

**REVISED**

JEFFERSON COUNTY COMMISSION  
FIRST QUARTERLY SESSION - JANUARY-MARCH 2022  
THURSDAY, FEBRUARY 17, 2022  
6:00 P.M.  
County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

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

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

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CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- Special Sessions - January 5 and January 14, 2022
- Regular Meeting - February 3, 2022
- BORE - February 1, 3, 8, 10, 2022
- Budget Presentations - February 7, 9, 10, 2022

APPROVAL OF REQUISITIONS

- February 17, 2022

APPROVAL OF ACCOUNTS PAYABLE

- February 10, 2022
- February 17, 2022

APPROVAL OF MANUAL CHECKS

- February 11, 2022
- February 18, 2022

APPROVAL OF PAYROLL

- February 17, 2022

## ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

## PUBLIC COMMENT

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

## PRESENTATIONS

1. 6:15 p.m. Angie Banks, Assessor  
- Approval of Exonerations
2. 6:20 p.m. Tom Hansen, Sheriff  
- Play Security  
- Verification Letter
3. 6:30 p.m. Ralph Blasey, Attorney, Peel Properties WVA LLC  
- Thorn Hill Subdivision (JCPC File No. 02-17) - Request for time extension on Tolling of Bonding Agreement expiration
4. 6:40 p.m. Russell Burgess, Information Technology  
- Jefferson County GigReady Program Participation  
- Request approval for new Information Technology Intern
5. 6:45 p.m. Stephen S. Allen, Director - Jefferson County Office of Homeland Security and Emergency Management  
- Emergency Management Performance Grant (EMPG) application for calendar year 2019  
- Approval to post the position of Administrative Assistant/Public Information Officer/Volunteer Coordinator
6. 7:00 p.m. Richard Thiel, Finance Director  
- Review and Approval of 2022 State Budget Revision 3 for the General County Fund  
- Review and Approval of FY2022 State Budget Revision 3 for the Coal Severance Fund
7. 7:10 p.m. Stephen Brightwell, WV Department of Arts, Culture & History  
- Request to photograph the Jefferson County Courthouse & Courtroom on Saturday, February 26, 2022

8. 7:20 p.m. Nathan Cochran, Assistant Prosecuting Attorney
1. 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, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6 and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
  2. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.
  3. Report by counsel on opioid case. (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170).
  4. Consider renewal of two intergovernmental agreements between the County Commission, the Sheriff's Department, and the Corporation of Bolivar for collection of taxes and for public safety services.
  5. Discussion's for Article 147

#### NEW BUSINESS

9. Decision - Proposed text amendment to the Jefferson County *Envision Jefferson 2035 Comprehensive Plan* (approved 1/14/15) to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts, in accordance with WV Code§8A-3-11, 8A-3-6, and related statues
10. Legislative Updates

#### COUNTY ADMINISTRATOR REPORTS

#### COUNTY COMMISSION REPORTS

11. ADJOURN

#### CORRESPONDENCE/INFORMATION

Notice of Intent to Appoint to the Jefferson County Property Safety Enforcement Agency

Letter from WVDOT concerning amendments to the 2020-2025 STIP

December 10, 2021 Harpers Ferry-Bolivar PSD meeting minutes

Letter from Lyn Widmyer, resident, in support of JCPRC

Letter from Doug Rockwell, resident, concerning the solar text amendment to the Comprehensive Plan

Letter from Mr. and Mrs. Friends, residents, regarding internet accessibility

*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

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

At a special session of the County Commission of said County and State continued and held virtually via GoToWebniar in Charlestown, West Virginia on Wednesday January 5, 2022, beginning at 9:30 a.m.

**Present:** Steve Stolipher, President  
Tricia Jackson, Vice President  
Clare Ath, Commissioner  
Caleb Hudson, Commissioner  
Jane Tabb, Commissioner  
Sandy McDonald, Interim Co.  
Administrator  
Brittany Roberts, Temp Assistant

The meeting was called to order by President Stolipher at 9:44 a.m. Mr. Stolipher stated the purpose of the meeting was to discuss matters related to the Tyler Munis System controls/workflow and personnel to complete the FY23 Budget and also to discuss the County Administrator candidates and conduct interviews.

