
 Winchester, VA 22602

MEMO



*Allen Key* / ~~XXXXXXXXXX~~ MP

⑈005685⑈ ⑆057001418⑆

⑈003075974⑈

Security Features Included. Details on back.

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

Valley Regional Enterprises, Inc.

Date	Type	Reference	Original Amt.	Balance Due	10/23/2020	Discount	5685	Payment
10/23/2020	Bill	20-004	3,500.00	3,500.00				3,500.00
					Check Amount			3,500.00

General Fund Checkin

3,500.00

JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

Valley Regional Enterprises, Inc.

Date	Type	Reference	Original Amt.	Balance Due	10/23/2020	Discount	5685	Payment
10/23/2020	Bill	20-004	3,500.00	3,500.00				3,500.00
					Check Amount			3,500.00

General Fund Checkin

3,500.00 ✓

COVID EXSP  
PO: OARBS 10.22.20

# INVOICE

Date: October 14, 2020

INVOICE # 20-004

To Jefferson County Emergency Services Agency  
419 16<sup>th</sup> Avenue  
Ranson, WV 25438

From Valley Regional Enterprises, Inc.  
DBA Valley Medical Transport  
190 Prosperity Drive  
Suite 4  
Winchesler, VA 22602

Qty	Item #	Description	Unit Price	Discount	Line Total
1	Stryker Power Stretcher Model #	Serial #	3,500.00		3,500.00
				Total	3,500.00

**Seller does hereby certify that it currently holds all rights and title to such the vehicle listed above, and that said vehicle is being transferred to Buyer without lien.**

**This contract implies no warranty. Goods are being sold and transferred "as is" and Buyer hereby certifies that said goods have been inspected and are acceptable at this time.**

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

Valley Regional Enterprises, DBA Valley Medical Transport  
Brandon Truman, VHS Director Mobile Integrated Health

Buyer: Allen Keyser Date 10-22-2020

Jefferson County Emergency Services Agency  
Allen Keyser, Director





## Request for Funding: COVID-19 Pandemic Block Grant

Please complete the information requested and return to the address below or e-mail to [sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org) with the subject COVID-19 Block Grant. All mailed applications should be addressed in care of COVID-19 Block Grant Administrator. Applications must be post-marked or e-mailed by August 21, 2020, in order to be considered.

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

Date:

Organization Name:

Address:

City:  State:  Zip: 25414

If address listed above is outside Jefferson County, list place of business in Jefferson County:

Street Address:

City:  State:  Zip:

Organization's Telephone Number:  Facsimile:

Contact Person:  Title:

Contact Person's Daytime Telephone Number:

Contact email address:

Amount of funding requested: \$

*(Attach an itemized receipt/estimate/quote for the purchase must be attached)*

Has the organization applied for the same funding request from any other source?:

Yes  No

If yes, please provide the status of that request:

Applied with CARES Act and was denied and was told that we needed to apply for a CARES Act IT infrastructure upgrade grant. I could not find that as a separate grant. The GOV mentioned allocating funding for IT Infrastructure upgrades, but to my knowledge never defined the grant name.

Provide a brief explanation of how the funds were/will be used and how the expenses relate to the COVID-19 pandemic (attach additional sheets if necessary):

the upgrade was a result of system failures created by COVID increases in telework that strained the network to the point of 911, ESA and JCSO failures.

These block grant funds may only be expended for purposes allowable under the Federal Coronavirus Aid, Relief, and Economic Security Act (H.R. 748, the CARES Act), which means that these funds may only be used to cover for expenses that:

1. Are necessary expenditures incurred due to the public health emergency with respect to the COVID-19 pandemic;
2. Were not accounted for in the budget most recently approved as of March 27, 2020 (the date of enactment of the CARES Act) for your county or municipality; and
3. Were or will be incurred during that begins on March 1, 2020, and ends December 20, 2020.

***These block grant funds are NOT meant to backfill local budgets or to pay ordinary expenses of the county or municipalities.***

**Applicant's Purpose:**

Municipality       Emergency Services       Public Safety

Recreational Activity     Other, Specify

**Eligible expenditures include, but are not limited to, payment for:**

1. Medical expenses such as:
  - COVID-19-related expenses of public hospitals, clinics, and similar facilities.
  - Expenses of establishing temporary public medical facilities and other measures to increase COVID-19 treatment capacity, including related construction costs.

- Costs of providing COVID-19 testing, including serological testing.
  - Emergency medical response expenses, including emergency medical transportation, related to COVID-19.
  - Expenses for establishing and operating public telemedicine capabilities for COVID-19 related treatment.
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    - Expenses for acquisition and distribution of medical and protective supplies, including sanitizing products and personal protective equipment, for medical personnel, police officers, social workers, child protection services, and child welfare officers, direct service providers for older adults and individuals with disabilities in community settings, and other public health or safety workers in connection with the COVID-19 public health emergency.
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    - Expenses for technical assistance to local authorities or other entities on mitigation of COVID-19-related threats to public health and safety.
    - Expenses for public safety measures undertaken in response to COVID-19.
    - Expenses for quarantining individuals.
  3. Payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID19 public health emergency.
  4. Expenses of actions to facilitate compliance with COVID-19-related public health measures, such as:
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    - Expenses to facilitate distance learning, including technological improvements, in connection with school closings to enable compliance with COVID-19 precautions.
    - Expenses to improve telework capabilities for public employees to enable compliance with COVID-19 public health precautions.
    - Expenses of providing paid sick and paid family and medical leave to public employees to enable compliance with COVID-19 public health precautions.
    - COVID-19-related expenses of maintaining state prisons and county jails, including as relates to sanitation and improvement of social distancing measures, to enable compliance with COVID-19 public health precautions.
    - Expenses for care for homeless populations provided to mitigate COVID-19 effects and enable compliance with COVID-19 public health precautions.
  5. Any other COVID-19-related expenses reasonably necessary to the function of

government that satisfy the Fund's eligibility criteria.

**Nonexclusive examples of ineligible expenditures:**

1. The following is a list of examples of costs that would not be eligible expenditures of payments from the Fund:
  - Expenses for the State share of Medicaid.
  - Damages covered by insurance.
  - Payroll or benefits expenses for employees whose work duties are not substantially dedicated to mitigating or responding to the COVID-19 public health emergency.
  - Expenses that have been or are eligible to be reimbursed under any federal program, such as the reimbursement by the federal government pursuant to the CARES Act of contributions by States to State unemployment funds, FEMA, HUD, COVID-19 grants or other resources.
  - Reimbursement to donors for donated items or services.
  - Workforce bonuses other than hazard pay or overtime.
  - Severance pay.
  - Legal settlements.

**Applicant Submission Statement:**

I hereby declare or affirm, under penalty of perjury, that the matters and facts set forth herein are true and correct and that any receipts/documents attached are unmodified and true and genuine copies. I also declare and affirm that I am a person duly authorized to enter into legally binding obligations on behalf of the herein applicant organization.

I hereby agree that I have provided proof that any funds received from the County Commission of Jefferson County were expended for the purpose requested herein from the receipt of said funds.

I hereby represent and warrant that the applicant organization does not discriminate on the basis of race, creed, sex, age national origin, physical or mental disabilities for employment or the achievement of the mission or goal of the organization.

I understand that any and all applications submitted, as well as supporting documentation may be considered public documents. As such, all applications and supporting documents may be viewable and obtainable by the public.

Signed:

Date:

Printed name and title:



**Remittance:**  
 Tyler Technologies, Inc.  
 (FEIN 75-2303920)  
 P.O. Box 203556  
 Dallas, TX 75320-3556

COVID

**Invoice**

<b>Invoice No</b>	<b>Date</b>	<b>Page</b>
045-309793	07/10/2020	1 of 1

**Questions:**  
 Tyler Technologies - ERP & Schools  
 Phone: 1-800-772-2260 Press 2, then 1  
 Email: ar@tylertech.com

29



**Bill To:** Jefferson County Commission  
 P.O. Box 250  
 Charles Town, WV 25414

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

<b>Cust No.-BillTo-ShipTo</b>	<b>Ord No</b>	<b>PO Number</b>	<b>Currency</b>	<b>Terms</b>	<b>Due Date</b>
48822 - 20551 - 20552	136320	02020021	USD	NET45	08/24/2020

Date	Description	Units	Rate	Extended Price
Jul 1 2020	Thomas Donohue JEFFERSON COUNTY, WV - CITIZEN SELF SERVICE AND GENERAL BILLING (136320) IMPLEMENTATION	8	163 00	1,304 00

053715  
 000013

Implementation  
 of Citizens Self Service  
 to enable public to  
 pay bills online.

**\*\*ATTENTION\*\***  
 Order your checks and forms from  
 Tyler Business Forms at 877-749-2090 or  
 tylerbusinessforms.com to guarantee  
 100% compliance with your software.

<b>Subtotal</b>	1,304.00
<b>Sales Tax</b>	0.00
<b>Invoice Total</b>	1,304.00

Dell order  
650639965  
p. 2 of 2

**Company Name:** JEFFERSON COUNTY COMMISSION  
**Customer Name:** RUSSELL BURGESS  
**Customer Number:** 11678769

**Ship To:**  
RUSSELL BURGESS  
JEFFERSON COUNTY COMMISSION  
116 E WASHINGTON ST  
CHARLES TOWN, WV. 25414-1072

**Bill To:**  
RUSSELL BURGESS  
JEFFERSON COUNTY COMMISSION  
116 E WASHINGTON ST  
CHARLES TOWN, WV. 25414-1004

**Shipping Method**  
FREE Standard Delivery

**Payment Method**  
Credit/Deb. Card  
Your credit card will be charged once your order has been shipped

**Order Number:**  
650639965  
**Contract Code:** C000000181093

**Estimated to Arrive By:**  
Jul. 22, 2020

	Price	Qty	Total
Mobile Precision 7750 CTO BASE	\$3,847.35	1	\$3,847.35

---

Subtotal	\$3,847.35
Shipping &/or Handling	\$0.00
Estimated Tax	\$0.00
<b>Total (USD)</b>	<b>\$3,847.35</b>

---

Need Help?



