

**AGENDA  
JEFFERSON COUNTY COMMISSION  
THIRD QUARTERLY SESSION - JULY - SEPTEMBER 2021  
THURSDAY, SEPTEMBER 2, 2021  
9:30 A.M.**

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

*This meeting will be accessible live through GoToWebinar. Invites will be posted on Facebook and email alerts.*

*The meeting will be limited to the number of in-person attendees due to COVID 19 restrictions. Five (5) attendees will be allowed in the meeting room at a time. Please email [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) no later than 9:00 a.m. prior to the meeting to be added to the list. There is no registration needed for public comment.*

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- August 19, 2021 - Regular Meeting
- August 24, 2021 - Special Session

**APPROVAL OF REQUISITIONS**

- September 2, 2021

**APPROVAL OF ACCOUNTS PAYABLE**

- August 26, 2021
- September 2, 2021

**APPROVAL OF MANUAL CHECKS**

- August 27, 2021
- September 3, 2021

**APPROVAL OF PAYROLL**

- August 19, 2021
- September 2, 2021

## **ANNOUNCEMENTS**

- **Report if there are changes in the agenda if applicable**

## **PRESENTATIONS**

- 1. 9:35 a.m. Matthew Harvey, Prosecuting Attorney and Tom Hansen, Sheriff  
- Proclamation - Ed Boober**
- 2. 9:40 a.m. Matthew Harvey, Prosecuting Attorney  
- Discussion of staffing needs and request to hire new employee**
- 3. 9:45 a.m. Angie Banks, Assessor  
- Approval of Exonerations**
- 4. 9:50 a.m. Jacki Shadle, County Clerk  
- Employment Approval for Voter & Elections Clerk and Assistant Clerk**
- 5. 10:00 a.m. Sheriff's Office  
- Promotional Raises  
- Grant Approval**
- 6. 10:10 a.m. Michelle Gordon, Finance Director  
- Creation of new bank account for County Administration Impact Fee  
- Discussion of ARPA part time employee, one-time premium pay stipend  
- Schedule monthly meeting for review of American Rescue Plan Act (ARPA) Submissions**
- 7. 10:25 a.m. Becky Burns, Office Manager  
- Permit Fee & Impact Fee Refund Requests**
  - **Tiffany Lawrence & Karl Morris - Permit #21-98**
  - **Denise Alford - Permit #21-506**
- 8. 10:35 a.m. Roger Goodwin, Chief County Engineer  
- Adoption of Impact Fee Ordinance setting new impact fee rates**
- 9. 10:45 a.m. Jeffrey A. Polczynski, ENP-Director of Communications  
- Appointment Requests - Two Full-Time Public Safety Dispatchers**
- 10. 10:50 a.m. Steve Allen, Director, Jefferson County Homeland Security and Emergency Management  
- Approval to hire Deputy Director/Planner/Program Manager**

11. 10:55 a.m. Renewal of Lease of Agricultural Land owned by the Jefferson County Commission
12. 11:05 a.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](mailto:info@jeffersoncountywv.org). Your comments will be included in the minutes and agenda correspondence. Please include your name.*
13. 11:15 a.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
  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
  3. Report by counsel on opioid case. (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170)
  4. Review and confirmation of March 5, 2020 Amendments to ESA Ordinance and Bylaws

#### NEW BUSINESS

14. Consent Access to BCN Telecom Project Sites
15. Discussion of masks and vaccinations

#### COUNTY ADMINISTRATOR REPORTS

- Presentation of the Organization of County Public Safety Departments including Jefferson County Office of Homeland Security and Emergency Management and 911 Communications
- County Complex Project

#### COUNTY COMMISSION REPORTS

16. ADJOURN

**CORRESPONDENCE/INFORMATION**

**Notice of intent to appoint to the Jefferson County Enhanced E-9-1-1 Board and the Jefferson County Sheriff's Civil Service Commission.**

**Minutes of the June 11<sup>th</sup>, 2021 meeting received from the Harpers Ferry/Bolivar PSD.**

**Minutes of the July 9<sup>th</sup>, 2021 meeting received from the Harpers Ferry/Bolivar PSD.**

**Comments received from David Tabb regarding the Special Session held on August 24, 2021.**

***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, August 19, 2021

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A meeting of the Jefferson County Commission was held on Thursday, August 19, 2021 during the second quarterly session at 6:00 p.m. The meeting was held via GoToWebinar. Present were, Steve Stolipher, President, Tricia Jackson, Vice President, Clare Ath, Caleb Hudson, and Jane Tabb. Also present were Stephanie Grove, County Administrator; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, August 19, 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 August 5, 2021 Regular Meeting Minutes as with noted correction. Motion seconded and unanimously approved.**

#### APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
85087	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	\$ 2,679.56
85088	AMERIFLEX	\$ 120.80
85089	AT&T	\$ 192.60
85090	CITY OF CHARLES TOWN	\$ 52.00
85091	COLONIAL LIFE	\$ 95.68
85092	DELTA DENTAL OF WV	\$ 5,846.75
85093	FEDEX	\$ 143.79
85094	FIFTH THIRD BANK	\$ 60,548.39

85095		HIGHMARK WV	\$ 184,499.10
85096		JEFFERSON COUNTY FAIR ASSOCIATION	\$ 200.00
85097		LISA WALTERS	\$ 575.17
85098		MATTHEW BENDER	\$ 1,239.07
85099		MILLENIUM INSURANCE GROUP	\$ 900.00
85100		NATIONAL VISION ADMIN.	\$ 1,608.92
85101		R.E. MICHEL CO. LLC	\$ 1,193.47
85102		RETIREE HEALTH BENEFIT TRUST	\$ 6,721.00
85103		SHERIFF OF JEFFERSON COUNTY	\$ 74.00
85104		STEVE STOLIPHER	\$ 586.44
85105		THE HARTFORD	\$ 3,531.38
85106		THE HARTFORD	\$ 2,209.80
85107		TRICIA JACKSON	\$ 564.00
85108		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	\$ 58,527.25
85109		WV TREASURY	\$ 4,800.00
85110		WVCORP WV COUNTIES SELF INSURANCE RISK POOL	\$ 160,935.00
85111		WVCORP WV COUNTIES SELF INSURANCE RISK POOL	\$ 29,612.25
85112	AM/053	AXION STAFFING	\$ 604.18
<b>TOTAL</b>			<b>\$ 528,060.60</b>

**Motion by Mr. Stolipher to approve the Accounts Payable for August 12, 2021 in the amount of \$528,060.60. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME	AMOUNT
85114		ADAM WARD	52.99
85115		AMANDA JOHNSON	296.24
85116		BERKELEY CO SHERIFF'S OFFICE	675.16
85117		BUREAU OF CHILD SUPPORT	561.24
85118		COMPTROLLER OF MARYLAND	2,539.52
85119		DEBRA A YOUNG	364.91
85120		EFTPS IRS TAXES	92,370.85
85121		EMPOWER RETIREMENT	5,734.86
85122		FEDEX	57.77
85123		FIDELITY POWER SYSTEMS	7,575.00
85124		FRONTIER	174.90
85125		GUTTMAN OIL CO	4,783.50
85126		JEFFERSON SECURITY BANK	4,219.00
85127		JUSTTECH LLC	68.46
85128		LAURA L KUHN	3,250.00

85129		LORI BROWN	1,030.79
85130		MATTHEW BENDER	219.86
85131		MILLERS SUPPLIES AT WORK	668.88
85132		NATIONWIDE RETIREMENT SOLUTIONS	834.00
85133		POTOMAC EDISON	25,788.91
85134		QUALITY UPTIME SERVICE	2,935.80
85135		SHERIFF OF JEFFERSON COUNTY	3,191.40
85136		SOFTWARE SYSTEMS INC	1,008.00
85137		STATE TAX DEPARTMENT	822.23
85138		MOOREFIELD POLICE DEPARTMENT	939.60
85139		TRACY P RICE	54.00
85140		WV DEPUTY SHERIFF RETIREMENT SYSTEM	34,591.08
85141		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	97,471.83
85142		WV SHERIFFS ASSOCIATION	2,200.00
85143		WV STATE TAX DEPARTMENT	55,337.77
85144		XEROX CORPORATION	186.32
85145	GS/004	GENERAL CO FUND-004	11,915.73
85146	AM/053	AXION STAFFING	697.13
85147	AM/053	PANHANDLE PRINTING	4,674.43
85148	BS/011	SHERIFF OF JEFFERSON COUNTY	9,017.44
85149	SG/010	JEFFERSON DAY REPORT	2,368.10
85150	FG/009	SHERIFF OF JEFFERSON COUNTY	4,520.70
<b>TOTAL</b>			<b>383,198.40</b>

**Motion by Mr. Stolipher to approve the Accounts Payable for August 19, 2021 in the amount of \$383,198.40. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

<b>MANUAL CHECKS</b>				
<b>Check#</b>	<b>Fund</b>	<b>VENDOR</b>		<b>Amount</b>
908	AV/56	FIFTH THIRD BANK		\$ 598.35
340	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 153,006.73
<b>TOTAL</b>				<b>\$ 153,605.08</b>

**Motion by Mr. Stolipher to approve the Manual Checks for August 13, 2021 in the amount of \$153,605.08. Motion seconded and unanimously approved.**

Check#	Fund	VENDOR	Amount
751	HD/8	ATTENTI	\$ 3,148.80
752	HD/8	FIFTH THIRD BANK	\$ 115.56
753	HD/8	SHERIFF OF JEFFERSON CO	\$ 1,643.17
304	DK/O3	SHERIFF OF JEFFERSON CO	\$ 974.03
105	AR/207	SHERIFF OF JEFFERSON CO	\$ 95,893.85
1293	IP/249	SHERIFF JEFFERSON CO -SCHOOL	\$ 137,873.40
1294	IP/249	SHERIFF JEFFERSON CO - LAW	\$ 4,050.71
1295	IP/249	SHERIFF JEFFERSON CO - PARKS	\$ 11,069.32
1296	IP/249	SHERIFF JEFFERSON CO - EMS	\$ 1,196.90
<b>TOTAL</b>			<b>255,965.74</b>

**Motion by Mr. Stolipher to approve the Manual Checks for August 20, 2021 in the amount of \$255,965.74. Motion seconded and unanimously approved.**

**PAYROLL APPROVAL**

**Motion by Mr. Stolipher to approve the Payroll for August 5, 2021 in the amount of \$256,771.33. Motion seconded and unanimously approved.**

**Motion by Mr. Stolipher to approve the Payroll for August 13, 2021 in the amount of \$322,412.94. Motion seconded and unanimously approved.**

**PRESENTATIONS**

1. Angela Banks, Assessor – presented the following Exonerations and Apportionments for approval:

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Cindy Day	PP	CTC	305397	\$189.48

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 305397 as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Michael & Rose Nickerson	PP	SD	316703	\$34.02

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 316703 as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
John & Shelley Reese	PP	KD	310905	\$267.21

- **Motion by Ms. Tabb to approve the Exoneration for Ticket No. 310905 as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
J&D's Club c/o Beverley Dopson	PP	SD	317651	\$68.02

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 317651 as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Amy Cranford	PP	SD	315592	\$281.79

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 315592 as presented by the Assessor. Motion seconded and unanimously approved.**

2. Interviews and Appointments

- Jefferson County Building Commission – three five-year terms ending July 27, 2026
  - **Motion by Ms. Tabb to reappoint Larry Togans to the Jefferson County Building Commission for a five year term ending July 27, 2026. Motion seconded and unanimously approved.**
- Jefferson County Parks and Recreation Commission – one unexpired term ending June 30, 2023
  - **Motion by Mr. Stolipher to appoint Debra Lee Allen to the Jefferson County Parks and Recreation Commission for an unexpired term ending June 30, 2023. Motion seconded and unanimously approved.**
- Jefferson County Community Criminal Justice Board – one three-year term for a citizen with a background in mental health care services, ending July 3, 2024
  - **Motion by Mr. Stolipher to appoint Jim Auxer to the Community Criminal Justice Board as the mental health care representative for a three-year term ending July 3, 2024. Motion seconded and unanimously approved.**

3. Public Comment – the following individuals provided public comment: Ross Morgan, David Tabb, Michael Tolbert.

4. Nathan Cochran, Assistant Prosecuting Attorney

- a. 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.

- b. 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
  - c. Discussion of Jefferson County Circuit Court Civil Action No. 2021-P-125
  - d. Discussion of Jefferson County Circuit Court Civil Action No. 2021-C-109
- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice regarding the solar facilities text amendment; Jefferson County Circuit Court Civil Action No. 2021-P-125 and Jefferson County Circuit Court Civil Action No. 2021-C-109. Motion seconded and unanimously approved.**
  - **Motion by Ms. Jackson to come out of Executive Session. Motion seconded and unanimously approved.**
  - **Motion by Ms. Jackson to direct legal counsel to proceed as directed concerning Civil Action CC-19-2021-C-33. Motion seconded and passes on a vote of 3-1 with Commission Stolipher abstaining and Commissioner Tabb opposing.**

5. Steve Holz, Jefferson County Sheriff's Office

- a. Approval to Hire Full-time Bailiff
  - **Motion by Mr. Stolipher to approve the hire of Romulo Quezada as a full-time bailiff within the Jefferson County Sheriff's Department at 70 hours per pay, at \$15.00/hr., effective September 7, 2021. Motion seconded and unanimously approved.**
- b. Approval to Hire Part-Time Bailiff
  - **Motion by Mr. Stolipher to hire Keith Johnson as a part-time bailiff within the Jefferson County Sheriff's Department at \$13.00/hr., effective September 7, 2021. Motion seconded and unanimously approved.**

**NEW BUSINESS**

6. Approval of 2021 Sheriff's Commission

- **Motion by Ms. Tabb to approve the computation of the 2021 Sheriff's Commission in the amount of \$15,000. Motion seconded and unanimously approved.**
7. Discuss joint meeting with the Jefferson County Fire and Rescue Association, Jefferson County Commission, and Jefferson County Emergency Services Agency
- **Motion by Mr. Stolipher to direct Ms. Grove to contact representatives from the JCFRA and JCESA and request a copy of the draft fire fee ordinance and schedule a joint meeting with both groups during the September 16, 2021 regularly scheduled evening meeting, to be held in the Jefferson County Commission meeting room. Motion seconded and unanimously approved.**
8. Request that Finance Director review stipends for part-time employees
- **Motion by Mr. Stolipher to direct Ms. Gordon to research the possibility and requirements for stipends for Jefferson County part-time employees. Motion seconded and unanimously approved.**

#### COUNTY ADMINISTRATOR REPORTS

- Approval of FMLA
    - **Motion by Mr. Stolipher to enter into Executive Session to discuss a personnel matter. Motion seconded and unanimously approved.**
    - **Motion by Mr. Stolipher to come out of Executive Session and resume regular session. Motion seconded and unanimously approved.**
    - **Motion by Ms. Jackson to approve the FMLA leave for Stephanie Grove, County Administrator. Motion seconded and unanimously approved.**
9. The Commission adjourned at 8:27 p.m. on a motion by Mr. Stolipher. Motion was seconded and unanimously approved.

\_\_\_\_\_  
Steve Stolipher, PRESIDENT

Respectfully submitted  
Jessica Carroll

## **SPECIAL SESSION**

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

At a Special Session of the County Commission of said County and State continued and held virtually via GoToWebinar on Tuesday, August 24, 2021, beginning at 9:30 o'clock a.m.

**PRESENT:** Steve Stolipher, President  
Tricia Jackson, V. President  
Clare Ath, Commissioner  
Caleb Hudson, Commissioner  
Jane Tabb, Commissioner  
Stephanie Grove, County Administrator  
Nathan Cochran, Assistant Prosecutor  
Jessica Carroll, Administrative Assistant

**In re: Discussion of implementation of impact fee schedule previously adopted on August 5, 2021; amendment of the effective date contained in the motion previously adopted on August 5, 2021 regarding the revision to the impact fee schedule; and amendment of the start date for JCSO part-time bailiff hire previously approved August 19, 2021.**

The meeting was called to order at 9:30 a.m. by President Stolipher, who stated the purpose for the special session as listed above. Ms. Grove stated the Engineering Department requested the Commission postpone the effective date of the new impact fee schedule to allow staff time to make the requested changes to the corresponding impact fee ordinances. Ms. Grove also stated the Sheriff's Office requested an amendment to the August 19, 2021 motion to hire a part-time bailiff as there was miscommunication about the new hire's start date.

