

AGENDA
JEFFERSON COUNTY COMMISSION
FOURTH QUARTERLY SESSION - OCTOBER - DECEMBER 2021
THURSDAY, DECEMBER 2, 2021
9:30 A.M.

Revised - 11/30/21 @ 1pm

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

- November 10, 2021 - Special Session - ARPA
- November 18, 2021 - Regular Session
- November 19, 2021 - Special Session - Redistricting

APPROVAL OF REQUISITIONS

- December 2, 2021

APPROVAL OF ACCOUNTS PAYABLE

- November 24, 2021
- December 2, 2021

APPROVAL OF MANUAL CHECKS

- November 25, 2021
- December 3, 2021

APPROVAL OF PAYROLL

- November 24, 2021

ANNOUNCEMENTS

Report if there are changes in the agenda if applicable

PRESENTATIONS

- 1. 9:35 a.m. Tom Hansen, Sheriff**
 - Grant Award
 - Employment Presentation/Discussion

- 2. 9:40 a.m. Matt Harvey, Prosecuting Attorney**
 - VOCA Grant Contract

- 3. 9:45 a.m. Dennis Jarvis, II on behalf of the Jefferson County Development Authority (JCDA) Board of Directors**
 - Reimbursement from Coal Bed Methane funding for removal of trash/debris in the Burr Industrial Park
 - Resolution of Participation and Cooperation (Local Economic Development Grant Program) - for signature by President of the JCC and County Clerk

- 4. 9:50 a.m. Steve Cox - Civil Service Commission, President**
 - Sheriff Deputy vacancies - Funding to cover recruitment activities to create eligibility list for Deputy Appointment

- 5. 10:00 a.m. John Morris**
 - Rezoning request for a one acre property located at 16 Old Leetown Pike, Kearneysville - Tax District - Middleway (07); Map No. 11; Parcel Nos. 2.2 and 2.1 to change current zoning district from Village to General Commercial

- 6. 10:10 a.m. Jennifer Myers, Jefferson County Parks and Recreation Commission**
 - Request approval of a Resolution authorizing the acceptance of grant funds under the Land and Water Conservation Fund to the State of West Virginia for the construction of an inclusive play environment and playground repairs at Sam Michaels Park

- 7. 10:20 a.m. Roger Goodwin, Engineering**
 - Complete Construction Bond Release for McGee Civil Construction, LLC - Burr Business Park Lots 27 & 28 (File #19-7-S)
 - Request approval to amend Law Enforcement Impact Fees - FY 2022 Capital Improvement Plan

8. 10:30 a.m. **Becky Burns, Office Manager**
 - Permit Fee & Impact Fee Refund Requests
 - Thomas Lake - Permit #21-88
 - Christopher & Michelle Brannan - Permit #21-605
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. 11:00 a.m. **Public Hearing**
 - Zoning Map Amendment (rezoning) for the property designated as Tax District Kabletown (06), Map: 12; Parcels: 12,12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, and 12.11
11. 11:15 a.m. **Public Hearing**
 - Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA21-01
12. 11:30 a.m. **Michelle Gordon, Finance Director**
 - Vendor Debarment - continued from 11/4/2021
 - Advertise for Executive Administrative Assistant Grade 05
 - Advertise for Administrative Assistant Grade 02
13. 11:45 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 report by Counsel regarding progress in amending comprehensive plan, and discussion of 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, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
 3. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.
 4. Report by counsel on opioid case. (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170).

OLD BUSINESS

14. Update - Comprehensive Audit - WV State Auditor's Office

15. Review and Approval of Policy 319 - Financial System Access & Approval Policy (SS)

NEW BUSINESS

16. Approval of 2022 Holiday Schedule

17. County Administrator hiring process (JT)

18. Acknowledgment of the "Assessor's additional duties" as delineated in WV Code §7-7-6a

COUNTY ADMINISTRATOR REPORTS

- County Administrator applicants - Update

COUNTY COMMISSION REPORTS

19. ADJOURN

CORRESPONDENCE/INFORMATION

Correspondence received from Comcast regarding price changes.

Correspondence received from FirstEnergy Corp. regarding Mon Power and Potomac Edison propose Solar Energy Projects in West Virginia.

Impact Fee Status Report for October, 2021.

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

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held in-person and virtually via GoToWebinar in Charles Town, West Virginia on Wednesday, November 10, 2021, beginning at 9:30 o'clock a.m.

PRESENT:

Steve Stolipher, President
Tricia Jackson, Vice President
Clare Ath, Commissioner
Caleb Hudson, Commissioner
Jane Tabb, Commissioner
Michelle Gordon, Finance Director
Stephanie Grove, County Administrator

In re: Discussion of American Rescue Plan Act monies received by the County, Pt. II

The meeting was called to order at 9:31 a.m. by Commissioner Stolipher.

The purpose of the meeting was to discuss the disbursement of the approximately \$8 million dollars in American Rescue Plan Act monies left to be distributed as the Commission deems appropriate. Ms. Gordon provided the Commission with a discussion of several internal requests; all provided by Jefferson County department heads and elected officials, including ARPA 7, 10, 19, 20, and 21.

ARPA 7 & ARPA 10 – it was the consensus of the Commission to table a decision on these requests pending more information from Mr. Burgess.

ARPA 19 - Deputy Hires

- **Motion by Mr. Stolipher to approve ARPA Request #19 to hire two additional deputies within the Jefferson County Sheriff's Office at a total of \$504,400.00, with funding to revert back to the general county fund by December 31, 2024. Motion seconded and unanimously approved.**

ARPA 20 – CAD Administration Position – it was the consensus of the Commission to table this matter until the next monthly ARPA meeting.

ARPA 21 – HR Generalist Position – it was the consensus of the Commission to table this matter until a new County Administrator is hired and Commission staff job descriptions are updated.

Ms. Gordon stated she'd be discussing ARPA 3, 5, 6, 25, 27, and 29 during the next monthly ARPA meeting, in addition to ARPA items 7, 10, 20, and 21 carried over from the current ARPA meeting.

- **Motion by Mr. Stolipher to postpone the December ARPA meeting until Wednesday, January 12, 2022, pending more information from the State concerning possible ARPA fund matching. Motion seconded and unanimously approved.**

Public Comment: Public comment was provided by David Tabb.

- **Motion by Mr. Stolipher to extend the ARPA application deadline to Wednesday, December 1, 2021. Motion seconded and unanimously approved.**

There being no further business, the meeting was adjourned at 10:38 am.

Steve Stolipher, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

Minutes

Jefferson County Commission

Thursday, November 18, 2021

A meeting of the Jefferson County Commission was held on Thursday, November 18, 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 Sandy McDonald, Interim County Administrator and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, November 18, 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 November 18, 2021 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Stolipher to approve the Requisitions for November 18, 2021 in the amount of \$50,796.88. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
85456	ADAM WARD	675.63
85457	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	2,562.90

85458		AMERIFLEX		120.80
85459		BAKERTON VOLUNTEER FIRE DEPARTMENT		55,637.87
85460		BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY		42,897.84
85461		BOLAND TRANE SERVICES INC		1,362.00
85462		BUREAU OF CHILD SUPPORT		492.93
85463		CAPITAL ELECTRIC		802.31
85464		COLONIAL LIFE		95.68
85465		DEBRA A YOUNG		395.73
85466		ECOWATER		335.00
85467		EFTPS IRS TAXES		92,859.55
85468		EMPOWER RETIREMENT		6,113.24
85469		EVELYN STEPHENSON		599.35
85470		FIFTH THIRD BANK		60,514.31
85471		FIFTH THIRD BANK		10,460.88
85472		GUTTMAN OIL CO		8,971.47
85473		HIGHMARK WV		891.30
85474		J.C. EHRLICH		761.00
85475		JEFFERSON SECURITY BANK		4,390.00
85476		JUSTTECH LLC		92.43
85477		KELSEY STIPANOVIC		37.00
85478		KONE BROOKLYN		1,397.91
85479		MASTER SERVICE CORP		6,437.00
85480		MATTHEW HARVEY		234.00
85481		MILLERS SUPPLIES AT WORK		124.88
85482		NATIONWIDE RETIREMENT SOLUTIONS		834.00
85483		OX PAPERBOARD CO		35.00
85484		POTOMAC EDISON		20,783.80
85485		RETIREE HEALTH BENEFIT TRUST		6,721.00
85486		ROGER GOODWIN		42.74
85487		SHANNON BURLETT		1,373.27
85488		SOFTWARE SYSTEMS INC		93.00
85489		SPIRIT OF JEFFERSON		2,336.76
85490		SSC-SOUTHERN STATES		483.93
85491		STATE TAX DEPARTMENT		822.23
85492		TEK ADVISORS LLC		8,400.00
85493		THE HARTFORD		2,311.40
85494		THE HARTFORD		3,781.04
85495		TRACY HERRON-RICE RPR		1,001.00
85496		US POSTAL SERVICE		20,000.00
85497		WV DEPUTY SHERIFF RETIREMENT SYSTEM		15,811.75

85498		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		44,339.64
85499		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		166.49
85500		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		73,484.75
85501		XEROX CORPORATION		3,077.69
85502		XEROX FINANCIAL SERVICES		249.81
85503	FG/009	SHERIFF OF JEFFERSON CO		4,660.43
85504	BS/011	SHERIFF OF JEFFERSON CO		6,677.53
85505	AM/053	AXION		2,974.40
TOTAL				\$ 519,724.67

Motion by Mr. Stolipher to approve the Accounts Payable for November 10, 2021 in the amount of \$. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME		AMOUNT
85506		ASSESSOR OF JEFFERSON COUNTY		\$ 125.65
85507		GUTTMAN OIL CO		\$ 3,912.87
85508		JASON MICKEY		\$ 3,165.05
85509		JUDICIAL DIALOG SYSTEMS		\$ 8,508.55
85510		KATHRYN KING		\$ 1,660.14
85511		MARY K THOMPSON		\$ 655.69
85512		NICOLE NOBREGA		\$ 865.48
85513		POTOMAC EDISON		\$ 2,274.22
85514		RONALD DANTZIC		\$ 60.07
85515		SOFTWARE SYSTEMS INC		\$ 915.00
85516		VINCENT TIONG		\$ 442.45
85517	GS/004	GENERAL CO FUND -004		\$ 10,679.40
TOTAL				\$ 33,264.57

Motion by Mr. Stolipher to approve the Accounts Payable for November 18, 2021 in the amount of \$33,264.57. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
765	HD/8	ATTENTI		\$ 3,328.00
766	HD/8	FIFTH THIRD BANK		\$ 224.44
767	HD/8	SHERIFF OF JEFFERSON CO		\$ 1,655.89
768	HD/8	SUPERIOR AUTO BODY LLC		\$ 4,770.76
918	CW/O59	WV ST POLICE		\$ 25.00
919	CW/O59	ST OF WV		\$ 15.00
930	AV/56	FIFTH THIRD BANK		\$ 681.35
931	AV/56	JUSTTECH		\$ 172.82
932	AV/56	PRINT-O-STAT		\$ 190.00
933	AV/56	SEGRA		\$ 620.62
1758	CO/246	JCEMS		\$ 71,000.00
1306	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 21.00
1307	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 11,232.96
1308	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 20,012.99
1309	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 2,115.45
1310	IP/249	SHERIFF JEFFERSON CO - ADMIN		\$ 930.72
383	WV369	SHERIFF OF JEFF. CO - RETIREMENT		\$ 685.00
1052	SP315	WV ST POLICE		\$ 1,000.00
TOTAL				\$ 118,682.00

Motion by Mr. Stolipher to approve the Manual Checks for November 11, 2021 in the amount of \$118,682.00. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
343	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 133,766.92
1759	CO/246	JEFFERSON CO ESA		101224.14
TOTAL				\$ 234,991.06

Motion by Mr. Stolipher to approve the Manual Checks for November 19, 2021 in the amount of \$234,991.06. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Mr. Stolipher to approve the Payroll for November 10, 2021 in the amount of \$263,265.07. Motion seconded and unanimously approved.

PRESENTATIONS

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

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
David & Gladis Augenbaugh	PP	CTD	300497	\$60.73

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 300497 as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Joseph G Indomenico JR.	PP	CTC	306748	\$759.51

- **Motion by Mr. Stolipher to approve the Exoneration for Ticket No. 306748 as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	TICKET NO.	AMOUNT
Robert E. Barrat	RE	HF	10462 and 10463	302.78 303.66

- **Motion by Mr. Stolipher to approve the Exoneration for Tickets No. 10462 and 10463 as presented by the Assessor. Motion seconded and unanimously approved.**

2. Matthew Harvey, Prosecuting Attorney – requested discussion of staffing needs and to request approval to hire new employees.

- **Motion by Mr. Stolipher to hire Autumn Ulsh as a paralegal within the Prosecuting Attorney’s Office at a salary of \$30,000.00, effective Monday, November 22, 2021. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to hire Mary Espinosa as an executive administrative assistant within the Prosecuting Attorney’s Office at a salary of \$40,000.00, effective Wednesday, December 1, 2021. Motion seconded and unanimously approved.**
3. Tom Hansen, Sheriff
- a. Requested approval of Grant Award
 - **Motion by Mr. Stolipher to accept the grant award from the WV Homeland Security in the amount of \$7,500 for the purchase of bullet-resistant shields and authorize the President of the Commission to sign the associated documents. Motion seconded and unanimously approved.**
 - b. Approval to Hire Part-Time Bailiff
 - **Motion by Mr. Stolipher to approve the hire of Jennifer Deal as a part-time Bailiff as a starting pay of \$13/hr, eligible to start immediately. Motion seconded and unanimously approved.**
4. Michelle Gordon, Finance Director
- a. Highmark One-time Premium Credit issued: discuss options for the employee portion of the premium credit
 - **Motion by Mr. Stolipher to approve the health insurance employee premium holiday for the month of December 2021 for existing participants as of November 30, 2021. Motion seconded and unanimously approved.**
 - b. Review of FY22 Financials as of 10/31/2021
5. Russell Burgess, Director, Jefferson County Information Technology –
- **Motion by Mr. Stolipher to have Region 9 apply on behalf of Jefferson County for the State GigReady program with the competitive approach including Berkeley, Morgan, and Jefferson County to include viable projects that may qualify for the program. Any regionals projects identified would be reviewed later to determine the county’s involvement. Motion seconded and unanimously approved**

6. Public Comment – public comment was provided by David Tabb and Stacy Tabb.

7. 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.
- e. Report by counsel on opioid case (Jefferson County Commission v. Purdue Pharmaceutical, et. Al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170)
 - **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice regarding items b, c, d, and e as listed above, including the discussion of contractual matters as it relates to item d. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to come out of Executive Session. Motion seconded and unanimously approved.**

NEW BUSINESS

8. Discuss Early Voting Locations

- **Motion by Ms. Ath to explore the logistics of having Charles Washington Hall be designated as an annex of the Courthouse for the purpose of securing a new location for early voting. Motion seconded and unanimously approved.**

9. The Commission adjourned at 8:17 p.m. on a motion by Mr. Stolipher. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held in-person and virtually via GoToWebinar in Charles Town, West Virginia on Friday, November 19, 2021, beginning at 9:30 o'clock a.m.

PRESENT:

Steve Stolipher, President
Tricia Jackson, Vice President
Clare Ath, Commissioner
Caleb Hudson, Commissioner
Jane Tabb, Commissioner
Nikki Painter, Chief Deputy Clerk
Todd Fagan, GIS Manager
Sandy McDonald, Interim County Administrator
Jessica Carroll, Executive Administrative Assistant

In re: Proposed Changes to the Jefferson County Magisterial District Maps & Voter Precincts

The meeting was called to order at 9:31 a.m. by Commissioner Stolipher.

The purpose of the meeting was to discuss the proposed changes to the Jefferson County Magisterial District Maps and voter precincts based on the most recent US Census data, to become effective during the May 10, 2022 Primary Election and remain in place for ten years. This meeting was also called to receive public comment concerning those changes.

Ms. Painter explained the changes on the proposed map, and stated she'd only received one written comment from County resident Jack Hefestay. Commissioner Stolipher then opened the floor for public comment; however, no comment was provided in person or via GoToWebinar, and Commissioner Stolipher closed the floor for public comment at 9:37 am.

- **Motion by Mr. Stolipher to approve the proposed changes to the Jefferson County Magisterial District Map as presented, including the adjustments for Precinct 12 (to remain Jefferson High School) and Precinct 36 (to be Driswood Elementary). Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to approve the following changes to Jefferson County Voter Precincts: Precinct 19 – St. James Catholic Church; Precinct 17 – Blue Ridge Acres Clubhouse; and Precinct 23 A/B – Cross Point Church of God. Motion seconded and unanimously approved.**

Ms. Painter then explained that all affected voters would be receiving a letters notifying them of the Precinct changes

There being no further business, the meeting was adjourned at 9:42 am.

