

AGENDA
JEFFERSON COUNTY COMMISSION
FOURTH QUARTERLY SESSION - OCTOBER - DECEMBER 2021
THURSDAY, NOVEMBER 4, 2021
9:30 A.M.

REVISED - Tuesday, November 2, 2021

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 no later than 5:00 p.m. prior to the meeting to be added to the list. There is no registration needed for public comment.

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- October 21, 2021 - Regular Meeting

APPROVAL OF REQUISITIONS

- November 4, 2021

APPROVAL OF ACCOUNTS PAYABLE

- October 28, 2021
- November 4, 2021

APPROVAL OF MANUAL CHECKS

- October 29, 2021
- November 5, 2021

APPROVAL OF PAYROLL

- October 28, 2021

ANNOUNCEMENTS

Report if there are changes in the agenda if applicable

PRESENTATIONS

1. 9:35 a.m. Angie Banks, Assessor
- Approval of Exonerations
2. 9:40 a.m. Interviews and Appointments to the Jefferson County Development Authority Board of Directors - One unexpired term for the Citizen Representative ending April 5, 2022
3. 9:45 a.m. Nikki Painter, County Clerk's Office
- Letter of Credit Increase - United Bank

Nikki Painter, County Clerk's Office and Todd Fagan, GIS
- Redistricting Draft Map Presentation
- Publication Requirements - Possible action for Order and Publication; Set a meeting day and time for final approval
4. 9:55 a.m. Lynn Fields, Probate Office
- Refer the estate of Ronald R. Saul to a Fiduciary Commissioner
5. 10:00 a.m. John Thomas, Thomas Management Group and Sunnyside Investment LLC
- Request for zoning change on 53+/- acres in Sunnyside Industrial Park on Wheatland Road from Industrial-Commercial to Residential-Light Industrial Commercial
6. 10:10 a.m. Alexandra Beaulieu, Zoning Administrator
- Overview of the Planning Commission's recommended text amendment to the Jefferson County Zoning Ordinance related to Short Term Rentals (File #ZRA21-01). The draft text amendment includes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8:16 Short Term Rentals); and Appendix C Principal Permitted and Conditional Uses Table
7. 10:25 a.m. Roger Goodwin, Engineering
- Release of the \$10,000.00 site stability bond/Tolling of Bond Agreement for B.C. Partners, Inc. for the Breckenridge East Subdivision, Phase 1A, Lots 23-45; Parcels A, B & Residue (File #07-32); and, allowing the recording of the merger deed merging the subdivision back to its original state prior to the recordation of the final plat as found in Plat Book 25 at Page 188 (and 188 A-D)
- Release of the \$10,000.00 site stability bond/Tolling of Bond Agreement for B.C. Partners, Inc. for the Breckenridge East Subdivision, Phase 1A, Lots 1-9; Parcels C and Residue (File #12-01); and, allowing the recording of the merger deed merging the subdivision back to its original state prior to the recordation of the final plat as found in Plat Book 25 at Page 343 (and 343 A-B)

8. 10:35 a.m. Stephen S. Allen, Director of the Jefferson County Office of Homeland Security and Emergency Management
- Signing of CRS Recertification Request for 5-year verification and recertification in the Community Rating System for the reduction of flood insurance premiums for residents and businesses located in Jefferson County
9. 10:40 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. Your comments will be included in the minutes and agenda correspondence. Please include your name.*
10. 10:55 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, comprehensive plan, 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 regarding County Commission's assignment of drafting new solar text amendment and presentation of draft amendment. Discussion and potential action by County Commission, including potential referral to Planning Commission, and/or other action required by law
 4. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property

OLD BUSINESS

11. County Administrator - Separation of Employment
12. Comprehensive Audit - WV State Auditor's Office

NEW BUSINESS

13. Vendor Disbarment (JT)
14. County Clerk and Tyler Technology public presentation on the County's financial system (JT)
15. Assignment of Interim County Administrator until position of County Administrator is filled - Compensation During Temporary Assignment
16. County Administrator position - discuss job description and advertisement of Recruitment Announcement

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

17. ADJOURN

CORRESPONDENCE/INFORMATION

Notice of Special Session on Wednesday, November 10, 2021 at 9:30 a.m.

Virtual Informational Public Meeting and Availability of the Environmental Assessment regarding US 340 Rock Slide.

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, October 21, 2021

A meeting of the Jefferson County Commission was held on Thursday, October 21, 2021 during the fourth quarterly session at 6:00 p.m. The meeting was held via GoToWebinar and in-person. 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, October 21, 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 October 7, 2021 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the October 13, 2021 Special Session Minutes with noted correction. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the October 15, 2021 Special Session Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

| CHECK# | VENDOR NAME | AMOUNT |
|--------|--------------------|----------|
| 85366 | ADAM WARD | 616.16 |
| 85367 | AMERIFLEX | 120.80 |
| 85368 | BERKELEY GLASS INC | 1,048.00 |

| | | | |
|--------------|--------|---|-------------------|
| 85369 | | BIDDLE CONSULTING GROUP | 599.00 |
| 85370 | | BOLAND TRANE SERVICES INC | 1,931.00 |
| 85371 | | BUREAU OF CHILD SUPPORT | 492.93 |
| 85372 | | CASTO & HARRIS INC | 476.63 |
| 85373 | | EFTPS IRS TAXES | 92,831.66 |
| 85374 | | EMPOWER RETIREMENT | 5,905.89 |
| 85375 | | J.C. EHRLICH | 761.00 |
| 85376 | | JEFFERSON SECURITY BANK | 4,370.00 |
| 85377 | | JENNIFER M BROCKMAN | 475.16 |
| 85378 | | NATIONWIDE RETIREMENT SOLUTIONS | 834.00 |
| 85379 | | OLD CHARLES TOWN LIBRARY | 1,500.00 |
| 85380 | | R.E. MICHEL CO. LLC | 469.23 |
| 85381 | | RETIREE HEALTH BENEFIT TRUST | 6,721.00 |
| 85382 | | SOFTWARE SYSTEMS INC | 972.00 |
| 85383 | | STATE TAX DEPARTMENT | 822.22 |
| 85384 | | WV DEPUTY SHERIFF RETIREMENT SYSTEM | 16,438.94 |
| 85385 | | WV PUBLIC EMPLOYEE RETIREMENT SYSTEM | 44,533.44 |
| 85386 | | WV PUBLIC EMPLOYEE RETIREMENT SYSTEM | 166.49 |
| 85387 | | WVCORP WV COUNTIES SELF INSURANCE RISK POOL | 712.50 |
| 85388 | FG/009 | SHERIFF OF JEFFERSON CO | 5,888.39 |
| 85389 | BS/O11 | SHERIFF OF JEFFERSON CO | 7,791.89 |
| <hr/> | | | |
| TOTAL | | | 196,478.33 |

Motion by Mr. Stolipher to approve the Accounts Payable for October 14, 2021 in the amount of \$196,478.33. Motion seconded and unanimously approved.

| CHECK# | | VENDOR NAME | AMOUNT |
|--------|--|--------------------------------------|-------------|
| 85390 | | CROCK-HAMRICK REPORTING SERVICES LLC | \$ 247.50 |
| 85391 | | GUTTMAN OIL CO | \$ 4,305.98 |
| 85392 | | JENNIFER M BROCKMAN | \$ 6,500.00 |
| 85393 | | JUSTTECH LLC | \$ 111.48 |
| 85394 | | KONE BROOKLYN | \$ 1,809.75 |
| 85395 | | MATTHEW ARMEL | \$ 364.50 |
| 85396 | | MILLENIUUM INSURANCE GROUP | \$ 900.00 |
| 85397 | | MILLENIUUM INSURANCE GROUP | \$ 250.00 |
| 85398 | | POTOMAC EDISON | \$ 2,802.98 |
| 85399 | | RICE TIRES CO | \$ 522.96 |

| | | | | |
|--------------|--------|-----------------------------|--|---------------------|
| 85400 | | SHENTEL | | \$ 1,807.00 |
| 85401 | | SOFTWARE SYSTEMS INC | | \$ 36.00 |
| 85402 | SG/010 | JEFFERSON DAY REPORT CENTER | | \$ 2,089.50 |
| TOTAL | | | | \$ 21,747.65 |

Motion by Mr. Stolipher to approve the Accounts Payable for October 21, 2021 in the amount of \$21,747.65. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

| MANUAL CHECKS | | | | |
|---------------|-------|-----------------------------|--|-------------------|
| Check# | Fund | VENDOR | | Amount |
| 534 | CS/2 | EASTRIDGE HEALTH SYSTEM | | \$ 2,900.00 |
| 927 | AV/56 | SEGRA | | \$ 625.24 |
| 342 | FP/57 | JEFFERSON CO FARMLAND PROT. | | \$ 122,981.51 |
| TOTAL | | | | 126,506.75 |

Motion by Mr. Stolipher to approve the Manual Checks for October 15, 2021 in the amount of \$126,506.75. Motion seconded and unanimously approved.

| MANUAL CHECKS | | | | |
|---------------|-------------|-----------------------|--|-------------|
| Check# | Fund | VENDOR | | Amount |
| 928 | AV/56 | GLOBAL SCIENCE & TECH | | \$ 407.98 |
| 125 | SCH-IP/249 | LUTMAN LAND DEVELP. | | \$ 5,991.00 |
| 126 | SCH-IP/249 | DONALD PINE | | \$ 5,991.00 |
| 127 | SCH-IP/249 | TIMOTHY PAULIN | | \$ 5,991.00 |
| 140 | PARK-IP/249 | LUTMAN LAND DEVELP. | | \$ 481.00 |
| 141 | PARK-IP/249 | DONALD PINE | | \$ 481.00 |
| 142 | PARK-IP/249 | TIMOTHY PAULIN | | \$ 481.00 |
| 117 | LEO-IP/249 | LUTMAN LAND DEVELP. | | \$ 176.00 |
| 118 | LEO-IP/249 | DONALD PINE | | \$ 176.00 |
| 119 | LEO-IP/249 | TIMOTHY PAULIN | | \$ 176.00 |
| | | | | |
| | | | | |

| | | | | |
|--------------|------------|---------------------|--|---------------------|
| 148 | EMS-IP/249 | LUTMAN LAND DEVELP. | | \$ 52.00 |
| 149 | EMS-IP/249 | DONALD PINE | | \$ 52.00 |
| 150 | EMS-IP/249 | TIMOTHY PAULIN | | \$ 52.00 |
| TOTAL | | | | \$ 20,507.98 |

Motion by Mr. Stolipher to approve the Manual Checks for October 22, 2021 in the amount of \$20,507.98. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Mr. Stolipher to approve the Payroll for October , 2021 in the amount of \$262,356.96. Motion seconded and unanimously approved.

PRESENTATIONS

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

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|-----------------------|------|----------|------------|----------|
| Steve & Jill Schatken | PP | SD | 317191 | \$103.38 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 317191 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|------------------------|------|----------|------------|---------|
| Steven & Jill Schatken | PP | SD | 317313 | \$90.45 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 317313 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|------------------------|------|----------|------------|---------|
| Steven & Jill Schatken | PP | SD | 317336 | \$84.21 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 317336 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|---------------------|------|----------|------------|----------|
| David & Lisa Barnes | PP | CTC | 305153 | \$692.32 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 305153 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|-----------------|------|----------|------------|----------|
| Timothy Whitley | PP | HF | 309035 | \$221.06 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 309035 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|--------------------------|------|----------|------------|----------|
| Joseph & Jess Indomenico | PP | CTC | 305689 | \$178.20 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 305689 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|------------------------------------|------|----------|------------|-----------|
| Teague Run Trust c/o Serena Bodner | RE | SD | 29561 | \$1255.90 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 29561 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|-------------------------|------|----------|------------|---------|
| Walter J Truettner, III | RE | CTD | 6609 | \$19.44 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 6609 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|----------------------------|------|----------|------------|-----------|
| Michael A. Grant Jr. et al | RE | KD | 17334 | \$1880.20 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 17334 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME | TYPE | DISTRICT | TICKET NO. | AMOUNT |
|--------------------------|------|----------|------------|----------|
| Stephen & Doris Anderson | RE | RC | 23764 | \$226.05 |

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 23764 as presented by the Assessor. Motion seconded and unanimously approved.**

2. Michelle Gordon, Finance Director

- Presentation of the FY21 Financial Statements
- Vendor Misconduct/Debarment – this item was discussed in Executive Session, and it was the consensus of the Commission to discuss this matter further during the next regularly scheduled meeting, pending legal review.

3. Nikki Painter, Chief Deputy Clerk, Clerk of the County Commission

- Redistricting Overview

- b. Publication Requirements – possible action for order and publication
 - c. Timeline including the need for quick action by the GIS Office and County Commission with the possible impact of residency requirements for candidates
4. Patricia Rucker, Citizen – requested a waiver of ambulance fee late fees.
- **Motion by Mr. Stolipher to waive the ambulance fee late fees accrued for Patricia Rucker for \$45.00 for the following years: 2019, 2020, 2021. Motion seconded and unanimously approved.**
5. Steve Cox, Jefferson County Sheriff Deputy’s Civil Service Commissioner – Civil Service Training Request
- **Motion by Mr. Stolipher to approve the training request by Civil Service Commissioner Steve Cox for a Civil Service Training Seminar (between 4 and 8 hours) that will be held for the benefit of the Jefferson County Civil Service Commissioners, County Commissioners, County Clerk, Sheriff, Civil Service Investigators and any other necessary county or government employees, to include the use of Jefferson County facilities/classroom use during the day of training and a \$500.00 payment to instructor John Teare, from the Coal Severance Fund, and to permit Steve Cox to administer the Training Seminar to its completion. Motion seconded and unanimously approved.**
6. Roger Goodwin, Chief County Engineer – requested the approval to advertise to fill the vacant Planning Clerk position.
- **Motion by Mr. Stolipher to approve advertising to fill the position of the Planning Clerk in the Department of Engineering, Planning & Zoning at a not to exceed salary of \$33,000 – 35,000 per year. Motion seconded and unanimously approved.**
7. Board of Assessment Appeals
- **Motion by Mr. Stolipher to convene as a Board of Assessment Appeals. Motion seconded and unanimously approved.**
 - David Tabb
 - **Motion by Mr. Stolipher to uphold the assessment provided to Mr. Tabb by the Assessor’s Office. Motion seconded and unanimously approved.**

- Joyce Edwards
 - **After sworn testimony and presentation of exhibits, motion by Mr. Stolipher to uphold the assessment provided to Ms. Edwards by the Assessor’s Office. Motion seconded and unanimously approved.**
 - **There being no further requests for assessment appeals, motion by Mr. Hudson to reconvene in regular session. Motion seconded and unanimously approved.**
8. Dennis Jarvis, II, Jefferson County Development Authority – request that the Jefferson County Commission assist the Jefferson County Development Authority in the final payment of the agreed legal fees – Jefferson County Vision, Inc. v. Jefferson County Development Authority CC-19-2018-157
- **Motion by Ms. Jackson to assist the Jefferson County Development Authority with the payout of legal fees up to \$20,000 to Jefferson County Vision, Inc. from the Coal Severance Fund. Motion seconded and unanimously approved.**
9. Emily Morrow and Amanda Johnson, WVU Extension Service – requested the use of vacant office space.
- **Motion by Mr. Stolipher to approve the use of additional office space for the Jefferson County WVU Extension Service in the Public Service Building. Motion seconded and unanimously approved.**
10. Public Comment: Joyce Smith, Michael Tolbert, Christine Marshall, Patricia Noland.
11. 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, comprehensive plan, 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. Report by counsel regarding County Commission's assignment of drafting new solar text amendment and presentation of draft amendment. Discussion and potential action by County Commission, including potential referral to Planning Commission, and/or other action required by law.
 - d. Consider matters involving or affecting the construction, planning or purchase, sale or lease of property.
- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice regarding items b, c, and d as listed above, including the discussion of contractual matters as it relates to item d, and to discuss personnel matters concerning the positions of County Administrator and County Finance Director. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to come out of Executive Session. Motion seconded and unanimously approved.**
 - **Motion by Ms. Jackson to refer the new solar facilities text amendment to the Planning Commission for review. Motion seconded and passes on a vote of 3-1 with Commissioner Tabb opposing and Commissioner Stolipher abstaining.**

UNFINISHED BUSINESS

12. Discuss and address public comments that were raised during the October 7, 2021 County Commission meeting and to discuss allegations and personnel matters related to:
- County Administrator (discussion/action)
 - County Finance Director (discussion/action)
- **Motion by Mr. Stolipher to accept the separation date of Ms. Grove as of Friday, November 12, 2021 based on the terms discussed in Executive Session. Motion seconded and passes on a vote of 3-2 with Commissioners Tabb and Hudson opposing.**
 - **Motion by Mr. Stolipher to set up a meeting with the State Auditor to discuss have a comprehensive audit performed. Motion seconded and unanimously approved.**

NEW BUSINESS

13. John “J.B” McCuskey, West Virginia State Auditor – Presentation of West Virginia Checkbook website.

COUNTY ADMINISTRATOR REPORTS

- Transfer part-time employee Christopher Cross from E-911 to Information Technology
 - **Motion by Mr. Stolipher to approve the transfer of employee Christopher Cross from E-911 to Information Technology. Motion seconded and unanimously approved.**
 - Approve contract for positions for CAD Response Plan Data Entry and CAD Response Plan Data Administration with the Information Technology Department
 - **Motion by Mr. Stolipher to approve the contract position for CAD Response Plan Data Administration with the Jefferson County IT Department up to \$35,000. Motion seconded and unanimously approved.**
 - Determine if EMS will be included in the Response Plan Method of Dispatch
 - **Motion by Ms. Jackson to support keeping EMS included in Response Plan Method of Dispatch. Motion seconded and unanimously approved.**
14. The Commission adjourned at 9:57 p.m. on a motion by Mr. Stolipher. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant

REQUISITIONS TO BE APPROVED

November 4, 2021

| DEPARTMENT | Requisition No. | AMOUNT | VENDOR | DESCRIPTION |
|--------------------|-----------------|---------------------|-------------------------|-------------------------------------|
| IT | 22023 | \$ 8,508.55 | Judicial Dialog Systems | Software Maint. & Support Agreement |
| OTHER BUILDINGS | 22024 | \$ 6,437.00 | MasterService | Repair Emegency Generator |
| GRAND TOTAL | | \$ 14,945.55 | | |

| DESCRIPTION | FUND 001 CO. | | TOTAL |
|-----------------------------|------------------|--------|--------------|
| Gross Wages | \$404,056.18 | | \$404,056.18 |
| 6.2% Tax Payable OASDI | \$23,991.00 | | \$23,991.00 |
| 1.45% Tax Payable HI | \$5,610.70 | | \$5,610.70 |
| Fed Withholding | \$35,734.91 | | \$35,734.91 |
| WV State Withholding | \$16,913.79 | | \$16,913.79 |
| PERS Retirement Deduct 4.5% | \$9,282.88 | | \$9,282.88 |
| PERS Retirement Deduct 6% | \$5,578.82 | | \$5,578.82 |
| Hosp. Pre-Taxed | \$14,864.00 | | \$14,864.00 |
| Cancer/ICU Pre-Taxed | \$454.61 | | \$454.61 |
| Cancer/ICU Not Pre-Taxed | \$841.96 | | \$841.96 |
| Optional Life Not Pre Taxed | \$1,867.03 | | \$1,867.03 |
| Christmas Club | \$4,370.00 | | \$4,370.00 |
| Wage Attach #1 | \$492.93 | | \$492.93 |
| Wage Attach #2 | \$822.21 | | \$822.21 |
| Wage Attach #3 | | | \$0.00 |
| DSRS Retirement Deduct 8.5% | \$6,810.18 | | \$6,810.18 |
| 457 - Nationwide | \$834.00 | | \$834.00 |
| 457I - Empower | \$5,113.37 | | \$5,113.37 |
| 457R - Roth | \$910.00 | | \$910.00 |
| MD State Tax | \$769.02 | | \$769.02 |
| D/VF | \$1,785.64 | | \$1,785.64 |
| VA State Tax | \$168.66 | | \$168.66 |
| Colonial(Plus) | \$47.84 | | \$47.84 |
| Uniforms | | | \$0.00 |
| Total Deductions | \$137,263.55 | \$0.00 | \$137,263.55 |
| Net Wages Total | \$266,792.63 | \$0.00 | \$266,792.63 |
| Payroll Date | October 28, 2021 | | |

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 4th, 2021**

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

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

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

↓ **Approval of 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



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: November 4, 2021

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

Date Requested – 2nd Choice:

Subject (Warding to be placed on agenda): Interviews and Appointments to the Jefferson County Development Authority Board of Directors – one unexpired term for Citizen Representative ending April 5, 2022 + One unexpired term for Labor Representative ending April 5, 2024 + One unexpired term for three year

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, November 4, 2021 or as soon thereafter as the Commission may decide:

Jefferson County Development Authority Board - one three-year term for Labor Representative ending April 5, 2024 and one unexpired term for Citizen Representative ending April 5, 2022.

The labor representative must be an active member of a labor union. An individual who is employed on an hourly basis is preferred but not required.

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

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

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

October 20, 2021

Dear Commissioners:

I am interested in filling the unexpired term for the Citizen Representative position on the Jefferson County Development Authority (JCDA) Board of Directors. Please find enclosed my resume for your review and consideration.

My interest in serving on the JCDA Board of Directors would be to actively contribute to its mission of improving the business climate of Jefferson County. I believe a healthy and growing commercial and residential environment is important for our short and long-term prosperity. To that end, it is critical that we have a JCDA dedicated to advocating for our existing industries and small businesses, while leveraging our strengths and value proposition to actively seek additional opportunities and investments for smart growth in accordance with this Commission and the Strategic Plan.

As you may know, in January 2021, the Jefferson County Commission appointed me to the Eastern Panhandle Transit Authority Board of Directors. I have enjoyed contributing to that body on behalf of this Commission and the citizens of Jefferson County. Similarly, I think I can contribute positively to the JCDA.

I would appreciate your consideration, and I look forward to hearing from you.

With Regards,



Andrew W. Mollohan
419 Prospect Avenue
Harpers Ferry, WV 25425
202-557-6602
andrewmollohan@gmail.com

Jefferson County Commission
Application for Boards, Committees or Commissions

Please type or print information

Name: ANDREW W. Mollohan

Home Telephone Number: 202 557 6602

Work Address: 10 G St. NE, D.C. 20002

Work Phone Number: 202-906-4450

Mobile Phone Number: 202 557 6602

E-mail Address: andrewmollohan@gmail.com

Party Affiliation: (Building Commission and Health Department applicants)

Occupation: Performance Audit Manager

Education: High School yes

College yes

Trade/Business School yes, MBA.

Are you a United States citizen? Yes No

Are you a West Virginia resident? Yes No

Are you a resident of Jefferson County? Yes No

Are you able to produce verification of residency? Yes No

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

Address: 419 Prospect Avenue
Hoopes Ferry, WV 25425

Magisterial District: Harpers Ferry

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

Organization Memberships and Positions Held : ETA BOO

Have you even been convicted of any felonies? If yes, please list.

| Date: | Offense: |
|-----------|----------|
| <u>NA</u> | |
| | |
| | |

Statement: _____

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

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

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

Signature: [Handwritten Signature] Date: 10/20/2021

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

Andrew W. Mollohan

andrewmollohan@gmail.com

202-557-6602

Amtrak Office of Inspector General (OIG)

Audit Manager, Washington D.C., May 2021 - Present

Senior Auditor Lead, April 2020 - May 2021

Senior Auditor, May 2019 – April 2020

Auditor, March 2015 – May 2019

- Manages performance audits of Amtrak business operations; past projects include the review of the Gateway Program, Safety Management System, Injury Claims Data, Safety Culture, Acela 21 Delivery, Amtrak's Private Car business, Acela 21 Procurement, FAST Act Boarding Audit, among others
- Develops and maintains understanding of Amtrak's business processes and operations, passenger rail policy, NEC infrastructure (including Gateway), and related Federal legislative and regulatory activity
- Initiates, designs, plans, and executes all phases of a performance audit to identify potential waste, fraud, and abuse of Amtrak programs, projects, and businesses
- Drafts, edits, and prepares final reports for publication. Drafts text for message documents, including internal memorandums to senior OIG leadership and external press releases
- Briefs OIG senior leadership regularly throughout the course of an audit, as well as members of Amtrak's Executive Leadership Team as requested
- Manages and delegates audit tasks to junior staff. Mentors junior staff, including identifying opportunities for junior staff development
- Generates audit proposals and helps draft the annual audit plan to ensure the Office of Audits addresses high-impact issues that add value to the company, and contribute to the national conversation on passenger rail

U.S. Rep. Nick J. Rahall, II (retired)

Legislative Assistant, Washington D.C., September 2012 – January 2015

- Developed and monitored policy initiatives, drafted legislation, talking points, press releases, mass mailings, and opinion columns related to small business, finance, tax, trade, entitlements, health care, and other issues as assigned
- Briefed the Congressman on all legislative activities, vote recommendations, floor and committee action, and district events within assigned issue areas
- Consulted with senior House Transportation and Infrastructure Committee staff on which the Congressman served as Ranking Member
- Met with constituents and interest groups to understand constituent policy positions and input, and to act as a liaison with Federal agencies for the Congressman in their behalf

Andrew W. Mollohan

andrewmollohan@gmail.com

202-557-6602

Remington Executive Suites

Marketing and Operations Consultant, Washington, D.C., August 2011 – August 2012

- Managed sales and daily operations of a short-term corporate housing business catering to government, corporate, and private clients

International Trade Administration, Office of Europe

Market Access and Compliance Intern, Washington, D.C., January 2011 – June 2011

- Liaised with business executives to promote the administration's National Export Initiative for the Deputy Assistant Secretary for Market Access and Compliance, Office of Europe

Education

- Shenandoah University, Winchester, Virginia - Master of Business Administration, 2010
- Sterling College, Craftsbury, Vermont - Bachelor of Arts, 2008

Professional Accomplishments and Ancillary Activities

- Council of the Inspector General on Integrity and Efficiency (CIGIE) Audit Award for Excellence 2017, 2018, and 2020
- Member Board of Directors, Eastern Panhandle Transit Authority

Jessica Carroll

From: Kurk Turney <kurkturney@comcast.net>
Sent: Monday, November 1, 2021 10:48 AM
To: Steve Stolipher
Cc: Jessica Carroll
Subject: Labor Representative Application

Ladies and Gentlemen,

I am interested in serving as the labor representative to the Jefferson County Development Authority Board for a three year term.

I am currently a union pilot for a major airline. My union representation is the Allied Pilots Association (APA) where I serve on the Family Awareness Committee. I can supply my union number as needed. My previous work experience includes 24 years in the West Virginia Air National Guard as a pilot. I retired in 2016 as a lieutenant colonel.

As a born West Virginian, and a resident of Jefferson County, I have a vested interest in being involved in the development process and I am willing to serve. Thank you for your time and consideration.

Sincerely,

Kurk Turney
122 Maryvale Dr
Harpers Ferry, WV 25425
(304)279-1261

Sent from my iPhone

Jessica Carroll

From: john custer <cuss007@yahoo.com>
Sent: Monday, November 1, 2021 7:39 PM
To: Jessica Carroll; Steve Stolipher
Subject: JCDA

To Whom It May Concern:

Please accept this as my Letter of Interest to serve on the Jefferson County Development Authority Board as the Labor Representative.

I am a lifelong resident of Jefferson County, WV, and have years of experience running a business as the owner/operator. I am currently part owner of a business in Jefferson County. I also have commercial and industrial project management experience. I feel I would be a valuable asset if selected to serve on the Board.

I am currently employed at Winchester Boxing & Fitness (part owner), True Performance Fitness (part owner), Consultant PM for Clinical Engineer Services, also Consultant PM for Junewood Estates on an hourly basis. If you have any questions or need additional information, please contact me.

I look forward to hearing from you.

Very Respectfully,
John Custer
304-268-9781

[Sent from Yahoo Mail for iPhone](#)

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nikki Painter**

Department or Organization: **County Clerk**

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

Date Requested – 1st Choice: **November 4, 2021**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Letter of Credit Increase – United Bank

Please provide the County Commission with a description of your request or presentation, including any background information:
The Sheriff's Office has notified us that the depository bonds will need adjusted again. United Bank has sent a revised Letter of Credit that will increase the current \$2 million to \$3.5 million.

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

If so, how much?

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):
To approve the increased Letter of Credit for United Bank.

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

If not attached, explain:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

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Office of Sheriff and Treasurer of Jefferson County

Law Enforcement Office

102 Industrial Blvd
Kearneysville, WV 25430
304-728-3205
Fax: 304-728-3299

Tax Office

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

October 25, 2021

To: County Commission
County Clerk
Prosecuting Attorney

From: Sheriff Hansen

Subject: Bank Securities/Bonding – County Bank Accounts

The following is an overview of the various County Bank Accounts which hold County Monies and the Securities/Bonding for each of these accounts:

| | |
|-------------------------|--|
| Bank of Charles Town | Account balance of \$22,455,731.07 as of 9/30/21. (\$20,000,000.00 in pledged securities.) |
| Jefferson Security Bank | Account balance of \$522,910.68 as of 9/30/21. (\$1,500,000.00 in pledged securities.) |
| United National Bank | Account balance of \$14,418,331.20 as of 9/30/21. (\$2,500,000.00 in pledged securities, all other amounts are covered by FDIC) |
| BB&T | Account balance of \$10,290,521.17 as of 9/30/21. (\$3,500,000.00 in pledged securities.) |

Taking into consideration upcoming account transfers, it is my recommendation that the pledged securities with Bank of Charles Town be raised to \$24,000,000, United Bank should be increased to \$5,500,000.00, and the pledges securities with BB&T be raised to \$12,000,000.00, all others should remain the same.

In accordance with the memorandum dated September 28, 2006 concerning bonding of depositories, the Chief Tax Deputy will continue to monitor all accounts on a monthly basis to assure that each account is sufficiently collateralized. Should it be determined that adjustments in securities on respective accounts are needed, the banking institution will be contacted for this purpose.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nikki Painter & Todd Fagan**
Department or Organization: **County Clerk's Office & GIS**
Estimation of amount of time needed for appointment: **15 min**
Date Requested – 1st Choice: **November 4, 2021**
If a specific date is needed, please provide reason for specific date:
Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Redistricting Draft Map Presentation**

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

- 1. Redistricting Draft Map Presentation**
- 2. Publication Requirements – Possible action for order and publication; Set a meeting day and time for final approval**

Is this a funding request? **Y/N**
If so, how much?
Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):
To approve the draft map and order as presented for publication with a final approval-meeting day and time.

Attach supporting documents for request, or request may be denied.
If not attached, explain:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

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AGENDA REQUEST FORM

www.jeffersoncountywv.org

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 5-10 minutes

DATE REQUESTED: 1ST CHOICE November 4th, 2021

IF A SPECIFIC DATE IS NEEDED, PLEASE PROVIDE REASON FOR SPECIFIC DATE:

SUBJECT: Refer the estate of Ronald R. Saul to a fiduciary commissioner

PLEASE PROVIDE THE CO. COMM. WITH A DESCRIPTION OF YOUR REQUEST OR PRESENTATION, INCLUDING ANY BACKGROUND INFORMATION:

The attached petition is requesting (1) removal of the executrix of the estate of Ronald S. Saul; (2) to compel the executrix to provide an accounting; and (3) to appoint a fiduciary commissioner to the estate. At this time it is our request that the commission approve referral to a fiduciary commissioner and set aside the other two requests for a later date after the commissioner has filed a report.

ARE DOCUMENTS ATTACHED: yes

IS A PROJECTOR NEEDED?: NO

lfields@jeffersoncountywv.org (304) 728-3210

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: THE ESTATE OF RONALD R. SAUL

**OBJECTION TO PROBATE, DEMAND FOR AN ACCOUNTING, DEMAND FOR THE
REMOVAL OF THE ADMINISTRATRIX AND MOTION FOR STAY**

Dr. Brian Saul and Mrs. Amy Rainey, plaintiffs in Jefferson County Civil Action no. 21-C-146 (“Plaintiffs”), hereby state as follows:

1. The Plaintiffs are the only biological children and heirs at law of Ronald R. Saul (“the Decedent”).

2. The Decedent passed away on June 16, 2021. While the Decedent had previously indicated his desire that his children would receive an inheritance upon his passing, at the time of the Decedent’s passing, no will was known to exist. Accordingly, Plaintiff Brian Saul, as the Decedent’s son, initially qualified as administrator of the Decedent’s estate.

3. However, on or about September 14, 2021, after she received notice of the Plaintiff’s qualification as administrator, Robin Marie Saul (“Robin”), the Decedent’s third wife, for the first time produced what she claimed to be the Decedent’s will. The purported will was dated June 16, 2020, exactly one year before the Decedent’s death, and it named Robin as the sole, primary beneficiary, with her son as the sole secondary beneficiary. The will also purported to disinherit the Plaintiffs – the Decedent’s only biological children.

4. For the reasons set forth in the attached Amended Complaint (**Exhibit A**), the will is invalid. Among other reasons, it is invalid because: it was not executed pursuant to W. Va. Code 41-1-3, it is the product of fraud and/or undue influence, and, the Decedent lacked testamentary intent.

5. The Amended Complaint has been filed in circuit court and the plaintiffs have asked the Circuit Court to resolve this matter.

6. In the meantime, the Plaintiffs ask The Honorable County Commission (and any fiduciary commissioner appointed by the Commission) to remove Robin as administratrix of the Estate of Ronald S. Saul. The Plaintiffs also ask that Robin be compelled to provide a full and accurate accounting of all actions taken by her since assuming administration of the Estate.

7. The Plaintiffs also ask for a fiduciary commissioner to be appointed to address, in the first instance, issues related to the removal of the administratrix and the demand for an accounting.

8. With respect to all other matters, the Plaintiffs ask that probate proceedings to be stayed pending resolution by the circuit court. This stay would be applied to any distributions from the Estate, or other transfers of Estate funds or assets, to Robin. However, the stay would not apply to necessary expenditures such as taxes and legitimate Estate debts other than anything purportedly owed to Robin.

Conclusion and Demand for Relief

For the reasons stated above, the Plaintiffs ask the County Commission to remove Robin Marie Saul as administratrix of the Estate of Ronald S. Saul; to compel her to provide an accounting of all financial actions she has taken as administratrix or otherwise with respect to the Estate; and, to appoint a fiduciary commissioner to address these matters and all other challenges to the will and/or the Estate administration process as may be appropriate.

Plaintiff,
By counsel:

/s/Alex A. Tsiatsos

Alex A. Tsiatsos, Esq. (#10543)
Tsiatsos Law Firm, PLLC
142 N. Queen Street, Suite 210
Martinsburg, WV 25401
(304) 249-4822 (phone)
(304) 405-2864 (fax)
alex.tsiatsos@tsiatsoslawfirm.com

Edward L. Norwind, Esq.

Jack A. Gold, Esq.

Zachary, W.J. King, Esq.

Karp, Wigodsky, Norwind, Kudel & Gold, P.A.
Suite 200
2273 Research Boulevard
Rockville, Maryland 20850

Motions for pro hac vice admissions forthcoming

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

**BRIAN SAUL and
AMY RAINEY,**

Plaintiffs,

Civil Action no.: 21-C-146
Judge Hammer

v.

ROBIN MARIE SAUL, individually and
as the executrix of the Last Will
and Testament of Ronald R. Saul,

JURY TRIAL DEMANDED

Defendant.