- **Motion by Mr. Stolipher to amend the August 5, 2021 motion to make the new impact fee schedule implementation effective September 3, 2021. Motion seconded and passes on a vote of 4-1 with Commissioner Tabb opposing.**
- **Motion by Mr. Stolipher to amend the August 19, 2021 motion to hire Keith Johnson as a part-time bailiff within the Jefferson County Sheriff's Office at \$13.00/hr, effective Wednesday, August 25, 2021. Motion seconded and unanimously approved.**

There being no further business, the meeting adjourned at 9:33 am.

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Steve Stolipher, PRESIDENT

Respectively Submitted:  
Jessica D. Carroll  
Administrative Assistant



# REQUISITIONS TO BE APPROVED

September 2, 2021

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
MAINTENANCE	22014	\$ 13,676.99	MITEL	phone system annual support
<b>GRAND TOTAL</b>		<b>\$ 13,676.00</b>		





# Mitel

RENEWAL QUOTE

**Account:** Jefferson County Government  
 ATTN: Laura Kuhn  
 128 Industrial Boulevard, Suite 100  
 Kearneysville, WV 25430

**Partner:** IPC Technologies, Inc.  
 7200 Glen Forest Dr. Suite 100  
 Richmond, VA 23226  
 Main Phone: (804) 285-9300  
 Main Fax: (804) 285-1099

**Current Agreements & Entitlements:**

Agreement: Partner Support Warranty (5 Yr. - MYBA)  
 Customer Success Center (CSC): YES  
 Hardware Maintenance: YES  
 Web-Based End-user & Admin Training: YES  
 Software Update Product: YES

**Mitel Product Profile:**

Five Year Support Warranty Term (No Handsets) from 09/29/2018 through 09/28/2023 with \$13,676.00 Billed Annually

Qty.	Product	Serial #	Status	Support Terms	Pricing
6	SG90 Voice Switch	S90F162249CBA1 S90F13192E9B41 S90F13182E9A55 S90F13192E9B46 S90F13192E9B02 S90F13192E9B66	Production	Covered	
5	SGT1K Voice Switch	T1KF17114EF22D T1KF13142E9412 T1KF13162E951D T1KF13142E9413 T1KF13092E87FA	Production	Covered	
3	SG50V Voice Switch	50VF17455549CA 50VF1301284EE2 50VF1301284EC5	Production	Covered	
1	SG90V Voice Switch	90VF15013D1368	Production	Covered	
1	Emergency Notification License		Production	Covered	
1	Distributed Voice Services Server		Production	Covered	
240	Extension & Mailbox Licenses		Production	Covered	
1	MiVoice Connect Essentials License Bundle		Production	Covered	
83	Extension Only Licenses		Production	Covered	
15	SIP Trunk Licenses		Production	Covered	
6	Additional Site Licenses		Production	Covered	
2	Audio Conferencing License (10 Ports),		Production	Covered	
5	Mobility Client Access License Bundle		Production	Covered	
323	Personal Access License		Production	Covered	
1	Operator Access Licenses		Production	Covered	
1	Service Appliance 100 HXL TPM	7KQNJ51	Production	Covered	
1	Mobility Router 4000 (MR4000)	244679052003	Production	Covered	
				<b>'21-'22 Renewal Due:</b>	<b>\$13,676.00</b>

\*The quote does not include all applicable Sales and Use Taxes as required by law  
 \*Payments for support renewals must be received by IPC at least five working days prior to the active agreement expiration date to allow time for processing.  
 \*Quotations for annual support renewals are subject to a 40% re-enlistment fee if payments are not received by the end of the contract date stated on the quote or invoice. Rate will increase incrementally for each additional day it is lapsed past expiration.



DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$395,889.52		\$395,889.52
6.2% Tax Payable OASDI	\$23,487.63		\$23,487.63
1.45% Tax Payable HI	\$5,493.14		\$5,493.14
Fed Withholding	\$34,409.31		\$34,409.31
WV State Withholding	\$16,495.69		\$16,495.69
PERS Retirement Deduct 4.5%	\$9,324.70		\$9,324.70
PERS Retirement Deduct 6%	\$5,102.16		\$5,102.16
Hosp. Pre-Taxed	\$14,858.00		\$14,858.00
Cancer/ICU Pre-Taxed	\$443.28		\$443.28
Cancer/ICU Not Pre-Taxed	\$802.96		\$802.96
Optional Life Not Pre Taxed	\$1,737.45		\$1,737.45
Christmas Club	\$4,219.00		\$4,219.00
Wage Attach #1	\$561.24		\$561.24
Wage Attach #2	\$822.23		\$822.23
Wage Attach #3			\$0.00
DSRS Retirement Deduct 8.5%	\$6,583.18		\$6,583.18
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$4,824.86		\$4,824.86
457R - Roth	\$910.00		\$910.00
MD State Tax	\$755.61		\$755.61
D/VF	\$1,754.07		\$1,754.07
VA State Tax	\$174.00		\$174.00
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
Total Deductions	\$133,640.35	\$0.00	\$133,640.35
Net Wages Total	\$262,249.17	\$0.00	\$262,249.17
Payroll Date	August 19, 2021		



DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$420,609.84		\$420,609.84
6.2% Tax Payable OASDI	\$25,003.19		\$25,003.19
1.45% Tax Payable HI	\$5,847.50		\$5,847.50
Fed Withholding	\$39,658.19		\$39,658.19
WV State Withholding	\$17,993.15		\$17,993.15
PERS Retirement Deduct 4.5%	\$9,382.92		\$9,382.92
PERS Retirement Deduct 6%	\$5,217.20		\$5,217.20
Hosp. Pre-Taxed	\$15,087.00		\$15,087.00
Cancer/ICU Pre-Taxed	\$468.18		\$468.18
Cancer/ICU Not Pre-Taxed	\$828.16		\$828.16
Optional Life Not Pre Taxed	\$1,808.86		\$1,808.86
Christmas Club	\$4,219.00		\$4,219.00
Wage Attach #1	\$561.24		\$561.24
Wage Attach #2	\$988.71		\$988.71
Wage Attach #3			\$0.00
DSRS Retirement Deduct 8.5%	\$7,164.14		\$7,164.14
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$4,831.93		\$4,831.93
457R - Roth	\$910.00		\$910.00
MD State Tax	\$756.64		\$756.64
D/VF	\$1,775.59		\$1,775.59
VA State Tax	\$206.19		\$206.19
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
Total Deductions	\$143,589.63	\$0.00	\$143,589.63
Net Wages Total	\$277,020.21	\$0.00	\$277,020.21
Payroll Date	September 2, 2021		



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



Name: **Matthew Harvey**

Department or Organization: **Prosecuting Attorney**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 2, 2021**

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

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

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

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

- 1. Discussion of staffing needs and request approval to hire new employee.**

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

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

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



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



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 02, 2021**

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

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

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

⬇ **Approval of Exonerations**

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

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

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

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

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

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

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

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

Contact information:

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

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

[Click here to enter text.](#)



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



Name: **Jacki Shadle**

Department or Organization: **County Clerk**

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

Date Requested – 1<sup>st</sup> Choice: **September 2**

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

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

Subject (*Wording to be placed on agenda*): **Employment Approval for Voter & Elections Clerk and Assistant Clerk**

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

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

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

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



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



Name:

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

Estimation of amount of time needed for appointment: 10 minutes

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

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

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

Subject (*Wording to be placed on agenda*): Promotional Raises  
Grant Approval

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

We are requesting to provide raises to those given a promotion. The funding to do so is within our approved budget.

It is time to renew the grant contract with the Governor's Highway Safety Program. We are the fiduciary for surrounding agencies and are provided reimbursement for working and paying overtime initiatives in support of the program.

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

I move to approve the raises as outlined for the deputies who received a promotion.

I move to approve the grant application and resolution and approve the President to sign the associated documents.

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: thansen@jeffersoncountywv.org

Phone Number: 304-728-3205

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

not applicable



Raise Breakdown

1,000 to Corporals (Grantham, Mahony, O'Shea)

1,500 to Sergeants (Armel, Forman)

2,000 to Lieutenants (Holz, Sell)

2,000 to Captain (Colbert)

Total – 12,000 – We have 15,000 in line item



AMENDMENT TO THE REGULATIONS OF DEPUTY CIVIL SERVICE COMMISSION –  
JEFFERSON COUNTY, WEST VIRGINIA

AMENDMENT PART 4 – PROMOTIONS

The Commission does hereby amends the rank structure as set forth in the previous amendment adopted on or about May 15, 2013. The rank structure shall be as follows:

1 Captain, 2 Lieutenants, 7 Sergeants, 8 Corporals and Deputies as hired.

This amendment was approved unanimously by the Commission on August 5, 2021.

Respectfully Submitted:



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James B. Crawford III, President

This Amendment was adopted by unanimous approval of the Commission on August 8, 2021 and the same was filed in the County Clerk's Office on August 9, 2021.



---

James B. Crawford III, President

CRAWFORD LAW GROUP  
120 NORTH GEORGE ST  
CHARLES TOWN WV 25414-1502

Jefferson County  
Jacqueline C Shadle, Clerk  
Instrument 202100013329  
08/09/2021 @ 09:27:36 AM  
CIVIL SERVICE COMMISSION  
Book 1 @ Page 49  
Pages Recorded 1



RESOLUTION

At a regular session of the Jefferson County Commission (County), held on the 2nd day of September, 2021, the following Order was made and entered:

SUBJECT: A RESOLUTION authorizing the submittal of a state grant application by the Sheriff and the subsequent appropriation of up to **\$250,000** for the WV Division of Motor Vehicles, Governor's Highway Safety Program (GHSP) Grant project Jefferson County EP Traffic Safety Enforcement Program. The County has agreed to assist other jurisdictions in the administration of funds awarded through this grant. Non-county jurisdictions that may be awarded funding includes but is not limited to: Ranson Police Department (PD); Charles Town PD; Shepherdstown PD; Moorefield PD; Hardy County Sheriff's Office (SO); Grant County SO; Pendleton County SO; and Harpers Ferry PD.

WHEREAS the County believes itself to be qualified, and is willing and able to carry out all activities described in the state grant application; and,

WHEREAS in this action, the County has declared its intent to conduct the GHSP grant project described in the application; and,

WHEREAS in this action, the County will, upon an award and acceptance of the grant, agree to the terms of the grant;

IT IS THEREFORE RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby request the funds and assistance available from the West Virginia Department of Motor Vehicles under the Governor's Highway Safety Grant Program and will comply with state rules for the program, and,

HEREBY AUTHORIZES the Sheriff to submit an application signed by the County Commission to the State of West Virginia for financial aid for the GHSP Grant purposes, and authorizes the Sheriff to act on behalf of the County to sign the grant agreement if the grant funds are awarded.

The adoption of the foregoing Resolution having been moved by

\_\_\_\_\_, and duly seconded by \_\_\_\_\_

the vote was as follows:

Stephen Stolipher	_____
Jane Tabb	_____
Tricia Jackson	_____
Caleb Hudson	_____
Clare Ath	_____

Whereupon, Commissioner Stolipher declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and Stephen Stolipher, President of the Jefferson County Commission, is authorized to affix his signature to the attached "Grant Application" to be sent to the State for approval.

\_\_\_\_\_  
Stephen Stolipher, President  
Jefferson County Commission



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



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **September 2, 2021**

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

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

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

- Creation of new bank account for County Administration Impact Fee
- Discussion on APRA part time employee, one-time premium pay stipend
- Schedule monthly meeting for review of American Rescue Plan Act (ARPA) Submissions

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

- **Creation of new bank account for County Administration Impact Fee:**  
The Impact Fee Study approved on 08/05/2021 created a new infrastructure category termed County Administration fee. *WV State Code §7-20-8-Fees and Expenditures for County Development: Use and Administration of Impact Fees*, section (d) states that "Impact fee receipts shall be specifically earmarked and retained in a special account." Current practice by the Sheriff's office is that each category has a separate bank account rather than a separate general ledger account due to financial system constraints in the tax office. Section (d) further states that "All receipts shall be placed in interest-bearing accounts wherein the interest gained thereon shall accrue."
- **ARPA Part-Time Employee, One-Time Premium Pay Stipend -Attached**
- **Schedule monthly meeting for review of American Rescue Plan Act (ARPA) Submissions –**  
Staff would like to schedule special sessions for these discussions on a monthly basis and set the date for the first meeting. Staff recommends selecting the same day each month, such as the 2<sup>nd</sup> Tuesday or Wednesday each month. No Motion is required for this topic.

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 approve the creation of a new, interest bearing, checking account for the County Administration Impact Fee
- Motion to approve the part-time employee, one-time premium pay with eligibility criteria as presented / as amended, effective 08/05/2021 with a pay date of 09/10/2021.

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



## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT  
*Stephen Stolipher*

VICE PRESIDENT  
*Tricia Jackson*

COMMISSIONER  
*Caleb Wayne Hudson*

COMMISSIONER  
*Jane Tabb*

COMMISSIONER  
*Clare Ath*

September 2, 2021

President  
Bank of Charles Town  
PO Box 906  
Charles Town, WV 25414

Re: County Administration Impact Fee Bank Account

The Jefferson County Commission has requested to open an interest bearing checking account under the name of **Sheriff of Jefferson County, County Administration Impact Fees**.

The following account will require any three (3) of the following signatures:

- 1) Jefferson County Commission President; or
- 2) Jefferson County Commission Vice President; or
- 3) Jefferson County Sheriff; or
- 4) The Clerk of the Jefferson County Commission.

Approval was made by the Jefferson County Commission on September 2, 2021 in regular session.

If any further information is needed, please call 304-728-3284.

Sincerely,

Stephen Stolipher  
President, Jefferson County Commission

cc: Jacqueline Shadle, Clerk of the County Commission  
Sheriff Hansen  
Teresa Hendricks, Tax Office  
Michelle Gordon, Finance Director



ARTICLE 20. FEES AND EXPENDITURES FOR COUNTY DEVELOPMENT.

**§7-20-8. Use and administration of impact fees.**

(a) Revenues collected from the payment of impact fees shall be restricted to funding new and additional capital improvements or expanded or extended public services which benefit the particular developments from which they were paid. Except as provided herein, to ensure that developments for which impact fees have been paid receive reasonable benefits relative to such payments, the use of such funds shall be restricted to areas wherein development projects are located. County commissions shall have discretion in determining geographical configurations related to the expenditure of impact fee collections.

(b) Impact fees may only be spent on those projects specified in the capital improvement plan described in this article.

(c) When impact fees are collected, the county commission shall enter into agreements with any affected party providing new development in order to ensure compliance with the provisions of this article.

(d) Impact fee receipts shall be specifically earmarked and retained in a special account. All receipts shall be placed in interest-bearing accounts wherein the interest gained thereon shall accrue. All accumulated interest shall be published at least once each fiscal period. The county commission shall provide an annual accounting for each account containing impact fee receipts showing the particular source and amount of all such receipts collected, earned, or received, and the capital improvements and public services that were funded, in whole or in part, thereby.

(e) Impact fees shall be expended only in compliance with the plan. Impact fee receipts shall be expended within six years of receipt thereof unless extraordinary and compelling reasons exist to retain them beyond this period. Such extraordinary or compelling reasons shall be identified and published by the county commission in a local newspaper of general circulation for at least two consecutive weeks.

8. PUBLIC COMMENT

Public comment was provided by the following individuals: Christine Marshall and David Tabb.

9. Nathan Cochran, Assistant Prosecuting Attorney

- a. 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.
  - b. 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
  - c. Discussion of renewal of County cable franchise agreement and related issues
- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice regarding the solar facilities text amendment and the renewal of the County cable franchise agreement and related issues,, the draft impact fee report, and personnel matters regarding the Director of Communications. Motion seconded and unanimously approved.**

NEW BUSINESS

10. Decision – draft and revised Impact Fee Report

- **Motion by Mr. Stolipher to remove the schools portion from County impact fee collections, with the total impact fee amount at \$1649 for a single-family dwelling and \$1160 for a multifamily dwelling. Motion seconded but tabled.**
- **Motion by Mr. Stolipher to table the motion to remove schools from County impact fee collections, pending advice from the assistant Prosecuting Attorney. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to reduce the schools portion of the County Impact Fee collections to a total of \$1 for single-family dwellings and \$1 for multi-**

family dwellings, with the total impact fee amount at \$1650 for a single family dwelling and \$1161 for a multifamily dwelling, with an effective date of Monday, August 23, 2021. Motion seconded and passes on a vote of 4-1 with Commissioner Tabb opposing.