Federal tax ID: 22-3009648  
 290 Davidson Ave.  
 Somerset, NJ 08873  
 Phone: 888-235-3871  
 Fax: 732-805-9669

Please remit payment to:  
 SHI International Corp  
 P.O. Box 952121  
 Dallas, TX 75395-2121  
 Wire information: Wells Fargo Bank  
 Wire R# 121000248  
 ACH R# 021200025  
 Account#2000037641964  
 SWIFT Code: WFBIUS6S  
 For W-9 Form, www.shi.com/W9

**Invoice No. B12076806**

Invoice date 7/31/2020  
 Customer number 1127932  
 Sales order S52154621

Finance charge of 1.5% per month will be charged on past due accounts - 18%/yr.  
 All returns require an RMA# supplied by your SHI Sales team.

COVID

29

428

**Bill To**  
 Jefferson County Commission  
 116 E Washington Street  
 Charles Town, WV 25414  
 USA

**Ship To**  
 Jefferson County Commission  
 116 E Washington Street  
 Charles Town, WV 25414  
 USA  
 19088770/Russell Burgess

Ship Date	Salesperson	Purchase Order	Ship Via	FOB	Terms
7/31/2020	Chris Bream/Ent-SLED	19088770	ESD	FOB DEST	CREDIT CARD

Item No. Mfg Part No.	Description	Qty Ordered	Qty Shipped	Unit Price	Extended Price
35094605 01-SSC-3453 Optl upd via downld SonicWall	SonicWall Advanced Gateway Security Suite - subscription lic Multiple platforms English Optl upd via downld Software Contract number: Open Market Maintenance From date: 7/30/2020 Maintenance To date: 7/29/2021	1	1	4,899.58	4,899.58

Quote: 19088143

Sales Balance	4,899.58
Freight	0.00
Recycling Fee	0.00
Sales Tax	0.00
<b>Total</b>	<b>4,899.58</b>
Currency	USD
Paid by CC	4,899.58
<b>Total Due</b>	<b>0.00</b>

This invoice has been paid in full.



**Remittance:**  
 Tyler Technologies, Inc  
 (FEIN 75-2303920)  
 P.O. Box 203556  
 Dallas, TX 75320-3556

**Invoice**

29

Invoice No	Date	Page
045-301887	05/21/2020	1 of 1

**Questions:**  
 Tyler Technologies - ERP & Schools  
 Phone: 1-800-772-2260 Press 2, then 1  
 Email: ar@tylertech.com



Bill To: Jefferson County Commission  
 P.O. Box 208  
 Charles Town, WV 25414

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

Cust No.-BillTo-ShipTo	Ord No	PO Number	Currency	Terms	Due Date
48822 - 20551 - 20552	136320	02020021	USD	NET45	07/05/2020

Description	Extended Price
SUPPORT & UPDATE LICENSING - Term: 5/21/2020 - 5/20/2021	1,728.00

**Milestone Details**

Description:	Contract Amount:	Percent Invoiced:	Amount Invoiced:
SUPPORT & UPDATE LICENSING - GENERAL BILLING	540.00	100%	540.00
SUPPORT & UPDATE LICENSING - CITIZEN SELF SERVICE	1,188.00	100%	1,188.00

**\*\*ATTENTION\*\***  
 Order your checks and forms from  
 Tyler Business Forms at 877-749-2090 or  
 tylerbusinessforms.com to guarantee  
 100% compliance with your software.

Subtotal	1,728.00
Sales Tax	0.00
Invoice Total	1,728.00



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

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

Subject (*Wording to be placed on agenda*): **Set date, time, and location for the first regular meeting of 2021**

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 set the first Regular County Commission meeting for Thursday, January 7, 2021 at 9:30 a.m.**

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

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

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

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

Contact information:

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

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

[Click here to enter text](#)





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

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

Subject (*Wording to be placed on agenda*): **Approval of Contract for Professional Services – Broadband Study Grant – 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 Contract for all Professional Services for the Broadband Study Grant and to authorize the President of the County Commission to affix her signature to the appropriate document**

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.](#)



**TERMS AND CONDITIONS**  
**CONTRACTS FOR ALL PROFESSIONAL SERVICES**

**CONTRACT FOR PROFESSIONAL SERVICES  
PART II – TERMS AND CONDITIONS**

**1. Termination of Contract for Cause**

If through any cause the Consultant shall fail to fulfill in a timely and proper manner his/her obligations under this Contract, or if the Consultant shall violate any of the covenants, agreements, or stipulations of this Contract, the Grantee (or other contingency agency) shall thereupon have the right to terminate this Contract by giving written notice to the Consultant of such termination and specifying the effective date thereof, at least five days before the effective date of such termination. In such event, all finished or unfinished documents, data, studies, surveys, drawings, maps, models, photographs and reports prepared by the Consultant under this Contract shall, at the option of the Grantee, become its property and the Consultant shall be entitled to receive just and equitable compensation for any work satisfactorily completed hereunder.

Notwithstanding the above, the Consultant shall not be relieved of liability to the Grantee for damages sustained by the Grantee by virtue of any breach of the Contract by the Consultant and the Grantee may withhold any payments to the Consultant for the purpose of set-off until such time as the exact amount of damages due the Grantee from the Consultant is determined.

**2. Termination for Cause and Convenience of the Grantee**

The Grantee may terminate this Contract at any time by giving at least ten (10) day's notice in writing to the Consultant. If the Contract is terminated by the Grantee as provided herein, the Consultant will be paid for the time provided and expenses incurred up to the termination date. If this Contract is terminated due to the fault of the Consultant, Paragraph 1 hereof relative to termination shall apply (all contracts in excess of \$10,000).

**3. Reports and Information**

The Consultant, at such times and in such forms as the Grantee may require, shall furnish the Grantee such periodic reports as it may request pertaining to the work or services undertaken pursuant to this Contract, the costs and obligations incurred or to be incurred in connection therewith and any other matters covered by this Contract.

**4. Copyrights and Inventions**

No report, maps or other documents produced in whole or in part under this Contract shall be the subject of an application for copyright by or on behalf of the Consultant.

**5. Records and Audits**

The Consultant shall maintain accounts and records, including personnel, property and financial records, adequate to identify and account for all costs pertaining to the Contract and such other records as may be deemed necessary by the Grantee to assure proper accountability for all project funds, both federal and non-federal shares. These records will be made available for audit purposes to the Grantee, HUD, the Comptroller General of the United States, the State of West Virginia, or any authorized representative, and will be retained for three years after the expiration of this Contract unless permission to destroy them is granted to the Grantee.

**6. Changes**

The Grantee may, from time to time, request changes in the scope of services of the Consultant to be performed hereunder. Such changes, including any increase or decrease in the amount of the Consultant's compensation, which are mutually agreed upon by and between the Grantee and the Consultant, shall be incorporated in written amendments to this Contract.

**7. Compliance with Local Laws**

The Consultant shall comply with all applicable laws, ordinances and codes of the State and local governments, and the Consultant shall save the Grantee harmless with respect to any damages arising from any tort done in performing any of the work embraced by this Contract.

**8. Civil Rights Act of 1964**

Under Title VI of the Civil Rights Act of 1964, no persons shall, on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal financial assistance.

**9. Section 109 of the Housing and Community Development Act of 1974**

No person in the United States shall, on the grounds of race, color, national origin or sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity funded in whole or in part with funds made available under this title.

**10. "Section 3" Compliance in the Provision of Training, Employment and Business Opportunities (for contracts over \$100,000).**

- a. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701 u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted project covered by Section 3, shall, to the greatest extent feasible, be directed to low- and very low-income persons, particularly persons who are recipients of HUD assistance for housing.
- b. The parties of this contract agree to comply with HUD's regulations in 24 CFR Part 135, which implements Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the Part 135 regulations.
- c. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 Clause and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth minimum number of job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the

persons taking applications for each of the positions; and the anticipated date the work shall begin.

- d. The contractor agrees to include this Section 3 Clause in every contract subject to compliance with regulations in 24 CFR Part 135 and agrees to take appropriate actions, as provided in an applicable provision of the subcontract or in this Section 3 Clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 135. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations of 24 CFR Part 135.
  - e. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 135 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 135.
  - f. Noncompliance with HUD's regulations in 24 CFR Part 135 may result in sanctions, termination of this contract for default and debarment or suspension from future HUD assisted contracts.
  - g. With respect to work performed in connection with Section 3-covered Indian Housing Assistance, Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450e) also applies to the work to be performed under this contract. Section 7(b) requires that to the greatest extent feasible (i) preference and opportunities for training and employment shall be given to Indians, and (ii) preference in the award of contracts and subcontracts shall be given to Indian organizations and Indian-owned Economic Enterprises. Parties to this contract that are subject to the provisions of Section 3 and Section 7(b) agree to comply with Section 3 to the maximum extent feasible, but not in derogation of compliance with Section 7(b).
11. **Interest of Member of a Grantee** No member of the governing body of the Grantee and other officers, employees or agents of the Grantee who exercises any functions or responsibilities in connection with the planning and carrying out of the program shall have any personal financial interest, direct or indirect, in the Contract and the Consultant shall take appropriate steps to assure compliance.
12. **Interest of Other Local Public Officials**  
No member of the governing body of the locality and no other public official of such locality who exercises any functions or responsibilities in connection with the planning and carrying out of the program shall have any personal financial interest, direct or indirect, in the Contract, and the Consultant shall take appropriate steps to assure compliance.
13. **Interest of Consultant and Employees**  
The Consultant covenants that he presently has no interest and shall not acquire interest, direct or indirect, in the study area or any parcels therein or any other interest which would conflict in any manner or degree with the performance of his services hereunder. The Consultant further covenants that in the performance of this Contract, no person having any such interest shall be employed.