CERTIFICATE OF SERVICE

I certify that on this 22nd day of October, 2021, I served the foregoing ***OBJECTION TO PROBATE, DEMAND FOR AN ACCOUNTING, DEMAND FOR THE REMOVAL OF THE ADMINISTRATRIX AND MOTION FOR STAY*** to the following by U.S. Mail, first class, postage pre-paid:

| | |
|---|--|
| Robin Marie Saul 78 Sleepy Hollow Circle Charles Town, WV 25414 | Jefferson County Commission 124 E. Washington St. Charles Town, WV 25414 |
| Lynn Fields, Deputy Probate Clerk Jefferson County P.O. Box 208 Charles Town, WV 25414 and by email to lfields@jeffersoncountywv.org | |
| | |

/s/ Alex A. Tsiatsos
Alex A. Tsiatsos, Esq.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **John Thomas**

Department or Organization: **Thomas Management Group and Sunnyside Investment LLC**

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

Date Requested – 1st Choice: **First available**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Request for zoning change on 53+/- acres in Sunnyside Industrial Park on Wheatland Road from Industrial-Commercial to Residential-Light Industrial-Commercial**

Please provide the County Commission with a description of your request or presentation, including any background information: **The request is to rezone the 53 acres in order to broaden the appeal of the property. There has been very little interest in the property for Industrial or Commercial uses, but interest in Residential. The new zoning designation will keep it within the spirit of the Comprehensive Plan as well as still allow for neighborhood Commercial enterprises mixed with possible Residential uses.**

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*): **A motion to rezone the aforementioned property from its current Industrial-Commercial to Residential-Light Industrial-Commercial**

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: **John Thomas, 175 John J Thomas Way, Charles Town, WV 25414**

Email address: **john.thomas@tmgllc.com** Phone Number: **_(304)283-2601**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

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JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number:
Staff Initials:
Application Fee: \$

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

Phone: (304) 728-3228
Fax: (304) 728-8126

Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

Property owner information

Name: Thomas Management Group, Inc and Sunnyside Investment, LLC
Mailing Address: 175 John J Thomas Way, Charles Town WV 25414
Phone Number: (304)725-2539 Email: jthomas@jeffersonasphalt.net

Applicant contact information

Name: John Thomas Jr.
Mailing Address: 175 John J Thomas Way, Charles Town, WV 25414
Phone Number: (304)283-2601 Email: jthomas@jeffersonasphalt.net

Applicant representative

Name: John Thomas Jr.
Mailing Address: 175 John J Thomas Way, Charles Town WV 25414
Phone Number: (304)283-2601 Email: jthomas@jeffersonasphalt.net

Physical property details

Physical Address: Wheatland Road
City: Charles Town State: WV Zip Code: 25414
Tax District: Kabletown Map No: 12 Parcel No: 12;12.2-5;12.8-11
Parcel Size: 53.17 acres Deed Book: 1037, 1114 Page No: 652, 53

Current Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (O/C). IC is checked.

Place Received Date Stamp Here

Proposed Zoning District (please check one)

| | | | | | |
|-------------------------------|----------------------------------|-----------------------------|---|---|---|
| Residential Growth (RG) | Industrial Commercial (IC) | Rural (R) | Residential- Light Industrial- Commercial (RLIC) | Village (V) | Neighborhood Commercial (NC) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| General Commercial (GC) | Highway Commercial (HC) | Light Industrial (LI) | Major Industrial (MI) | Planned Neighborhood Development (PND) | Office/ Commercial Mixed-Use (O/C) |
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.

The plan is to give us the ability further subdivide the lots into 1.5 to 2 acre lots for residential use. The current zoning of Industrial-Commercial will not allow Residential. The new zoning of Residential-Light Industrial-Commercial will allow us to broaden our scope of users for the property. The new zoning would allow some of the lots to develop small businesses compatible with the neighborhood.

Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

The new zoning will keep the commercial and industrial aspects, in the spirit of the Comprehensive Plan, but also give the residential option. The surrounding properties are large lot housing and agricultural.

Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.

There will be no additional traffic. If the lots are utilized for residential use, then traffic will be less than what it would be if utilized as industrial or commercial.

Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?

Yes, I request that the Planning and Zoning Staff present the petition

No, I prefer to present the petition


Plat or Sketch Plan (provide as an attachment to this application)

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

Is Plat or Sketch Plan attached?

Yes No

Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).

| | | | |
|--|----------|-----------------------------|------|
|  | 10/14/21 | | |
| Signature of Property Owner | Date | Signature of Property Owner | Date |

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Recommended *Not Recommended*

The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.

Approved *Disapproved*

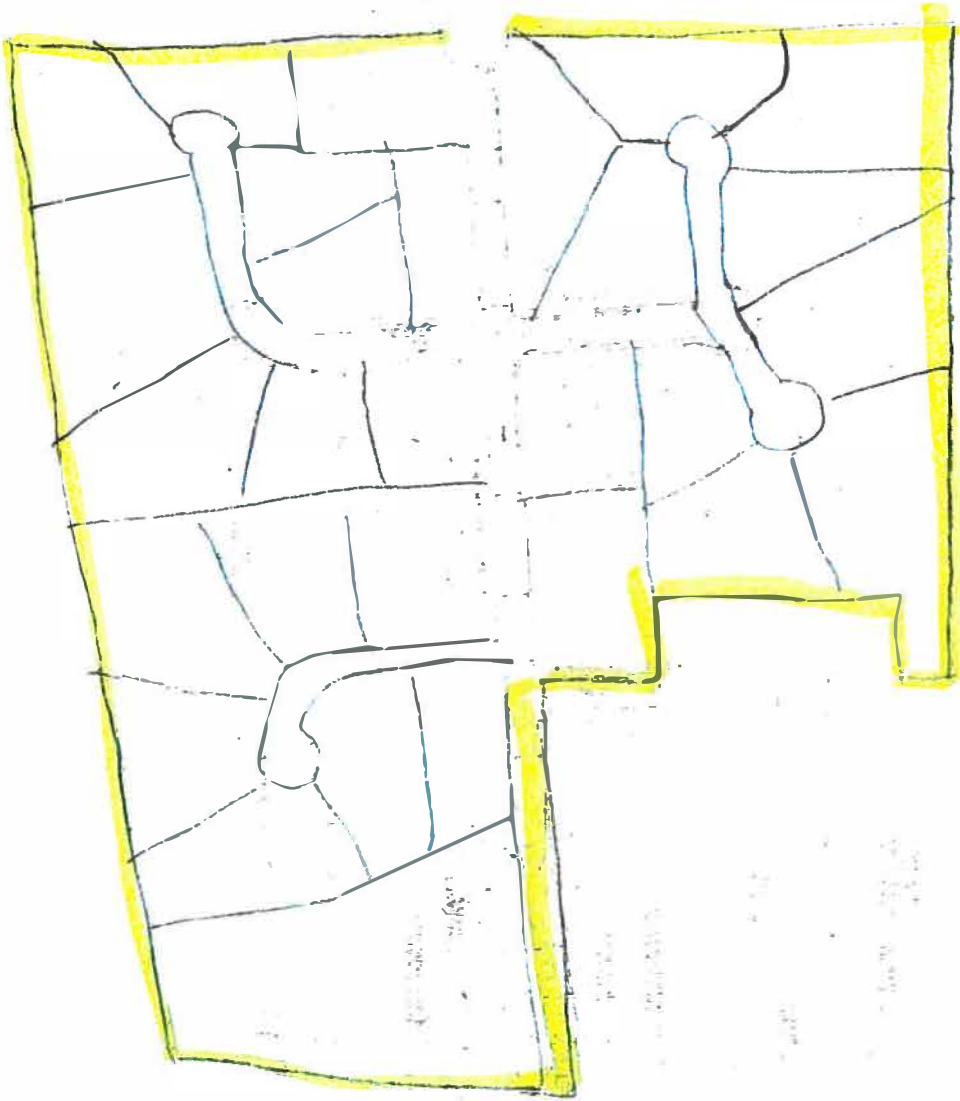
Final Determination/Other Comments



Existing



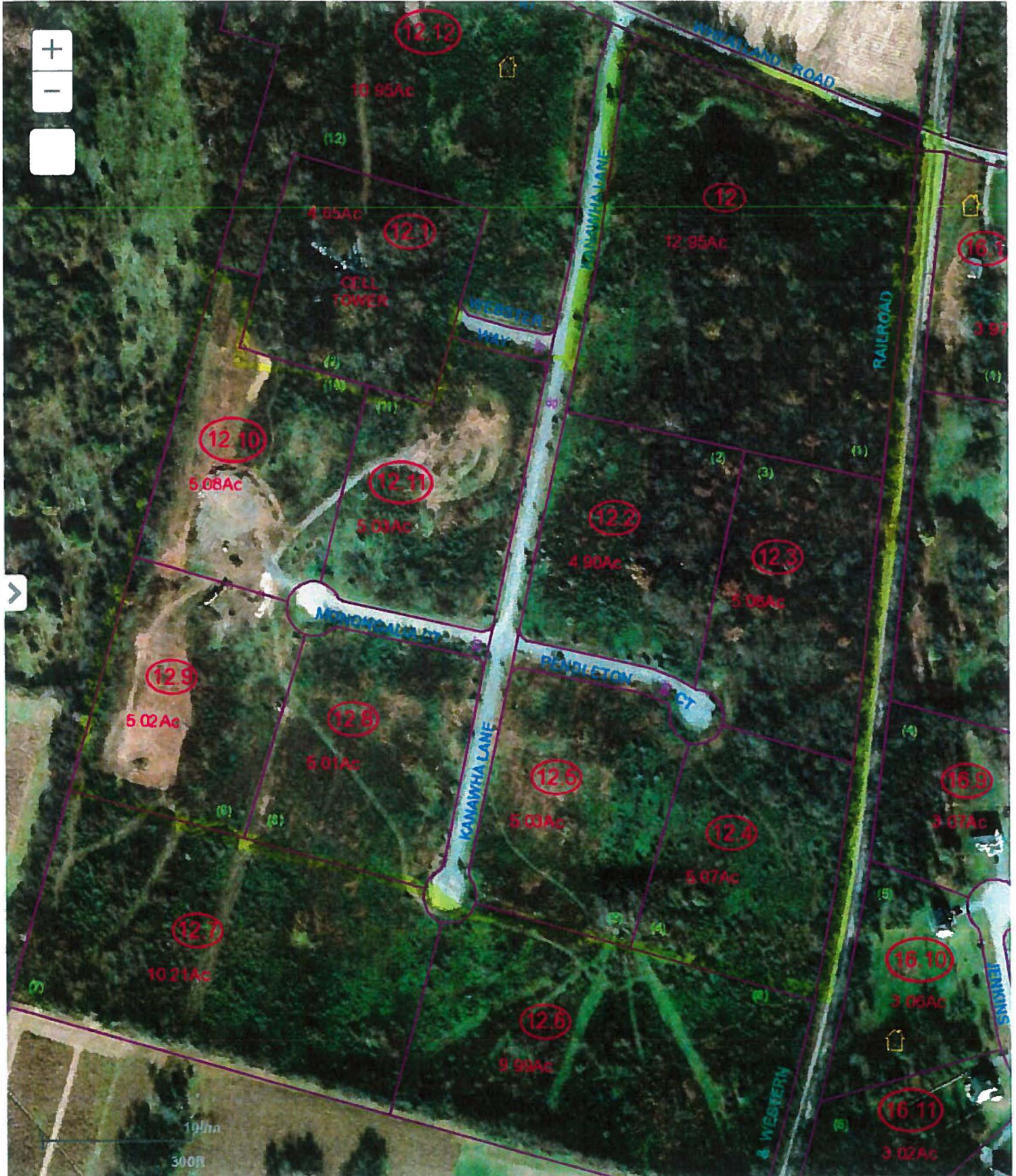
Proposed





Jefferson County West Virgin

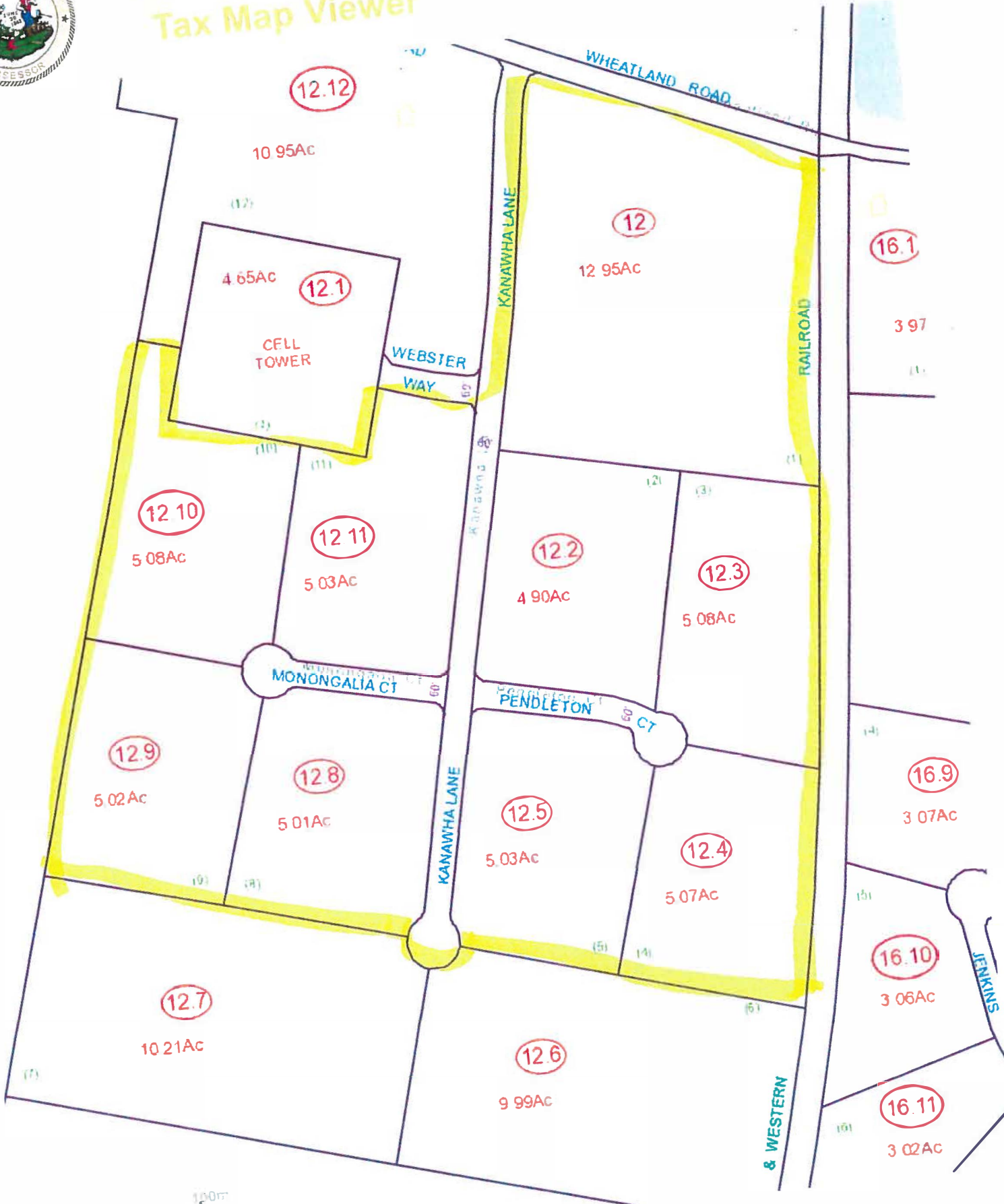
Tax Map Viewer





Jefferson County West Virgin

Tax Map Viewer



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Alexandra Beaulieu, Zoning Administrator

Department or Organization: Department of Engineering, Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: November 4, 2021

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

Countain Commission scheduled the public hearing for this date/time.

Date Requested – 2nd Choice:

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

Overview of the Planning Commission’s recommended text amendment to the Jefferson County Zoning Ordinance related to Short Term Rentals (File #ZTA21-01). The draft text amendment includes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.16 Short Term Rentals); and Appendix C Principal Permitted and Conditional Uses Table.

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

To provide an overview of the Planning Commission’s recommended Zoning Ordinance Text Amendment (File #ZTA21-01) and to request a Public Hearing on the draft text.

The draft text amendment includes provisions to allow Short Term Rentals to process as a Principal Permitted Use (by right) in any zoning district that allows a single family dwelling including the following zoning districts: Planned Neighborhood Development (PND), Rural (R), Residential Growth (RG), Residential-Light Industrial-Commercial (RLIC), and Village (V). The draft text amendment includes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.16 Short Term Rentals); and Appendix C Principal Permitted and Conditional Uses Table. Please see Staff Memo for 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*):

I move to schedule a public hearing to receive public input on the proposed text amendment to the Jefferson County Zoning Ordinance regarding the creation of Short Term Rental provisions (File #ZTA21-01).

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

- Staff Memo - Background
- Proposed Zoning Ordinance Text Amendment (File #ZTA21-01), as recommended to the County Commission by the Planning Commission on October 12, 2021.

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: zoning@jeffersoncountywv.org Phone Number: 304-728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV25414

www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

MEMO

TO: County Commission

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: October 28, 2021

RE: ZTA21-01, Short Term Rentals – 11-04-21 CC Meeting

Below is a summary of the timeline for the proposed text amendment:

- June 8, 2021: Two separate requests to draft short term rental regulations were presented to the Planning Commission. One request to allow short term rentals (STR) to occur on a daily basis with no occupancy limits; and another request to regulate the frequency and location of STRs to ensure that residential neighborhoods are protected. The Planning Commission voted to include as part of their work plan an update to the Zoning Ordinance which would allow STRs by right and directed Staff to draft text.
- September 14, 2021: The Planning Commission reviewed the first draft of the Zoning Ordinance Text Amendment (File #ZTA21-01), which included minimum standards to allow STRs to process as a principal permitted use (by right) in any zoning district which allows a single family dwelling. The Planning Commission made minor revisions, including the elimination of any occupancy limitations and the addition of a requirement to provide a copy of the state business license to ensure that appropriate taxes are collected by the state.
- October 12, 2021: The Planning Commission held a public hearing on the draft text amendment and minor revisions to the proposed text. The Planning Commission voted to send the draft text amendment to the County Commission with a recommendation that the proposed text is consistent with the Envision Jefferson 2035 Comprehensive Plan.
 - During the 10-12-21 meeting, Gillian Beach with the Health Department was present to address questions related to the Health Department's permitting requirements. Ms. Beach confirmed that short term rentals which are not the primary residence of the property owner require a General Sanitation Permit for a lodging facility [[click here for Health Department's General Sanitation Forms](#)].
 - It is important to note that while Health Department permitting requirements were a key point of discussion during the Planning Commission's review process, the subject text amendment does not pertain to the Health Department's regulations. Any questions or concerns related to the Health Department's permitting requirements will need to be addressed by the Board of Health.