- **Motion by Mr. Stolipher to discontinue the collection of commercial impact fees. Motion seconded and passes on a vote of 4-1 with Commissioner Tabb opposing.**

#### 11. Request Use of Meeting Room

- **Motion by Ms. Tabb to approve the use of the County Commission meeting room by the WV Division of Emergency Management on Wednesday, September 22, 2021 from 3-5pm. Motion seconded and unanimously approved.**

#### 12. Personnel Matters – Director of Communications

- **Motion by Mr. Stolipher to direct Ms. Grove to research the organizational structure of the Department of Communications and offer leadership training to the Director. Motion seconded and unanimously approved.**

### COUNTY ADMINISTRATOR REPORTS

- Amendment of meeting minutes from April 12, 2021
  - **Motion by Mr. Stolipher to amend the minutes prepared for the April 12, 2021 County Commission meeting to correct the motion made by Commissioner Compton concerning the solar energy facilities amendment. Motion seconded and unanimously approved.**
- Letter of Support for WV Division of Personnel supporting JC Health Department request for increased salaries
  - **Motion by Mr. Stolipher to authorize Ms. Grove to draft a letter of support for the WV Division of Personnel supporting JC Health Department request for increased salaries on behalf of the Commission. Motion seconded and unanimously approved.**

**IMPACT FEE SUMMARY**

**IMPACT FEE COMPONENTS**

Shown below, Figure 1 summarizes service areas, methodologies, and capital facilities for each infrastructure category.

**Figure 1: Proposed Impact Fee Service Areas, Methodologies, and Capital Facilities**

Infrastructure Category	Service Area	Cost Recovery	Incremental Expansion	Plan-Based	Cost Allocation
County Administration	Jefferson County	Court Facilities	N/A	Impact Fee Report	Population, Jobs
EMS	Jefferson County	EMS Facilities	EMS Vehicles and Equipment	Impact Fee Report	Population, Jobs
Law Enforcement	Unincorporated Jefferson County	N/A	Sheriff Facilities, Sheriff Vehicles, Law Enforcement Equipment, Animal Control Facilities, Animal Control Vehicles	Impact Fee Report	Population, Vehicle Trips
Parks and Recreation	Jefferson County	N/A	Park Land, Park Improvements, Park Facilities, Park Vehicles and Equipment	Impact Fee Report	Population
School	Jefferson County	N/A	High School Facilities, Land	Impact Fee Report	Students

**PROPOSED COUNTY ADMINISTRATION IMPACT FEES**

Infrastructure components and cost factors for County Administration impact fees are summarized in the upper portion of Figure CA5. For County Administration impact fees, the capital cost is \$17.53 per person and \$16.14 per job.

County Administration impact fees for residential development are assessed according to the number of persons per housing unit. The single-family fee of \$44 is calculated using a cost of \$17.53 per person multiplied by a demand unit of 2.50 persons per housing unit.

Nonresidential impact fees are assessed according to the number of jobs per 1,000 square feet of floor area. The commercial/shopping center fee of \$38 per 1,000 square feet of floor area is derived from a cost of \$16.14 per job multiplied by a demand unit of 2.34 jobs per 1,000 square feet.

**Figure CA5: Proposed Impact Fees**

Fee Component	Cost per Person	Cost per Job
Court Facilities	\$16.36	\$15.07
Impact Fee Report	\$1.17	\$1.07
Total	\$17.53	\$16.14

Residential Fees per Unit				
Development Type	Persons per Housing Unit <sup>1</sup>	Proposed Fees	Current Fees	Increase /
Single Family	2.50	\$44	\$0	\$44
Multi-Family	1.79	\$31	\$0	\$31

Nonresidential Fees per 1,000 Square Feet				
Development Type	Jobs per 1,000 Sq Ft <sup>1</sup>	Proposed Fees	Current Fees	Increase /
Light Industrial	1.63	\$26	\$0	\$26
Business Park	3.08	\$50	\$0	\$50
Manufacturing	1.59	\$26	\$0	\$26
Warehousing	0.34	\$6	\$0	\$6
Commercial/Shopping Center	2.34	\$38	\$0	\$38
Office/Institutional	2.97	\$48	\$0	\$48
Hotel (per room)	0.13	\$2	\$0	\$2
Nursing Home (per bed)	1.05	\$17	\$0	\$17

1. See Land Use Assumptions

**PROJECTED COUNTY ADMINISTRATION IMPACT FEE REVENUE**

Projected fee revenue shown below is based on the development projections, shown in Appendix A, and the proposed County Administration impact fees shown in Figure CA5. If development occurs at a more rapid rate than projected, the demand for infrastructure will increase and impact fee revenue will increase at a corresponding rate. If development occurs at a slower rate than is projected, the demand for infrastructure will also decrease, along with impact fee revenue. Projected impact fee revenue equals \$180,196 and projected expenditures equal \$1,459,873. Jefferson County may not use impact fee revenue to fund existing development's share of the court facilities.

**Figure CA6: Projected Impact Fee Revenue**

Fee Component	Growth Share	Existing Share	Total
Court Facilities	\$173,822	\$1,279,651	\$1,453,473
Impact Fee Report	\$6,400	\$0	\$6,400
<b>Total</b>	<b>\$180,222</b>	<b>\$1,279,651</b>	<b>\$1,459,873</b>

Year		Single Family \$44 per unit	Multi-Family \$31 per unit	Industrial \$26 per 1,000 sq ft	Comm/Shop \$38 per 1,000 sq ft	Office/Inst \$48 per 1,000 sq ft
		Hsg Unit	Hsg Unit	KSF	KSF	KSF
Base	2020	21,209	4,455	1,599	3,044	3,015
Year 1	2021	21,506	4,517	1,622	3,087	3,057
Year 2	2022	21,802	4,579	1,644	3,130	3,100
Year 3	2023	22,099	4,641	1,667	3,172	3,142
Year 4	2024	22,396	4,704	1,689	3,215	3,185
Year 5	2025	22,692	4,766	1,712	3,258	3,227
Year 6	2026	22,972	4,825	1,733	3,298	3,266
Year 7	2027	23,251	4,883	1,754	3,338	3,306
Year 8	2028	23,531	4,942	1,775	3,378	3,345
Year 9	2029	23,810	5,001	1,795	3,418	3,385
Year 10	2030	24,090	5,060	1,816	3,457	3,424
10-Year Increase		2,881	605	217	414	410
Projected Revenue		\$122,167	\$18,371	\$5,514	\$15,140	\$19,003

Projected Fee Revenue	\$180,196
Total Expenditures	\$1,459,873
Existing Development Share	\$1,279,677

**Section 3. ESTABLISHMENT OF IMPACT FEE ACCOUNTS;  
APPROPRIATION OF IMPACT FEE FUNDS; AND REFUNDS**

**(A) Impact Fee Accounts**

The County shall establish an impact fee account for each category of public facility for which impact fees are imposed. Such account shall clearly identify the category, account, or fund for which the impact fee has been imposed. Subaccounts may be established for individual Impact Fee Districts. All impact fees collected by the County Government shall be deposited into the appropriate impact fee account or subaccount, which shall be interest bearing. All interest earned on monies deposited to such account shall be credited to and shall be considered funds of the account. The funds of each such account shall be capable of being accounted for separately from all other County Government funds. The County Government shall establish and implement necessary accounting controls to ensure that the impact fee funds are properly deposited, accounted for and appropriated in accordance with this Ordinance Chapter and any other applicable legal requirements.

**(B) Appropriation of Impact Fee Funds**

(1) **In General.** Impact fee funds may be appropriated for capital improvements and for the payment of principal, interest and other financing costs on contracts, bonds, notes or other obligations issued by or on behalf of the County Government to finance such public facilities and public service expenditures. All appropriations from impact fee accounts shall be detailed on a form provided for such purposes and filed in the Jefferson County Sheriff's Tax Collection Office.

(2) **Restrictions on Appropriations.** Impact fees shall not be appropriated for maintenance or repair of public facilities or for operational or personnel expenses associated with the provision of public facilities or for funding any expenditure that would be classified in accounting as a maintenance or repair expense. Impact fees shall be appropriated only:

(a) for the particular public service for which they were imposed, calculated and collected;

(b) within the Impact Fee District where collected; and

(c) within six (6) years after the date of collection, unless such time period is extended as provided herein.

(3) **Appropriation of Impact Fee Funds Outside of District Where Collected.** Where the County is divided into impact fee districts for a particular category of impact fees, impact fee funds may be appropriated for a public service located outside of the District where collected only if the demand for the public service is





## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT  
*Stephen Stalipher*

VICE PRESIDENT  
*Tricia Jackson*

COMMISSIONER  
*Caleb Wayne Hudson*

COMMISSIONER  
*Jane Tabb*

COMMISSIONER  
*Clare Ath*

To: Honorable Commissioners  
From: Michelle Gordon, Finance Director  
Stephanie Grove, County Administrator  
Date: September 2, 2021  
Re: COVID19 Premium Pay for Calendar Year 2020

The American Rescue Plan Act permits counties to offer additional compensation, up to \$13 per hour in additional wages, to county employees who have faced and continue to face the greatest health risks due to their service. Funds can be used retroactively back to January 27, 2020.

During the August 19, 2021 Regular Session, Commission requested that staff consider a gross payment to part-time regular employees as a retroactive premium pay for time worked during the pandemic. County employees in all departments have continued to work during the pandemic to ensure that county services continued and support was provided to the local community.

### **One-time Payment & Estimated Cost**

The one-time, premium pay, retro-active payment would be provided to employees who meet all of the following conditions:

1. Hourly rate is \$1.5496 per hour worked. The hourly rate is equal to the hourly rate paid to full-time employees and was determined as follows:  $\$3,000 / 1,936 \text{ hours worked by FT employees from } 1/27-12/31 = \$1.5496 / \text{hour}$
2. Covered period of January 27, 2020 through December 31, 2020. January 27, 2020 is the date recognized by the US Treasury as the start of the pandemic payroll event.
3. Must be a part-time, regular employee. This classification excludes: part-time seasonal or temporary employees; poll workers; part-time contractual employees; and employees hired through an outside temp agency.
4. Must have been physically at work a minimum of 120 hours during the covered period (see No. 2). This hourly minimum was determined as follows: 4 hours per day for a minimum of 30 business days.
5. Must be an active employee and currently employed as of Thursday, August 5, 2021.
6. Excludes any part-time employees that left employment during this time period (January 27, 2020 through August 5, 2021).
7. Excludes part-time employees that have tendered a resignation prior to August 5, 2021.
8. Excludes any employees who have already been deemed ineligible based on a full-time exclusion.
9. Employees who have already received a stipend of \$3,000 based on their status as a full-time employee through the County Commission or any of its component units are not eligible to receive a second stipend (from either the same agency or a different agency). They are deemed to have received the maximum allowable amount.

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Stisher McDonald*

During the coverage period, some employees worked remotely for short periods. Based on the above criteria, total cost is estimated as follows:

Jefferson County Commission  
Stipend - PT Employees

Description	Hours	Stipend	FICA/Medicare	Retirement	Total
PT Regular Employees	16,683.40	25,853	1,978	557	28,388
<i>Component Units</i>					
<u>JCESA</u>					
PT Regular Employees	4,305.16	6,671	510	-	7,182
<b>Grand Total</b>	<b>20,988.56</b>	<b>32,524</b>	<b>2,488</b>	<b>557</b>	<b>35,569</b>

**Funding Source**

Staff proposes to utilize American Rescue Plan Act (ARPA) funds for this retro-active, premium pay. These federal grant funds include strict criteria on premium pay to employees making this one-time payment an eligible cost. By enforcing the criteria previously outlined, the county will maintain compliance with the guidelines established by the US Treasury. Staff recommends reimbursement from ARPA funds.

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



Name: Becky Burns, Office Manager

Department or Organization: Engineering, Planning & Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: 9/2/2021

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

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

Subject (*Wording to be placed on agenda*): Permit Fee & Impact Fee Refund Requests

- 1) Tiffany Lawrence & Karl Morris - Permit #21-98
- 2) Denise Alford – Permit #21-506

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

- 1) Tiffany Lawrence & Karl Morris applied for a building permit for a single family residence on 2/4/2021. They have asked that their permit be revoked and fees be refunded at this time. Staff recommends the impact fee be fully refunded in the amount of \$6,700.00; and, that \$596.31 of the building permit fee be refunded (see attached memo).
- 2) Denise Alford applied for a building permit for a single family residence on 5/20/2021. She is asking that her permit be revoked and her fees be refunded. Staff recommends the impact fee be fully refunded in the amount of \$6,700.00; and, that \$368.03 of the building permit fee be refunded (see attached memo).

Is this a funding request? Y/N YES

If so, how much? \$964.34 Permit Fee Refunds \$13,400.00 Impact Fee Refunds

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

- 1) Move to approve a partial refund of the building permit fee for Tiffany Lawrence & Karl Morris in the amount \$596.31; a full refund of the impact fee in the amount of \$6,700.00; and, to close the permit application file.
- 2) Move to approve a partial Refund of the building permit fee for Denise Alford in the amount of \$471.20; a full refund of the impact fee in the amount of \$6,700.00; and, to close the permit application file.

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

If not attached, explain: Staff Memo Seeking Fee Reimbursements

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

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

Contact information: Becky Burns

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Engineering, Planning & Zoning**  
**Office of Engineering, Building Permits & Inspections**

116 East Washington Street  
P.O. Box 716  
Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

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

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MEMORANDUM

TO: STEPHANIE GROVE, COUNTY ADMINISTRATOR  
JEFFERSON COUNTY COMMISSION

FROM: REBECCA F. BURNS, OFFICE MANAGER  
DEPARTMENT OF ENGINEERING, PLANNING & ZONING

DATE: AUGUST 25, 2021

SUBJECT: PERMIT FEE & IMPACT FEE REFUND REQUEST  
PERMIT #21-98 TIFFANY LAWRENCE & KARL MORRIS  
PERMIT #21-506 DENISE ALFORD

The Commission has authorized permit fees be refunded in the past when petitioned by the owner of the property based on recommendations from this office.

On February 4, 2021 Tiffany Lawrence and Karl Morris applied for a building permit for a single family residence and paid the permit fee of \$917.40 and their builder paid the impact fee of \$6,700.00. Ms. Lawrence is asking that her building permit be revoked and the impact fee and building permit fee be refunded. To date the building permit has not been issued for this property and has undergone multiple plan reviews by staff. A site inspection was conducted on August 24, 2021 and other than clearing of the land work has not started on the house.

The building permit fee was computed as follows: base fee of \$95.00, plus the square footage fee of \$822.40, for a total of \$917.40. Staff recommends a 65% refund of the permit fees in the amount \$596.31; and, a full refund of the \$6,700.00 impact fee.

On May 20, 2021 Denise Alford applied for a building permit for a single family residence and her daughter Karen Phillips paid the permit fee of \$566.20 and the impact fee of \$6,700.00. Ms. Alford is asking that her building permit be revoked and her impact fee and building permit fee be refunded. The building permit for this project was issued on June 3, 2021. A site inspection was conducted on August 25, 2021, the land has been cleared and there is a hole for the foundation, but footings have not been poured.



Memo: Permit Fee & Impact Fee Refund Request

August 25, 2021

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The building permit fee was computed as follows: base fee of \$95.00, plus the square footage fee of \$471.20, for a total of \$566.20. Staff recommends a 65% refund of the permit fees in the amount \$368.03; and, a full refund of the \$6,700.00 impact fee.

Both Ms. Lawrence and Ms. Alford have been informed that if and when they decide to build in the future they will be responsible for paying the fees and acquiring the required permits to do so.

If you have any questions please give me a call.



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



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

Department or Organization: **Office of Impact Fees**

Estimation of amount of time needed for appointment: **20 minutes**

Date Requested – 1<sup>st</sup> Choice: **September 2, 2021** (the County Commission directed that this issue be taken up on this date)

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

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

Subject (*Wording to be placed on agenda*): **Adoption of Impact Fee Ordinances setting new impact fee rates.**

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

**At the August 5, 2021 meeting of the County Commission, the County Commission adopted new residential impact fees and eliminated commercial impact fees. In the past, the fee schedule for each impact fee entity is established in an ordinance. In this case, there are five impact fee ordinances, one for each impact fee entity, that need to be adopted to implement the impact fee rates established by the County Commission. The impact fee entities are as follows:**

- Public Schools
- Parks & Recreation
- Law Enforcement
- Emergency Services (EMS)
- Administrative Facilities

The impact fees for residential housing in Jefferson County will be as follows:

Proposed Residential Impact Fees			
Housing Unit Type	Current Fee	Sept. 3, 2021 Proposed Fee	Net Change
Single-family & Mobile Home	\$6,700	\$1,622	(\$5,078)
Townhome	\$6,700	\$1,622	(\$5,078)
Duplex	\$6,700	\$1,622	(\$5,078)
Multi-Family (Apartments & Condos)	\$4,707	\$1,160	(\$3,547)

Finally, I want to note that this is not a public hearing. I defer to the County Commission as to whether they want to hold a public hearing and the date of the public hearing.