14. **Rights to Inventions and Materials**

Contracts or agreements, the principal purpose of which is to create, develop or improve products, processes or methods; or for exploration into fields which directly concern public health, safety or welfare; or experience outside of work funded by federal assistance, shall contain a notice to the effect that matters regarding rights to inventions and materials generated under the contract or agreement are subject to the regulations issued by the federal grantor agency. Although HUD presently has no regulations governing these matters, use of the following contract provisions reflects current Department policy:

- a. If the Contractor or an employee of the contractor produces patentable items, patent rights, process or inventions as a result of this agreement, the Contractor shall promptly and fully report such production to the City which shall in turn report it to HUD. HUD shall determine whether protection on such invention or discovery shall be sought in the name of the United States Government and how the rights in the invention or discovery, including rights under any patent issued thereon, shall be allocated and administered in order to protect the public interest consistent with "Government Patent Policy."
- b. If the Contractor or an employee of the Contractor produces a book or other copyrightable material as a result of this agreement, the author or authors may copyright the book or material, but HUD reserves a royalty-free, nonexclusive and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use the material for government purposes.

15. **Access to Records**

All negotiated contracts (except those of \$10,000 or less) awarded by grantees shall include a provision to the effect that the grantee, the federal grantor agency, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the Contractor which are directly pertinent to a specific grant program for the purpose of making audit, examination, excerpts and descriptions.

16. **Architectural Barriers Act of 1968 (24 CFR 570.606)**

Every building or facility (other than a privately owned residential structure) designed, constructed or altered with funds made available under this part, shall comply with the requirements of the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A-117, 1-R 19 subject to the exceptions contained in 41 CFR Subpart 101-19.604, issued pursuant to the Architectural Barriers Act of 1968, 42 USC-4151.

Procurement procedures and Contracts for the design, construction alteration (including rehabilitation) of public or private structures subject to this requirement should include provisions obligating the Contractor to comply with the Specifications.

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**Grantee Signature**

**Date**

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**Vendor Signature**

**Date**



Please Advertise One (1) Time  
November 18 & November 25, 2020

**NOTICE OF PUBLIC HEARING**  
**Thursday, December 3, 2020 at 1:30 PM**

The County Commission of Jefferson County has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use (by right) in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. 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 8.21 Commercial Cemeteries); and Appendix C, Principal Permitted and Conditional Uses Table (Planning Commission File #ZTA20-01).

The hearing will be held on **Thursday, December 3, 2020 at 1:30 PM** as a virtual meeting via GoTo Meeting. The URL to participate in the virtual hearing will be included on the meeting agenda and posted to the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

Oral or written comments can be provided at the hearing on **Thursday, December 3, 2020 at 1:30 PM**. Written comments may also be submitted to [info@jeffersoncountywv.org](mailto: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 and Zoning and on the County's website at: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). If you have any questions, please contact the Office of Planning and Zoning at 304-728-3228.

By Order of the Jefferson County Commission  
Jane Tabb, President



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



**Name:** Alexandra Beaulieu, Zoning Administrator

**Department or Organization:** Department of Engineering, Planning and Zoning

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

**Date Requested – 1<sup>st</sup> Choice:** October 29, 2020

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

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

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

Recommendation from the Planning Commission regarding the proposed text amendment to the Zoning Ordinance regarding Commercial Cemeteries (File #ZTA20-01), and to request that the County Commission schedule a Public Hearing in accordance with WV Code 8A. The draft amendment proposes to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use (by right) in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C Principal Permitted and Conditional Uses Table.

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

On September 8, 2020 the Planning Commission held a Public Hearing to receive public input on the proposed text amendment. The Planning Commission kept the public comment period open for two weeks, in order to provide an opportunity for the public to submit additional written comments.

On October 13, 2020 the Planning Commission, with a vote of 4-1, found that the proposed amendment was consistent with the Envision Jefferson 2035 Comprehensive Plan and recommended that the draft text amendment be forwarded to the County Commission for the purpose of scheduling a public hearing.

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

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

I move to schedule a public hearing on \_\_\_\_\_, 2020 at \_\_ a.m./p.m. to receive input on the draft text amendment to the Jefferson County Zoning Ordinance, File #ZTA20-01, which proposes to create provisions to allow Commercial Cemeteries to process in Jefferson County.

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

- Staff Memo dated 09-01-20 for background information
- Excerpts from Envision Jefferson 2035 Comprehensive Plan
- Proposed Text Amendment to various sections of the Zoning Ordinance (ZTA20-01)

**If not attached, explain:**

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

**Contact information:** Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) Phone Number: 304-728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION





# Jefferson County, West Virginia

Office of Planning and Zoning  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

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

Phone: (304) 728-3228

Fax: (304) 728-8126

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## MEMO

**TO:** Planning Commission  
**FROM:** Alexandra Beaulieu, Zoning Administrator  
**DATE:** September 1, 2020  
**RE:** ZTA20-01, Commercial Cemeteries – September 8, 2020 Public Hearing

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On June 2, 2020, Jane Dennison, with ElderBranch, LLC on behalf of property owner Hillary Banachowski, presented a request to the Jefferson County Planning Commission to consider amending the Zoning Ordinance to incorporate provisions to allow Commercial Cemeteries to process in the Rural zoning district. The request was submitted under the provisions of Section 12.4 "Procedure for Initiating a Zoning Ordinance Text Amendment". The Planning Commission accepted the request into their work plan.

On August 11, 2020, the Planning Commission directed Staff to draft the language of the amendment in the appropriate context, and scheduled a Public Hearing on the proposed amendment for their regular September 8, 2020 Planning Commission meeting.

The proposed amendment includes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (new Section 8.21 Commercial Cemeteries); Article 11, Off-Street Parking Standards; and Appendix C, Principal Permitted and Conditional Uses table.

### Next Steps

After receiving input from the public at the public hearing, the Planning Commission will finalize the draft text and make a recommendation regarding the potential text amendment to the County Commission, who are also required to hold a Public Hearing. The Planning Commission is also required to determine whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan* as a part of their recommendation.

### Attachment:

- Excerpts from Envision Jefferson 2035 Comprehensive Plan RE: Non-Residential Uses in the Rural District
- ZTA20-01, Commercial Cemeteries DRAFT Text Amendment

With Jefferson County's close proximity to the Washington, D.C. and Baltimore, MD Metropolitan Areas, the possibility of rejuvenated local agricultural activity exists. Niche farming has expanded for both foods and materials used in the creation of goods. As value added agricultural and rural land use activities increase, they enable the retention of the agricultural and rural environment. These value added activities assist in providing farmers with additional revenue sources to maintain the farms. The growing movement toward more localized food sources has resulted in the creation of community farmers' markets, the revitalization of local farm markets, and the expansion and awareness of community supported agriculture (CSA) programs. Similarly local restaurants and schools are increasingly utilizing local grown food in their facilities.

### Rural Land Use

One of the highest priorities of the Envision Jefferson 2035 Steering Committee and the public was the desire to preserve the rural landscapes, heritage, and lifestyle that attracted many residents to Jefferson County. Comments were received that indicated Jefferson County needs to balance the demands of growth with the protection of agricultural lands. Efforts of the agricultural and artisan communities can create desirable places for tourism to thrive. In these communities, visitors can visit working farms, shop at an artisan studio, and eat at restaurants that are either located on farms or that serve food derived from local enterprises.

The form and types of development that takes place in the rural environment should be respectful of the rural culture and historic nature of the community. Many of the residential and commercial structures built in Jefferson County are similar in design and scale to types of buildings constructed in other areas of the U.S. without consideration of local architectural style.

A variety of tools and means exist to assist in the protection of lands with prime or statewide importance, soils and active farm sites. These tools range from policy, such as purchase of development rights, to land development standards that allow for flexibility of agriculture based uses and activities on the farm.

Since zoning was adopted in Jefferson County, large residential developments and non-agricultural commercial developments were permitted in the Rural District through the Land Evaluation Site Assessment (LESA) system/Conditional Use Permit (CUP) process. As a result, rural land has been converted to non-agricultural uses. For this reason, this Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the rural zoning district. The cluster provisions should be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision. This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and

intensity with the rural environment and poses no threat to public health, safety, and welfare. Additionally, this Plan recommends that the “by right” provisions in the Rural zoning district be retained allowing one lot per 15 acres, as well as the provisions allowing the transfer of land between parent and child and the minor subdivision process<sup>2</sup> for lots of record as of October 5, 1988.

There are two types of non-residential CUPs proposed by this Plan in the Rural District which may require different types of review. One type consists of fairly intensive uses that could occur on a farm, but may not be appropriate to be a by-right use in the Rural District. The second type is for uses not on a farm or uses that are not agricultural in nature. This second type of rural CUP should only be proposed on a small portion of a rural property to help preserve farmland and open space and continue agricultural operations. This requires amending the Zoning Ordinance to eliminate the LESA system and could require modifying the CUP process.

Although members of Jefferson County’s agricultural community are active in numerous civic and community organizations, a number of farm operators stated that issues related to agriculture in Jefferson County are not understood well by the community, County staff, and community leaders. By engaging the farm community to provide greater input into the planning process, it is hoped that the needs of farm operators will be more effectively addressed by both staff and the political leadership of Jefferson County. It is anticipated that residents and staff would be in a position to learn more about the role of agriculture and the impacts of farming activities in Jefferson County. Therefore, the ability to farm in Jefferson County would be better understood. Additional information about the rural economy can be found in the Agricultural and Rural Economy section of the Economic Development, Employment and Infrastructure Element.

Other appropriate uses in the Rural District are value added agricultural operations and artisan activities, as described below.