Steve Stolipher, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

REQUISITIONS TO BE APPROVED

December 2, 2021

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
LAW ENFORCEMENT	22027	\$ 10,285.00	EMERGENCY EXECUTIVE LIGHTING	Labor for 2 Tahoe PPV Vehicles
COMMUNICATIONS	22028	\$ 38,971.20	MOTOROLA SOLUTIONS	Radio System Service Maint. Agreement
GRAND TOTAL		\$ 49,256.20		

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$461,843.65		\$461,843.65
6.2% Tax Payable OASDI	\$25,751.72		\$25,751.72
1.45% Tax Payable HI	\$6,446.70		\$6,446.70
Fed Withholding	\$49,200.03		\$49,200.03
WV State Withholding	\$20,809.35		\$20,809.35
PERS Retirement Deduct 4.5%	\$9,107.98		\$9,107.98
PERS Retirement Deduct 6%	\$5,474.83		\$5,474.83
Hosp. Pre-Taxed	\$15,019.00		\$15,019.00
Cancer/ICU Pre-Taxed	\$422.93		\$422.93
Cancer/ICU Not Pre-Taxed	\$841.96		\$841.96
Optional Life Not Pre Taxed	\$1,843.94		\$1,843.94
Christmas Club	\$4,390.00		\$4,390.00
Wage Attach #1	\$492.93		\$492.93
Wage Attach #2	\$822.22		\$822.22
Wage Attach #3			\$0.00
DSRS Retirement Deduct 8.5%	\$6,425.04		\$6,425.04
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$5,213.79		\$5,213.79
457R - Roth	\$910.00		\$910.00
MD State Tax	\$800.07		\$800.07
D/VF	\$1,801.20		\$1,801.20
VA State Tax	\$163.97		\$163.97
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
Total Deductions	\$156,819.50	\$0.00	\$156,819.50
Net Wages Total	\$305,024.15	\$0.00	\$305,024.15
Payroll Date	November 24, 2021		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Tom Hansen

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice next meeting

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Grant Award
Employment Presentation/Discussion

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

The Sheriff's Office has received a Justice Assistance Grant award notification for the continuation of the PRO program at Jefferson High School. The award is for 15,000 to go toward the salary of the PRO. The Board of Education and County both contribute to the remaining funds for his salary.

As the Sheriff's Office has open position, we'd like to explain the hiring/promotion process and discuss ways to attract applicants to JCSO.

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

I move to accept the grant award from the Justice Assistance Grant and authorize the President to sign the documents.

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

If not attached, explain:

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

Contact information:

Email address: thansen@jeffersoncountywv.org

Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



Jim Justice
Governor of West Virginia

November 22, 2021


The Honorable Stephen Stolipher
President
Jefferson County Commission
P.O. Box 250
Charles Town, West Virginia 25414

Dear Commissioner Stolipher:

I am pleased to inform you that I have approved a Justice Assistance Grant (JAG) program grant award to the Jefferson County Commission in the amount of \$15,000. These funds will be utilized to support the position of a Prevention Resource Officer assigned to Jefferson High School.

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

Sincerely,



Jim Justice
Governor

JJ/mah

c: Ms. Deborah Lowe



Jefferson County Sheriff's Office

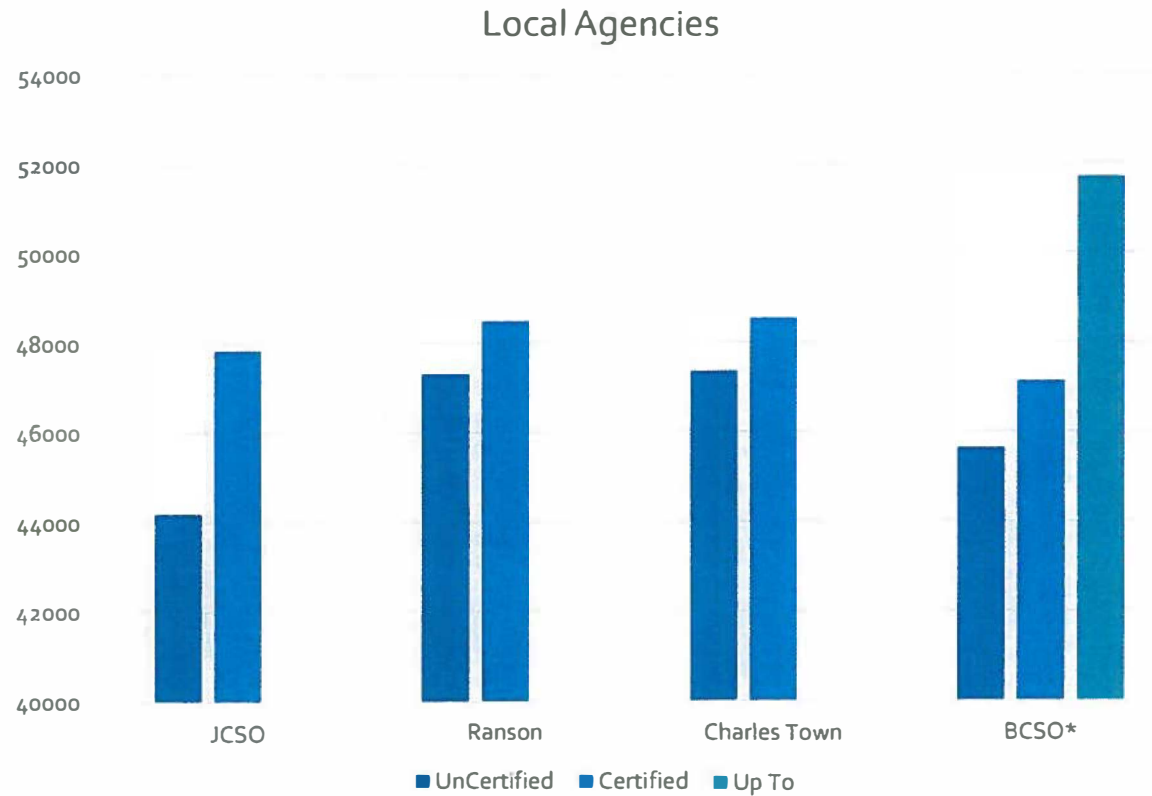
Attracting Potential New Hires While Retaining Current Staff:

A Civil Service Process Overview and Salary Comparison

Civil Service

- Written and Physical Agility Test
- Personal History Statement
- Background
- Hiring Process
- Top 3 for Consideration
- Promotions

Salary Comparison



* BCSO Provides additional money to a certified starting salary based upon years of service.

Incentives (provided by other agencies)

- Sign on bonuses for Certified Officers
- Education
- Law Enforcement Experience
- Military Experience
- Spanish Proficiency
- Shift Differential
- Additional Recognition for years of service when no advancement

Incentives (our deputies receive)

- Longevity. Per State Code, a deputy receives \$60 a year for every year of service (i.e. a deputy with 10 years of service receives a check for \$600 on/near their anniversary date, a deputy with 20 years of services, receives a check for \$1200 on/near their anniversary date)
- DFC – Deputies who reach their 5 year anniversary receive the designation of Deputy First Class and an increase of \$500.

Who do we
lose our
employees to?

- Loudoun County
 - Starting Salary 53,500 – 70,429.68
 - * College – 1 step for Associates, 2 steps for Bachelors and 3 steps for Masters
 - * Prior LEO experience up to 9 steps
 - * Military experience up to 9 steps
 - * Spanish Proficiency 1 step
- Federal Government

How do we fix it?

- What can we do to entice people to come to work at the Jefferson County Sheriff's Office?
 - Sign on bonus for certified?
 - Raise starting pay?
 - Provide higher starting pay for experienced LEOs?
- How do we make them stay?
 - More guaranteed increases?
 - Shift differentials?
 - Locality pay?

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Matt Harvey

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

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: **December 2, 2021**

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

Date Requested – 2nd Choice:

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

Please provide the County Commission with a description of your request or presentation, including any background information:
VOCA Grant contract and forms require County Commission President signature

Is this a funding request? 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*):

Approves VOCA Grant Contract

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

If not attached, explain:

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

Contact information: Matt Harvey

Email address: mharvey@jcpawv.org

Phone Number: 304-728-3243

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

GRANT CONTRACT AGREEMENT
BETWEEN
DIVISION OF ADMINISTRATIVE SERVICES
JUSTICE AND COMMUNITY SERVICES SECTION
AND
Jefferson County Commission
19-VA-027

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

WHEREAS, JCS is the recipient of a Victims of Crime Act (VOCA Program Funds from the United States Department of Justice, and

WHEREAS, the Grantee is an eligible applicant who is desirous of receiving funds: **This grant will fund staff in the Jefferson County Prosecuting Attorney's Office to provide direct services to crime victims in Jefferson County.**

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

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. JCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application, which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by JCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **October 1, 2021** and shall continue those services/activities until **September 30, 2022**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.
5. In consideration of the services rendered by the Grantee, the sum of up to **\$86,680.00** shall be obligated by JCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that JCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. It is the understanding of all parties to this Agreement that JCS has determined that the

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

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

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

b. Grantee Mailing Address:

Jefferson County Commission
PO Box 250
Charles Town, WV 25414

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

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

Steve Stolipher, Commission President
Jefferson County Commission

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

RESOLUTION

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

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

Signed: _____

Board Secretary



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

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

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

1. LOBBYING

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

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

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

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

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

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

A. The applicant certifies that it and its principals:

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

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

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

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

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

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

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

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.820—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 67.630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

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

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

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

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

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

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

1. Grantee Name and Address: Jefferson County Commission PO Box 250 Charles Town WV 25414

Victims of Crime Act (VOCA) 19-VA-027

55-6000333

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

Steve Stolipher, President

4. Typed Name and Title of Authorized Representative

5. Signature

6. Date



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

Effective: July 23, 2019
Revision History: N/A

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

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

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

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

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

5. OPERATIONAL WITHIN 90 DAYS: If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to JCS explaining the delay in implementation.

6. SUSPENSION OF FUNDING: The grantee acknowledges that acceptance of an award is not a guarantee of funds. Further, by accepting this award, the grantee acknowledges and agrees that JCS may suspend in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- 60 or more days late in submitting reports;
- Failure to submit reports;
- High Risk Grantee as determined by the JCS High Risk Assessment; or
- Any other cause shown.

7. SANCTIONS FOR NONCOMPLIANCE: In the event of the grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, JCS shall impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the grantee until the grantee complies or, if reports are more than 60 days late, the funding for that month is forfeited and may not be recouped or remedied;
- Cancellation, termination or suspension of the contract, in whole or in part;
- Refraining from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received;
- If the grantee is receiving funds on an upfront basis, JCS can commute the transfer of funds mechanism to a reimbursement only process for the remainder of the grant period;
- If the grantee is receiving funds on an upfront basis and a determination is made by JCS that funds were intentionally or unintentionally misused, misappropriated, misspent or otherwise not consistent with the intents and purpose of the grant, the grantee automatically forfeits any remaining funds from the grant program, and any other awarded funds from any other program, until a satisfactory resolution has been achieved;
- If a grantee is indebted to JCS for any amount of funds at the close of an applicable quarter, semi-annual or end of a grant period, and the debt is not resolved within 30 days following the close of those periods, the grantee acknowledges and agrees that it is automatically ineligible to receive or apply for funds from JCS for any grant program; and
- Grantee agrees and acknowledges that under no circumstances may it commute a debt to be applied as matching funds; or, will JCS reduce a future quarterly or semi-annual allotment or future award as repayment of the debt. Repayment must be from a general account or an account unrelated to the grant award.

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

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

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

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

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

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

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

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

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

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

36. COLLABORATION W/OTHER FEDERAL AND STATE GRANTS: Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment, and any other resources deemed necessary by JCS.

37. USE OF DATA/EXCHANGE OF INFORMATION: With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:

- a. That all computer programs (software produced under this grant) will be made available to JCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- b. To provide a complete copy of the computer programs and documentation, upon requests, to JCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- c. That whenever possible all application programs will be written in standardized programming languages or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
- d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916-392-2550) should be contacted to determine availability of software prior to any development effort.

38. NATIONAL AND STATE EVALUATION EFFORTS: The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

39. EQUAL EMPLOYMENT OPPORTUNITY PLAN: The grantee will provide an Equal Employment Opportunity Plan (EEO) to the Office for Civil Rights, Office of Justice Programs (OCR) and JCS. Each grantee certifies that it has executed and has on file an Equal Employment Opportunity Plan which conforms with the provisions of 28 CFR Section 42.301, et. seq., Subpart E; or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required. The grantee further certifies that it has filed an EEO Certification form and, if required, an EEO Utilization Report, through the EEO Reporting Tool at <https://ojp.gov/about/ocr/eop.htm>.

40. VETERANS PREFERENCE: This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. JCS defines "suitable preference" as the requirement that a grantee agency

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

41. **IMMIGRATION AND NATURALIZATION VERIFICATION:** The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.
42. **POLITICAL ACTIVITY:** The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government, and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1506.). Please reference West Virginia Code § 29-6-20 for state restricted activities.
43. **PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.

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

Authorized Official [please print]: _____

Authorized Official Signature: _____

Date: _____



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

Effective: July 23, 2019

Revision History: N/A

All correspondence to the Division of Administrative Services, Justice and Community Services Section (JCS), which is required and/or occurs as a result or action of any of the following Assurances, or as a result of the administration of any JCS grant program, should be mailed to the following address:

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

1. **CONSULTANT RATES:** Consultant rates in excess of \$650 per day, or \$61.25 per hour, require prior approval by JCS and DOJ is applicable prior to obligation or expenditure of such funds. All contracts must be submitted 90 days prior to training for approval.
2. **FRAUD, WASTE & ABUSE:** Reporting potential fraud, waste, and abuse, and similar misconduct. The recipient, and any subrecipients ("subgrantees") at any tier, must promptly refer to the Department of Justice (DOJ) Office of the Inspector General (OIG) any credible evidence that a principal, employee, agent, subrecipient, contractor, subcontractor, or other person has, in connection with funds under this award-- (1) submitted a claim that violates the False Claims Act, or (2) committed a criminal or civil violation of laws pertaining to fraud, conflict of interest, bribery, gratuity, or similar misconduct. Potential fraud, waste, abuse, or misconduct involving or relating to funds under this award should be reported to the OIG by-- (1) mail directed to: Office of the Inspector General, U.S. Department of Justice, Investigations Division, 950 Pennsylvania Avenue, N.W. Room 4706, Washington, DC 20530; (2) e-mail to: oig.hotline@usdoj.gov; and/or (3) the DOJ OIG hotline: (contact information in English and Spanish) at (800) 869-4499 (phone) or (202) 616-9881 (fax). Additional information is available from the DOJ OIG website at <https://www.usdoj.gov/oio>.
3. **USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:** Grantee understands and agrees that it cannot use any grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.
4. **LIMITED ENGLISH PROFICIENCY:** Title VI's prohibition of national origin discrimination includes discrimination against individual who are limited in their English proficiency (LEP) because of their national origin. Under Title VI (and the Safe Streets Act), recipients are required to take reasonable steps to ensure that LEP individuals have meaningful access to the recipient's programs and services. Providing "meaningful access" will generally involve

some combination of oral interpretation services and written translation of vital documents. More information can be found at <http://www.lep.gov>.

5. **PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:** Grantee must support public safety and justice information sharing. This grantee is required to use the Global Justice Data Model specifications and guidelines of this grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at www.it.ojp.gov/gjxdm.
6. **PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:** Federal Office of Management and Budget (OMB) sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. If applicable, this grant shall adhere to the audit requirements set forth at the time of award. (2CFR Part 200 or OMB Circular A-133 – for further information go to OMB Uniform Guidelines at:

https://search.whitehouse.gov/search?affiliate=wh&form_id=usasearch_box&query=Indirect+Costs

§200.501(a) Audit required. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single or program-specific audit conducted for that year in accordance with the provisions of this part.

Single audit. A non-Federal entity that expends \$750,000 or more during the non-Federal entity's fiscal year in Federal awards must have a single audit conducted in accordance with §200.514 Scope of audit except when it elects to have a program-specific audit conducted in accordance with paragraph (c) of this section.

Program-specific audit election. When an auditee expends Federal awards under only one Federal program (excluding R&D) and the Federal program's statutes, regulations, or the terms and conditions of the Federal award do not require a financial statement audit of the auditee, the auditee may elect to have a program-specific audit conducted in accordance with §200.507 Program-specific audits. A program-specific audit may not be elected for R&D unless all of the Federal awards expended were received from the same Federal agency, or the same Federal agency and the same pass-through entity, and that Federal agency, or pass-through entity in the case of a sub-recipient, approves in advance a program-specific audit.

Exemption when Federal awards expended are less than \$750,000. A non-Federal entity that expends less than \$750,000 during the non-Federal entity's fiscal year in Federal awards is exempt from Federal audit requirements for that year, except as noted in §200.503 Relation to other audit requirements, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and Government Accountability Office (GAO).

If an audit must be conducted pursuant to the Uniform Guidelines, a copy of the audit shall be submitted to JCS as well as to the Federal clearinghouse.