Is this a funding request?    Y/N No    If so, how much?    \$    N/A



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

1. Move to adopt "An Ordinance Providing For The Imposition Of A Public School Impact Fee On All New Residential Development", effective September 3, 2021.
2. Move to adopt "An Ordinance Providing For The Imposition Of A Public Parks And Recreation Impact Fee On All New Residential Development", effective September 3, 2021.
3. Move to adopt "An Ordinance Providing For The Imposition Of A Law Enforcement Impact Fee On All New Residential Development", effective September 3, 2021.
4. Move to adopt "An Ordinance Providing For The Imposition Of An Emergency Medical Services (EMS) Impact Fee On All New Residential Development", effective September 3, 2021.
5. Move to adopt "An Ordinance Providing For The Imposition Of A County Administrative Facilities Impact Fee On All New Residential Development", effective September 3, 2021.

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

If not attached, explain:

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

Contact information:

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

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



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Engineering, Planning & Zoning**  
**Office of Impact Fees**  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

Phone: (304) 728-3331

Fax: (304) 728-3953

Michelle Mason  
Impact Fee Program Specialist

mmason@jeffersoncountywv.org

## Residential Impact Fee Schedule Effective September 3<sup>rd</sup>, 2021

Residential Development	Impact Fee Category	Impact Fee per Dwelling Unit
<b>Single Family</b>	Schools	\$1
	Law Enforcement	\$531
	Parks & Recreation	\$946
	EMS	\$100
	Administrative Facilities	\$44
	<b>TOTAL</b>	<b>\$1,622</b>
<b>Multi-family</b>	Schools	\$1
	Law Enforcement	\$380
	Parks & Recreation	\$677
	EMS	\$71
	Administrative Facilities	\$31
	<b>TOTAL</b>	<b>\$1,160</b>

Notes:

- (1) All checks should be made payable to **Jefferson County Commission**.
- (2) The Law Enforcement Impact Fee is levied only for new dwellings and commercial development within the unincorporated portions of the County.
- (3) For determination of a commercial Impact Fee, please contact the **Impact Fee Program Specialist, Michelle Mason**.
- (4) Impact Fee Calculators for both residential and commercial, along with other useful resources, are available online at: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). From the County's home page, choose the **Government** tab, scroll down to **Departments**, and select **Office of Impact Fees** from the right drop down menu. At the **Office of Impact Fees** home page, follow the **Navigation** links and tools to the left of the page.



ORDINANCE NO. 2003-3

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A PUBLIC SCHOOL IMPACT FEE ON ALL NEW RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE OF NOVEMBER 24, 2003.**

**AMENDED March 16, 2006 with an Effective Date of April 1, 2006**

**AMENDED April 2, 2015 with an Effective Date of May 1, 2015**

**Amended September 2, 2021 with an Effective Date of September 3, 2021**

WHEREAS, pursuant to the Local Powers Act, W.Va. Code ' 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including public primary and secondary school facilities, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the County), has satisfied all of the requirements set forth in W.Va. Code ' 7-20-6 as a prerequisite to the imposition of impact fees; and

WHEREAS the Jefferson County Commission (the County Commission) retained Tischler & Associates, Inc. (the Consultants) to analyze and assess growth and development projections for the County to determine the additional demand anticipated to be placed on the County for public schools and Board of Education support buildings, vehicles and equipment; and

WHEREAS the Consultants additionally reviewed the existing demand for public schools and education related support buildings and equipment; the existing public school system

available to meet that demand; and the method of financing the existing public school system;  
and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the school impact fee; and [amended by an Act of the County Commission, March 16<sup>th</sup>, 2006]

WHEREAS the County has reviewed the existing level of service standards; and [amended by an Act of the County Commission, March 16<sup>th</sup>, 2006]

WHEREAS the County has relied upon the actual costs of recent school projects for a determination of the costs of public schools and education related support buildings; and [amended by an Act of the County Commission, March 16<sup>th</sup>, 2006]

WHEREAS the public school impact fee will be imposed only on new residential development in the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan and the County's six-year Capital Improvements Program; and [Amended by Act of the County Commission September 2, 2021]

WHEREAS at the initial adoption of this ordinance, the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,367 persons in the year 2002 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 18,558 in the year 2002 to approximately 27,837 in the year 2022; and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition for school buildings and education related support buildings; construction of schools and other buildings; construction of relocatable classrooms; and construction of certain indoor and outdoor equipment; and

WHEREAS the public school impact fee calculation methodology is an incremental expansion methodology, as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by Tischler & Associates, Inc., June 11, 2003, and subsequently updated by the County in January of 2006; and April 2, 2015; and updated July 16, 2021) with all costs attributable 100% to residential development, and excluding non-residential development; and [amended by an Act of the County Commission September 2, 2021]

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development, the County assumed that the existing level of service standards would be maintained in the future and that the cost of the construction of new public elementary and secondary schools to serve the demand imposed by new growth would be paid for entirely by the Jefferson County Board of Education through funding sources available to them other than public school impact fees; and [amended by an Act of the County Commission September 2, 2021]

WHEREAS at the initial adoption of this ordinance, the replacement cost for Board of Education support buildings is \$465 per student, and the replacement cost of Board of Education equipment is \$933 per student; and

WHEREAS at the initial adoption of this ordinance, the net capital cost per student for new schools, including land and facilities, is \$19,640 per student for elementary schools, \$19,424 per student for middle schools, and \$21,946 per student for high schools; and [amended by an Act of the County Commission, September 2, 2021]

WHEREAS at the initial adoption of this ordinance, the County has determined that residents are entitled to a credit of \$214 per single family home, \$162 per townhouse, and \$120 per multi-family unit for future real payments of that portion of real property taxes which pays for principal payments on public school bonds; and [amended by an Act of the County Commission, September 2, 2021]

WHEREAS the County has prepared an Impact Fees Report (February 7, 2006, and updated April 2, 2015, and updated July 16, 2021) including the public school impact fee assumptions, population and residential development projections, capital improvements and impact fee calculations, which Report has been reviewed by County staff and officials; and [amended by an Act of the County Commission, September 2, 2021]

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the public school impact fee is no longer necessary to offset the costs associated with meeting the demand for future public schools and education related support buildings, pursuant to a decline in school enrollment in recent years; (2) that even though the public school impact fee bears a reasonable relationship to the burden imposed upon the County to provide new public schools and education related support buildings to new residents, declining school enrollment in recent years decreases the demand for additional school facilities capacity; (3) that while, an essential nexus exists between the projected new residential development and the need for additional public schools and education related support buildings, that funding them via the public school impact fee is not necessary at this time; and (4) that the existing level of service (LOS) standard currently provided to County residents can be maintained via traditional funding sources (i.e., property taxes, school bond levies, School Building Authority funding, etc.) available to the Jefferson County School Board other than public school impact fees; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed public school impact fee; and

WHEREAS the public school impact fee adopted pursuant to this Ordinance shall be effective on November 24, 2003 with amendments to take effect on April 1, 2006, and April 2, 2015, and September 2, 2021; with fee schedule amendments to take effect on September 3, 2021 ~~May 1, 2015~~ [amended by the County Commission September 2, 2021].

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

**SECTION 1. ADOPTION OF PUBLIC SCHOOL IMPACT FEE.**

(1) The applicable development/service area (the Service Area) for imposition of a Public School Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new dwelling units in the Service Area shall be subject to the payment of a Public School Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

<b><u>Residential Development</u></b>	<b><u>Impact Fee Per Dwelling Unit</u></b>
Single Family Detached, including mobile homes	\$1.00
Townhouse/Duplex	\$1.00
Multi-family unit	\$1.00

[Amended by an Act of the County Commission on October 20<sup>th</sup>, 2005 and with an effective date of December 1<sup>st</sup>, 2005, Amended by an Act of the County Commission on March 16<sup>th</sup>, 2006 and with an effective date of April 1<sup>st</sup>, 2006; Amended by an Act of the County Commission on April 2<sup>nd</sup>, 2015 and with an effective date of May 1<sup>st</sup>, 2015 to 70% of the February 10, 2015 calculated fee amount, Amended September 2, 2021 with an effective date of September 3, 2021]]

(3) On April 1, 2004, and on April 1<sup>st</sup> of each year thereafter in which the Public School Impact Fee is in effect, the amount of the development impact fee, per dwelling unit, shall

be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance.

(4) Nothing herein shall prevent the County Commission from electing to retain the existing Public School Impact Fee or from electing to waive the adjustment for any given fiscal year, or years.

**SECTION 2. LIBERAL CONSTRUCTION.**

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.

**SECTION 3. SEPARABILITY.**

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

**SECTION 4. EFFECTIVE DATE; ELECTION.**

(1) This Ordinance shall be effective on September 3, 2021.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 24th day of November, 2003. This ordinance was subsequently amended by an Act of the County Commission on October 20<sup>th</sup>, 2005 and again on March 16th, 2006; and amended on April 2, 2015; and amended on September 2, 2021.

**JEFFERSON COUNTY COMMISSION**

**ATTEST:**

\_\_\_\_\_  
County Clerk

\_\_\_\_\_  
**Steve Stolipher, County Commission President**

ORDINANCE NO. 2005-2

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A PUBLIC  
PARKS AND RECREATION IMPACT FEE ON ALL NEW  
RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR AN  
EFFECTIVE DATE OF May 12<sup>th</sup>, 2005.**

**AMENDED March 13, 2008 with an Effective Date of April 1, 2008  
AMENDED April 2, 2015 with an Effective Date of May 1, 2015  
Amended September 2, 2021 with an Effective Date of September 3, 2021**

WHEREAS, pursuant to the Local Powers Act, W.Va. Code ' 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including public parks and recreation facilities, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the County), has satisfied all of the requirements set forth in W.Va. Code ' 7-20-6 as a prerequisite to the imposition of impact fees; and

WHEREAS the Jefferson County Commission (the County Commission) retained TischlerBise, formerly, (the Consultants) to analyze and assess growth and development projections for the County to determine the additional demand anticipated to be placed on the County for park land and recreation improvements and related equipment; and

WHEREAS the Consultants additionally reviewed the existing demand for public parks and recreation and associated land, improvements, and equipment, the existing parks and recreation system available to meet that demand; and the method of financing the existing public parks and recreation facilities; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the parks and recreation impact fee, and [amended by the County Commission, March 13, 2008]

WHEREAS the County has reviewed the existing level of service standards; and [amended by the County Commission, March 13, 2008]

WHEREAS the County has relied upon the actual costs of recent parks and recreation projects for a determination of the costs of park land and recreation related improvements and equipment; and [amended by the County Commission, March 13, 2008]

WHEREAS the parks and recreation impact fee will be imposed only on new residential development in the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan and the County's six-year Capital Improvements Program; and [amended by the County Commission, September 2, 2021]

WHEREAS at the initial adoption of this ordinance, the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,184 persons in the year 2004 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 19,486 in the year 2004 to approximately 27,837 in the year 2022; and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition for park land and for the construction or acquisition of recreation related improvements and equipment; and

WHEREAS the parks and recreation impact fee calculation methodology is an incremental expansion methodology as described in the Park and Recreation Impact Fee Report

for Jefferson County, West Virginia (prepared by Tischler & Associates, Inc., June 11, 2003, updated for Parks and Recreation on October 5<sup>th</sup>, 2004, subsequently updated by County Staff on April 20<sup>th</sup>, 2005 and again in December of 2007, and updated April 2, 2015, and September 2, 2021; with all costs attributable 100% to residential development, and excluding non-residential development; and [amended by the County Commission September 2, 2021]

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development, the County assumed that the existing level of service standards would be maintained in the future and that the acquisition of new park land and the cost of the construction of new recreation facilities and to serve the demand imposed by new growth would be paid for entirely by the parks and recreation impact fees; and [amended by the County Commission, March 13, 2008]

WHEREAS the net capital costs for park land, improvements, vehicles, equipment and constant cost have been calculated and are reported in the Parks & Recreation Impact Fee Study, dated July 16, 2021, and serve as the basis for the maximum supportable impact fee for Parks & Recreation, and [amended by the County Commission September 2, 2021]

WHEREAS the County has prepared an Impact Fees Report (dated July 16, 2021) including the park and recreation impact fee assumptions, population and residential development projections, capital improvements and impact fee calculations, which Report has been submitted to and reviewed by County staff and officials; and [amended by the County Commission September 2, 2021]

WHEREAS the County Parks are generally large and generally offer facilities and services not offered by any municipality and therefore represent a regional park system; and

WHEREAS it is reasonable to assume that all residents of Jefferson County, including the residents of each of the incorporated municipalities use the parks and recreational facilities which are supported and maintained by Jefferson County, and

WHEREAS the County did not incorporate any park land or park facilities owned by any municipality or private concern into the impact fee calculation and therefore the Parks and Recreation impact fee is only calculated with the consideration, and for the benefit, of the County park system, and therefore this fee does not preclude any municipality from levying proffers or other fees to benefit their local park and recreation services; and

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the parks and recreation impact fee is necessary to offset the costs associated with meeting the demand for future parks and recreational facilities, pursuant to the development projections; (2) that the parks and recreation impact fee bears a reasonable relationship to the burden imposed upon the County to provide new park and recreation facilities to new residents, and provides a benefit to such new residents reasonably related to parks and recreation impact fee, per dwelling unit, by type; (3) that an essential nexus exists between the projected new residential development and the need for additional park land and recreation facilities to be funded via the parks and recreation impact fee; and (4) that the amount of the parks and recreation impact fee is roughly proportional to the pro rata share of the additional park land and recreational facilities needed to provide adequate recreational opportunities to new residential development, while maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed parks and recreation impact fee; and

WHEREAS the parks and recreation impact fee adopted pursuant to this Ordinance shall be effective on May 12<sup>th</sup>, 2005 with amendments to take effect on April 1<sup>st</sup>, 2008; with fee schedule amendments to take effect on May 1, 2015; and with fee schedule adjustments to take effect on September 3, 2021 [amended by the County Commission September 2, 2021].

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

**SECTION 1. RULES OF CONSTRUCTION**

(1) Unless otherwise defined within this Ordinance, the words used have the meanings given to them in the Impact Fee Procedures Ordinance for Jefferson County.

**SECTION 2. ADOPTION OF A PARKS and RECREATION IMPACT FEE.**

(1) The applicable development/service area (the Service Area) for imposition of a Parks and Recreation Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new dwelling units in the Service Area shall be subject to the payment of a Parks and Recreation Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

<u>Residential Development</u>	<u>Impact Fee Per Dwelling Unit</u>
Single Family Detached, including mobile homes	\$946
Townhouse	\$946
Duplex	\$946
Multi-family unit	\$677

[amended by the County Commission, March 13, 2008, amended by the County Commission, April 2, 2015 to 70% of the February 19, 2015 calculated amount, Amended September 2, 2021 with an effective date of September 3, 2021]

(3) On April 1, 2006, and on April 1<sup>st</sup> of each year thereafter in which the Parks and Recreation Impact Fee is in effect, the amount of the development impact fee, per dwelling unit, shall be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance.

(4) Nothing herein shall prevent the County Commission from electing to retain the existing Parks and Recreation Impact Fee or from electing to waive the adjustment for any given fiscal year, or years.

(5) Nothing in this ordinance shall prevent any municipality from establishing or maintaining a municipal Park & Recreation system using municipal funds. In the event a municipality does establish and/or maintain municipal-owned parks, then that municipality may submit evidence to the Impact Fee Coordinator indicating that the Park & Recreation fee as set forth in Section 2 (2), above, is not appropriate for that municipality. Based upon evidence that the municipality is providing all or a portion of the types of facilities for which the park and recreation impact fees are imposed, the County Commission may eliminate or adjust the fee for that municipality. Such adjustment or elimination of the Parks & Recreation Impact Fee shall be in accordance with §7-20-1 *et seq* of the West Virginia Code.

**SECTION 3. LIBERAL CONSTRUCTION.**

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.

**SECTION 4. SEPARABILITY.**

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

**SECTION 5. EFFECTIVE DATE; ELECTION.**

(1) This amended Ordinance shall be effective on September 3, 2021.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become

effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was initially approved and adopted by the Jefferson County Commission on the 12<sup>th</sup> day of May, 2005 and amended on March 13, 2008 and April 2, 2015, and September 2, 2021.

