

JEFFERSON COUNTY COMMISSION
SECOND QUARTERLY SESSION - APRIL-JUNE 2021
THURSDAY, JUNE 17, 2021
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.***

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- June 3, 2021 - Regular Meeting

APPROVAL OF ACCOUNTS PAYABLE

- June 10, 2021
- June 17, 2021

APPROVAL OF MANUAL CHECKS

- June 11, 2021
- June 18, 2021

APPROVAL OF PAYROLL

- June 10, 2021

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PRESENTATIONS

1. 6:05 p.m. Nikki Painter, County Clerk's Office
- Approval of Depository Bonds for Fiscal Year 2021-2022 - Discussion/Action
2. 6:15 p.m. Michelle Gordon, Finance Director
- FY22 COVID19 Emergency Financial Policy - Discussion/Action
- American Rescue Plan Act Public Sector Revenue Loss Replacement Transfer -

Discussion/Action

3. 6:30 p.m. Steve Holz and Benjamin Williams - Jefferson County Sheriff's Association
- Discussion on a DSA Member's payroll concern and request -
Discussion/Action
4. 6:45 p.m. Public Hearing and Decision - Amendment to Section 2(B)(2) of the Jefferson
County Impact Fee Procedures Ordinance to provide an exemption when
structures that existed prior to the adoption of impact fees when requesting a
change in use from commercial to residential - Discussion/Action
5. 7:00 p.m. Kelly Franklin, Jefferson Day Report Center, Inc.
- FY 2022 West Virginia Community Corrections Grant Program Award -
Discussion/Action
6. 7:10 p.m. 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. Your comments will
be included in the minutes and agenda
correspondence. Please include your name.*
7. 7:25 p.m. Nathan Cochran, Assistant Prosecuting Attorney and Roger Goodwin, Chief
County Engineer
- Adoption of Ordinance & Order memorializing the adoption of the amended
Stormwater Management Ordinance on October 1, 2020; and establishing an
effective date of July 1, 2021 - Discussion/Action
8. 7:45 p.m. Nathan Cochran, Assistant Prosecuting Attorney
 1. 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
 2. Discussion of legal issues regarding proposed solar text amendment
including bonding and related matters - Discussion/Action
 3. Discussion of issues regarding impact fees and proffers - Discussion/Action
 4. Discussion of Intergovernmental Agreement between the Jefferson County
Commission, The Jefferson County Sheriff's Department, and the Corporation
of Bolivar for Public Safety Services; and Intergovernmental Agreement
between the Jefferson County Commission, the Jefferson County Sheriff's
Department, and the Corporation of Bolivar for Tax Collection Services -
Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- **Presentation by David Demer on Broadband Study and Fixed Point wireless options - Discussion/Action**
- **Discussion of Ambulance Fee Collector position and possible change in point of collection for ambulance fee - Discussion/Action**
- **Transition of ambulance fee collector position to administrative assistant and approval of amended job description - Discussion/Action**

COUNTY COMMISSION REPORTS

9. ADJOURN

CORRESPONDENCE/INFORMATION

Notice of Special Session on Wednesday, June 23, 2021 at 9:30 a.m. to receive input from department heads, elected officials, boards, and outside agencies regarding the use of the American Rescue Plan monies.

Notices of Intent to Appoint to Various Boards, Commissions, Committees

Correspondence received from the Public Service Commission of West Virginia regarding the disbursement of Wireless E-911 Subscriber Fees.

Correspondence received from the West Virginia Culture and History regarding Spring Grove historic property was listed in the National Register of Historic Places on May 17, 2021.

Letter received from Anna Mary Walsh re: Zoning Map Amendment application 21-2-Z.

Letter received from Aileen Curfman re: Zoning Map Amendment application 21-2-Z.

List of citizens who e-mailed a form letter re: Zoning Map Amendment application 21-2-Z.

Email received from Elizabeth Shockley regarding the Zoning Map Amendment application 21-2-Z.

Email received from Anastasya Tabb regarding the Zoning Map Amendment application 21-2-Z.

Email received from Catherine Jozwik regarding the Zoning Map Amendment application 21-2-Z.

Email received from Diane Blust regarding the Zoning Map Amendment application 21-2-Z.

Email received from Sarah Arzt regarding the Zoning Map Amendment application 21-2-Z.

Email received from Lizette L. Temple regarding the Zoning Map Amendment application 21-2-Z.

Email received from Patt Louise Welsh regarding the Zoning Map Amendment application 21-2-Z.

Email received from Susannah Buckles regarding the Zoning Map Amendment application 21-2-Z.

Email received from Maura Ross regarding the Zoning Map Amendment application 21-2-Z.

Email received from Michael and Shauna Azar regarding the Zoning Map Amendment application 21-2-Z.

Email received from Billie Pirner Garde regarding the Zoning Map Amendment application 21-2-Z.

Email received from Erik and Rose Wolf regarding the Zoning Map Amendment application 21-2-Z.

Email received from Lori and Kelly Maloney regarding the Zoning Map Amendment application 21-2-Z.

Email received from Scott McQuade regarding the Zoning Map Amendment application 21-2-Z.

Email received from Darron Soren regarding the Zoning Map Amendment application 21-2-Z.

Email received from Krystle Soren regarding the Zoning Map Amendment application 21-2-Z. Minutes for the meeting held on April 9, 2021 received from the Harpers Ferry/Bolivar PSD.

Email received from Krystle Soren regarding Comcast services.

Email received from Scott McQuade regarding Comcast services.

Email received from Darron Soren regarding Comcast services.

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

Minutes

Jefferson County Commission

Thursday, June 3, 2021

A meeting of the Jefferson County Commission was held on Thursday, June 3, 2021 during the second quarterly session at 9:30 a.m. The meeting was held via GoToWebinar. Present were Commissioners Steve Stolipher, President, Tricia Jackson, Vice President, Clare Ath, Caleb Hudson, and Jane Tabb. Also present were Stephanie Grove, County Administrator and Jessica Carroll, Executive Assistant (The archived meeting of the Thursday, June 3, 2021 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Stolipher led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Stolipher to approve the minutes for the May 19, 2021 Special Session Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the minutes for the May 20, 2021 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Stolipher to approve the Requisitions for June 3, 2021 in the amount of \$77,269.60 to include Requisition No. 21056, 21058, 22002, and 22003. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#		VENDOR NAME		AMOUNT
84738		AHA-ARTS & HUMANITIES ALLIANCE		1,063.10
84739		ALICE N PAINTER		97.00
84740		BAKERTON VOLUNTEER FIRE DEPARTMENT		781.33
84741		BERKELEY CO SHERIFF'S OFFICE		2,236.45
84742		BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY		2,490.89
84743		BUREAU OF CHILD SUPPORT		502.16
84744		COMPTROLLER OF MARYLAND		1,706.39
84745		DOING BETTER BUSINES		765.18
84746		DR. ROBERT E JONES III		1,000.00
84747		EFTPS IRS TAXES		91,724.08
84748		ELIZABETH WHEELER		1,352.43
84749		EMPOWER RETIREMENT		5,407.06
84750		FEDEX		118.84
84751		FRANKLIN & PROKOPIK P.C.		517.50
84752		GUTTMAN OIL CO		4,641.56
84753		JACQUELINE SHADLE		250.00
84754		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION		1,574.19
84755		JEFFERSON CO CONVENTION AND VISITORS BUREAU		26,577.50
84756		JEFF CO PARKS & RECREATION COMMISSION		23,940.21
84757		JEFFERSON SECURITY BANK		4,409.00
84758		JOSEPH KENT		339.76
84759		LANGUAGE LINE SERVICES		13.00
84760		MILLENIUUM INSURANCE GROUP		900.00
84761		NATIONWIDE RETIREMENT SOLUTIONS		834.00
84762		PANHANDLE PRINTING & DESIGN		662.96
84763		RANSON POLICE DEPT		1,263.84
84764		RCN TECHNOLOGIES		4,279.92
84765		SEN COMMUNICATIONS LLC		320.00
84766		SHENTEL		1,805.00
84767		SHERIFF OF JEFFERSON COUNTY		4,527,155.00
84768		SOFTWARE SYSTEMS INC		967.00
84769		STATE TAX DEPARTMENT		822.22
84770		TONI L MILBOURNE		900.00
84771		MOOREFIELD POLICE DEPARTMENT		1,679.32
84772		WV DEPUTY SHERIFF RETIREMENT SYSTEM		15,632.45
84773		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		45,188.76
84774		WV STATE TAX DEPARTMENT		32,109.55
84775	053/AMB	AVALANCHE SERVICES		793.50
84776	004/GS	SHERIFF OF JEFFERSON COUNTY		20,550.10

TOTAL				4,827,371.25
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Motion by Mr. Stolipher to approve the Accounts Payable for May 27, 2021 in the amount of \$4,827,371.25. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME		AMOUNT
84777		BENJAMIN S WILLIAMS		\$ 256.00
84778		CAPITAL LIGHTING & SUPPLIES LLC		\$ 162.53
84779		CHRISTINA POPE		\$ 64.00
84780		COLONIAL LIFE		\$ 95.68
84781		DANIELLE DUCKETT		\$ 64.00
84782		DOROTHY FARMER		\$ 64.00
84783		FEDEX		\$ 20.17
84784		G & TRIPLE T LLC		\$ 870.00
84785		GOODMAN-WINCHESTER 232		\$ 768.08
84786		GUTTMAN OIL CO		\$ 4,146.82
84787		HIGHMARK WV		\$ 192,635.39
84788		J.C. EHRLICH		\$ 750.00
84789		JEFFERSON COUNTY SOLID WASTE AUTHORITY		\$ 19.75
84790		JEFFERSON RENTAL		\$ 231.58
84791		JESSICA EBERSOLE		\$ 64.00
84792		NATIONAL VISION ADMIN.		\$ 1,710.12
84793		OLD CHARLES TOWN LIBRARY		\$ 1,500.00
84794		PATRIOT FIRE AND SECURITY LLC		\$ 170.00
84795		R.E. MICHEL CO. LLC		\$ 78.63
84796		RICE TIRES CO		\$ 145.26
84797		RONALD DANTZIC		\$ 7.10
84798		SHEPHERDSTOWN FIRE COMPANY		\$ 82,500.00
84799		SOFTWARE SYSTEMS INC		\$ 66.00
84800		SOFTWARE SYSTEMS INC		\$ 22,978.58
84801		SPIRIT OF JEFFERSON		\$ 318.60
84802		XEROX FINANCIAL SERVICES		\$ 249.81
TOTAL				309,936.10

Motion by Mr. Stolipher to approve the Accounts Payable for June 3, 2021 in the amount of \$309,936.10. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
739	HD/8	SHERIFF OF JEFFERSON CO		\$ 1,604.76
911	CW/059	MILLER'S SUPPLIES		18,259.12
912	CW/059	HUNTZMAN ENTERPRISES		1,535.00
TOTAL				21,398.88

Motion by Mr. Stolipher to approve the Manual Checks for May 28, 2021 in the amount of \$1,604.76. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
	AV/56	MONROE		
887	AV/56	MILLERS SUPPLIES AT WORK		\$ 187.92
888	AV/56	MILLERS SUPPLIES AT WORK		\$ 20.40
889	AV/56	MONROE		\$ 756.29
890	AV/56	PRINT-O-STAT		\$ 190.00
378	WV369	WV DEPUTY SHERIFF'S RETIREMENT		\$ 668.00
913	CW/059	CHARLES VANGILDER		\$ 144.35
113	IMP/249	MILLERS SUPPLIES AT WORK		\$ 19,001.20
TOTAL				\$ 20,968.16

Motion by Mr. Stolipher to approve the Manual Checks for June 4, 2021 in the amount of \$20,968.16. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Mr. Stolipher to approve the Payroll for May 27, 2021 in the amount of \$260,834.50. Motion seconded and unanimously approved.

PRESENTATIONS

1. Angie Banks, Assessor – requested Commission signatures on the Certificate of Oaths for the Real Estate & Personal Property Books

2. Michelle Gordon, Finance Director and Stephanie Grove, County Administrator
 - a. Review and Approval of the Hartford Short Term Disability Proposal Options for FY022
 - b. Review and Approval of the Hartford Long Term Disability Proposal Options for FY022
 - c. Review and Approval of the Donated Leave Policy 218, effective 07/01/2021
 - d. Review and Approval of Health and Welfare Benefits Policy 220, effective 07/01/2021
 - **Motion by Ms. Jackson to table discussion/action on the items concerning short and long term disability, donated leave and Health and Welfare Benefits policies until further notice. Motion seconded and unanimously approved.**

3. Roger Goodwin, Chief County Engineer - requested approval to fill the position of Office Clerk in the Department of Engineering, Planning & Zoning
 - **Motion by Ms. Tabb to approve filling the vacant position of Office Clerk in the Department of Engineering, Planning, and Zoning at a salary of \$35,000 per year. Motion seconded and unanimously approved.**

4. Nathan Cochran, Assistant Prosecuting Attorney
 1. 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
 2. Discussion of legal issues regarding proposed solar text amendment including bonding and related matters, including Jefferson County Civil Action No.'s 2021-C-33 through 37 and Jefferson County Civil Action No.'s 2021-C-46 through 50 - Discussion/Action
 3. Discussion of issues regarding impact fees and proffers - Discussion/Action
 4. Discussion of WV Supreme Court of Appeals No. 21-0229 (appeal from Jefferson County Circuit Court Civil Action No. 19-P-69) - Discussion/Action
 5. Discussion of WV Human Rights Commission Docket No. EREP-49-21 - Discussion/Action
 - **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice regarding items four and five. Motion seconded and unanimously approved.**

 - **Motion by Mr. Stolipher to come out of Executive Session. Motion seconded and unanimously approved.**

NEW BUSINESS

6. Request that the Commission direct the Maintenance Director prepare a RFP and purchase all Capital Outlay Fund vehicles and equipment beginning FY22 - Discussion/Action (SS)
 - **Motion by Ms. Tabb to request the Maintenance Director, with the assistance of the Finance Director, prepare a Request for Proposals (RFP) for the purchase of Capital Outlay vehicles beginning with FY2022. Motion seconded and unanimously approved.**
7. Public Hearing

Zoning Map Amendment (rezoning) for the property designated as Tax District Middleway (07); Tax Map: 3; Parcels: 29 and 35. The property consists of two vacant parcels located east of Route 480 (Kearneysville Pike) and one mile north of the Route 9 interchange. The property owner/applicant is Mark Ralston, Jefferson Orchards Inc. The combined parcel size is approximately 238.9 acres (based on survey). The Property is currently zoned Rural and a petition has been made to the County Commission by the property owner to change the zoning classification of 43.7 acres of the property from Rural to Light Industrial and 195.2 acres from Rural to Residential Growth (Planning Commission File #21-2-Z)

President Stolipher began the public hearing at 1:32 pm, which opened with a presentation from Mark Dyck of Gordon Associates, representing Mr. Ralston, the property owner requesting the amendment. Ms. Brockman then provided information to the Commission and the audience concerning the staff report and memorandum regarding the rezoning request. Mr. Dyck then countered Ms. Brockman's comments, and President Stolipher opened the floor for public comment. Comments were received by the following: Christine Wimer, Christine Marshall, Maura Ross, Ruth Hatcher, Stacy Tabb, Annette Van Hilst, Ilsa Gregg, Sarah Adams, Jack Eggleston, Lynn Delles, and Timothy Ross. There being no further comment, President Stolipher closed the floor for public comment

- **Motion by Mr. Stolipher to approve the Zoning Map Amendment rezoning request for the applicant File No. #21-2-Z for property designated as Tax District Middleway (07); Tax Map: 3; Parcels 29 and 35 to change the zoning classification of 43.7 acres of the property from Rural to Light Industrial and 195.2 acres from Rural to Residential Growth; as the Commission finds the advice of the Planning Commission, pursuant to WV Code 8a-7-9c, that there have been major changes of economic, physical, and social nature with the area involved in the rezoning request which were not anticipated when the Comprehensive Plan was adopted, and those changes have subsequently altered the basic characteristics of the area; among the changes are roads, sewer, gas, and the zoning of the City of Ranson and Rockwool. Motion seconded and passes on a vote of four to one, with Commissioner Tabb opposing.**

PUBLIC COMMENT

Public comment was made by the following: Christine Wimer, Christine Marshall, and Ruth Hatcher.

There being no further business, a motion by Mr. Stolipher was made to adjourn at 3:04 pm. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$412,318.47		\$412,318.47
6.2% Tax Payable OASDI	\$24,334.97		\$24,334.97
1.45% Tax Payable HI	\$5,691.19		\$5,691.19
Fed Withholding	\$36,737.98		\$36,737.98
WV State Withholding	\$16,667.55		\$16,667.55
PERS Retirement Deduct 4.5%	\$9,580.64		\$9,580.64
PERS Retirement Deduct 6%	\$5,279.25		\$5,279.25
Hosp. Pre-Taxed	\$15,458.00		\$15,458.00
Cancer/ICU Pre-Taxed	\$586.74		\$586.74
Cancer/ICU Not Pre-Taxed	\$933.10		\$933.10
Optional Life Not Pre Taxed	\$1,806.30		\$1,806.30
Christmas Club	\$4,409.00		\$4,409.00
Wage Attach #1	\$502.16		\$502.16
Wage Attach #2	\$988.73		\$988.73
Wage Attach #3	\$129.01		\$129.01
DSRS Retirement Deduct 8.5%	\$6,480.19		\$6,480.19
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$4,622.05		\$4,622.05
457R - Roth	\$775.00		\$775.00
MD State Tax	\$885.83		\$885.83
D/VF	\$1,859.57		\$1,859.57
VA State Tax	\$164.07		\$164.07
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
Total Deductions	\$138,773.17	\$0.00	\$138,773.17
Net Wages Total	\$273,545.30	\$0.00	\$273,545.30
Payroll Date	June 10, 2021		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nikki Painter**

Department or Organization: **County Clerk**

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

Date Requested – 1st Choice: **June 17, 2021**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Approval of Depository Bonds for Fiscal Year 2021-2022**

Please provide the County Commission with a description of your request or presentation, including any background information:
The Sheriff requested that the pledged securities with Bank of Charles Town, Jefferson Security and BB&T be increased and all others remain the same as the previous year. Each bank was notified of the request and the bonds and resolutions have been received by the Clerk's office.

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*):
To approve the Depository Bonds for fiscal year 2021-2022 as presented.

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **June 17, 2021**

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

Date Requested – 2nd Choice:

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

- FY22 COVID19 Emergency Financial Policy
- American Rescue Plan Act Public Sector Revenue Loss Replacement Transfer

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

- **FY21 COVID19 Emergency Financial Policy** – The County originally implemented a COVID19 Pandemic Emergency Financial Policy in March 2020. This policy was reviewed quarterly throughout FY2021 and was most recently reviewed on March 18, 2021. At that time, expenditure deferrals were lifted for: equipment, materials & supplies; contracted & professional services; and vacant positions.

Additional deferrals remained in effect through 06/30/2021 for: PT & under utilized staff; overtime; travel & training; and expenditures from the Capital Outlay Fund. (See attached email to departments.) **Departments would like to know if the County Commission plans to lift those remaining expenditure deferrals as of 07/01/2021 (for FY22).**

- **American Rescue Plan Act (ARP) Public Sector Revenue Loss Transfer- As a general reminder, the County has a public hearing scheduled for Wednesday, June 23, 2021 at 9:30am to discuss potential additional uses of the American Rescue Plan Act federal grant revenue. Revenue loss projections will be handed out on June 17, 2021.**

The American Rescue Plan Act states that counties may use ARP funds for the provision of “Government services” to the extent of the reduction in revenue experienced due to the COVID-19 public health emergency. This means that the amount determined as “lost revenue” may be used for most regular government purposes, except for activities such as rainy day or reserve funds and for debt service payments.

General revenue is defined as revenue from taxes, current charges, miscellaneous general revenue, and intergovernmental transfers between state and local governments and excludes federal intergovernmental transfers to counties including CARES Act funding.

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 *discontinue / continue* the COVID19 Emergency Financial Policy Deferrals *as of / through* _____.
- Motion to approve the revenue loss projections as presented and to transfer ARP funds in the amount of \$ _____ from the American Rescue Plan Act fund to the General County Fund for public sector revenue loss replacement.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Michelle Gordon

From: Michelle Gordon
Sent: Friday, March 19, 2021 12:30 PM
Subject: FY21 COVID19 Emergency Financial Policy Revised as of 04-01-2021

All/

In response to the Coronavirus worldwide pandemic, the COVID-19 Policy Declaration was approved on March 17, 2020 that included an Emergency Financial Policy. The County Commission extended the emergency declaration into FY21. The Commission has met on a quarterly basis to review the impact of the pandemic on county revenues and expenditures and determine the need for continuance of the Emergency Financial Policy. On March 18, 2021, the Commission discussed and subsequently took action to make the following revisions to the Emergency Financial Policy **effective 04/01/2021:**

Expenditure deferrals are no longer required for:

- **Equipment, materials and supplies** in operating budgets (this does not include capital outlay fund expenditures)
- **Contracted and professional services**
- **Vacant Positions** (Except for positions that were eliminated as part of the FY22 budget process)

The additional cost cutting measures from the original Emergency Financial Policy will **remain in effect through 06/30/2021** and are as follows:

- **Part-time & Under Utilized Staff:** Use of part-time employees should be eliminated where possible, including seasonal purposes. The Commission's top priority is ensuring that existing employees are working to the fullest extent possible while ensuring that everyone is practicing COVID19 safety protocols of social distancing and proper hygiene. Where possible attempts should be made to utilize staff from departments with partial shutdowns for tasks such as filing, mailing, scanning, data entry, clean up, etc rather than utilizing part-time help or approving compensatory time / overtime. Please contact Stephanie for a list of employees working reduced hours.
- **Overtime:** In accordance with County policy "211-Extra Hours/Overtime" and County policy "213 Compensatory Time"- Potential overtime needs should be managed by requiring pre approval of overtime prior to an employee working; supervisors shall adjust employee work schedules to avoid overtime pay; and, prior to working overtime, **employees must agree to receive compensatory time off in lieu of overtime compensation.** See also previous bullet regarding under-utilized staff.
- **Travel & Training:** No non-essential spending for travel, education and training. Essential training required to maintain professional licenses should be done via online methods or at local venues to eliminate the need for travel.
- **Capital Outlay Fund:** Capital Outlay Fund projects that do not currently have a contract obligating the County to an expenditure have been delayed until July 1, 2021. Purchases for COVID-19 related expenditures, public safety or emergency purchases may be considered for approval by the Commission and will be prioritized and reviewed on a case-by-case basis. No new contracts or purchase orders will be approved and **all projects may also be subject to re-approval / re-allocation of funding at the conclusion of the pandemic.**

The policy will be re-evaluated in June 2021. Please let me know if you have any questions or need assistance with an emergency purchase.

Michelle

Michelle Gordon
Finance Director, Jefferson County

Jefferson County Commission
124 East Washington Street
PO Box 250
Charles Town, WV 25414
O: 304.724.8425
F: 304.725.5611
mgordon@jeffersoncountywv.org
www.jeffersoncountywv.org

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Steven Holz and Benjamin Williams**

Department or Organization: **Jefferson County Deputy Sheriff's Association**

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

Date Requested – 1st Choice: **June 17, 2021**

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

Date Requested – 2nd Choice: **July 29, 2021**

Subject (*Wording to be placed on agenda*): **Discussion on a DSA Members payroll concern and request.**

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

Deputy Chandler was inadvertently overpaid in 2020 while away on a military deployment at no fault of his own. This was recently discovered and he understands that he owes the County these hours. It was requested that a portion of his hours owed be taken from his earned leave bank and was denied by the County. Currently, Deputy Chandler is having 8 hours of pay withheld from each paycheck until he pays back the hours owed. We would like the Commission to allow Deputy Chandler to use some of his earned leave to lessen the financial hardship that Deputy Chandler will face due to this oversight.

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

To allow Deputy Chandler to use some of his earned leave to reimburse Jefferson County a portion of the hours owed and the remaining hours owed will be withheld from his paychecks at 8 hours per paycheck until he fully reimburses his hours owed.