The Federal clearing house is as follows:
Federal Audit Clearinghouse
Bureau of the Census

1201 E. 10th Street
Jeffersonville, IN 47132

7. **CONFIDENTIALITY OF RESEARCH INFORMATION:** Research information identifiable to an individual, which was obtained through a project funded wholly or in part with United States Department of Justice program funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).
8. **OFFICE OF JUSTICE PROGRAMS (OJP) FINANCIAL GUIDE:** Grantee agrees to comply with the financial and administrative requirements as set forth in the current edition of the DOJ/OJP Financial Guide.
9. **CENTRAL CONTRACTOR REGISTRATION:** Grantee agrees to register with the System for Grants Management (SAM) at www.sam.gov and provide documentation to JCS with application for funding.
10. **DATA UNIVERSAL NUMBERING SYSTEM:** Grantee agrees to acquire a Data Universal Numbering System (DUNS) number, www.dnb.com and provide documentation to JCS with application for funding.
11. **BIDDING PROCEDURES:** Funds for renovation, expansion or construction awarded to grantees or subgrantees, which require the letting of any single contract amounting to \$100,000 or more to a private company or individual shall require: a bid guarantee equivalent to 5% (five percent) of the bid price; the bid guarantee must consist of a firm commitment such as a bid bond, certified check, or negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified after forms are presented to the successful bidder; a performance bond on the part of the 100% (one hundred percent) of the contract price ("Performance bond" means a bond executed in connection with a contract to ensure payments required by all persons supplying labor and materials in the execution of the work provided for in the contract.); a payment bond on the part of the contractor for 100% (one hundred percent) of the contract price. ("Payment bond" is one executed in connection with a contract to ensure payment as required by law, of all persons supplying labor or materials in the execution of the work provided for in the contract.) Recipient/subgrantee is expected to follow the competitive bid process in the award of contracts involving Federal grant funds.
12. **COMPLIANCE WITH FEDERAL PROCEDURES:** Grantee assures compliance with the following where applicable:
 - Part 11, Applicability of Office of Management and Budget Circulars.
 - Part 18, Administrative Review Procedures.
 - Part 20, Criminal Justice Information Systems.
 - Part 22, Confidentiality of Identifiable Research and Statistical Information.
 - Part 23, Criminal Intelligence Systems Operating Policies.
 - Part 30, Intergovernmental Review of Department of Justice Programs and Activities
 - Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures
13. **ADDITIONAL REGULATIONS AND PROCEDURES:** In addition, all grantees must comply with the following applicable federal regulations and/or the United States Department of Justice, Office of Justice Programs - M 7100.1D manual, OMB Circulars No. A-21, A-110, A-

122, A-128, A-87, E.O. 12372, Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule, and all other applicable Federal regulations, policies, acts and guidelines:

National Environmental Policy Act of 1969 (NEPA).
National Historic Preservation Act of 1966.
Flood Disaster Protection Act of 1973.
Clean Air Act and Federal Water Pollution Control Act Amendments of 1972.
Control Act Amendments of 1972.
Safe Drinking Water Act.
Endangered Species Act of 1973.
Wild and Scenic Rivers Act.
Fish and Wildlife Coordination Act.
Historical and Archaeological Data Preservation.
Coastal Zone Management Act of 1979.
Animal Welfare Act of 1970.
Impoundment Control Act of 1974.
Uniform Relation Assistance and Real Property Acquisitions Policies Act of 1970.
Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended
Death in Custody Act of 2000.

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

Authorized Official [please print]: _____

Authorized Official Signature: _____

Date: _____

CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

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

Recipient's Name: Jefferson County Commission	
Address: 124 E. Washington St. Charles Town WV 25414	
Is agency a; o Direct or o Sub recipient of OJP, OVW or COPS funding? Law Enforcement Agency? o Yes o No	
DUNS Number: 07-741-4548	Vendor Number (only if direct recipient)
Name and Title of Contact Person: Rebecca Hall	
Telephone Number: 304-725-6550	E-Mail Address: rhall@jeffersoncountyv.wv.org

Section A-Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

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

I, _____ [responsible official], certify that

[recipient] is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.

I further certify that _____ [recipient] will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

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

Print or Type Name and Title _____ Signature _____ Date _____

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

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

I, Steve Stolipher, President _____ [responsible official], certify that

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

[organization].
P.O. Box 250 Charles Town WV 25414
[address].

Steve Stolipher, President _____
Print or Type Name and Title _____ Signature _____ Date _____

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

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

I, _____ [responsible official], certify that

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

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

Print or Type Name and Title _____ Signature _____ Date _____

INSTRUCTIONS

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

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

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

Section A

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

Section B

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

Section C

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

Section D

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

Submission Process

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

Public Reporting Burden Statement

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

CERTIFICATION FORM

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

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

Recipient's Name: Jefferson County Commission	
Address: 124 E. Washington St. Charles Town WV 25414	
Is agency a; o Direct or o Sub recipient of OJP, OVW or COPS funding? Law Enforcement Agency? o Yes o No	
DUNS Number: 07-741-4548	Vendor Number (only if direct recipient)
Name and Title of Contact Person: Rebecca Hall	
Telephone Number: 304-725-6550	E-Mail Address: rhall@jeffersoncountvww.org

Section A-Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

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

I, _____ [responsible

official], certify that

[recipient] is not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.

I further certify that _____ [recipient] will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of services.

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

Print or Type Name and Title

Signature

Date

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

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

I, Steve Stolipher, President _____ [responsible

official], certify that Jefferson County Commission

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

Jefferson County Commission

[organization].

P.O. Box 250 Charles Town WV 25414

[address].

Steve Stolipher, President

Print or Type Name and Title

Signature

Date

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

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

I, _____ [responsible

official], certify that

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

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

Print or Type Name and Title

Signature

Date

INSTRUCTIONS

Completing the Certification Form

Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

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

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

Section A

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

Section B

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

Section C

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

Section D

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

Submission Process

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

Public Reporting Burden Statement

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AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Dennis Jarvis, II on behalf of the Jefferson County Development Authority (JCDA) Board of Directors**

Department or Organization: **Jefferson County Development Authority**

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

Date Requested – 1st Choice: **December 2, 2021**

If a specific date is needed, please provide reason for specific date: Reimbursement from Coal Bed Methane funding for removal of trash/debris in the Burr Industrial Park.

Date Requested – 2nd Choice: **December 16, 2021**

Subject (*Wording to be placed on agenda*): **Reimbursement from Coal Bed Methane funding for removal of trash/debris in the Burr Industrial Park.**

Please provide the County Commission with a description of your request or presentation, including any background information:
The JCDA is requesting consideration for reimbursement of services for trash/debris removal from the Burr Industrial Park. The requested amount is \$ 400.00- receipt attached

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

If so, how much? **\$Click here to enter text.**

Recommended motion: **Motion to approve the reimbursement for trash/debris removal from the Burr Industrial Park from the Coal Bed Methane fund.**

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

If not attached, explain: **JCDA Resolution of Support**

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

3695 2

Herb's Hauling & Moving

CUSTOMER'S ORDER NO.	DEPARTMENT	DATE 07/16/2021
NAME Jefferson County Development Authority		
ADDRESS		
CITY, STATE, ZIP		

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MOSE. RETD.	PAYD OUT
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QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	x2 Trash pickup/	200.00	400.00
2	wasteyard fee/		
3	labor/		
4	gas		
5			
6			
7			
8			
9			
10			
11			
12			
13			
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01-11

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Dennis Jarvis, II on behalf of the Jefferson County Development Authority (JCDA) Board of Directors**

Department or Organization: **Jefferson County Development Authority**

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

Date Requested – 1st Choice: **December 2, 2021**

If a specific date is needed, please provide reason for specific date: **The WVDO has advised JCDA to submit the LED Budget Request early to ensure funding.**

Date Requested – 2nd Choice: **December 16, 2021**

Subject (*Wording to be placed on agenda*): **Resolution of Participation and Cooperation (Local Economic Development Grant Program) – for signature by President of the JCC and County Clerk**

Please provide the County Commission with a description of your request or presentation, including any background information: **The JCDA is applying for the Local Economic Development (LED) grant of \$ 22,727.00 from the West Virginia Development Office. The JCDA is eligible for this grant annually.**

By way of the attached document, the JCC is assuring that matching funds are available from the County. This document needs to be on official JCC letterhead, presented to the JCC for a vote, and signed by the President of the JCC and the County Clerk.

Is this a funding request? **Y/N No**
If so, how much? **\$Click here to enter text.**

Recommended motion: **Motion to approve the attached resolution of support for the JCDA's application for the Local Economic Development (LED) grant of \$ from the WV Development Office.**

Attach supporting documents for request, or request may be denied.
If not attached, explain: **JCDA Resolution of Support**

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

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

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

WEST VIRGINIA CERTIFIED DEVELOPMENT COMMUNITY (CDC) PROGRAM RESOLUTION OF PARTICIPATION AND COOPERATION

Whereas, the governing body of Jefferson County is interested in the economic well-being of its citizenry and the community at-large; and,

Whereas, the governing body is prepared to support appropriate efforts within the community to promote economic development; and,

Whereas, the West Virginia Chamber of Commerce and the West Virginia Development Office sponsor a program that is specifically designed to help West Virginia communities become better prepared for economic development; and,

Whereas, The County Commission has consistently funded the Jefferson County Development Authority since 1980, and this year's budgeted amount well exceeds the required \$22,727.00 match; and,

Whereas, it is a requirement of the Local Economic Development (LED) Grant Program to provide evidence of local match;

THEREFORE, BE IT RESOLVED that the County Commission of Jefferson County wishes to continue its participation in the Certified Development Community Program, and that the leadership of the community fully realizes this program requires dedicated effort; and,

BE IT FUTHER RESOLVED that the program requires the existence of a Local Economic Development Organization, and this governing body designates the Jefferson County Development Authority as representing our community for the purpose of participating in this program.

BE IT FURTHER RESOLVED that evidence is hereby provided to the West Virginia Development Office that more than sufficient matching funds have been provided to the Jefferson County Development Authority by the Jefferson County Commission.

This resolution is in full effect upon its adoption this 3rd day of December2, 2021.

Signed: Steve Stolipher, President

Attested: Jacqueline C. Shadle, County Clerk

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Steve Cox

Department or Organization: **Civil Service Commission, President**

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

Date Requested – 1st Choice:

*If a specific date is needed, please provide reason for specific date: **Time sensitive, an appointment list should be maintained, the current commission is trying to establish the list for current vacancies or future vacancies. Failure to move quickly could result in gaps in Law Enforcement coverage and emergency response.***

Subject **Sheriff Deputy vacancies. Funding to cover recruitment activities to create eligibility list for Deputy Appointment.**

Please provide the County Commission with a description of your request or presentation, including any background information: **§7-14-11. Appointments from eligible list. This code places the responsibility and the process of recruiting Deputy candidates in the hands of the Civil Service Commission. This process requires recruitment strategies and tools to be successful. Things such as news paper advertisements, recruitment events, testing supplies require funding.**

Is this a funding request? **Yes**
If so, how much? **\$ TBD**
Provide exact financial impact/request: **TBD**

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):
Motion to approve funding request of \$???????? For the Jefferson County Civil Service Commission to proceed with recruitment efforts to fill Sheriff Deputy vacancies.

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

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

Contact information: Steve Cox
Email address: s-cox@live.com Phone Number: 304-533-9960

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</u>
not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: John Morris

Department or Organization: Citizen

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **December 2, 2021**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Rezoning Request for a one acre property located at 16 Old Leetown Pike, Kearneysville, WV 25430; Tax District – Middleway (07); Tax Map No. 11; Parcel Nos. 2.2 and 2.1 to change current zoning district from Village to General Commercial.**

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*):

↓ **I move to schedule a public hearing to receive input concerning the rezoning request for a one acre property located at 16 Old Leetown Pike, Kearneysville, WV 25430; Tax District – Middleway (07); Map No. 11; Parcel Nos. 2.2 and 2.1 to change current zoning district from Village to General Commercial, to be held on _____ at _____ am/pm.**

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



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor, P.O. Box 716
 Charles Town, West Virginia 25414

File #: 21-4-3
 Date Rec'd: 11/18/21
 Fees Paid: 1050-
 Staff Int: gjt

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 recommendation from the Planning Commission 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

Owner Name: John S. Morris
 Business Name: _____
 Mailing Address: 11070 LEE TOWN RD REARBYVILLE, W.VA 25430
 Phone Number: 304-725-2407 Email: JS.MORRIS.PP@DML.COM

Applicant Contact Information

Applicant Name: _____ Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 16 OLD LEE TOWN PIC. REARBYVILLE W.VA 25430 Vacant Lot:
 Tax District: MIDDLEWAY 07 Map No: 11 Parcel No: 0002-007-0000
 Parcel Size: 1.0 ACRES Deed Book: 1234 gjt Page No: 324 gjt

Current Zoning District

Village

Proposed Zoning District

General Commercial

Substantiation for the Request

For a Zoning Map Amendment (rezoning) 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/project and describe why this Zoning Map Amendment is necessary for the proposed use (and/or project) described.

ANTIQUAIRE STORE LIMITED HOURS
Flexibility to establish retail

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

Future Land use guide reflects commercial use

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.

The property has been commercial for 55 years
there will be no change in traffic patterns

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

A plat or sketch 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, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

The information given is correct to the best of my knowledge.


11-1-21

Property Owner Signature* Date Property Owner Signature* Date

*The original signature of the property owner is required. A copy of the signature will not be accepted.

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 the Office 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.

General Commercial (GC)

The purpose of this land use category is to provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this category may be characterized by larger buildings, more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district. This category is intended to for individual structures less than 50,000 square feet and could include more than one structure.

Regional Commercial (RC)

The purpose of this land use category is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this category may be characterized by a broad range of building sizes, which may include large buildings that exceed 50,000 square feet of gross floor area for an individual building and which may have greater impact on surrounding areas as a result of significant truck traffic and other factors. This category may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.

Mixed Use Residential/Commercial Development

This land use category reflects areas which are intended to support the mixing of residential and commercial uses. This land use classification should result in the creation of a new zoning district that would permit this activity, with a mandatory mix of uses to be determined through the zoning text amendment process. As shown on the Future Land Use Guide, any rezoning to the Residential-Light Industrial-Commercial (R-LI-C) or a new zone that permits these uses shall have a mandatory mix of these uses.

For developments not fronting on a four lane road, the uses recommended within the Highway Commercial (HC) land use category are not permitted in the commercial uses permitted in the Mixed Use Residential/Commercial Development. The purpose of the mixed use residential/commercial development is to:

1. encourage flexibility in the development of land to promote its most appropriate use.
2. improve the design, character and quality of new developments.
3. provide and promote redevelopment and reuse opportunities.
4. encourage a harmonious and appropriate mixture of uses and/or housing types.
5. facilitate the adequate and economic provision of streets, utilities and city services.
6. preserve critical natural environmental and scenic features of the site.
7. encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses.
8. mitigate the problems which may be presented by specific site conditions.

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church ³⁸	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU ²	NP	NP	NP	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	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
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground 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	
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 ³⁷	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
- 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.
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jennifer Myers

Department or Organization: Jefferson County Parks & Recreation Commission

Estimation of amount of time needed for appointment: 10 min.

Date Requested – 1st Choice:

*If a specific date is needed, please provide reason for specific date: **December 2, 2021. This date is requested as the grant application is due December 31st.***

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Jefferson County Parks & Recreation Commission request approval of A RESOLUTION AUTHORIZING THE ACCEPTANCE OF GRANT FUNDS UNDER THE LAND AND WATER CONSERVATION FUND TO THE STATE OF WEST VIRGINIA FOR THE CONSTRUCTION OF AN INCLUSIVE PLAY ENVIRONMENT AND PLAYGROUND REPAIRS AT SAM MICHAELS PARK.

Please provide the County Commission with a description of your request or presentation, including any background information: As owners of Sam Michaels Park, the Jefferson County Commission must approve grant applications for changes within Sam Michaels Park.

At its regularly scheduled board meeting on November 17, 2021 the Jefferson County Parks & Recreation Commission approved a resolution to approve an application on behalf of the Jefferson County Commission, for a Land & Water Conservation Fund Grant in the amount of \$70,000. The grant will be used to build an inclusive playground at Sam Michaels Park, which will sit between the AMP and the Mason Pavilion. This playground falls within the concept plan for Sam Michaels Park and will expand opportunities for play within Sam Michaels Park.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: The Jefferson County Parks & Recreation Commission will match the grant through capital and impact fee funding.