**JEFFERSON COUNTY COMMISSION**

**ATTEST:**

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Steve Stolipher  
County Commission President

ORDINANCE NO. 2005-1

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A LAW ENFORCEMENT IMPACT FEE ON ALL NEW RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE OF JANUARY 20, 2005.**

**AMENDED March 13, 2008 with an Effective Date of April 1, 2008  
AMENDED April 2, 2015 with an Effective Date of May 1, 2015  
Amended September 2, 2021 with an Effective Date of September 3, 2021**

WHEREAS, pursuant to the Local Powers Act, W.Va. Code ' 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including law enforcement facilities and equipment, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the County), has satisfied all of the requirements set forth in W.Va. Code ' 7-20-6 as a prerequisite to the imposition of impact fees; and

WHEREAS the Sheriff of Jefferson County is the chief law enforcement officer of the County and provides law enforcement services primarily to the residents and businesses of the County, and

WHEREAS the municipalities of Bolivar, Charles Town, Harpers Ferry, Ranson, and Shepherdstown each maintain police departments which are funded and staffed by their respective municipalities and not by Jefferson County nor by the Sheriff of Jefferson County, and

WHEREAS the Jefferson County Commission (the County Commission) retained Tischler & Associates, Inc. (the Consultants) to analyze and assess growth and development

projections for the County to determine the additional demand anticipated to be placed on the County for law enforcement support buildings, vehicles and equipment; and

WHEREAS the Consultants additionally reviewed the existing demand for law enforcement facilities, vehicles, and equipment; the existing law enforcement facilities, vehicles, and equipment available to meet that demand; and the method of financing the existing law enforcement component of the Sheriff's Department; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the law enforcement impact fee, and [amended by the County Commission, March 13, 2008]

WHEREAS the County has reviewed the existing level of service standards; and [Amended by the County Commission, March 13, 2008]

WHEREAS the County has relied upon the actual costs of recent law enforcement facilities, vehicle acquisition, and equipment for a determination of the costs of law enforcement facilities, vehicles, and equipment; and [Amended by the County Commission, March 13, 2008]

WHEREAS the law enforcement impact fee will be imposed only on new residential development in the unincorporated portions of the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan, and the County's six-year Capital Improvements Program; and [Amended by the County Commission, March 13, 2008]

WHEREAS at the initial adoption of this ordinance, the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,184 persons in the year 2004 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 19,486 in the year

2004 to approximately 27,837 in the year 2022; and (3) that non-residential vehicle trips will increase from approximately 73,416 per day in 2004 to approximately 126,206 in the year 2022, and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition and construction for law enforcement facilities; and the acquisition of law enforcement vehicles and related support equipment; and

WHEREAS the law enforcement impact fee calculation methodology is an incremental expansion methodology, as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by Tischler & Associates, Inc., June 11, 2003, updated by Tischler & Associates, Inc on December 8<sup>th</sup>, 2004 and updated again by the County in December of 2007; and updated April 2, 2015; and updated July 16, 2021) with costs fairly and rationally distributed to residential development; and [Amended by the County Commission, March 13, 2008]

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development, the Consultants (and subsequently the County) assumed that the existing level of service standards would be maintained in the future and that the cost of the construction of new law enforcement facilities and the acquisition of new law enforcement vehicles and support equipment would be paid for entirely by the law enforcement impact fees (in other words that new growth will pay to maintain the existing level of service standard); and [Amended by the County Commission, March 13, 2008]

WHEREAS the County has prepared an Impact Fees Report (updated in December of 2007, and updated April 2, 2015, and updated July 16, 2021) including the law enforcement impact fee assumptions, population projections, residential development projections, capital

improvements and impact fee calculations; which Report has been submitted to and reviewed by County staff and officials; and [Amended by the County Commission Amended September 2, 2021]

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the law enforcement impact fee is necessary to offset the costs associated with meeting the demand of law enforcement, pursuant to the development projections; (2) that the law enforcement impact fee bears a reasonable relationship to the burden imposed upon the County to provide law enforcement services to new residents and provides a benefit to such new residents reasonably related to the law enforcement impact fee, per dwelling unit, by type for residential development; (3) that an essential nexus exists between the projected new residential development and the need for additional law enforcement facilities, vehicles, and support equipment to be funded via the law enforcement impact fee; and (4) that the amount of law enforcement impact fee is proportional to the pro rata share of the additional law enforcement facilities, vehicles, and support equipment needed to provide adequate law enforcement services to new residential development, while maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed law enforcement impact fee; and

WHEREAS the initial law enforcement impact fee adopted pursuant to this Ordinance shall be effective on January 20, 2005 with amendments to take effect on April 1<sup>st</sup>, 2008; with fee

schedule amendments to take effect on May 1, 2015; and with fee schedule amendments to take effect on September 3, 2021 [Amended by the County Commission September 2, 2021]

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

## **SECTION 1. RULES OF CONSTRUCTION**

(1) Unless otherwise defined within this ordinance, the words used have the meanings given to them in the Impact Fee Procedures Ordinance for Jefferson County.

## **SECTION 2. ADOPTION OF LAW ENFORCEMENT IMPACT FEE.**

(1) The applicable development/service area (the Service Area) for imposition of a Law Enforcement Impact Fee is the entire County, exempting all incorporated Municipalities which maintain separate and independent law enforcement services. *Provided* that each municipality continue to maintain and provide its citizens with a law enforcement service and that in the event a municipality within Jefferson County should abandon its law enforcement service and request that Jefferson County provide law enforcement service for that municipality then Jefferson County may act to impose this ordinance within the municipality's boundaries.

(2) All new residential dwelling units and all new commercial development, including increases in existing commercial floor area and/or changes in commercial use within the Service Area shall be subject to the payment of a Law Enforcement Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

<b>Residential Development</b>	<b>Impact Fee per Dwelling Unit</b>
Single Family	\$531
Town home	\$531
Duplex	\$531
Multi-family	\$380

[Amended by the County Commission, March 13, 2008; Amended by the County Commission, April 2, 2015 to 70% of the February 19, 2015 calculated fee amount, Amended September 2, 2021 with an effective date of September 3, 2021)]

(3) On April 1, 2005, and on April 1<sup>st</sup> of each year thereafter in which the Law Enforcement Impact Fee is in effect, the amount of the development impact fee, per dwelling unit or per 1,000 square feet gross usable non-residential floor area, shall be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance.

(4) The County Commission may elect to retain the existing Law Enforcement Impact Fee or waive the adjustment for any given fiscal year, or years.

### **SECTION 3. SEPARABILITY.**

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision

of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

**SECTION 4. EFFECTIVE DATE; ELECTION.**

(1) This amended Ordinance shall be effective on September 3, 2021.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 20<sup>th</sup> of January, 2005 and amended on March 13, 2008 and April 2, 2015, and September 2, 2021.

**JEFFERSON COUNTY COMMISSION**

**ATTEST:**

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_

Steve Stolipher  
County Commission President

ORDINANCE NO. 2005-3

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF AN  
EMERGENCY MEDICAL SERVICES (EMS) IMPACT FEE ON ALL  
NEW RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR AN  
EFFECTIVE DATE OF May 12<sup>th</sup>, 2005**

**AMENDED March 13, 2008 with an Effective Date of April 1, 2008**

**AMENDED April 2, 2015 with an Effective Date of May 1, 2015**

**Amended September 2, 2021 with an Effective Date of September 3, 2021**

WHEREAS, pursuant to the Local Powers Act, W.Va. Code ' 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including emergency medical services (EMS) facilities and equipment, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the County), has satisfied all of the requirements set forth in W.Va. Code ' 7-20-6 as an initial prerequisite to the imposition of impact fees; and

WHEREAS the Ambulance Authority of Jefferson County provide essential emergency services to all residents and businesses of the County, and

WHEREAS ambulance service are defined by §7-20-3(b) as a County Service, and

WHEREAS the municipalities of Bolivar, Charles Town, Harpers Ferry, Ranson, and Shepherdstown each lack specific municipal emergency medical services and rely upon the services of the Ambulance Authority of Jefferson County, and

WHEREAS the Jefferson County Commission (the County Commission) retained Tischler & Associates, Inc. (the Consultants) to analyze and assess growth and development

projections for the County to determine the additional demand anticipated to be placed on the County for EMS support buildings, vehicles and equipment; and

WHEREAS the Consultants additionally reviewed the existing demand for EMS facilities, vehicles, and equipment; the existing EMS facilities, vehicles, and equipment available to meet that demand; and the method of financing the existing EMS services; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of conducting updates to the EMS impact fee, and

WHEREAS the County has reviewed the existing level of service standards; and

WHEREAS the County has relied upon the actual costs of recent EMS facilities, vehicle acquisition, and equipment for a determination of the costs of EMS facilities, vehicles, and equipment; and

WHEREAS the EMS impact fee will be imposed only on new residential development in the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan, and the County's six-year Capital Improvements Program; and [amended by the County Commission September 2, 2021]

WHEREAS at the initial adoption of this ordinance, the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,184 persons in the year 2004 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 19,486 in the year 2004 to approximately 27,837 in the year 2022; and (3) that non-residential vehicle trips will

increase from approximately 73,416 per day in 2004 to approximately 126,206 in the year 2022,  
and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover land acquisition and construction for EMS facilities; and the acquisition of EMS vehicles and related support equipment; and

WHEREAS the EMS impact fee calculation methodology uses both incremental expansion methodology and cost recovery methodology, as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by TischlerBise, formerly Tischler & Associates, Inc., June 11, 2003, updated on April 8<sup>th</sup>, 2005, and updated by the County in December 2007; and updated April 2, 2015; and updated July 16, 2021) with costs fairly and rationally distributed between residential and non-residential development; and [amended by the County Commission September 2, 2021]

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development, the County assumed that the existing level of service standards would be maintained in the future and that the cost of the construction of EMS facilities and the acquisition of new EMS vehicles and support equipment would be paid for entirely by the EMS impact fees; and [amended by the County Commission, March 13, 2008]

WHEREAS the County has prepared an Impact Fees Report (December 2007, and updated April 2, 2015, and updated July 16 2021) including the EMS impact fee assumptions, population projections, residential development projections, capital improvements and impact fee calculations; which Report has been submitted to and reviewed by County staff and officials; and [amended by the County Commission September 2, 2021]

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the EMS impact fee is necessary to offset the costs associated with meeting the demand of EMS emergency services, pursuant to the development projections; (2) that the EMS impact fee bears a reasonable relationship to the burden imposed upon the County to provide EMS emergency services to new residents and provides a benefit to such new residents reasonably related to the EMS impact fee, per dwelling unit, by type for residential development; (3) that an essential nexus exists between the projected new residential development and the need for additional EMS facilities, vehicles, and support equipment to be funded via the EMS impact fee; and (4) that the amount of the EMS impact fee is roughly proportional to the pro rata share of the additional EMS facilities, vehicles, and support equipment needed to provide adequate EMS emergency services to new residential development, while maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on the proposed EMS impact fee; and

WHEREAS the initial EMS impact fee adopted pursuant to this Ordinance shall be effective on May 12<sup>th</sup>, 2005 with amendments to take effect on April 1<sup>st</sup>, 2008; with fee schedule amendments to take effect on May 1, 2015; and with fee schedule amendments to take effect on September 3, 2021 [amended by the County Commission September 2, 2021].

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

**SECTION 1. RULES OF CONSTRUCTION**

(1) Unless otherwise defined within this ordinance, the words used have the meanings given to them in the Impact Fee Procedures Ordinance for Jefferson County.

**SECTION 2. ADOPTION OF EMS IMPACT FEE.**

(1) The applicable development/service area (the Service Area) for imposition of an EMS Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new residential dwelling units and all new commercial development, including increases in existing commercial floor area and/or changes in commercial use within the Service Area shall be subject to the payment of a EMS Impact Fee payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

<b>Residential Development</b>	<b>Impact Fee per Dwelling Unit</b>
Single Family	\$100
Town home	\$100
Duplex	\$100
Multi-family	\$ 71

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[amended by the County Commission, March 13, 2008; amended by the County Commission, April 2, 2015 to 70% of the February 19, 2015 calculated fee amount; Amended September 2, 2021 with an effective date of September 3, 2021)]

(3) On April 1, 2006, and on April 1<sup>st</sup> of each year thereafter in which the EMS Impact Fee is in effect, the amount of the development impact fee, per dwelling unit shall be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance.

(4) Nothing herein shall prevent the County Commission from electing to retain the existing EMS Impact Fee or from electing to waive the adjustment for any given fiscal year, or years.

### **SECTION 3. LIBERAL CONSTRUCTION.**

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.

### **SECTION 4. SEPARABILITY.**

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

### **SECTION 5. EFFECTIVE DATE; ELECTION.**

(1) This amended Ordinance shall be effective on September 3, 2021.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was initially approved and adopted by the Jefferson County Commission on the 12<sup>th</sup> day of May, 2005 and amended on March 13, 2008 and April 2, 2015, and September 2, 2021.

**JEFFERSON COUNTY COMMISSION**

**ATTEST:**

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_

Steve Stolipher  
County Commission President

ORDINANCE NO. 2021-1

**AN ORDINANCE PROVIDING FOR THE IMPOSITION OF A COUNTY ADMINISTRATIVE FACILITIES IMPACT FEE ON ALL NEW RESIDENTIAL DEVELOPMENT; AND PROVIDING FOR AN EFFECTIVE DATE OF September 3, 2021**

WHEREAS, pursuant to the Local Powers Act, W.Va. Code ' 7-20-1 *et seq.*, counties in West Virginia have been authorized to adopt impact fees to fund capital improvements, including county administrative facilities and equipment, required to accommodate new development projects, subject to compliance with the provisions of the Local Powers Act; and

WHEREAS Jefferson County, West Virginia (the County), has satisfied all of the requirements set forth in W.Va. Code ' 7-20-6 as an initial prerequisite to the imposition of impact fees; and

WHEREAS the county government of Jefferson County provides essential administrative and law enforcement related (county prosecutor) services to all residents of the County, including citizens within the municipalities Bolivar, Charles Town, Harpers Ferry, Ranson, and Shepherdstown; and

WHEREAS administrative and law enforcement related services are defined by §7-20-3(b) as a County Service; and

WHEREAS the Jefferson County Commission (the County Commission) retained TischlerBise, Inc. (the Consultants) to analyze and assess growth and development projections for the County to determine the additional demand anticipated to be placed on the County for administrative and law enforcement related (county prosecutor) support buildings (administrative facilities); and

WHEREAS the Consultants additionally reviewed the existing demand for administrative facilities; the existing administrative facilities available to meet that demand; and the method of financing the existing administrative facilities; and

WHEREAS the County has adopted the methodology used by the consultant for the purpose of establishing an impact fee to pay for the cost of administrative facilities demanded by new growth; and

WHEREAS the County has reviewed the existing level of service standards; and

WHEREAS the County has relied upon the professionally estimated costs for administrative facilities and the actual costs of recent law enforcement related (county prosecutor) facilities for a determination of the costs of these facilities; and

WHEREAS the administrative facilities impact fee will be imposed only on new residential development in the County; and

WHEREAS the County has reviewed and relied upon the County Comprehensive Plan and the County's six-year Capital Improvements Program; and

WHEREAS at the initial adoption of impact fees by the County, the population and new residential development projections for the County indicate: (1) that the population of the County will increase from approximately 44,184 persons in the year 2004 to approximately 71,820 persons in the year 2022; and (2) that housing units will increase from approximately 19,486 in the year 2004 to approximately 27,837 in the year 2022; and (3) that non-residential vehicle trips will increase from approximately 73,416 per day in 2004 to approximately 126,206 in the year 2022; and

WHEREAS the types of facilities and associated costs that are included in this impact fee cover building construction or purchase, site improvement costs, and land costs for administrative facilities;

WHEREAS the administrative facilities impact fee calculation methodology uses both incremental expansion methodology (county administrative facilities) and cost recovery methodology (county prosecutor office), as described in the Impact Fees Report for Jefferson County, West Virginia (prepared by TischlerBise, formerly Tischler & Associates, Inc., dated July 16, 2021) with costs fairly and rationally distributed to residential development; and

WHEREAS, in calculating the appropriate impact fee to be imposed on new residential development, the County assumed that the existing level of service standards would be maintained in the future and that the cost of the construction or purchase of additional administrative facilities required by new residential growth would be paid for in whole or in part by the administrative facilities impact fees; and

WHEREAS the County has prepared an Impact Fees Report (July 16, 2021) including the administrative facilities impact fee assumptions, population projections, residential development projections, capital improvements and impact fee calculations; which Report has been submitted to and reviewed by County staff and officials; and

WHEREAS the Impact Fees Report has been presented to and reviewed by the County Commission, which has determined: (1) that the administrative facilities impact fee is necessary to offset the costs associated with meeting the demand of administrative and law enforcement related (county prosecutor) services, pursuant to the development projections; (2) that the

administrative facilities impact fee bears a reasonable relationship to the burden imposed upon the County to provide county government administrative services to new residents and provides a benefit to such new residents reasonably related to the administrative facilities impact fee, per dwelling unit, by type for residential development; (3) that an essential nexus exists between the projected new residential development and the need for additional administrative facilities to be funded via the administrative facilities impact fee; and (4) that the amount of the administrative facilities impact fee is roughly proportional to the pro rata share of the additional administrative facilities needed to provide adequate administrative and law enforcement related (prosecutor office) services to new residential development, while maintaining not less than the existing level of service (LOS) standard currently provided to County residents; and

WHEREAS the County Commission has adopted an Impact Fees Procedures Ordinance setting forth the procedures for the imposition and collection of impact fees; and

WHEREAS the County Commission has conducted a public hearing on July 15, 2021 on the proposed administrative facilities impact fee; and

WHEREAS the administrative facilities impact fee adopted pursuant to this Ordinance shall be effective on September 3, 2021.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the County Commission of Jefferson County, West Virginia, that:

**SECTION 1. RULES OF CONSTRUCTION**

(1) Unless otherwise defined within this ordinance, the words used have the meanings given to them in the Impact Fee Procedures Ordinance for Jefferson County.