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

If not attached, explain:

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

Contact information: **Steven Holz**

Email address: sholz@jcsdvw.com

Phone Number: **304-886-7348**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Jefferson County Clerk's Office

Jacki Shadle, County Clerk

Nikki Painter
Shaun Pacetti
Heather Day
Lynn Fields
Karen Olden
Katrina Clark



Vivian Fields
Shari Carr
Bessie Nelson
Kelly Sparks
Amanda Heffner

May 24, 2021

VIA EMAIL

Kraig Chandler
102 Artisan Way
Martinsburg, WV 25401

RE: Military Leave With Pay Wage Overpayment (12/01/2019 – March 1, 2020)

Dear Kraig:

During a recent audit of the Military Leave / Military Training Accruals and Usage, we discovered that you were overpaid for 120 hours of Military Leave With Pay. In accordance to the West Virginia Code §15-1F-1 (The Code). You are eligible for a maximum period of 30 working days, not to exceed 240 hours for military training per year and a maximum of 30 working days, not to exceed 240 hours for a single call to active duty. The Code allows you to use any unused training hours towards your deployment up to a maximum of 480 hours for a single call to active duty. I erroneously awarded you an additional 240 hours training on January 1, 2021. See the attached spreadsheet for details:

It is the County's policy to recoup all overpayments to county employees in the subsequent payroll after the overpayment has been discovered. In accordance with West Virginia State Code, §21-5-3(f), you may voluntarily pay the overpaid amount now, or the county may deduct future wages to repay the overpayment in an amount not to exceed three-fourths of your periodical earnings or wages.

The total amount of gross wages overpaid to you are **\$2,729.96**. The County is able to recover the amounts remitted to the IRS, and the State of W.Va. for taxes and retirement withheld. The balance that you are liable to pay is **\$1,935.17**.

Since this error was made by the payroll department, we may also provide you with a payment plan, The County is offering you 3 options to repay these funds:

1. You may pay the balance of \$1,935.17 in full today;
2. Bi-Weekly payments withheld from your pay of 20% of your gross pay until the balance is paid in full; or
3. Bi-weekly deduction of 8 hours per pay period for the next 15 pay periods.

Jefferson County Commission
 Kraig Chandler -1178
 MIL Overpayment

PP End Date	Pay Date	Hourly Rt	Ck No.	Gross Pay	Fed Tax	State Tax	FICA	ee Retire	Medicare	ee Hosp	ee D/V	Xmas	Net	er Retire	
2/1/2020	2/6/2020	22.8366	113724	1,826.93	173.06	67.37	112.03	155.29	26.20	20.00			1,272.98	219.23	Overpaid 64 Hours
<i>2/6/20 Pay should have been 16 hours</i>				(365.39)	(18.82)	(10.03)	(22.65)	(31.06)	(5.29)	(20.00)			(257.54)	(43.85)	Correct Pay for 16 HRs
2/6/2020 Overpayment				1,461.54	154.24	57.34	89.38	124.23	20.91	-	-	-	1,015.44	175.38	
2/15/2020	2/20/2020	22.8366	113937	1,826.93	173.06	67.37	112.03	155.29	26.20	20.00			1,272.98	219.23	Ins Paid on his behalf
<i>12/10/20 24 hrs reversed</i>				<i>(558.51)</i>	<i>(55.91)</i>	<i>(19.15)</i>	<i>(34.63)</i>	<i>(47.48)</i>	<i>(8.09)</i>				<i>(393.25)</i>	<i>(67.02)</i>	<i>Reversed at wrong Rat</i>
Total Overpayment				2,729.96	271.39	105.56	166.78	232.04	39.02	20.00	-	-	1,895.17	327.59	

Total Gross Overpayment	2,729.96
Less Amounts to recoup from Auth	
Federal Tax	(271.39)
State Tax	(105.56)
FICA	(166.78)
ee / er Retirement	(232.04) (327.59)
Medicare	(39.02)
Add Insurance Premium Due to County	20.00
Total Amount Owed to JCC	1,935.17
Current Hourly Rate	23.2709
Current Bi-weekly Rate	1,861.67
20% PER PAY PERIOD	372.33
Estimated # of Pay Periods	5.20

Jefferson County Commission
 Kraig Chandler -1178
 MIL Overpayment

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20% PER PAY PERIOD	372.33	
Estimated # of Pay Periods	5.20	

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Stephanie Grove

Department or Organization: **County Administrator**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **June 17, 2021**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Public Hearing and Decision: Amendment to Section 2(B)(2) of the Jefferson County Impact Fee Procedures Ordinance to provide an exemption when structures that existed prior to the adoption of impact fees when request a change in use from commercial to residential.

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

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

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Move to amend Section 2(B)(2) of the Jefferson County Impact Fee Procedures Ordinance to provide an exemption for commercial structures that existed in 2004, when such commercial structures file a building permit requesting a change in use from commercial to residential.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Kelly Franklin

Department or Organization: **Jefferson Day Report Center, Inc.**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: June 17, 2021

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

Date Requested – 2nd Choice: n/a

Subject (*Wording to be placed on agenda*): FY 2022 West Virginia Community Corrections Grant Program Award

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

Signature's needed to execute the contract for the 22-CC-07 Grant Contract.

Background: The WV Community Corrections Act is intended to provide a means for communities to develop, establish for communities to develop, establish community-based corrections programs to provide the judicial system with sentencing alternatives for those offenders who may require less than institutional custody. Examples include, but are not limited to, probation supervision, day fines, community service restitution, home incarceration, substance abuse treatment, sex offender containment/treatment, licensed domestic violence treatment, day reporting centers, education or counseling, and drug courts.

Is this a funding request? Y/N N

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*):

N/A

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: kfranklin@jeffersondrc.com

Phone Number: (304) 728-3527

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three. If recipient completes Section A or C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Recipient's Name:	
Address:	
Is agency a: <input type="checkbox"/> Direct or <input type="checkbox"/> Sub recipient of OJP, OVW or COPS funding?	Law Enforcement Agency? <input type="checkbox"/> Yes <input type="checkbox"/> No
DUNS Number:	Vendor Number (only if direct recipient)
Name and Title of Contact Person:	
Telephone Number:	E-Mail Address:

Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply.

- | | | |
|---|--|--|
| <input type="checkbox"/> Less than fifty employees. | <input type="checkbox"/> Indian Tribe | <input type="checkbox"/> Medical Institution. |
| <input type="checkbox"/> Nonprofit Organization | <input type="checkbox"/> Educational Institution | <input type="checkbox"/> Receiving a single award(s) less than \$25,000. |

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

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

Print or Type Name and Title Signature Date

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

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

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

[organization],

[address].

Print or Type Name and Title Signature Date

Section C—Declaration Stating that an EEOP Short Form Has Been Submitted to the Office for Civil Rights for Review

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

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

If recipient sub-grants a single award over \$500,000, in addition, please complete Section D

Print or Type Name and Title Signature Date

INSTRUCTIONS

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

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

Recipients should complete *either* Section A *or* Section B *or* Section C, not all three. If recipient completes Section A *or* C and sub-grants a single award over \$500,000, in addition, please complete Section D.

Section A

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

Section B

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

Section C

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

Section D

Recipients that (1) receive a single award over \$500,000; *and* (2) subaward a single award of \$500,000 or more must provide a list; including, name, address and DUNS # of each such sub-recipient by completing Section D.

Submission Process

Recipients should download the online Certification Form, complete required sections, have the appropriate official sign it, electronically scan the signed document, and then send the signed document to the following e-mail address: EEOPForms@usdoj.gov. *The document must have the following title: EEOP Certification.* If you have questions about completing or submitting the Certification Form, please contact the Office for Civil Rights, Office of Justice Programs, 810 7th Street, NW, Washington, DC 20531 (Telephone: (202) 307-0690 and TTY: (202) 307-2027).

Public Reporting Burden Statement

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



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

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

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

1. LOBBYING

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

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

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

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

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

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

A. The applicant certifies that it and its principals:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1. Grantee Name and Address:

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date



**WEST VIRGINIA DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE & COMMUNITY SERVICES SECTION
WEST VIRGINIA COMMUNITY CORRECTIONS GRANT PROGRAM
SPECIAL CONDITIONS & ASSURANCES**

44. **PUBLIC AVAILABILITY OF INFORMATION:** The sub-grantee agrees to comply with the terms and conditions of pertinent federal and state freedom of information acts, and to require its contractors to comply with these requirements.
45. **CONSULTANTS/CONTRACTS:** No contract or agreement may be entered into by the sub-grantee for the execution of project activities or provision of service that is not incorporated in the approved grant, and without prior written approval of JCS. Grant approval by JCS does not constitute consultant/contract approval.
46. **REPORTING OF IRREGULARITIES:** Sub-grantees are responsible for reporting promptly to JCS the nature and circumstances surrounding any fiscal irregularities discovered. Failure to report known irregularities may result in suspension of the grant or other remedial action.
47. **VEHICLE PROCUREMENT:** Applicants purchasing vehicles with West Virginia Community Corrections funds are required to adhere to the established bidding procedures for their respective units of government. To ensure reputable vendors are obtained, applicants may consider utilizing the current applicable state contract.
48. **COMMUNICATION EQUIPMENT:** All portable communication equipment purchased utilizing West Virginia Community Corrections funds must be compatible with programmable hand-held units, available through purchase via state contract.
49. **OFFENDER INFORMATION SYSTEM (OIS) and the SUPREME COURT OF APPEALS OF WEST VIRGINIA'S OFFENDER CASE MANAGEMENT SYSTEM (OCMS):** The applicant shall agree to utilize the OIS database to input all participants regardless of referral source including, but not limited to, probation, parole, and Treatment Supervision cases. Additionally, the applicant shall agree to utilize the OCMS database to input all drug court participants. Non-criminal justice participants, such as those referred by the West Virginia Department of Health and Human Resources (DHHR), should **not** be entered into either database.
50. **LEVEL OF SERVICE/CASE MANAGEMENT INVENTORY (LS/CMI) AND MOTIVATIONAL INTERVIEWING (MI):** The applicant agrees to utilize the online LS/CMI assessment instrument as required by the WV Community Corrections Subcommittee for all LS/CMIs conducted on cases that are not entered into the WVSCA OCMS.

All DRC staff who conduct LS/CMI assessments and/or work directly with offenders will complete both the Effective Practices in Community Supervision (EPICS) and Motivational

Interviewing trainings in accordance with all JCS Office of Research and Strategic Planning (ORSP) requirements.

51. **QUALITY ASSURANCE:** All DRC staff certified on the LS/CMI will participate in the Quality Assurance for Treatment Intervention Programs and Supervision (QA-TIPS) program through the ORSP.

All DRC directors and staff will register with the Online Learning Management System (OLMS) and utilize the system for course registration and certification tracking as instructed by the ORSP.

52. **JUSTICE REINVESTMENT INITIATIVE TRAINING AGENDA:** All DRC Directors, staff, and DRC contractors responsible for the delivery of group interventions will be certified in the Cognitive Behavioral Intervention for Substance Abuse (CBI-SA) and Thinking for a Change (T4C) curricula at the earliest opportunity and as seats are available. For information on the trainings offered, please contact the ORSP.

53. **REFERRALS TO STATE RECOVERY RESIDENCES:** The applicant shall agree to comply with West Virginia Code §16-54-3. When referring participants to statewide recovery residences, programs must ensure that the recovery residence holds a valid certificate of compliance. A list of certified residences is maintained by the West Virginia Alliance of Recovery Residences (WVARR).

54. **QUARTERLY MEETINGS:** The applicant shall agree to have in attendance the Project Director and/or Program Director at quarterly meetings. These meetings will be located throughout the State. Each Community Corrections program will host a quarterly meeting, with a listing of the host sites being published by JCS with each new funding cycle. When hosting a meeting it is the responsibility of the Program Director to make all necessary contacts, set the agenda, and facilitate the meetings.

55. **ADDITIONAL SPECIAL CONDITIONS AND ASSURANCES:** The Community Corrections Subcommittee may add additional special conditions and assurances after a submitted proposal application has been reviewed by the Subcommittee. Program approval and funding approval may be contingent on the applicant agreeing to comply with the additional special conditions and assurances.

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

Authorized Official [please print]: _____

Authorized Official Signature: _____

Date: _____



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

Effective: July 23, 2019

Revision History: N/A

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

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

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

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

letter to JCS, the steps taken to initiate the project, the reasons for delay, and the expected starting date.

5. **OPERATIONAL WITHIN 90 DAYS:** If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to JCS explaining the delay in implementation.
6. **SUSPENSION OF FUNDING:** The grantee acknowledges that acceptance of an award is not a guarantee of funds. Further, by accepting this award, the grantee acknowledges and agrees that JCS may suspend in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:
 - Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
 - 60 or more days late in submitting reports;
 - Failure to submit reports;
 - High Risk Grantee as determined by the JCS High Risk Assessment; or
 - Any other cause shown.
7. **SANCTIONS FOR NONCOMPLIANCE:** In the event of the grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, JCS shall impose such contract sanctions, as it may deem appropriate, including but not limited to:
 - Withholding of payments to the grantee until the grantee complies or, if reports are more than 60 days late, the funding for that month is forfeited and may not be recouped or remedied;
 - Cancellation, termination or suspension of the contract, in whole or in part;
 - Refraining from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received;
 - If the grantee is receiving funds on an upfront basis, JCS can commute the transfer of funds mechanism to a reimbursement only process for the remainder of the grant period;
 - If the grantee is receiving funds on an upfront basis and a determination is made by JCS that funds were intentionally or unintentionally misused, misappropriated, misspent or otherwise not consistent with the intents and purpose of the grant, the grantee automatically forfeits any remaining funds from the grant program, and any other awarded funds from any other program, until a satisfactory resolution has been achieved;
 - If a grantee is indebted to JCS for any amount of funds at the close of an applicable quarter, semi-annual or end of a grant period, and the debt is not resolved within 30 days following the close of those periods, the grantee acknowledges and agrees that it is automatically ineligible to receive or apply for funds from JCS for any grant program; and
 - Grantee agrees and acknowledges that under no circumstances may it commute a debt to be applied as matching funds; or, will JCS reduce a future quarterly or semi-annual allotment or future award as repayment of the debt. Repayment must be from a general account or an account unrelated to the grant award.

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

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

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

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

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

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

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

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

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

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

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

have in place a mechanism ensuring that veterans are given consideration in the hiring process.

41. **IMMIGRATION AND NATURALIZATION VERIFICATION:** The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.

42. **POLITICAL ACTIVITY:** The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government, and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.). Please reference West Virginia Code § 29-6-20 for state restricted activities.

43. **PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.

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

Authorized Official [please print]: _____

Authorized Official Signature: _____

Date: _____



Jim Justice
Governor of West Virginia

June 1, 2021

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

Dear Commissioner Compton:

I am pleased to inform you that I have approved a Community Corrections program grant award to the Jefferson County Commission in the amount of \$155,000. These funds will be utilized for the continued operation of a community corrections program in Jefferson County.

Please let me know if our Justice & Community Services' staff or I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Justice".

Jim Justice
Governor

JJ/mah

c: Kelly Franklin

- Page 3 of grant contract agreement signed and dated.
- Sample resolution affected, signed, and dated.
- Page 8 of Standard Conditions & Assurances signed and dated.
- Page 2 of Special Conditions & Assurances signed and dated.
- Page 2 of DOJ certifications completed.
- EEOP Certification completed.
- Copy of EEOP Certification mailed to DOJ.
- Schedule of Payments signed and dated.
- First Quarter Request for Funds signed and dated.
- Second Quarter Request for Funds signed and dated.
- Third Quarter Request for Funds signed and dated.
- Fourth Quarter Request for Funds signed and dated.

GRANT CONTRACT AGREEMENT
BETWEEN
DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE AND COMMUNITY SERVICES SECTION
AND
Jefferson County Commission

22-CC-07

This **AGREEMENT**, entered into this **1st Day of June 2021** by the Deputy Director of the Division of Administrative Services, Justice and Community Services Section, hereinafter referred to as "JCS", and the Jefferson County Commission, hereinafter referred to as "Grantee."

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

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

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

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. JCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application, which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by JCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **July 1, 2021** and shall continue those services/activities until **June 30, 2022**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.
5. In consideration of the services rendered by the Grantee, the sum of up to **\$155,000.00** shall be obligated by JCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that JCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. It is the understanding of all parties to this Agreement that JCS has determined that the Grantee will receive an upfront scheduled allocation of funds.

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

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

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

b. **Grantee Mailing Address:**

Jefferson County Commission
Post Office Box 250
Charles Town, West Virginia 25414

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

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

Steve Stolipher, President
Jefferson County Commission

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

RESOLUTION

The **Commission** of **Jefferson County** met on _____ (date) with a quorum present and passed the following resolution.

Be it resolved that the **Commission** hereby authorizes **Steve Stolipher**, **President** of the **Jefferson County Commission**, to act on its behalf to enter into a contractual agreement with the Division of Administrative Services, Justice and Community Services section to receive and administer grant funds pursuant to provisions of the Community Corrections Grant Program.

Signed: _____
County Clerk

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nathan Cochran, County Attorney**
Roger Goodwin, Chief County Engineer

Department or Organization: **Department of Engineering, Planning & Zoning**

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

Date Requested – 1st Choice: **June 17, 2021**

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Adoption of Ordinance & Order memorializing the adoption of the amended Stormwater Management Ordinance on October 1, 2020; and establishing an effective date of July 1, 2021.**

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

On October 1, 2020, the County Commission adopted amendments to the Stormwater Management Ordinance. The amendments placed control requirements on stormwater runoff resulting from the development of solar facilities. However, an effective date for the amended ordinance was not established.

Is this a funding request? **No.**

If so, how much?

Motion Requested: **Yes**

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

Move to adopt the "Ordinance And Order" establishing the effective date of July 1, 2021, for the Stormwater Management Ordinance amendments adopted by the County Commission on October 1, 2020.

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

See attached, the amended "Stormwater Management Ordinance" and the "Ordinance And Order"

If not attached, explain:

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

Contact information:

Email address: engineering@jeffersoncountywv.org Phone Number: **304-728-3257**

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

ORDINANCE AND ORDER

An Ordinance and Order to ADOPT this "Stormwater Management Ordinance".

WHEREAS, In 2002 the State of West Virginia signed a Memorandum of Understanding agreeing to join with the states of Delaware, Maryland, New York, Pennsylvania, Virginia and the District of Columbia, to improve water quality in the Chesapeake Bay; and

WHEREAS, The West Virginia Department of Environmental Protection (WVDEP) is required to ensure that the State of West Virginia meets the Environmental Protection Agency federally mandated TMDL requirements; and

WHEREAS, The West Virginia Department of Environmental Protection formally requested in a letter received on September 23, 2011, that Jefferson County adopt the 1-inch rainfall stormwater runoff capture requirement as part of their current stormwater management regulations; and

WHEREAS, it is the desire of the County Commission of Jefferson County, West Virginia to adopt stormwater management quality control regulations to reduce pollution from stormwater runoff from land development in Jefferson County, for the public safety, health, and well-being; and

WHEREAS, the stormwater quality control regulations are in addition to the already existing stormwater quantity control regulations; and

WHEREAS, it is now the desire of the County Commission of Jefferson County, West Virginia to amend the Ordinance to provide requirements for the control of stormwater runoff resulting from the development of Solar Facilities; all of which shall be combined into one ordinance; and

NOW, THEREFORE, BE IT ORDAINED AND ORDERED BY The County Commission of Jefferson County, by authority of the Code of the State of West Virginia, under:

Chapter 7, Article 1, "County Commissions Generally"; and
Chapter 8A, Articles 4 & 5, "Subdivision and Land Development Ordinance"; and
Chapter 22, Article 11, "Water Pollution Control"; and
Chapter 22, Article 12, "Ground Water Protection Act"

...that this Ordinance and Order shall take effect and be in force from the 1st day of July, 2021, the public welfare requiring it.

PASSED AND APPROVED BY The County Commission of Jefferson County, West Virginia on the 1st day of October, 2020.

BY: _____

Steve Stolipher, President
County Commission of Jefferson County

ATTEST:

Jacqueline C. Shadle
CLERK OF JEFFERSON COUNTY

Jefferson County, WV

Stormwater Management Ordinance Department of Engineering, Planning & Zoning

Adopted October 31, 2013
Effective January 1, 2014

Amended October 1, 2020 (Article 1, Section D (2)(h))
Effective July 1, 2021

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ARTICLE I GENERAL PROVISIONS

A. STATUTORY AUTHORITY

- (1) Short Title
 - (a) This Ordinance and Ordinances supplemental or amendatory thereto shall be known and may be cited as the "Stormwater Management Ordinance of Jefferson County" and hereinafter referred to as the "Ordinance."
 - (b) EFFECTIVE DATE:
- (2) The provisions of this Ordinance are enacted pursuant to West Virginia Code:
 - Chapter 7, County Commissions and Officers, Article 1, "County Commissions Generally"
 - Chapter 8A, Land Use Planning, Article 4, "Subdivision and Land Development Ordinance"
 - Chapter 8A, Land Use Planning, Article 5, "Subdivision or Land Development"
 - Chapter 22, Environmental Resources, Article 11, "Water Pollution Control Act"
 - Chapter 22, Environmental Resources, Article 12, "Ground Water Protection Act"
- (3) The provisions of this Ordinance are also enacted pursuant to the Chesapeake Bay Restoration Act of 2000.

B. PURPOSE AND OBJECTIVES

This Ordinance has the following purpose:

- (1) Protect, maintain, and enhance the environment of Jefferson County and the public health, safety, and general welfare of the citizens of Jefferson County by controlling discharges of pollutants to Jefferson County's stormwater system, and maintain and improve the quality of the receiving waters into which all stormwater flows, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the community
- (2) Enable Jefferson County to comply with the West Virginia Department of Environmental Protection (WVDEP)-administered National Pollutant Discharge Elimination System (NPDES) stormwater permit program and applicable regulations (40 CFR, §122.26) for stormwater discharges
- (3) Enable Jefferson County to comply with the Environmental Protection Agency's (EPA) Total Maximum Daily Loads (TMDLs) Water Quality Standards established for the Potomac River Basin
- (4) Enable Jefferson County to comply with the West Virginia Water Pollution Control Act, West Virginia Code, Chapter 22, Article 11

- (5) Allow Jefferson County to exercise the powers granted in West Virginia Code §8A-4, Article 4, "Subdivision and Land Development", Article 5, "Subdivision or Land Development," and §22, Article 12, "Ground Water Protection Act," which provide, among other powers that counties have with respect to stormwater systems and stormwater management programs, the power by ordinance or resolution, as the case may require, and by appropriate action based thereon to do the following:
 - (a) Establish standards for setback requirements, Lot sizes, streets, sidewalks, walkways, parking, easements, rights-of-way, drainage, utilities, infrastructure, curbs, gutters, street lights, fire hydrants, stormwater management, and water and wastewater facilities
 - (b) Adopt any rules and regulations deemed necessary to accomplish the purposes of this Ordinance, including the adoption of a system of fees for services and permits
 - (c) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants that may be necessary to protect water quality
 - (d) Establish standards for flood-prone or subsidence areas
 - (e) Review and approve plans and plats for stormwater management in proposed residential and nonresidential subdivisions as applicable under Subsection D below
 - (f) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities
 - (g) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit
 - (h) Ensure that required improvements are installed and not avoided by a series of minor subdivisions or land developments
 - (i) Define control measures for drainage, erosion, and sediment

C. ADMINISTERING ENTITY

- (1) Pursuant to West Virginia Code §7, Article 1, "County Commissions Generally," any county commission in the State of West Virginia is hereby authorized and empowered to own, acquire, construct, equip, operate, and maintain within the respective county a stormwater system, stormwater works, and stormwater management program as defined herein.
- (2) Jefferson County is the entity responsible for administering the provisions of this Ordinance.