Overview of Current Ordinance in Effect

Presently, the Zoning Ordinance defines Dwelling Unit as follows, “One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, **or rental or lease on a weekly, monthly, or longer basis, occupied by no more than one family**, and containing no more than one independent food preparation area together with facilities for sleeping and bathing.”

Based on this definition, a house or a room/rooms could be rented on a week-to-week basis and would still comply with the definition of dwelling unit.

In addition to the definition of Dwelling Unit listed above, the Ordinance includes provisions to allow Bed and Breakfast operations to be established in a single family dwelling unit by right in the Rural and Village zoning districts, **provided the property owner or a designated caretaker reside on premises while the bed and breakfast is occupied**. A Conditional Use Permit is required for Bed and Breakfast operations in the Residential Growth zoning district. A Bed and Breakfast is not permitted in the Residential-Light Industrial-Commercial (mixed use) zoning district.

Many short term rentals do not meet the definition of dwelling or Bed and Breakfast because property owners often prefer the option to rent the dwelling more frequently than on a weekly basis and do not typically reside on premises or have a designated caretaker residing on premises. Provisions to allow short term rentals to process in the unincorporated areas of the County do not currently exist in the Zoning Ordinance; therefore, pursuant to Section 1.3D of the Zoning Ordinance, short term rentals are not permitted.

Overview of the Proposed Text (File #ZTA21-01)

The purpose of the proposed text amendment is to create provisions to allow a property owner to rent out an entire house in a residentially zoned area (e.g. Rural, Residential Growth, and/or Village zoning districts) more frequently than on a weekly basis. These types of home sharing / vacation rental options are often perceived as being non-residential in nature, due to the absence of a permanent/long term resident or host on premises.

***Note:** As part of the proposed amendment, Staff recommended that Appendix C be revised to reflect that Bed and Breakfast operations be listed as a Principal Permitted Use in the Residential-Light Industrial-Commercial zoning district (currently listed as Not Permitted). The Planning Commission concurred with this recommendation and added that the Planned Neighborhood Development zoning district should also list Bed and Breakfast operations as a Principal Permitted Use (currently listed as Not Permitted).

Additional Information

The Health Department provided a copy of a memo that was drafted by the Office of Environmental Health Services on February 3, 2017, which includes a summary of their permitting requirements for lodging facilities (attached). Based on the memo, if the residence/facility is not the primary residence of the owner, then it is subject to Health Department approval as a lodging facility.

Other factors to consider during this amendment process include:

- Parking – is there sufficient parking to ensure all visitors park on the rental property?
- Traffic concerns should be addressed by the Division of Highways or, if within a major subdivision, the Homeowners’ Association (note: the County does not own or have jurisdiction over any roads).
- Noise is regulated by the County’s noise ordinance and enforced by the Sheriff’s Department.

Comprehensive Plan

The Comprehensive Plan includes several recommendations related to supporting the rural economy and the tourism industry. Members of the Planning Commission previously acknowledged that short term rentals may contribute to a successful tourism industry in the County.

Short Term Rentals may not be specifically addressed in the Envision Jefferson 2035 Comprehensive Plan; however, Section 2.C of the Comprehensive Plan is the Tourism Component and includes several recommendations to support the tourism industry. Recommendation 9 states, “Support and promote rural and recreational tourism to help achieve the County’s economic goals.”

Short term rentals can contribute to a successful tourism industry and support the local economy by offering rental options in some of the more quaint, rural areas of the county.

Attachments:

- Excerpts from Envision Jefferson 2035 Comprehensive Plan RE: Tourism
- ZTA21-01, Short Term Rental Provisions DRAFT
- Email from Gillian Beach, Jefferson County Health Department. Includes the following attachments:
 - Excerpts from the Health Department’s General Sanitation Rule
 - 02-03-2017, Office of Environmental Health Services Memo RE lodging facilities.
- American Planning Association PAS QuickNotes No. 56 – Regulating Short-Term Rentals

2.C. Tourism

Jefferson County is the gateway to West Virginia from surrounding states and hosts the most visitors in the state of West Virginia. Direct spending related to tourism in Jefferson County approached \$1 billion in 2012, the highest in the state, with Kanawha County the next closest at \$650 million. Jefferson County's proximity to the Washington, D.C. and Baltimore, MD Metropolitan Areas and to the Eastern Seaboard offers a large market to target visitors interested in the many activities and attractions to be found here. Local tourism and recreational opportunities draw in visitors of all ages, unlike other communities whose tourism options might be appealing to only one demographic.

Cultural, Rural, Horse Racing, and Gaming Tourism

Jefferson County has a wide range of activities for visitors, including recreational, heritage and cultural tourism, local and regionally known restaurants, farmers' markets, flea markets, motor sports, horse racing, gambling, music, theater, festivals, and arts events. The County's inventory of significant historical and architectural sites, historical towns and villages, outdoor recreational activities, natural landscapes, and outdoor amenities offer visitors a variety of meaningful and high quality experiences.

The success of the County's tourism industry depends on the preservation and enhancement of the County's rural character, specifically its natural greenspaces and cultural amenities. Many of the attractions that draw tourists to the County are located in areas where the combination of historic and geographic resources enhances the sense of place and provides an authentic rural experience. Among the attractions are the historic communities with their restaurants, specialty shops, festivals, farm markets or direct to consumers on-site farm sales; wayside stands; outdoor recreational activities, and special events such as farm and ghost tours. Market expansion in the County's tourism industry would boost these grassroots ventures.

Numerous artisans and performers call the County home. This is particularly true in the Shepherdstown area where Shepherd University has facilities and established programs, such as the internationally acclaimed American Contemporary Theatre Festival, now in its 26th year, and in Harpers Ferry with the annual Don Redman Jazz Heritage concert now in its 11th year. Local venues for both performing and visual arts include three theaters and over 40 cultural non-profits that collaborate to sponsor a variety of festivals, fairs, and events where artisans and performers can showcase their talents and wares. The performances, festivals, fairs, and historic and farm tours boost revenue in the County and support a variety of local retail establishments.

In 2012, the three counties in the Eastern Panhandle drew over \$601 million in gambling revenue, representing nearly 54% of all casino and slot revenue in West Virginia. Nearly all of this revenue can be attributed to the Hollywood Casino at Charles Town Races, which provides thoroughbred horse racing and gaming opportunities in the form of table games and slots. In terms of its financial impact, the

Casino is the largest tourism attraction in the County. While there has been robust growth at this facility up to 2012, the recent opening and expansion of gaming facilities located closer to the Washington, D.C. and Baltimore, MD areas has led to a reduction in gaming revenue locally. Nevertheless, the Hollywood Casino at Charles Town Races continues to be an important stakeholder in the community. Thoroughbred horse racing, including the WV Breeders' Classics, has been a critical part of the County's history and continues to be vital to the County's future. Additionally, plans have been announced to develop a 2,500 seat performance venue as a part of the Casino facility. There is also interest in the County for an outdoor entertainment venue or performance center, which could host such things as the National Symphony Orchestra and other music or theatre events.

Heritage Tourism

Jefferson County has played a role in many of the milestones of our Country's history dating back to the era when nomadic Native American tribes hunted and lived in the Eastern Panhandle and proceeding to the founding of our nation. The family of George Washington established 12 estates in the County, eight of which remain, and 75 members of the Washington family are buried in Charles Town cemeteries. In addition, several generals from the Revolutionary War resided here.

Harpers Ferry was established during the Presidency of George Washington as one of only two U.S. Federal armories. The Lewis and Clark expedition, funded under President Thomas Jefferson and which precipitated the westward expansion, was outfitted at the Harpers Ferry Armory. Later, prior to the Civil War, John Brown in 1859 attacked Harpers Ferry with hopes of securing a major munitions stockpile that would lead to a spontaneous uprising by slaves. He was unsuccessful. Brown and several of his associates were captured, tried, and convicted at the Jefferson County Courthouse in Charles Town and hanged a few blocks away on what is now South Samuel Street.

Harpers Ferry and the rest of Jefferson County were critical during the Civil War as they served as a main rail corridor between the eastern and western theatres of the War. The strategic value of the site led to the area changing hands between Union and Confederate forces many times during the war. Over 12,000 Union troops garrisoned at Harpers Ferry surrendered while under attack from Confederate forces led by General Stonewall Jackson. This was the largest surrender of troops on American soil. Without that surrender, the bloodiest battle of the Civil War, Antietam, may have never occurred. The battlefield at Shepherdstown has recently been studied by the National Park Service and was determined to have played an important role in the end stages of the battle of Antietam. In addition Jefferson County served as a staging area during the Shenandoah Valley campaign, which included battlefield sites at Summit Point and Middleway.

Harpers Ferry played a significant role in the African American community after the Civil War, with the establishment of what eventually became Storer College in 1865 as

one of the first public institutions of education for former slaves. Harpers Ferry was also the site of the second meeting of the Niagara Movement in 1906, which eventually led to the founding of the NAACP. Today, the town of Harpers Ferry is surrounded by the Harpers Ferry National Historical Park, a 3.7 square mile area with numerous rehabilitated and rebuilt structures dating from the Civil War era.

Charles Town played a role after the turn of the 20th century when the treason trials for coal miners affiliated with the United Mine Workers' West Virginia Coal Mine Wars were held at the same courthouse where John Brown's treason trial was held about 70 years earlier. The acquittal of the mine workers in 1922 was the culmination of two decades of strikes, gunfights, assassinations, and violence over working conditions that occurred in the southern coal fields of West Virginia.

Jefferson County is also a part of a larger historical and cultural landscape known as The Journey Through Hallowed Ground National Heritage Area, a 180-mile long, 75-mile wide area stretching from Gettysburg, PA to Monticello in Charlottesville, VA.

Recreational Tourism

The County is home to a variety of outdoor recreational opportunities for visitors, such as fishing, hunting, hiking, bicycling, auto racing, a wide range of river activities, and other outdoor adventure activities.

Jefferson County is adjacent to the conjunction of two national trails. The first trail is the Appalachian National Scenic Trail, a 2,160-mile long footpath extending from Maine to Georgia, with Harpers Ferry at the midpoint. Additionally, the Chesapeake and Ohio (C&O) Canal National Historical Park, a linear bicycle and walking trail extending from Washington, D.C. to Cumberland, MD is accessible from Jefferson County near Harpers Ferry and Shepherdstown.

Outdoor recreation complements the County's natural, cultural, and built environments. It is anticipated that recreational tourism opportunities in Jefferson County will continue to expand in the coming years. This is particularly true in areas near the Potomac and Shenandoah Rivers, where the numerous outfitters and private outdoor recreation providers in the region are expanding their offerings to visitors and residents. The type and scale of new recreational development should be appropriate to the rural nature of Jefferson County.

The following recommendations support the expansion and enhancement of a variety of tourism activities in Jefferson County.

| Tourism Recommendations (Goal 9) | |
|---|---|
| 1. | Create a unique “brand” for the County for all promotional and marketing materials. |
| | a. Increase awareness of public and private recreational opportunities that are available to visitors and residents of Jefferson County. |
| | b. Coordinate with the Jefferson County Convention and Visitors Bureau (CVB) to maintain and promote a community calendar. |
| 2. | Develop a robust arts and culture program in Jefferson County by identifying and utilizing a range of public and private funding sources. |
| 3. | Create additional opportunities for arts, cultural, and heritage tourism programs and facilities in Jefferson County. |
| 4. | Establish plans and funding strategies for a county cultural arts center that will incorporate a variety of facilities including studios, galleries, multiple performance spaces, educational and training facilities, and gathering areas. |
| 5. | Use historic and agricultural structures to support tourism for traditional and non-traditional functions that promote preservation of cultural landscapes. |
| 6. | Create a public art program that would encourage the installation of locally produced art in publicly owned facilities and sites. |
| 7. | Coordinate with various local and regional heritage tourism entities to create a trail that connects historic and battlefield sites located in the County and neighboring counties and states. |
| | a. Collaborate with the Journey Through Hallowed Ground or the Canal Towns Partnership’s efforts. |
| 8. | Coordinate with riverside property owners and river tourism service providers to identify and implement methods that would enhance recreation options along the County’s waterways, including public river access. |
| | a. When considering additional river recreation activities, rural landowners’ property rights and the quality of life of the individuals and families living along the waterways should be factored into proposed development plans. |
| | b. Encourage all river recreation activities to occur in a manner which supports the Chesapeake Bay Initiative. |
| 9. | Support and promote rural and recreational tourism to help achieve the County’s economic goals. |
| 10. | Use multi-media technologies to promote tourism, including tourist businesses and the tourism efforts of the incorporated Towns. |
| 11. | Continue to support the Jefferson County Fair and encourage the continued upgrading of fair facilities. |

Short Term Rental⁴¹

A dwelling unit intended to provide overnight accommodations to guests for periods of less than seven (7) consecutive days.

Shrub, Evergreen

A low growing, usually several stemmed, woody plant which has foliage that remains green and functional through more than one growing season.

Sign

Any object, device display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, designs, symbols, fixtures, colors, illumination or projected images.

Sign, Animated

A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.

Sign, Billboard³⁶

A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located.

Sign, Attached Business³⁶

A sign attached to a building/structure which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.

Sign, Electronic³⁶

A sign utilizing lights that change to form a static message or graphic wherein the sequence of messages and rate of change is electronically programmed.

Sign, Freestanding Business³⁶

A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business commodity, service, or entertainment advertised by the sign is located.

Sign, Inflatable³⁶

Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.

Sign, Off Premises³⁶

A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.

Sign, Pylon³⁶

A sign which advertises more than one land use on the premises where the sign is located.

Sign, Vehicle

A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on vehicles which are moved regularly and used in the normal, day-to-day operation of the business.

- B. An “Accessory Agricultural Dwelling Unit” for agricultural purposes is defined as a dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and meets all of the following criteria:³²
- (a) is secondary in size to the principal dwelling unit, limited in size to a maximum of 1,700 heated square feet, gross floor area;³²
 - (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance;
 - (c) is located on a property of at least ten acres in area;
 - (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property; and
 - (e) is approved by the Health Department.³²

One of each type of Accessory Dwelling Unit as defined in this section may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exception in accordance with Section 6.5.^{32, 35}

RVs are prohibited as Accessory Dwelling Units.³²

Section 8.16 ~~Reserved~~³²Short Term Rentals⁴¹

A short term rental is permitted anywhere a single family dwelling is permitted. A short term rental shall have no more effect on adjacent properties than a typical residential use. All parking shall be off-street.

A short term rental shall not operate as a special event facility (unless approval through the special event facility provisions is granted) including large gatherings such as family reunions, birthday parties, weddings, business meetings, or other similar gatherings.

All short term rentals shall obtain a Zoning Certificate to reflect compliance with the standards established herein. A sketch depicting that sufficient off-street parking or other designated parking area exists for the maximum number of occupants shall be included. One sign, not exceeding four (4) square feet in area, may be permitted and shall be included as part of the zoning certificate application. Signs within the Residential-Light Industrial-Commercial zoning district may utilize the commercial sign provisions in Article 10. Additionally, as part of the Zoning Certificate application, a copy of the state business license and documentation reflecting approval from the Health Department shall be submitted (if such approval is required).

Jefferson County shall not enforce or become involved in the enforcement of deed restrictions, covenants, easements, or any other private agreement. It is the responsibility of the property owner to research any private covenants or restrictions relating to the subject property which may be enforced by the parties to the restriction.

Section 8.17 Campgrounds³¹

Campground facilities provide tourism related accommodations for visitors of Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC), and Rural (R) zoning districts.