### **Value Added Agriculture**

Farm operators and artisans who participated in the Envision Jefferson 2035 process, expressed concerns regarding regulatory requirements on existing and potential activities that could take place on farms. Some of the areas of concerns related to state and/or federal regulations to mitigate the impact of agricultural, mining, or industrial activities on the region’s air, water, and soils. Other concerns voiced related to County ordinances and “the right to farm” are discussed below.

There are opportunities to review and amend local requirements related to production and marketing of agricultural products on the farm or in a residential properties. Site plan standards should also be reviewed and amended as it relates to agricultural

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<sup>2</sup> Jefferson County Zoning and Land Development Ordinance, Section 5 7(D) states that any property that was a lot of record as of October 5, 1988 may create two lots and a residue every five years through the Minor Subdivision Process (page 72 of the current Zoning Ordinance, effective 06-01-14)

and septic systems, with a limited probability that public services will be extended to these properties in the future. The preservation of the quality of life and rural lifestyle for existing and future residents is of great importance for property owners in these communities.

The following recommendations address the needs of the agricultural community, artisan community and the rural environment.

<b>Rural Land Use Planning Recommendations (Goal 2)</b>	
<b>1.</b>	<b>Recognize the rights and viability of existing rural residential neighborhoods.</b>
	<b>a. Balance artisan, home occupation, and cottage industry rights with the maintenance of the character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods.</b>
<b>2.</b>	<b>Allow and promote a greater range of agricultural and/or artisan uses within the rural areas on existing farmlands to incentivize the expansion of the rural economy within Jefferson County.</b>
	<b>a. Collaborate with key stakeholders in the agricultural community to update the County's zoning and land use recommendations to broaden the range of permitted complementary and accessory on-farm uses.</b>
	<b>b. Identify types of farm activities that may be successful based on the soils on individual properties and the proximity of Jefferson County to relevant markets.</b>
<b>3.</b>	<b>Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or artisan operations.</b>
	<b>a. Revise local regulations to balance production and marketing of artisan or agricultural products on-site, considering the individual use, size, and scale of the operation as appropriate to the property site.</b>
	<b>b. Waive or modify the roads, parking, and stormwater regulations on farms for on-site production and marketing enterprises, to the extent possible.</b>
<b>4.</b>	<b>Protect the viability of agricultural lands and wildlife corridors by encouraging the utilization of cluster subdivisions as the preferred form of residential development within rural areas.</b>
	<b>a. Allow residential development outside of the Urban Growth Boundaries or Preferred Growth Areas to develop only as rural cluster subdivisions, in accordance with existing land use rights.</b>
	<b>b. Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.</b>

## 2.B. Agricultural and Rural Economy

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

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

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

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

## Rural Economic Activities

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

### Agricultural Community Priorities

Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);

Allow farm operators to work with nearby farm operators to market and sell each other's goods on each individual farm;

Allow a wider range of service activities to take place on agricultural properties.

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

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

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

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

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

### **Agricultural Service Facilities**

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

### **Distribution and Marketing of the County's Agricultural Products**

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

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

Campsite <sup>31</sup>	Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.
Campsite Pad <sup>31</sup>	An area within a campsite intended for the exclusive occupancy by a camping unit or units under the control of a camper.
Car Wash <sup>27</sup>	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Caretaker Residence <sup>23, 31</sup>	A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.
Cell on Wheels“COW” <sup>22</sup>	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
Change of Use <sup>23,32</sup>	Any use which is different than the previous use of a building or land.
<u>Cemetery</u>	<u>Land that is used or dedicated for a burial park for earth interments. Also includes crematoriums, mausoleums, columbariums, and necessary sales and maintenance facilities when operated in conjunction with and within the boundaries of such cemetery.</u>
<u>Cemetery, Family</u>	<u>Burial site for persons related by blood, marriage, or household. Such sites are exempt from zoning review.</u>
Church <sup>23</sup>	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
Clustering <sup>5, 23, 32</sup>	Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel does not change unless otherwise provided for in this Ordinance. See Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location <sup>10, 22</sup>	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.

**Section 8.21 Commercial Cemeteries**

Commercial Cemeteries in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts shall process in accordance with the site development standards applicable to these districts, with the exception that burial plots shall be 100' from any property line adjoining a residential property.

The following standards shall apply to the development of commercial cemeteries in the Rural zoning district:

A. General Standards:

1. A Conditional Use Permit is required in accordance with Article 6.
2. The minimum lot size for any cemetery shall be 10 acres.
3. The Rural Site Plan standards, found in the Jefferson County Subdivision and Land Development Regulations, may be utilized.

B. Setback Standards

1. The Front, Side, and Rear setbacks shall be 100 feet for all cemeteries.
2. Office and maintenance buildings may be located 25' from the front property line and 50' from the side and rear property lines.
3. Passive recreational trails may be installed 25' feet from all property lines, provided the total width of the required buffer is maintained.
4. Parking and drive aisles shall be setback 25' from all property lines, provided the total width of the required buffer is maintained.

C. Landscaping Standards

1. The landscaping requirements of this Ordinance apply. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
  - a. In lieu of a planted buffer, existing, natural vegetation may be used if documentation is submitted to the Zoning Administrator verifying how the existing, natural vegetation complies with the required buffer standard.

A.D. In lieu of the standard variance process, any proposed deviation from the required parking, building setbacks, landscaping, and signage standards set forth in this Ordinance shall be included in the Conditional Use Permit application and reviewed for approval by the Board of Zoning Appeals.

**ARTICLE 11: OFF-STREET PARKING STANDARDS<sup>23</sup>**

**Section 11.1 Non-Residential Parking Standards**

A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.<sup>23</sup>

Spaces shall be required per use and are as follows.<sup>5</sup>

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space
Auto Service Station	2 spaces per service bay; plus, 1 space per employee
Bank, Financial Institution <sup>23</sup>	1 space per 200 square feet of floor space; plus, 5 queuing spaces for each drive-up teller
Bowling Lanes	5 spaces per bowling lane
<u>Cemetery</u>	<u>1 space per employee on maximum working shift: plus. 3 spaces (minimum) per acre.</u>
Church	1 space for each 5 persons for which seating is provided in the sanctuary
Commercial Retail Sales Less than 2,000 square foot floor space	1 space per 150 square feet retail floor space
Commercial Retail Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales	1 space per 500 square feet retail floor space
Community Center, Cultural Facility <sup>23</sup>	1 space per 400 square feet floor space
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided
Educational (Schools)	1 space per employee; ample student and visitor parking
Fire Station	10 spaces minimum
Hospital <sup>23</sup>	1.5 spaces for each bed; plus, 1 space for every employee
Hotel, Resort	1 space per guest room; plus, 1 space per 5 employees
Manufacturing Plant	1 space per employee on maximum working shift

DRAFT Text Amendment for PC Public Hearing  
September 8, 2020

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
<u>Commercial Cemetery</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>Sec. 8.21</u>
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>17</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	

Please Advertise One (1) Time  
November 18 & November 25, 2020

**NOTICE OF PUBLIC HEARING**  
**Thursday, December 3, 2020 at 1:45 PM**

The County Commission of Jefferson County has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 5 District Regulations, Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C, Principal Permitted and Conditional Uses Table (PC File #ZTA20-02).

The hearing will be held on **Thursday, December 3, 2020 at 1:45 PM** as a virtual meeting via GoTo Meeting. The URL to participate in the virtual hearing will be included on the meeting agenda and posted to the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

Oral or written comments can be provided at the hearing, **Thursday, December 3, 2020 at 1:45 PM**. Written comments may also be submitted to [info@jeffersoncountywv.org](mailto: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 and Zoning and on the County's website at: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). If you have any questions, please contact the Office of Planning and Zoning at 304-728-3228.

By Order of the Jefferson County Commission  
Jane Tabb, President



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



**Name:** Alexandra Beaulieu, Zoning Administrator

**Department or Organization:** Department of Engineering, Planning and Zoning

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

**Date Requested – 1<sup>st</sup> Choice:** October 29, 2020

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

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

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

Recommendation from the Planning Commission regarding the proposed text amendment to the Zoning Ordinance regarding Drive Through Restaurants (ZTA20-02), and to request that the County Commission schedule a Public Hearing. The draft amendment proposes to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment proposes revisions to Article 5 District Regulations; Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C Principal Permitted and Conditional Uses Table.

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

On October 13, 2020 the Planning Commission held a Public Hearing to receive public input on the proposed text amendment. There was no public comment. The Planning Commission, with a vote of 4-1, found that the proposed amendment was consistent with the Envision Jefferson 2035 Comprehensive Plan and recommended that the draft text amendment be forwarded to the County Commission for the purpose of scheduling a public hearing.

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

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

I move to schedule a public hearing on \_\_\_\_\_, 2020 at \_\_\_ a.m./p.m. to receive input on the draft text amendment to the Jefferson County Zoning Ordinance, File #ZTA20-02, which proposes to allow Drive-Through Restaurants to process by right in the Residential-Light Industrial-Commercial zoning district.

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

- Staff Memo dated 10-06-20 for background information
- Cover Letter from GORDON, with reference to Comprehensive Plan
- Proposed Text Amendment to various sections of the Zoning Ordinance (ZTA20-02)

**If not attached, explain:**

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

**Contact information:** Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) Phone Number: 304-728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION





# Jefferson County, West Virginia

Office of Planning and Zoning  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

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

Phone: (304) 728-3228

Fax: (304) 728-8126

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## MEMO

**TO:** Planning Commission  
**FROM:** Alexandra Beaulieu, Zoning Administrator  
**DATE:** October 6, 2020  
**RE:** ZTA20-02, Drive Through Restaurants – 10-13-20 PC Public Hearing

---

On September 8, 2020, Chad Wallen with GORDON presented a request to the Jefferson County Planning Commission to consider amending the Zoning Ordinance to change the classification for a Drive-Through Restaurant in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to a Permitted Use (P). In addition to amending Appendix C, the proposal also includes eliminating Section 5.8C.3, which currently states:

*"Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan."*

GORDON is representing Sheetz, who is the contract purchaser for the property located at 7948 Martinsburg Pike in Shepherdstown, WV.