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

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

If not attached, explain:

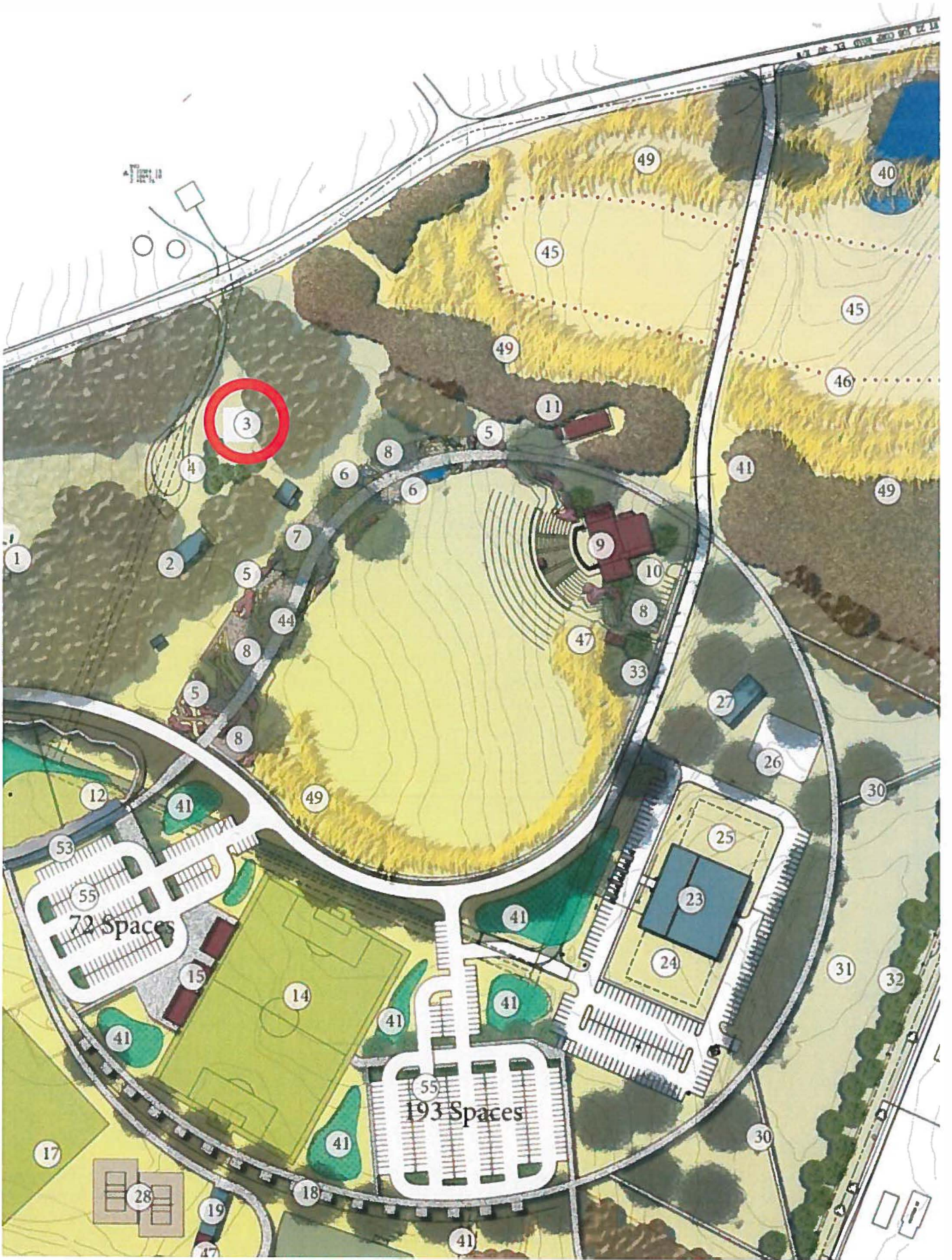
Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information: Jennifer Myers

Email address: jmyers@jcprc.org

Phone Number: 304-433-4049

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



**A RESOLUTION AUTHORIZING THE ACCEPTANCE
OF GRANT FUNDS UNDER THE LAND AND WATER CONSERVATION FUND TO THE STATE OF
WEST VIRGINIA FOR THE CONSTRUCTION OF AN
INCLUSIVE PLAY ENVIRONMENT AND PLAYGROUND REPAIRS AT SAM MICHAELS PARK
MASON PAVILION; ADOPTING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED**

At a regular meeting of the Jefferson County Commission held on the 2nd day of December 2021, the following order was made and entered;

Subject: Land and Water Conservation Fund Application

For: Installation of an inclusive playground, near the Mason Pavilion to continue the vision of the Sam Michaels Park concept plan.

In the amount of \$70,000.

WHEREAS, the Jefferson County Commission recognizes the need for universally accessible and sensory-rich play environments to meet the widest range of needs and the widest range of abilities and users, and wishes to participate in the Land and Water Conservation Fund program; and

WHEREAS, the County Commission, through the Jefferson County Parks and Recreation Commission, authorizes the Jefferson County Parks & Recreation Commission to submit an application to the State of West Virginia requesting funding for the above-mentioned project out of the Land and Water Conservation Fund to establish a socially-inclusive environment for all children, and ensure sustainability of that inclusive play environment and make improvements to the current playground.

WHEREAS, the County Commission is also required to adopt by official resolution all understandings and assurances contained in, and made a part of, and agrees to abide by all rules and regulations pertaining to the Land and Water Conservation Fund Program, and to operate and maintain the proposed facility for public use under the requirements of the Land and Water Conservation Fund, should this project receive Federal assistance, and

WHEREAS, it is required that the Jefferson County Commission appoint an official representative; The Jefferson County Commission, authorizes Jennifer Myers, Director of Jefferson County Parks & Recreation Commission to sign any and all documents and papers which accompany or are part of this application, and any and all documents and papers necessary for the completion of the project should it receive National Park Service Approval.

NOW, THEREFORE, BE IT RESOLVED, by the Jefferson County Commission that:

1. The Jefferson County Commission authorizes the acceptance of funds from the State of West Virginia for the Land and Water Conservation Fund Program in the amount of \$70,000 and understands that the Jefferson County Parks & Recreation Commission commits the 50% matching share for the total projects in the amount of \$140,000.

PASSED by the Jefferson County Commission on this 2nd day of December 2021.

President
Jefferson County Commission

ATTEST:

, County Clerk

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: December 2, 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*): Complete Construction Bond Release for McGee Civil Construction, LLC - Burr Business Park Lots 27 & 28 (File #19-7-S)

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of construction bond security for McGee Civil Construction, LLC - Burr Business Park Lots 27 & 28 (File #19-7-S) – Performance Bond No. RCB0027097 with RLI Insurance Company, Peoria, IL.

Is this a funding request? Y/NO
If so, how much? \$[Click here to enter text.](#)

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):
I authorize a complete release of the remaining \$166,688.00 from the construction bond for McGee Civil Construction, LLC - Burr Business Park Lots 27 & 28 (File #19-7-S).

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

Construction Bond Release Letter

Bond Release Request Report

Site Map

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

Y/NO

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Steve Stolipher

December 2, 2021

VICE PRESIDENT
Tricia Jackson

Ms. Edin R. Zukanovic, Attorney-in-Fact
RLI Insurance Company
9025 N. Lindbergh Drive
Peoria, IL 61615

COMMISSIONER
Clare Ath

COMMISSIONER
Caleb Hudson

RE: Performance Bond No. RCB0027097 dated December 6, 2019, Construction Bond Surety for McGee Civil Construction, LLC – Burr Business Park Lots 27 & 28 (File #19-7-S).

COMMISSIONER
Jane Tabb

Dear Ms. Zukanovic:

The Jefferson County Commission authorizes a complete release of the remaining \$166,688.00 from the construction bond for McGee Civil Construction, LLC – Burr Business Park Lots 27 & 28 (File #19-7-S). This project is located at 306 James Burr Boulevard. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount of the above referenced Performance Bond No. RCB0027097 originally issued in the amount of \$166,688.00. 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. Kelly L. McGee
McGee Civil Construction, LLC
P. O. Box 250
Purcellville, VA 20134
Department of Engineering

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received 11 / 16 / 2021

J.C.P.C. File No 19 - 7 - 5

Consultant/Engineer/Firm Name: GORDON

Mailing Address 148 S. QUEEN ST.

City MARTINSBURG State WV Zip 25404

Contact Person JASON GERRARD Phone 304-725-8456

Project/Subdivision Name LOTS 27 & 28 BURN BUSINESS PARK SITE PLAN

Section/Phase MCGEE CIVIL CONSTRUCTION. Lots _____

Review Comments:

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

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

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

Bonding Policy & Unit Cost Figures attached for your use.

Comments ALL WORK APPEARS COMPLETE.

Approved for:
 BOND RELEASE
 By: [Signature] 11/17/2021
County Engineer Date

Original Bond Amt \$ 144,945.25 + 15% Cont \$ 21,731.00 = Total Original Bond Amt \$ 166,688

Total Current Bond Amount \$ 166,688.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By JOSEPH W. KEAT [Signature] Title C.D.I.

Signature [Signature] Date 11 / 17 / 2021

K-7
old
C-5
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rol
3-7



Kearneysville

- A Stanley La
- B Biter La
- C Willard Daniels Rd
- D Old Creamery Pl
- E Tasker La
- F Good Folks Rd

WV University
Kearneysville
Tree Fruit
Research and
Education Center

Coast
Guard
Operations
Center
(proposed Rt-9
and bicycle path)

USDA
Appalachian
Fruit
Research
Station

SITE

Jefferson County
Solid Waste Authority
transfer station

Jefferson County
Fairgrounds

Browns
Corner

Jefferson Co
Public Services
Center

Bardane
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Park

State
Police

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AGENDA REQUEST FORM
www.jeffersoncountywv.org



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

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

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

Date Requested – 1st Choice: **2 December 2021**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Request Approval to amend Law Enforcement Impact Fees – FY 2022 Capital Improvement Plan.**

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

**Law Enforcement
FY 2022 CIP
Amendment No. 1**

This CIP amendment increases the previously approved amount of \$5,000 allocation for the Internal Expansion of the Temporary Sheriff's Office to \$10,000 due to not getting the total approved grant monies in the amount of \$15,000. The total approved grant was approved for only \$10,000.

The project was approved by the County Commission in the FY 2022 CIP and involves the reconfiguration of the Sheriff's Office to provide for more efficient layout and filing system; all needed due to new growth.

The revised FY 2022 CIP, Tables 2 and 3 are attached. Also attached are CIP Form 1, CIP Form 2, and cost estimates for the proposed equipment purchases.

The Office of Impact Fees recommends approval of the requested amendment.

Is this a funding request? **No, Impact fees are used as funding.**

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

Provide exact financial impact/request:

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

Move to approve the Law Enforcement – FY 2022 Capital Improvement Plan – Law Enforcement Amendment No. 1, as presented.

Attach supporting documents for request, or request may be denied

If not attached, explain:

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

Contact information:

Email address.

Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

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Table 3. FY 2022 Impact Fundable Projects

#	Pri	Project	Estimated Total	Prior Allocation	Current Request FY 2022	Other Sources Allocation	Yr 1 FY 2023	Yr 2 FY 2024	Yr 3 FY 2025	Yr 4 FY 2026	Yr 5 FY 2027
Jefferson County Board of Education											
3	1	Regional Student Support Center	\$14,160,000	\$0	\$1,000,000	\$9,000,000	\$1,160,000	\$1,000,000	\$1,000,000	\$1,000,000	\$0
TOTALS			\$14,160,000	\$0	\$1,000,000	\$9,000,000	\$1,160,000	\$1,000,000	\$1,000,000	\$1,000,000	\$0

Impact Fee Specialist Recommendations – Jefferson County Board of Education											
3	1	Regional Student Support Center		Eligible for Full Funding due to being for new growth	As of January 1, 2021, the remaining allocation amount is \$2,057,755 in the "Elementary School & Land" capital category of this project. As of January 1, 2021, the remaining allocation amount is \$5,516,285 in the "Middle Schools/High Schools & Land" capital category of this project; for a combined amount of \$7,574,040. This request is fundable up to this limit and in combination with other projects under this capital category, and contingent upon availability of funds in the Schools impact fee account, which is projected to have an estimated balance of \$8,476,858 on July 1, 2021.						
					Full funding is currently available in the Schools account for this \$1,000,000 request, in FY 2022. Requisitions will be allocated 50% toward "Elementary School & Land" and 50% toward "Middle/High School & Land" capital categories. The CIP impact fees funding request through FY 2026 is currently available.						

Sheriff of Jefferson County											
1	2	Weapons Training Qualifications Range	\$100,000	\$0	\$25,000	\$0	\$25,000	\$25,000	\$25,000	\$0	\$0
2	2	Internal Expansion Temporary Sheriff's Office Space	\$20,000	\$0	\$10,000	\$10,000	\$0	\$0	\$0	\$0	\$0
TOTALS			\$120,000	\$0	\$35,000	\$10,000	\$25,000	\$25,000	\$25,000	\$0	\$0

Impact Fee Specialist Recommendations – Sheriff of Jefferson County											
#	Pri	Project	Fee Funding Potential	Comments							
1	2	Weapons Training Qualifications Range	Eligible for Full Funding due to being for new growth	As of January 1, 2021, the remaining allocation amount is \$245,137 in the "Buildings & Land" capital category of this project. This request is fully fundable up to this limit, which is projected to have an estimated balance of \$260,675 on July 1, 2021. Full funding is currently available in the Law Enforcement account for this \$25,000 request, in FY 2022. The CIP impact fees funding request through FY 2025 is currently available, which completes the funding request.							
3	2	Internal Expansion Temporary Sheriff's Office Space	Eligible for Full Funding due to being for new growth	As of January 1, 2021, the remaining allocation amount is \$245,137 in the "Buildings & Land" capital category of this project. This request is fully fundable up to this limit, which is projected to have an estimated balance of \$260,675 on July 1, 2021. Full funding is currently available in the Law Enforcement account for this \$10,000 request, in FY 2022, which is to complete the project. The total cost is supplemented with \$10,000 of funding from other sources.							

CIP FORM 1

Jefferson County Government

Agency/Department/Office Summary

Name of Agency/Department/Office: Sheriff of Jefferson County

(1) Pri No	(2) PROJECT NAME DESCRIPTION	(3) ESTIMATED TOTAL COST	(4) PRIOR ALLOC. SOURCE	(5) CURRENT REQUEST FY 2022	(6) CURRENT ALLOC. OTHER SOURCES	(7) EXPECTED FIVE-YEAR FUTURE PROGRAM REQUESTS				
						FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
2	Internal Expansion of Temporary Sheriff's Office Space	20000	0	10000	10000	0	0	0	0	0
2	Weapons Training Qualifications Range	100000	0	25000	0	25000	25000	25000		
2	External Expansion of Temporary Sheriff's Office Space	700000	0	100000	0	100000	100000	100000	100000	200000
2	Mobile Data Terminal System for Police Vehicles	184500	0	10000	0	31500	31500	0	50000	61500
2	Permanent Jefferson County Sheriff's Office	6000000	0	500000	0	1500000	1900000	2000000	25000	0
2	Purchase of Police Cruisers x 18 (3 per year)	900000	0	150000	0	150000	150000	150000	150000	0

CIP FORM 2

Jefferson County Government

ANNUAL and FIVE YEAR PROJECT REQUEST and JUSTIFICATION

Prepared By: Deborah Lowe

Date this form prepared: 12/15/2020

Project Title: Internal Expansion of Temporary Sheriff's Office Space

Project Type: Renovation

Project Location: Jefferson County Sheriff's Office

Project Rank: (1) Urgent/Mandatory (2) Necessary/Needed Optional/Deferrable

OR provide Ranking Number if using Form 2A:

Project Need: This project does not benefit new growth. This project only benefits new growth.

This project benefits both current and new residents and/or businesses.

Budget Impact: This project will affect the county operating budget: Yes No

(if Yes - attach Form 2B).

DESCRIPTION AND JUSTIFICATION (See instructions for Form 2 - attach additional pages as needed)

As the staff and workings of the Sheriff's office has evolved and grown since moving in to the Temporary Sheriff's Office in 2008 and the workload has increased, there is a need to make renovations to the Temporary Sheriff's Office building to accommodate these changes. Additional office space and more functional storage spaces such as lockers for the deputies and larger workstations are a must to keep up with the increased workload and employees.

Estimated Total Cost of Project (\$) \$20,000.00

Funding Request Breakdown by Year (\$):	\$10,000.00	(FY 2022) Current Request
		(FY 2023) All Other Sources
	\$0.00	(FY 2023) Out Year 2
	\$0.00	(FY 2024) Out Year 3
	\$0.00	(FY 2025) Out Year 4
	\$0.00	(FY 2026) Out Year 5
	\$0.00	(FY 2027) Out Year 6

DESCRIBE METHOD OF CALCULATING ESTIMATED COST OF PROJECT: (See Instructions)

Additional pages attached.



Impact Fee Requisition

Jefferson County Government – Office of Impact Fees

Use this form to request release of funds for a specific capital project. For multiple projects use multiple forms. Requestor completes items 1-13 and 23. Attach *original* invoices to this form. Impact Fee Program Specialist completes items 14-22, 24, and 27-29. County Commission President completes item 25. County Clerk completes item 26.

1 Date (mm-dd-yyyy) 9-Nov-21

Agency/Department/Board/Commission Identification

2 Entity Name Jefferson County Sheriff's Office
continued
3 Address 102 Industrial Blvd
continued
4 City Kearneysville
State WV ZIP 25430
5 Requestor Name Deborah Lowe
6 Title Executive Assistant
7 Phone 304-728-3205

Project Information – Completed by Requestor

8 Project Title Expansion of the Temporary Sheriff's Office Space
continued
9 Location 102 Industrial Blvd
continued
10 Phase/Task/Subproject (if applies) _____
continued
11 Total This Requisition \$9,000.00
12 Number of invoices attached 1 (*attach only original documents*)

CIP Identification – Completed by Impact Fee Program Specialist

- 14 Project is listed in County Commission approved Capital Improvement Plan.
- 15 Impact Fee Program Specialist has qualified project for funding by impact fees.