- A. The following uses are identified as permitted uses within a campground:

| Land Use | NC | GC | HC | LI | MI | PND ¹ | OC | R | RG | RLIC | IC | V | Additional Standards |
|--|----|----|----|----|----|------------------|----|----|----|----------------|----|----|--------------------------|
| Commercial Uses continued | | | | | | | | | | | | | Sec. 8.9 |
| Bar | P | P | P | P | NP | P | P | NP | NP | P | P | CU | |
| Barber/Beauty Shop, Limited | P | P | P | P | NP | P | P | CU | CU | P | P | P | |
| Bed and Breakfast | P | NP | NP | NP | NP | NPP | NP | P | CU | NPP | NP | P | Sec. 8.3 |
| Brewpub | P | P | P | P | NP | P | P | CU | CU | P | P | CU | Sec. 8.5 |
| Business Equipment Sales and Service | CU | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Building Maintenance Services | CU | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Building Materials and Supplies | NP | P | P | P | P | P | NP | CU | CU | P | P | CU | |
| Campground ³¹ | CU | P | NP | NP | NP | P | NP | P | CU | P | P | CU | Sec. 8.17 |
| Car Wash | NP | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Commercial Blood Plasma Center | NP | P | P | P | NP | CU | CU | CU | CU | CU | P | CU | |
| Commercial Uses | NP | NP | NP | NP | NP | NP | NP | NP | ** | P | P | CU | Sec. 8.9 |
| Contractor with No Outdoor Storage | P | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Contractor with Outdoor Storage | NP | P | P | P | P | P | NP | CU | CU | P | P | CU | |
| Convenience Store, Limited | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Convenience Store | CU | P | P | P | CU | P | NP | CU | CU | CU | P | CU | Sec. 5.8C (RLIC only) |
| Country Inn | P | P | P | P | NP | P | P | CU | CU | P | P | P | |
| Crematorium, Pet ³⁷ | NP | P | NP | P | NP | NP | NP | P | NP | P | P | CU | Sec. 8.19 |
| Custom Manufacturing | P | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Dry cleaning and Laundry Services | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Dry cleaning and Laundry Facility | NP | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Equipment Rental, Sales, or Service | NP | P | P | P | P | P | NP | CU | CU | P | P | CU | |
| Exterminating Services | NP | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Florist | P | P | P | P | CU | P | P | CU | CU | P | P | P | |
| Food Preparation | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Hotel/Motel | NP | P | P | P | NP | P | P | CU | CU | P | P | CU | |
| Gambling Facilities | NP | NP | NP | NP | CU | NP | NP | NP | NP | NP | CU | CU | Sec. 4.4G |
| Gas Station, Limited | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Gas Station | NP | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Gas Station, Large | NP | CU | P | P | CU | CU | CU | CU | CU | P | P | CU | |
| Golf Course | NP | P | P | P | NP | P | P | CU | CU | P | P | CU | |
| Grocery Store | P | P | P | P | CU | P | NP | CU | CU | P | P | CU | |
| Horse Racing Facility | NP | NP | NP | P | NP | NP | NP | CU | CU | P | P | CU | |
| Kennel | NP | P | P | P | CU | P | P | P | CU | P | P | CU | Sec. 8.4 |
| Medical/Dental/Optical Office, Small | P | P | P | P | CU | P | P | CU | CU | P | P | P | |
| Medical/Dental/Optical Office | NP | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Mobile Home, Boat and Trailer Sales | NP | P | P | P | CU | P | NP | CU | CU | CU | P | CU | |
| Movie Theater | NP | P | P | P | NP | P | NP | CU | CU | P | P | CU | |
| Nightclub | NP | P | P | P | NP | P | NP | CU | CU | P | P | CU | |
| Non Profit Commercial Uses | P | P | P | P | NP | P | P | CU | CU | P | P | CU | |
| Non-Profit Community Centers | P | P | P | P | CU | P | CU | P | CU | P | P | CU | |
| Parking, Commercial Offsite Accessory | NP | P | P | P | P | P | P | CU | CU | P | P | CU | |
| Pawn Shop Services | NP | P | P | P | NP | P | NP | CU | CU | P | P | CU | |
| Personal Services | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Professional Office, Small | P | P | P | P | CU | P | P | CU | CU | P | P | P | |
| Professional Office | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Restaurant, Fast Food, Limited | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Restaurant, Fast Food | CU | P | P | P | CU | P | P | CU | CU | CU | P | CU | |
| Restaurant, Fast Food, Drive-Through ⁴⁰ | NP | P | P | P | CU | CU | P | CU | CU | P | P | CU | |

| Land Use | NC | GC | HC | LI | MI | PND ¹ | OC | R | RG | RLIC | IC | V | Additional Standards |
|--|-----------|-----------|-----------|-----------|-----------|------------------|-----------|----------|----------|----------|-----------|----------|----------------------|
| Commercial Uses continued | | | | | | | | | | | | | Sec. 8.9 |
| Restaurant | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| Retail Sales Limited | P | P | P | P | NP | P | P | CU | CU | P | P | CU | |
| Retail Sales and Services, General | NP | P | P | P | NP | P | NP | CU | CU | P | P | CU | |
| Retail Store, Large | NP | CU | P | CU | NP | CU | NP | CU | CU | CU | CU | CU | |
| Shipping and Mailing Services | P | P | P | P | CU | P | P | CU | CU | P | P | CU | |
| <u>Short Term Rental⁴¹</u> | <u>CU</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>NP</u> | <u>P</u> | <u>NP</u> | <u>P</u> | <u>P</u> | <u>P</u> | <u>NP</u> | <u>P</u> | <u>Sec. 8.16</u> |
| Special Event Facility | P | P | P | P | NP | P | P | CU | CU | P | P | CU | Sec. 8.14 |
| Storage, Commercial | NP | P | P | P | CU | P | NP | CU | CU | P | P | CU | |
| Veterinary Services | P | P | P | P | CU | P | P | P | CU | P | P | CU | |
| Wireless Telecommunications Facilities | P | P | P | P | P | P | P | P | P | P | P | P | Art. 4B |
| Agricultural Uses* | | | | | | | | | | | | | |
| Agricultural Uses, as defined in Article 2 | P | P | P | P | P | P | P | P | P | P | P | P | |
| Agricultural Repair Center | NP | P | P | P | P | P | P | P | CU | P | P | NP | |
| Agricultural Tourism | P | P | P | P | P | P | P | P | P | P | P | P | |
| Crematorium, Livestock ¹⁷ | CU | CU | CU | CU | CU | CU | CU | P | CU | CU | CU | CU | Sec. 8.19 |
| Farm Brewery | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 8.5 |
| Farm Winery or Distillery | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 8.5 |
| Farm Market | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 8.6 |
| Farm Vacation Enterprise | P | P | P | P | P | P | P | P | P | P | P | P | |
| Farmer's Market | P | P | P | NP | NP | P | NP | P | CU | P | NP | CU | Sec. 8.6 |
| Feed and/or Farm Supply Center | CU | P | P | P | P | P | P | P | CU | P | P | NP | |
| Horticultural Nurseries and Commercial Greenhouses | P | P | P | P | P | P | P | P | CU | P | P | NP | |
| Landscaping Business | P | P | P | P | P | P | P | P | CU | P | P | NP | |
| Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years | NP | P | P | P | P | P | P | P | CU | P | P | NP | |
| Special Event Facility, Agricultural | P | P | P | P | P | P | P | P | P | P | P | P | Sec. 8.14 |
| Accessory Uses | | | | | | | | | | | | | |
| Accessory Uses | P | P | P | P | P | P | P | P | P | P | P | P | |

- NC Neighborhood Commercial
- GC General Commercial
- HC Highway Commercial
- LI Light Industrial
- MI Major Industrial
- PND Planned Neighborhood Development
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District
- P Permitted Uses
- NP Not Permitted Uses
- CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)
- ** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU
- ¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.
- ² Approval process is per the Salvage Yard Ordinance.

Alexandra Beaulieu

From: Beach, Gillian R
Sent: Wednesday, October 6, 2021 11:17 AM
To: Alexandra Beaulieu
Subject: Fwd: Air B&Bs
Attachments: H-25 Guidelines for Permitting and Inspecting Accommodations Made Through Lodging Reservation Web Sites.pdf; Memorandum on application of General Sanitation rule to rentals in homes - Final (002).pdf; General Sanitation Rule.doc

Also,

Here is a copy of the General Sanitation Rule if you would like to include this. For the purposes of our discussion about short-term rentals, we would only be concerned about the definitions for a hotel, motel, bed & breakfast, and lodging facility.

Sincerely,

[Gillian Beach, R.S.](#)
Environmental Health Manager
Jefferson County Health Department
1948 Wiltshire Rd. Suite 1
Kearneysville, WV 25430
(304) 728-8416 ext 3033

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

From: Beach, Gillian R
Date: Wed, Oct 6, 2021 at 11:08 AM
Subject: Fwd: Air B&Bs
To: Alexandra Beaulieu

Alex,

I am forwarding this email from Judy Vallandingham, the Director of Office of Environmental Health Services for the State. The legal interpretation is that if someone is providing lodging for a fee in a home that they do not reside in, then it meets the definition of a lodging establishment in our General Sanitation regulations. These short-term rentals or air bed and breakfasts would specifically meet the definition of a motel which I have copied below.

2.15. Motel - Every building constructed, designed, maintained, offered or used to furnish lodging to automobile transient guests or the traveling public. The term motel includes auto courts, motor courts, auto lodges, motor lodges, tourist cabins, tourist cottages and tourist courts.

Short term rentals are not required to obtain a permit if it is the residence of the owner and they do not also serve breakfast. Any residence that provides lodging and breakfast would fall under the definition of a Bed & Breakfast in our General Sanitation regulations. I have copied the definition below.

2.2. Bed and Breakfast Inn – An establishment providing lodging facilities in the form of sleeping accommodations and, at a minimum, a breakfast for a fee.

This is the information I will be presenting at tomorrow's meeting. Please let me know what time I should log on to the meeting.

Thank you,

[Gillian Beach, R.S.](#)
Environmental Health Manager
Jefferson County Health Department
1948 Wiltshire Rd. Suite 1
Kearneysville, WV 25430
(304) 728-8416 ext 3033

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

From: Beach, Gillian R
Date: Fri, Aug 27, 2021 at 1:48 PM
Subject: Fwd: Air B&Bs
To: Pierce, Jennifer E
Alexandra N Demastes
Phillipson, Danielle R
Stephenson, Mikala S
Richardson, Patti J

FYI

[Gillian Beach, R.S.](#)
Acting Administrator, Environmental Health Manager
Jefferson County Health Department
1948 Wiltshire Rd. Suite 1
Kearneysville, WV 25430

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strictly prohibited. If you have received this Email in error, please advise the sender by reply Email and then delete it and any attachment(s) from your system immediately.
(304) 728-8416 ext 3033

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

From: **Vallandingham, Judy E**
Date: Fri, Aug 6, 2021 at 11:38 AM
Subject: Re: Air B&Bs
To: Beach, Gillian R
Cc: Stacy E King

Gillian,

The only time a LHD would not permit a property that is rented through a service like AirB&B is if the property is the primary residence of the owner. I have attached the Environmental Health Procedure and the legal opinion. Let me know if you have any questions.

Respectfully,

Judy

Judith Vallandingham R.S.

Director

WV BPH/OEHS/Public Health Sanitation Division

TITLE 64

LEGISLATIVE RULE
BUREAU FOR PUBLIC HEALTH
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

SERIES 18
GENERAL SANITATION

'64-18-1. General.

1.1. Scope. B This rule establishes the minimum public health sanitation requirements governing all institutions and schools, care facilities, lodging facilities, recreational facilities, and public restrooms.

1.2. Authority. -- W. Va. Code 16-1-4.

1.3. Filing Date. -- July 12, 2013.

1.4. Effective Date. -- August 12, 2013.

1.5. Applicability. -- This rule applies to every person who in any manner establishes, conducts, controls, manages, maintains, or operates a facility included under the scope of this rule.

1.6. Enforcement. -- This rule is enforced by the commissioner of the bureau for public health.

'64-18-2. Definitions.

2.1. Approved - A procedure of operation, installation or construction which is in accordance with the standards, specifications, and instructions established by the bureau for public health.

2.2. Bed and Breakfast Inn – An establishment providing lodging facilities in the form of sleeping accommodations and, at a minimum, a breakfast for a fee.

2.3. Campground - A tract of land established, maintained, and offered to the public for payment for the location or placement of two or more camping units.

2.4. Camping Unit - Any tent, camping vehicle, cabin, or similar vehicle or structure designed or intended to be used for camping purposes.

2.4.a. A “camping unit” means and includes, but is not limited to, tents, tent campers, fold down campers, pop up campers, travel trailers, camping vans, motor homes, pick up coach campers, or any other unit built or mounted on a vehicle or chassis and capable of being self-propelled or towed.

2.4.b. A “camping unit” shall not include any unit kept by its owner on land occupied by the owner in connection with his or her dwelling, or any unoccupied camping unit kept and stored at a location that has been reserved for storage within a campground.

2.5. Campsite - Any plot of land within a campground used or intended to be used for the location or placement of a camping unit.

2.6. Care Facilities – Include, but are not limited to, public or private halfway houses, adult day care facilities, residential care facilities (such as juvenile group homes and work release centers), and non-disaster shelters (such as homeless shelters and family violence protection shelters). The term does not include health care facilities licensed by the Office of Health Facilities Licensure and Certification in the Office of the Inspector General.

2.7. Commissioner – The commissioner of the bureau for public health or his or her lawful designee.

2.8. Construct - To install, establish, extend, alter or modify.

2.9. Health Officer - The commissioner of the bureau for public health who is also the State Health Officer or the executive officer of the local board of health or his or her lawful representative.

2.10. Hotel - Every building where food and lodging are furnished to guests and payment is required.

2.11. Institution - A public or private facility established by an organization or corporation for the purpose of providing higher education, care, training, rehabilitation or other similar services or functions. An “institution” includes public or private correctional facilities, colleges and universities, and primary and secondary educational facilities (pre-K through grade twelve).

2.12. Labor Camp - A labor camp includes any lumber, mining, agricultural, construction, or other industrial camp where ten or more persons are employed and housed in temporary quarters, such as cars, motor homes, camper vehicles, wagons, tents, cabins, buildings, or other similar enclosures.

2.13. Lodging Facilities – Include, but are not limited to, hotels, motels, labor camps and Bed and Breakfast Inns.

2.14. Mass Gathering - Any group of two hundred fifty (250) or more persons assembled together for a meeting, festival, social gathering, concert or other similar purpose. The term shall not include assembly in any permanent buildings or permanent structures designed, equipped and intended for use by large numbers of people. For the purposes of this subsection, Aequipped@ means supplied with adequate sanitary facilities for the intended use.


2.15. Motel - Every building constructed, designed, maintained, offered or used to furnish lodging to automobile transient guests or the traveling public. The term motel includes auto courts, motor courts, auto lodges, motor lodges, tourist cabins, tourist cottages and tourist courts.

2.16. Nuisance - An annoyance or anything which causes injury, inconvenience, damage, or which essentially interferes with the enjoyment of life or property, and includes, but is not limited to, inadequate or unsanitary sewage, water or plumbing facilities or other unsanitary conditions.

2.17. Occupant - A person utilizing a specific facility governed by this rule.

2.18. Operator - A person who has been granted a written permit, in accordance with this rule, to operate a facility governed by this rule.

2.19. Organized Camp - Any area, place, parcel or tract of land on which facilities are established or maintained to provide an outdoor group living experience for children or adults, or where one or more

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|---|--|------|------------------|-------------|--------|
|  | West Virginia Department of Health and Human Resources | | | | |
| | MANUAL OF ENVIRONMENTAL HEALTH PROCEDURES | | | | |
| Section | Housing and Institutions | Date | February 3, 2017 | Procedure # | H-25 |
| Subject | Guidelines for Permitting and Inspecting Accommodations Made Through Lodging Reservation Web Sites | | | Page | 1 of 1 |

Attached hereto is a copy of an [Interoffice Memorandum](#) sent to Walt Ivey, Director, OEHS, from Brian J. Skinner, General Counsel. The Memorandum addresses the question of whether persons who list or rent short-term lodging in residential properties with the cost of such accommodation set by the property owner, to others using lodging reservation web sites (*i.e.* Airbnb, Inc.) are subject to the permit and inspection requirements of WV 64CSR18 (General Sanitation).

Legal Counsel's opinion is, "the language of the General Sanitation rule is circumscribed and cannot be read to include in the definition of a "lodging facility" persons who are providing accommodations, *in their home*, to others for a fee."

Also, "... as currently promulgated, the General Sanitation rule cannot be read to include in the definition of a "bed and breakfast inn" persons who are providing accommodations to others in their home for a fee, unless the host not only provides sleeping accommodations, but also a breakfast. However persons renting a house or apartment *that is not their residence* may be subject to the provisions of the General Sanitation rule, but only if the house or residence meets one of the definitions included in the general definition of a "lodging facility."


Questions concerning this memorandum should be directed to Walt Ivey, Director, Office of Environmental Health Services, 350 Capitol Street, Room 313 Charleston, WV 25301-1798, telephone: (304) 558-2981.

References

History

Attachments November 9, 2016 Interoffice Memorandum sent from Brian J. Skinner, General Counsel to Walt Ivey, Director, Office of Environmental Health Services

INTEROFFICE MEMORANDUM

TO: WALT IVEY, DIRECTOR, OEHS
FROM: BRIAN J. SKINNER, GENERAL COUNSEL 
SUBJECT: AUTHORITY OF THE REGULATE PERSONS WHO RENT ACCOMADATIONS IN THEIR OWN HOMES.
DATE: NOVEMBER 9, 2016
CC: RAHUL GUPTA, COMMISSIONER & STATE HEALTH OFFICER
BARB TAYLOR, DEPUTY COMMISSIONER

It has recently come to the attention of Public Health Sanitation Division (PHS) of the Office of Environmental Health Services that accommodations for nightly rentals are being advertised on the website Airbnb.com. Airbnb, Inc. operates an online community marketplace for people to list, discover, and book accommodations worldwide online or from a mobile phone. Some of the rentals advertised are entire houses or apartments, others are rentals of a single room in a private residence.

A question has arisen about whether persons renting accommodations in their homes are subject to the provisions of *W.Va. Code R. 64-18-1 et seq.* (General Sanitation). The PHS staff is of the opinion that these rentals do meet the definition(s) and these rentals should be required to comply with the rule and obtain an operational permit from the local health department.

The PHS has requested a legal opinion on whether persons renting accommodations utilizing Airbnb.com are subject to the provisions of the General Sanitation rule, including rentals of a sleeping room in a private residence.

QUESTION PRESENTED

Whether persons who rent accommodations in their own homes to others using Airbnb, Inc. are subject to the permit and inspection requirements of *W.Va. Code R. §§ 64-18-1 et seq.* (General Sanitation)?

SHORT ANSWER

No, despite the Secretary's broad the authority to regulate "[t]he sanitary condition of [] all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption . . .", and "[t]he health and sanitary conditions of establishments commonly referred to as bed and breakfast inns", (*W.Va. Code* § 16-1-4 (b)) as currently promulgated, the General

Sanitation rule cannot be read to include in the definition of a “lodging facility”, persons who are providing accommodations to others in their home for a fee.