### Next Steps

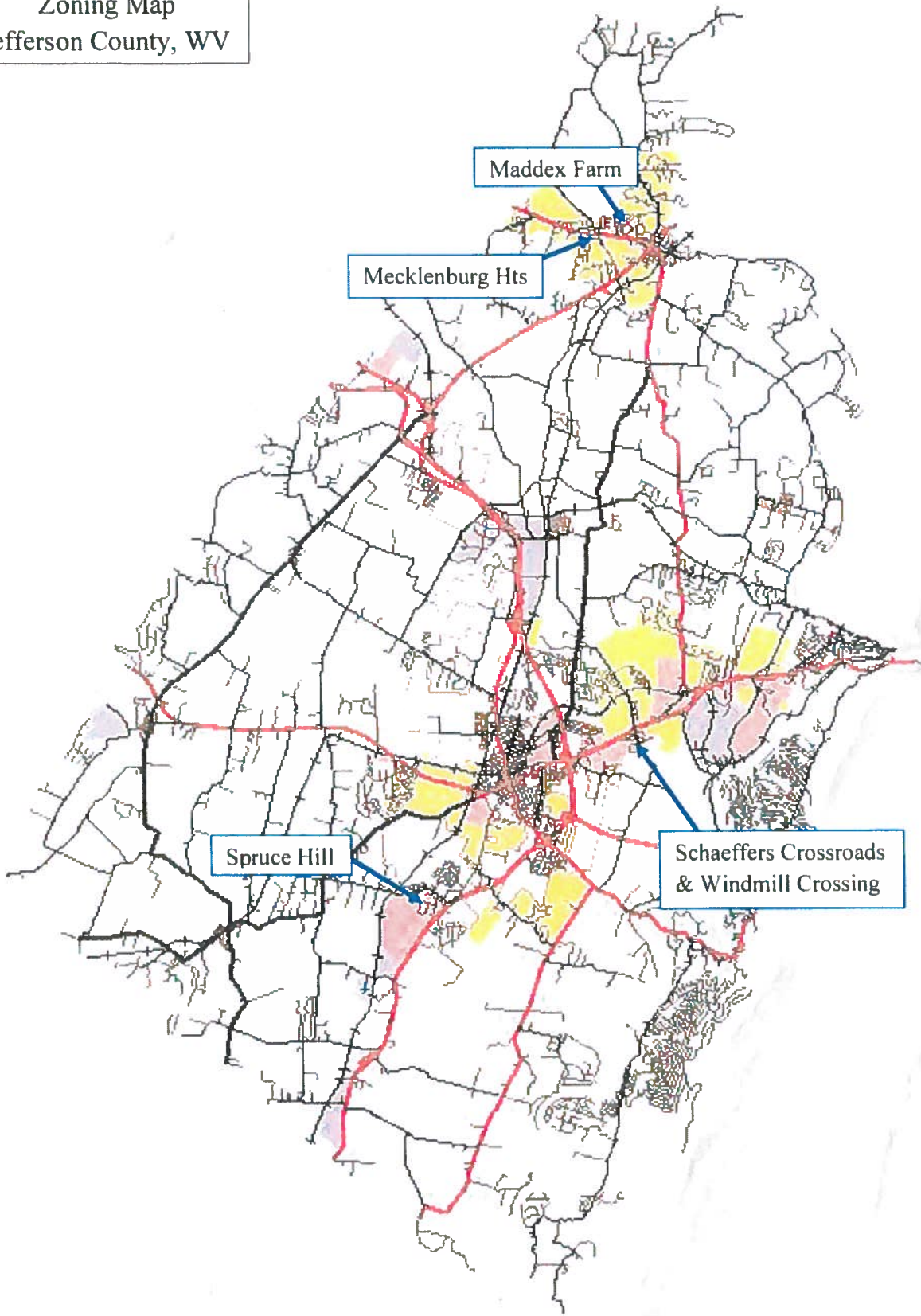
The Planning Commission is required to make a recommendation to the County Commission as to whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan*.

The Planning Commission may vote on the amendment as it is presented or they may make additional revisions to the text as part of their recommendation to the County Commission.

### Attachment:

- ZTA20-02, Drive-Through Restaurants DRAFT Text Amendment as proposed by GORDON – includes cover letter with recommendations from the Comprehensive Plan.

Zoning Map  
Jefferson County, WV





August 12, 2020

Jefferson County Planning  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

Re: Zoning Ordinance Text Amendment – Drive-Through Restaurants

GORDON is a planning and engineering firm located in the eastern panhandle that represents both developers and existing business owners in Jefferson County. Over the last several years there has been a growing trend for gas stations to provide a drive-through option for customers. This option allows for increased food sales and is invaluable to individuals with disabilities. The pandemic of 2020 has led society to evaluate how goods and services are obtained and resulted in substantial demand for drive-through services at both gas stations and restaurants. While it is hopeful that current events will not be repeated, the potential for future events must now be recognized by both business owners and citizens.

It is requested that the "Restaurant, Fast Food, Drive-Through" use be classified as a permitted use in the Residential-Light Industrial-Commercial (RLIC) District. "Restaurant, Fast Food, Drive-Through" is a Conditional Use under the current regulations. See proposed red line revisions for the Jefferson County Zoning and Land Development Ordinance included with this request.

Drive-through restaurants are permitted in all commercial districts except for the Office-Commercial Mixed Use (OC) and RLIC Districts. A review of the Zoning Map did not identify any land mapped in the OC District but includes multiple parcels within the RLIC District. The majority of land zoned RLIC is located in the Urban Growth Boundary identified in the Comprehensive Plan or adjacent to Arterial Roads. This identifies the RLIC as an appropriate zone to permit drive-through restaurants.

The proposed Zoning Ordinance Text Amendment does not conflict with and is consistent with the 2035 Envision Jefferson Comprehensive Plan (the Plan). Including:

- From WV Code as referenced in the Comprehensive Plan (Page 9): A comprehensive plan aids the planning commission in designing and recommending to the governing body ordinances that result in preserving and enhancing the unique quality of life and culture in that community and in **adapting to future changes of use of an economic, physical or social nature.**
- Economic Development, Employment, and Infrastructure (Goals and Supporting Plan Recommendations: Pg. 12 & 16)
- Finance and Public Safety (Goals and Supporting Plan Recommendations: Pg. 12 & 16)

Thank you in advance for your time and consideration of this request.

Sincerely,

Chad Wallen  
GORDON

[www.gordon.us.com](http://www.gordon.us.com) PROGRAMMING AND PLANNING  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
SURVEY AND MAPPING  
SECURITY CONSULTING

148 South Queen Street, Suite 201, Martinsburg, WV 25401 — Phone: (304) 725-8456



Sender's Direct Telephone (814) 626-8327  
Sender's Direct Facsimile (814) 941-5105

**VIA ELECTRONIC MAIL**

August 21, 2020

Jefferson County Office of Planning and Zoning  
Attn: Alexandra Beaulieu, Zoning Administrator  
116 East Washington Street, Suite 200  
Charles Town, WV 25414  
Email: [abeaulieu@jeffersoncounty.wv.org](mailto:abeaulieu@jeffersoncounty.wv.org)

Re: Jefferson County PINs: 09 8001300000000, 09 80014000000000, 09 8001500020000 and  
09 8001000020000

Dear Ms. Beaulieu:

Please be advised that Sheetz, Inc. ("Sheetz"), the contract purchaser of the above-described land in Jefferson County, West Virginia, has retained William H. Gordon Associates, Inc., d/b/a GORDON, as its consultant and agent for purposes of assisting and representing Sheetz in the pursuit of a zoning text amendment allowing for drive through facilities in the RLIC District. GORDON is authorized to file applications, correspond with County staff, and present and answer questions on behalf of Sheetz at County meetings and hearings pertinent to the requested text amendment.

Thank you, and please do not hesitate to reach out directly with any questions.

Respectfully,

Kyle R. Smith  
Sr. Associate Real Estate Counsel  
Enc.

cc: Bob Franks, Engineering/Permit Manager

- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.<sup>23</sup>
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.<sup>32</sup>
  4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.<sup>32</sup>
  5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
  6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.<sup>34</sup>

**Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District<sup>1</sup>**

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.<sup>23</sup>

**A. Principal Permitted and Conditional Uses<sup>23, 27, 32</sup>**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>

2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

**B. Standards<sup>23</sup>**

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23, 27</sup>
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.<sup>27</sup>

**C. Site Development Standards<sup>23, 27</sup>**

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.<sup>27</sup>
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5, 7, 23, 27</sup>

TO BE  
REMOVED

- ~~3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.<sup>23, 26, 32</sup>~~
4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7, 27</sup>

**Section 5.9 Reserved<sup>23</sup>**

**Section 5.10 Village (V) District<sup>8, 23, 32, 35</sup>**

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27</sup>

**A. Principal Permitted Uses**

1. Residential Land Uses
  - a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.
2. Non-Residential Land Uses in Existing Structures

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	<del>CU</del>	P	CU	

P



Please Run 2 Times:

November 18 & November 25, 2020

**NOTICE OF PUBLIC HEARING**

**Thursday, December 3, 2020 at 2:00 PM**

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the property designated as Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 10.2, 13, 14, & 15.2. The properties are located at 7948 Martinsburg Pike, Shepherdstown, WV. The property owner is James Van Evera III, et al. The contract purchaser is Sheetz, Inc. The total combined acreage of all of the parcels is 23.48 acres; however, 5.4 acres is subject to the request. The property is currently zoned Residential Growth and a petition has been made to the County Commission by the property owner to change the zoning classification for 5.4 acres to Residential-Light Industrial-Commercial (Planning Commission File #20-1-Z).