- **Mr. Stolipher moved to approve Sandy McDonald to control Tyler Munis System workflow until other directive is received from State Auditor or a new Finance Director is hired. Motion seconded and unanimously approved.**
- **Mr. Stolipher moved to approve Michelle Gordon as a vendor and to also seek outside resources for FY23 budget. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to go into Executive Session to discuss and interview County Administrator candidates. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to come out of Executive Session and resume regular session. Motion seconded and unanimously approved.**

No further business, the meeting was adjourned at 2:52 pm.

Respectfully Submitted  
Brittany Roberts  
Temporary Assistant

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Steve Stolipher, President



## Special Session

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

At a special session of the County Commission of said County and State continued and held virtually via GoToWebniar in Charlestown, West Virginia on Friday January 14, 2022, beginning at 9:30 a.m.

**Present:** Caleb Hudson, President  
Steve Stolipher, Vice President  
Clare Ath, Commissioner  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner  
Sandy McDonald, Interim Co.  
Administrator  
Brittany Roberts, Temp Assistant

The meeting was called to order by President Hudson at 9:38 a.m. Mr. Hudson stated the purpose of the meeting was to discuss potential hiring of a temporary financial consultant/ vendor and to discuss County Administrator candidates.

- **Motion by Mr. Stolipher to go into Executive Session to discuss potential hiring of temporary financial consultant/ vendor and to discuss County Administrator candidates. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to come out of Executive Session and resume in regular session. Motion seconded and unanimously approved.**

No further business, meeting adjourned at 10:36 am.

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Caleb Hudson, President

Respectfully Submitted,

Brittany Roberts

Temp Assistant



## **Minutes**

### **Jefferson County Commission**

**Thursday, February 3, 2022**

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A meeting of the Jefferson County Commission was held on Thursday, December 16, 2021 during the first quarterly session at 9:30 a.m. The meeting was held via GoToWebinar and in-person. Present were Caleb Hudson, President, Steve Stolipher, Vice President, and Commissioners Clare Ath, Tricia Jackson, and Jane Tabb. Also present were Sandy McDonald, Interim County Administrator and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, February 3, 2022 meeting is available on the Jefferson County Commission website.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Hudson led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

**Motion by Mr. Hudson to approve the December 16, 2021 Regular Meeting Minutes with noted corrections. Motion seconded and unanimously approved.**

**Motion by Mr. Hudson to approve the January 20, 2022 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.**

**Motion by Mr. Hudson to approve the January 25, 2022 Special Session Minutes as presented. Motion seconded and unanimously approved.**

**Motion by Mr. Hudson to approve the January 26, 2022 Special Session Minutes as presented. Motion seconded and unanimously approved.**

**Motion by Mr. Hudson to approve the January 27, 2022 BORE Minutes as presented. Motion seconded and unanimously approved.**

## APPROVAL OF REQUISITIONS

**Motion by Mr. Hudson to approve the Requisitions for February 3, 2022 in the amount of \$44,112.20. Motion seconded and unanimously approved.**

## APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
85761	AHA-ARTS & HUMANITIES ALLIANCE	\$ 751.87
85762	BOLAND TRANE SERVICES INC	\$ 5,639.00
85763	CASTO & HARRIS INC	\$ 524.52
85764	DELTA DENTAL OF WV	\$ 6,127.33
85765	DIANN BROWN	\$ 38.51
85766	ROBERT E. JONES III	\$ 2,000.00
85767	ED HANNON	\$ 10.42
85768	ESI ELECTRONIC SYSTEMS INC	\$ 821.04
85769	FEDEX	\$ 92.55
85770	FIDELITY POWER SYSTEMS	\$ 2,699.66
85771	FIRE SAFETY EQUIP	\$ 2,747.00
85772	GUTTMAN OIL CO	\$ 4,219.85
85773	HIGHMARK WV	\$ 190,738.20
85774	JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	\$ 1,113.34
85775	JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$ 18,796.82
85776	JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$ 8,080.11
85777	JEFFERSON COUNTY DEVELOPMENT AUTHORITY	\$ 26,500.00
85778	JEFF CO PARKS & RECREATION COMMISSION	\$ 16,931.61
85779	KEVIN J. BOYCE	\$ 333.00
85780	KONE BROOKLYN	\$ 1,809.75
85781	NAPA AUTO PARTS	\$ 81.35
85782	NATIONAL VISION ADMIN.	\$ 1,676.80
85783	OLD CHARLES TOWN LIBRARY	\$ 1,500.00
85784	PATRIOT FIRE AND SECURITY LLC	\$ 6,310.00
85785	MICHEL LLC	\$ 146.60
85786	ROBIN MAHONY	\$ 162.25
85787	RONALD DANTZIC	\$ 72.11
85788	STEVEN HOLZ	\$ 315.00
85789	TOWN OF BOLIVAR	\$ 8,080.12