FACTS

Airbnb, Inc. operates an online community marketplace for people to list, discover, and book accommodations worldwide online or from a mobile phone. The Airbnb website, application and services can be used to facilitate the listing and booking of accommodations. Airbnb makes available an online platform with related technology for guests and hosts to meet online and arrange for bookings of accommodations directly with each other. Airbnb is not an owner or operator of properties, nor is it a provider of properties, and Airbnb does not own, sell, resell, furnish, provide, rent, re-rent, manage and/or control properties. Airbnb’s responsibilities are generally limited to facilitating the availability of properties, including, but not limited to, hotel rooms, motel rooms, other lodgings or accommodations.

The Airbnb terms of service inform hosts that they should:

understand how the laws work in their respective cities. some cities have laws that restrict their ability to host paying guests for short periods. these laws are often part of a city’s zoning or administrative codes. in many cities, hosts must register, get a permit, or obtain a license before listing a property or accepting guests. certain types of short-term bookings may be prohibited altogether. local governments vary greatly in how they enforce these laws. penalties may include fines or other enforcement. hosts should review local laws before listing a space on Airbnb.

Airbnb assumes no responsibility for a host’s compliance with any agreements with or duties to third parties, applicable laws, rules and regulations. By agreeing to the Airbnb terms and conditions, hosts are indicating that they understand and agree that they are solely responsible for compliance with any and all laws, rules, regulations, and tax obligations that may apply to their use of the website, application, services and collective content.

State Law

W. Va. Code § 16-1-4 (b) authorizes the Cabinet Secretary to regulate “[t]he sanitary condition of all institutions and schools, whether public or private, public conveyances, dairies, slaughterhouses, workshops, factories, labor camps, *all other places open to the general public and inviting public patronage* or public assembly, or *tendering to the public any item for human consumption . . .*” (emphasis added), and “[t]he health and sanitary conditions of establishments commonly referred to as bed and breakfast inns. Bed and breakfast inn is defined as an establishment providing sleeping accommodations and,

at a minimum, a breakfast for a fee.⁴ *W. Va. Code* § 16-1-6(m) empowers the Commissioner to “inspect and enforce rules to control the sanitary conditions of and license . . . all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption . . .”

The Secretary’s legislative rule-making authority provides the authority for *W. Va. Code R.* §§ 64-18-1 *et seq.* (General Sanitation). The rule establishes the minimum public health sanitation requirements governing all institutions and schools, care facilities, lodging facilities, recreational facilities, and public restrooms and is applicable to every person who in any manner establishes, conducts, controls, manages, maintains, or operates a facility included under the scope of [the] rule. *W. Va. Code R.* §§ 64-18-1.1 & 5. The rule is applicable to lodging facilities, which include, but are not limited to, bed and breakfast inns⁷, hotel⁸, labor camps⁹, and motels⁵. *W. Va. Code R.* § 64-18- 2.13.

General Sanitation Rule

Whenever a facility governed under the scope of this rule⁶ is constructed or extensively remodeled, and whenever an existing structure is converted to use as one of the facilities governed by the rule, the owner or operator must submit plans and specifications for the construction, remodeling, or conversion to the health officer⁷ for review and

¹ The secretary may not require an owner of a bed and breakfast providing sleeping accommodations of six or fewer rooms to install a restaurant-style or commercial food service facility. The secretary may not require an owner of a bed and breakfast providing sleeping accommodations of more than six rooms to install a restaurant-type or commercial food service facility if the entire bed and breakfast inn or those rooms numbering above six are used on an aggregate of two weeks or less per year;

² Defined as an establishment providing lodging facilities in the form of sleeping accommodations and, at a minimum, a breakfast for a fee. *W. Va. Code R.* § 64-18-2.2.

³ Defined as every building where food and lodging are furnished to guests and payment is required. *W. Va. Code R.* § 64-18-2.10

⁴ Defined as any lumber, mining, agricultural, construction, or other industrial camp where ten or more persons are employed and housed in temporary quarters, such as cars, motor homes, camper vehicles, wagons, tents cabins, buildings, or other similar enclosures. *W. Va. Code R.* § 64-18-2.12.

⁵ Defined as every building constructed, designed, maintained, offered or used to furnish lodging to automobile transient guests or the traveling public. The term motel includes auto courts, motor courts, auto lodges, motor lodges, tourist cabins, tourist cottages and tourist courts. *W. Va. Code R.* § 64-18-2.15

⁶ Colleges and universities, and public restrooms, unless the public restroom is included as part of a facility governed under this rule, are exempt from the plan review and permitting provisions of the rule.

⁷ Health Officer is defined by the rule as either the Commissioner or a local health officer. *See W. Va. Code R.* § 64-18-2.9

approval at least forty-five (45) days before construction, remodeling, or conversion is begun. *W. Va. Code R. § 64-18-3.1.a.*

Anyone operating a facility governed by the rule must possess a valid permit issued by the health officer. *W. Va. Code R. § 64-18-3.2.a.* Application for a permit to operate a facility must be submitted at least 15 days before the actual or proposed operation of the facility. *W. Va. Code R. § 64-18-3.2.c.* Prior to the approval of an application for a permit, the health officer must inspect the proposed facility to determine compliance with the rule. *W. Va. Code R. § 64-18-3.2.d.*

The health officer must inspect a facility governed by the rule at least once a year.⁴ *W. Va. Code R. §§ 64-18-1.1.* The health officer must make additional inspections as necessary to determine satisfactory compliance with the provisions of this rule or any orders, notices, instructions or specifications issued pursuant to this rule. *W. Va. Code R. § 64-18-4.2.*

Whenever the health officer makes an inspection of a facility and discovers that any of the provisions of this rule have been violated, he or she shall notify the operator of the violations by means of an inspection report form or other written notice. § 3.3.a. Whenever the health officer finds that any facility governed by this rule constitutes an imminent hazard to public health, he or she may, without notice or hearing, issue a written order to the operator or person in charge citing the existence of the condition and requiring action to be taken to remedy the condition, including the suspension of the permit to operate. *W. Va. Code R. §§ 64-18-3.3.b.* Any person to whom the order is directed shall comply with the order immediately, but upon written petition to the health officer will be afforded an administrative hearing. *W. Va. Code R. § 64-18-3.3.b.1.*

DISCUSSION

It is well-established that the Cabinet Secretary has the authority to regulate, and the Commissioner to enforce, regulation regarding the sanitary condition of “places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption . . .”, including bed and breakfast inns. *W. Va. Code § 16-1-4(b)* & *W. Va. Code § 16-1-6(m)*.

As noted above, a bed and breakfast inn is defined as an establishment providing sleeping accommodations and, *at a minimum, a breakfast* for a fee. *See W. Va. Code § 16-1-4(b)(7).* This definition is problematic in the present case, since it requires that hosts who

⁴ Colleges and universities and public restrooms which are not part of a facility governed by this rule may be inspected on a complaint basis only. Schools shall be inspected at least once every two years. *W. Va. Code R. §§ 64-18-4.1.a & b.*

provide accommodations must also provide breakfast. Accommodations booked via Airbnb.com, do not require a host to provide breakfast.

However, given the breadth of the Secretary's regulatory authority over "all places open to the general public and inviting public patronage", it may be unnecessary to determine whether the bed and breakfast definition is applicable. Persons advertising sleeping accommodations in their home on an online public marketplace, may be included within the Secretary and Commissioner's regulatory authority, since advertising accommodations on the Airbnb website or application is evidence of (1) an invitation for the public patronage, and (2) an intention to make a room(s) available to the general public. *See W. Va. Code* § 16-1-4(b).

Consequently, it appears that the Secretary's statutory authority may be broad enough to include the regulation of persons who provide sleeping accommodations in their homes. However, the next question that must be considered is whether the provisions of *W. Va. Code R. §§ 64-18-1 et seq.* can be read to include such accommodations?

As discussed above, the General Sanitation rule applies to lodging facilities. Lodging facilities, include, but are not limited to, bed and breakfast inns, hotels, labor camps, and motels. *W. Va. Code R. § 64-18-2.13*. A person offering accommodations in their own home for a fee, does not fit neatly into any of the categories contained in the definition of "lodging facilities." First, in each case, the primary purpose of the lodging facility is to provide sleeping accommodations. Bed and breakfast inns, hotels, labor camps and motels are business establishments, the primary purpose of which, is to provide sleeping accommodations, and in some cases food. This cannot be said of all accommodations advertised on Airbnb, many of which are persons offering accommodations in their own homes. This is not to say that all accommodations advertised on Airbnb are in private homes, however those that meet the General Sanitation rule's definition of a lodging facility, are clearly subject to the requirements contained in the rule.

Thus, the question then becomes, whether the "include, but are not limited to" clause contained in the definition of a "lodging facility" can be used to include persons who host others in their private residence for a fee? In deciding the meaning of a statutory provision⁹, courts will "look first to the statute's language. If the text, given its plain meaning, answers the interpretive question, the language must prevail and further inquiry is foreclosed." *Appalachian Power Co. v. State Tax Dept.*, 195 W. Va. 573, 587, 466 S.E.2d

⁹ A rule "proposed by an agency and approved by the Legislature is a 'legislative rule' as defined by the State Administrative Procedures Act, *W. Va. Code*, 29A-1-2(d), and such a legislative rule has the force and effect of law." *Syl. Pt. 5, Smith v. West Virginia Human Rights Comm'n*, 216 W. Va. 2, 602 S.E.2d 445 (2004).

424, 438 (1995). *See also* *Syl. pt. 2, Crockett v. Andrews*, 153 W.Va. 714, 172 S.E.2d 384 (1970) (“[w]here the language of a statute is free from ambiguity, its plain meaning is to be accepted and applied without resort to interpretation.”); *Syl. pt. 2, State v. Epperly*, 135 W.Va. 877, 65 S.E.2d 488 (1951) (“[a] statutory provision which is clear and unambiguous and plainly expresses the legislative intent will not be interpreted by the courts but will be given full force and effect.”).

In West Virginia “[a] statute is open to construction only where the language used requires interpretation because of ambiguity which renders it susceptible of two or more constructions or of such doubtful or obscure meaning that reasonable minds might be uncertain or disagree as to its meaning.” *Sizemore v. State Farm Gen. Ins. Co.*, 202 W.Va. 591, 596, 505 S.E.2d 654, 659 (1998) (*internal quotations and citation omitted*).

With regard to the use of the phrase “include, but not limited to” the West Virginia Supreme Court of Appeals has recognized that “[t]he term ‘includ[es]’ in a statute is to be dealt with as a word of enlargement and this is especially so where ... such word is followed by ‘but not limited to’ the illustrations given.” *State Human Rights Comm’n v. Pauley*, 158 W.Va. 495, 501, 212 S.E.2d 77, 80 (1975) (*citations omitted*). However, the Court has also recognized that “[i]n the interpretation of statutory provisions the familiar *maxim expressio unius est exclusio alterius*, the express mention of one thing implies the exclusion of another, applies.” *Syllabus Point 3, Manchin v. Dunfee*, 174 W.Va. 532, 327 S.E.2d 710 (1984). *See also, State ex rel. Rille v. Ranson*, 195 W.Va. 121, 128, 464 S.E.2d 763, 770 (1995) (“*Expressio unius est exclusio alterius* (express mention of one thing implies exclusion of all others) is a well-accepted canon of statutory construction.”) (*citing Brockway Glass Co. Inc., Glassware Div. v. Curyl*, 183 W.Va. 122, 394 S.E.2d 524 (1990); *Dotts v. Taressa, J.A.*, 182 W.Va. 586, 591, 390 S.E.2d 568, 573 (1990)). The *expressio unius maxim* is premised upon an assumption that certain omissions from a statute by the Legislature are intentional. As the Court explained in *Rille*, “[i]f the Legislature explicitly limits application of a doctrine or rule to one specific factual situation and omits to apply the doctrine to any other situation, courts should assume the omission was intentional; courts should infer the Legislature intended the limited rule would not apply to any other situation.” 195 W.Va. at 128, 464 S.E.2d at 770.

Here, as indicated above, the list of establishments contained in the definition of “lodging facility” are those in which the primary function of the establishment is to provide sleeping accommodations. Certainly, that may not be said of a person who is renting a room in their home or renting an entire house or apartment that serves as a residence. Secondly, the Legislature specifically defined a “bed and breakfast inn” as an establishment providing lodging facilities in the form of sleeping accommodations and, *at a minimum*, a breakfast for a fee. *W.Va. Code* § 16-1-4(b)(7). By making it necessary that an establishment provide breakfast as prerequisite to it meeting the definition, it appears that the Legislature intended to limit the application of the Secretary’s regulatory authority to a specific factual situation. Consequently, if a host does not provide breakfast as a part of the

accommodations subject to a fee, than the host is not a bed and breakfast inn subject to the provisions of the General Sanitation rule.

Consequently, as currently promulgated, the General Sanitation rule cannot be read to include in the definition of a “bed and breakfast inn” persons who are providing accommodations to others in their home for a fee, unless the host not only provides sleeping accommodations, but also breakfast. However, persons renting a house or apartment that is not their residence may be subject to the provisions of the General Sanitation rule, but only if the house or residence meets one of the definitions included in the general definition of a “lodging facility.”

CONCLUSION

Airbnb, Inc. has become a virtual marketplace for people to list, discover, and book accommodations worldwide online or from a mobile phone. However, many rentals advertised are single rooms in a private residence. The recent upsurge of accommodations for nightly rentals being advertised on the website Airbnb.com, has led to the question of whether the Bureau’s General Sanitation rule applies to persons who rent rooms in their private residence.

While the Cabinet Secretary given broad the authority to regulate “[t]he sanitary condition of [] all other places open to the general public and inviting public patronage or public assembly, or tendering to the public any item for human consumption . . .”, and “[t]he health and sanitary conditions of establishments commonly referred to as bed and breakfast inns”, (*W. Va. Code* § 16-1-4 (b)), the language of the General Sanitation rule is circumscribed and cannot be read to include in the definition of a “lodging facility” persons who are providing accommodations, in their home, to others for a fee.

Consequently, the Bureau may consider requesting that that Secretary consider proposing to the Legislature for promulgation, amendments to the General Sanitation legislative to expand its scope to include rule persons who rent sleeping accommodation in their homes.

QUICKNOTES

Regulating Short-Term Rentals

The concept of renting rooms or homes on a short-term basis is not new. Many cities have boarding houses that rent rooms by the week or month, just as many small towns and rural areas host bed and breakfasts. And in some tourist hotspots, dedicated vacation rentals are common. However, new online services that facilitate short-term rentals have led to a rapid proliferation of home sharing as an alternative to more traditional visitor lodging arrangements in communities across the country. In many places, this trend has sparked debates about whether or not new regulatory or enforcement mechanisms are necessary to mitigate potential effects on host communities. While different localities are likely to draw varying conclusions about the necessity of new standards or procedures, the following sections provide some context and recommendations for local policy.

Background

In many communities, home sharing is one facet of a larger trend commonly referred to as the “sharing economy.” This phrase often encompasses a wide range of transactions mediated by websites or mobile technology related to sharing property or services. Because home sharing has the potential to change the character of established residential areas, many communities are taking a closer look at how best to accommodate the demand for new types of lodging without undermining goals related to housing, land use, or transportation.

There are three basic varieties of short-term rentals: (1) hosted sharing, where the primary occupants of a residence remain on-site with guests; (2) unhosted sharing, where the primary occupants of a residence vacate the unit while it is rented to short-term guests; and (3) dedicated vacation rentals, where there are no primary occupants. Home sharing and vacation rental services can provide residents and landlords an easy way to make some extra income and, in some cases, offering residences exclusively as short-term rentals can be far more lucrative than traditional leases. Meanwhile, the properties marketed through home sharing and vacation rental sites often appeal to travelers looking for a more authentic local experience or affordable alternatives to downtown hotels and motels.

For communities with a mature short-term rental market, new regulations or enforcement mechanisms may seem unnecessary. Many of these cities and counties either already have standards and procedures addressing short-term rentals on the books or have decided, based on experience, that such provisions are unnecessary. Similarly, communities with an abundance of affordable rental housing and relatively inelastic demand for conventional short-term lodging space may not feel the need to add new standards or procedures to their codes. This is because home sharing is unlikely to create housing shortages or provide direct competition for hotels and motels. However, in places with a surge in home sharing combined with a shortage of affordable rental housing or unmet demand for rooms in hotels or motels, new standards and procedures may be appropriate.

Clarify Use Definitions

Many localities explicitly prohibit the rental of rooms or dwelling units for periods shorter than one month, unless owners comply with all applicable local regulations for boarding houses, hotels, motels, or bed and breakfasts. Meanwhile, many other cities and counties explicitly permit the short-term rental of dwelling units, subject to specific operational or location restrictions. However, few localities address short-term rentals in instances where a unit is occupied as a primary residence for the majority of the year. Often this means hosted or unhosted home sharing is either explicitly or implicitly prohibited. Given the prevalence of home sharing, it may make sense to consider adding new definitions for different types of sharing situations, such as hosted or unhosted accessory home sharing and vacation rentals as a primary use.



In some communities with especially high demand for short-term rentals, landlords may be tempted to take units out of the long-term rental market.



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Identify Appropriate Locations

Some cities and counties with mature short-term rental markets permit full-time sharing in zoning districts that include a mix of primary residences and vacation rentals. Others restrict vacation rentals to tourist-oriented districts. One potential risk of permitting home sharing in residential districts is that it may incentivize landlords to take rental properties off the market, creating a shortage of affordable rental housing. Another potential risk is that frequent unhosted sharing and vacation rentals may lead to increased complaints related to noise, traffic, or parking. In areas with high concentrations of home-sharing or vacation rentals, there is also a chance that the fundamental character may change from residential to quasi-commercial.

Consider New Zoning or Licensing Standards

While some cities and counties have elected to explicitly prohibit home sharing altogether, several others have made recent code amendments to accommodate short-term rentals in residential districts, subject to specific zoning or licensing standards intended to mitigate community impacts. These standards address topics such as registration and record keeping, advertising, fees or taxes, annual limits on the total number of short-term rental nights, spatial concentration, inspections, and insurance coverage.