16 CIP Entity Name Jefferson County Sheriff's Office
continued

17 Project Title Internal Expansion of Temporary Sheriff's Office Space
continued

18 CIP FY 2022 Line number 1

Entity ID _____ Project ID _____

Capital Category Buildings and Land

19	CIP Total Project Cost	<u>\$20,000.00</u>
	CIP Current FY Request	<u>\$20,000.00</u>
	CIP Approved Impact Fee Funding – Current FY	<u>\$20,000.00</u>
	Previous Impact Fee Funding – Current FY	<u>\$0.00</u>
	This Requisition Request	<u>\$9,000.00</u>
	IFC Funding Approved	<u>\$9,000.00</u>
	Impact Fee Funds Remaining – Current FY	<u>\$1,000.00</u>

Certifications and Tracking

Requestor Signature

23 [Signature] 11/9/2021
Signature Date

By this signature I certify that the information provided by the requestor is true and accurate.

Impact Fee Program Specialist – Approval

24 Requisition Approved Rejected
(If rejected, the Impact Fee Program Specialist will attach a memorandum detailing the reason or reasons for rejection.)

Account Name Sheriff's Law Enforcement Acct. BCT
Account No. 3120120 Bank
[Signature] 8 Nov. 2021
Signature Date

County Commission President – Approval and Release to County Finance

25 Requisition Approved Rejected

Signature Date

County Finance – Received By

26 Signature Date

Impact Fee Program Specialist – Check Delivery Completed

27 Signature Date

28 There are continuation sheets attached. There are no continuation sheets attached.

Impact Fee Program Specialist – Process Numbers Involved

Note that this range may include development for which a fee does not apply (for example commercial development and the school impact fee) and may include Process Numbers for exemptions.

29 Start Date End Date
Start Process Number End Process Number



AJ-Allegheny Systems, LLC
5036-A Washington Street W.
Charleston, WV 25313

Invoice

Invoice Number:
089900

Invoice Date:
Nov 3, 2021

Page:
1

Voice: 877-855-5255
 Fax: (304) 769-0203

Sold To:
Jefferson County Sheriff's Office
102 Industrial Blvd
Kearneyville, WV 25430

Ship to:
Jefferson County Sheriff's Office
102 Industrial Blvd
Kearneyville, WV 25430

Customer ID

JEFCSHRF

Customer PO

Deborah Lowe

Payment Terms

Net 30 Days

Sales Rep ID

KS01

Shipping Method

Hand Deliver

Ship Date

11/2/21

Due Date

12/3/21

Quantity	Item	Description	Unit Price	Extension
1.00LOT		HI Density Mobile Track File System for Storage of Files in the Sheriff's Office. Price is Delivered and Installed.	19,000.00	19,000.00
1.00LOT		File Capacity is 7,084 Linear Filing Inches or the equivalent of (70) 4 drawer vertical file cabinets.		

Check/Credit Memo No:

Subtotal	19,000.00
Sales Tax	
Freight	
Total Invoice Amount	19,000.00
Payment/Credit Applied	
TOTAL	19,000.00

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Becky Burns, Office Manager

Department or Organization: Engineering, Planning & Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: 12/2/2021

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

Date Requested – 2nd Choice:

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

- 1) Thomas Lake - Permit #21-88
- 2) Christopher & Michelle Brannan – Permit #21-605

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

- 1) Thomas Lake applied for a building permit for a single family residence on 2/3/2021. He has asked that his permit be revoked and his fees be refunded. Staff recommends the impact fee be fully refunded in the amount of \$4,067.00; and, that \$494.39 of the building permit fee be refunded (see attached memo).
- 2) Christopher and Michelle Brannan applied for a building permit for a single family residence on 6/22/2021. They have asked that their permit be revoked and their fees be refunded. Staff recommends the impact fee be fully refunded in the amount of \$6,700.00; and, that \$806.13 of the building permit fee be refunded (see attached memo).

Is this a funding request? Y/N YES

If so, how much? \$1,300.52 Permit Fee Refunds \$10,767.00 Impact Fee Refunds

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

- 1) Move to approve a partial refund of the building permit fee for Thomas Lake in the amount \$494.39; a full refund of the impact fee in the amount of \$4,067.00; and, to close the permit application file.
- 2) Move to approve a partial refund of the building permit fee for Christopher and Michelle Brannan in the amount of \$806.13; a full refund of the impact fee in the amount of \$6,700.00; and, to close the permit application file.

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

If not attached, explain: Staff Memo Seeking Fee Reimbursements

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

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

Contact information: Becky Burns

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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

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

Phone: 304-728-3257
Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

MEMORANDUM

TO: SANDY McDONALD, INTERIM COUNTY ADMINISTRATOR
JEFFERSON COUNTY COMMISSION

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

DATE: NOVEMBER 23, 2021

SUBJECT: PERMIT FEE & IMPACT FEE REFUND REQUEST
PERMIT #21-88 THOMAS LAKE
PERMIT #21-605 CHRISTOPHER & MICHELLE BRANNAN

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

On February 3, 2021 Thomas Lake applied for a building permit for a single family residence and paid the permit fee of \$760.60 and the impact fee of \$4,067.00. Mr. Lake is asking that his building permit be revoked and the impact fee and building permit fee be refunded. The building permit for this project has not been issued at this time as there are outstanding plan review comments from February 4, 2021 that have not been addressed to date by Mr. Lake. A site inspection was conducted on November 23, 2021, the land has been cleared but footings have not been poured.

The building permit fee was computed as follows: base fee of \$95.00, plus the square footage fee of \$665.60, for a total of \$760.60. Staff recommends a 65% refund of the permit fees in the amount \$494.39; and, a full refund of the \$4,067.00 impact fee.

On June 22, 2021 Christopher and Michelle Brannan applied for a building permit for a single family residence and paid the permit fee of \$1,240.20 and the impact fee of \$6,700.00. Mr. and Mrs. Brannan is asking that their building permit be revoked and the impact fee and building permit fee be refunded. The building permit for this project was issued on September 23, 2021. A site inspection was conducted on November 23, 2021, the footings have not been poured.

Memo: Permit Fee & Impact Fee Refund Request

November 23, 2021

Page Two

The building permit fee was computed as follows: base fee of \$95.00, plus the square footage fee of \$1,145.20, for a total of \$1,240.20. Staff recommends a 65% refund of the permit fees in the amount \$806.13; and, a full refund of the \$6,700.00 impact fee.

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

If you have any questions please give me a call.

Please Run 2 Times:

November 17 and 24, 2021

NOTICE OF PUBLIC HEARING
Thursday, December 2, 2021 at 11:00 am

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the property designated as Tax District Kabletown (06), Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, and 12.11. The property consists of nine vacant parcels located off Kanawha Lane within Sunnyside Industrial Park, south of Wheatland Road, west of the Norfolk Southern railroad tracks. The property owners/applicants are Sunnyside Investments, LLC (Lots 1-5) and Thomas Management Group, Inc. (Lots 8-11). The combined parcel size is approximately 53.2 acres. The property is currently zoned Industrial-Commercial and a petition has been made to the County Commission by the property owner to change the zoning classification of the property from Industrial-Commercial to Residential-Light Industrial-Commercial (Planning Commission File #21-3-Z).

The hearing will be held on **Thursday, December 2, 2021 at 11:00 am** both in-person and as a virtual meeting via GoTo Webinar. The URL will be published on the meeting agenda.

Oral or written comments can be provided at the hearing on **Thursday, December 2, 2021 at 11:00 am**. Written comments may also be submitted to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

Please contact the Office of Planning and Zoning for additional information on the proposed request: 304-728-3228 or visit the County's website: www.jeffersoncountywv.org.

By Order of the Jefferson County Commission
Steve Stolipher, President



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV 25414

www.jeffersoncountywv.org

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

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

MEMO

TO: County Commission of Jefferson County
FROM: Jennifer M. Brockman, AICP, County Planner
DATE: December 2, 2021
RE: Planning Commission Recommendation regarding the Sunnyside Industrial Park property (File #21-3-Z) Zoning Map Amendment Request

On Thursday, November 4, 2021, John Thomas, Jr. (representing Sunnyside Investments, LLC (Lots 1-5) and Thomas Management Group, Inc. (Lots 8-11)) presented the Jefferson County Commission with a petition for a Zoning Map Amendment for nine vacant parcels located off Kanawha Lane within Sunnyside Industrial Park, south of Wheatland Road, west of the Norfolk Southern railroad tracks. The parcels, designated as Kabletown (06), Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, and 12.11, have a combined acreage size of 53.2 acres. The property is currently zoned Industrial-Commercial and the petition requested rezoning the 53.2 acres to Residential-Light Industrial-Commercial (RLIC). A Public Hearing has been scheduled on this rezoning request by the County Commission for Thursday, December 2, 2021. At the November 4th meeting, the County Commission, in accordance with WV Code 8A and the Jefferson County Zoning Ordinance Article 12, referred the petition to the Planning Commission for their review and recommendation as to whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan*.

At the Tuesday, November 9, 2021 Jefferson County Planning Commission meeting, staff provided the Planning Commission with an overview of the Zoning Map Amendment (#21-3-Z) petition. The applicant was available to respond to questions. The staff report was presented which identified relevant portions of the *Envision Jefferson 2035 Comprehensive Plan* for the Planning Commission's consideration and review. This staff report is attached to this memo for the County Commission's information and consideration. Staff provided comments on the application and the relevant sections of the *2035 Plan*. Staff presented a finding to the Planning Commission that while the proposed zoning district is not literally recommended by the *2035 Plan* for these properties, staff finds that the proposed RLIC rezoning for the lots included in this application is reasonably consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

After reviewing the applicant's presentation, the staff report, and discussion, the Planning Commission made a motion to recommend to the County Commission that the proposed Zoning Map Amendment is reasonably consistent with the *Envision Jefferson 2035 Comprehensive Plan*. The motion passed with an unanimous vote.

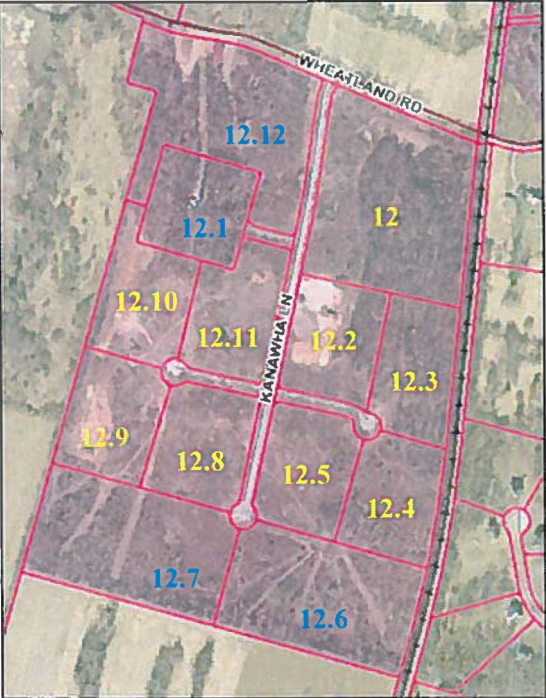
Attachment:

- *Staff Report -- Zoning Map Amendment #21-3-Z for 11/09/21 Planning Commission Meeting*

Staff Report
 Jefferson County Planning Commission Meeting
 November 9, 2021

Sunnyside Rezoning Request (21-3-Z)

Item # 3 Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Residential-Light Industrial-Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Owner #1:	Sunnyside Investments, LLC (Lots 1-5)																																	
Owner #2:	Thomas Management Group, Inc. (Lots 8-11)																																	
Applicant:	John Thomas, Jr.																																	
Parcel Information:	<p style="text-align: center;">Sunnyside Industrial Park – Kanawha Lane, Charles Town Zoning District: Industrial-Commercial Tax District: Kabletown (06), Map: 12</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th>Parcel #</th> <th>Lot #</th> <th>Acreage</th> </tr> </thead> <tbody> <tr><td>12</td><td>1</td><td>12.967</td></tr> <tr><td>12.2</td><td>2</td><td>4.904</td></tr> <tr><td>12.3</td><td>3</td><td>5.082</td></tr> <tr><td>12.4</td><td>4</td><td>5.065</td></tr> <tr><td>12.5</td><td>5</td><td>5.030</td></tr> <tr><td>12.8</td><td>8</td><td>5.014</td></tr> <tr><td>12.9</td><td>9</td><td>5.025</td></tr> <tr><td>12.10</td><td>10</td><td>5.079</td></tr> <tr><td>12.11</td><td>11</td><td>5.031</td></tr> <tr> <td>Approximate acres</td> <td></td> <td>53.2</td> </tr> </tbody> </table> <p><i>*Parcels in blue not subject to this request.</i></p> 	Parcel #	Lot #	Acreage	12	1	12.967	12.2	2	4.904	12.3	3	5.082	12.4	4	5.065	12.5	5	5.030	12.8	8	5.014	12.9	9	5.025	12.10	10	5.079	12.11	11	5.031	Approximate acres		53.2
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12.9	9	5.025																																
12.10	10	5.079																																
12.11	11	5.031																																
Approximate acres		53.2																																
Surrounding Properties:	North, South, East, West: Rural (along the perimeter of the industrial park)																																	
Current Use:	Vacant industrial park																																	
Proposed Request	To rezone from Industrial-Commercial (IC) to Residential-Light Industrial-Commercial (RLIC)																																	
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .																																	
Staff Finding:	Staff finds that the request is reasonably consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .																																	

Applicant's Request

The applicant's request is to rezone Lots 1-5, and Lots 8-11 of the existing Sunnyside Industrial Park from Industrial Commercial (IC) to Residential-Light Industrial-Commercial (RLIC). Sunnyside Industrial Park was approved as a 12-lot major industrial subdivision in 2007. It required the

Staff Report
Jefferson County Planning Commission Meeting
November 9, 2021

Sunnyside Rezoning Request (21-3-Z)

development of a commercial grade paved internal subdivision road, known as Kanawha Lane, within a 60' wide right-of-way. The Kanawha Lane is accessed from Wheatland Road, approximately 0.57 miles east of its intersection with Route 340.

The lots included in the rezoning application comprise 75% of the total 12 lots in the subdivision. The combined acreage of the proposed rezoning is approximately 54 acres, which is 57% of the entire Sunnyside Industrial Park subdivision. An existing cell tower sits on a 4.6-acre parcel between Lots 10, 11, and 12. Approximately 10.3-acres of the original development is dedicated right-of-way.

Neighboring Uses

The surrounding properties are primarily agricultural and residential in nature.

Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that the request is **reasonably consistent** with the *2035 Plan* because it is shown as future "Industrial or Commercial" on the Future Land Use Guide. While the current zoning already permits industrial and commercial uses, the owner-initiated downzoning to Residential-Light Industrial-Commercial (RLIC) would broaden these permitted uses, while also allowing various densities of residential uses and the creation of live/work spaces.

It should be noted that Staff has no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

Zoning Map Amendment Public Hearing Process

Article 12 of the Zoning Ordinance requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended." Regarding amendments by petition, State statute provides that, "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See WVC 8A-7-9(c)].

Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

A. Land Use and Growth Management Element/ Future Land Use Guide

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17).

Staff Report
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Sunnyside Rezoning Request (21-3-Z)

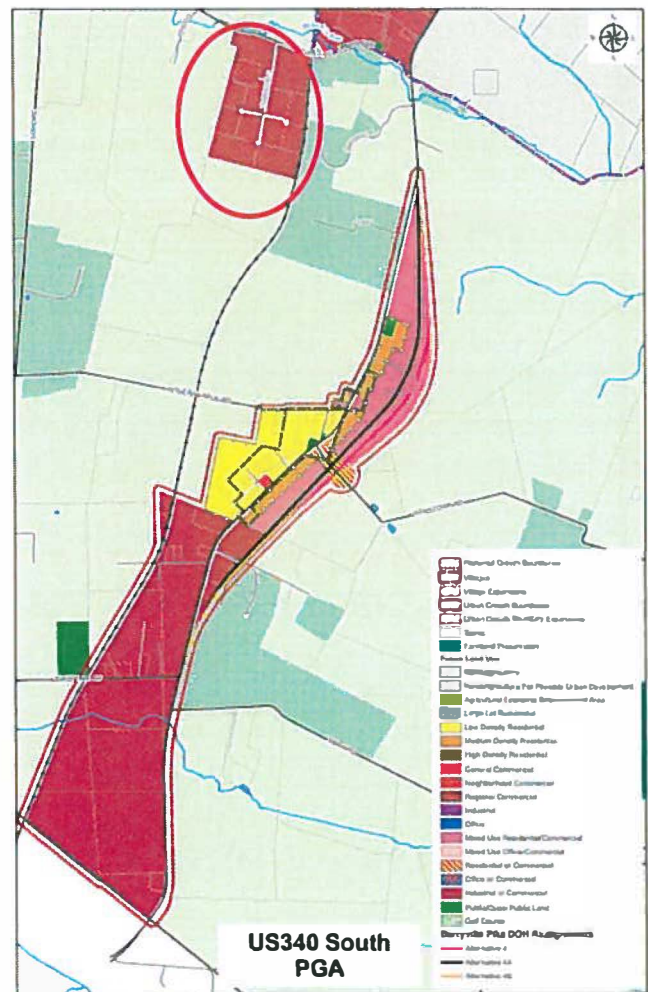
The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development is possible but is not intended for urban-scale development. (p. 17)

Sunnyside Industrial Park is located in the Rural/Agricultural Area just outside the US 340 South PGA (see graphic below). Most of the discussion in the *2035 Plan* regarding the Rural/Agricultural Area is focused on the development of this area for rural residential uses, rural agricultural uses and value added operations. Generally, the *2035 Plan* expects that urban level residential and non-residential development (and redevelopment efforts) will focus in the UGBs and identified PGAs over the 20-year planning period. However, the *2035 Plan* also clearly discusses the retention of existing zoning map classifications and clearly states that no zoning map amendments (rezoning requests) or reductions in existing zoning rights proposed by the County were proposed. As the Sunnyside Industrial Park has been zoned Industrial-Commercial for a number of decades and includes commercial grade road, the Future Land Use Guide showed this area as “Industrial or Commercial”.