D. APPLICABILITY

- (1) This Ordinance shall be applicable to all activities as defined herein. A Stormwater Management Plan for any new development or redevelopment shall be required as described below. In addition to Stormwater Quantity and Quality Control Plans, stormwater Runoff conveyance systems, Erosion and Sediment Control Plans, and stormwater management facilities' maintenance requirements must be included in all Stormwater Management Plans. Stormwater management quantity and quality control shall be applicable as follows:
 - (a) Quantity control criteria for newly developed impervious surfaces and/or changes in land cover shall apply to
 - (i) Minor Site Developments, as defined by the Jefferson County Subdivision and Land Development Regulations, requiring a Limited Site Plan, and
 - (ii) Rural Site Plans, and
 - (iii) Any Site Development requiring a Full Site Plan, and
 - (iv) Any Major residential or commercial subdivision requiring a Preliminary Plat.
 - (b) In addition to the quantity control requirements noted above, Quality control criteria for newly developed impervious surfaces shall apply to
 - (i) Rural Site Plans involving the Development of 5,000 square feet or more of impervious surface or resulting in more than one acre of land disturbance, and
 - (ii) Any Site Development requiring a Full Site Plan, and
 - (iii) Any Major residential or commercial subdivision requiring a Preliminary Plat.
- (2) The following activities are exempt from this Ordinance:
 - (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources
 - (b) Projects that do not require Site Plans or Preliminary Plat Plans. This includes Minor Subdivisions as defined under the Subdivision and Land Development Ordinance.
 - (c) The construction of single-family or duplex residential structures or additions or modifications to existing single-family or duplex residential structures

- (i) However, despite the exemption, minimal Erosion and Sediment control measures shall be required and include the following:
1. Installation and maintenance of a stone construction entrance during the entire construction phase to reduce the transport of sediment from the site by vehicles and equipment leaving the site, and
 2. Installation of a Silt Fence during the entire construction phase to control erosion and sediment runoff from the Site, and
 3. All disturbed areas on the Site shall be stabilized, within seven days of final grading or becoming inactive for more than 30 days, with permanent vegetation or protective ground cover suitable for the time of year.
- (ii) The Erosion and Sediment control measures shall be constructed and installed according to the details and specifications as established by the Chief County Engineer.
- (iii) The minimal stone construction entrance and Silt Fence shall be in place at the time of the footer inspection. Failure to meet minimal requirements will result in a failed footer inspection under the building code.

The final grading and stabilization of the Site shall be complete at the time of final inspection. Failure to meet this requirement will result in a failed final inspection and withholding of the Use and Occupancy Certificate issued under the building code.

- (d) Any logging or Agricultural Activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the Eastern Panhandle Conservation District.
- (e) Repairs to any Stormwater Management Facility.
- (f) Subdivision Plats or Site Plans approved before the adoption date of this Ordinance. However, any and all Subdivision Plats and Site Plans approved prior to the adoption of this Ordinance shall still be required to meet the stormwater management requirements in effect at the time of their approval and under which they were approved.
- (g) Any vested development that has an active application or submittal at the time of adoption of this ordinance and meets at least one of the following criteria, is exempt from this ordinance.
- An approved master planned development with a current CIS that has submitted at least the first phase of a multi-phased master planned development, or
 - Any site plan within an approved non-residential subdivision that has existing central water quantity control structures shall be required to

provide stormwater management controls under the regulations, conditions and terms in effect at the time of the original approval.

However, if, after the adoption of this ordinance, there is any physical expansion to said exclusion listed above, this ordinance shall apply to the expanded area only.

(h) Solar Energy Facilities (commonly referred to as "Solar Farms"), provided all of the following conditions are met:

- Earth disturbance and grading activities shall be minimized and natural vegetal cover shall be preserved and/or restored.
- Vegetal cover shall have 90% or better uniform coverage and shall not be subject to chemical fertilization and herbicides/pesticides. A meadow condition is preferable, particularly for slopes between 5 and 10%. Mowed areas should be kept to a minimum of 4".

Individual Photo Voltaic (PV) modules within an array shall be arranged in a fashion that allows the passage of runoff underneath each module. The PV modules shall be arranged to allow the growth of vegetation beneath the PV modules and between the rows of PV arrays.

If the width of the vegetative strip between rows of PV arrays is not a minimum of twelve feet (i.e. there is inadequate vegetated spacing between modules), then stormwater BMPs such as infiltration trenches (min. 12" wide by 12" deep) or infiltration berms shall be installed down gradient between each row.

- Ground-mounted solar PV modules shall be supported with structures/foundations occupying a maximum of 5% of the total project area. (not the parcel area, but that area within the boundary of the 100' setback/buffer surrounding the solar energy facility equipment) This area shall be delineated, and dimensioned on the Concept Plan, along with a note of the total area and a calculation of the percent of impervious area occupied by the support structures/foundation.
- Solar PV modules shall be situated on mild slopes (10% max). If greater than 10% slopes are proposed, then stormwater BMPs such as infiltration trenches (min. 12" wide by 12" deep) or infiltration berms shall be installed down gradient between each row of PV arrays, in addition to providing the minimum 12-foot spacing between the rows of PV arrays.
- The lowest vertical clearance of the solar PV array shall be at an elevation of 10 feet or less from the ground, but is also at an adequate height to promote vegetative growth below the PV array.
- No erosion or transport of sediments shall be allowed. An Erosion and Sediment Control Plan shall be submitted as part of the Stormwater Report. Permanent Erosion and Sediment Control shall be provided to

address the potential for erosion at the drip edge of solar panels. In addition, the West Virginia Department of Environmental Protection's temporary construction stormwater NPDES permit shall be submitted along with the Stormwater Report.

The developer shall submit documentation in the form of a Stormwater Report, which demonstrates all of the above conditions are satisfied, to the Jefferson County Engineer for review and approval. At the time of submission, the developer shall pay a non-refundable review fee in accordance with the established fee schedule. The Stormwater Report shall be prepared, signed, and sealed, by a professional engineer registered to practice in the State of West Virginia. The Stormwater Report shall be approved prior to the issuance of the building permit.

If all the above conditions cannot be met, then the project shall fall under the jurisdiction of this Ordinance and stormwater quantity and quality control shall be provided.

For the life of the project, the Jefferson County Engineering staff shall have the authority to visit the site, with 72-hours' notice, to determine if the above conditions are being maintained.

Failure to perpetually maintain and meet the conditions for this exemption shall be a violation of this Ordinance and enforceable under the law.

- (3) Compatibility with Other Permits and Ordinance Requirements
 - (a) Compliance with the requirements herein does not create exclusion to permitting requirements from the WVDEP, the U.S. Army Corps of Engineers, or any other agency or reviewing body that has jurisdiction over the proposed project area.
 - (b) Whenever this Ordinance imposes a conflicting restriction regarding stormwater regulation, the provisions of the more restrictive ordinance shall control.

E. SEVERABILITY

If any section, clause, sentence, part, or provision hereof shall be held to be invalid, or unconstitutional, by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance.

F. INCORPORATION BY REFERENCE

- (1) For the purposes of this Ordinance, Jefferson County has adopted by reference the following published standards:
 - (a) *West Virginia Stormwater Management and Design Guidance Manual (2012)*

- (b) Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed," version 2.0 (June 2009)
 - (c) *West Virginia Erosion and Sediment Control Best Management Practice Manual* (2006)
 - (d) *West Virginia Erosion and Sediment Control Handbook for Developing Areas*
 - (e) *Virginia Stormwater Best Management Practices Clearinghouse*
 - (f) *Maryland Stormwater Design Manual*
 - (g) *Pennsylvania Stormwater Best Management Practices Manual*
- (2) All Stormwater Management Plans shall be consistent with the regulations and design standards established in the listed published standards.

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ARTICLE II STORMWATER MANAGEMENT PROGRAM PROCEDURES AND REQUIREMENTS**A. STORMWATER MANAGEMENT PLAN REQUIREMENT, REVIEW, AND APPROVAL**

- (1) Any person or entity proposing to perform any Land Development Activity(ies) pursuant to the applicability standards outlined under Article I.D. of this Ordinance shall submit a complete Stormwater Management Plan to the Jefferson County Engineering Department as part of a subdivision Preliminary Plat or Site Plan submittal and approval.
 - (a) The Jefferson County Stormwater Management Plan is required in addition to any permitting or Notice of Intent issuances required by the WVDEP for land disturbance activities in excess of one acre.
- (2) Each Stormwater Management Plan submittal shall include the minimum content specified in Article II and meet the minimum stormwater design requirements specified in Article IV of this Ordinance.
- (3) The Stormwater Management Plan shall be in a format acceptable to the Jefferson County Engineering Department and contain any professional certifications and seals required by them and/or as required by any applicable professional licensing board in the State of West Virginia. This shall include, but is not limited to, any surveys, engineered plans, and details, specifications, design calculations, analyses, or reports.
- (4) Unless specified otherwise by this Ordinance, the Stormwater Management Plan must comprise the following:
 - (a) Erosion and Sediment Control Plan in accordance with Article II.B
 - (b) Stormwater Control and Conveyance Plan in accordance with Article II.C
 - (c) Maintenance Plan requirements in accordance with Article II.D
- (5) No Site Plan and/or Subdivision Preliminary Plat Plan shall be approved until a satisfactory Stormwater Management Plan including all components (Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Plan) has been submitted, undergone a review for compliance with the requirements of this Ordinance and been approved by the Jefferson County Engineering Department.
- (6) Approval of the Subdivision Plat or Site Plan by the Jefferson County Engineering Department shall constitute approval of the Stormwater Management Plan.
- (7) No owner or developer shall commence any land disturbance activity prior to meeting the requirements of this Ordinance, if applicable.

B. EROSION AND SEDIMENT CONTROL

- (1) Review and Approval of Erosion and Sediment Control Plans
 - (a) No changes shall be made in the contour of the land and no grading, excavating, removal, or destruction of topsoil, trees, or other vegetative cover shall commence until an Erosion and Sediment Control Plan for stabilizing disturbed areas has been reviewed and approved by the Jefferson County Engineering Department.
 - (b) The Erosion and Sediment Control Plan shall be submitted as part of the Stormwater Management Plan at the same time the Subdivision Plat or Site Plan is to be submitted.
 - (c) The owner or developer shall submit the Erosion and Sediment Control Plan, and any supporting computations, to the Jefferson County Engineering Department for review and approval as part of the Stormwater Management Plan. The Erosion and Sediment Control Plan shall contain sufficient information and notes to describe how soil Erosion and off-site sedimentation will be minimized. The Jefferson County Engineering Department shall review the plan to determine compliance with the *West Virginia Erosion and Sediment Control Handbook for Developing Areas* and the regulations established in this Ordinance. The plan shall serve as a basis for all subsequent grading and stabilization.
 - (d) All plans must meet the requirements of the WVDEP's Construction Stormwater NPDES regulations, as applicable. In the event of conflict between the Jefferson County Subdivision Ordinance's regulations and WVDEP's requirements, WVDEP's requirements shall prevail.
 - (e) Approval of the Subdivision Plat or Site Plan by the Jefferson County Engineering Department shall constitute approval of the Erosion and Sediment Control Plan.
- (2) Contents of Erosion and Sediment Control Plans
 - (a) The applicant is responsible for submitting an Erosion and Sediment Control Plan that meets the requirements of the Jefferson County Engineering Department, this Ordinance, and the *West Virginia Erosion and Sediment Control Handbook for Developing Areas*. The plan shall include sufficient information to evaluate the potential impacts of the proposed grading on water resources and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation.
 - (b) The Erosion and Sediment Control Plan shall be submitted as a part of the Stormwater Management Plan. The Erosion and Sediment Control Plan shall be at an appropriate scale and include, at a minimum, the following information:
 - (i) North arrow and graphic scale

- (ii) Symbol key for all erosion and sediment control measures (e.g., stabilized construction entrance, silt fence, check dams, culvert inlet protection, etc.) shown on the plan
- (iii) The existing and proposed topography/grading contours
- (iv) The limits of the disturbed area
- (v) Storm drainage provisions, including velocities and peak quantities of the Q10 discharge rates at outfalls
- (vi) Erosion and sediment control provisions to minimize erosion and prevent off-site sedimentation
 - 1. Provisions to preserve topsoil and limit disturbance
 - 2. Details of grading practices
 - 3. Design details and construction notes for structural controls
 - 4. Details and notes of temporary and permanent stabilization measures, including placement of the notes included in Figure 1

Figure 1- Erosion and Sediment Control Notes

1. Any area of exposed soil where no construction activity is anticipated for a period of longer than three weeks or where construction activity has stopped for three weeks shall be temporarily stabilized.
2. Following initial soil disturbance or re-disturbance, permanent stabilization shall be completed within seven calendar days after completion of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); and seven calendar days after reaching final grade for all other disturbed or graded areas.

These provisions do not apply to those areas that are shown on the plan for material storage or for those areas on which actual construction activities are currently being performed.

These time requirements may be extended, as deemed necessary by the Jefferson County Engineer in the event that adverse conditions prevent compliance with the stated time limitations for the completion of permanent or temporary stabilization.
3. Stabilization will be considered adequate when the following conditions are met:
 - a) Water courses, stream banks, and drainage easements shall be 100% stabilized and free from erosion and deposition.
 - b) Slopes steeper than 10% shall have at least 98% stable ground cover, as determined by the Jefferson County Engineer.
 - c) All other areas shall have at least 85% stable ground cover, as determined by the Jefferson County Engineer.
 - d) Grass vegetation shall have reached a minimum of 3 inches of height or have been mowed back to a minimum of 2 inches of height.
4. For all projects adjacent to or within 500 feet of a continuously flowing stream, no grading, excavating, removal, or destruction of topsoil, trees, or other vegetative cover, or construction activity shall result in point or non-point loading of suspended matter such that turbidity standards spelled out in the Water Resources Board legislative rules are violated. Said standards state that turbidity shall not exceed 10 NTUs over background turbidity when the background is 50 NTUs or less, or have more than a 10% increase in turbidity (plus 10 NTUs minimum) when the background turbidity is more than 50 NTUs.
5. Indication whether an off-site borrow pit is (or is not) proposed for this project.
6. Maintenance shall be performed as necessary to ensure that all erosion and sediment control measures are performing as designed. The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing the approved plans do not provide adequate protection.
7. All residential and commercial/industrial building Lots shall have a stabilized construction entrance installed prior to beginning construction on the Lot.

- (vii) Temporary and permanent seeding specifications, including:
 1. Type of seed (mixture) and application rate
 2. Type of lime and fertilizer and the associated application rates
 3. Type of mulching, application rate, and type of anchoring
 - (viii) Sequence of construction outlining the installation and maintenance of erosion and sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, at a minimum, outline the sequence for the installation of erosion and sediment control devices for the following applicable activities:
 1. Installation of the stabilized construction entrance
 2. Clearing and grubbing for those areas necessary for installation of perimeter controls
 3. Construction of perimeter controls (e.g., dikes, silt fence, sediment traps, sediment basins, etc.)
 4. Remaining clearing and grubbing
 5. Road grading
 6. Grading of ditch lines and drainage swales
 7. Utility installation
 8. Grading for stormwater management facilities
 9. Grading for the remainder of the site
 10. Final grading, landscaping, or stabilization
 11. Maintenance schedule for all erosion and sediment control devices
 12. Removal of temporary erosion and sediment controls
 - (ix) Any off-site source of borrow materials that is located in Jefferson County, and not regulated directly by an agency of the state or federal governments, shall be so noted on the Erosion and Sediment Control Plan, and an Erosion and Sediment Control Plan shall be provided for the borrow pit. If no off-site borrow source is proposed, it shall be so noted on the Erosion and Sediment Control Plan.
 - (x) The following note shall be placed on the Site Plan, Preliminary Plat, and Final Plat of subdivision: "All residential and nonresidential building lots shall have a stabilized construction entrance installed prior to beginning construction on the lot."
 - (xi) Computations as may be necessary to show adequate sizing of erosion and sediment control measures.
- (c) The Jefferson County Engineer may waive the inclusion of any specific information required by this section that is considered by the Jefferson County Engineer to not be required or applicable for the affected site.

- (3) Modifications to the Erosion and Sediment Control Plan.
 - (a) The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing that the approved plans do not provide adequate protection. Modifications may also be requested by the developer or engineer of record due to unforeseen field conditions.

C. STORMWATER CONTROL AND CONVEYANCE PLAN REQUIREMENTS

- (1) All Stormwater Control and Conveyance Plans shall be appropriately sealed and signed by a professional engineer in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with West Virginia Code Chapter 30, Professions and Occupations, and attendant regulations certifying that the plan meets all submittal requirements outlined in this Ordinance and is consistent with good engineering practice.
- (2) The developer is responsible for submitting a Stormwater Control and Conveyance Plan that meets the design requirements of this Ordinance. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer or builder shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the approved plan. The minimum information submitted for support of stormwater management shall include those components listed in subsection (3) of this section.
- (3) The Stormwater Control and Conveyance Plan shall include the following:
 - (a) Name, address, and telephone number of all persons having a legal interest in the property
 - (b) Tax reference number and parcel number of the property or properties affected
 - (c) Existing and proposed buildings, roads, and parking areas
 - (d) Existing and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities
 - (e) Existing and proposed utilities, easements, and structural stormwater management and sediment control facilities
 - (f) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses
 - (g) Clearing and grading limit boundaries

- (h) A 1-inch = 200-foot topographical base map of the site, which extends a minimum of 200 feet beyond the limits of the proposed development
- (i) Existing surface water drainage including streams, ponds, culverts, ditches, drainage patterns, and wetlands
- (j) A written or graphic inventory of the natural resources at the site and surrounding area, including forest cover, wetlands, and other native vegetative areas, as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site
- (k) Environmentally sensitive features as defined in the Jefferson County Subdivision Ordinance that provide particular opportunities or constraints for Development
- (l) A stable maintenance route to the stormwater management feature
- (m) All necessary construction specifications
- (n) SWM features to meet all Natural Resources Conservation Service (NRCS)-378 pond design criteria, including embankment width, core trench, anti-seep collars, emergency spillway, etc., as described in at least one of the following documents as recommended by the *West Virginia Stormwater Management and Design Guidance Manual*:
 - (i) *West Virginia Erosion and Sediment Control Best Management Practice Manual*
 - (ii) *Virginia Stormwater Best Management Practices Clearinghouse*
 - (iii) *Maryland Stormwater Design Manual*
 - (iv) *Pennsylvania Stormwater Best Management Practices Manual*
- (o) Analysis of the impacts of stormwater flows downstream. The design release rate of the structure shall be modified if there is a risk that any increase in flooding or stream channel erosion will occur at any point.
- (p) A sequence of construction
- (q) A plan and profile view through the centerline of the SWM feature, including the forebay area, micropool area, embankment, and outlet, showing existing and proposed grades and all pertinent features at accurate elevations
- (r) Geotechnical properties for the hydrologic and structural properties of soils, especially for dam embankments, shall be described in a soils report if deemed necessary by the Jefferson County Engineer. The submitted report shall include boring depth, sampling frequency and types, and associated laboratory testing with results and conclusions, and follow the criteria in Appendix B of the *West Virginia Stormwater Management and Design Guidance Manual*. Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in

the *West Virginia Stormwater Management and Design Guidance Manual*.

- (s) Outlet protection information including dimensions, depth, geotextile, and stone sizing
- (t) Tabular summary of all SWM facilities provided in spreadsheet format (Microsft Excel or equivalent) with the following details;
 - (i) Facility location based upon West Virginia State Plane Coordinate System.
 - (ii) Description of type of system
 - (iii) Total area the facility is providing stormwater management services for.
- (v) Digital data submissions of the same information found on the printed sets of plans are required in addition to the printed sets of plan submission requirement. Printed sets of plans remain mandatory and will continue to be recognized as the official document.

The following digital formats are acceptable:

DXF: AutoCAD Drawing Exchange Format, release 13 or later

DWG:AutoCAD Drawing File, release 13 or later

Data formats that are native to GIS (i.e., shapefiles and geodatabases) are also acceptable, though not required. Additional formats will only be accepted if they are compatible with GIS and increase the efficiency for data capture and integration.

The following coordinate system, horizontal datum and mapping units are required for all digital data submissions:

Coordinate System: State Plane, West Virginia North, FIPS Zone 4701

Horizontal Datum: NAD83

Mapping Units: US Survey Feet

- (w) Any other information required by the Jefferson County Engineering Department or representative thereof
- (x) A Stormwater Control and Conveyance Plan shall be submitted including all hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in this Ordinance. This report shall be dated, and signed and sealed by the Engineer of Record. Such calculations shall include the following:
 - (i) Description of the design storm frequency, intensity, and duration
 - (ii) Time of concentration

- (iii) Soil Curve Numbers (CNs) or runoff coefficients
 - (iv) Peak runoff rates and total runoff volumes for each watershed
 - (v) Infiltration rates, where applicable
 - (vi) Culvert and/or channel capacities
 - (vii) Flow velocities
 - (viii) Data on the increase in rate and volume of runoff for the specified design storms
 - (ix) Documentation of sources for all computation methods and field test results
- (4) The Stormwater Control and Conveyance Plans shall contain at a minimum, the following. Additional information may be required at the discretion of the County Engineer.
- (a) Plan over Profile sheets of any storm sewer system shall be shown on the preliminary plat and/or site plan, as applicable; and shall show:
 - (1) Inlet identification that corresponds with plan view
 - (2) Top and bottom of storm inlet elevations.
 - (3) Pipe size, shape, material type & length.
 - (4) Pipe inlet and outlet invert elevations.
 - (5) Slope of pipe.
 - (6) Outlet end-section type.
 - (7) Outfall rip-rap apron/energy dissipation device at 0% grade.
 - (8) Q10 flow rate and velocity, or any other flow rate and velocity information as required under any other State or local regulations pertaining to stormwater management.
 - (9) Hydraulic Grade line
 - (10) All applicable details of inlets, and other associated structures
 - (b) Culverts shall be shown in both plan and profile views on the preliminary plat and/or site plan, as applicable, and shall show:
 - (1) Culvert identification that corresponds with plan view
 - (2) Invert elevations at the inlet and outlet of the culvert.
 - (3) Pipe size, shape, material type & length.
 - (4) Slope of pipe.
 - (5) Outlet end-section type.
 - (6) Outfall rip-rap apron/energy dissipation device at 0% grade.

- (7) Q10 flow rate and velocity, or any other flow rate and velocity information as required under any other State or local regulations pertaining to stormwater management.
- (c) Drainage swales shall be shown on the preliminary plat and/or site plan, as applicable, and shall show:
- (1) Grading of the swales.
 - (2) Typical cross section of the swale showing the 10-year water surface.
 - (3) Any required lining.
 - (4) Slope of the swale.
 - (5) Q10 flow rate and velocity, or any other flow rate and velocity information as required under any other State or local regulations pertaining to stormwater management.
 - (6) Any applicable details.
- (d) The Stormwater Control and Conveyance Plan shall include all hydrologic and hydraulic design calculations for all storm sewer, roadway culverts and drainage swale conveyance systems, including a narrative explaining the design methodologies. The report shall be dated and signed and sealed by the Engineer of Record.

D. MAINTENANCE REQUIREMENTS

- (1) The design and planning of all stormwater management facilities shall include detailed maintenance procedures to ensure their continued function. These maintenance procedures will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary.
- (2) The Stormwater Management Plan must ensure access to all stormwater management facilities at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. These easements will be recorded and will remain in effect even with the transfer of title to the property.
- (3) Prior to the approval of any Stormwater Management Plan that has stormwater management facilities requiring access easements, the developer or owner of the site must demonstrate that all required easements are obtained and recorded - or will be recorded - prior to recordation of the Final Plat or final approval of the Site Plan.
- (4) Ownership, maintenance, inspections, and cleaning of stormwater management facilities shall be the responsibility of the Homeowners Association or Lot Owners Association and/or property owner or other responsible entity. All stormwater management facilities shall be conveyed by deed to the responsible party at the same time transfer of all other common areas is required under the Subdivision

and Land Development Regulations. This shall be stated on the Subdivision Preliminary Plat, Final Plat, and/or Site Plan, along with any other required maintenance plan notes and inspection schedule.