The hearing will be held on **Thursday, December 3, 2020 at 2:00 PM** as a virtual meeting via GoTo Meeting. The URL will be published on the meeting agenda.

Oral or written comments can be provided at the hearing on **Thursday, December 3, 2020 at 2:00 PM**. Written comments may also be submitted to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or to PO Box 250, Charles Town, WV 25414.

Please contact the Office of Planning and Zoning for additional information on the proposed request: 304-728-3228 or visit the County's website: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

By Order of the Jefferson County Commission

Jane Tabb, President



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



Name: Chad Wallen of GORDON

Department or Organization: N/A

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1<sup>st</sup> Choice: **10/29/2020**

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

Date Requested – 2<sup>nd</sup> Choice: **11/5/2020**

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

Please provide the County Commission with a description of your request or presentation, including any background information: Sheetz Zoning Map Amendment: Request for a public hearing and referral to Planning Commission to review zoning amendment request for the 5.4 acre property identified in Shepherdstown District (9), Map Number 8, Parcel 13, 15.2 and portions of Parcels 10.2 & 14.

Is this a funding request? No

If so, how much? N/A

Provide exact financial impact/request: N/A

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

Motion to accept the zoning map amendment request, refer to Planning Commission for review of Comprehensive Plan consistency and to schedule a public hearing before the County Commission.

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

If not attached, explain: N/A

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

Contact information:

Email address: cwallen@gordon.us.com

Phone Number: 304-725-8456

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

not applicable





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

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

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

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

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

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

**Zoning Map Amendment (Rezoning)**

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

**Property owner information**

Name: Van Evera James W III Et Al  
 Mailing Address: 7948 Martinsburg Pike; Shepherdstown, WV 25443  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant contact information**

Name: Sheetz Inc; Bob Franks  
 Mailing Address: 5700 Sixth Avenue; Altoona, PA 16602  
 Phone Number: 814-935-4798 Email: bfranks@sheetz.com

**Applicant representative**

Name: GORDON; Chad Wallen  
 Mailing Address: 148 S. Queen St, Suite 201; Martinsburg, WV 25401  
 Phone Number: 304-725-8456 Email: cwallen@gordon.us.com

**Physical property details**

Physical Address: 7948 Martinsburg Pike;  
 City: Shepherdstown State: WV Zip Code: 25443  
 Tax District: 9 - Shepherdstown District Map No: 8 Parcel No: 10.2, 13, 14, 15.2  
 Parcel Size: 5.4+/- Acres Deed Book: 1074 Page No: 306

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

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

Place Received Date Stamp Here

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

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

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

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

See Attached

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

See Attached

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

See Attached

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

**Yes, I request that the Planning and Zoning Staff present the petition**

**No, I prefer to present the petition**

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

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

**Is Plat or Sketch Plan attached?**

Yes       No

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

Linda MVE Heaney, Trustee for Linda Heaney Living Trust      10/9/20

Signature of Property Owner

Date

Signature of Property Owner

Date

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

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

Recommended       Not Recommended

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

Approved       Disapproved

**Final Determination/Other Comments**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

**Is Plat or Sketch Plan attached?**

Yes       No

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

*James E. ...*      10/9/2020

Signature of Property Owner

Date

Signature of Property Owner

Date

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

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

Recommended       Not Recommended

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

Approved       Disapproved

**Final Determination/Other Comments**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

The plat or sketch must be pursuant to Zoning Ordinance, Section 7 4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

Yes  No

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

Carol A. Van Eureka - Co-trustee - Jesse P. Van Eureka / Trust 10/10/20  
Signature of Property Owner Date Signature of Property Owner Date

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

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

Recommended  Not Recommended

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

Approved  Disapproved

**Final Determination/Other Comments**  
\_\_\_\_\_  
\_\_\_\_\_



## **Zoning Map Amendment Application Addendum**

### **Sheetz Store 160 Rezoning**

October 9, 2020

**Owner:**

Van Evera James W III Et Al  
7948 Martinsburg Pike  
Shepherdstown, WV 25443

**Applicant:**

Sheetz Inc; Bob Franks  
5700 Sixth Avenue  
Altoona, PA 16602

**Property Tax Identification:**

Shepherdstown District (9), Map Number 8, Parcel 13, 15.2 and portions of Parcels 10.2 & 14. A boundary line adjustment will be processed to consolidate the area of rezoning into a single parcel.

**Deed Information:**

Deed Book 1074, Page Number 306

**Property Characteristics:**

Location: South of the Martinsburg Pike (Rte. 45) & Maddex Square Dr. intersection.

Current Zoning: Residential Growth

Current / Historic Use: Residential

Tract Size: 23.48+/- Acres

Area of Rezoning: 5.4+/- Acres

<p style="text-align: center;"><b><u>Table of Exhibits</u></b></p> <ol style="list-style-type: none"><li>1. Vicinity Map</li><li>2. Aerial Overlay</li><li>3. Existing Conditions Map</li><li>4. Concept Plan</li></ol>
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**Substantiation for Request**

- 1. Commercial use is the appropriate and best use of the property.** Surrounding properties are commercial uses and the property has frontage on Martinsburg Pike (Route 45), identified as a Minor Arterial in the Comprehensive Plan.
- 2. The current zoning designation as Residential Growth (RG) district provides limited options for by-right commercial development.** A zoning map amendment is required to allow commercial development. The property is located in an area dominated by commercial uses and residential development would not be in character with the immediate area.

- 3. The property's commercial use is consistent with surrounding commercial development.** Adjacent properties include an Erie Insurance offices, Jefferson Securities Bank, Rite Aid Pharmacy and Maddex Square commercial center (Food Lion, Dairy Queen, McDonalds and multiple in-line retail stores). There are no residential units adjacent to the area of rezoning.



- 4. The existing signalized intersection provides value to commercial development.** The property will be accessed through an existing signalized intersection on Martinsburg Pike (Rte. 45). Use of this existing asset will not result in an additional intersection, which typically occurs with development. The owner will work with WVDOH to provide any necessary upgrades to the intersection/signal.
- 5. No burden would be placed on existing public infrastructure with this rezoning.** The property is located near existing utilities and will not create additional needs on the school system or other County facilities.

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

The proposed use includes the development of a Sheetz store (Zoning Use: Gas Station, Large). The development will include a 6,000+/- sq. ft. building, car wash, five fueling islands (10 pumps), drive thru and associated infrastructure improvements.

A text amendment is currently under review to allow a drive-thru in the Residential-Light Industrial-Commercial (RLIC) zoning district. The drive thru will not be provided should the text amendment be denied.

The proposed commercial use of the property is not a permitted use in the current RG district. The preferred use as a commercial use is justified under the Substantiation for Request section of this document.

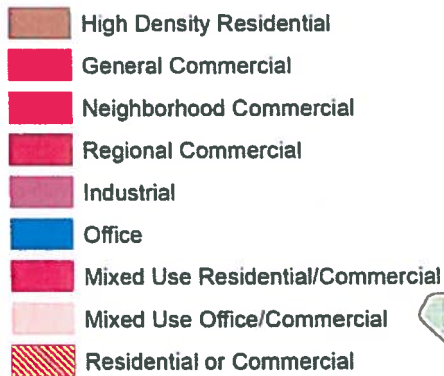


**Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan (the Plan).**

- **Urban Level Development Recommendations (Goal 1.2.a, Page 30): Economic Well Being of the County**
  - The proposed commercial development will expand the County's commercial real estate tax base.
  
- **Urban Level Development Recommendations (Goal 1.2.b, Page 30): Error or Under Scrutinized Property on the Future Land Use Guide**
  - The Land Use Guide recognizes the property as an area of mixed-use, but the current Zoning designation of Residential Growth does not permit commercial uses by right. Allowing commercial development adjacent to Route 45 will recognize the Land Use Guides vision for the property.
  
- **Urban Level Development Recommendations (Goal 1.13.b, Page 33): Require that an additional setback from the road right-of-way (Rte. 45) be set aside to allow for a roadway widening improvement easement, a pedestrian easement to include a hard surface trail, a landscaping strip wide enough to support large canopy trees, and the subsequent start of the development.**
  - An additional 10' setback / easement will be provided along Route 45.
  
- **Finance Recommendations (Goal 24.1, Page 141): Develop policies that result in a well-balanced tax base that is not overly reliant on residential taxes, but is diversified by the presence of a robust commercial and industrial tax base.**
  - The property will contribute to the commercial tax base of the County.
  
- **Future Land Use Guide**
  - Provides a land use classification of Mixed Use Residential/Commercial. The portion of the property subject to this rezoning will be commercial. The balance of the property will remain in the Residential Growth district and is anticipated that future development will include residential uses. The proposed zoning will provide a mix of uses that is consistent with the Comprehensive Plans vision. The Comprehensive Plan states on page 26 that "Land Use Classifications are

intended to provide guidance to the Planning Commissions when considering owner initiated zoning map amendments”

- The property is designated as a Preferred Growth Area by the Comprehensive Plans Future Land Use Guide. This demonstrates the Comprehensive Plans development expectations for the property.