As the applicants have noted, there is no water, sewer or gas utilities in this area, which has made it difficult to market for industrial or commercial uses. The owners are requesting downzoning these lots to Residential-Light Industrial-Commercial (RLIC) to broaden the potential uses in this area to allow various densities of residential uses and the creation of live/work spaces, in addition to commercial and light industrial uses.

It should be noted that under the “Urban Level Development Recommendations (Goal 1)”, Recommendation #14 recommends that all commercial/industrial zoning map amendment requests should utilize the 2014 (or later) zoning categories and discourages the use of the existing R-LI-C District as a zoning category for zoning map amendment requests. It further recommends that any development in a zone that permits mixed use be developed according to the mixed land use ratios found in the land use categories recommended by this Plan, unless otherwise provided in the Zoning Ordinance (p.33, emphasis added).

In this case, the owner-initiated down-zoning to RLIC actually broadens the uses that can occur in this area and may result in a more mixed use development.



Staff Report
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Sunnyside Rezoning Request (21-3-Z)

Note that three of the existing lots are not proposed to be a part of this rezoning and will be impacted if the rezoning is approved due to a distance requirement between commercial or industrial uses and any lot with a residence per Section 4.6 of the Zoning Ordinance.

B. Appendix G - Land Use Map Classifications

The property which is a part of this Zoning Map Amendment request is shown on the Future Land Use Guide as Future “Industrial or Commercial”. Appendix G of the *2035 Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts (p. 235).

Appendix G states that the “Industrial or Commercial” land use category (pp. 239) was used to depict “existing properties zoned Industrial/Commercial District (IC). In some areas, it is anticipated that commercial development may be more probable to occur in this category than the industrial uses. The Zoning Ordinance states that commercial uses are to be incidental to the industrial activity in the IC zone; however, it lists all commercial uses as a principle permitted use in this zone. Therefore, property zoned IC has the zoning entitlement rights to develop as either commercial or industrial. This Plan clarifies that the property shown on the Future Land Use Guide may develop as either commercial or industrial. The commercial uses in this category could be Neighborhood Commercial, General Commercial or Regional Commercial as appropriate for the site, based on the road network and available infrastructure.”

While this future land use category does not anticipate residential development, it is reasonable in this area, with the minimal utilities available, to broaden the use to include rural residential and live/work opportunities through the rezoning process.

Proposed Zoning District – Residential-Light Industrial-Commercial (RLIC)

The purpose of the Residential-Light Industrial-Commercial (RLIC) District (Section 5.8) is to “to guide high intensity growth into the designated growth area” (complete description attached). Despite the fact that these properties are not within a designated growth area, they are already zoned to allow intensive commercial and industrial uses. The proposed RLIC zone would permit a wide variety of residential, commercial, and light industrial uses but does not provide the mandatory mix of uses that was recommended in the *Envision Jefferson 2035 Plan*.

Staff Discussion and Recommendation

While the *Envision Jefferson 2035 Plan* anticipated the development of a new zoning category or revisions to the RLIC zone to require a mandatory mix of the residential and commercial uses, this text amendment has not occurred. The applicants are requesting to broaden the permitted uses in an area that has not been successfully marketed for industrial and commercial uses due to location and the lack of utilities, to a zone that would allow a mixture of residential densities and a mixture of commercial and light industrial uses. The properties that are proposed for the rezoning have access from Wheatland Road via Kanawha Lane, a commercial road within a 60’ right-of-way. Sunnyside Industrial Park has already processed as a Major Non-Residential Subdivision resulting in an “approved major non-residential subdivision with master planned roads and stormwater”. Because of this, any non-residential

Staff Report
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November 9, 2021

Sunnyside Rezoning Request (21-3-Z)

development of these lots will be able to process as a Minor Site Plan. Further subdivision of these lots for development as a residential subdivision or into more than one non-residential lots will be required to process as a Major Subdivision.

While the proposed zoning district is not literally recommended by the *2035 Plan* for these properties, staff finds that the proposed RLIC rezoning for the lots included in this application to be **reasonably consistent** with the *Envision Jefferson 2035 Comprehensive Plan*.

Planning Commission Action

Article 12 of the Zoning Ordinance, in accordance with State Code, requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation will be required to be sent to the County Commission prior to the County Commission's public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on November 4, 2021 and the required Public Hearing has been scheduled on December 2, 2021. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

Attachment:

- Section 5.8 Residential-Light Industrial-Commercial (RLIC) District

Staff Report
Jefferson County Planning Commission Meeting
November 9, 2021

Sunnyside Rezoning Request (21-3-Z)

ATTACHMENT:

Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.

A. Principal Permitted and Conditional Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.

B. Standards

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area

C. Site Development Standards

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.
3. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.



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)

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

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).

 _____ Signature of Property Owner	10/14/21 _____ Date	_____ Signature of Property Owner	_____ Date
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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

Dewberry

Summit Industrial Park
10000 W. 10th Ave.
Denver, CO 80202

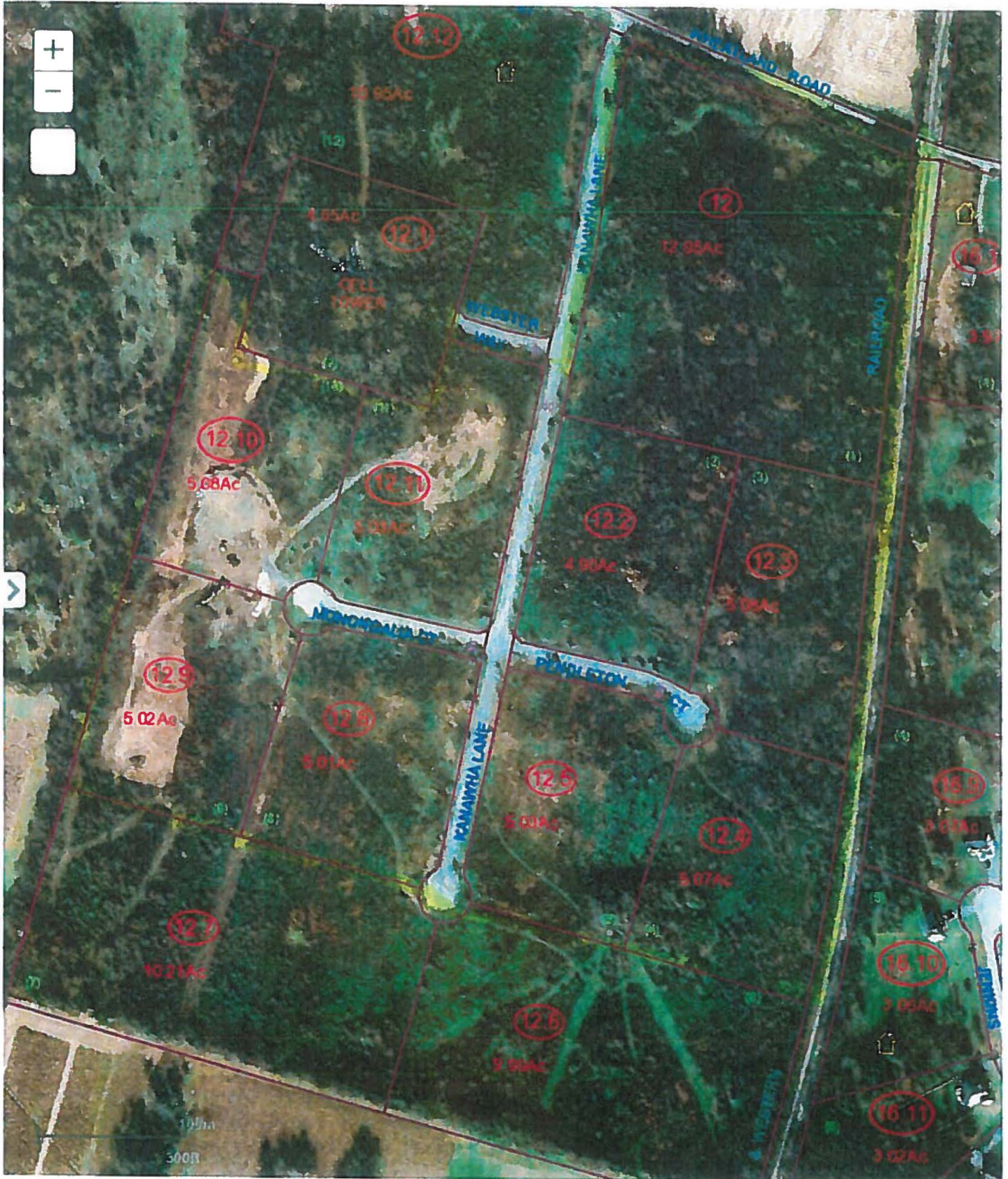


Proposed





Jefferson County West Virgin Tax Map Viewer





Jefferson County West Virgin Tax Map Viewer



Please advertise Two (2) Times

November 17, 2021 &

November 24, 2021

**NOTICE OF PUBLIC HEARING
Thursday, December 2, 2021 at 11:15 AM**

The Jefferson County Commission has scheduled a Public Hearing on the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA21-01, to allow Short Term Rentals to process as a Principal Permitted Use 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). In accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, the text amendment proposes 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.

The hearing will be held on **Thursday, December 2, 2021 at 11:15 AM** both in-person and as a virtual meeting via GoTo Meeting. The URL to participate in the virtual hearing will be included on the meeting agenda and posted to the County's website at www.jeffersoncountywv.org.

Oral or written comments can be provided during at the hearing on **Thursday, December 2, 2021 at 11:15 AM**. Written comments may also be submitted to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

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

By Order of the Jefferson County Commission
Steve Stolipher, President

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

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Charles Town, WV25414

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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~~³² Short 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	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground 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	
Short Term Rental¹¹	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
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
- 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.
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District

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

	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. 61-18-1 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. §§ 61-18-1 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* § 16-1-1 (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 inns², hotel³, labor camps⁴, 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(h).

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 provision, 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 Dep't*, 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 415 (2004).

424, 438 (1995). *See also* *Syl. pt. 2, Crockett v. Andrews*, 153 W.Va. 711, 172 S.E.2d 381 (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*, 171 W.Va. 532, 327 S.E.2d 710 (1981). *See also, State ex rel. Rille v. Ranson*, 195 W.Va. 121, 128, 164 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. Cuyt*, 183 W.Va. 122, 394 S.E.2d 524 (1990); *Dotts v. Tressa, 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* § 16-1-1 (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.



American Planning Association
Making Great Communities Happen

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/q4x3zhq>

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

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Michelle Gordon, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **December 2, 2021**

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

Date Requested – 2nd Choice:

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

- Vendor Debarment-Continued from 11/4/2021
- Advertise for Executive Administrative Assistant Grade 05
- Advertise for Administrative Assistant Grade 02

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

- **Vendor Debarment** was originally introduced on October 21, 2021 and continued to November 4, 2021. On November 4, 2021, I was informed that Ms. Milbourne had agreed to submit a letter formally discontinuing services as a county vendor. Toni Milbourne has not submitted the agreed upon letter. During the debarment period, the vendor may not receive county funds either directly or indirectly.
- **Vacant Exec Admin Asst** - The Commission department would like to fill the Executive Administrative Assistant position that will be vacated as of 12/17/2021 due to an employee resignation. The position is a grade 5 and is an hourly, non-exempt, full time position with an 80 hour bi-weekly schedule. The position is necessary for the Commission department to successfully support all county employees and operations of the county's executive branch. The salary would be advertised with a starting range of \$43,940 – \$48,334. Funding is included in the Commission budget for this existing position.
- **Vacant Admin Asst** – The Commission department would like to fill the Administrative Assistant (Ambulance fee billing) position that was vacated on 07/17/2021 due to an employee resignation. Since July, the duties of this position have been completed by 2 PT temporary employees provided by Axiom Staffing. The position is a grade 2 and is an hourly, non-exempt, full time position with an 80 hour bi-weekly schedule. The position is funded with Ambulance fee billing revenue and will eventually transition to the Tax office when those functions are transferred. The position is necessary for the Commission department to successfully post payments, generate invoices and statements, and process ownership changes due to property transfers. The salary would be advertised with a starting range of \$31,559– \$34,715.

Is this a funding request? Y/N NO

If so, how much? \$ NA

Provide exact financial impact/request:

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

- Motion to debar Toni Milbourne as a county vendor for a period of _____ years/ permanently.
- Motion to approve the advertisement of the Executive Administrative Assistant position with a salary range of \$43,940 - \$48,334.
- Motion to approve the advertisement of the Administrative Assistant position with a salary range of \$31,559– \$34,715.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Stephen Stolpher

December 2, 2021

VICE PRESIDENT
Tricia Jackson

COMMISSIONER
Caleb Wayne Hudson

Toni Milbourne
PO Box 586
Harpers Ferry, WV 25425

COMMISSIONER
Jane Tabb

RE: Debarment

COMMISSIONER
Clare Ath

Dear Ms. Milbourne,

§11A-3-2. *Second publication of list of delinquent real estate; notice.* specifically states that "On or before September 10, of each year, the sheriff shall prepare a second list of delinquent lands, which shall include all real estate in his or her county remaining delinquent as of September 1..." Teresa Hendricks of the Sheriff's tax office contracted with you to type that list. On September 1 of each year (9/1/2019 for 2018 tax bills, 9/1/2020 for 2019 tax bills, and 9/1/2021 for 2020 tax bills), you were provided a list that included the delinquent real estate tax with a real estate bill jointly owned by you and your husband (01-Bolivar Corp, 1 LT Washington Street or District 01, map 2, parcel 0128). You were paid \$650 for each year for these services for a total of \$1,950.

Tax records indicated that:

- 1) In September 2019 for 2018 taxes, your 2018 tax bill was not paid until 09/30/2019;
- 2) **In September 2020 for 2019 taxes, your 2019 tax bill was not paid until 11/16/2020 which is the day before the actual tax sale; and,**
- 3) In September 2021 for 2020 taxes, your 2020 tax bill was not paid until 09/30/2021.

The finished, typed list provided by you in in mid September of 2019 (for 2018 tax), 2020 (for 2019 tax) and 2021 (for 2020 tax) did not include the delinquent property owned by you and your husband. This deliberate omission has subjected the county to potential liabilities and violates state code referenced above.

As a result of this misconduct, you are being debarred as vendor for all Jefferson County direct or indirect payments. You are hereby advised to cease all further performance. If you have any questions regarding the debarment, please feel free to contact me at 304.724.8425.

Sincerely,

Michelle Gordon
Finance Director

cc: Stephanie Grove, County Administrator
Jacqueline Shadle, Clerk of the County Commission
Thomas Hansen, Sheriff
Teresa Hendricks, Tax Office

County Administrator
Stephanie Grove

Deputy County Administrator
Sandy Shusher McDonald

**Jefferson County
Job Description**

Position Title:	Executive Assistant	Grade Level:	V
Department	County Commission Administrative Offices	Date:	6-24-10
Reports to:	Deputy County Administrator	FLSA Status	NE

Statement of Duties: The employee provides executive administrative support to the County Administrator, County Commission, and department heads to ensure the realization of county goals, and provides customer service to the general public. Employee is required to perform all similar or related duties.

Supervision Required: Employee works under the general direction of the County Administrator. The employee plans and carries out the regular work in accordance with standard practices and previous training, with substantial responsibility for determining the sequence and timing of action and substantial independence in planning and organizing the work activities, including determining the work methods. The employee is expected to solve, through experienced judgment, most problems of detail or unusual situations by adapting methods or interpreting instructions to resolve the particular problem. Instructions for new assignments or special projects usually consist of statements of desired objectives, deadlines and priorities. Technical and policy problems or changes in procedures are discussed with supervisor, but ordinarily the employee plans the work, lays it out and carries it through to completion independently. Work is generally reviewed only for technical adequacy, appropriateness of actions or decisions, and conformance with policy or other requirements; the methods used in arriving at the end result are not usually reviewed in detail.