- (5) Inspection and maintenance of stormwater facilities
 - (a) The Homeowners Association or Lot Owners Association and/or property owner or other entity responsible for the maintenance of the stormwater management facilities constructed pursuant to this Ordinance shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, discharge structures, trash racks, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with the approved plans and specifications.
 - (b) The party responsible for the maintenance of the stormwater management system shall maintain and provide written records of all maintenance and repairs within 30 days of work completion to the WVDEP. A copy of these records shall also be submitted to the Jefferson County Engineering Department as notification that maintenance work was performed.
 - (c) A periodic maintenance schedule shall be developed for the life of any stormwater management facility. This maintenance schedule shall be included in the approved Stormwater Management Plan and placed on approved Site Plans and Subdivision Preliminary and Final Plats, along with the following statement:

“All maintenance and repair, periodic inspections, and cleaning of stormwater management facilities shall be the responsibility of the Homeowners Association or Lot Owners Association, and/or property owner or other responsible entity, and shall be performed in accordance with the Jefferson County Stormwater Management Ordinance under which the project was approved.”
 - (d) The minimum maintenance requirements listed on the following page shall be printed on the Stormwater Management Plan, Site Plan, Preliminary Plat Plan, and Final Plat:
- (6) Inspection report requirements (see Attachment B)

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Stormwater Management Facilities Maintenance Requirement

1. In accordance with the Jefferson County Stormwater Management Ordinance under which this project was approved, periodic inspection and maintenance shall be performed to ensure the proper function of all stormwater management facilities.
2. All maintenance and repair, periodic inspections, and cleaning of stormwater management facilities shall be the responsibility of the Homeowners Association or Lot Owners Association, and/or property owner or other responsible entity, and shall be performed in accordance with the Jefferson County Stormwater Management Ordinance under which the project was approved.

STORMWATER FACILITY MAINTENANCE AND INSPECTION SCHEDULE

1. Regular Maintenance:
 - A. Mowing (seasonal) and removal of trash and debris shall be performed on a monthly basis at a minimum.
 - B. Repair and stabilization of eroded areas shall be performed during growing season and on an annual basis at a minimum.
2. Periodic Inspections:

All elements of the stormwater management facilities shall be inspected for proper operation and maintenance as follows:

 - A. After the first year of operation
 - B. Once every year after the first year of operation
 - C. Within 15 days after any maintenance activities are performed and completed
 - D. After a 3-inch rainfall within a 24-hour period storm event (2-year, 24-hour storm event)
 - E. As requested by the Jefferson County Engineering Department in response to complaints or notice of possible violations

Best Management Practices (BMPs) Maintenance Procedures

1. Maintenance for rain gardens, vegetated drainage swales, riparian buffers, infiltration basins, etc., shall be performed in accordance with the BMP maintenance specifications in the West Virginia Department of Environmental Protection's *West Virginia Stormwater Management and Design Guidance Manual*.

Project-Specific Maintenance Procedures Required

(Determined by the Stormwater Management Plan Engineer-of-Record)

- 1.
- 2.
- 3.

ARTICLE III WAIVERS AND MODIFICATIONS OF REQUIREMENTS**A. GENERAL**

- (1) This Article is intended to provide a procedure to achieve the water quality and quantity objectives of this Ordinance while providing reasonable flexibility for difficult site conditions and innovative site design approaches.
- (2) The provisions of this Ordinance are the minimum requirements for the protection of the public's health, safety, and welfare, and should be strictly adhered to. Written requests for waivers to or modifications of these requirements should be granted only where the requirement of strict adherence would be unreasonable, cause undue hardship, or an alternative standard can be demonstrated to provide equal or better results.

B. REQUEST FOR WAIVER OR MODIFICATION

- (1) Every person or entity defined under Article I.D. of this Ordinance shall submit a complete Stormwater Management Plan unless a written request for a waiver seeking relief from the stormwater management standards of this Ordinance is filed with the Jefferson County Engineering Department and such request is granted by the Jefferson County Engineering Department.
- (2) If the owner or developer demonstrates to the satisfaction of the Jefferson County Engineering Department that any stormwater management requirements of this Ordinance are unreasonable or cause undue hardship as it applies to the proposed land disturbance activity(ies), the Jefferson County Engineering Department may grant relief to such standards, provided that such relief meets the findings specified under Section B.(4) below.
- (3) The owner or developer shall submit all requests for waivers in writing to the Jefferson County Engineering Department and shall include such requests as a part of the Stormwater Management Plan review and approval process as defined under Article II.D. of this Ordinance. The owner or developer shall state in full the facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance that are involved, and the minimum waiver or relief that is necessary. The owner or developer shall state how the requested waiver and their proposal shall result in an equal or better means of complying with the water applicable quality and quantity objectives and requirements of this Ordinance.
- (4) The Jefferson County Engineering Department may grant waivers or a modification of the requirements when the following findings are made, as relevant:
 - (a) The waiver will not create an adverse impact to water quality and water quantity.
 - (b) The waiver is the minimum action necessary to provide relief.
 - (c) The applicant is *not* requesting a waiver based solely on cost considerations.

- (d) Existing off-site stormwater problems will not be exacerbated.
 - (e) Runoff is not being diverted to a different drainage area.
 - (f) Increased flooding or ponding on off-site properties or roadways will not occur.
 - (g) Potential icing conditions will not occur.
 - (h) Increase of peak flow or volume from the site will not occur.
 - (i) Erosive conditions due to increased peak flows or volume will not occur.
 - (j) Increased 100-year floodplain levels will not result.
 - (k) Increased or unusual municipal maintenance expenses will not result from the waiver.
 - (l) The amount of stormwater generated has been minimized to the greatest extent allowed.
 - (m) Infiltration of runoff throughout the proposed site has been provided where practicable, and predevelopment groundwater recharge protected at a minimum.
 - (n) Peak flow attenuation of runoff has been provided.
 - (o) Long-term operation and maintenance activities are established.
 - (p) The downstream waterways within the watershed containing the site that will receive runoff will not be subject to each of the following criteria:
 - (i) Deterioration of existing culverts, bridges, dams, and other structures
 - (ii) Deterioration of biological functions or habitat
 - (iii) Accelerated streambank or streambed erosion or siltation
 - (iv) Increased threat of flood damage to public health, life, and property
- (5) The Chief County Engineer may also, at their discretion, grant waivers or modifications to the Quality control requirements for projects of minimal size and magnitude where Quality control measures would not be practicable and/or economically feasible, and any impacts of such a project would be relatively insignificant. Should the justification for such waivers be questionable, the Chief County Engineer may refer the request to the Jefferson County Planning Commission for a determination.

ARTICLE IV STORMWATER MANAGEMENT DESIGN CRITERIA**A. REFERENCE TO THE DESIGN MANUAL**

- (1) The Jefferson County Engineering Department shall use the technical specifications and standards in the *West Virginia Stormwater Management and Design Guidance Manual* as the tool for making decisions about stormwater design, implementation, and performance of structural and nonstructural stormwater BMPs.
- (2) The *West Virginia Stormwater Management and Design Guidance Manual* includes a list of stormwater quality treatment practices, including the specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards. If the specifications or guidelines found therein are more restrictive than other requirements, they shall not prevent the application of the specifications or guidelines in the *West Virginia Stormwater Management and Design Guidance Manual*.
- (3) Reference is also made to NRCS 378, for the design and construction of conventional pond facilities.

B. GENERAL PERFORMANCE CRITERIA

- (1) Low Impact Development (LID) is a stormwater management method that is modeled after nature. LID is unique to each site and uses both structural and nonstructural practices to control runoff close to where it falls. LID is recommended as the standard stormwater management practice.
 - (a) The use of LID and BMPs in conjunction with traditional stormwater management shall control stormwater runoff at the source and more closely approximate predevelopment runoff conditions.
 - (b) Karst Terrain Considerations
 - (i) Developers and designers shall minimize the amount of impervious cover created at the site to reduce the volume and velocity of stormwater runoff generated.
 - (ii) Developers and designers shall place a high priority on preserving as much of the length of natural Karst swales present on the Site as possible to increase infiltration and accommodate flows from major storm events.
 - (iii) Developers and designers should consider small-scale LID practices as prescribed in the latest version of the Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed."
 - (c) The design criteria, hydrologic analysis, and computational procedures for LID stormwater management design plans shall be those of the latest

edition of the *West Virginia Stormwater Management and Design Guidance Manual*.

- (d) LID stormwater management design plans shall not conflict with existing state or Jefferson County laws, ordinances, regulations, or policies.
- (e) Storm drainage easements shall be recorded to identify the locations of integrated management practices on lots or parcels. The property owner shall not remove or structurally alter integrated management practices without prior written approval from the Jefferson County Engineering Department.
- (f) Stormwater runoff from parking lots should utilize stormwater management infiltration facilities and/or stormwater management filtering systems. These should be placed within or near the parking lot islands, if feasible.
- (g) Stormwater runoff being infiltrated into the groundwater by means of a Class V well must utilize BMPs that are considered Class V wells provided through the WVDEP at [http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Documents/ClassV_Well_IdentifierGuide\[1\].pdf](http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Documents/ClassV_Well_IdentifierGuide[1].pdf).

BMPs considered Class V wells must obtain any Underground Injection Control Permit (UIC Permit) as required and provided by the WVDEP.

- (2) All stormwater control facilities shall be designed to achieve post-development hydrologic conditions that are consistent with predevelopment conditions and to improve runoff conditions for redevelopment.
- (3) The site shall maintain, as closely as possible, the predevelopment infiltration processes and rates by implementing infiltration close to the source of runoff.
- (4) Stormwater shall be treated to reduce pollutants during conveyance and collection.
- (5) Peak flows shall be attenuated to prevent high runoff rates and subsequent flooding of the receiving stream.
- (6) Site design should implement runoff reduction techniques to reduce the amount of stormwater that must be collected, conveyed, and treated by stormwater management facilities.
- (7) The applicant shall improve runoff conditions for redevelopment projects.

C. STORMWATER QUANTITY CONTROL CRITERIA

- (1) Figures for determining the rainfall amounts for the design storms shall be obtained from the National Oceanic and Atmospheric Administration (NOAA) point precipitation frequency estimates. The NOAA Site for these estimates is provided below: <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.

- (2) Wooded sites shall use a ground cover of woodland in good condition. All other predevelopment land use shall be considered meadow except as noted in Table 1.
- (3) For all new land development projects, the post-development peak discharge rate shall not exceed the predevelopment peak rate (adjusted for Karst if required) for the 2-year, 10-year, and 100-year storm events if applicable under Table 1.
- (4) A hydrologic analysis for calculating the watershed runoff for both the predevelopment and post-development conditions shall be provided and based on the 24-hour rainfall event. This may be done using the NRCS methodologies (e.g., TR-20 and TR-55, etc.) that takes into consideration the ground cover, time of concentration, area of the watershed, and the 24-hour rainfall amount and rainfall distribution for the region; or the modified calculation method provided in Appendix E of the *West Virginia Stormwater Management and Design Guidance Manual* to help prevent overestimations under the TR-20 and TR-55 methods; or any other acceptable methodology in the public domain and approved by the Jefferson County Engineer or authorized representative.
- (5) Table 2 provides for reduction of the predevelopment flows due to the Karst geology characteristics of Jefferson County. This results in lower predevelopment runoff rates for the 1-year, 2-year, 10-year, and 100-year, 24-hour storm events.

The Karst adjustment factors shown in Table 2 shall only apply to the area of Jefferson County depicted as Karst on Map 1: Karst Geology Map of Jefferson County located at the end of this Section.
- (6) Nonstructural quantity control and conveyance methods should be utilized whenever possible.
- (7) The owner or developer must demonstrate that downstream conveyance facilities are adequate.
- (8) Drainage easements that will establish operation and maintenance for on-site properties shall be obtained.
- (9) Stormwater quantity control shall be provided that reduces the post-development runoff rate from the site such that it does not exceed the "Karst adjusted" predevelopment runoff discharge.
- (10) Quantity control may be provided by stormwater detention and retention basins, underground detention storage infiltration basins or trenches, and/or any other means approved by the Jefferson County Engineer. Provide the hydrologic and hydraulic routing calculations and analysis in the Stormwater Management Plan.
- (11) The runoff from any predevelopment area draining to a sinkhole shall not be counted in the calculation of the predevelopment runoff from the site.
- (12) An off-site stormwater management facility may be used instead of an on-site facility when:

- (a) An adequate route of conveyance between the site and the off-site facility exists, or will be built as part of the project; and
 - (b) The off-site facility has the capacity or can be retrofitted to meet the criteria stated above; and
 - (c) The developer has demonstrated the right to convey the runoff and use the off-site stormwater management facility.
- (13) Standards and methods for stormwater facilities should be constructed in accordance with standards described in NRCS 378, and/or the *West Virginia Stormwater Management and Design Guidance Manual*.
- (14) The emergency spillway and principal spillway outfalls shall be constructed in a cut section only (to prevent erosion and collapse of the basin embankment) and shall maintain a flat (0%) grade to the end of the designed length of the control section, and shall provide a stabilized flow path to a rip-rap outfall apron, plunge pool, or other approved outfall spreader.
- (15) Where the outfall of a stormwater management facility is less than 75 feet from the immediate downstream property line, the outfall rip-rap apron shall be depressed 6 inches to create a plunge pool.
- (16) Where a stormwater management basin exceeds 6 feet in height above the existing ground, anti-seep devices shall be provided along the principal spillway pipe to prevent "piping" and collapse of the basin embankment.
- (17) Where a stormwater management basin embankment exceeds 10 feet in height above the existing ground, a dam breach/failure analysis is required to identify the potential for damage to homes, buildings, roads, utilities, etc. Any facility that falls under the criteria of the West Virginia Dam Control and Safety Act shall meet the design standards of that act. Documentation of approval by the WVDEP Dam Safety staff shall be provided prior to approval by Jefferson County.
- (18) All stormwater management basin embankments shall have core trenches consistent with the size of the embankment. The NRCS Pond 377 and 378 Engineering Standards shall be used as a guide for designing pond embankments, spillways, anti-seep collars, and core trenches, etc., unless another standard is approved by the Jefferson County Engineer.
- (19) All stormwater management basins shall be able to pass the 100-year, 24-hour storm event with a minimum of 1 foot of freeboard.
- (20) The stormwater management basin shall have a minimum slope of 1.0% across the bottom and slope toward the low-flow outlet at the control structure to ensure that the pond drains and to prevent the puddling of water after the basin has emptied. This requirement does not apply to stormwater management basins designed as shallow marsh wetlands and/or stormwater retention or infiltration basins.
- Finish contours/grades and/or spot elevations shall be provided on the Stormwater Management Plan, Preliminary Subdivision Plat, or Site Plan, as applicable, detailing the bottom of pond grading. Sediment forebays shall be

provided at all points of concentrated inflow. Sediment forebays shall be lined consistent with WVDEP specifications under the groundwater protection program.

- (21) The Infiltration BMP checklist should be utilized, as provided in Chapter 4.2.6 in the *West Virginia Stormwater Management and Design Guidance Manual* for any Infiltration BMPs to be utilized.
- (22) Infiltration rates for Infiltration basins shall be determined from percolation tests performed by a licensed septic installer or a licensed geotechnical engineer, or based on the NRCS Soils Manual for Jefferson County using Infiltration rates for the soil type at the Site. The method used shall be approved by the Jefferson County Engineer. Infiltration basins shall be designed to infiltrate/empty within 72 hours after the storm event has ended.
- (23) Stormwater management easements shall be provided where necessary to provide for access and maintenance of the stormwater management facilities. All easements shall be shown on the Stormwater Management Plan, Preliminary Subdivision Plat, and Final Subdivision Plat.

For stormwater detention, retention, and infiltration basins, the limits of the 100-year, 24-hour storm event storage elevation shall be delineated on the Preliminary Plat and/or Site Plan, as applicable. The stormwater management facility and the 100-year storm event storage limits shall be located within a lot/common area specifically designated for stormwater management purposes; or a stormwater management easement shall be provided that provides access to and contains both the stormwater management facility and the 100-year storm event storage limits. The limits of the 100-year storm event shall not encroach into a roadway.

All other stormwater management facilities shall have easements where necessary to provide for access and maintenance.

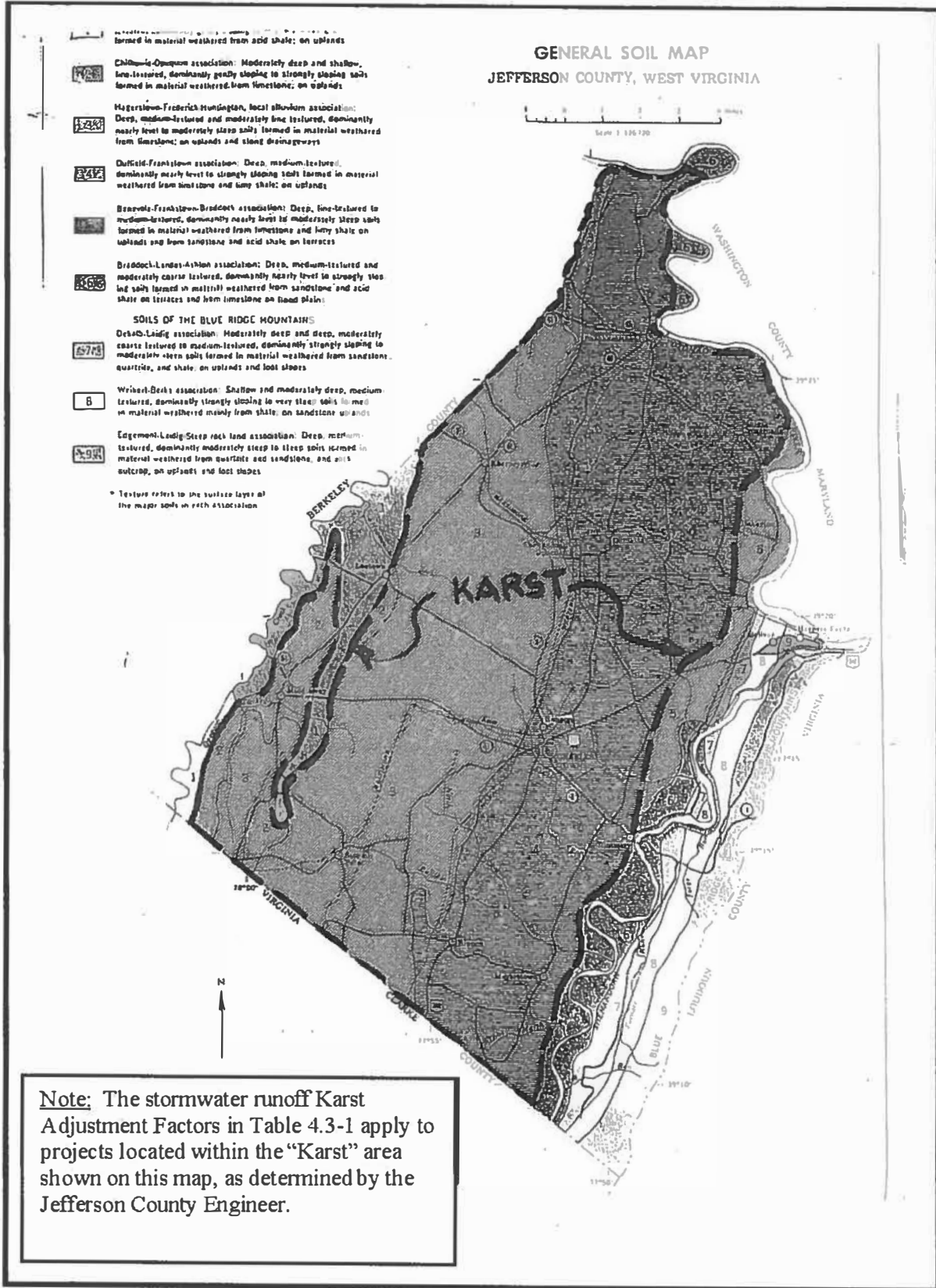
- (24) The Stormwater Management Plan shall demonstrate adequate downstream conveyance of stormwater discharge from the Site. The capacity should be determined for the existing downstream storm drainage system to convey runoff discharged by a project to natural streams and rivers. If the capacity is less than the predevelopment runoff rate, then the capacity of the storm drainage system shall be used as the allowable release rate.
- (25) Structural and nonstructural stormwater management practices that promote or otherwise make best possible use of on-site infiltration shall be considered first.
- (26) For sites located adjacent to the Potomac River, Shenandoah River, or the Opequon Creek, stormwater quantity control may use the "quick release" approach to reduce the impact on the receiving stream's Peak Discharge. Use of the quick release approach shall be justified based on engineering analysis and approved by the Jefferson County Engineer on a case-by-case basis.
- (27) Natural wetlands shall not be used to meet minimum requirements. If an outfall pipe discharges into a natural wetland, the velocity shall not exceed 2 feet per

second for the two-year storm event, and it shall be demonstrated that the discharge will not create erosion.

- (28) Sites required to provide the 1-inch capture quality control shall be allowed to take quantity control credit. The post-developed Runoff Curve Number (RCN) may be adjusted based upon interpolation of Table 2-1 of the NRCS TR-55 manual.

Table 1 Stormwater Management Quantity Control Criteria				
	Criteria	2-Year Storm	10-Year Storm	100-Year Storm
1.	Conditions under which stormwater management is required.	All Sites	All Sites	Sites located within the upper two-thirds of the drainage basin as measured from the Potomac or Shenandoah Rivers, or Opequon Creek, and which are located within a "growth" area, and which have a Federal Emergency Management Agency (FEMA)-designated floodplain on or adjacent to the Site.
2.	Allowable assumptions for Predevelopment land use.	Model as wooded, meadow, or existing orchard	Model as land use at present time.	Model as land use at present time.
3.	Typical control device	2-year low-flow orifices and principal spillway	10-year high Weir and principal spillway	Highest Weir for control, or if not controlled, provide emergency overflow spillway cut into existing ground or size the principal spillway to pass the 100-year storm event.
4.	Minimum adjustment of Predevelopment Runoff for Karst geology.	Apply 100% to all on-site drainage areas and pro-rate off-site based on percentage of undeveloped off-site area in the total off-site drainage area.	Pro-rate based on percentage of undeveloped on-site and off-site area in the total drainage area.	Pro-rate based on percentage of undeveloped on-site and off-site area in the total drainage area.
Karst Geology – Runoff Adjustment Factors				
	% Karst	Multiply Predevelopment Peak Discharge by Factors Below		
		2-Year Storm	10-Year Storm	100-Year Storm
	100	0.33	0.43	0.50
	90	0.34	0.46	0.56
	80	0.38	0.51	0.62
	70	0.47	0.58	0.68
	60	0.55	0.66	0.74
	50	0.64	0.73	0.80
	40	0.73	0.80	0.85
	30	0.82	0.86	0.89
	20	0.91	0.92	0.93
	10	1.00	0.98	0.97
	0	1.00	1.00	1.00

Note: Post-development Runoff adjustment may be made for Karst in large Lot subdivisions only, based on 1 acre per Lot plus the area of road rights-of-way modeled as "disturbed area," with the remaining undisturbed area considered Karst area. Such adjustment shall be reviewed and approved by the Jefferson County Engineer on a case-by-case basis.



Note: The stormwater runoff Karst Adjustment Factors in Table 4.3-1 apply to projects located within the "Karst" area shown on this map, as determined by the Jefferson County Engineer.