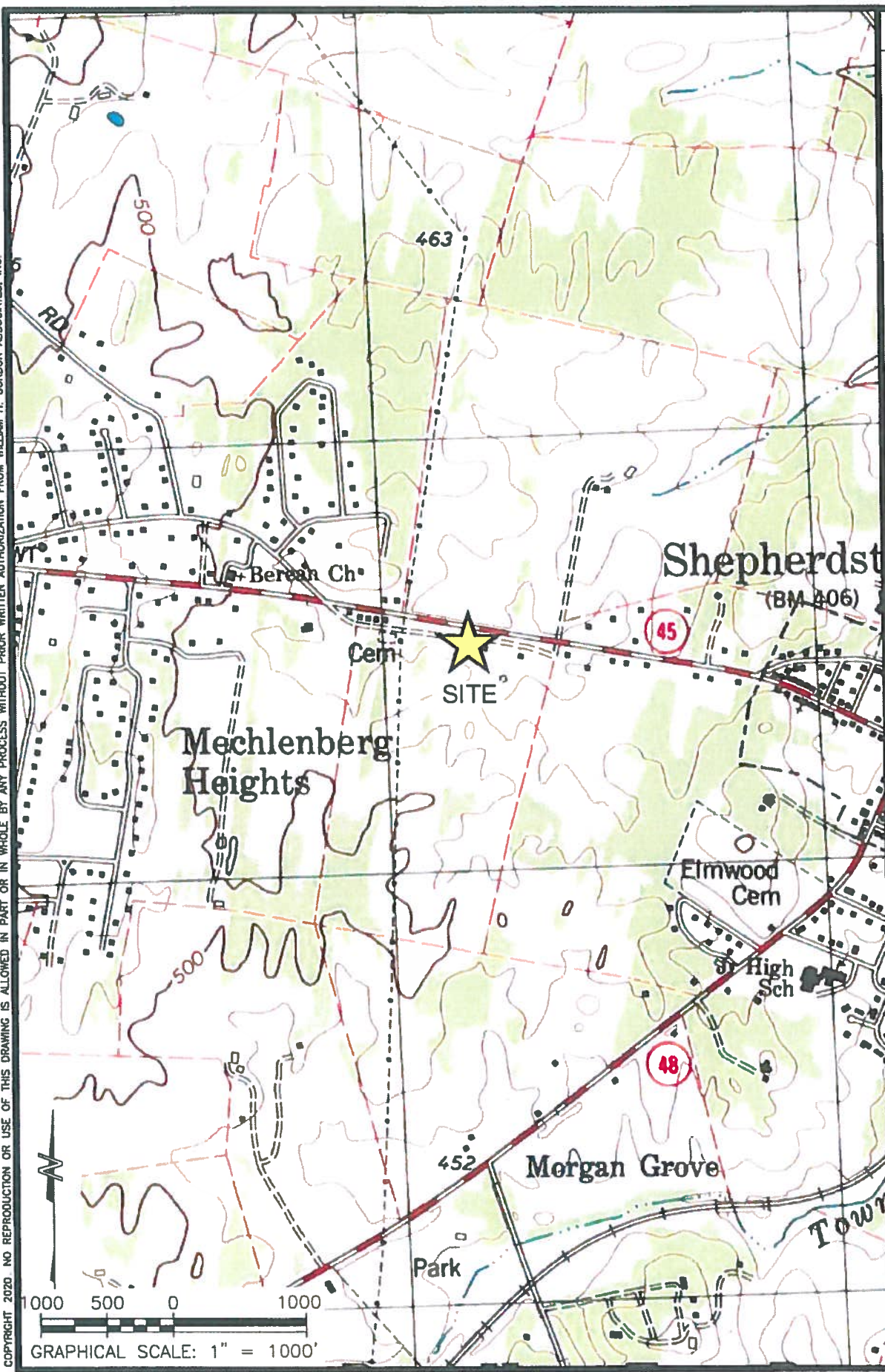


**Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

- **Transportation Characteristics - The property is served by direct access from a Minor Arterial road (Martinsburg Pike / WV RTE. 45).** As with most corridors, traffic increases over time as more development occurs. The recognition of Martinsburg Pike as a Minor Arterial by the Plan recognizes this road as regional route.
- **Transportation Characteristics - As required with any property, an entrance permit from the West Virginia Department of Transportation (WVDOT) will be needed.** Obtaining an entrance permit requires the review by the WVDOT to ensure that safe and adequate access can be provided. It is anticipated that improvements to the traffic signal and intersection will be requested by WVDOT.
- **Changes Since the Original Adoption of the Zoning Ordinance (1988) – Substantial commercial development has occurred in the immediate area.** Maddex Square and Jefferson Securities Bank did not exist when the current Zoning Ordinance was adopted. The development of this area provided a traffic signal and turn lanes in front of the subject property. The improvements to this section of Martinsburg Pike were provided to accommodate commercial development and growing population.
- **Changes Since the Original Adoption of the Zoning Ordinance (1988) – Construction of Potomac Farms Drive.** The addition of this road provided additional connectivity in the area. It is anticipated that the proposed entrance road will extend from Martinsburg Pike to Potomac Farms Drive with future development, improving the existing road network.



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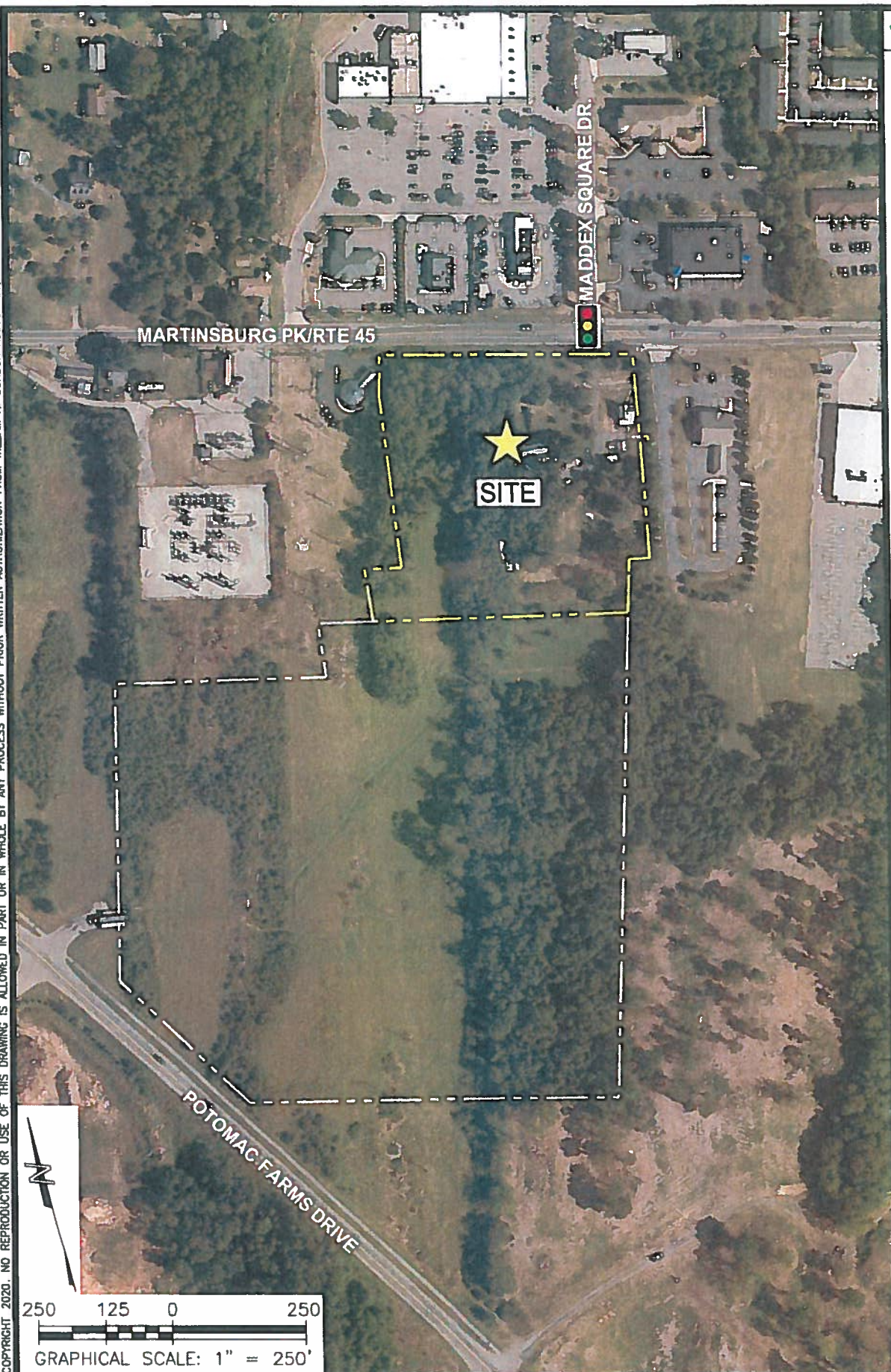


# ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

10-09-2020

SHEETZ STORE 160  
JEFFERSON COUNTY, WV

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# ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

10-09-2020

**SHEETZ STORE 160**  
JEFFERSON COUNTY, WV

250 125 0 250  
GRAPHICAL SCALE: 1" = 250'



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

Name: **Stephanie Grove, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **December 17, 2020**

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

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

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

- **Discuss Civil and Non-Civil employees Annual Leave Accrual Maximums -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.](#)



# Impact Fee Status Report

## November 2020

### Office of Impact Fees

#### Summary

Date Range: Sunday 1 through Monday 30 November 2020

Report Date: 1 December 2020

Process Number Range: 2000554-2000573

Total Applications: 20

Total Non-Exempt: 19

*Of which:*

Commercial: 2

Residential: 17

*Of which:*

County: 9

Municipal: 10

Total Exempt: 1

*Of which:*

Commercial: 0

Residential: 1

*Of which:*

County: 1

Municipal: 0

Tables 1 through 7 summarize impact fee processing for November 2020. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

**Table 1. Form 100 Tallies**

	Exempt	Commercial	Residential	Total
1 – 30 November 2020	1	2	17	20
Fees collected		\$5.00	\$116,092.00	<b>\$116,097.00</b>
<i>Of which</i>				
School Impact Fee			\$106,182.00	<b>\$106,182.00</b>
Law Enforcement Fee		\$3.00	\$1,137.00	<b>\$1,140.00</b>
Parks & Recreation Fee			\$7,917.00	<b>\$7,917.00</b>
EMS Fee		\$2.00	\$856.00	<b>\$858.00</b>