85790		WV CONSOLIDATED PUBLIC RETIREMENT BD	\$ 6,681.49
85791		WVU WEST VIRGINIA UNIVERSITY	\$ 3,700.00
85792	AM/053	AXION	\$ 1,744.80
<b>TOTAL</b>			<b>\$ 320,445.10</b>

**Motion by Mr. Hudson to approve the Accounts Payable for January 27, 2022 in the amount of \$320,445.10. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME	AMOUNT
85794		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	\$ 2,529.78
85795		BUREAU OF CHILD SUPPORT	\$ 760.05
85796		COLONIAL LIFE	\$ 95.68
85797		COMPTROLLER OF MARYLAND	\$ 615.06
85798		EFTPS IRS TAXES	\$ 91,379.69
85799		EMPOWER RETIREMENT	\$ 5,342.39
85800		GUTTMAN OIL CO	\$ 3,528.16
85801		JACQUELINE SHADLE	\$ 141.00
85802		JEFFERSON SECURITY BANK	\$ 4,355.00
85803		JOSEPH MURPHY	\$ 342.45
85804		MICHELLE GORDON	\$ 5,140.00
85805		NATIONWIDE RETIREMENT SOLUTIONS	\$ 834.00
85806		SHANNON BURLETT	\$ 1,836.21
85807		SPIRIT OF JEFFERSON	\$ 272.46
85808		STATE TAX DEPARTMENT	\$ 150.00
85809		THE HARTFORD	\$ 3,754.60
85810		THE HARTFORD	\$ 2,286.00
85811		TRACY HERRON-RICE RPR	\$ 562.60
85812		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 17,359.64
85813		WV EMERGENCY MANAGMENT COUNCIL	\$ 125.00
85814		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 43,719.90
85815		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 166.49
85816		XEROX FINANCIAL SERVICES	\$ 249.81
85817	FG/OO9	SHERIFF OF JEFFERSON CO	\$ 4,851.00
85818	BS/O11	SHERIFF OF JEFFERSON CO	\$ 7,964.26
85819	AM/O53	AXION STAFFING GROUP	\$ 1,007.58
85820	AM/O53	GLOBAL SCIENCE & TECH	\$ 1,800.00

TOTAL				\$ 201,168.81
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**Motion by Mr. Hudson to approve the Accounts Payable for February 3, 2022 in the amount of \$201,168.81. Motion seconded and unanimously approved.**

**APPROVAL OF MANUAL CHECKS**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
541	CS/002	EASTRIDGE HEALTH SYSTEM		\$ 2,000.00
542	CS/002	WV-CASA - COURT APPT SPL		\$ 5,000.00
947	AV/056	MILLERS SUPPLIES AT WORK		\$ 834.00
<b>TOTAL</b>				<b>\$ 7,834.00</b>

**Motion by Mr. Hudson to approve the Manual Checks for January 28, 2022 in the amount of \$7,834.00. Motion seconded and unanimously approved.**

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
779	HD/8	SHERIFF OF JEFFERSON CO		\$ 1,992.41
948	AV/56	PRINT-O-STAT		\$ 190.00
386	WV369	WVDSRF		\$ 499.00
<b>TOTAL</b>				<b>\$ 2,681.41</b>

**Motion by Mr. Hudson to approve the Manual Checks for February 4, 2022 in the amount of \$2,681.41. Motion seconded and unanimously approved.**

**PAYROLL APPROVAL**

**Motion by Mr. Hudson to approve the Payroll for January 20, 2022 in the amount of \$250,451.81. Motion seconded and unanimously approved.**

**Motion by Mr. Hudson to approve the Payroll for February 4, 2022 in the amount of \$259,244.99. Motion seconded and unanimously approved.**

## PUBLIC COMMENT

Public comment was provided by the following: David Tabb, Jennifer Krouse, and Christine Marshall.