D. STORMWATER QUALITY CONTROL CRITERIA**(1) General Quality Control Provisions**

- (a) Stormwater quality control facilities shall reduce solids, sediment, nutrients, and other pollutants from stormwater runoff. This shall be presumed to occur when each of the following criteria is met:
- (i) The facility is sized to capture the stormwater runoff volume of the first 1 inch of rainfall from a 24-hour storm event.
 - (ii) The facility is designed per the requirements and engineering calculations in the latest edition of the *West Virginia Stormwater Management and Design Guidance Manual*.
 - (iii) The facility is constructed in accordance with all applicable plans and permits.
 - (iv) The facility is maintained per Article VI.
 - (v) Water quality calculations can be estimated utilizing WVDEP's Stormwater Spreadsheet Tool provided through <http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Pages/ToolsandGuidance.aspx>, or other models available in the public domain as deemed acceptable by the Jefferson County Engineering Department.
- (b) Infiltration of runoff shall be as close to the source of runoff as possible via Infiltration testing and analysis of Infiltration rates. Preference shall be given to a combination of surface and subsurface infiltration measures.
- (c) Water quality improvements shall be achieved in conjunction with or as part of infiltration design.
- (d) In order to promote activities that reduce existing impervious surfaces or help create less "accessory" impervious surface, the following incentive standards may be applied to these types of projects. A reduction of 0.2 inches from the 1 inch runoff reduction standard may be applied to any of the following types of development. Reductions are additive up to a maximum reduction of 0.75 inches for a project that meets four or more criteria. The owner or developer may choose to be more restrictive and allow a reduction of less than 0.75 inches if they choose. In no case will the reduction be greater than 0.75 inches.
- (i) Redevelopment
 - (ii) Brownfield Redevelopment
 - (iii) Transit oriented development
 - (iv) Vertical density (Floor to Area Ratio (FAR) of 2 or >18 units per acre)

- (e) If a high water table or other constraints exist, the following hierarchy should be followed in order of preference:
 - (i) BMPs that capture and infiltrate or permanently retain on-site the total volume of the first 0.50 inches
 - (ii) If the applicant can demonstrate through on-site soil evaluations that conditions do not allow for item (e)(i), then BMPs that capture and infiltrate or otherwise permanently retain the largest percentage of the total volume of the 0.50-inch, 24-hour storm event
 - (iii) Infiltration practices shall be designed that capture and infiltrate at least the first 0.50 inches of runoff from all impervious areas. If the volume of runoff is greater than the volume to be infiltrated or retained, the difference should be treated by an acceptable BMP.
- (f) For all new development activities, each of the following regulations shall apply:
 - (i) Stormwater management practices that provide or encourage infiltration shall be considered first and foremost in all site designs.
 - (ii) Stormwater quality management practices shall be designed to capture and treat the runoff volume from the first 1 inch of rainfall from a 24-hour storm event.
 - (iii) Stormwater shall be infiltrated and/or discharged within the same drainage area of the stream receiving the runoff prior to development.
- (g) Site design shall minimize disturbance. All grading should be designed to distribute runoff evenly. Areas of depression should be designed for subsurface infiltration techniques.
- (h) All stormwater BMPs, including methods and systems identified in the *West Virginia Stormwater Management and Design Guidance Manual*, shall be considered and developed according to standards described therein.
- (i) During site construction, the infiltration area shall be protected from compaction, storage of fill, or construction materials.
- (j) Where sediment transport in the stormwater runoff is anticipated to reach the infiltration system, appropriate permanent measures to prevent or collect sediment shall be installed prior to discharge to the infiltration system.

- (k) For redevelopment activities, water quality improvements shall be provided for drainage areas not otherwise addressed by infiltration practices either at the source of runoff and/or during conveyance away from the source of runoff. Stormwater quality management shall be designed to capture and treat the stormwater runoff volume from the first 1 inch of rainfall from a 24-hour event over the newly developed impervious cover of development, except where the provisions of Article IV D.(1).(d).(i) are being utilized.
- (2) **Stormwater Hotspots**
- (a) Stormwater discharges from land uses or activities with a high potential for pollutant loadings (Stormwater Hotspots) require the use of specific filtering or bioretention BMPs prior to infiltration which are indicated on Table 2 on the following page. Stormwater control from these hotspots shall be controlled by the following:
 - (i) **Stormwater Pollution Prevention Plan (SWPPP).** In addition to a Stormwater Management Plan as required in Article II.A, additional permitting may be required by the WVDEP. Documentation of approval by the WVDEP of any additional permits shall be provided prior to approval by Jefferson County. The WVDEP may also require submittal of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP outlines pollution prevention and treatment practices that will be implemented to minimize polluted discharges from the Site. All SWPPPs shall be prepared following the guidelines in the West Virginia NPDES General Permit regulations even if an NPDES permit is not required. Copies of approved SWPPPs shall be provided to the Jefferson County Engineering Department.
 - (ii) **Restricted Infiltration.** A minimum of 50% of the total water quality volume must be treated by a filtering or bioretention practice prior to any infiltration. Portions of the site that are not associated with the hotspot-generating area should be diverted away and treated by an acceptable stormwater BMP.
 - (iii) **Infiltration Prohibition.** In cases where Infiltration is prohibited, an alternative stormwater practice such as closed bioretention, sand filters, or constructed wetland must be used to filter the entire (100%) water quality volume before it reaches surface or groundwater.

Table 2: Potential Stormwater Hotspot Land Uses

Potential Stormwater Hotspot Operation	SWPPP Required	Restricted Infiltration	Infiltration Prohibited
Facilities with NPDES industrial permits	Yes	☐	☐
Public works yard	Yes		✓
Auto and metal recyclers/scrap yards	Yes		✓
Petroleum storage facilities	Yes		✓
Highway maintenance facilities	Yes		✓
Wastewater, solid waste, composting facilities	Yes		✓
Industrial machinery and equipment	Yes	✓	
Trucks and trailers	Yes	✓	
Aircraft maintenance areas	Yes		✓
Fleet storage areas	Yes		✓
Parking Lots (40 or more parking spaces)	No	✓	
Gas stations	No		✓
Highways (2,500 Average Daily Traffic)	No	✓	
Construction business (paving, heavy equipment storage and maintenance)	No	✓	
Retail/wholesale vehicle/equipment dealers	No	✓	
Convenience stores/fast food restaurants	No	✓	
Vehicle maintenance facilities	No		✓
Car washes (unless discharged to sanitary sewer)	No		✓
Nurseries and garden centers	No	✓	
Golf courses	No	✓	
Key: ☐ depends on facility ✓ Yes Shaded Area: Facilities or operations not technically required to have NPDES permits, but can be designated as potential Stormwater Hotspots by the Jefferson County Engineer			
Source: Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed," version 2.0 (June 2009)			

E. SMALL-SCALE STORMWATER MANAGEMENT PRACTICES

Small-scale stormwater practices, LID, better site design (BSD), and nonstructural techniques designed to mimic natural hydrologic runoff and minimize the impact of land development on water resources must be utilized and described in the Stormwater Management Plan. Only when absolutely necessary is the use of structural BMP warranted.

- (1) The following methods and practices should be utilized to the greatest extent possible, and identified within the Stormwater Management Plan, to meet minimum control requirements before resorting to structural BMPs.
 - (a) Preserving and protecting natural resources
 - (b) Minimizing the removal of trees and underbrush as much as possible during construction
 - (c) Conserving natural drainage patterns
 - (d) Minimizing impervious area
 - (e) Utilizing alternative surfaces such as permeable pavement to reduce runoff
 - (f) Limiting soil disturbance, mass grading, and compaction
 - (g) Clustering development
 - (h) Reducing impervious infrastructure as much as possible, including eliminating or reducing cul-de-sacs and reducing sidewalk widths while still meeting local code requirements
 - (i) Utilizing parking lot landscaping and low-impact residential landscaping in development
 - (j) Utilizing BSD practices described in Chapter 4.1 of the *West Virginia Stormwater Management and Design Guidance Manual*
- (2) The following nonstructural stormwater management practices shall be applied according to the *West Virginia Stormwater Management and Design Guidance Manual* to minimize increases in stormwater runoff in new development:
 - (a) Sheetflow to natural conservation areas
 - (b) Disconnection of rooftop runoff
 - (c) Disconnection of non-rooftop runoff
 - (d) Sheet flow to buffers
 - (e) Grass channels
 - (f) Environmentally sensitive development
 - (g) Landscape infiltration
 - (h) Dry wells
 - (i) Micro-bioretenion
 - (j) Rain gardens
 - (k) Swales
 - (l) Any other practices approved by the Jefferson County Engineering Department

- (3) The use of these practices must not conflict with existing state or local laws, ordinances, regulations, or policies.
- (4) Nonstructural stormwater management practices approved by Jefferson County for development/redevelopment projects must be recorded and remain unaltered by subsequent property owners. Prior approval from the Jefferson County Engineering Department must be obtained before nonstructural stormwater practices are altered.
- (5) The regenerative stormwater conveyance systems should be utilized, as described in Chapter 4.2.7 of the *West Virginia Stormwater Management and Design Guidance Manual*, when at all possible and appropriate for the site.
- (6) Mosquito abatement: Stormwater management facilities containing permanent pools of water should be designed with adequate depth, plantings, and habitat for mosquito predators and other means to control mosquito populations.
- (7) All stormwater management structures shall be located within a common area, right-of-way, or easement. There are to be no individual lot stormwater management structures (i.e., structure to be put in when the home is built).

F. REDEVELOPMENT

- (1) For redevelopment activities meeting the applicability standards defined in Article I.D, one of the following standards shall be accomplished. Selection of these performance standards shall be based on suitability as determined by the Jefferson County Engineer.
 - (a) Reduce impervious cover by at least 20% based on a comparison of existing impervious cover to proposed impervious cover.
 - (b) Achieve a 10% reduction in volume of runoff discharged by a 1-year, 24-hour storm event. Runoff calculations shall be based on a comparison of existing to proposed site conditions.
 - (c) Reduce post-development peak discharge rates to 90% of the predevelopment rates for the 2-year, 10-year, and 100-year, 24-hour storm events based on a comparison of existing ground cover to post-development site conditions.
- (2) In instances where project development cannot meet the standards described in Part (1) of this section on site, two alternatives are available:
 - (a) Off-site mitigation: Runoff reduction can be accomplished at another location in the same watershed as the original project, approved by the Jefferson County Engineering Department. If mitigation is occurring off-site at a new development site, mitigation measures for the original project must be in addition to stormwater management requirements for the new development.

G. SOIL STUDIES AND KARST TERRAIN REQUIREMENTS

- (1) Soil studies for infiltration practices should be conducted according to the Infiltration Design Checklist and the Feasibility Criteria and Design Considerations included in Chapter 4.2.6 on infiltration of the *West Virginia Stormwater Management and Design Guidance Manual*.
- (2) Due to the prevalence of Karst Terrain in Jefferson County, it should be assumed that a project is located in a region of Karst Terrain unless otherwise indicated by the developer, property owner, or other interested party using Map 1 -- *Karst Geology Map of Jefferson County*, or by U.S. Geological Survey Geologic Maps.
 - (a) If the presence of Karst Terrain cannot be accurately determined from Map 1, contact the Jefferson County Engineering Department for clarification.
 - (b) If a quantity other than 100% of the site is to be determined as Karst Terrain, the property owner, developer, or other interested party must conduct a detailed site investigation as described in Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed" to identify the percentage of Karst Terrain at the Site.
 - (i) The resulting report must be signed and dated by the engineer who conducted the investigation and provided to the Jefferson County Engineering Department for review.
 - (c) If the presence of Karst Terrain is in dispute, the property owner, developer, or other interested party must conduct a detailed site investigation as described in Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed."
 - (i) The resulting report must be signed and dated by the engineer who conducted the investigation and provided to the Jefferson County Engineering Department for review.

H. STORMWATER CONVEYANCE AND DRAINAGE CRITERIA

- (1) Drainage Culverts
 - (a) Roadway culverts shall be designed to pass the 10-year, 24-hour storm event without overtopping the roadway at the edge of the shoulder. Provide calculations in the Stormwater Management Plan.
 - (b) Roadway drainage culverts shall be galvanized corrugated metal pipe (CMP) or an approved, equal alternative by the Jefferson County Engineer. The culverts shall be a minimum of 15 inches in diameter or equivalent elliptical/arched pipe size.

- (c) The inlet and outlet ends of roadway drainage culverts shall be protected from scour by rip-rap aprons or other energy-dissipating devices. The Jefferson County Engineer may waive this requirement for the inlet end if inlet ends contain manufactured ends or concrete end walls that extend the full width of the drainage ditch or swale, effectively preventing culvert inlet erosion.
 - (d) Drainage culvert outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy-dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.
 - (e) Roadway culverts shall have a minimum of 12 inches of cover over the pipe.
 - (f) Roadway culverts shall have manufactured end sections or concrete end walls at the inlet and outlet ends. Residential culverts of 18" or less are exempt from this requirements.
 - (g) Profiles of the roadway culverts shall be shown on the Stormwater Management Plan, as applicable, and shall show the following:
 - (i) Culvert identification that corresponds with plan view
 - (ii) Pipe size, shape, material type, and length
 - (iii) Inlet and outlet invert elevations
 - (iv) Slope of pipe
 - (v) Inlet and outlet end section type
 - (vi) Outfall rip-rap apron/energy-dissipation device at 0% grade
 - (vii) Q10 flow rate and velocity
 - (h) Construction details and specifications shall be provided on the Preliminary Plat and/or Site Plan, as applicable, for the culvert pipe, outfall aprons, and culvert end sections/wing walls.
 - (i) Individual lot driveway culverts shall be sized for the 10-year storm event; however, the minimum is 15 inches in diameter. Driveway culverts shall be galvanized CMP or an approved, equal alternative by the Jefferson County Engineer. A table of lot number and driveway culvert size shall be provided on the Stormwater Management Plan, if applicable.
- (2) Roadway Ditch Lines
- (a) Roadway ditch lines shall be a minimum depth of 1½ feet, with a 4:1 slope in from the road shoulder and a 2:1 return slope back out.
 - (b) Roadway ditch lines shall have a minimum linear slope of 1.5% unless a trapezoidal ditch (minimum 2 feet wide) is used; then a minimum of 0.5% is acceptable.

- (c) Roadway ditch lines shall not meander and shall be generally parallel to the roadway, except where necessary to direct runoff into culverts, move a ditch to the bottom of a fill slope, or to provide for a suitable discharge point.
- (d) Ditch line invert treatment shall be provided based on the 10-year, 24-hour storm event flows and the velocity of the water in the ditch line, as shown on Table 3.

Table 3		
Ditch Material	Maximum Allowed 10-Year Storm Event Velocity (Feet per Second)	Maximum Allowed Ditch Slope (Percent)
Seed & Mulch (Grass)	2.0	3.5
Mesh Ditch Liner	3.0	5.0
Solid Sodding	5.0	10.0
Loose Rip-Rap	7.0	10.0
Concrete Channel	Governed by ability to dissipate energy at outfall to provide a maximum velocity of 4 fps.	

- (e) The location and type of ditch line treatment and a typical section of the roadway ditch line shall be provided on the Stormwater Management Plan as applicable.
- (f) Turnouts constructed in sufficient quantity and/or size to effectively disperse the 2-year, 24-hour flow of runoff is required for ditches terminating at an embankment or a capped ditch end to prevent erosion of embankments and overtopping.

(3) Curb and Gutter

- (a) The curb and gutter shall be provided when required by the Jefferson County Subdivision and Land Development Regulations.
- (b) Curb and gutter construction details shall be provided on the Preliminary Plat and/or Site Plan as applicable.

Road curbs and gutters shall be constructed of 3,000 psi strength Portland cement concrete. Curbs shall be to a height of no less than 6 inches above the finished road surface. The base of the curb shall be a minimum of 7 3/8 inches in width. The curb face may slope outward to join a rounded edge having a radius of 1½ inches or more. Other curb designs may be approved by the Jefferson County Engineer.

Drainage gutter and storm drain inlet devices shall be designed to carry the peak flow from a 2-year Frequency, 24-hour storm event with a maximum spread of one-half the travel way.

(4) Roof Drains

For all nonresidential sites, the building structure roof drain discharge points shall be located so as to avoid icing of walkways, driveways, and building entrances. The location of roof drain discharge points shall be shown or noted on the Stormwater Management Plan, as applicable.

- (a) Any properties utilizing rainwater harvesting techniques from roof drains on structures located on the Site must utilize standards and maintenance practices described in Chapter 4.2.8 of the *West Virginia Stormwater Management and Design Guidance Manual*.

(5) Drainage Swales

- (a) Drainage swales shall be sized for the 10-year, 24-hour storm event. Provide calculations in the Stormwater Management Plan.
- (b) Drainage swale grading and drainage swale details shall be provided on the Stormwater Management Plan, as applicable.

(6) Storm Sewers

- (a) Storm sewer system piping shall be designed for the 10-year storm event. Storm sewer inlets shall be designed for the 2-year storm event. Inlet structures located in a sump shall be checked to prevent curb overtopping during the 10-year event. Provide calculations in the Stormwater Management Plan.
- (b) Storm sewer systems may utilize curbs and gutters where needed to capture and divert runoff into storm inlets.
- (c) Storm sewer pipe shall be galvanized CMP or an approved, equal alternative by the Jefferson County Engineer. The pipe shall be a minimum of 15 inches in diameter or equivalent elliptical/arched pipe size.
- (d) The outlet end of the storm sewer shall be protected from scour by rip-rap aprons or other energy-dissipating devices.
- (e) Storm sewer outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy-dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.
- (f) Storm sewer pipe shall have a minimum of 12 inches of cover over the pipe.
- (g) The outlet end of the storm sewer shall have manufactured end sections or concrete end walls.
- (h) Profiles of the storm sewer system shall be shown on the Preliminary Plat and/or Site Plan, as applicable, and shall show the following:
 - (i) Inlet identification that corresponds with plan view
 - (ii) Top and bottom of storm inlet elevations

- (iii) Pipe size, shape, material type, and length
 - (iv) Pipe inlet and outlet invert elevations
 - (v) Slope of pipe
 - (vi) Outlet end section type
 - (vii) Outfall rip-rap apron/energy-dissipation device at 0% grade
 - (viii) Q10 flow rate and velocity
 - (i) Drain inlets in residential subdivisions with closed section roads shall have bicycle-safe grates.
 - (j) Construction details and specifications shall be provided on the Preliminary Plat and/or Site Plan, as applicable, for the storm inlets and grates, manholes, pipe, end section/wing wall, outfall rip-rap apron, curb and gutter, etc.
- (7) Drainage Easements.
- (a) Drainage swales shall be located within drainage easements where necessary (e.g., on individual Lots, etc.) to retain the right to convey runoff from roadway ditch lines and common areas to stormwater management facilities and to provide access for maintenance of the drainage swale. Drainage swale easements shall be sized to contain the 10-year, 24-hour storm event flow within the easement. Drainage swale easements shall be a minimum width of 15 feet.
 - (b) Storm sewer systems shall be located within drainage easements where necessary (e.g., on individual Lots, etc.) to retain the right to convey runoff and to provide access for maintenance of the storm sewer system. Storm sewer system easements shall be a minimum width of 15 feet. The staff has the authority to require larger storm sewer drainage easements when large pipe diameters and/or bury depth make a 15-foot-wide easement impractical for access, maintenance, or replacement of the storm sewer.
 - (c) Drainage easements shall be shown on Stormwater Management Plan.

I. LANDSCAPING

- (1) The applicant must present Landscaping details as part of the Stormwater Management Plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater facilities. The maintenance requirements component of the Stormwater Management Plan must also describe who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified individual, as meets state code, who is familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

- (2) Landscaping shall be required in and around all constructed stormwater management practices with a minimum surface area of 1,000 square feet.
- (3) No woody plants shall be planted within the saturated zone or on a berm constructed for impounded water.

J. RIPARIAN BUFFERS

A riparian buffer is a transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. It is measured from the top of the bank of the stream, or the wetland boundary. Any property that adjoins a watercourse or portion thereof shall provide a riparian buffer along said watercourse limiting development and the impact on these environmental transition zones.

- (1) Activity within these buffers is limited to the following:
 - (a) Activities integral to the utilization of the watercourse that meet all other federal, state, county, and local code, ordinance, and permitting requirements, including but not limited to the construction and use of:
 - (i) Docks
 - (ii) Boat ramps
 - (iii) Piers
 - (iv) Other facilities designed to allow recreational access to the watercourse.
 1. Corridor crossings for farm vehicles and livestock
 - (b) Public roads and improvements
 - (c) Corridor crossings for roads and railroads
 - (d) Public utility crossings, including but not limited to sewer, water, and electric
 - (e) Passive recreation uses
 - (f) Streambank improvement projects
 - (g) Any activity, as approved by the Jefferson County Engineering Department, that will minimally disrupt the existing tree cover and soil mantle in order to maximize filtering and overall physical removal of particulate-form pollutants from stormwater runoff

- (2) Riparian buffer requirements are to be established and protected, as defined below. If wetlands or hillsides abut or are within the riparian buffer in (a) through (d) below, then they shall be included even when the distance exceeds the buffer in (a) through (d) below. The buffer widths are as follows:
- (a) Lakes and Ponds - 75 feet
 - (b) Ephemeral Streams with stream channels - 50 feet (100 feet when located in the Elk Run and Elk Branch Watersheds)
 - (c) Potomac River and Shenandoah Rivers – 300 feet (unless a greater standard is required by the Zoning Ordinance)
 - (d) Opequon Creek and Perennial Streams - 100 feet
 - (e) Wetlands, Marl - 75 feet
 - (f) Wetlands, Farmed - 10 feet
 - (g) Wetlands - 50 feet
 - (h) Hillsides 15 to 25 percent - to the top of the slope where it falls below 15 percent or 400 feet, whichever is less.
 - (i) Hillsides 25 percent or more - to the top of the slope where it falls below 15 percent or 600 feet, whichever is less.

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ARTICLE V CONSTRUCTION INSPECTION AND BONDING

A. PERFORMANCE BOND

- (1) All stormwater management and storm drainage infrastructure, and erosion and sediment control measures, shall be bonded in accordance with the bonding requirements of the Subdivision and Land Development Regulations and the Jefferson County Commission's bonding policy.
- (2) The estimated cost for stormwater management and storm drainage infrastructure, and erosion and sediment control measures, that is part of a subdivision or site plan processed under the Subdivision and Land Development Regulations, shall be included in the itemized cost estimate prepared under the Subdivision and Land Development Ordinance. The purpose is to have one cost estimate for all site improvements.
- (3) The construction bond and bond surety for the stormwater management and storm drainage infrastructure, and sediment and erosion control measures, that is part of a subdivision or site plan processed under the Subdivision and Land Development Regulations, shall be bonded with the bonding for all other bonded site improvements. The purpose is to have one bond and surety for all site improvements.
- (4) The bonding for stormwater management and storm drainage infrastructure shall be administered in accordance with the Jefferson County Commission's bonding policy.
- (5) Temporary erosion and sediment control measures located on individual residential Lots – measures that are required to be installed under an Improvement Location Permit – shall not require bonding.

B. INSPECTIONS DURING CONSTRUCTION

- (1) The Jefferson County Engineering Department, or their agent, may conduct periodic inspections of the Stormwater Management Facilities during construction. In lieu of performing the inspections, the Jefferson County Engineering Department may require the owner/developer to provide third-party engineering inspections and inspection reports. Construction inspections shall utilize the approved Stormwater Management Plan to establish whether the work is in compliance.
- (2) All inspections shall be documented by a written report prepared by the Jefferson County Engineering Department or agents thereof, or the third-party engineering firm, as may be applicable, and include each of the following:
 - (a) The name of the person or firm performing the inspection
 - (b) The date of the inspection
 - (c) The project name and location
 - (d) A statement of the stage of completion of the work on the date inspected

- (e) A statement regarding compliance with the approved Stormwater Management Plan
 - (f) Documentation of any variations from the approved Stormwater Management Plan
 - (g) Any other variations or violations regarding the on-site conditions as compared to the approved Stormwater Management Plan
 - (h) A statement of any corrective action that is necessary
- (3) The owner/developer shall be notified in writing of any violations and the required corrective actions.
- (4) Additional work shall not proceed until the corrective action is taken and the Jefferson County Engineering Department or agents thereof authorize the work to proceed.
- (5) For enforcement purposes, the Jefferson County Engineering Department may utilize any combination of the following:
- (a) A notice of violation may be used to specify the need for correction.
 - (b) A stop-work order may be issued by the Jefferson County Engineering Department.
 - (c) The bonds or securities may be held or the case can be referred for legal action if reasonable efforts to correct the violation have not been attempted.
 - (d) A civil action or criminal prosecution may be brought against any person in violation of this Ordinance.