Supervisory Responsibility: Employee regularly leads other workers in accomplishing assigned work and performs non-supervisory work that is usually for the same kind and levels as is done by the group led. Employee provides on the job training to new staff. Workload is subject to cyclical fluctuations.

Confidentiality: Employee has access to some confidential information obtained during performance of regular position responsibilities such as department records.

Accountability: Consequences of errors, missed deadlines or poor judgment may include adverse public relations, missed deadlines, monetary loss, and jeopardize programs.

Judgment: The work requires examining, analyzing and evaluating facts and circumstances surrounding individual problems, situations or transactions, and determining actions to be taken within the limits of standard or accepted practices. Guidelines include a large body of policies, practices and precedents which may be complex or conflicting, at times. Judgment is used in analyzing specific situations to determine appropriate actions. Employee is expected to weigh efficiency and relative priorities in conjunction with procedural concerns in decision making. Requires understanding, interpreting and applying federal, state and local regulations.

Complexity: Assignments typically involve evaluation and interpretation of factors, conditions or unusual circumstances; inspecting, testing or evaluating compliance with established standards

County Commission Administrative Office
Executive Assistant
1/1/08

**Jefferson County
Job Description**

or criteria; gathering, analyzing and evaluating facts or data using specialized fact finding techniques; or determining the methods to accomplish the work.

Work Environment: The work environment involves everyday discomforts typical of offices, with occasional exposure to outside elements. Noise or physical surroundings may be distracting, but conditions are generally not unpleasant. Employee may be required to work beyond normal business hours to attend evening meetings.

Nature and Purpose of Public Contact: Relationships are constantly with co-workers, the public, groups and/or individuals such as civic leaders, peers from other organizations, representatives of professional organizations, and the news media. The employee serves as a spokesperson or recognized authority of the organization in matters of substance or considerable importance. The employee may, on behalf of a department head, communicate departmental practices, procedures, regulations or guidelines. May be required to discuss controversial matters where tact is required to avoid friction and obtain cooperation.

Occupational Risk: Duties of the job present little potential for injury. Risk exposure is similar to that found in typical office settings.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

1. Serves the public through answering telephone calls, greeting visitors to the County Commission office and responding to inquiries from county offices and members of the public.
2. Takes and records minutes of meetings, prepares minutes, reports and agendas for meetings of the County Commission, other county departments and committees, other special meetings and attends night meetings; ensures the accurate and timely entry and indexing of County Commission minutes into Law Order books.
3. Provides support in the preparation and administration of grants.
4. Maintains the county's website and email systems, ensuring that information is current and accurate.
5. Performs secretarial and administrative duties including, but not limited to, preparing correspondence, data entry, preparing purchase orders, faxing, photocopying, picking up and delivering mail, filing, and ordering supplies and equipment.
6. Provides information technology services by performing system backups.
7. Performs all tasks related to the email alerts subscription service.

County Commission Administrative Office
Executive Assistant
1/1/08

**Jefferson County
Job Description**

8. Assists in the yearly budget process.
9. Responsible for the Identification Badge system for county employees, contractors and outside agencies.
10. Maintains the County Commission and County Administrator calendar.
11. Provides oversight for county fuel and supplies credit cards including preparation of statements, purchase verifications and assignments of PIN numbers.
12. Handles travel arrangements, including scheduling and reservations, for County Commissioners and other department heads under the jurisdiction of the County Commission.
13. Maintains the administration of appointments to the county's boards, commissions and authorities, including advertising for upcoming appointments, preparing required correspondence and maintaining appropriate files.
14. Ensures compliance with National Incident Management System (NIMS) requirements.
15. Assists other departments as needed with projects or reports, and performs other duties as requested.
16. Responsible for the daily operations of the Cable Channel to include but not limited to the creation of slides, uploading new information and approval of ads and videos for broadcasting, ensuring that the policies and FCC codes are followed.
17. Oversees and assists with maintaining the Purchasing Card program and monitoring of accounts and purchases.

Recommended Minimum Qualifications:

Education and Experience: Graduate of a two year college with an Associate's degree with at least three (3) years related work experience; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

Special Requirements: Notary Public certification preferred.

Knowledge, Abilities and Skill

Knowledge: Common policies, practices and procedures of the department and office operations; laws and regulations pertinent to position functions. Working knowledge of the Internet in support

County Commission Administrative Office
Executive Assistant
1/1/08

**Jefferson County
Job Description**

of department operations.

Abilities: Ability to interact effectively and appropriately with the public and other personnel, perform multiple tasks and maintain confidential information.

Skills: Proficient personal computer skills, mathematical skills, recordkeeping and clerical skills, written and oral communication skills. Outstanding interpersonal skills and attention to detail required.

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.

Physical Demands: Little or no physical demands are required to perform the work. Work effort principally involves sitting to perform work tasks, with intermittent periods of stooping, walking, and standing. There may also be some occasional lifting of objects such as books, office equipment and computer paper.

Motor Skills: Duties are largely mental rather than physical, but the job may occasionally require minimal motor skills for activities such as moving objects, operating a telephone system, computer and/or most other office equipment, typing and/or word processing, filing, and sorting.

Visual Demands: Visual demands include constantly reading documents for general understanding and for analytical purposes.

**Jefferson County, West Virginia
Job Description**

Position Title:	Fee Collector & Administrative Assistant	Grade Level:	II
Department	County Commission	Date:	March, 2014
Reports to:	County Administrator	FLSA Status	NE

Statement of Duties: Employee is responsible for assisting with the collection of Ambulance and Fire Fees as directed by the County Commission. Employee is required to perform all similar or related duties, including back-up duties as required by the County Commission Staff.

Supervision Required: Under general supervision, the employee is familiar with the work routine and uses initiative in carrying out recurring assignments independently with specific instruction. The supervisor provides additional, specific instruction for new, difficult or unusual assignments, including suggested work methods. The employee is expected to recognize instances which are out of the ordinary and which do not fall within existing instructions; the employee is then expected to seek advice and further instructions. Reviews and checks of the employee's work are applied to an extent sufficient to keep the supervisor aware of progress, and to insure that completed work and methods used are technically accurate and that instructions are being followed.

Supervisory Responsibility: Employee, as a regular and continuing part of the job, is not required to supervise any County employees. However, they may be asked to train a seasonal part-time employee to assist with collections during peak periods.

Confidentiality: Employee as a regular part of the job does not have access to public information in accordance with the State Public Records Law.

Judgment: Numerous standardized practices, procedures, or general instructions govern the work and in some cases, may require additional interpretation. Judgment is needed to locate, select and apply the most pertinent practice, procedure, regulation or guideline.

Complexity: The work consists of a variety of duties which generally follow standardized practices, procedures, regulations or guidelines. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation. Since this fee involves coordinating efforts and information between a number of different departments, it is beneficial to have working knowledge of internal County operations and personnel.

Work Environment: The work environment involves everyday discomforts typical of an office setting. Noise or physical surroundings may be distracting, but conditions are generally not unpleasant.

Nature and Purpose of Relationships: Relationships are constantly with county employees, co-workers and the public. The employee communicates departmental practices, procedures,

County Commission
Fee Collector
11/29/2021

Jefferson County, West Virginia
Job Description

regulations or guidelines. Employee may be required to discuss controversial matters where tact is required to avoid friction and to obtain cooperation/payment of fees.

Accountability: Consequences of errors, missed deadlines or poor judgment include adverse public relations, monetary loss to the County.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

1. Collects fees (check, money orders or cash) in accordance with County Commission established policies/guidelines and state regulations; balances daily collection receipts with office activity report.
2. Answers telephone and responds to inquiries from the public.
3. Documents approved policies and procedures to ensure consistent administration of fees.
4. Prepares listing of issues/exonerations for the consideration of the Commission.
5. Manages mail. Researches return mail. Makes address changes and then re-mails the fee bills.
6. Works in collaboration with different departments to obtain information needed to process fees or deposit funds.
7. Responsible for depositing funds collected.
8. Responsible for providing a monthly report to the Finance Director of fees collected.
9. Utilizes the proper software and procedures to ensure fees are collected and recorded per state code.
10. Contact citizens as needed for past due bills and for processing liens on property (for ambulance fee only).
11. Provide an annual summary of activities; fees collected, collection rate, liens processed, and recommendations to the supervisor for issues/recommendations of change.
12. Prepares and delivers responses to Freedom of Information Act (FOIA) as requested by the public for the Ambulance and Fire Fee system.
13. Working knowledge of database and terminology for the Assessor and Tax Departments.
14. The initial employee hired for this position will be required to document the entire work flow process and assist the County Administrator with the set-up of the entire fee collection program.
15. This position is the person responsible for maintaining the entire program, and may be supplemented by a seasonable part-time employee.

Recommended Minimum Qualifications

Education and Experience: Position requires a High School Degree or equivalent, and up to (1) year of experience; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

County Commission
Fee Collector
11/29/2021

**Jefferson County, West Virginia
Job Description**

Knowledge, Abilities and Skill

Knowledge: Common policies, practices, and procedures of collection functions; working knowledge of collection and cash receipts. Working knowledge of personal computers and office software in support of department operations and collection of money.

Abilities: Ability to work independently and be self-motivated, interact effectively and appropriately with the public and other personnel, perform multiple tasks, and ability to work with numbers and cash in an accurate manner.

Skills: Proficient computer keyboarding skills, basic mathematical skills, recordkeeping and clerical skills, organization skills; proficient written and oral communication skills.

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.

Physical Skills: Little or no physical demands are required to perform the work. Work effort principally involves sitting to perform work tasks, with intermittent periods of stooping, walking, crouching, and standing. The employee is occasionally required to lift objects such as ledger books, photocopy and computer paper.

Motor Skills: Position requires minimal motor skills for activities such as: operating a personal computer and/or most other office equipment, keyboarding as well as the filing of papers.

Visual Skills: Employee is required to routinely read and interpret documents for understanding.



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

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **December 2, 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, and discussion of 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, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
3. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.
4. Report by counsel on opioid case. (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170).

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

	Jefferson County Policies & Procedures		
Policy Name:	Financial System Access and Approval Policy	Approved:	
Policy Number:	319	Author:	Grove
Associated:			

1. PURPOSE

To establish sound internal controls for access to the County’s financial system. Certain County employees and other individuals connected with Jefferson County Government must have administrator/system access to the County’s Tyler Financial system to allow the County government to operate in an efficient and effective manner. This policy is necessary to minimize the risks associated with granting access to the County’s financial system.

2. AUTHORITY

The County Clerk and the County Commission (this team is referred to as “County”) shall be responsible for the implementation, interpretation, and enforcement of this policy. The County shall issue, maintain and update any procedure, control and form needed to ensure compliance with this policy and any West Virginia and Federal law.

3. DEFINITIONS

- 3.1** Access Privileges means systems permission associated with an account, including permissions to access or change data, to process transactions, create or change settings, etc.
- 3.2** Administrator Account or Administrative account means user accounts with access privileges that have advanced permissions above a regular user’s abilities on the Tyler Financial System that are necessary for the administration of the system. An administrator account can authorize the creation of new users, change account permissions, and modify security and other system performance settings.
- 3.3** Authorized Requestor is a Jefferson County Elected Official or Jefferson County Department Head who is responsible for requesting access to the Tyler Financial System on behalf of the users in a particular county office.
- 3.4** Least privileges means users or resources will be provided with the minimum privileges necessary to fulfill their roles and responsibilities.
- 3.5** Significant Change means any change in access privileges, a change to administrative procedures or processes, a change in system performance settings, or a change in workflow other than workflow changes on the departmental level.
- 3.6** Designee means an employee who is authorized to provide the approvals enumerated in this policy. All designees shall be appointed in writing, which writing shall indicated whether the employee is a permanent or temporary designee.
 - 3.6.1** A Permanent Designee is an employee who has been permanently authorized to

act on behalf of an official.

3.6.2 A Temporary Designee is authorized to act on behalf of an official on a temporary basis in the event of a position vacancy or absence. Such delegation shall only be in effect for the period necessary to cover the absence/vacation and shall not exceed six months.

3.7 Tyler Financial System is defined as the Accounts Payable and Payroll modules of the Tyler/Munis system.

3.8 Users are all employees, consultants, or contractors who are authorized to access the Tyler Financial System, including, but not limited to, employees with administrative accounts

4. SYSTEM ACCESS

4.1. The Clerk of the County Commission, the IT Director, and the Finance Director shall all have administrative access to the Tyler Financial System.

4.2. All access requests must originate from an Authorized Requestor or designee and must be approved in writing by the Clerk of the County Commission or her designee before a new user can be added to the Tyler Financial System.

4.3. Access to specific system functions shall be consistent with each user's scope of employment and shall be granted on a least-privileges basis.

5. CHANGE IN ACCESS PRIVILEGES OR SYSTEM PERFORMANCE SETTINGS

5.1. Any significant change must be requested in writing and approved in writing by the Clerk of the County Commission or her designee before those changes can be implemented by another user with administrative access.

5.2. Requests for significant changes can only be requested by a user with an administrator account.

6. AUDIT

6.1. The Clerk of the County Commission shall have the ability at any time to request a log of any user's activity to determine if all users have adhered to the procedures contained in this policy.

6.2. Each year, the Clerk of the County Commission, Authorized Requestors, and Administrative users shall review the list of users and their associated access for appropriateness.

7. Policy Violations

Employees who are suspected of violating this policy may be placed on a paid or unpaid administrative leave during the course of an investigation. Employees found to have violated or to have participated in a violation of this policy shall be subject to disciplinary action up to and including termination.

Michelle Gordon

From: Stephanie Grove
Sent: Wednesday, November 24, 2021 11:28 AM
To: Michelle Gordon
Subject: Fw: Access Policy
Attachments: 319 Access policy.pdf

From: Stephanie Grove
Sent: Wednesday, February 12, 2020 4:41 PM
To: Jacki Shadle
Subject: Access Policy

Jacki,

Attached is the access policy draft for your review. If you prefer that I create a form and incorporate use of that form into the policy, I can certainly do that as well. Until the policy is implemented, I have instructed Russ and Michelle to seek your permission via e-mail regarding any changes to the system, and they have been following that directive. Feel free to contact me if you have any questions.

Thanks,

Stephanie

Stephanie F. Grove
County Administrator
County Commission of Jefferson County, WV
Post Office Box 250
124 East Washington Street
Charles Town, WV 25414
Office: (304) 728-3284
www.jeffersoncountywv.org

Notice of Confidentiality:

The information contained in this email message is intended for the use of the individual or entity named above and may contain information that is privileged, confidential, exempt or protected from disclosure by law. If the reader of this message is not the intended recipient, you are hereby notified that any disclosure, dissemination, distribution, or copy of the communication is strictly prohibited. If you have received this message in error, please notify the sender immediately and destroy all content and attachments included with the original message.



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **December 2, 2021**

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

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

Approval of 2022 Holiday Schedule

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

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

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

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

JEFFERSON COUNTY COMMISSION HOLIDAY SCHEDULE 2021

Martin Luther King, Jr. Day	Monday, January 17, 2022
President's Day	Monday, February 21, 2022
Primary Election Day	Tuesday, May 10, 2022
Memorial Day	Monday, May 30, 2022
West Virginia Day	Monday, June 20, 2022
Independence Day	Monday, July 4, 2022
Labor Day	Monday, September 5, 2022
Columbus Day	Tuesday, October 11 2022
General Election Day	Tuesday, November 8, 2022
Veteran's Day	Friday, November 11, 2022
Thanksgiving Day	Thursday, November 24, 2022
Day after Thanksgiving	Friday, November 25, 2022
Christmas Day	Monday, December 26, 2022

IN ADDITION TO THE DAYS LISTED ABOVE, THE COMMISSION WILL OBSERVE AS HOLIDAYS, ANY NATIONAL, STATE OR OTHER ELECTION DAY THROUGHOUT THE COUNTY, AND ALL DAYS WHICH MAY BE APPOINTED OR RECOMMENDED BY THE GOVERNOR, OF THIS STATE, OR THE PRESIDENT OF THE UNITED STATES, AS DAYS OF THANKSGIVING, OR FOR THE GENERAL CESSATION OF BUSINESS. ANY DAY OR PART THEREOF, DESIGNATED BY THE GOVERNOR AS TIME OFF WITHOUT CHARGE OF ANNUAL LEAVE FOR STATE EMPLOYEES STATE WIDE WILL AUTOMATICALLY BE DESIGNATED AS TIME OFF FOR COUNTY EMPLOYEES WITHOUT CHARGE AGAINST ANNUAL LEAVE FOR COUNTY EMPLOYEES. ANY ENTIRE OR PART STATE WIDE DAY OFF DESIGNATED BY THE GOVERNOR MAY, FOR ALL COURTS BE TREATED AS IF IT WERE A LEGAL HOLIDAY, AS PROVIDED FOR IN 2-2-1 OF THE WEST VIRGINIA CODE, AS AMENDED.