## PRESENTATIONS

1. Jacqueline Shadle, County Clerk – requested approval to change the county payroll date from Thursday to Friday.
  - **Motion by Ms. Jackson to move approve the request to move the county payroll date from Thursdays to Fridays, effective July 1, 2022 to allow time for employees to adjust to the change, with the first payroll date to be July 8, 2022. Motion seconded and passes on a vote of 4-1 with Commissioner Tabb opposing.**
2. Nikki Painter, Chief Deputy Clerk/Voter Registration & Elections – requested approval of the Extended Emergency Absentee Voting Policy
  - **Motion by Mr. Stolipher to approve the Extended Emergency Absentee Voting Policy as presented. Motion seconded and unanimously approved.**
3. Lt. Steve Holz – Jefferson County Sheriff's Office-Animal Control – requested a new hire and the purchase of a vehicle for the Jefferson County Animal Control Office.
  - Lt. Holz notified the Commission he'd be withdrawing the request to hire as the Animal Control Office was in the process of re-advertising for the vacancy.
  - **Motion by Mr. Stolipher to approve the \$17,782.00 from Capital Outlay towards the purchase of a new vehicle for Jefferson County Animal Control, contingent upon the availability of the funds. Motion seconded and unanimously approved.**
4. Public Hearing – proposed text amendment to the Jefferson County Envision Jefferson 2035 Comprehensive Plan (approved 1/14/15) to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts, in accordance with WV Code §8A-3-11, 8A-3-6 and related statutes.
  - Commissioner Hudson opened the public hearing at 10:00 am. Public comments were received by the following: Stacy Tabb.

There being no further public comment, the Commission provided unanimous consent to keep the public comment period open for an additional two weeks to allow time for written comment.

5. Interviews and Appointments – Jefferson County Deputy Sheriff Civil Service Commission – one unexpired term ending September 29, 2025.
  - Because this vacancy is supposed to be filled by an appointee from the WV State Bar Association, Mr. Cochran recommended the Commission not yet act on the appointment.
  - Motion by Mr. Stolipher to direct Ms. McDonald to write a letter to the WV State Bar Association requesting they select an appointee to the Jefferson County Deputy Sheriff Civil Service Commission. Motion seconded and unanimously approved.
6. Russell Burgess, Director, Jefferson County Information Technology – requested acceptance of two Records Management and Preservation Board Grants.
  - **Motion by Ms. Tabb to accept the Records Management and Preservation Board Grant awards as follows: County Clerk - \$8,603.00 for the purchase of a map cabinet with Mylar sleeves to preserve the county’s original oversized maps; County Commission - \$9,545.00 to scan and index land development records, starting with building permits. Motion seconded and unanimously approved.**
7. Chad Wallen, Integrity Federal Services

*(please note: Mr. Stolipher recused himself from hearing and voting on Mr. Wallen’s requests. The unanimous votes recorded below only reflect the four commissioners who were present for Mr. Wallen’s presentations )*

  - a. Sheetz Zoning Map Amendment – request to schedule and public hearing and referral to the Planning Commission to review the zoning amendment request for the 0.52 acre property identified in Charles Town District (2), Map Number 16, Portion of Parcel 1.
    - **Motion by Mr. Hudson to accept the Sheetz Zoning Map Amendment for a 0.52 acre property identified in the Charles Town Zoning District (2), Map Number 16, Portion of Parcel 1, refer the amendment to the Jefferson County Planning Commission for review of Comprehensive Plan consistency and to schedule a public hearing before the County Commission on Thursday, March 17, 2022. Motion seconded and unanimously approved.**
  - b. Green Hill Zoning Map Amendment – request to schedule a public hearing and referral to the Planning Commission to review the zoning amendment request for a 102.00 acre property identified in the Charles Town Zoning District (2), Map Number 3, portion of Parcel 9.