C. POST-CONSTRUCTION FINAL INSPECTION AND AS-BUILT PLANS

- (1) Upon completion of a project, and before release of the construction bond for the stormwater management facilities, the owner/developer is required to certify that the completed project is in accordance with the approved Stormwater Management Plan.
- The As-Built plans and certification letter shall be deemed satisfactory prior to approving a request for bond release for the stormwater management facilities.
- (2) The owner/developer shall submit actual As-Built plans and a certification letter from the design Professional Engineer-of-Record for all Stormwater Management Facilities or practices after final construction is completed. The As-Built plan shall include the final As-Built design specifications for all Stormwater Management Facilities and must be certified by a Professional Engineer or a Professional Land Surveyor.

- (a) Submittal shall include the following:
- Two (2) printed sets of plans. The plan shall include final design specifications for all stormwater management facilities and must be certified by a professional engineer.
 - Certification letter to the Jefferson County Engineering Department
 - Digital specifications for stormwater facilities in a ESRI GIS compatible format synced to the West Virginia State Plane Coordinate System .
 - An electronic spreadsheet (Microsoft Excel or equivalent) identifying all BMP facilities with associated coordinates based upon the West Virginia State Plane Coordinate System.

The certification letter shall be signed and sealed by the Design Engineer-of-Record; and the As-Built plans shall be prepared and signed and sealed by a either a Professional Engineer or a Professional Land Surveyor.

- (b) The required certification letter must state that the conditions on the site and the As-Built plan are both identical to the stormwater management facilities shown on the final approved Site Plan or Preliminary Plat plan, as may be applicable.
- (i) Changes made during the construction process will not be permitted without prior processing of a red-lined revision by the design Professional Engineer-of-Record and written approval from the Jefferson County Engineering Department or agents thereof.
- (ii) At a minimum, all As-Built plans and certification letters shall include a red-lined set of drawings that compare the approved Stormwater Management Plan with what was constructed. Final acceptance and approval will not be given until all final inspections, the certification letter, and As-Built plans have been approved.
- (c) The following items shall be surveyed to determine actual field conditions, and the approved Site Plans or approved Preliminary Plat Plans, as may be applicable, shall be annotated to reflect such actual field conditions and shall constitute the As-Built plans:
- (i) Storm Sewer System

For the storm sewer system, provide the As-Built stormwater inlet invert and top elevations and the size and location, and the storm sewer pipe size and material type. Show the location of the storm sewer system relative to any designated stormwater management easements. Indicate where the storm sewer system is not properly located or constructed. Provide a statement as to whether or not the storm sewer system is properly constructed.

(ii) Storm Drainage System:

For the storm drainage system, provide the As-Built drainage swales grading and location and verify correct swale dimensions and depths; provide storm drainage culvert As-Built locations, length, pipe size, material type, and invert elevations. Show the location of the storm drainage system relative to any designated storm drainage easements. Indicate where the storm drainage system is not properly located or constructed. Provide a statement as to whether or not the stormwater conveyance system is properly constructed.

(iii) Stormwater Management Basins and BMPs

For stormwater quantity and quality control facilities, show the final topography/grading of the pond and embankment and Infiltration basins. Provide As-Built dimensions compared to design dimensions. Verify that the correct type of control structures are installed, including material types, sizes, elevations, and dimensions, etc. Verify that emergency overflow structures are properly constructed, including material types, elevations, and dimensions, etc.

For quality control BMPs, provide the location of each BMP compared to the approved plan location, and indicate whether or not they are properly constructed and located within any designated stormwater management easements. Verify that the BMPs are installed in accordance with the plans, specifications, and details (e.g., elevations, correct type of soils, filter media, and/or vegetation, correct number and type of plants, discharge piping, etc.).

Indicate where stormwater management basins and BMPs are not properly located or constructed. Provide a statement as to whether or not the stormwater management basins and/or BMPs are properly constructed.

(iv) Other Information

Provide any other As-Built information required by the Jefferson County Engineer that is deemed necessary to verify that the stormwater management facilities are properly constructed.

ARTICLE VI POST-CONSTRUCTION MAINTENANCE, INSPECTION, AND REPAIR OF STORMWATER FACILITIES**A. INSPECTION AND MAINTENANCE OF STORMWATER FACILITIES**

- (1) The Homeowners Association or Lot Owners Association and/or property owner or other entity responsible for the maintenance of the stormwater management facilities constructed pursuant to this Ordinance shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and embankments, discharge structures, trash racks, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with the approved plans and specifications.
- (2) Maintenance performed for specific BMPs shall be in accordance with the Maintenance Plan section within individual stormwater BMP specifications in Chapter 4 of the *West Virginia Stormwater Management and Design Guidance Manual*.
- (3) The party responsible for the maintenance of the stormwater management facilities shall maintain and provide written records of all maintenance and repairs within 30 days of work completion to the West Virginia Department of Environmental Protection or other local responsible entity. A copy of these records shall also be submitted to the Jefferson County Engineering Department as notification that maintenance work was performed.
- (4) The party responsible for maintenance of stormwater management facilities shall perform periodic inspections of all stormwater management facilities in accordance with requirements of the approved plans and specifications and in accordance with the inspection requirements printed on the approved Site Plan or Subdivision Preliminary Plat and Final Plat, as applicable.
- (5) Compliance Inspection Report Requirements
 - (a) Inspection reports shall be written and maintained by the Jefferson County Engineering Department for any stormwater management facility compliance inspections performed by them.
 - (b) A copy of the inspection report shall be provided to the party responsible for the maintenance of the stormwater management facilities.
 - (c) Inspection reports for stormwater management facilities shall include the following:
 - (i) Date of inspection
 - (ii) Location and address of facility
 - (iii) Name of inspector and contact information
 - (iv) Condition of the following:
 1. Vegetation or filter media
 2. Fences or other safety devices

3. Spillways, valves, or other control structures
4. Embankments, slopes, and safety benches
5. Reservoir or treatment areas
6. Inlet and outlet channels or structures
7. Underground drainage
8. Sediment and debris accumulation in storage and forebay areas
9. Any nonstructural practices to the extent practicable
10. Any other item that could affect the proper function of the stormwater management facilities

(v) Description of any needed maintenance

(vi) Date or number of calendar days that the Stormwater Management Facility shall be required to be brought into compliance if maintenance is needed.

ARTICLE VII ENFORCEMENT AND PENALTIES**A. AUTHORITY**

The planning commission, governing body, ordinance compliance officer, or any authorized employee or agent may enforce this Ordinance in the manner provided for in this section and by applicable law.

The ordinance compliance officer or any employee or agent of the Jefferson County Commission shall have the authority, upon presentation of proper credentials, to enter and inspect any land or premises to ensure compliance with this Ordinance.

B. GENERAL PROCEDURES

Any failure to comply with the requirements of this Ordinance or the requirements of a Stormwater Management Plan that is part of an approved Subdivision Plan/Plat, Site Plan, and/or Improvement Location Permit may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (1) Upon learning of a potential violation of this Ordinance, the ordinance compliance officer or staff shall investigate to determine whether a violation of this Ordinance has occurred.
- (2) When it appears after an investigation that a violation of this Ordinance has occurred, the ordinance compliance officer or staff shall notify the violator by means of a written violation notice. The violation notice shall specify the following:
 - (a) The name and address of the landowner or the person responsible for the activity
 - (b) The physical address and location (e.g., street address, tax map and parcel, subdivision name and Lot number, etc.) of the activity
 - (c) A statement that explains the nature of the violation and the ordinance or regulation being violated
 - (d) A statement of the action needed to bring the violation into compliance
 - (e) A written statement requesting that the violation cease within 15 calendar days from the date appearing on the violation notice
 - (f) A statement that failure to terminate the violation within this time period shall be cause for the planning commission, the governing body, ordinance compliance officer, or other authorized employer or agent to
 - (i) Seek an injunction in the Circuit Court of Jefferson County to restrain the violator from continuing the violation, including but not limited to requests for removal of structures or land uses involved, and
 - (ii) Seek a conviction in magistrate court or circuit court

C. CIVIL AND CRIMINAL PENALTIES

Any person or entity who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 and not more than \$500. Each day during which any violation of this Ordinance occurs shall constitute a separate offense.

D. DISAPPROVAL OF SUBSEQUENT PERMITS

As long as a violation of this Ordinance continues and remains uncorrected, Jefferson County may withhold or disapprove any request for a permit or Development approval or authorization required by this Ordinance, the Zoning Ordinance, the Subdivision and Land Development Regulations, the Building Code Enforcement Ordinance, or the Improvement Location Permit Ordinance for the land or project on which the violation occurs.

E. HOLDS ON USE AND OCCUPANCY CERTIFICATES

Jefferson County may refuse to issue a certificate of use and occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

F. SUSPENSION, REVOCATION, OR MODIFICATION OF PERMIT

Jefferson County may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

ARTICLE VIII DEFINITIONS

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

1. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
2. The words "includes" or "including" shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
3. The words "shall" and "must" are mandatory; the words "may" and "should" are permissive.
4. Words defined herein may be listed in a separate ordinance by a different definition. If this occurs, then the word shall be used and interpreted within each code in accordance with the specific definition contained therein.

Agricultural Activity - The occupation, business, or science of cultivating the land, producing crops, and raising livestock.

As-Built - Drawing or certification of conditions as they were actually constructed.

Best Management Practice (BMP) - Structural or nonstructural practice that is designed to minimize the impacts of changes in land use on surface and groundwater systems. Structural BMP refers to basins or facilities engineered for the purpose of reducing the pollutant load in stormwater runoff, such as bioretention, constructed stormwater wetlands, etc. Nonstructural BMP refers to land use or development practices that are determined to be effective in minimizing the impact on receiving stream systems, such as preservation of open space and stream buffers, disconnection of impervious surfaces, etc.

Bioretention Basin - Water quality BMP engineered to filter the water quality volume through an engineered planting bed consisting of a vegetated surface layer (vegetation, mulch, ground cover), planting soil, and sand bed (optional), and into the in-situ material; also called rain gardens.

Common Plan of Development – A contiguous construction project where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan. The "plan" is broadly defined as any announcement or piece of documentation or physical demarcation indicating that construction activities may occur on a specific plot; included in this definition are most subdivisions.

Constructed Stormwater Wetlands - Areas intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from stormwater.

Curve Number (CN) - A numerical representation of a given area's hydrologic soil group, plant cover, impervious cover, interception, and surface storage derived in accordance with Natural Resource Conservation Service methods. This number is used to convert rainfall depth into runoff volume. Sometimes referred to as a runoff CN.

Design Storm - A selected rainfall Hyetograph of specified amount, intensity, duration, and frequency that is used as a basis for design.

Detention - The temporary impoundment or holding of stormwater runoff.

Detention Basin - A stormwater management facility that temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via Infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and therefore are not considered in the facility's design. Since an extended detention basin impounds runoff only temporarily, it is normally dry during non-rainfall periods.

Development - See "Land Development."

Diameter at Breast Height (DBH) - The standard method of expressing the diameter of the trunk of a standing tree.

EPA - U.S. Environmental Protection Agency.

Erosion - The wearing away of the land surface by running water, wind, ice, or other geological agents.

Accelerated Erosion - Erosion in excess of what is presumed or estimated to be naturally occurring levels and is a direct result of human activities.

Gully Erosion - Erosion process whereby water accumulates in narrow channels and removes the soil to depths ranging from a few inches to 1 or 2 feet to as much as 75 to 100 feet.

Rill Erosion - Erosion process in which numerous small channels only several inches deep are formed.

Sheet Erosion - Spattering of small soil particles caused by the impact of raindrops on wet soils. The loosened and spattered particles may subsequently be removed by surface runoff.

Erosion and Sedimentation Control Plan - A site-specific plan identifying BMP's or ways in which accelerated erosion and sediment pollution will be minimized.

Frequency (Design Storm Frequency) - The recurrence interval of storm events having the same duration and volume. The frequency of a specified design storm can be expressed either in terms of Exceedance probability or return period.

Exceedance Probability - The probability that an event having a specified volume and duration will be exceeded in one time period, usually assumed to be 1 year. If a storm has a 1% chance of occurring in any given year, then it has an Exceedance Probability of 0.01.

Return Period - The average period of time expected to elapse between occurrences of events at a certain site. A 10-year event is an event of such size that over a long period, the average time between events of equal or greater magnitude is 10 years.

Homeowner's Association (HOA) or Business Owner's Association (BOA) - An incorporated nonprofit organization operating under a recorded land agreement through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expense for the organizations activities, such as, but not limited to maintaining drives, streets, roads, and other common property. Homeowner's Associations and the Uniform Common Interest Ownership Act of West Virginia are interchangeable and reversible terms. The most recent Uniform Common Interest Ownership Act of West Virginia shall prevail.

Impervious Cover - A surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include but are not limited to roofs, buildings, streets, parking areas, managed turf, and any concrete, asphalt, or compacted gravel surface.

Infiltration - The downward entry of water into soil.

Karst Terrain - Regions that are characterized by formations underlain by carbonate rock and typified by the presence of limestone caverns and sinkholes.

Land Development - The development of one or more lots, tracts, or parcels of land by any means and for any purpose, but does not include easements, rights-of-way, or construction of private roads for extraction, harvesting, or transporting of natural resources. This definition includes projects that are part of a larger common plan of development or sale.

Land Development, Major - The development and/or subdivision of more than five Lots, tracts, or parcels or any nonresidential Land Development that disturbs more than 5,000 square feet. Also, any Development and/or subdivision that includes a new street shall be considered a Major Land Development.

Land Development, Minor - The development and/or subdivision that does not require the development of new infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas and result in the creation of five (5) lots or less, including the parent parcel or residue, from contiguously owned parcels of record.

Land Disturbance Activity - Any land change that may result in soil erosion from water or wind or the movement of sediments into state waters or onto lands in the State of West Virginia, including but not limited to clearing, grading, excavating, transporting, and filling of land.

Landscaping - The placement of vegetation in and around stormwater management BMPs.

Low Impact Development (LID) - Hydrologically functional site design, with pollution prevention measures to reduce impacts and compensate for development impacts on hydrology and water quality.

Major Site Plan - A plan that follows the major site development process and proposes one or more of the following:

- a. A new public or private street or dedication to public use of an existing street;
- b. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than 50,000 square feet or more of GFA on any site;

- except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- c. Apartment or multi-family development of ten or more dwelling units; or
- d. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Major Subdivision Plat - A plat that proposes subdivision of land, whether residential or non-residential, that requires the development of streets (public or private) or rights-of-way access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street.

Managed Turf - Any of various grasses (such as Kentucky bluegrass or perennial ryegrass) grown to form turf.

Minor Site Plan - A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure that proposes one or more of the following:

- a. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all structures located on the parcel total more than 5,000 and less than 50,000 square feet gross floor area (GFA) on any site shall:
- Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
 - Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.
- b. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Section A of this definition does not apply to this provision;
- c. Apartment or multi-family development of nine or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Minor Subdivision Plat - A plat that will not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, that proposes subdivision of land into five or less lots including the parent parcel.

National Pollutant Discharge Elimination System (NPDES) - The national program for issuing, modifying, monitoring, and enforcing permits under Sections 307, 402, 318, and 405 of the Clean Water Act.

Nonpoint Source Pollution - Contaminants such as sediment, nitrogen and phosphorous, hydrocarbons, heavy metals, and toxins whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater runoff.

Parcel - A portion of a subdivision or any other lot of land intended as a unit for transfer of ownership or for development or both. The word "parcel" includes the word "plot" or "lot."

Peak Discharge - The maximum rate of flow associated with a given rainfall event or channel.

Percolation Rate - The velocity at which water moves through saturated, granular material.

Post-development - Refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Predevelopment - Refers to the conditions that exist at the time that plans for the land development of a tract of land are approved by the plan approval authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted establishes the predevelopment conditions.

Professional Engineer - An engineer who is licensed within a specific jurisdiction to offer professional services directly to the public.

Redevelopment - Any construction, alteration, or improvement on existing development.

Retention - Permanent storage of stormwater.

Retention Basin - A stormwater management facility that includes a permanent impoundment, or normal pool of water, for the purpose of enhancing water quality and therefore is normally wet, even during non-rainfall periods. Storm runoff inflows may be temporarily stored above this permanent impoundment for the purpose of reducing flooding or stream channel erosion.

Riparian - Relating to or inhabiting the banks of a natural course of water.

Runoff - The portion of precipitation, snow melt, or irrigation water that runs off the land into surface waters.

Runoff Coefficient - The fraction of total rainfall that appears as runoff; represented as "C" in the rational method formula.

Runoff Reduction - The runoff reduction approach that seeks to maintain the same predevelopment runoff volume delivered to a body of water after a site is developed.

Sand Filter - A contained bed of sand that acts to filter the first flush of runoff. The runoff is then collected beneath the sand bed and conveyed to an adequate discharge point or infiltrated into the in-situ soils.

Silt Fence - A temporary linear sediment barrier of permeable fabric designed to intercept and slow the flow of sediment-laden sheet flow runoff.

Site - The parcel of land being developed, or a designated planning area in which a land development project is located.

Stormwater Control and Conveyance Plan - The component of the Stormwater Management Plan which contains the details of the stormwater management facilities, Best Management Practices, and Low-Impact Development procedures required to manage stormwater on a development or redevelopment project.

Stormwater Hotspot - An area where the land use or activities are considered to generate Runoff with concentrations of pollutants in excess of those typically found in stormwater (see Table 2).

Stormwater Management Facility - A device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to the quantity and quality, the period of release, or the velocity of flow.

Stormwater Management Plan - A plan containing 3 components, the Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Plan for the HOA or property owner to follow, which must be submitted with subdivision plat and/or site plans describing the processes and details for managing stormwater and its impact on the built and natural environment. The applicability of this plan is described in the Jefferson County Stormwater Management Ordinance.

Stormwater Pollution Prevention Plan (SWPPP) – The Erosion and Sediment Control Plan and the post-development plan submitted as part of the Site Registration Application form required in the NPDES General Permit.

Stream Buffers - The zones of variable width that are located along both sides of a stream and are designed to provide a protective natural area along a stream corridor.

Total Maximum Daily Load (TMDL) - A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources.

Water Quality Standards - State-adopted and EPA-approved ambient standards for water bodies. The standards prescribe the use of the water body and establish the water quality criteria that must be met to protect designated uses.

Watershed - A defined land area drained by a river, stream, or drainage way, or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows through a single outlet.

ATTACHMENTS

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A. STORMWATER FACILITY INSPECTION REPORT

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Stormwater Facility Inspection Report				
Address of facility:			Date of Inspection:	
Associated Business or Property Owner's Name:				
Company Conducting Inspection:				
Name of Inspector:				
	Condition			
	-Substandard- Requires replacement or significant repairs	-Fair- Minor structural maintenance required	-Satisfactory- Minor debris removal and/or weeding recommended	-Good- No action or considerations to be taken
Vegetation or filter media				
Fences or other safety devices				
Spillways, valves, or other control structures				
Embankments, slopes, and safety benches				
Reservoir or treatment areas				
Inlet and outlet channels or structures				
Underground drainage				
Forebay areas				
Sand Filters				
Swales and conveyance systems				
Permeable pavements				
Signage			NA	
Other				

AGENDA REQUEST FORM
www.jeffersoncountywv.org



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

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **June 17, 2021**

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

Date Requested – 2nd Choice:

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

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

1. 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.
2. Discussion of legal issues regarding proposed solar text amendment including bonding and related matters, including Jefferson County Civil Action No.'s 2021-C-33 through 37 and Jefferson County Civil Action No.'s 2021-C-46 through 50. Discussion/Action.
3. Discussion of issues regarding impact fees and proffers. Discussion/Action.
4. Discussion of Intergovernmental Agreement between the Jefferson County Commission, The Jefferson County Sheriff's Department, and the Corporation of Bolivar for Public Safety Services; and Intergovernmental Agreement between the Jefferson County Commission, the Jefferson County Sheriff's Department, and the Corporation of Bolivar for Tax Collection Services. Discussion/Action.

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

RENEWAL OF INTERGOVERNMENTAL AGREEMENT BETWEEN THE JEFFERSON COUNTY
COMMISSION, THE JEFFERSON COUNTY SHERIFF'S DEPARTMENT AND THE
CORPORATION OF BOLIVAR FOR
PUBLIC SAFETY SERVICES

This renewal of AGREEMENT is made effective July 1, 2021 between the Jefferson County Commission, [hereinafter the "Commission"], the Jefferson County Sheriff's Department [hereinafter the "Sheriff"], and the Corporation of Bolivar [hereinafter "Bolivar"] and collectively known as the "parties". This AGREEMENT is contingent, however, upon approval by the Attorney General of West Virginia, or thirty [30] days from submission of this AGREEMENT thereto, whichever is sooner.

WHEREAS, Bolivar is entirely within Jefferson County, West Virginia; and

WHEREAS, pursuant to Article 14, Chapter 8 of the West Virginia Code, Bolivar has the plenary power and authority to protect persons and property within Bolivar and to preserve law and order therein; and

WHEREAS, the Commission, through the Jefferson County Sheriff's Department, pursuant to the Sheriff's Constitutional duties as the chief law enforcement officer within Jefferson County, provides law enforcement services to the entirety of Jefferson County; and

WHEREAS, the Intergovernmental Relations-Contracting and Joint Enterprises Act, W. Va. Code 8-23-1 *et seq.*, authorizes the parties to contract for the provision of policing services in Bolivar and for the Commission to receive payments for the same. See W. Va. Code 8-23-7; and

WHEREAS Bolivar desires to enter into a contract with the Commission to provide policing in Bolivar by the Jefferson County Sheriff's Department for 24-hour police coverage and to personalize those protection services with dedicated deputies to serve as "Bolivar Deputies".

WHEREAS Bolivar and the Sheriff mutually desire to enhance dedicated law enforcement activity within Bolivar to improve police services in general. The parties hereto understand that in order to do that, additional resources are needed by the Sheriff.

WHEREAS the Sheriff, by and through the Commission, agrees to render such services upon the terms and conditions hereinafter set forth; and

NOW, THEREFORE, it is agreed between the parties as follows:

1. POLICE SERVICES. The Commission agrees to provide police services to Bolivar at the direction and discretion of the Sheriff of Jefferson County to the extent and in the manner set forth below:

a. Police services provided under this contract shall encompass those police duties and functions which are of the same level, degree, and type typically performed by the Sheriff in the surrounding unincorporated areas of Jefferson County;

The Sheriff shall assign the appropriate number of personnel as is deemed appropriate and necessary as determined in the Sheriff's discretion. Such services, depending on workload at any given time, may include:

i. Routine patrols of Bolivar, including foot and vehicular patrols and other general law enforcement duties;

ii. Community policing services such as vacation checks of homes, courtesy safety inspections, agency referrals, attendance at school events, checking security of businesses, welfare checks, and personal contacts as are customary in a small town;

iii. Such services WILL NOT include civil ordinance enforcement.

b. Except as provided below under sub paragraphs (f), (g), and (h), the Sheriff has the exclusive right to determine staffing assigned or detailed within Bolivar based on the Sheriff's assessment of the needs of Bolivar based upon the monthly incident data generated by the Sheriff's Office pursuant to this Agreement under paragraph 4. REPORTING and available manpower in order to effectively provide for public safety. The Sheriff will strive for, but cannot guarantee in all circumstances, a response from the time of dispatch that is similar to other areas of the County;

c. The Sheriff shall constitute the first response for the enforcement of state law. Patrol services shall include reactive patrol to respond to calls for service from residences and businesses, proactive patrol to prevent and deter criminal activity, and traffic patrol to enforce applicable state traffic codes and enhance public safety. Deputies will, when assigned to Bolivar, provide patrol services to Bolivar during their scheduled workshifts;

d. All matters incident to the performance of such service or control of personnel employed to render such service shall be and remain under the control of the Sheriff;

e. In the event a dispute arises between the parties concerning the type of service to be rendered, or the manner in which such service is provided, the Sheriff and Bolivar will mutually confer regarding said dispute; the final decision after conferring between the parties shall be made by the Sheriff.

f. The Sheriff will provide a specific deputy to work in Bolivar full-time during day-shift hours between 6:00 am - 6:00 pm, Monday - Friday. Hereinafter referred to as the "Bolivar Deputy", this deputy, to the extent practicable, will utilize office space within the Bolivar Community Center Building to perform work functions and meet with town staff and citizens.

g. The Sheriff will have day-shift deputies in Bolivar on the weekends. The Sheriff will assign two specific deputies to this detail. These specific deputies will be known as "Bolivar Deputies" and will each work alternating weekends.

h. The Sheriff will have deputies in Bolivar between 6:00 pm - 6:00 am conducting directed patrols, house and building checks, traffic enforcement, etc.

i. Bolivar explicitly retains the right to request tailored coverage according to the incident data collected by the Sheriff's Office pursuant to this Agreement under paragraph 4. REPORTING.