**SECTION 2. ADOPTION OF ADMINISTRATIVE FACILITIES IMPACT FEE.**

(1) The applicable development/service area (the Service Area) for imposition of an Administrative Facilities Impact Fee is the entire County, including all incorporated Municipalities.

(2) All new residential dwelling units (this ordinance shall not apply to all commercial & industrial development) within the Service Area shall be subject to the payment of the Administrative Facilities Impact Fee, payable at the time of issuance of a building permit by the County or a Municipality, as applicable, pursuant to this Section and the Impact Fee Procedures Ordinance, as follows:

<b>Residential Development</b>	<b>Impact Fee per Dwelling Unit</b>
Single Family	\$44
Town home	\$44
Duplex	\$44
Multi-family	\$31

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[Adopted September 2, 2021 with an effective date of September 3, 2021]]

(3) On April 1, 2022, and on April 1<sup>st</sup> of each year thereafter in which the Administrative Facilities Impact Fee is in effect, the amount of the development impact fee, per dwelling unit shall be adjusted pursuant to the Annual Review process as set forth in Section 6 of the Impact Fee Procedures Ordinance.

(4) Nothing herein shall prevent the County Commission from electing to retain the existing Administrative Facilities Impact Fee or from electing to waive the adjustment for any given fiscal year, or years.

**SECTION 3. LIBERAL CONSTRUCTION.**

The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes in the interest of further promoting and protecting the public health, safety and welfare.

**SECTION 4. SEPARABILITY.**

(1) If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection, sentence, clause, phrase or portion of this Ordinance shall be deemed to be a separate, distinct and independent provision and such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance which shall continue in full force and effect.

(2) If the application of any provision of this Ordinance to any new development is declared to be invalid by a decision of any court of competent jurisdiction, the intent of the County Commissioners is that such decision shall be limited only to the specific new development expressly involved in the controversy, action or proceeding in which such decision of invalidity was rendered. Such decision shall not affect, impair, or nullify this Ordinance as a whole or the application of any provision of this Ordinance to any other new development.

**SECTION 5. EFFECTIVE DATE; ELECTION.**

(1) This Ordinance shall be effective on September 3, 2021.

(2) In the event that, within forty-five days after the effective date of this Ordinance, fifteen percent (15%) of the qualified voters of the County file with the County Commission a petition, duly signed by them in their own handwriting, the fee or levy protested may not become

effective until it is ratified by a majority of the legal votes cast thereon by the qualified voters of the County at any primary, general or special election as the County Commission directs. Voting thereon may not take place until after notice of the subcommission of the fee or levy on the ballot has been given by publication of class II legal advertisement and publication area shall be the County.

The undersigned hereby certifies that this Ordinance was approved and adopted by the Jefferson County Commission on the 2<sup>nd</sup> day of September, 2021.

**JEFFERSON COUNTY COMMISSION**

**ATTEST:**

\_\_\_\_\_  
County Clerk

By: \_\_\_\_\_  
Steve Stolipher  
County Commission President

Chairman Stolipher  
Jefferson County Commissioners  
Charles Town, West Virginia, 25414

Regarding the Commission's Decision to Reduce the Impact Fees on New Development:

Thank you for this opportunity to speak today.

The Commission made a poor decision in voting to reduce impact fees on new housing.

Impact fees are necessary to fund the increasing costs created by each new house because increased population equals a greater demand and need for public services. Impact fees also support the long-term investment in the economic future of the county. However, the fiscal losses created by the Commission's recent decision, drastically reducing the impact fees on new development, negatively affect specific infrastructure that otherwise supports positive population growth and the local economy.

Anticipated population increases may occur very soon, with migration from states coming from the east, primarily because of the rising costs of living and the opening of the METRO Silver Line.

Families who expect to rely upon public education or alternatives that are funded by public education dollars will either do their homework and relocate elsewhere or move here, increasing out student populations, possibly significantly. Present and future facilities costs, along with required growth capital necessary for long-term sustainability of current infrastructure, will not magically come from the state or other sources.

Builders/developers will charge what the market will bear—the current market is a bull market for housing in Jefferson County. This is the time when the county should be increasing its investment funds to cover both current and future needs directly, created by growing consumer demand. Instead, the lost impact fees will most likely need to be imposed in the future. Instead, the commission created a boon for a small group of already well-healed businesses, at the expense of county residents, both now and in the future. These optics are not favorable, folks!

If you want to increase the population in Jefferson County and West Virginia, you need to plan and budget for growth down the pike and in the future, and not just for right now. This isn't rocket science. Unfortunately, the Commission's decision has done the exact opposite. You gave developers a gift while short-changing the future for us all, especially our children.

I chose to move here from Virginia three years ago because I no longer had school aged children. I already knew how poorly funded schools were here because many of the teachers in that county commuted from here to teach in other states. Now I know why!

Respectfully,

Lisa G. Payne

Harpers Ferry, WV 25425

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

Name: Jeffrey A. Polczynski, ENP-Director of Communications

Department or Entity: Emergency Communications

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1<sup>st</sup> Choice: September 2, 2021

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

If a specific date is needed, please provide reason for specific date: **Timing in regards to coordinating onboarding of employees**

Subject: **Appointment Requests – Two Full-Time Public Safety Dispatchers**

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

**The purpose of this agenda item is to request permission to appoint two individuals to fill slots in the existing ten vacant positions.**

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

**Motion to approve the appointment of the two public safety dispatchers presented; with their notated salaries and salary increase post training; per the attachment.**

Attachments:

**Request Appointments – Two Full-Time Public Safety Dispatchers\_Sep2021**





## Jefferson County Emergency Communications DEPARTMENTAL MEMORANDUM

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**TO:** The County Commission of Jefferson County

**FROM:** Jeffrey Polczynski, ENP - Director

**DATE:** August 25, 2021

**SUBJECT:** Request Appointments -- Two Full-Time Public Safety Dispatchers

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The purpose of this memorandum is to request the approval to employ the following two Public Safety Dispatchers at the notated salary. The candidates will fill vacancies in authorized staffing.

The Emergency Communications Center management staff has worked tirelessly to seek qualified candidates and through these efforts have recently returned optimistic prospective employees.

It is important to note that in our recent hiring and training cycle beginning January 2021, the ECC brought on board four individuals of which all four have completed their first two phases of training. Previously in the training cycle beginning April 2020, the ECC onboarded six but only two of the six remain. Through that phase in training six individuals, the ECC concluded that it is extremely difficult and taxing on the current staff to train more than four at any given time.

In my last recommendation to you, I noted that bringing six individuals maxed out the training capabilities (space, resources, personnel/coaches). Without getting into too much depth in how training is performed, the training management staff recommended to management that bringing up to four personnel onboard was the maximum amount for both the training staff as well as affording the best instruction for the new trainees.

Currently the ECC has four viable candidates that have completed all processes however due to the varying backgrounds of the candidates with experience, the ECC has elected to onboard only two candidates since they are previously trained public safety dispatchers currently working for other agencies. The training staff believe these individuals will move through training not needing to be trained in many of the techniques that a non-experienced dispatcher will require; therefore, the training cycle should move more quickly. Running an academy for experienced dispatchers will allow these individuals to be moved to the floor more quickly.

The ECC intends to hire these two individuals and complete their academy; then run a fire dispatch academy for the April 2021 hires, then bring two more new hires on board



in January 2022. Subsequent fire dispatching academies will continue to occur throughout 2022 as well as recommending additional new hires. The ECC has several more candidates in the processing stage and will continue pursuing the vacant and overfill positions authorized by the County. Training is a focus at the ECC and will be for some time.

#### CANDIDATES

1. Kaitlyn Dunn – Seven year dispatcher working for the City of Frederick Police Department. Has also worked for the Frederick County Emergency Communications Center on a part-time basis. Offered a salary of \$20.00/hour (\$41,600) due to experience and existing wage.
2. Amanda Jackson – Nine month dispatcher working for Morgan County Communications. Recently out of training and experienced with the same CAD, EMD and Pro-QA systems. Offered a salary of \$18.1493/hour (\$37,751)

Each candidate will be afforded the standard wage increase once full training has been completed.

Upon approval, these individuals will be placed into the next dispatch academy to begin in September 20, 2021.

Please do not hesitate to contact me for further questions.

Respectfully Submitted,

Jeffrey Polczynski, ENP  
Director of Communications



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



Name: Stephen S. Allen, Director.

Department or Organization: Jefferson County Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: September 2, 2021

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

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

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

Approval to hire Deputy Director/Planner/Program Manager at an annual salary of \$ 51,163

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

Is this a funding request? Yes

If so, how much? \$ 51, 163 starting. Upon completion of 6 months of satisfactory performance Increases to \$52,163. Both amounts are within our current budget.

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

I move to approve the hiring of Dick W. Myers for the position of Deputy Director/Planner/Program Manager for Homeland Security and Emergency Management at the rate of \$ 51, 163 annually (Grade 5) and the understanding that if the candidate has a 6 month satisfactory performance the salary will increase to \$ 52, 163 annually.

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

If not attached, explain:

Attachment:

Is equipment needed?  Projector  [Click here to enter text.](#) Internet/Wi Fi  [Click here to enter text.](#) Telephone for conference call  [Click here to enter text.](#)

Contact information:

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

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

[Click here to enter text.](#)



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



Name:

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 2, 2021**

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

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

Subject (*Wording to be placed on agenda*): **Renewal of Lease of Agricultural Land Owned by Jefferson County Commission**

Please provide the County Commission with a description of your request or presentation, including any background information:  
[Click here to enter text.](#)

Is this a funding request? Y/N [Click here to enter text.](#)  
If so, how much? \$[Click here to enter text.](#)

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

Attach supporting documents for request, or request may be denied.  
If not attached, explain: [Click here to enter text.](#)

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

Contact information:

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

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

[Click here to enter text.](#)





LYLE C. TABB & SONS, INC.  
1040 Old Leetown Pike  
Kearneysville, WV 25430  
(304) 725-4325

Aug. 27, 2021

Jefferson County Commissioners  
124 East Washington St.  
Charles Town, WV 25430

Thank you for the opportunity to renew the lease agreement of 17 acres of County owned land, formerly a portion of the County "Poorhouse Farm" for agricultural purposes.

Lyle C. Tabb & Sons, Inc. is a 5<sup>th</sup> generation family-owned farming and recycling operations located near Leetown, WV. For over 100 years, the Tabb family has made a living y farming in Jefferson and Berkeley counties of West Virginia. We are structured to continue to rely on agriculture as our primary business well into the future.

Since 1967, the Tabb family has formally leased the Poorhouse Farm from the County strictly for agricultural use, which is one of the lowest impact land uses in our County. Agricultural production is a permitted use per the County's zoning ordinance and does not require a variance or conditional use permit. We have cared for the soil as it was our own, and we have to, because proper care of the soil supports our livelihood.

Since the late 1980's, we have been primarily a no-till grain operations, which means that we do not plow or greatly disturb the soil structure in order to plant and maintain grain crops. Implementing this practice and others, such as using cover crops to hold the soil in place over the winter, are important to this particular property, as the USDA has deemed it "highly erodible land, or HEL

Lyle C. Tabb & Sons, Inc., our family business, formally commits to the lease renewal: \$157.00 per acre for a total annual payment of \$2,669.00. We commit to continue to use the 17 acres for the production of agricultural crops as we have done in the past. We commit to continue to use the best management practices available, such as no-till<sup>1</sup> and cover crop management, to preserve the integrity of the soil and the water that infiltrates it.

Sincerely,

Lyle C. "Cam" Tabb, III  
President



## LEASE AGREEMENT—CASH RENT

This agreement (hereinafter referred to as "Agreement") is entered into this 10<sup>th</sup> day of September, 2019 between the COUNTY COMMISSION OF JEFFERSON COUNTY (hereinafter referred to as "County") and Lyle C. Tabb & Sons, Inc., (hereinafter referred to as "Tenant").

1. **Description of Property.** The County hereby leases to Tenant, to occupy and use for production of agricultural crops, the following-described property the piece of property the County owns in the Middleway District, Jefferson County, West Virginia, containing approximately 17 acres being more particularly described on tax map 15, parcel 1 in the land records of Jefferson County, West Virginia (hereinafter referred to as "Property"). The property is being leased "as is" without any representation or warranty as to its condition.
2. **Term of Agreement.** The term of this Agreement shall be for one (1) year, from the 20<sup>th</sup> day of September, 2019, until the 20<sup>th</sup> day of September 2020. The Owner, at its own option, may renew the terms of the Agreement for up to five (5), one (1)-year periods, subject to written notice from the Tenant and approval by the County Commission of Jefferson County.
3. **Rent.** For the occupancy use of the farm, Tenants agree to pay the County annual rent of \$157.00/acre, for a total payment of \$2669.00, payable to the County (at the address listed below), due on October 1, 2019. The failure to pay rent in a timely fashion shall, upon notice and 10 days' opportunity to cure, result in the termination of this lease.
4. **Uses.** The property shall be used only for production of agricultural crops (the "permitted uses"), and Tenant shall not use the Property for any other purpose. Any permitted agricultural activities shall be conducted at all times in a safe manner, consistent with best management practices applicable to each. All uses, including agricultural must be conducted in full compliance with all applicable legal and regulatory requirements. Motor vehicle use on the property shall be limited to that reasonably necessary to conduct the permitted uses. Tenant's use of the Property shall not violate any applicable ordinance, law or regulation. Tenant shall not create or permit any nuisance, damage or waste to be made or maintained upon the Property, nor, except as provided in this lease, shall the Tenant construct any structure on the Property. Tenant shall keep the Property in reasonably trash free condition.
5. **Operational Expenses.** Tenants shall bear all operational costs and expenses associated with the permitted uses.
6. **No Assignment or Sublease.** Tenant may not assign, transfer or sublease its rights under this lease.
7. **Access.** Tenant shall have access to the entire property at any time for the purpose of carrying out the permitted uses.

8. **New and Existing Construction.**

1. County may construct additional buildings on any portion of the Property. Any new building or structure shall be enclosed by a fence to be built at County's expense. Tenant's rent shall be reduced by 1% for each acre enclosed.
2. Tenant shall not interfere with or disturb the cemetery on the Property.

9. **Fences.**

- a. County may construct new fences on the property at any time and County shall construct and maintain such fences at its expense.
- b. Tenant may construct new fences on the Property with County's prior consent and Tenant shall construct and maintain such fences at its expense.
- c. Tenant may remove fences on the Property with County's prior consent and Tenant shall be responsible for all costs of removal.

10. **Timber and Firewood.** Tenant shall not cut any standing timber. All dead and down wood shall remain County's property and shall not be removed without County's consent.

11. **Indemnification.** Tenant shall indemnify and hold County harmless:

- a. for any injury to third persons (including Tenant's employees and contractors) related in any way to the Tenant's use or activities on the Property; or
- b. for Tenant's failure to fully comply with any legal or regulatory requirements applicable to the permitted uses and activities.

12. **Survive Termination.** The indemnification provisions of Section 11 of this agreement shall survive the termination or expiration of this Lease Agreement.

13. **Cooperation.** Tenant and County each agree to cooperate with each other with regard to any regulatory or other governmental filings.

14. **Risk of Destruction.** If engaged in agricultural activities, tenants expressly assume the risk of any or all destruction of the crop or premises as a result of foreseeable or unforeseeable excessive rain, flood, hail, tornado, winds, or any other acts of God or nature. County shall not be required to apportion, reduce, or abate any amount of cash rent due hereunder by virtue of the Tenants' inability to plant or harvest any crop, or any portion thereof, or to use the premises in the manner contemplated by this Agreement.