- **Motion by Mr. Hudson to accept the Green Hill Zoning Map Amendment for a 102.00 acre property identified in the Charles Town Zoning District (2), Map Number 3, Portion of Parcel 9, refer the amendment to the Jefferson County Planning Commission for review of Comprehensive Plan consistency and to schedule a public hearing before the County Commission on March 17, 2022. Motion seconded and unanimously approved.**
8. Kelly Franklin, Director, Jefferson County Day Report Center – requested approval of the FY23 West Virginia Community Corrections Grant.
- **Motion by Mr. Stolipher to authorize the President of the Commission to act on its behalf to enter into a contractual agreement with the Division of Justice and Administrative Services to receive and administer grant funds pursuant to provisions of the Community Corrections Program. Motion seconded and unanimously approved.**
9. Danny Lutz, Bill Blizzard Centennial Committee – requested the use of the Jefferson County Courthouse and bailiffs for play practices and performances related to the Bill Blizzard Centennial.
- The Commission requested Mr. Lutz provide more information regarding his request, such as dates and times for the practices and performances and suggested he contact the Jefferson County Sheriff’s Department to inquire about the availability of bailiffs.
10. Jeffrey A. Polczynski, Director, Jefferson County Emergency Communications – requested the appointment of two full-time public safety dispatchers.
- **Motion by Ms. Tabb to approve the hire of two full-time public safety dispatcher in the Jefferson County Emergency Communications Center as follows: Gabrielle Dugan at \$18.14/hr and Kali Osborne at \$19.05/hr, effective February 28, 2022. Motion seconded and unanimously approved.**
11. Roger Goodwin, Chief County Engineer and Michelle Mason, Impact Fee Program Specialist
- a. Presentation of Calendar Year 2021 Annual Report for the Office of Impact Fees.
  - **Motion by Ms. Tabb to accept the Calendar Year 2021 Impact Fees Annual Report for the Office of Impact Fees, as presented. Motion seconded and unanimously approved.**

- **Motion by Mr. Stolipher to stay the annual inflationary adjustments to the impact fees. Motion seconded and passes on a vote of 4-1 with Ms. Tabb opposing.**
- b. Presentation of the FY23 Capital Improvement Plan for the Office of Impact Fees
- **Motion by Mr. Hudson to approve the FY23 Capital Improvement Plan for the Office of Impact Fees, as presented. Motion seconded and unanimously approved.**

12. 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, and WV Supreme Court No's 21-0727, 21-0728, and 21-0731.
- c. Consider matters involving or affecting the construction, planning or purchase, sale or lease of property.
- d. Report by Counsel on opioid case (Jefferson County Commission v. Purdue Pharmaceutical, et al. Use District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170)
- e. Approval of new paralegal – hire for the Prosecuting Attorney's Office as a replacement for a departing employee.
- **Motion by Mr. Stolipher to approve the hire of Jamie Houser as a paralegal for the Jefferson County Prosecuting Attorney's Office at a salary of \$43,500.00, effective February 22, 2022. Motion seconded and unanimously approved.**
  - **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice concerning 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, and WV Supreme Court No's 21-0727, 21-0728, and 21-0731. Motion seconded and unanimously approved.**

- **Motion by Mr. Hudson to come out of Executive Session and reconvene in Regular Session. Motion seconded and unanimously approved.**

### **NEW BUSINESS**

13. Legislative Updates – none provided.

14. Farmland Protection Board Employee

- **Motion by Ms. Tabb to approve Elizabeth Wheeler, Director of the Jefferson County Farmland Protection Board, as a Department Head who will report to the County Administrator and the Finance Office. Motion seconded and unanimously approved.**

### **COUNTY ADMINISTRATOR REPORTS**

- FY23 Budget Meeting Schedule – the Commission provided unanimous consent to meet on the following dates to hear budget presentations from department heads, electeds, and component agencies: Monday, February 7, 2022 at 6:00pm; Wednesday, February 9, 2022 at 6:00pm; and Thursday, February 10, 2022 at 6:00pm.

15. The Commission adjourned at 12:37 p.m. on a motion by Mr. Hudson. Motion was seconded and unanimously approved.

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Caleb Hudson, PRESIDENT

Respectfully submitted  
Jessica Carroll  
Executive Administrative Assistant

FIRST QUARTER TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as Board of Review and Equalization, continued and held at the Courthouse thereof on Tuesday, February 1, 2022, beginning at 1:30 p.m.