2. CRIMINAL JUSTICE SUPPLEMENTAL SERVICES. The Commission will provide for all costs and services related to the prosecution, defense and punishment of those accused of crimes and traffic infractions within Bolivar, in the same manner and to the same extent as it does for those accused of crimes and traffic infractions in the unincorporated areas of Jefferson County.

3. COOPERATION AMONG PARTIES.

a. Bolivar will provide office space in the Bolivar Community Center Building for the use of officers under this agreement to perform work functions and meet with town staff and citizens.

b. It is hereby agreed that the parties and all of their officials, personnel, agents and employees shall render reasonable cooperation and assistance to each other to facilitate the provision of the services selected herein. Toward that end, liaison will be provided through the "Bolivar Deputies". These Deputies will handle the day-to-day operational concerns identified by Bolivar's Mayor and residents. In addition, the designated Deputies will be available to Bolivar during mutually agreed upon days and hours for activities such as meetings of the Town Council and appropriate community meetings. The designated Deputies will be available to consult and to coordinate with Bolivar's Mayor and other department heads.

4. REPORTING. The Sheriff will maintain accurate data collection on criminal and traffic activity and on dispatched calls for service within Bolivar's boundaries.

a. The Mayor will be promptly notified in the event of a significant criminal occurrence or other major event within Bolivar;

b. The Sheriff will provide monthly reports on criminal activity, traffic activity, and law enforcement services provided. Services provided shall be grouped by the categories of criminal occurrence, traffic activity, and dispatched calls, etc;

c. Media releases concerning a major criminal occurrence being investigated by the Sheriff will be prepared by the Sheriff or the Sheriff's designee and will be timely provided to the Mayor. Bolivar shall not issue any media releases regarding criminal investigation conducted by the Sheriff pursuant to this Agreement without prior approval of the Sheriff's Office.

5. PERSONNEL AND EQUIPMENT.

a. Neither the Commission nor the Sheriff is acting as an agent of Bolivar, but rather the Sheriff is acting as an independent contractor such that the control of personnel, standards of performance, discipline, and all other aspects of performance shall be governed entirely by the Sheriff.

b. All persons rendering services on behalf of the Sheriff shall be for all purposes employees of the Sheriff. Bolivar does not assume liability for the payment of any salaries, benefits, or other compensation or training and vehicle costs related to personnel employed by the Sheriff to perform services. It is agreed that all personnel shall be employees of the Sheriff and the Sheriff shall be responsible for providing salary, worker's compensation insurance, and all other benefits to which such personnel are entitled by reason of their employment with the Sheriff.

c. All equipment paid for by Bolivar remains the property of Bolivar; all equipment paid for by the Commission/Sheriff remains the property of the Commission/Sheriff.

d. The Sheriff's Department will bear all costs for providing vehicles, training, uniforms, insurance, salary, and benefit expenses.

6. MUTUAL INDEMNIFICATION. Each party shall be liable for its own acts to the extent provided by law and hereby agrees to indemnify, hold harmless, and defend the other,

its personnel and employees against any and all liability loss, costs, damages, expenses, claims or actions, including attorney's fees arising from its own acts which the other party, its personnel and employees may hereinafter sustain or be required to pay, arising out of or by reason for any act of omission of the party, its agents, servants or employees, in the execution, performance, or failure to adequately perform its obligations pursuant to this Agreement.

7. INSURANCE. The Sheriff agrees that all insurance required to adequately cover liability, vehicles, personnel, and equipment used by the Sheriff in the provision of services pursuant to this Agreement will be provided by the Sheriff.

8. RATE. The Corporation of Bolivar shall pay an amount equal to \$160,000 per annum, payable in four installments in the amount of \$40,000.

9. PAYMENT. Payments will be made to the Sheriff of Jefferson County on the 1st day of July, October, January, and April. These payments are to be made in advance of each three [3] month service period.

10. TERMS OF AGREEMENT. This Agreement is an annual contract in effect for twelve [12] consecutive months. Future agreements are to be agreed to and signed before April 1 in future years. The Sheriff or the Sheriff's designee shall meet with the Bolivar Town Council in March and September of each year, or sooner if required, to discuss performance under this Agreement. The Sheriff will provide summaries of activity and budget updates at these meetings. Bolivar shall have an opportunity to comment on its satisfaction with the services delivered and request adjustments or modifications. If either party wishes to discontinue this agreement, either party may terminate this Agreement with at least three [3] months written notice.

11. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement and understanding between the Parties relating to the subject matter herein and supersedes all prior discussions or representations made during negotiations, whether written or oral. No modification of, or amendment to, this Agreement, nor any waiver of any rights under this Agreement, will be effective unless in writing signed by the Commission, Sheriff, and Bolivar.

12. GOVERNING LAW AND JURISDICTION. This Agreement shall be governed by, and construed under, the laws of the State of West Virginia. Jurisdiction and venue for all purposes shall be in the County of Jefferson, State of West Virginia.

13. NO THIRD PARTY BENEFICIARY. The Parties agree that this Agreement shall not confer third-party beneficiary status on any non-party to this Agreement, including the citizens of either Jefferson County or Bolivar.

14. LEGAL REQUIREMENTS. All parties shall comply with all applicable federal, state, and local laws in performing this Agreement.

15. SEVERABILITY. Should any clause, phrase, sentence, or paragraph of this Agreement be declared invalid or void, the remaining provisions of this Agreement shall remain in full force and effect.

16. FILING REQUIREMENTS. The Commission shall file a copy of this AGREEMENT with the County Clerk of Jefferson County.

IN WITNESS WHEREOF, the undersigned parties are authorized to execute this Agreement as of the date written below.

Executed this ____ day of ____, 2021.

JEFFERSON COUNTY COMMISSION:

By: _____
Commission President.

Date.

SHERIFF:

By: _____
Thomas H. Hansen.
Sheriff of Jefferson County, WV

Date.

CORPORATION OF BOLIVAR:

By: _____
Helen Dettmer.
Mayor of Bolivar, WV

Date.

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE JEFFERSON COUNTY
COMMISSION, THE JEFFERSON COUNTY SHERIFF'S DEPARTMENT, AND THE
CORPORATION OF BOLIVAR FOR TAX COLLECTION SERVICES**

This AGREEMENT is made effective _____ 2021 between the Jefferson County Commission, [hereinafter the "Commission"], the Jefferson County Sheriff's Department [hereinafter the "Sheriff"] and the Corporation of Bolivar [hereinafter "Bolivar"] and collectively known as the "parties". This AGREEMENT is contingent, however, upon approval by the Attorney General of West Virginia, or thirty (30) days from submission of this AGREEMENT thereto, whichever is sooner.

WHEREAS, Bolivar is within Jefferson County, West Virginia; and,

WHEREAS, pursuant to Article 18, Chapter 7, of the West Virginia Code, Bolivar has the power and authority, by Ordinance, to impose and collect a privilege tax upon the occupancy of hotel rooms located within its taxing jurisdiction; and,

WHEREAS, Bolivar has imposed a privilege tax upon the occupancy of hotel rooms located within its taxing jurisdiction through Ordinance November 2, 2018; and,

WHEREAS, the Commission, through the Jefferson County Sheriff's Department, collects taxes, in general, within Jefferson County, including county imposed Hotel Occupancy Tax pursuant to W. Va. Code 7-18-13; and,

WHEREAS, the Intergovernmental Relations – Contracting and Joint Enterprises Act, W. Va. Code 8-23-1 *et seq.* authorizes the parties to contract for the provision of tax collection services in Bolivar and for the Commission to receive payments for the same. See W. Va. Code 8-23-7; and,

WHEREAS, Bolivar desires to enter into a contract with the Commission to provide tax collection in Bolivar by the Sheriff for the collection of hotel occupancy privilege taxes in consultation with Bolivar officials,

WHEREAS, the Sheriff, by and through the Commission, agrees to render such services upon the terms and conditions hereinafter set forth; and

NOW, THEREFORE, it is agreed between the parties as follows:

1. **TAX COLLECTION.** The Commission agrees to provide Hotel Occupancy Tax collection for Bolivar at the direction and discretion of the Sheriff of Jefferson County to the extent and in the manner set forth below:

a. The Bolivar Hotel Occupancy Tax collected under this contract shall encompass those duties and functions which are of the same level, degree, and type performed by the Sheriff for the collection of the hotel occupancy privilege tax imposed by Jefferson County;

The Sheriff shall assign the appropriate number of personnel as is deemed appropriate and necessary as determined in the Sheriff's discretion. Such services shall include:

i. Regular and routine searches, electronic and otherwise, for hotel operations within the tax jurisdiction of Corporation of Bolivar,

ii. Regular, but in no event less than quarterly from the date of execution of this agreement, consultation with the Corporation of Bolivar for updates on new and existing hotel operations within the tax jurisdiction of the Corporation of Bolivar,

b. The Sheriff has the right to determine his/her internal staffing assigned to the noticing and collection of hotel occupancy privilege taxes pursuant to this agreement,

c. In the event a dispute arises between the parties concerning the manner or method said taxes are collected from entities within the taxing jurisdiction of the Corporation of Bolivar, the Sheriff and Bolivar will mutually confer regarding said dispute,

d. The Sheriff shall create a separate bank account dedicated solely to the Bolivar Hotel Occupancy Tax. All monies collected or procured by the Sheriff pursuant to such tax shall be placed and held in said account until remitted to the Corporation of Bolivar as described below in section "2. TAX REMITTANCE".

2. TAX REMITTANCE. The Commission agrees to remit to the Corporation of Bolivar the Hotel Occupancy taxes collected for Bolivar by the Sheriff of Jefferson County to the extent and in the manner set forth below:

a. The remittance of taxes collected under this contract shall occur regularly, but in no event less than quarterly, with the first remittance due and payable on July 1, 2021;

b. In the event a dispute arises between the parties concerning the manner or method hotel privilege taxes are remitted to Bolivar, the Sheriff and Bolivar will mutually confer regarding said dispute.

3. COOPERATION AMONG PARTIES. It is hereby agreed that the parties and all of their officials, personnel, agents and employees shall render reasonable cooperation and assistance to each other to facilitate the provision of the services expressed and implied herein. Toward that end, liaison will be provided through a specifically identified office staff in the Sheriff's tax collection department. That individual will handle the day-to-day operational concerns identified by Bolivar's Mayor and residences. In addition, the designated individual, or the Sheriff, will be available to Bolivar during mutually agreed upon days and hours, for activities such as meetings of the Town Council and appropriate community meetings. The designated individual, or the Sheriff, will be available to consult and to coordinate with the Mayor of Bolivar and other department heads.

4. REPORTING. The Sheriff will maintain accurate data collection on the hotel privilege taxes collected in and remitted to Bolivar including communications, written or otherwise, with hotels within the jurisdiction of Bolivar. The Sheriff, or designated individual, will provide monthly reports to the Corporation of Bolivar regarding same.

5. PERSONNEL.

a. Neither the Commission nor the Sheriff is acting as an agent of Bolivar, but rather the Sheriff is acting as an independent contractor such that the control of personnel, standards of performance, discipline and all other aspects of performance shall be governed by the Sheriff.

b. All personnel rendering services on behalf of the Sheriff shall be for all purposes employees of the Sheriff. Bolivar does not assume liability for the payment of any salaries, benefits, or other compensation or training to personnel employed by the Sheriff to perform services. It is agreed that all personnel shall be employees of the Sheriff and the Sheriff shall be responsible for providing salary, worker's compensation insurance, and all other benefits to which such personnel are entitled by reason of their employment with the Sheriff.

c. All equipment paid for by Bolivar remains the property of Bolivar; all equipment paid for by the Commission/Sheriff remains the property of the Commission/Sheriff.

6. MUTUAL INDEMNIFICATION. Each party shall be liable for its own acts to the extent provided by law and hereby agrees to indemnify, hold harmless and defend the other, its personnel and employees against any and all liability loss, costs, damages, expenses, claims or actions, including attorneys' fees arising from its own acts which the other party, its personnel and employees may hereinafter sustain or be required to pay, arising out of or by reason for any act or omission of the party, its agents, servants or employees, in the execution, performance, or failure to adequately perform its obligations pursuant to this agreement.

7. INSURANCE. The Sheriff agrees that all insurance required to adequately cover liability, personnel, and equipment used by the Sheriff in the provision of services pursuant to this Agreement will be provided by the Sheriff.

8. RATES. The Corporation of Bolivar shall pay an amount equal to \$1,000 per annum, payable in four installments in the amount of \$250.

9. Payments. Payments will be made to the Sheriff of Jefferson County on the 1st day of July, October, January, and April. These payments are to be made in advance of each month service period.

10. TERMS OF AGREEMENT. This agreement is an annual contract in effect for twelve [12] consecutive months. Future agreements are to be agreed to and signed before April 1st in future years. The Sheriff, or the Sheriff designee shall meet with the Bolivar Town Council in March and September of each year, or sooner if required, to discuss performance under this agreement. The Sheriff will provide summaries of investigation, activity, collection, remittances, and budget updates at these meetings. Bolivar shall have an opportunity to comment on its satisfaction with the services delivered and request adjustments or modifications. If either party wishes to discontinue this agreement, either party may terminate this agreement with at least three [3] months written notice.

11. ENTIRE AGREEMENT. This agreement sets forth the entire agreement and understanding between the Parties relating to the subject matter herein and supersedes all prior discussions or representations between the Parties including, but not limited to, any representation made during negotiations, whether written or oral. No modification of or amendment to this Agreement, nor any waiver of any rights under this Agreement, will be effective unless in writing signed by the Commission, Sheriff, and Bolivar.

12. GOVERNING LAWS AND JURISDICTION. This Agreement shall be governed by, and construed under, the laws of the State of West Virginia. Jurisdiction and venue for all purposes shall be in the County of Jefferson, State of West Virginia.

13. NO THIRD PARTY BENEFICIARY. The parties agree that this Agreement shall not confer third-party beneficiary status on any non-party to this Agreement, including the citizens of either Jefferson County or Bolivar.

14. LEGAL REQUIREMENTS. All parties shall comply with all applicable federal, state, and local laws in performing this Agreement.

15. SEVERABILITY. Should any clause, phrase, sentence, or paragraph of this Agreement be declared invalid or void, the remaining provisions of this Agreement shall remain in full force and effect.

16. FILING REQUIREMENTS. The Commission shall file a copy of this AGREEMENT with the County Clerk of Jefferson County.

IN WITNESS WHEREOF, the undersigned parties are authorized to execute this Agreement as of the date written below,

Executed this ____ day of ____, 2021.

JEFFERSON COUNTY COMMISSION:

By: _____
Commission President.

Date.

SHERIFF:

By: _____
Thomas H. Hanson.
Sheriff of Jefferson County, WV

Date.

CORPORATION OF BOLIVAR:

By: _____
Helen Dettmer.
Mayor of Bolivar, WV

Date.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Stephanie Grove, County Administrator

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **June 17, 2021**

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

Date Requested – 2nd Choice:

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

- (1) Presentation by David Deamer on Broadband Study and Fixed point wireless options
- (2) Discussion of Ambulance Fee Collector position and possible change in point of collection for ambulance fee
- (3) Transition of ambulance fee collector position to administrative assistant and approval of amended job description

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain: Due to time constraints, information will be provided after the close of the agenda but prior to the meeting. Information will be available to review in the Commission office by Wednesday morning.

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

NOTICE OF SPECIAL SESSION JEFFERSON COUNTY COMMISSION

The County Commission of Jefferson County will hold a Special Session on Wednesday, June 23, 2021, at 9:30 a.m. The meeting will be held virtually via GoToWebinar.

The purpose of the Special Session is to discuss and receive input from department heads, elected officials, boards, and outside agencies regarding the use of the American Rescue Plan monies that were received.

Anyone wishing to provide written comment may do so by sending comments prior to the hearing to info@jeffersoncountywv.org.

Please register for Special Session - American Rescue Plan Overview on June 23, 2021 9:30 AM EDT at:

<https://attendee.gotowebinar.com/register/2749537048461465356>

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

Brought to you by GoToWebinar®
Webinars Made Easy®

By the Order of the Jefferson County Commission
Stephen Stolipher, President

Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Phone: (304) 340-0300
Fax: (304) 340-0325



June 4, 2021

Jefferson County Commission
124 East Washington Street
Charles Town, WV 25414

SUBJECT: Disbursement of Wireless E-911 Subscriber Fees

Dear County Commissioner:

A check in the amount of \$286,599.12 representing a disbursement of Wireless E-911 subscriber fees **will be mailed directly from the West Virginia State Auditor's Office.** This amount is your County's share of the fees remitted to the Public Service Commission for the months of March, April and May 2021. The next disbursement will be in three months.

I can be reached at our toll-free number, 1-800-344-5113, Extension 364, or direct at 304-340-0364, should you have any questions about the disbursement calculation or about the fees in general.

Sincerely,

Sandra Mitchell
Budget & Finance Manager

SM:sc



The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562

EEO/AA Employer

May 25, 2021

Steve Stolipher
Jefferson County Commissioner
PO Box 250
Charles Town, WV 25414

Dear Commissioner:

We are pleased to inform you that the following historic property was listed in the National Register of Historic Places on May 17, 2021:

Spring Grove
2497 Smith Road
Charles Town, Jefferson County, WV

This honorary designation identifies this cultural resource's significant contribution to the history of West Virginia. Congratulations on the honor.

If our office can ever be of assistance to you, please do not hesitate to contact us. We can be reached at 304.558.0240.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/ESV

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, July 1, 2021, or as soon thereafter as the Commission may decide:

South Jefferson Library Committee: one five-year term ending June 30, 2026.

Jefferson County Parks and Recreation Commission: one unexpired term ending June 30, 2022; one unexpired term ending June 30, 2023 and three three-year terms ending June 30, 2024.

Harpers Ferry-Bolivar Public Service District Board: one six-year term ending June 30, 2027.

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 p.m. 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.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, July 1, 2021 or as soon thereafter as the Commission may decide:

Jefferson County Emergency Services Agency Board - two three-year terms for Citizen Representative, ending June 30, 2024.

Per the Ordinance to Dissolve and Reconstitute the Jefferson County Emergency Services Agency: Section 3 - Joint Emergency Services Board

(f) No citizen member of the Board may provide fire service or emergency ambulance service in Jefferson County. Nor may any member of the Board have any immediate family member who provides fire service or emergency ambulance service in Jefferson County.

(g) No member of the Board, nor their immediate family member, shall have any interest in any firm, partnership, corporation or association engaged in the business of providing ambulance or fire service, nor in the manufacture, sale or lease of ambulance or fire equipment or facilities. For purposes of this ordinance, immediate family member shall mean a spouse or other person with whom a member is living as husband and wife and any child or children, grandchild or grandchildren and parent or parents.

(h) Employees of the Agency are not eligible to serve as members of 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 p.m. the Monday prior to the proposed appointment. Applications received after the deadline will not be considered.

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

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, July 1, 2021 or as soon thereafter as the Commission may decide:

Jefferson County Board of Health: one unexpired term ending June 30, 2025 and one five-year term ending June 30, 2026.

§ 16-2-7. Appointment to and Composition of County Boards of Health; Qualifications; Number of Appointees

A county board of health is composed of five members selected and appointed by vote of the county commission. Each member appointed to the county board of health shall be a resident of the county. No more than two members who reside in the same magisterial district may be appointed and no more than two members may be appointed who are personally licensed or certified in, engaged in, or actively participating in the same business, profession or occupation. No more than three members of a county board of health may belong to the same political party.

Currently seeking qualified applicants who reside in the following districts: Charles Town District, Kabletown District, Shepherdstown District, Harpers Ferry District, and Middleway District and are registered Democrat, Independent, or Republican.

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 p.m. on the Monday prior to the proposed date of appointment.

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

Anna Mary Walsh
254 Chandler Drive
Shepherdstown, WV 25443
304-876-6828

May 23, 2021

Jefferson County Commission
PO Box 250
Charles Town WV 25414

Dear Commissioners:

I continue to be concerned with those who are making decisions about land planning in Jefferson County where I live, specifically the Jefferson Orchards area.

Jefferson County has karst topography which should be a red flag for many types of land use planning--especially with what Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development is proposing.

For years, West Virginia has been noted for its tourism as an economic plus. With the continued denigration in bringing in more industry, this diminishes the ability for Jefferson County to remain one of the highlights of the state in historical significance and our ability to maintain this high standard.

The hydro-geological characteristics of this portion of Jefferson County make the groundwater sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at this specific area is easily contaminated by surface activities, allowing this pollution to be carried to large portions of the county's groundwater, surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River, compromising drinking water for large portions of the county. We all know the importance of clean water for the survival of all, including the water sources for agriculture, tourism, and all walks and forms of life. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

In addition:

- this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County.

- the land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide.

- the Comprehensive Plan glaringly shows that protecting agricultural land and the rural nature of the county is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors.

- The proposed zoning change ignores cluster subdivisions by promoting the development of a corridor of intense development in the heart of the county. This violates a critical principle of the Comprehensive Plan.

While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental changes.

A noteworthy thought to remember is that, no matter how it's outlined, this area is not Ranson city proper--it's Kearneysville which has always been noted as agricultural in nature and development has needed to be handled in a professional manner, taking into consideration all areas in existent at this time, from farms to developments to an elementary school. . The actions of a small group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire county.

A vote of no to this Amendment File 21-2-Z is the right thing to do.

Sincerely,



1067 Comstock Dr.
Shepherdstown, WV 25443

Jefferson County Commission
PO Box 250
Charles Town WV 25414

5-22-2021

To: Jefferson County Commission

Re: Please Vote NO on the Rezoning Amendment 21-2-Z

I urge the Jefferson County Commission to vote No on the rezoning amendment.

This amendment does not sufficiently define "light" industrial to protect our air and water. Our water is especially at risk because of the porous limestone that allows pollutants to flow right into our aquifers.

I have lived in Wheeling and Morgantown, where the air was filthy and the rivers looked like sludge. Industries came to both cities and brought jobs. When the industries left, these towns lost their prosperity, but the damage remained. Both cities had plenty of people whose health had been ruined. Both still struggle to survive economically.

Here in the Eastern Panhandle, we enjoy clean water and the cleanest air in the state. We have a healthy, well-educated population. We have so many things going for us, so many other options for growing our economy. It makes no sense to deliberately send the Eastern Panhandle into a continuous downward spiral like the rest of West Virginia.

I'm already hearing people talk about leaving the area before our water is ruined and our homes have lost their value. New residents brought us prosperity; to keep people here, we need to offer an attractive, healthful place to live.

If you want to develop our economy, follow the template that was laid out in the Envision Jefferson 2035 Plan. Reject 21-2-Z and do what is best for Jefferson County.