**Table 2. Financial Data – Office of Impact Fees General Account (3111776)**

Description	Amount
Opening Statement Balance (1 November 2020)	\$720,648.22
November Deposits (1 – 30 November 2020)	\$116,097.00
School October Transactions (withdraws via transfer on 23 Nov. 2020)	(\$658,396.52)
Law October Transactions (withdraws via transfer on 23 November 2020)	(\$54,482.66)
Parks & Rec Oct. Transactions (withdraws via transfer on 23 Nov. 2020)	(\$6,182.52)
EMS October Transactions (withdraws via transfer on 23 November 2020)	(\$1,586.52)
Interest Earned (30 November 2020)	\$250.99
<b>Ending Statement Balance (30 November 2020)</b>	<b>\$116,347.99</b>
<i>Outstanding Credits (deposits through 1 December 2020)</i>	<i>\$0.00</i>

**Table 3. Financial Data – School Impact Fee Account (3107582)**

Description	Amount
Opening Balance (1 November 2020)	\$5,519,274.64
October Transactions (deposits via transfer on 23 November 2020)	\$658,396.52
2020 Impact Fee Recalculation Study for October (25 November 2020)	(\$1,010.00)
Interest Earned (30 November 2020)	\$2,340.27
<b>Ending Balance (30 November 2020)</b>	<b>\$6,179,001.43</b>

**Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)**

Description	Amount
Opening Balance (1 November 2020)	\$171,574.05
October Transactions (deposits via transfer on 23 November 2020)	\$1,586.52
2020 Impact Fee Recalculation Study for October (25 November 2020)	(\$540.00)
Interest Earned (30 November 2020)	\$70.64
<b>Ending Balance (30 November 2020)</b>	<b>\$172,691.21</b>

**Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)**

Description	Amount
Opening Balance (1 November 2020)	\$300,686.76
October Transactions (deposits via transfer on 23 November 2020)	\$54,482.66
2020 Impact Fee Recalculation Study for October (25 November 2020)	(\$660.00)
Interest Earned (30 November 2020)	\$129.49
<b>Ending Balance (30 November 2020)</b>	<b>\$354,638.91</b>

**Table 6. Financial Data –EMS Impact Fee Account (3122816)**

Description	Amount
Opening Balance (1 November 2020)	\$12,276.64
October Transactions (deposits via transfer on 23 November 2020)	\$6,182.52
2020 Impact Fee Recalculation Study for October (25 November 2020)	(\$485.00)
Interest Earned (30 November 2020)	\$5.68
<b>Ending Balance (30 November 2020)</b>	<b>\$17,979.84</b>

**Table 7. Total Impact Fees as of 1 December 2020/1**

Description	Amount
Office of Impact Fees General Account	\$116,347.99
School Impact Fee Account	\$6,179,001.43
Law Enforcement Fee Account	\$172,691.21
Parks & Recreation Impact Fee Account	\$354,638.91
EMS Impact Fee Account	\$17,979.84
<b>Total Impact Fees</b>	<b>\$6,840,659.38</b>

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

**Table 8. Pending November 2020 Fee Transfers /1**

Account	30 November 2020 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$6,179,001.43	\$106,410.40	\$6,285,411.83
Law Enforcement Fee Account	\$172,691.21	\$1,142.51	\$173,833.72
Parks & Recreation Impact Fee Account	\$354,638.91	\$7,934.57	\$362,573.48
EMS Impact Fee Account	\$17,979.84	\$860.51	\$18,840.35
<b>Total Impact Fees</b>	<b>\$6,724,311.39</b>	<b>\$116,347.99</b>	<b>\$6,840,659.38</b>

/1 This table represents each of the impact fee category account totals as of 30 November 2020 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in November 2020 are listed in table 1 of the General Account (3111776); these transactions will be processed in December 2020. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, January 7, 2021, or as soon thereafter as the Commission may decide:

**Board of Zoning Appeals -two (2) three-year terms ending January 1, 2024 and two alternate positions ending January 1, 2022 and January 1, 2024, respectively.**

*Alternates: Alternate members shall have all powers and duties of a regular Board member when sitting on a case and shall continue to participate in the case until a final decision is reached. Alternate members shall serve by rotation based upon seniority of appointment to the Board.*

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

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

## Jessica Carroll

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**From:** Jessica Carroll  
**Sent:** Thursday, December 3, 2020 9:35 AM  
**To:** Stephanie Grove  
**Cc:** Sandra McDonald  
**Subject:** FW: Public Comment for Dec 3, 2020 County Commission Meeting

**From:** David Tabb <sssi27@yahoo.com>  
**Sent:** Thursday, December 3, 2020 9:08 AM  
**To:** JCCInfo <info@jeffersoncountywv.org>  
**Subject:** Public Comment for Dec 3, 2020 County Commission Meeting

### Public Comment for Jefferson County Commission meeting Dec 3, 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.

#### PUBLIC COMMENT:

On November the 19<sup>th</sup>, 2020, the Jefferson County Commission approved a \$15,000 bonus for Angie Banks for doing her job that she was already paid to do.

The paperwork from the State Tax Department said, "This letter and attachment certifies that Angela L. Banks...". There were no attachments.

I requested the attachments and/or paperwork for the approval from the State Tax Department under WV Code §7-7-6a and 7-7-6b, of which, I have yet to receive.

Without the attachment the JCC can not approve the release of \$15,000.

### AGENDA 3 – KELLY FRANKLIN, JEFFERSON COUNTY DAY REPORT CENTER, Inc.

Still requesting \$50,000., and no letters of support listed (see attached). There are no attachments.

### AGENDA 5 – ANNETTE GAVIN BATES, JEFFERSON COUNTY CVB

Shouldn't the \$53,860.68 be apart of the contract for the Jefferson County, WV Welcome Center? So, where is the contract to remodel the welcome center?

### AGENDA 7 – DENNIS JARVIS, JEFFERSON COUNTY DEVELOPMENT AUTHORITY

So, who's pocket will this \$22,727.00 go into? There is no paperwork on how or where this request is to be used.

### AGENDA 8 – ROGER GOODWIN, DIRECTOR & CHIEF COUNTY ENGINEER AND MICHELLE MASON, IMPACT FEE PROGRAM SPECIALIST

How much did this study cost? This is still marked "Draft", so where are the workshops and public hearing? Also, with a plan this big why wasn't this on the ballot? I did not give the JCC that much authority.

The packet is a proposed impact fee! Who had a say in what sections you are in and how much will be charged? In one portion, you have 15 million for parks improvement. There is a single 3.5 million marked for Sam Michaels Park's infrastructure. Shouldn't there be more detail than that?

This is over the top! The JCC has no authority to put such a tax burden on the taxpayers of Jefferson County without a vote.

#### AGENDA 9 – NATHAN COCHRAN, ASSISTANT PROSECUTING ATTORNEY

Looks like more people are challenging the JCC. For all of those who are challenging the government: keep up the good fight.

#### AGENDA(S) 10; 11; and 12 – PUBLIC HEARING

Looks like people are involved. Good Job!

*"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!*



12-2-20

To: Jefferson County Commissioners  
Attention Jessica Carroll

From: Al Cobb  
Owner PanelWrights

Re: Discussion of impact fee study on buildings in Jefferson County

Dear Jessica,

Thank you for advising a path to comment on discussion referenced above. Please accept this letter with the following comments and have them entered into the public record.

I have operated as a licensed contractor in Jefferson County for over twenty years. I am a member in good standing of the Eastern Panhandle Home Builders Association as well as many other associations and organizations who promote the goal of building energy efficient, sustainable, and durable structures. I currently hold title to the most energy efficient residential and commercial buildings in the entire State of West Virginia. My company built both projects in the Eastern Panhandle.

As a member of EPHBA, you may think I would be vehemently opposed to any increase in impact fees. In fact, I completely understand the “why”, it’s the “how” with which I take exception. If it is the commission’s intention to merely raise the fees and garner more money for the county, the stick approach is, in my opinion, a short-term solution. A motion for such increases may pass considering the current strong economic and building growth in the County and despite the outcry from many contractors. However, the plan being presented offers no carrot.

A long-term solution addresses the potential improvement of housing being built in our County. The vast majority of the builders working in Jefferson are happy to build a “code-minimum” house and are quick to join the EPHBA and the National Builders Association’s push back when any attempt is made to improve the homes we build and first-cost is increased. The dissenters tend to turn a blind eye towards these improvements which will make houses more durable, sustainable, healthy, or energy efficient. An impact fee that offers an alternative path towards improved housing as an offset is the incentive that can benefit both sides of the argument. We need to make housing in Jefferson County more attractive than it already is based solely on a wonderful location and a lower sticker price.

It takes little effort to discover how poorly West Virginia ranks in terms of metrics when compared to other States. The national ranking of efficiency, sustainability, and the State incentives associated with these metrics is barely visible in the Mountain State. I implore you to consider what a County incentive

could mean to our community. An intelligently designed plan to incentivize improvements in the built environment will have long lasting affects in our community that include:

- Increased value of homes
- Improved quality of living
- Increased sustainability
- Increased construction and availability of affordable housing
- Attracting homebuyers that understand value
- Potential improved economic stability in the County
- Higher tax valuation
- A nod to environmental and climactic concerns
- Improved affordability by decreasing utility costs
- Leading the State in relation to improved sustainability, performance, and code compliance
- Unpaid advertising for exposure as a County that is forward thinking

I close in suggesting that a long-term vision should incentivize all who design and build in Jefferson County. If a building professional wants to lessen the cash burden of an impact fee, they should have the option of an incentivized path that leads to improved housing stock and help shape long-term smart growth for the County.

Regards,  
Al Cobb  
Panelwrights, Owner  
[www.panelwrights.com](http://www.panelwrights.com)  
304-876-0265