Date: December 2, 2021

PRESIDENT, JEFFERSON COUNTY COMMISSION

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: Dec. 2, 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 Administrator hiring process

Please provide the County Commission with a description of your request or presentation, including any background information: **Set an application deadline, select job posting sites, create timeline for evaluating applications and selecting individuals for interviews, etc.**

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: _____



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **December 2, 2021**

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

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

Acknowledgment of the “Assessor’s additional duties” as delineated in WV Code 7-7-6a

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.](#)



Dave Hardy
Secretary of Revenue

STATE TAX DEPARTMENT

Matthew Irby
State Tax Commissioner

November 23, 2021

Honorable Members of the Jefferson County Commission
Jefferson County Courthouse
104 E. Washington Street
Charles Town, WV 25414

Dear Commission President:

This letter is to certify that Angela Banks, Assessor of Jefferson County, has substantially complied with the "assessor's additional duties" as delineated in West Virginia Code § 7-7-6a. Substantial completion of the additional duties entitles Ms. Banks to the additional compensation of \$15,000 as provided in West Virginia Code § 7-7-6b.

Sincerely,

A handwritten signature in blue ink, appearing to be "M. Irby", written over a blue circular stamp.

Matthew Irby

State Tax Commissioner

MI/ct

cc: Assessor of Jefferson County

Clerk of Jefferson County



Name: **Sandy McDonald, Interim County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **December 2, 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 applicants - Update**

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.](#)



November 18, 2021

Stephanie Grove
County Administrator
Jefferson County
124 East Washington Street
P.O. Box 250
Charles Town, WV 25414

RE: Important Information—Price Changes

Dear Ms. Grove,

At Comcast, we are always committed to delivering the entertainment and services that matter most to our customers in Jefferson County, as well as exciting experiences they won't find anywhere else. We are also focused on making our network stronger in order to meet our customers' current needs and future demands.

As we continue to invest in our network, products, and services, the cost of doing business rises. Rising programming costs, most notably for broadcast TV and sports, continue to be the biggest factors driving price increases. While we absorb some of these costs, these fee increases affect service pricing. As a result, starting December 20, 2021, prices for certain services and fees will be increasing, including the Broadcast TV Fee and the Regional Sports Network Fee. Please see the enclosed Customer Notice for more information.

In addition to the price changes noted on the enclosed Customer Notice, customers subscribing to Performance Starter Internet at \$54.95, which is no longer available for new subscriptions, will receive additional notice of a price change to this service from \$54.95 to \$59.95 per month as part of the letter accompanying their Customer Notice.

We know you may have questions about these changes. If I can be of any further assistance, please contact me at 410-497-0365.

Sincerely,

A handwritten signature in black ink that reads "Andre S. Fountain".

Andre Fountain
Senior Specialist, Government & Community Affairs
Comcast Beltway Region

Enclosure: Customer Notice

Important information regarding your Xfinity services and pricing

Effective December 20, 2021

Xfinity TV	Current	New
Broadcast TV Fee	\$18.95	\$21.00
Regional Sports Fee	\$10.45	\$11.00
Choice TV Select	\$30.00	\$32.50
Choice TV Select - with TV Box	\$37.50	\$41.00
Entertainment	\$15.00	\$17.00
TV Box and Remote	\$7.50	\$8.50
TV Box	\$7.10	\$8.10
HD TV Box Limited Basic	\$7.10	\$8.10
HD TV Box and Remote Limited Basic	\$7.50	\$8.50
Service to Additional TV with TV Adapter	\$7.50	\$8.50

Xfinity Internet	Current	New
Performance - Xfinity Internet Service Only	\$80.95	\$83.95
Performance Pro - Xfinity Internet Service Only	\$95.95	\$98.95
Blast! - Xfinity Internet Service Only	\$100.95	\$103.95
Extreme Pro - Xfinity Internet Service Only	\$105.95	\$108.95
Gigabit - Xfinity Internet Service Only	\$110.95	\$113.95

FirstEnergy Corp.
5001 Nasa Boulevard
Fairmont, WV 26554
www.firstenergycorp.com

For Release: November 22, 2021

News Media Contact:
Will Boye
(301) 790-6420

Investor Relations Contact:
Irene Prezelj
(330) 384-3859

Mon Power and Potomac Edison Propose Solar Energy Projects in West Virginia

Companies seek Public Service Commission approval for 50 megawatts at five locations

FAIRMONT, W. Va. – Mon Power and Potomac Edison, subsidiaries of FirstEnergy Corp. (NYSE: FE), have submitted an application to the Public Service Commission of West Virginia for approval to build five utility-scale solar energy projects throughout the companies' West Virginia service territory. Together, the facilities would generate 50 megawatts of clean, renewable energy to help make West Virginia more attractive for business development.

The application supports a 2020 bill passed by the West Virginia legislature that authorizes electric utilities to own and operate up to 200 megawatts of renewable generation facilities to help meet the state's electricity needs. The addition of new renewable generation also encourages economic development in West Virginia, as a growing number of companies require that a portion of the electricity they purchase be generated by renewable sources.

"Many of our customers have expressed strong interest in solar power in recent years, and we are excited about the opportunity to meet the growing demand for renewable energy in our service territory while supporting West Virginia's economic development goals," said Jim Myers, president of FirstEnergy's West Virginia operations.

If the program is approved, Mon Power would build, own and operate the five solar facilities, and the energy produced would be available for purchase by Mon Power and

Potomac Edison customers in West Virginia. Customers who participate in the program would receive the equivalent of one solar renewable energy credit (SREC) for each megawatt hour of energy purchased. To help ensure the development of clean, renewable energy in the state, the cost of the solar generation would be paid for by Mon Power and Potomac Edison customers in West Virginia through a nominal solar surcharge until all the energy credits are purchased by program participants.

Once approved, procurement, groundbreaking and permitting would begin on the first phase of solar facilities as soon as 2022, with all five expected to be completed before the end of 2025.

Four of the five proposed sites are on property owned by Mon Power or its affiliates, and the fifth location is still under review. The sites include:

- A 26-acre reclaimed ash disposal site in Berkeley County
- A 51-acre site adjacent to a Mon Power substation in Hancock County
- A 95-acre site in Monongalia County
- A 44-acre reclaimed strip mine property in Tucker County

“We believe this is an exciting new use for several underutilized properties that will diversify our energy sources with clean, renewable options and help us continue to provide safe, reliable power to our customers in West Virginia,” added Myers.

Mon Power serves about 395,000 customers in 34 West Virginia counties. Follow Mon Power at www.mon-power.com, on Twitter [@MonPowerWV](https://twitter.com/MonPowerWV), and on Facebook at www.facebook.com/MonPowerWV.

Potomac Edison serves about 275,000 customers in seven counties in Maryland and 151,000 customers in the Eastern Panhandle of West Virginia. Follow Potomac Edison at

www.potomacedison.com, on Twitter [@PotomacEdison](https://twitter.com/PotomacEdison), and on Facebook at www.facebook.com/PotomacEdison.

FirstEnergy is dedicated to integrity, safety, reliability and operational excellence. Its 10 electric distribution companies form one of the nation's largest investor-owned electric systems, serving customers in Ohio, Pennsylvania, New Jersey, West Virginia, Maryland and New York. The company's transmission subsidiaries operate approximately 24,000 miles of transmission lines that connect the Midwest and Mid-Atlantic regions. Follow FirstEnergy online at www.firstenergycorp.com and on Twitter [@FirstEnergyCorp](https://twitter.com/FirstEnergyCorp).

(112221)

Impact Fee Status Report

October 2021

Office of Impact Fees

Summary

Date Range: Friday 1 through Sunday 31 October 2021

Report Date: 1 November 2021

Process Number Range: 2100376-2100403

Total Applications: 28

Total Non-Exempt: 24

Of which:

Commercial: 1

Residential: 23

Of which:

County: 24

Municipal: 0

Total Exempt: 4

Of which:

Commercial: 0

Residential: 4

Of which:

County: 4

Municipal: 0

Tables 1 through 7 summarize impact fee processing for October 2021. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

Table 1. Form 100 Tallies

	Exempt	Commercial	Residential	Total
1 – 31 October 2021	4	1	23	28
Fees collected		\$0.00	\$34,289.00	\$34,289.00
<i>Of which</i>				
School Impact Fee			\$21.00	\$21.00
Law Enforcement Fee		\$0.00	\$11,225.00	\$11,225.00
Parks & Recreation Fee			\$19,999.00	\$19,999.00
EMS Fee		\$0.00	\$2,114.00	\$2,114.00
Admin. Facilities Fee		\$0.00	\$930.00	\$930.00

Table 2. Financial Data – Office of Impact Fees General Account (3111776)

Description	Amount
Opening Statement Balance (1 October 2021)	\$118,469.32
October Deposits (1 – 31 October 2021)	\$34,289.00
School September Transactions (withdraws via transfer on 12 Oct. 2021)	(\$74.00)
Law Sept. Transactions (withdraws via transfer on 12 October 2021)	(\$37,711.98)
Parks & Rec Sept. Transactions (withdraws via transfer on 12 Oct. 2021)	(\$70,024.25)
EMS September Transactions (withdraws via transfer on 12 October 2021)	(\$7,402.06)
Admin. Facilities Sept. Trans. (withdraws via trans. on 12 Oct. 2021)	(\$3,257.03)
Interest Earned (31 October 2021)	\$24.12
Ending Statement Balance (31 October 2021)	\$34,313.12
<i>Outstanding Credits (deposits through 1 November 2021)</i>	<i>\$0.00</i>

Table 3. Financial Data – School Impact Fee Account (3107582)

Description	Amount
Opening Balance (1 October 2021)	\$8,186,322.29
September Transactions (deposits via transfer on 12 October 2021)	\$74.00
Impact Fee Refund - Timothy Paulin (25 October 2021)	(\$5,991.00)
Interest Earned (31 October 2021)	\$3,475.83
Ending Balance (31 October 2021)	\$8,183,881.12

Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)

Description	Amount
Opening Balance (1 October 2021)	\$196,111.56
September Transactions (deposits via transfer on 12 October 2021)	\$37,711.98
Impact Fee Refund - Timothy Paulin (25 October 2021)	(\$176.00)
Interest Earned (31 October 2021)	\$93.60
Ending Balance (31 October 2021)	\$233,741.14

Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)

Description	Amount
Opening Balance (1 October 2021)	\$509,362.26
September Transactions (deposits via transfer on 12 October 2021)	\$70,024.25
Impact Fee Refund - Timothy Paulin (25 October 2021)	(\$481.00)
Interest Earned (31 October 2021)	\$235.45
Ending Balance (31 October 2021)	\$579,140.96

Table 6. Financial Data –EMS Impact Fee Account (3122816)

Description	Amount
Opening Balance (1 October 2021)	\$18,752.71
September Transactions (deposits via transfer on 12 October 2021)	\$7,402.06
Impact Fee Refund - Timothy Paulin (25 October 2021)	(\$52.00)
Interest Earned (31 October 2021)	\$9.99
Ending Balance (31 October 2021)	\$26,112.76

Table 7. Financial Data - Admin. Facilities Impact Fee Account (33182570)

Description	Amount
Opening Balance (1 October 2021)	\$0.00
September Transactions (deposits via transfer on 12 October 2021)	\$3,257.03
Interest Earned (31 October 2021)	\$0.08
Ending Balance (31 October 2021)	\$3,257.11

Table 8. Total Impact Fees as of 1 November 2021/1

Description	Amount
Office of Impact Fees General Account	\$34,313.12
School Impact Fee Account	\$8,183,881.12
Law Enforcement Fee Account	\$233,741.14
Parks & Recreation Impact Fee Account	\$579,140.96
EMS Impact Fee Account	\$26,112.76
Administrative Facilities Account	\$3,257.11
Total Impact Fees	\$9,060,446.21

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-7.

Table 9. Pending October 2021 Fee Transfers /1

Account	31 October 2021 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$8,183,881.12	\$21.00	\$8,183,902.12
Law Enforcement Fee Account	\$233,741.14	\$11,232.96	\$244,974.10
Parks & Recreation Impact Fee Account	\$579,140.96	\$20,012.99	\$599,153.95
EMS Impact Fee Account	\$26,112.76	\$2,115.45	\$28,228.21
Administrative Facilities Account	\$3,257.11	\$930.72	\$4,187.83
Total Impact Fees	\$9,026,133.09	\$34,313.12	\$9,060,446.21

/1 This table represents each of the impact fee category account totals as of 31 October 2021 listed in tables 3 – 7. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in October 2021 are listed in table 1 of the General Account (3111776); these transactions will be processed in November 2021. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.

Form 100 Transaction Summary Jefferson County Government – Office of Impact Fees

Impact Fee Applications Processed between dates Friday 1 through Sunday 31 October 2021

2100394	10/21/2021	Gomes	Christian and	09 Shepherdstown	1253	312	20	8	\$0.00	10/21/2021	Form 200
2100395	10/22/2021	Courtney	Kara and George II	02 Charles Town	1251	494	19A	32	\$0.00	10/22/2021	Form 200
2100399	10/26/2021	Joseph	Stillwell Homes,	02 Charles Town	1260	202	21A	15	\$0.00	10/26/2021	Form 200
2100403	10/29/2021	Stehr	Douglas	02 Charles Town	1263	255	5	10.3	\$0.00	10/29/2021	Form 200

Category Count: 4

Category Total

\$0.00

2100376	10/01/2021	Young	Samantha	09 Shepherdstown	1261	287	7	1.34	\$1,622.00	10/01/2021	N/A
2100377	10/04/2021	Gruenwald	Nicholas	06 Kabletown	1262	628	26	3.2	\$1,622.00	10/04/2021	N/A
2100378	10/05/2021	Wormald, Jr.	Robert	04 Harpers Ferry	975	635	10A	144	\$1,622.00	10/05/2021	N/A
2100379	10/06/2021	Carlyle Group,		02 Charles Town	972	354	21	26	\$97.00	10/06/2021	Form 260
2100380	10/07/2021	Long	Lindsey	09 Shepherdstown	1266	292	13	87	\$1,622.00	10/07/2021	N/A
2100381	10/07/2021	Milliron	Todd and	04 Harpers Ferry	1082	83	3	28.5	\$1,622.00	10/07/2021	N/A
2100382	10/18/2021	McKinnon	Rhonda	09 Shepherdstown	1255	06	5B	9	\$1,622.00	10/18/2021	N/A
2100383	10/18/2021	Propst	Paul and Mary	02 Charles Town	1262	178	18	6.22	\$1,622.00	10/18/2021	N/A
2100384	10/18/2021	Wormald, Jr.	Robert	04 Harpers Ferry	975	635	10A	67	\$1,622.00	10/18/2021	N/A
2100385	10/18/2021	Harry Catrow	H & G Catrow	07 Middleway	1249	344	13	45	\$1,622.00	10/18/2021	N/A
2100386	10/18/2021	Kimpel	Adam	04 Harpers Ferry	1184	330	4	25.3	\$1,622.00	10/18/2021	N/A
2100387	10/18/2021	Harry Catrow	H & G Catrow	07 Middleway	1279	344	13	44	\$1,622.00	10/18/2021	N/A
2100388	10/18/2021	Collis Homes		09 Shepherdstown	1262	384	7D	3	\$1,622.00	10/18/2021	N/A
2100389	10/18/2021	D.R. Horton, Inc.		02 Charles Town	1227	490	10	8	\$1,622.00	10/18/2021	N/A
2100390	10/20/2021	Wormald, Jr.	Robert	04 Harpers Ferry	26	216	10A	139	\$1,622.00	10/20/2021	N/A
2100391	10/20/2021	Lasonia	Mervin Windear	07 Middleway	1261	425	5	10.10	\$1,622.00	10/20/2021	N/A
2100392	10/20/2021	Mehta	Brandy and Amar	07 Middleway	1183	418	5	10.12	\$1,622.00	10/20/2021	N/A
2100393	10/20/2021	Carlyle Group,		02 Charles Town	972	354	21	26	\$130.00	10/20/2021	Form 260
2100396	10/26/2021	Lutman Land		09 Shepherdstown	1260	43	12	11.14	\$1,622.00	10/26/2021	N/A

2100397	10/26/2021	Lutman Land		07 Middleway	1262	214	26	4	\$1,622.00	10/26/2021	N/A
2100398	10/26/2021	Joseph	Stillwell Homes,	02 Charles Town	1252	351	20A	7	\$1,622.00	10/26/2021	N/A
2100400	10/27/2021	Lutman Land		07 Middleway	1262	214	26	4	\$1,622.00	10/27/2021	N/A
2100401	10/27/2021	Lutman Land		07 Middleway	1262	214	26	4.2	\$1,622.00	10/27/2021	N/A
2100402	10/28/2021	Summit Point		06 Kabletown	1096	472	16	11.1	\$0.00	10/28/2021	N/A
Category Count: 24									Category Total	\$34,289.00	
TOTAL APPLICATIONS: 28									Grand Total	\$34,289.00	