For example, San Francisco prohibits dedicated vacation rentals and requires residents or landlords to register all hosted and unhosted short-term rental units. It limits unhosted rentals to 90 days per year and requires registrants to pay hotel taxes and carry liability insurance for claims up to \$500,000 (§41A.5.g).

Meanwhile, Portland, Oregon, recently added new standards for accessory short-term rentals to address hosted and unhosted home sharing. For units where no more than two bedrooms are offered as short-term rentals, residents or landlords must obtain an administrative permit and limit unhosted sharing to a maximum of 95 days per year. Accessory short-term rentals offering more than two bedrooms are subject to a conditional use approval process. In both cases, no more than 25 percent of units in multifamily buildings can be used as short-term rentals (§33.207).

In Aspen, Colorado, short-term vacation rentals are permitted by right in most residential districts, provided owners obtain a business license and a vacation rental permit, designate a local property manager, notify any affected home owners association, and pay sales and lodging taxes (§26.575.220).

Evaluate Enforcement Alternatives

Without data from home-sharing and vacation rental services, communities may be dependent on complaint-driven enforcement of regulations for short-term rentals. Instead, cities and counties may find it beneficial to establish a proactive enforcement system to ensure that registered properties are complying with applicable standards. This may involve routine monitoring of listings on home-sharing service websites. In communities with short-term rental regulations, violators are typically subject to fines or the revocation of registrations or permits.

Summary

Home-sharing and vacation rental services are growing trends that show no sign of slowing down. While some communities may ultimately decide that short-term rentals do not have a place in established residential districts, there may be no effective enforcement mechanism for a blanket prohibition. Practically speaking, the key is making regulations that are clear, easily enforced, and do not make residents or landlords out to be scofflaws unnecessarily.

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FURTHER READING

1. Published by the American Planning Association

Hutchinson, Nate. 2002. "Short-Term Vacation Rentals: Residential or Commercial Use?" *Zoning News*, March

2. Other Resources

City Policies for Short-Term Rentals: 2015 Oakland, California Sustainable Economies Law Center Available at thesec.org/str_discussion

Garvin, Elizabeth. 2015. "RMLUI Corner: Thinking About Regulating the Sharing Economy" *Western Planner*, February. Available at <http://tinyurl.com/vq4x3zhq>

National Association of Realtors. 2015. "Field Guide to Short-Term Rental Restrictions" Available at <http://tinyurl.com/pxcdwvc>

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Roger Goodwin

Department or Organization: Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: November 4, 2021

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

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

Subject (*Wording to be placed on agenda*): Release of the \$10,000.00 site stability bond/Tolling of Bond Agreement for B.C. Partners, Inc., for the Breckenridge East Subdivision, Phase 1A, Lots 23-45, Parcels A, B & Residue (File #07-31); and, allow the recording of the merger deed merging the subdivision back to its original state prior to the recordation of the final plat as found in Plat Book 25 at Page 188 (and 188 A-D)

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

The developer does not want to move forward with building the subdivision and wants to rescind the project and approvals.

This request is for a complete release of the \$10,000.00 site stability bond/Tolling of Bond Agreement for B.C. Partners, Inc., for the Breckenridge East Subdivision, Phase 1A, Lots 23-45, Parcels A, B & Residue (File #07-31) which is secured by Cash-in-Escrow with the Bank of Charles Town, Charles Town, WV, once documentation has been provided that the merger deed has been recorded in the Jefferson County Clerk's Office.

Is this a funding request? Y/NO

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

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Move to authorize a complete release of the remaining funds being held in Cash-in-Escrow Account #33065469 with the Bank of Charles Town as security for the site stability bond/Tolling of Bond Agreement for B.C. Partners, Inc., for the Breckenridge East Subdivision, Phase 1A, Lots 23-45, Parcels A, B & Residue (File #07-31), which is secured by Cash-in-Escrow with the Bank of Charles Town, Charles Town, WV, once the merger deed has been recorded and documentation provided to staff.

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

Correspondence from B.C. Partners

Escrow Release Letter

Site Location Map

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS



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

PRESIDENT

Steve Stolipher

VICE PRESIDENT

Tricia Jackson

COMMISSIONER

Clare Ath

COMMISSIONER

Caleb Hudson

COMMISSIONER

Jane Tabb

November 4, 2021

Ms. Alice Frazier, President
Bank of Charles Town
111 E. Washington Street
Charles Town, WV 25414

RE: Cash-in-Escrow Account #33065469 for B.C. Partners, Inc.
Breckenridge East Subdivision, Phase 1A, Lots 23-45, Parcels A&B Residue
07-31.

Dear Ms. Frazier:

The Jefferson County Commission authorizes a complete release of the funds being held in Cash-in-Escrow account #33065469 for the site stability bond/Tolling of Bonding Agreement for B.C. Partners, Inc. Breckenridge East Subdivision, Phase 1A, Lots 23-45, Parcels A&B & Residue (File #07-31). This project is located on the east side of Old Country Club Road.

In summary, you are hereby authorized to fully release the above referenced Cash-in-Escrow account, originally issued in the amount of \$10,000.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Steve Stolipher, President
Jefferson County Commission

SS:rfb

cc: Mr. Dan Snyder, Vice President
Pleasants Development, LLC
Mr. Paul J. Raco
PJ Raco Consulting

B.C. Partners, Inc.

24012 Frederick Rd
Clarksburg, MD 20861
(301) 428-0800

September 7, 2021

Ms. Stephanie F. Grove, County Administrator
County Commission of Jefferson County
P.O. Box 250
Charles Town, WV 25414

Hand Delivered

In Re: Tolling Agreement for Breckenridge East Subdivision, Phase 1A, Lots 23-45, Parcels A, B and Residue

Dear Ms. Grove:

As you are aware, the County Commission of Jefferson County and B.C. Partners, Inc. entered into a Tolling Agreement for the above referenced Subdivision on July 20, 2017. The agreement allowed for the tolling of the development bond for this subdivision for a period of four years. At the conclusion of this period, either the full development bond needed to be reposted or the already executed Merger Deed, that combines the above referenced lots with the parent parcel, would be recorded. Furthermore, to insure the completion of any required restoration or re-stabilization work upon the execution of the Merger Deed, B.C. Partners posted a \$10,000 Site Stabilization Bond.

Please accept this letter as affirmation that the Merger Deed can be recorded, which will effectively terminate the Tolling Agreement and nullify the Subdivision. No site development work was ever begun for the lots and the area has remained in active agricultural use during the entire tolling period. Therefore, there is no restoration or re-stabilization work required for the property and the Site Stabilization Bond can be released and returned to B.C. Partners as stipulated in the Tolling Agreement.

While we don't believe it is required for the recordation of the Merger Deed or bond release, B.C. Partners, will be glad to appear before the Commission, if desired, to make this request. We can also have a representative pick up the Executed Merger Deed in the Department of Engineering, Planning and Zoning and record it in the Clerk's Office, if needed.

Please feel free to contact myself at 301/674-8509 or Mr. Paul J Raco at 304/676-8256 if you have any questions, or if any further action is required to terminate the Tolling Agreement, record the Merger Deed, or facilitate the release of the \$10,000 Surety Bond.

Thank you in advance for your consideration of this request.

Sincerely,



Dan Snyder, PE
Vice President, Pleasants Development, LLC
Agent for B.C. Partners, Inc.

Cc: Roger Goodwin, P.E., Director, Engineering, Planning and Zoning

Email: engineering@jeffersoncountywv.org

FIELD INSPECTION REPORT

ILP Permit No. _____ J.C.P.C. File No. 07-31

Date Inspection Request Received 09/30/2021 Requested By: ~~_____~~ ROSER GOODWIN

Company Name: B.C. PARTNERS, INC Phone: _____

Project Name: BRECKENRIDGE EAST Section: 1A LOTS 25-43

_____ Milestone Inspection, Type: _____ or; _____ Bond Reduction/Release Inspection.

Appointment Set For: 09/30/2021, at 2:00 am / pm, at SITE

| |
|---|
| Component(s) Inspected: _____ S & E Control _____ SWM Facilities _____ Roadway/Parking Subgrade |
| _____ Roadway/Parking Stone Base _____ Final Grading, Seeding & Details _____ Water & Sewer Utilities |
| _____ Items for Bond Reduction/Release Other: <u>TOLLING WITHDRAWAL</u> |

Findings: NO SITE WORK HAS BEEN CONDUCTED ASSOCIATED WITH THE DEVELOPMENT.

LAND DEVELOPMENT INSPECTION APPROVED FOR:

~~NO WORK CONDUCTED~~

BY: [Signature] 09/30/2021

INSPECTOR DATE

Comments and/or Recommendations:

Action Needed: Immediate Condition for Approval Reschedule Inspection

Approved Approved with Conditions Not Approved

Inspected By: JOSEPH L. KEVIN [Signature] Date: 09/30/2021

Signature: [Signature] Title: L.O.I.



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Roger Goodwin

Department or Organization: Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: November 4, 2021

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

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

Subject (*Wording to be placed on agenda*): Release of the \$10,000.00 site stability bond/Tolling of Bond Agreement for B.C. Partners, Inc., for the Breckenridge East Subdivision, Phase 1A, Lots 1-9, Parcels C & Residue (File #12-01); and, allow the recording of the merger deed merging the subdivision back to its original state prior to the recordation of the final plat as found in Plat Book 25 at Page 343 (and 343 A-B)

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

The developer does not want to move forward with building the subdivision and wants to rescind the project and approvals.

This request is for a complete release of the \$10,000.00 site stability bond/Tolling of Bond Agreement for B.C. Partners, Inc., for the Breckenridge East Subdivision, Phase 1A, Lots 1-9, Parcels C & Residue (File #12-01) which is secured by Cash-in-Escrow with the Bank of Charles Town, Charles Town, WV, once documentation has been provided that the merger deed has been recorded in the Jefferson County Clerk's Office.

Is this a funding request? Y/NO

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

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Move to authorize a complete release of the remaining funds being held in Cash-in-Escrow Account #33065442 with the Bank of Charles Town as security for the site stability bond/Tolling of Bond Agreement for B.C. Partners, Inc., for the Breckenridge East Subdivision, Phase 1A, Lots 1-9, Parcels C & Residue (File #12-01), which is secured by Cash-in-Escrow with the Bank of Charles Town, Charles Town, WV, once the merger deed has been recorded and documentation provided to staff.

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

Correspondence from B.C. Partners

Escrow Release Letter

Site Location Map

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS



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

PRESIDENT
Steve Stolipher

November 4, 2021

VICE PRESIDENT
Tricia Jackson

Ms. Alice Frazier, President
Bank of Charles Town
111 E. Washington Street
Charles Town, WV 25414

COMMISSIONER
Clare Ath

COMMISSIONER
Caleb Hudson

RE: Cash-in-Escrow Account #33065442 for B.C. Partners, Inc.
Breckenridge East Subdivision, Phase 1A, Lots 1-9, Parcels C & Residue
12-01.

COMMISSIONER
Jane Tabb

Dear Ms. Frazier:

The Jefferson County Commission authorizes a complete release of the funds being held in Cash-in-Escrow account #33065442 for the site stability bond/Tolling of Bonding Agreement for B.C. Partners, Inc. - Breckenridge East Subdivision, Phase 1A, Lots 1-9, Parcels C & Residue (File #12-01). This project is located on the east side of Old Country Club Road.

In summary, you are hereby authorized to fully release the above referenced Cash-in-Escrow account, originally issued in the amount of \$10,000.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Steve Stolipher, President
Jefferson County Commission

SS:rfb

cc: Mr. Dan Snyder, Vice President
Pleasants Development, LLC
Mr. Paul J. Raco
PJ Raco Consulting

B.C. Partners, Inc.
24012 Frederick Rd
Clarksburg, MD 20861
(301) 428-0800

September 7, 2021

Ms. Stephanie F. Grove, County Administrator
County Commission of Jefferson County
P.O. Box 250
Charles Town, WV 25414

Hand Delivered

In Re: Tolling Agreement for Breckenridge East Subdivision, Phase 1A, Lots 1-9, Parcel C and Residue

Dear Ms. Grove:

As you are aware, the County Commission of Jefferson County and B.C. Partners, Inc. entered into a Tolling Agreement for the above referenced Subdivision on July 20, 2017. The agreement allowed for the tolling of the development bond for this subdivision for a period of four years. At the conclusion of this period, either the full development bond needed to be reposted or the already executed Merger Deed, that combines the above referenced lots with the parent parcel, would be recorded. Furthermore, to insure the completion of any required restoration or re-stabilization work upon the execution of the Merger Deed, B.C. Partners posted a \$10,000 Site Stabilization Bond.

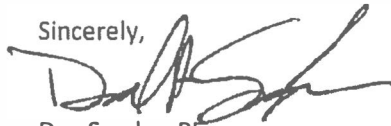
Please accept this letter as affirmation that the Merger Deed can be recorded, which will effectively terminate the Tolling Agreement and nullify the Subdivision. No site development work was ever begun for the lots and the area has remained in active agricultural use during the entire tolling period. Therefore, there is no restoration or re-stabilization work required for the property and the Site Stabilization Bond can be released and returned to B.C. Partners as stipulated in the Tolling Agreement.

While we don't believe it is required for the recordation of the Merger Deed or bond release, B.C. Partners, will be glad to appear before the Commission, if desired, to make this request. We can also have a representative pick up the Executed Merger Deed in the Department of Engineering, Planning and Zoning and record it in the Clerk's Office, if needed.

Please feel free to contact myself at 301/674-8509 or Mr. Paul J Raco at 304/676-8256 if you have any questions, or if any further action is required to terminate the Tolling Agreement, record the Merger Deed, or facilitate the release of the \$10,000 Surety Bond.

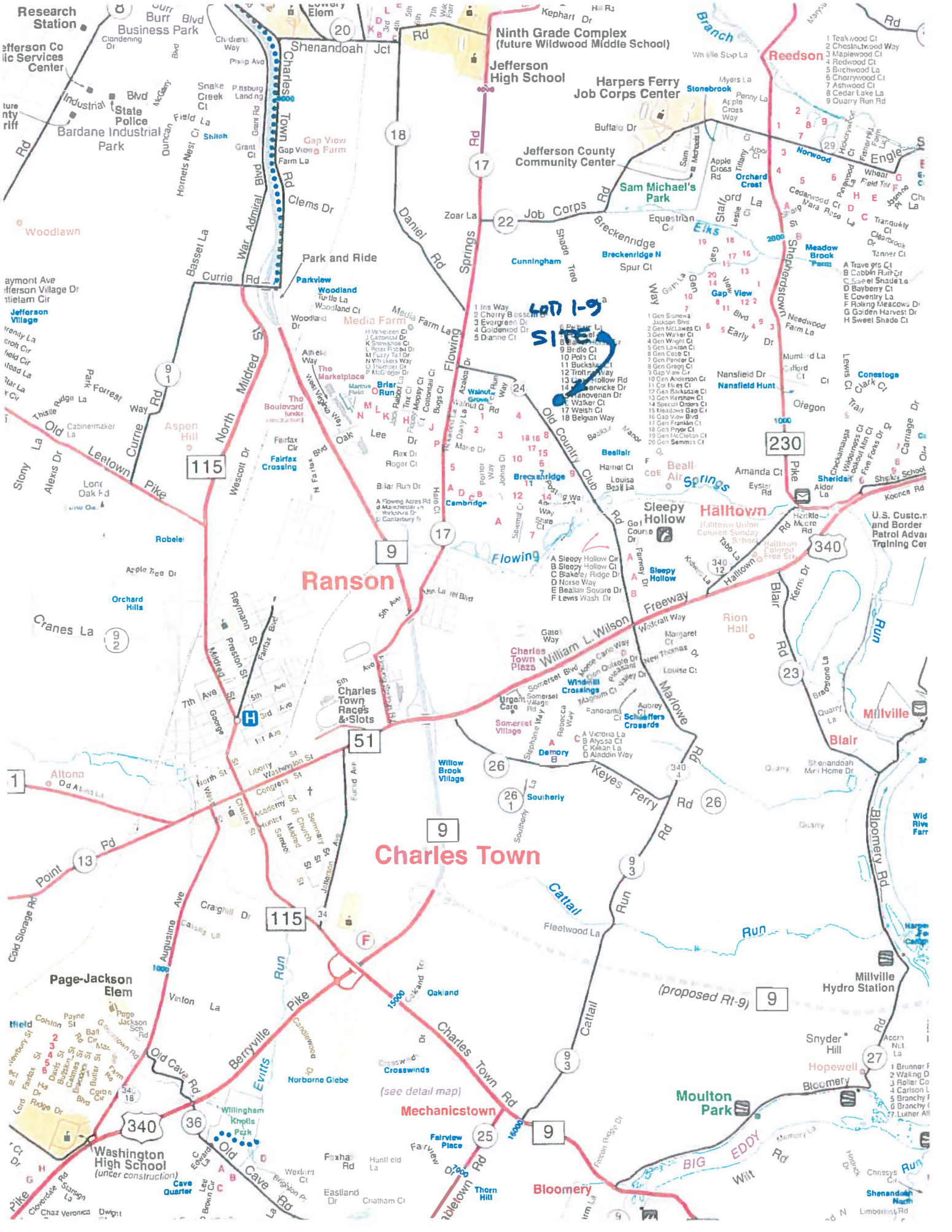
Thank you in advance for your consideration of this request.

Sincerely,



Dan Snyder, PE
Vice President, Pleasants Development, LLC
Agent for B.C. Partners, Inc.