PRESENT:

Caleb Hudson, President  
Steve Stolipher, Vice President  
Clare Ath, Commissioner  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner

STAFF:

Angie Banks, Assessor  
June Bowers, Sr. Appraiser  
Steve Groh, Assistant Prosecuting Attorney  
Sandy McDonald, Interim County Administrator

**In re: 2022 Board of Review and Equalization**

President Hudson opened the meeting at 1:30 pm. June Bowers, Senior Appraiser for the Jefferson County Assessor's Office, notified the Commission that no hearings were scheduled for the afternoon.

- **Motion by Mr. Hudson to convene as a Board of Review and Equalization. Motion seconded and unanimously approved.**
- **There being no further business, motion by Mr. Stolipher to recess as a Board of Review and Equalization at 1:33 pm and reconvene in the same capacity on Thursday, February 3rd, 2022 at 1:30 pm. Motion seconded and unanimously approved.**

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Caleb Hudson, COMMISSION PRESIDENT



FIRST QUARTER TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as Board of Review and Equalization, continued and held at the Courthouse thereof on Thursday, February 3, 2022, beginning at 1:30 p.m.

PRESENT:

Caleb Hudson, President  
Steve Stolipher, Vice President  
Clare Ath, Commissioner  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner

STAFF:

Angie Banks, Assessor  
June Bowers, Sr. Appraiser  
Steve Groh, Assistant Prosecuting Attorney  
Jessica Carroll, Executive Admin Assistant

**In re: 2022 Board of Review and Equalization**

President Hudson opened the meeting at 1:30 pm. June Bowers, Senior Appraiser for the Jefferson County Assessor's Office, notified the Commission of two corrections for the record, as follows:

1. Townhome Rentals, LLC – District 7, Map 1, Parcel 1.1. Appraised value reduced from \$421,200.00 to \$363,100.00 due to issues with the kitchen and electrical system.
  - **Motion by Mr. Hudson to accept the correction as presented by Ms. Bowers. Motion seconded and unanimously approved.**
2. Parcel to include 3 lots in Shannondale - District 6, Map 6H, Parcel 172. Appraised value reduced from \$24,800.00 to \$2,000.00 due to septic permit denial.
  - **Motion by Mr. Hudson to accept the correction as presented by Ms. Bowers. Motion seconded and unanimously approved.**
  - **There being no further business, motion by Mr. Hudson to recess as a Board of Review and Equalization at 1:37 pm and reconvene in the same capacity on Tuesday, February 8, 2022 at 1:30 pm. Motion seconded and unanimously approved.**

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Caleb Hudson, COMMISSION PRESIDENT



FIRST QUARTER TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as Board of Review and Equalization, continued and held at the Courthouse thereof on Tuesday, February 8, 2022, beginning at 1:30 p.m.

PRESENT:

Steve Stolipher, Vice President  
Clare Ath, Commissioner  
Jane Tabb, Commissioner

STAFF:

Angie Banks, Assessor  
June Bowers, Sr. Appraiser  
Nathan Cochran, Assistant Prosecuting Attorney  
Jessica Carroll, Executive Admin Assistant

**In re: 2022 Board of Review and Equalization**

Vice President Stolipher opened the meeting at 1:30 pm. Ms. Banks, Assessor, notified the Commission of one correction, as follows:

1. Letter of Mutual Agreement between Roxul and the Jefferson County Assessor's Office – new construction assessed as Personal Property instead of Real Estate
  - **Motion by Mr. Stolipher to accept the Letter of Mutual Agreement between Roxul and the Jefferson County Assessor's Office. Motion seconded and unanimously approved.**
  - **There being no further business, motion by Mr. Stolipher to recess as a Board of Review and Equalization at 1:34 pm and reconvene in the same capacity on Thursday, February 10, 2022 at 1:30 pm. Motion seconded and unanimously approved.**

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Caleb Hudson, COMMISSION PRESIDENT



FIRST QUARTER TERM: (Board of Review and Equalization)

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

At a session of the Jefferson County Commission, sitting as Board of Review and Equalization, continued and held at the Courthouse thereof on Thursday, February 10, 2022, beginning at 1:30 p.m.