Aileen Curfman

A handwritten signature in black ink, appearing to read "Aileen Curfman". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jessica Carroll

From: Jack Lawlor <Jack@irishmail.com>
Sent: Sunday, May 30, 2021 10:14 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county’s groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be “cluster subdivisions” in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County’s own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson’s recent development, doesn’t mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson’s government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and

agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

--
Jack Lawlor
Jack@irishmail.com
Ashburn 20147

The previous form letter was received by the following:

Sarah Adams

Sarah Myers

Alana Flynn

Edward Turner

Regina Hendrix

Laurie Allen

Elias Meehan

Elizabeth Meehan

Lynn Delles

Patrick Laughner

Sam Yates

Stephanie Webb

James Webb

Alan Klemm

Martha Marquesen

Theresa Burns

Addison Reese

John Azar

Ellen Truiett

Maria Parisi

Jack Lawler

Doris McGillick

Andrew Asper

Lisa Ingram

Jessica Carroll

From: Elizabeth Shockley <j4shock@frontiernet.net>
Sent: Saturday, May 29, 2021 3:24 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Keep our county on it's intended track to preserve the rural landscape. We can find better businesses than heavy industry to help our economy. Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County's own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson's recent development, doesn't mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code

directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

--

Elizabeth Shockley
j4shock@frontiernet.net
Charles Town 25414

Jessica Carroll

From: Stacy <sevanisko@hotmail.com>
Sent: Thursday, May 27, 2021 4:59 PM
To: JCCInfo
Subject: Written Public Comment - File 21-2-Z - Jefferson Orchards Inc rezoning

Dear Commissioners,

The following written public comment is being submitted towards (Planning Commission) File #21-2-Z for which the JCC has scheduled a public hearing on June 3, 2021 at 1:30 PM. As a Jefferson County resident, I support the value of our historic, cultural, and natural resources, including agriculture that relies on our prime soils and clean water supply. The intent of our Comprehensive Plan to preserve that, I disagree that this amendment is in the best interest of Jefferson County and the state of West Virginia.

This Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County as presented. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority.

The Comp Plan (pg. 116) states, "In recent years, there has been a greater interest and awareness of our County's history. Residents recognize that the protection of the County's historic structures and landscapes is essential to broadening tourism, enhancing the County's quality of life, and for retaining the qualities that attracted many of the residents to Jefferson County."

It's no surprise the applicant, who resides in Texas would not recognize the negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy this imposes. It began with the welcoming of the heavy industrial manufacturing facility Rockwool. Why does it appear over the last several years, what makes Jefferson County as attractive and prosperous for the residents and state of WV goes unrecognized and under appreciated by some elected and appointed officials?

That may be a personal decision, or incorrectly applied political rational, however we are all bound by the WV Code and Comprehensive Plan to follow the reasonable path laid out by both.

This Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, it conflicts with the West Virginia State Code on Zoning and Land Use as well as our Comprehensive Plan. Approving this request for a combination of incompatible uses should be denied. This development will mix vastly different uses in close proximity with one another reducing order and attractiveness. It will create an unattractive industrial area with increased traffic, noise and light pollution amid surrounding residential and rural land uses

I am strongly opposed to the expansion of industrial use on our rural land and disagree with the approval of File 21-2-Z. It started with Rockwool's 198 acres - inappropriately used as justification in the Planning Commission's recommendation – and should not continue for additional industrial expansion on this 43.7 acres. Please deny the amendment.

Sincerely,

Anastasya Tabb
Shepherdstown, WV 25443

Jessica Carroll

From: Catherine Jozwik <jozwik@gmail.com>
Sent: Thursday, May 27, 2021 5:00 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Dear County Commissioners,

I am writing today to urge you to vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. The Planning Commission staff found that this change is not consistent with the County's Comprehensive Plan and I believe you should listen to the experts in the planning commission. The Comprehensive Plan was developed through a thoughtful process that included many opportunities for public input and it should not be aside lightly. Many County residents relied upon this plan when deciding to move to Jefferson County. You represent these citizens, not just the interests of a few and I would ask that you let the bulk of public commentary guide you in this decision. If the majority of public comment is against this rezoning, you should respect the will of those you represent and reject Zoning Map Amendment File 21-2-Z.

--
Catherine Jozwik
jozwik@gmail.com
Harpers Ferry 25425

Jessica Carroll

From: Diane Blust <dblust73@gmail.com>
Sent: Wednesday, May 26, 2021 3:47 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I am writing to you to ask you to follow the guidance of your own Planning and Zoning Staff and vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The extension of Northport Avenue with two connections to Rt. 480 will create a traffic nightmare on Rt. 480 and in the Shepherdstown area. It is your duty to ensure that infrastructure is in place to support future development. To proceed with development without adequate road and transportation infrastructure is unprofessional.

There are serious environmental concerns with proposed development of this environmentally sensitive part of the county. We cannot change our hydrogeology no matter how much we would wish to do so. You are ultimately responsible for protecting the health and welfare of country residents. Supporting this particular zoning amendment change is not in line with this most basic and essential of your duties.

Vote "no" on this request.

--
Diane Blust
dblust73@gmail.com
Harpers Ferry 25425

Jessica Carroll

From: Sarah Arzt <Nimoway03@hotmail.com>
Sent: Wednesday, May 26, 2021 3:57 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county’s groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be “cluster subdivisions” in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County’s own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson’s recent development, doesn’t mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson’s government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and

agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

Please don't make the situation in the county worse. This area is beautiful and depends on tourism. We are a growing county - we don't need more industry here, we need high tech, high paying jobs. Show the people that you care about their health and the wellbeing of the environment.

Vote to keep Jefferson county 'wild and wonderful'

--

Sarah Arzt
Nimoway03@hotmail.com
Shepherdstown 25443

Jessica Carroll

From: Lizette L. Temple <lizettelobner@hotmail.com>
Sent: Wednesday, June 2, 2021 11:02 PM
To: Steve Stolipher; Tricia Jackson Commissioner; commissioner.ath@gmail.com; commissioner.ath@gmail.com; Jane Tabb; JCCInfo
Subject: Jefferson Orchards Public Hearing

I am writing to say [REDACTED] to the destruction of Jefferson County's rural character, NO to environmental hazards, and call for the Commissioners to DENY an increase of industrial development. We moved here for the rural character and moved away from another state where everything is built up. We do not want this area to be build up like Frederick MD and other counties where everything is build up and there is more traffic and crime. We have good water, air and low crime, good schools and it is a safe place to live. We love it just the way it is, stop changing what is good!

Why would you place the current residents in such danger and overgrowth and take away our love for their small town and rural life? We have placed you in these positions to hear the residents' voices.

We want our community the way it is and not to overgrow.

We [REDACTED] want the [Jefferson Orchards Inc. rezoning amendment](#). This [proposal would drastically change the future land use of \(rezone\) 239 acres of the former Miller property from Rural to Residential and Light Industrial zoning](#). This is **not acceptable** and citizens of this county will not accept this. We did not want what occurred In 2017 when Ranson approved industrial expansion on the adjacent 400 acres JOI site allowing the Rockwool heavy industrial factory. That was careless of this county to accept that. We urge you to [REDACTED] that the 44 acres to be designated for Light Industrial and 180 acres for single-family homes and townhomes. That is too many homes for this area, we will not be able to handle more cars on our country roads! This is not want the residents here want at all! We do not need any more homes in this area. We want rural and country life. I urge you to deny this, please!!!!!!!!!!

Thanks,
E Temp

Jessica Carroll

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Tuesday, June 1, 2021 1:14 PM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

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

Form Name: County Commission Contact
Date & Time: 06/01/2021 1:13 PM
Response #: 1984
Submitter ID: 5736
IP address: 24.126.100.51
Time to complete: 19 min. , 23 sec.

Survey Details

Page 1

1. Name

Patt Louise Welsh

2. Email

pwelsh@shepherd.edu

3. Questions or Concerns

This is in reference to a letter I received regarding a zoning change requested by Mark Ralston, Jefferson Orchards, Inc. on property that runs adjacent to my property and also my son James Welsh located on route 480 (Kearneysville Pike) from rural to rural and light industry. Planning Commission File #21-2-Z. My family is concerned if this passed will create more noise, more traffic and affect local schools. Another is the property joining mine and my son is full of large rocks and if blasting is required could effect our driven wells. Another issue when a change in zoning can change the town's boundaries of Kearneysville as with Rockwool classified as Ranson. I understand change and the Welsh family has lived in Kearneysville area for over 100 years and we can't afford to move.

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

(O) Yes

Thank you,
Jefferson County Commission, WV

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

Jessica Carroll

From: Susannah Buckles <Osusannahbee@gmail.com>
Sent: Thursday, May 27, 2021 4:51 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Susannah Buckles
Gap View Farm
Charles Town, WV

Dear Jefferson County Commission,

I am a second generation Jefferson County farmer, and owner of Gap View Farm. I have served as an Associate Supervisor, Eastern Panhandle Conservation District of WV, and Elks Run Watershed Group. My farm has been placed under WV Farmland Protection program.

The evidence that has been presented to you time and again clearly demonstrates the dangers to our environment, which DIRECTLY affects our lives and our communities.

PLEASE vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county’s groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be “cluster subdivisions” in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County’s own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that

Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson's recent development, doesn't mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

Susannah Buckles

--
Susannah Buckles
Osusannahbee@gmail.com
Charles Town 25414

Jessica Carroll

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Thursday, May 27, 2021 4:19 PM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

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

Form Name: County Commission Contact
Date & Time: 05/27/2021 4:18 PM
Response #: 1978
Submitter ID: 5727
IP address: 50.110.180.27
Time to complete: 6 min. , 25 sec.

Survey Details

Page 1

1. Name

Maura Ross

2. Email

maura.ross27@gmail.com

3. Questions or Concerns

My name is Maura Ross and this is my public comment for the meeting on 6/3 regarding the proposed rezoning by Jefferson Orchards Inc., of 238.9 acres of the old Miller property (adjacent to Rockwool) from Rural to Industrial and Residential. Please vote against expanding industrial zoning in that area. It is currently zoned rural and is close to neighborhoods and schools. Our county does not need any more industrial build-out.

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

Yes

Thank you,
Jefferson County Commission, WV

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Jessica Carroll

From: Michael and Shauna Azar <michaeldazar@gmail.com>
Sent: Thursday, May 27, 2021 4:10 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

I understand that the farmland in Jefferson County is all subject to a reversal of the current zoning, however as a resident that will have my home and possibly my health (and that of my children) negatively impacted by the construction and land use, I have to object. When I learned that Rockwool was building less than a mile away, and decisions to make changes to zoning were not done in the light without public scrutiny, I began to question if local authorities had the Jefferson county families’ health, safety, and wellbeing in mind. Now the main argument to change part of the zoning is based on the decision to rezone to heavy industry. This argument can continue until all the land around Rockwool is flipped. Keeping Jefferson County’s farming community vibrant should be just as important as smart growth of our planned neighborhoods. The addition of two roads accessing 480 with potential heavy vehicles does not seem to be keeping with a smart community planning. Additionally, the proposed roads will be added in very close proximity to one another, one on a blind spot in the road, will create a safety issue for those travelling.

When I purchased my house in 2017, I consulted the Envision 2035 plan and noted that my property was outside of the boundaries of the plan so I thought we were safe buying in this area. Now it appears the growth boundaries are in jeopardy and large manufacturing is being brought in at the expense of redevelopment and reinvigoration of the community. We request that you vote no on the proposed Zoning Map Amendment as it does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance.

--
Michael and Shauna Azar
michaeldazar@gmail.com
Kearneysville 25430

Jessica Carroll

From: Billie Garde <bpgarde@cliffordgarde.com>
Sent: Thursday, May 27, 2021 4:00 PM
To: JCCInfo
Subject: Opposition to The Proposed Zoning Changes

As a twenty-five year resident of Jefferson County I write to oppose the proposed changes to the Zoning Map Amendment. While I adopt in its entirety the more detailed comments of the Jefferson County Foundation, of which I am a Board Member, I also write to re-iterate that the proposed change fulfills the worst fears of the community, and turns Jefferson County into another industrial wasteland, peppered with cheap housing developments, and destroys the unique character of this place we love. Jefferson County will only grow and prosper if we remain unique, and are steadfast to the views of the Comprehensive Plan.

As you know, the Planning Commission staff found that this Zoning Map Amendment was not consistent with the Comprehensive Plan, *Envision Jefferson 2035* (CP).

“Staff finds that the request is not consistent with the Future Land Use Guide of the 2035 Plan because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary.”

According to §8A-7-9(c) of the state code “... If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”

This proposed amendment cheapens our county, strips it of its character, endangers the water, increase risks of pollution, and destroy what is left of the County environment.

Do not do this – please.

Billie Pirner Garde

May 27, 2021

Subj: Statement Opposing the Proposed Rezoning

We are strongly opposed to the proposed rezoning of the 195.2 acres from Rural to Residential Growth and offer the following points for consideration:

Conflicts with Master Plan. This proposal is inconsistent with the intent of the Jefferson County master plan to purposefully contain and manage residential growth within specific areas while allowing other areas for diverse purposes and uses.

Supports only one Industry. Another subdivision supports only the construction industry and a limited number of workers on a temporary basis. Other industries, including Rockwool, in contrast, will provide sustained economic growth and jobs into the future.

Damages Potential for Tourism. The proposed rezoning directly conflicts with opportunities for the county to promote economic growth through tourism. For example, an alternative for such fertile land could be a vineyard, as neighboring counties in Virginia have done with much success. These have proven to be very popular destinations for people to get away from the northern Virginia subdivisions. This proposal would discourage tourism by eliminating options for these destinations by adding to the congestion that tourists would be seeking to avoid. Moreover, if this rezoning is approved this premium land is gone forever.

Winners and Losers. While providing substantial financial benefit to a few people, it does so at the expense of county residents. Inevitably it will introduce more crime (drugs, trespassing, vandalism, theft), while further stressing already over-burdened schools and police.

Bad Traffic Made Worse. Kearneysville Pike cannot handle additional traffic, and the type of people that frequently come with subdivisions do not understand how to deal with farm equipment on the road. We have personally experienced impatient drivers trying to pass us as we are turning into our driveway with a trailer full of hay. Fortunately we saw what was about to happen and were able to avoid it. About three years ago our neighbor's farm worker on a tractor, at the same location, was not so fortunate when an impatient driver coming from a subdivision passed a line of cars, encountered oncoming traffic, and swerved into the tractor. The farm worker was injured, but fortunately, survived. The proposed location on Kearneysville Pike has seen several fatalities, and is already dangerous due to the high speeds and traffic that has grown exponentially over the past two decades.

Jefferson County is rapidly losing its rural and small-town character and becoming merely a bedroom community for the high-paying jobs in Northern Virginia. We have more to offer than that. Let's not miss the opportunity to manage Jefferson County's growth thoughtfully, while providing economic opportunities and quality of life for all its residents.

Erik and Rose Wolf
655 Kearneysville Pike, Kearneysville, WV

Jessica Carroll

From: Lori Maloney <ladavias@gmail.com >
Sent: Thursday, May 27, 2021 3:19 PM
To: JCCInfo
Cc: Steve Stolipher; Tricia Jackson Commissioner; Caleb Hudson for JeffersonWV; commissioner.ath@gmail.com; Jane Tabb
Subject: zoning proposal Jefferson Orchards

Dear Commissioners:

I am writing to ask that you please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. I live just a few miles from the parcel in question and my 5 year old may eventually attend North Jefferson Elementary.

I have many reasons for opposing this amendment, including that this is an incredibly sinkhole prone area, but I believe the most important one is that the county planning staff and the Comprehensive Plan both advise against it. There are reasons this parcel is zoned rural, and we should not throw those reasons out simply because Jefferson Orchards now has an issue with a deed restriction that it signed onto four years ago. I think a lot about 'process', and it bothers me that professional opinion by the county's own staff could be disregarded, and that a land use change of this type could happen because ultimately it benefits a company like Rockwool, a company that was brought here in an underhanded way, violated state environmental regulations, and also was operating for months without a valid stormwater registration from the state. That does not tell the story of a great community partner. It's not even the story of a mediocre community partner. I know that Rockwool's zoning was the decision of Ranson, but the current parcel in question is in the county's hands.

What story will you tell?

I hope that the JCC can take a good look at this, see that a zoning change is not in line with the County Comprehensive Plan, and that furthermore it is against the best interest of the county to change to zoning to allow light industrial here, in such close proximity to current and future residences and on top of so many possible sinkholes.

Thank you for reading this email and I urge you to vote no on the rezoning.

Lori Maloney
Kelly Maloney
Kearneysville, WV

Jessica Carroll

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Tuesday, June 8, 2021 11:50 AM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

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

Form Name: County Commission Contact
Date & Time: 06/08/2021 11:50 AM
Response #: 2001
Submitter ID: 5761
IP address: 172.58.221.69
Time to complete: 10 min. , 36 sec.

Survey Details

Page 1

1. Name

Scott McQuade

2. Email

scottieam@gmail.com

3. Questions or Concerns

As a tenant of homeowners who just bought a new home in the county, their experience with Comcast has been appalling. Comcast quoted north of 10k dollars to install service based "available information" to the company. They refused to even send an actual person to survey the job. This exact same story is has been shared from the owners of the two other homes built on Anglers Ridge Drive. Comcast's treatment of some of the countys newest residents is deplorable at best. It would be wonderful if the county could apply pressure to Comcast in hopes of increasing their willingness work with these families.

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

Not answered

Thank you,
Jefferson County Commission, WV

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Jessica Carroll

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Tuesday, June 8, 2021 11:29 AM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

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

Form Name: County Commission Contact
Date & Time: 06/08/2021 11:28 AM
Response #: 2000
Submitter ID: 5760
IP address: 72.21.198.66
Time to complete: 31 min. , 46 sec.

Survey Details

Page 1

1. Name

Darron Soren

2. Email

cpttacsat@gmail.com

3. Questions or Concerns

Good Morning,

I am writing today as a somewhat frustrated new homeowner in Jefferson County. I say somewhat because aside from this issues, I am completely satisfied with my family's decision to Buy a newly built home and set roots in WV. As stated, we have a newly built house on ANGLERS RIDGE DRIVE in Harpers Ferry. We have been part of a three plus month battle with Comcast trying to get highspeed internet installed. My wife and I have jobs that require a pretty decent amount of bandwidth to do when we are both working from home. Unfortunately the only company that is able to provide speeds needed for us is Comcast. Though they will argue that they aren't stopping another company like, AT&T or Verizon, to come in and provide internet as well.

Our fight with Comcast has gone all they way to the FCC because the poor customer service and absurd infrastructure cost they are quoting us. At the present time they quoted us at roughly \$14,000 out of pocket before even get service to the house because they would have to run aerial lines. This in itself is not a hard task. They didn't even come out and do a full recon of our location to see what was needed, but said they could look at it on a map. Unfortunately, that is not true because our house is so new that it doesn't show up on maps yet. The original two home on this street have Comcast so the line is already accessible for expansion. I am not one to get upset about things like this but I cannot stand getting lied to nor having them try to "pull the wool over my eyes" about technology stuff. I spent over 20 years in the military do the exact thing I want them to do and can tell you without a doubt, it is not a \$14K job. Further more there is not one but three brand new house on this street that would like the highspeed internet that could be available. One of our neighbors works from home and the other has kids that go to school virtually. So, you can imagine how difficult it is to do all the online activities off cell phone hotspots.

If there is any way possible that you as a commission can get involved in this situation, I (we, three families) would greatly appreciate it. I have exhausted all my IT knowledge to find suitable alternatives for internet and every option just is not

getting the job done or won't be available to us for quite some time.
Thank you in advance for your understanding and helpful help with our unfortunate situation.

Blue Skies,
Darron Soren

4. **Would you like to receive email notifications from Jefferson County?**
(o) Yes

Thank you,
Jefferson County Commission, WV

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Jessica Carroll

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Tuesday, June 8, 2021 10:48 AM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

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

Form Name: County Commission Contact
Date & Time: 06/08/2021 10:47 AM
Response #: 1999
Submitter ID: 5759
IP address: 174.196.134.254
Time to complete: 4 min. , 30 sec.

Survey Details

Page 1

1. Name

Krystle Soren

2. Email

kbooth16567@yahoo.com

3. Questions or Concerns

I recently moved to Harpers Ferry in March. We have been going around and around with Comcast since we moved- which is the worse service provider I have ever dealt with. They said they did not service our area, could not find our address, etc. We are in a new construction house and everyone around us uses Comcast. They then told us it would cost us \$14k to run the cable to service our address! I am a federal employee working from home, the children living next door to me are still in virtual school and don't have service either. How is this acceptable when everyone around us has service? The 3 new houses are the only ones without Comcast service. You cannot tell me they are not getting federal dollars or county infrastructure dollars.

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

Yes

Thank you,
Jefferson County Commission, WV

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Harpers Ferry/ Bolivar PSD
P. O. BOX 235
192 LAKE QUIGLEY DRIVE
HARPERS FERRY, WEST VIRGINIA 25425
(304)-535-2390 FAX (304)-535-2524

THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE APRIL MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON April 9th, 2021.

The meeting was called to order at 8:05 a.m.

Those in attendance were:

David Simmons-Chairman Term 6/30/2021
Mike Lowrey-Secretary Term 6/30/2022
Helen Dettmer-Treasurer Term 6/30/2024

Eddy Tennant- Operations Supervisor
Joe Adams-Plant Operator
Jim Williams-HFBPSD Consultant

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the March minutes, approved.

Motion by Ms. Dettmer, seconded by Mr. Lowrey to approve the March revenue checking account financial statement, approved.

Motion by Ms. Dettmer, seconded by Mr. Lowrey to approve the March security deposits account financial statement, approved.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the March working capital reserve account, approved.

Discussion by Mr. Tennant to transfer \$2,400.00 from the regular checking account to the working capital reserve.

Motion by Mr. Simmons, seconded by Mr. Lowrey to transfer \$2,400.00 from the regular checking account over to the working reserve account, approved.

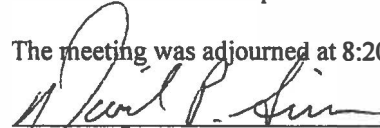
Discussion on sewer tariff rock clause being denied by the PSC, to have Mr. Kelsh have the public notice ran in the local paper.

Motion by Mr. Lowrey, seconded by Ms. Dettmer to have Mr. Kelsh have the public notice ran the Spirit, approved.

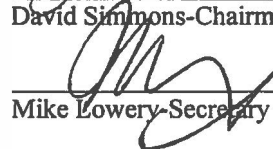
Mr. Tennant discussed the sump pump letter to be inserted into the envelopes for the next billing cycle.

Discussion on COVID protocols remain the same staff both at the plant. Continue to monitor temperature daily.

The meeting was adjourned at 8:20 a.m.



David Simmons-Chairman



Mike Lowrey-Secretary

Helen Dettmer-Treasurer

Sandra McDonald

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Tuesday, June 08, 2021 10:48 AM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

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2. Email

kbooth16567@yahoo.com

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Sandra McDonald

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To: JCCInfo
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Scott McQuade

2. Email

scottieam@gmail.com

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I am writing today as a somewhat frustrated new homeowner in Jefferson County. I say somewhat because aside from this issues, I am completely satisfied with my family's decision to Buy a newly built home and set roots in WV. As stated, we have a newly built house on ANGLERS RIDGE DRIVE in Harpers Ferry. We have been part of a three plus month battle with Comcast trying to get highspeed internet installed. My wife and I have jobs that require a pretty decent amount of bandwidth to do when we are both working from home. Unfortunately the only company that is able to provide speeds needed for us is Comcast. Though they will argue that they aren't stopping another company like, AT&T or Verizon, to come in and provide internet as well.

Our fight with Comcast has gone all they way to the FCC because the poor customer service and absurd infrastructure cost they are quoting us. At the present time they quoted us at roughly \$14,000 out of pocket before even get service to the house because they would have to run aerial lines. This in itself is not a hard task. They didn't even come out and do a full recon of our location to see what was needed, but said they could look at it on a map. Unfortunately, that is not true because our house is so new that it doesn't show up on maps yet. The original two home on this street have Comcast so the line is already accessible for expansion. I am not one to get upset about things like this but I cannot stand getting lied to nor having them try to "pull the wool over my eyes" about technology stuff. I spent over 20 years in the military do the exact thing I want them to do and can tell you without a doubt, it is not a \$14K job. Further more there is not one but three brand new house on this street that would like the highspeed internet that could be available. One of our neighbors works from home and the other has kids that go to school virtually. So, you can imagine how difficult it is to do all the online activities off cell phone hotspots.

If there is any way possible that you as a commission can get involved in this situation, I (we, three families) would greatly appreciate it. I have exhausted all my IT knowledge to find suitable alternatives for internet and every option just is not

getting the job don or wont be available to us for quite some time.
Thank you in advance for your understanding and hopeful help with our unfortunate situation.

Blue Skies,
Darron Soren

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 Yes

Thank you,
Jefferson County Commission, WV

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