Cc: Roger Goodwin, P.E., Director, Engineering, Planning and Zoning



LOT 1-9
S155

Ranson

Charles Town

Mechanicstown

Reedson

Hometown

Blair

Millville

Bloomery

Ninth Grade Complex
(future Wildwood Middle School)

Jefferson High School

Harpers Ferry Job Corps Center

Jefferson County Community Center

Sam Michael's Park

Breckenridge Breckenridge N

Sleepy Hollow

Freeway

William L. Wilson

Urgent Care

Keyes Ferry Rd

Cattail Run

(proposed Rt-9)

Moulton Park

Bloomery

Shenandoah

Research Station

Jefferson Public Services Center

State Police

Bardane Industrial Park

Woodlawn

Jefferson Village

Old Leetown

Aspen Hill

Orchard Hills

Cranes La

Altona

Point

Page-Jackson Elem

Washington High School
(under construction)

Old Cave Rd

Willingham Knotts Park

Cave Quarter

Washington

Shenandoah Jct

Charles Town

Gap View Farm

Clems Dr

Park and Ride

Woodland

The Marketplace

Fairfax Crossing

Robele

Reynolds

5th Charles Town Races & Slots

Liberty

Craig Hill Dr

Augustine Ave

Berryville

Evitts

Willingham Knotts Park

Washington

Shenandoah Rd

Charles Town

Gap View Farm

Clems Dr

Park and Ride

Woodland

The Marketplace

Fairfax Crossing

Robele

Reynolds

5th Charles Town Races & Slots

Liberty

Craig Hill Dr

Augustine Ave

Berryville

Evitts

Willingham Knotts Park

Washington

Shenandoah Rd

Charles Town

Gap View Farm

Clems Dr

Park and Ride

Woodland

The Marketplace

Fairfax Crossing

Robele

Reynolds

5th Charles Town Races & Slots

Liberty

Craig Hill Dr

Augustine Ave

Berryville

Evitts

Willingham Knotts Park

Washington

Shenandoah Rd

Charles Town

Gap View Farm

Clems Dr

Park and Ride

Woodland

The Marketplace

Fairfax Crossing

Robele

Reynolds

5th Charles Town Races & Slots

Liberty

Craig Hill Dr

Augustine Ave

Berryville

Evitts

Willingham Knotts Park

Washington

Shenandoah Rd

Charles Town

Gap View Farm

Clems Dr

Park and Ride

Woodland

The Marketplace

Fairfax Crossing

Robele

Reynolds

5th Charles Town Races & Slots

Liberty

Craig Hill Dr

Augustine Ave

Berryville

Evitts

Willingham Knotts Park

Washington

Shenandoah Rd

Charles Town

Gap View Farm

Clems Dr

Park and Ride

Woodland

The Marketplace

Fairfax Crossing

Robele

Reynolds

5th Charles Town Races & Slots

Liberty

Craig Hill Dr

Augustine Ave

Berryville

Evitts

Willingham Knotts Park

Washington

FIELD INSPECTION REPORT

ILP Permit No. _____ J.C.P.C. File No. 12 - 01

Date Inspection Request Received: 09 / 30 / 2021 Requested By: ROGER GOODWIN

Company Name: B.C. PARTNERS, INC. Phone: _____

Project Name: BRECKENRIDGE EAST Section: PHASE 1A LOTS 1-9

_____ Milestone Inspection, Type: _____ or; _____ Bond Reduction/Release Inspection.

Appointment Set For: 09 / 30 / 2021 at 2 : 00 am / pm, at SITE

| |
|---|
| Component(s) Inspected: _____ S & E Control _____ SWM Facilities _____ Roadway/Parking Subgrade |
| _____ Roadway/Parking Stone Base _____ Final Grading, Seeding & Details _____ Water & Sewer Utilities |
| _____ Items for Bond Reduction/Release Other: <u>TOLLING WITHDRAWAL</u> |

Findings: NO WORK HAS BEEN CONDUCTED ASSOCIATED WITH THE DEVELOPMENT.

LAND DEVELOPMENT INSPECTION APPROVED FOR:

NO WORK CONDUCTED

BY: [Signature] **INSPECTOR** 09/30/2021 **DATE**

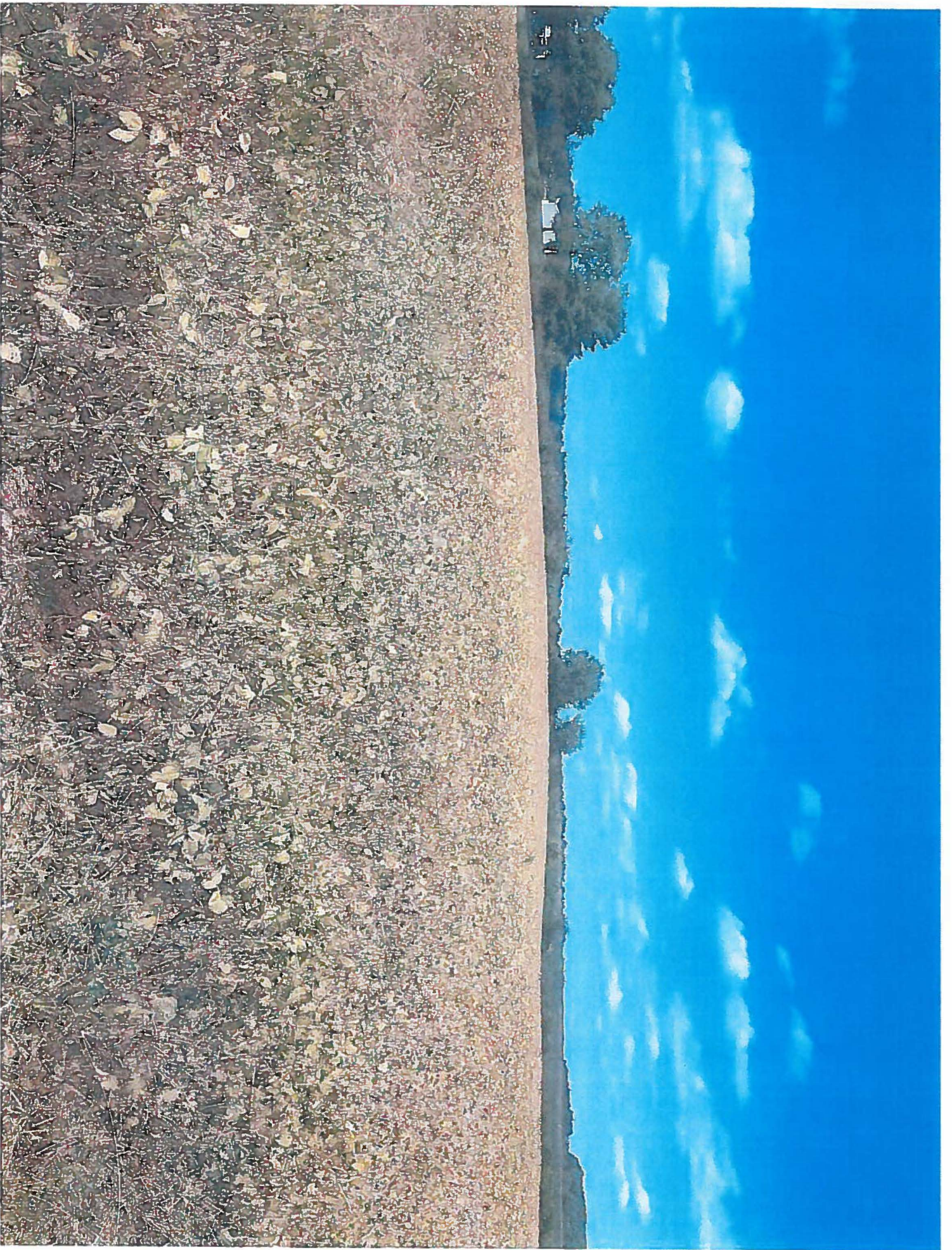
Comments and/or Recommendations:

Action Needed: Immediate Condition for Approval Reschedule Inspection

Approved Approved with Conditions Not Approved

Inspected By: Joseph W. Keef Date: 09 / 30 / 2021

Signature: [Signature] Title: L.P.I.



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Stephen S. Allen, Director

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

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: November 4, 2021

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

Date Requested – 2nd Choice:

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

1. Signing of CRS Recertification Request for 5-year verification and recertification in the Community Rating System for the reduction of flood insurance premiums for residents and businesses located in Jefferson County

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

Jefferson County is a CRS Community. As a part of the requirements of a CRS community, 20 sets of activities are performed annually to ensure that the reduction of flood insurance premiums is warranted, but most importantly, to reduce the loss of lives and avoid flood damage to these insurable properties as well as to strengthen and support the insurance aspects of the National Flood Insurance Program and to foster comprehensive floodplain management. This document is the cover letter that goes along with the 5-year verification and recertification that our community is fulfilling our responsibilities of our community's participation in CRS.

Is this a funding request? No

If so, how much? N/A

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

1. I move to approve the signing of the CRS Community Certification form acknowledging Jefferson County's continued participation in the activities outlined in the Community Rating System.

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

If not attached, explain:

Attachment:

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

Contact information:

Email address: sallen@jeffersoncountywv.org. Phone Number: 304-728-3290

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

DEPARTMENT OF HOMELAND SECURITY
Federal Emergency Management Agency

CRS COMMUNITY CERTIFICATIONS

OMB Control Number: 1660-0022
Expiration: 10/31/2023

| | | | | | |
|--|------------------|-------|----|-----|--------|
| Community | Jefferson County | State | WV | CID | 540065 |
| (6-digit NFIP Community Identification Number) | | | | | |

CC-230 Verification

| | | | |
|---|--|--|-------------------|
| Date of Visit | October 13, 2021 | Initial FIRM Date | October 15, 1980 |
| Population | 57,146 | Current FIRM Date | December 18, 2009 |
| County | Jefferson County | ISO/CRS Specialist | Christina Groves |
| Coordinator's Manual Year 2021 Addendum & 2017 Coordinator's Manual | | | |
| Chief Executive Officer | | CRS Coordinator | |
| Name | The Honorable Steve Stolipher | Stephen S. Allen | |
| Title | President, Jefferson County Commission | Director, Office of Homeland Security & Emergency Management | |
| Address | Post Office Box 250 124 East Washington Street Charles Town, West Virginia 25414 | 28 Industrial Boulevard, Suite 101 Kearneysville, West Virginia 25430 | |
| Phone number | (304) 728-3282 | (304) 728-3290 | |
| E-mail address | stolipherjcc@gmail.com | sallen@jeffersoncountywv.org | |

The Jefferson County [community name] is requesting credit for implementing the following activities [check the ones that apply]. I hereby certify that we will continue to implement those activities for which we receive verified credit and will advise FEMA if any of them are not being conducted in accordance with this certification. We will cooperate with the ISO/CRS Specialist's verification visit and will submit the documentation and annual recertification needed to validate our program.

- | | |
|---|---|
| <input type="checkbox"/> 310 (Elevation Certificates) | <input type="checkbox"/> 440 (Flood Data Maintenance) |
| <input type="checkbox"/> 320 (Map Information Service) | <input type="checkbox"/> 450 (Stormwater Management) |
| <input type="checkbox"/> 330 (Outreach Projects) | <input type="checkbox"/> (Repetitive Loss Requirements) |
| <input type="checkbox"/> 340 (Hazard Disclosure) | <input type="checkbox"/> 510 (Floodplain Management Planning) |
| <input type="checkbox"/> 350 (Flood Protection Information) | <input type="checkbox"/> 520 (Acquisition and Relocation) |
| <input type="checkbox"/> 360 (Flood Protection Assistance) | <input type="checkbox"/> 530 (Flood Protection) |
| <input type="checkbox"/> 370 (Flood Insurance Promotion) | <input type="checkbox"/> 540 (Drainage System Maintenance) |
| <input type="checkbox"/> 410 (Floodplain Mapping) | <input type="checkbox"/> 610 (Flood Warning and Response) |
| <input type="checkbox"/> 420 (Open Space Preservation) | <input type="checkbox"/> 620 (Levees) |
| <input type="checkbox"/> 430 (Higher Regulatory Standards) | <input type="checkbox"/> 630 (Dams) |

I hereby certify that, to the best of my knowledge and belief, we are in full compliance with the minimum requirements of the NFIP and we understand that we must remain in full compliance with the minimum requirements of the NFIP. We understand that at any time we are not to be in full compliance, we will retrograde to a CRS Class 10.

CC-230-1

[continued on next page]

Community Jefferson County

State WV

CID 540065

(6-digit NFIP Community Identification Number)

I hereby certify that we will maintain FEMA Elevation Certificates on all new buildings and substantial improvements constructed in the Special Flood Hazard Area following the date at which we joined the CRS.

I hereby certify that if there are one or more repetitive loss properties in our community that we must take certain actions that include reviewing and updating the list of repetitive loss properties, mapping repetitive loss areas, describing the cause of the losses, and sending an outreach project to those areas each year, and if we have fifty (50) or more repetitive loss properties must also prepare a plan of how it will address its repetitive flood problem.

I hereby certify that, to the best of my knowledge and belief, we are maintaining in force flood insurance policies for insurable buildings owned by us and located in the Special Flood Hazard Area shown on our Flood Insurance Rate Map. I further understand that disaster assistance for any community-owned building located in the Special Flood Hazard Area is reduced by the amount of National Flood Insurance Program flood insurance coverage (structural and contents) that a community should be carrying on the building, regardless of whether the community is carrying a policy.

Signature _____ (Chief Executive Officer)

Date _____

AGENDA REQUEST FORM
www.jeffersoncountywv.org



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

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 4, 2021**

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

Date Requested – 2nd Choice:

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

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

1. Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto.
2. Discussion of legal issues regarding proposed solar text amendment including bonding, comprehensive plan, and related matters, including report by counsel regarding progress in amending comprehensive plan, 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 regarding County Commission's assignment of drafting new solar text amendment and presentation of draft amendment. Discussion and potential action by County Commission, including potential referral to Planning Commission, and/or other action required by law.
4. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 4, 2021**

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

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

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

- **County Administrator - Separation of Employment**

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

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

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

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

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)



AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 4, 2021**

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

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

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

- **Comprehensive Audit - WV State Auditor's Office**

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

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

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

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

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Jane Tabb

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: Nov. 4, 2021

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Vendor Disbarment

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

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

Are documents attachments? Yes NoX

If not, explain:

Is a projector needed? Yes No X

Contact information:

Email address: _____

Phone number: _____

AGENDA REQUEST FORM

www.jeffersoncountywv.org



Name: Jane Tabb

Department or Organization: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: Nov. 4, 2021

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

County Clerk and Tyler Technology public presentation on the County's financial system

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):
Move that the County Commission request a public presentation by the County Clerk and Tyler Technology on the County's financial system.

Are documents attachments? Yes NoX

If not, explain:

Is a projector needed? Yes No X

Contact information:

Email address: _____

Phone number: _____



AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 4, 2021**

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

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

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

- Assignment of Interim County Administrator until position of County Administrator is filled - Compensation During Temporary Assignment

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

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

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

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

Motion to assign _____ as Interim County Administrator effective _____ date

Compensation During Temporary Assignment effective _____ date (2 weeks after assignment)

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)



AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **November 4, 2021**

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

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

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

- **County Administrator position - discuss job description and advertisement of Recruitment Announcement**

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](#)

NOTICE OF SPECIAL SESSION JEFFERSON COUNTY COMMISSION

The County Commission of Jefferson County will hold a Special Session on Wednesday, November 10, 2021, at 9:30 a.m.

The purpose of the Special Session is to discuss the American Rescue Plan Act (ARPA) submissions.

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

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

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 no later than 9:00 a.m. prior to the meeting to be added to the list for in-person attendance.

Sandra McDonald

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Tuesday, October 26, 2021 9:51 AM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

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

Form Name: County Commission Contact
Date & Time: 10/26/2021 9:50 AM
Response #: 2256
Submitter ID: 6155
IP address: 129.71.250.16
Time to complete: 2 min. , 43 sec.

Survey Details

Page 1

1. Name

Sondra Mullins -WVDOH

2. Email

sondra.l.mullins@wv.gov

3. Questions or Concerns

NOTICE

OF

VIRTUAL INFORMATIONAL PUBLIC MEETING AND
AVAILABILITY OF THE ENVIRONMENTAL ASSESSMENT

US 340 ROCK SLIDE
STATE PROJECT: S319-340-15.78.00
FEDERAL PROJECT: NHPP-0340(063)D US
JEFFERSON COUNTY, WEST VIRGINIA

The West Virginia Division of Highways (WVDOH) will hold a virtual public meeting on Tuesday, November 9, 2021, to provide an update on the project and present the findings of the Environmental Assessment (EA) prepared for the proposed rock slide repairs along US 340. This project includes the implementation of rockfall protection and stabilization measures associated with the existing slopes along US 340 northbound, between Chestnut Hill Road and Harpers Ferry Road. This meeting complies with the public involvement requirements of the National Environmental Policy Act (NEPA) and Section 106 of the National Historic Preservation Act.

The virtual public meeting will be held from 4:00 to 7:00 p.m., with virtual presentations at 4:30 and 6:00 p.m. The public will be afforded the opportunity to ask questions of the project team during the public meeting and give written comments

on the project and the EA until Thursday, December 9, 2021. A handout with project details will be available on the project website at www.US340HarpersFerry.com.

Visit the WVDOH Website at <http://go.wv.gov/dotcomment> or project website at www.US340HarpersFerry.com for project information and the opportunity to comment on the project. Please submit comments and questions during the Virtual Public Meeting by using the chat window to type your question/comment.

Those wishing to file written comments may send them to Mr. Travis Long, Director, Technical Support Division, West Virginia Division of Highways, 1334 Smith Street, Charleston, West Virginia 25301 on or before Thursday, December 9, 2021.

The West Virginia Department of Transportation will, upon request, provide reasonable accommodations including auxiliary aids and services necessary to afford an individual with a disability an equal opportunity to participate in our services, programs and activities. Please contact us at (304) 558-3931. Persons with hearing or speech impairments can reach all state agencies by calling (800) 982-8772 (voice to TDD) or (800) 982-8771 (TDD to voice), toll free.

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

No

Thank you,
Jefferson County Commission, WV

This is an automated message generated by Granicus. Please do not reply directly to this email.