15. **Independent Contractor.** It is agreed that nothing contained in this Agreement is intended or should be construed as creating the relationship of a partnership, joint venture, or association with the County and Tenant. Tenant is an independent contractor and it, its employees, agents, and representatives shall not be considered employees, agents or representatives of the County. Except as otherwise provided herein, Tenant shall maintain, in all respects, its present control over the means and personnel by which this agreement is performed. Payment of federal income tax, FICA payments, state income tax,

unemployment compensation taxes and other payroll deductions and taxes are the sole responsibility of the Tenant.

**16. Parties' Rights Upon Lease Termination.**

- a. County recognizes that any annual crops (excluding perennial grasses) grown on the Property are paid for and owned by Tenant. Should any such crop to be harvested exist on the property at the time of termination of this lease, County will allow Tenant reasonable time to maintain and harvest such existing crop in such a manner that it preserves as much of the crop's value as possible.
  
- b. During the period required to maintain and harvest such existing crop, notwithstanding the termination of this lease, Tenant's obligations as specified in this lease shall remain in full force and effect as to portions of the property on which such crop is present and Tenant shall pay to County any additional rent (pro-rated for the duration post-termination and acreage) as is reasonable.

**17. Miscellaneous.** This lease: contains the entire agreement of the parties; supersedes all prior written or oral concerning the property; and may not be changed or added to except by a written amendment signed by both parties.


**18. Notices.** Any notice required by this lease shall be delivered to the parties at the address below in a manner that provides written proof of delivery.

COUNTY

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

By:  9/19/2019  
Patricia A. Noland, President      Date  
County Commission

TENANT

By:  9/20/19  
Date  
Its: Treasurer





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

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 2, 2021**

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

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

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

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

1. 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, comprehensive plan, and related matters, including Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50.
3. Report by counsel on opioid case. (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170).
4. Review and confirmation of March 5, 2020 Amendments to ESA Ordinance and Bylaws.

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



**AN ORDINANCE TO DISSOLVE AND RECONSTITUTE**  
**THE JEFFERSON COUNTY**  
**EMERGENCY SERVICES AGENCY**

WHEREAS, by Ordinance dated September 7, 1995 the Jefferson County Commission created the Jefferson County Ambulance Authority pursuant to Chapter Seven, Article Fifteen, Section One, et. seq. of the Code of West Virginia, as amended, which statute is also known as the “Emergency Ambulance Service Act of 1975”; and

WHEREAS, on March 27, 2008 the Commission adopted a technical correction amendment conforming the name of the agency to the Jefferson County Ambulance Authority (JCAA) to conform the name of the agency with common convention and usage; and

WHEREAS, this agency has operated successfully and continuously over the intervening years; and

WHEREAS, the Commission recognized the need to augment the paid JCAA ambulance service with paid fire service to meet the current and future needs of the citizens of Jefferson County; and

WHEREAS, the West Virginia legislature has recognized those needs by adopting Senate Bill 224 during the 2008 legislative session authorizing the Commission to create a joint emergency services agency providing both ambulance and fire services;

WHEREAS, in 2008 the Jefferson County Commission created a joint Emergency Services Agency but did not enact an Ambulance Fee nor a Fire Fee as permitted by West Virginia Code, but funded both services out of general revenue of the County;

WHEREAS, in 2014, the Jefferson County budget cannot continue to support the Agency from general revenue;

WHEREAS, at this time budget considerations require the consideration of an Ambulance Fee upon users of emergency ambulance services;

WHEREAS the current Emergency Services Agency Board composition is cumbersome and less suitable to the changed economic conditions and needs to be reconstituted to handle the future needs of Jefferson County, especially in light of the potential need to handle separate ambulance and fire fees;

NOW THEREFORE, be it enacted and ordained by the Jefferson County Commission as follows:

**Section 1. Dissolution of the current Jefferson County Emergency Services Agency and Creation of a new Jefferson County Emergency Services Agency**

- 1) The current Jefferson County Emergency Services Agency (created in 2008) and its Board shall be dissolved and shall cease to exist and operate as of the date of creation of the successor Agency and the appointment of a new Board. Existing debt obligations, assets and property owned by the current Emergency Services Agency shall be transferred to the new Agency. All employees employed at the time of the adoption of this ordinance will become employees of the new Agency and shall receive the same or comparable salary and benefits unless the Board deems a modification in employment, salary, benefits, or job classification is warranted.
- 2) Effective upon the dissolution of the prior Agency and Board, Pursuant to S.B. 224, Ch. 234, Acts, Reg. Sess. (W.Va. 2008), the new Jefferson County Emergency Services Agency (hereinafter referred to as “the Agency”), a public corporation, is hereby created and reconstituted. The Agency shall be a joint emergency services agency authorized to provide ambulance and emergency medical services and improve fire protection services in the incorporated and unincorporated areas of Jefferson County. Dissolution of the current Jefferson County Emergency Service Agency Board shall not be effective until the County Commission appoints a new Board pursuant to the provisions of this Ordinance.

**Section 2. Powers**

- 1) The Agency shall possess all the powers, rights and responsibilities conferred by the State of West Virginia upon emergency ambulance service authorities, county fire associations and county fire boards that are not otherwise inconsistent with state law or this ordinance, including, but not limited to:
  - (a) The management and control of the operations, business and affairs of the Agency, including hiring and firing employees of the Agency;
  - (b) Preparing Budgets and financial statements as required in Section 6 herein;
  - (c) Billing and collecting the costs of fire protection and ambulance services the Agency provides to members of the public as stated in Section 6 (i) and (j) herein;
  - (d) Spending and distributing funds within its budget as the Agency determines best to provide for most effective and efficient provision of emergency ambulance and fire protection services to businesses and residents of Jefferson County, West Virginia.
  - (e) The ability to contract services and/or enter into mutual aid agreements with volunteer fire companies.

(f) The Agency shall consult with existing fire departments, with the Jefferson County E911 Center, with the West Virginia Office of Emergency Medical Services, State Fire Marshall and with other appropriate Agencies and Officials to establish policies for the orderly dispatch of all emergency ambulance and fire protections services in Jefferson County.

(g) In the event an Ambulance Fee and/or a Fire Fee is imposed by the County Commission, the County Commission shall have the sole authority to set the rate of said fee(s). The Agency shall submit any and all information required by the County Commission for that body to periodically review the appropriate level of said fee(s) to cover the reasonable and actual costs of the provision of the emergency services for which said fees are instituted.

2) To the extent a conflict exists between the powers, rights and responsibilities conferred by the State of West Virginia upon emergency ambulance service authorities and those conferred upon county fire associations and county fire boards, the Agency shall be deemed to possess the broader of the two powers.

**Section 3. Joint Emergency Services Board**

1) The prior Jefferson County Emergency Services Board being abolished as set forth in Section 1, There is hereby created a new Joint Emergency Services Board which has full lawful authority to oversee, manage and control the Jefferson County Emergency Services Agency.

2) The new Joint Emergency Services Board (the “Board”) shall consist of seven voting and two non-voting members, all of whom are appointed by the County Commission, and who are citizens of the United States, registered voters in and official residents of Jefferson County, constituted as follows:

- a) One member of the Jefferson County Commission (who shall only be eligible to serve on the Board so long as he/she remain a member of the County Commission);
- b) One representative of the emergency medical services community in Jefferson County; selected from three nominees submitted by the Fire and Rescue Association

- c) One representative of the fire protection services community in Jefferson County selected from three nominees submitted by the Fire and Rescue Association;
- d) Four citizen members of the board;
- e) The President of the Fire & Rescue Association shall be a non-voting Board member.
- f) The Medical Director who is employed by the Agency shall be a non-voting Board member.
- g) 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.
- h) No member of the Board, nor their immediate family member, shall have any interest in any firm, partnership, corporation association engaged in the business of providing ambulance or fire services, nor in the manufacture, sale or lease of ambulance or fire equipment of 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.
- i) Employees of the Agency are not eligible to serve as members of the Board, with the exception of the Medical Director.
- j) Four voting members of the Board constitute a Quorum;
- k) After appointment, each member shall take an oath of office before they may serve.
- l) The initial members will serve staggered terms. Two of citizen members' initial terms shall expire on June 30<sup>th</sup>, 2015. The third citizen member's initial term shall expire on June 30<sup>th</sup>, 2016. The fourth citizen member's initial term shall expire on \_\_\_\_\_. The County Commissioner shall be appointed each January at the organization meeting of the Commission. The initial terms of the appointee from the emergency medical services community and of the appointee from the fire protection services community shall expire on June 30<sup>th</sup>, 2016.
- m) After the expiration of the initial staggered terms in item "k" above, every position on the Board shall have a three-year term, with the exception of the County Commission member.

- n) Notwithstanding the limitation on length and number of successive terms, Board Members whose terms have expired shall continue to serve until their successors have been appointed and sworn in.
- o) In the event of a vacancy on the Board, the County Commission shall appoint a replacement member to serve for the amount of time remaining in the now-vacant term. The replacement shall be from the same category of member as the person being replaced.
- p) The Board shall serve without compensation, but may, with prior approval of the Board, be reimbursed for all reasonable and necessary expenses actually incurred in the discharge of their duties. The members shall submit a written verified request for reimbursement at least quarterly and at least five days before a regularly scheduled meeting. Any expense not submitted within 180 days of being incurred may not be reimbursed.
- q) Annually the Board shall elect one of its appointed members as chairman, another as vice chairman, and another as treasurer, and shall appoint a secretary.
- r) Board members are limited to two consecutive terms.

**Section 4. Bylaws and Standards of Operation**

- 1) The Bylaws for governance of the Agency shall be submitted to, and approved by, the Jefferson County Commission.
- 2) The County Commission shall retain continuing jurisdiction with respect to amendment and adoption of such Bylaws.
- 3) The Board and Agency shall comply with the requirements of the West Virginia Ethics Act and the WV Open Meetings Act and shall attend training on the same within 90 days of their appointment.

**Section 5. Borrowing Money**

Neither the Agency nor its Board may borrow money, pledge assets as security, issue and sell revenue bonds or otherwise encumber assets or income of the Agency without the advanced formal approval of the County Commission. Any funding or fund raising, other than by donation or grants, shall require the advanced approval of the County Commission.

**Section 6. Fiscal Year and Required Accounts**

- (a) The fiscal year for the Agency shall commence on July 1.
- (b) Each year hereafter, the Board shall provide to the County Commission an audited financial statement of the Agency showing income and expenditures from the past fiscal year, including the actual costs associated with providing emergency services broken down by type of service provided, agency which provided said services, fund collected from every source and all other income and outlets of the Agency. The report shall be published as a Class 1 legal advertisement in a newspaper with circulation in Jefferson County.
- (c) The Agency shall make a quarterly written report to the County Commission containing an itemized statement of the receipts and expenditures of the Agency.
- (d) The Board shall provide to the County Commission, on the date directed by the County Administrator, a formal written budget request for the Agency for the fiscal year beginning July 1, of said year. The Board shall conduct a Public Hearing with notice with a Class 1 legal advertisement of meeting in a newspaper with circulation in Jefferson County.
- (e) In the event that an Emergency Ambulance Fee is instituted, the Board shall keep the funds from said fee segregated from the general funds of the Agency. Said funds shall only be used to pay the reasonable and necessary expenses actually incurred to provide emergency ambulance service to the residents of Jefferson County and to cover the reasonable and actual operation of the Agency required to provide said services. The Agency, as part of the annual financial statement and annual budget request shall show a separate accounting of income and expenditure associated with said fee.
- (f) In the event that an Emergency Fire Fee is instituted the Board shall keep the funds from said fee segregated from the general funds of the Agency. Said funds shall only be used to pay the reasonable and necessary expenses actually incurred to provide emergency fire service to the residents of Jefferson County and to cover the reasonable and actual operation of the Agency required to provide said services. The Agency, as part of the annual financial statement and budget request, shall show a separate accounting of income and expenditure associated with said fee.
- (g) The Board shall only allocate funds to emergency ambulance service and fire protection providers based on their ability to serve demonstrated public need for emergency ambulance and fire protection services and based upon the actual and reasonable cost of providing said services.

- (h) To properly account for the expenditure of public funds and to most effectively target public funding, the Agency shall fully account for expenditures and revenue generated by public expenditures.
- (i) In addition to the special emergency ambulance service fee imposed by the County Commission, the Agency may bill as permitted by law for ambulance services provided to a patient treated or transported to a hospital.
- (j) The Agency may bill and collect the actual and reasonable costs of fire protection services the Agency provides directly to members of the public. For residents and businesses of Jefferson County that have paid the applicable Fire Fee, the Agency may only collect to the extent that insurance, private or public, will reimburse providers of such services, e.g., in the event of an emergency fire call, the Agency shall bill and collect for the cost of such fire protection services but only to the extent provided has insurance coverage. In any event, the charge for fire protection services shall not exceed \$500 or the amount covered by insurance whichever is less.
- (k) The Agency shall require a written financial accounting from every person, agency, association, corporation or business which provides emergency ambulance services or fire protection services (a "recipient") which receives assets, money, resources or services of any kind, including but not limited to provision of paramedics, EMTs or other personnel, (all considered "funds") from the Agency. Said accounting shall be provided periodically, as the Agency shall direct, and shall be a verified written financial statement of the recipient's total operations including an accounting for the use of all funds provided to the recipient by the Agency.
- (l) As often as required by the Agency but not less than annually, recipients of Agency funds will provide to the Agency a verified written accounting of any agency provided funds and any revenue derived from said funds.
- (m) If a recipient fails to provide any verified written account as directed by the Agency, the Agency shall stop funding allocations to the recipient until the recipient provides the required accounts.
- (n) Any purchase of or contract for supplies, equipment and materials for the Agency or for the construction, or improvement of facilities of the Agency which exceeds the sum of \$10,000.00 (Ten Thousand Dollars) shall be based upon competitive sealed bids obtained by public notice published as a Class II legal advertisement within Jefferson County as required by WV Code §7-15-16 or as otherwise required by law.

**Section 7. Severability and Construction**

- 1) The provisions of this ordinance shall be liberally construed to effectively carry on its purposes in the interest of promoting and protecting the public health, safety and welfare.
- 2) If any section, subsection, sentence, clause, phrase or portion of this ordinance is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of this Ordinance nor impair or nullify the remainder of this Ordinance, which shall continue in full force and effect.

NOW THEREFORE, THIS AMENDED ORDINANCE IS ENACTED AND  
ORDAINED BY MAJORITY VOTE OF A REGULARLY CALLED MEETING OF  
THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA.

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

---

Jane Tabb, President

## **BYLAWS**

### *Of the*

### **Jefferson County Emergency Services Agency**

**Amended March 6, 2020**

**WHEREAS**, on July 31, 2014, the Jefferson County Commission (the Commission) adopted an Ordinance to dissolve and reconstitute the Jefferson County Emergency Services Agency (JCESA)(the Agency) pursuant to Senate Bill 224; and that Ordinance was subsequently amended in May of 2015;

**WHEREAS**, it is desirable to have Bylaws for governance by the JCESA Board of Directors (Board), the Board hereby adopts these Bylaws to effectuate the purposes of the Act and to enable the Board to conduct its business in an open, efficient, orderly, responsible and accountable manner.

#### **ARTICLE 1. FISCAL YEAR**

The fiscal year the Jefferson County Emergency Services Agency shall commence on July 1 of each year. The fiscal year shall constitute the budget year and shall delineate terms of office for Officers.

#### **ARTICLE 2. BOARD OF DIRECTORS**

**(a) Governance.** Management of the Agency shall be vested in a Joint Emergency Services Board. The Board shall consist of seven voting and two non-voting members appointed by the County Commission who are citizens of the United States, registered voters in and official residents of Jefferson County constituted as follows:

- 1) One member of the Jefferson County Commission (who shall only be eligible to serve on the Board so long as he/she remain a member of the County Commission);
- 2) One representative of the emergency medical services community in Jefferson County; selected from three nominees submitted by the Fire and Rescue Association
- 3) One representative of the fire protection services community in Jefferson County selected from three nominees submitted by the Fire and Rescue Association;
- 4) Four citizen members of the board;
- 5) The President of the Fire & Rescue Association shall be a non-voting Board member.
- 6) The Medical Director who is employed by the Agency shall be a non-voting Board member.
- 7) 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.
- 8) No member of the Board, nor their immediate family member, shall have any interest in any firm, partnership, corporation association engaged in the business of providing ambulance or fire services, nor in the manufacture, sale or lease of ambulance or fire equipment of 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.

- 9) Employees of the Agency are not eligible to serve as members of the Board, with the exception of the Medical Director.

For additional requirements for Board members, refer to Section 3, the Joint Emergency Services Board, of the May 2015 ordinance.

**(b) Terms of Office.** Individuals appointed to the Board shall serve for the term specified by the Commission, or until their successors have been appointed and qualified. Board members are limited to two consecutive terms.

**(c) Compensation.** Members and Officers of the Board shall serve without compensation other than reimbursement of approved reasonable and necessary expenses incurred in the discharge of their duties, unless a majority of the Board shall vote to establish such compensation. Pursuant to W.Va. Code § 7-15-6, such compensation shall not exceed twenty dollars for each meeting actually attended, and no compensation paid to any member shall exceed in the aggregate the sum of six hundred dollars in any fiscal year.

**(d) Meetings.** Meetings of the Board shall be classified as Regular, Special, Emergency or Work Session. All meetings shall be conducted in accordance with the West Virginia Open Governmental Proceedings Act. In addition to requirements of West Virginia law, meetings shall be conducted in accordance with Roberts Rules of Order. Any member of the news media or the public may record the open portion of any meeting, subject to reasonable limitations on placement.

**(1) Regular Meetings.** Regular meetings of the Board shall be held on the third Tuesday of each calendar month commencing at 7:00 p.m. at 419 Sixteenth Avenue, Ranson, West Virginia 25438 or at such other date, time and place as the Board may from time to time determine by resolution. All regular meetings shall be general meetings for the consideration of any and all matters which may properly come before the Board. The notice of and agenda for any Regular Meeting shall comply with the requirements of Article 2, Section (f) of these Bylaws so that the public and the news media may be properly informed of the particulars of matters to be discussed at any Regular Meeting.

**(2) Special Meetings.** Special Meetings of the Board may be called by the Chairman or by any two members upon written request to the Secretary. Upon receipt of a proper request for a Special Meeting, the Secretary shall send to all members, at least two business days in advance of any Special Meeting, a written notice setting forth the date, time and place of the Special Meeting and the matters to be considered at the Special Meeting. The notice of, and agenda for, any Special Meeting shall comply with the requirements of Article 2, Section (f) of these Bylaws so that the public and the news media may be properly informed of the particulars of matters to be discussed at any Special Meeting.

**(3) Emergency Meetings.** Emergency meetings may be called at any time with such advance public notice as is practicable in light of the immediacy of the official action that is required and the nature of the emergency. Notice of the date, time, place and particulars requiring such emergency action shall be given as soon as is practicable in advance of the Emergency Meeting. The notice must explain the facts and circumstances warranting the emergency, and such explanation must also be included in the minutes for the meeting.

**(4) Work Sessions.** Work Sessions are meetings subject to the requirements of the Open Meetings Act. Notice of the date, time, place, and agenda of a work session should be provided at least two business days in advance of the work session. A Work Session constitutes an Open Meeting where the public and the media are reasonably able to hear and observe the discussions which take place, subject to the same Executive Session exceptions that apply in a formal meeting. Minutes for Work Sessions must be prepared in the same manner as for Regular, Special and Emergency meetings.

**(5) Executive Sessions.** Executive Sessions are only authorized to consider matters that fall within the exceptions to the West Virginia Open Governmental Proceedings Act or any exceptions as otherwise provided by law. Executive Sessions may only be held in the course of a properly noticed public meeting. In order to proceed into Executive Session, a Board member must first move that the governing body meet in Executive Session to discuss a particular agenda item. The Chairman or other presiding officer must identify the purpose for, and statutory exception justifying convening an Executive Session. The motion to convene an Executive Session must be seconded and shall require the affirmative vote of the majority of the Board members who are present.

**(e) Quorum.** Four voting members of the Board shall constitute a quorum. Each voting member shall have one vote on all matters coming before the Board. The vote of the majority of the voting members present at any meeting of the Board shall be necessary to take any action. Votes on all matters that come before the Board shall be by recorded vote in open session.

**(f) Agendas.** Agendas shall be prepared for all Regular, Special and Emergency meetings, as well as for the Work Sessions. Agendas should list each matter requiring official action which the Board expects to address in the course of each meeting. Agenda items for any Regular meeting must be submitted in writing to the Secretary at least one week prior to the meeting. Agenda items must be described with sufficient specificity to inform the public of the nature of the issue to be considered by the Board.

The Director or designee shall prepare agendas in consultation with Chairman. Agendas should be posted at JCESA's principal office and on the Agency website in compliance with the Open Meetings Act at least three business days in advance of a Regular meeting and at least two business days in advance of any Special meeting or Work Session. When the agenda is posted before the close of business on a regular JCESA business day, that day shall be considered a business day for calculating the requisite notice under this subsection. Notice of an Emergency Meeting shall be posted as soon as is practicable.

Once an agenda has been published, it may not be amended absent an emergency requiring immediate official action. Although citizens, Board members, or other individuals may raise or ask questions about an issue, if the issue is not on the published agenda, Board members may not make a decision on such matters at the meeting. Rather the Chairman, or other presiding officer, shall rule such deliberations out of order and, if further consideration is to be given to the matter, it must be set on the agenda for a subsequent meeting. Any decisions made in contravention of these provisions shall be declared legally void.

**(g) Minutes.** Secretary shall be responsible for keeping minutes of all Regular, Special, Emergency and Work Session meetings. Draft minutes shall be made available to the members of the public or news media within a reasonable time after each meeting. After corrections and amendments to the minutes have been approved by the Board at a subsequent meeting, the approved minutes shall be signed by the

Chairman or Secretary and shall be a public record available to any member of the public or the news media.

### **ARTICLE 3. OFFICERS**

**(a) Designation.** The Board shall elect one of its appointed members as chairman, another as vice chairman, and another as treasurer, and shall appoint a secretary. Additional officers may be elected as the Board may from time to time deem necessary or desirable, and such additional officers need not be members of the Board.

**(b) Duties of Officers.** The Chairman shall preside over all meetings of the Board. The Vice Chairman shall act in the Chairman's absence or incapacity, or in cases where the Chairman has a conflict of interest. The Secretary, appointed by the Board, shall ensure that minutes of all Board meetings are kept, and shall make all necessary certifications. The Treasurer shall be responsible for preparing and presenting the annual budget for the Board's consideration, shall have charge of all JCESA financial records, and shall provide financial reports to the Board at its regular meetings.

**(c) Term of Office.** Officers shall take office upon election each year and shall serve for the ensuing fiscal year.

**(d) Qualification.** The Chairman and Vice-Chairman must have been members of the Board for at least one year prior to the beginning of the fiscal year for which they are nominated for election; and must have attended at least eight regular meetings, and a majority of Special and Emergency meetings, during the year proceeding the commencement of the fiscal year for which they are seeking office. The Secretary shall certify attendance records and requisite times of service prior to a vote on any nominees.

**(e) Nominations and Election.** The Chairman shall issue a call for nominations for each office for presentation at the June meeting, or at such other Regular or Special meeting as may be designated by a majority of the Board for election of Officers. Individuals may nominate themselves, or be nominated by other members. Prior to commencement of any election, nominees shall indicate their willingness to accept the nomination and to serve if elected. Elections shall be held as the first order of business at the July meeting following the nomination. Officers shall be elected by majority vote of the Board in open session.

**(f) Continuity.** Officers shall continue in their position until such time as their successors are elected and qualified. In the event an Officer position shall become vacant for any reason, the Chairman shall cause an election to be held at a Regular or Special meeting of the Board to fill the vacant Officer position.

### **ARTICLE 4. COMMITTEES**

The Chairman may appoint committees as necessary to assist the Board in the conduct of the Agency's business. The Chairman shall also designate the chair of each such committee. Committee meetings shall be held in accordance with the Open Meetings Act as more specifically set out in Article 2 of these Bylaws.

**ARTICLE 5. CONTINUING JURISDICTION**

The Commission shall retain continuing jurisdiction and the Agency shall in all respects remain subject to the jurisdiction and authority of the Commission.

**ARTICLE 6. AMENDMENT**

Amendments to these Bylaws must be approved by a vote of two-thirds of the members of the Board. Proposed amendments must be presented at the Regular Meeting immediately preceding the Regular Meeting at which any vote on the proposed amendments is taken. Such amendments shall be submitted to and approved by the Commission.

**ARTICLE 7. SEVERABILITY & CONSTRUCTION**

In the event of a conflict between the terms of these Bylaws and those of the Ordinance, the terms of the Ordinance shall govern. If any section, subsection, clause, phrase or portion of these Bylaws is, for any reason, held to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of these Bylaws, nor impair or nullify the remainder of these Bylaws, which shall continue in full force and effect.

**THESE BYLAWS** were adopted/ amended by duly constituted vote of the Board at a regular meeting on the \_\_\_ day of \_\_\_\_\_, 2020.

WITNESS:

\_\_\_\_\_  
Chairman, JCESA

\_\_\_\_\_  
Vice Chairman, JCESA

These amended By-Laws were APPROVED by majority vote at a regularly called meeting of the County Commission of Jefferson County, West Virginia.

Given under my hand and seal this the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
President, Jefferson County Commission





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

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 2, 2021**

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

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

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

**Consent Access to BCN Telecom Project Sites**

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

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

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

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

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

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

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

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

Contact information:

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

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

[Click here to enter text.](#)



# SEGRA®

August 20, 2021

Lumos Networks of West Virginia Inc. dba Segra  
524 W Broad Street,  
Waynesboro, VA 22980  
Attn: Outside Plant Engineering,

Re: Access to BCN Telecom Project Sites

Dear Segra:

The Owning Entity identified below, being the owner of those premises identified on the attached Exhibit A (the "Property"), hereby consents to the installation, operation, and maintenance by Lumos Networks of West Virginia Inc. dba Segra, on behalf of its affiliates (together, "Segra"), at Segra's sole cost and expense, of Segra's fiber optic cable and other equipment into, over, under, across, and along the Property, to be used by Segra to provide communications services to tenants and other occupants of the Property.

Segra agrees to contact the Owner, or Owner's representative, before work begins. This information will not be used by Segra for any other purpose.

Owning Entity: \_\_\_\_\_

Contact Name: \_\_\_\_\_

Contact Telephone Number: \_\_\_\_\_

Contact Email Address: \_\_\_\_\_

Additional Contact (Optional): Mike Sefton, SCAWV Network Infrastructure Mgr (304-340-2909)

Segra shall repair any damage to the Property caused by the installation, operation, or maintenance of Segra's equipment on the Property.

Owning Entity's consent will continue for so long as Segra provides communications services to tenants or other occupants of the Property. The Access to Property shall bind and benefit the parties and their respective successors and assigns.

Sincerely,

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title





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

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 2, 2021**

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

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

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

**Discussion of masks and vaccinations**

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

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

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

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

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

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

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

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

Contact information:

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

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

[Click here to enter text.](#)



The Jefferson County Commission proposes to name person(s) to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, September 16, 2021 or as soon thereafter as the Commission may decide:

**Jefferson County Enhanced E-9-1-1 Board** - One three-year term for Citizen Representative ending September 1, 2024.

**Jefferson County Sheriff's Civil Service Commission** - One four-year term ending September 29, 2025.

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

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

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

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THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE JUNE MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON JUNE 11th, 2021.

The meeting was called to order at 8:00 a.m.

Those in attendance were:

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

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

Motion by Mr. Lowrey, seconded by Mr. Simmons to approve the May minutes, approved.

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

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

Motion by Mr. Lowrey, seconded by Mr. Simmons to approve the May 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.

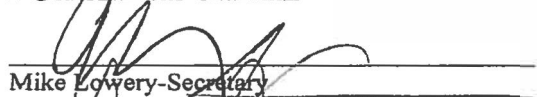
Mr. Tennant discussed sani-wipes being flushed by residents at Potomac Terrace Apartments. The staff has delivered handouts to residents and to the management explaining the problems with doing so. Staff has to check the manhole near the apartments and physically remove the sani-wipes that accumulate. The Board recommended that we review or revise our sewer use ordinance, which is vague on this issue to address the matter.

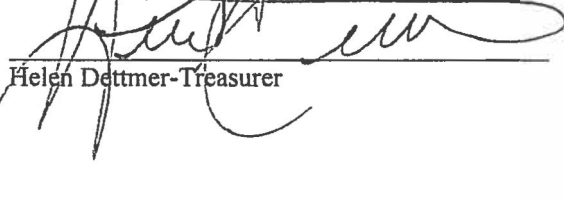
Discussion on a future sewer tap on Spruce Street on vacant lot.

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

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

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

The meeting was called to order at 8:00 a.m.

Those in attendance were:

David Simmons-Chairman Term 6/30/2027  
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 June minutes, approved.

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

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

Motion by Ms. Dettmer, seconded by Mr. Lowrey to approve the June 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 adding Sani-wipes to the sewer use ordinance, as items not to be discharged into the sewer system.

Motion by Mr. Simmons, seconded by Mr. Lowrey to add Sani-wipes to sewer use ordinance, approved.

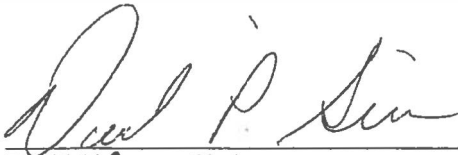
Mr. Tennant presented the projected PSD budget to the Board, discussion on projected increases in spending.

Discussion on PSD plant design of new aeration basin baffle, and the effects of high flows to the plant from rain events. Talked to Mr. Klein of Alpha & Associates the design engineer, he suggests we experiment with our RAS rates and second chlorine contact basin into service during heavy rain or extended periods of rain.

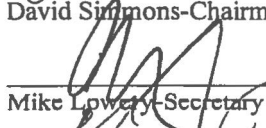
Discussion on sump pumps and problems to the system with added flow to the sewer treatment. Talked about the letter to customers about sump pumps not being tied into the system, possible ways to get compliance with the PSD procedures. PSD will continue to send letters in the billings to express the importance on disconnecting all sump pumps for the system. Discussion of possible penalties or cutting the water off in rare cases if needed.

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

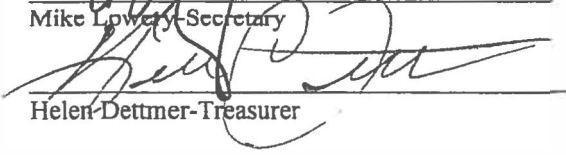
The meeting was adjourned at 9:10 a.m.



David Simmons-Chairman



Mike Lowery-Secretary



Helen Dettmer-Treasurer

**From:** David Tabb <sssi27@yahoo.com>  
**Sent:** Tuesday, August 24, 2021 9:23 AM  
**To:** JCCInfo  
**Subject:** SPECIAL SESSION OF AUGUST 24, 2021

SPECIAL SESSION OF AUGUST 24, 2021

JEFFERSON COUNTY COMMISSION

August 24, 2021

Now comes, David Tabb, and objects to the Jefferson County Commission implementation of impact fee schedule adopted on August 5, 2021. Mr. Tabb requested the documents pertaining to the impact fee that was voted on August 5, 2021 during the County Commission meeting; that had no posting of the August 5, 2021 agenda to county commission meeting prior to the meeting itself. This is violation of W. Va. Code 7-3-2. Mr. Tabb did not receive the requested documents until August 23, 2021, late in the evening. It appears in the minutes of the August 5, 2021 meeting, four different motions were listed. Only two motions, of which, was held while there were still county residents in the Commission Room. Commissioner Stolipher never publicly set the amount involving the school issue that is posted in the minutes. Second, the JCC never posted to un-table the previous motions to approve the two additional motions, that include, the school portion as \$1.00 per dwelling (impact fee) and to discontinued the commercial impact fees.

Mr. Tabb went to both the Courthouse and the Library on August 24 at approximately 7:00 am and the Special Session meeting of August 24, 2021 at 9:30 am was not posted at either bulletin board. Once again, the JCC is sitting improperly to proceed on a special session without the proper posting of notice to both bulletin boards.

Mr. Tabb still believes that the Volunteer Fire Companies should have been added to the impact fees to assist with the emergency services that the JCC is required to have ample equipment and personal in place to ensure the safety of the public within Jefferson County. Instead, the JCC

choose to discount the impact fees to the builders reducing their initial start-up costs. The Impact Fee issue should have had multiple public hearings to ensure the use of such revenue to generate revenue to meet the public needs.

Mr. Tabb also believe that Commissioner Stolipher should have recused himself from these proceedings due to his business association with the realtors and builders within the county.

Mr. Tabb believe that the implementation of the impact fees is premature and should be allowed to have public hearings to ensure the public is in the same position that impact fees are properly structured to promote the funding of the building process that impacts the community/county.

Therefore, with all the statements above, Mr. David Tabb requests that the Special Session of August 24, 2021 should not be held due to improper notice. Mr. Tabb further requests a public hearing to include Commissioner Stolipher recusing himself due to his known affiliation to the realtors and builders' association.

David C. Tabb

107 Tabb Lane

Harpers Ferry, WV 2542