PRESENT:

Caleb Hudson, President  
Clare Ath, Commissioner  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner

STAFF:

Angie Banks, Assessor  
June Bowers, Sr. Appraiser  
Steve Groh, Assistant Prosecuting Attorney  
Jessica Carroll, Executive Admin Assistant

**In re: 2022 Board of Review and Equalization**

President Hudson opened the meeting at 1:30 pm. June Bowers, Senior Appraiser for the Assessor's Office, notified the Commission of one correction, as follows:

1. Donald Thompson – District 4, Map 5A, Parcel 19. Appraised value reduced from \$233,900.00 to \$233,200.00 due to the removal of an out-building on the property.
  - **Motion by Mr. Hudson to accept the correction as presented. Motion seconded and unanimously approved.**
  - **There being no further business, motion by Mr. Hudson to recess as a Board of Review and Equalization at 1:32 pm and reconvene in the same capacity on Tuesday, February 15, 2022 at 1:30 pm. Motion seconded and unanimously approved.**

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Caleb Hudson, COMMISSION PRESIDENT



## **SPECIAL SESSION**

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

At a Special Session of the County Commission of said County and State continued and held virtually via GoToWebinar and in-person at the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Monday, February 7, 2022, beginning at 6:00 o'clock p.m.

**PRESENT:** Caleb Hudson, President  
Steve Stolipher, V. President  
Clare Ath, Commissioner  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner  
Sandy McDonald, Interim Co. Admin  
Rick Thiel, Finance Director  
Michelle Gordon, Consultant  
Jessica Carroll, Administrative Assistant

### **In re: FY23 Budget Presentations – Day 1**

The meeting was called to order at 6:00 p.m. by President Hudson.

Michelle Gordon, consultant for the FY23 budget, gave an overview of the budget process and the projected revenues and expenditure requests submitted by the department heads and elected officials for the upcoming fiscal year.

The Commissioners then heard budget presentations from the following: Eastern WV Regional Airport, Jefferson Day Report Center, Jefferson County Parks and Recreation, Jefferson County Community Ministries (as presented by Ms. Gordon), Jefferson County Historic Landmarks Commission, Jefferson County Council on Aging (as presented by Ms. Gordon), Local Libraries, the department of Information Technology, the department of Emergency Communications, the department of Engineering, Planning, and Zoning, Homeland Security and Emergency Management, and CASA of the Panhandle.

No decisions regarding the County budget were made during this meeting.

There being no further business, the meeting adjourned at 8:16 pm.

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Caleb Hudson, PRESIDENT

Respectively Submitted:  
Jessica D. Carroll  
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 virtually via GoToWebinar and in-person at the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Wednesday, February 9, 2022, beginning at 6:00 o'clock p.m.

**PRESENT:** Steve Stolipher, V. President (virtual)  
Clare Ath, Commissioner  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner  
Sandy McDonald, Interim Co. Admin  
Rick Thiel, Finance Director  
Michelle Gordon, Consultant  
Jessica Carroll, Administrative Assistant

**In re: FY23 Budget Presentations – Day 2**

The meeting was called to order at 6:00 p.m. by Commissioner Tabb.

Michelle Gordon, consultant for the FY23 budget, provided the Commission and the audience with a recap of the budget requests presented during the previous session.

The Commissioners then heard budget presentations from the following: Capital Projects (presented by Ms. Gordon and Laura Kuhn, interim Maintenance Director), County Sheriff, including the tax office and animal control, and the Jefferson County Emergency Services Agency.

No decisions regarding the County budget were made during this meeting.

There being no further business, the meeting adjourned at 7:22pm.

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Caleb Hudson, PRESIDENT

Respectively Submitted:  
Jessica D. Carroll  
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 virtually via GoToWebinar and in-person at the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Thursday, February 10, 2022, beginning at 6:00 o'clock p.m.

**PRESENT:** Caleb Hudson, President  
Clare Ath, Commissioner  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner  
Sandy McDonald, Interim Co. Admin  
Rick Thiel, Finance Director  
Michelle Gordon, Consultant  
Jessica Carroll, Administrative Assistant

**In re: FY23 Budget Presentations – Day 3**

The meeting was called to order at 6:00 p.m. by President Hudson.

Michelle Gordon, consultant for the FY23 budget, provided the Commission and the audience with a recap of the budget requests presented during the previous sessions.

The Commissioners then heard budget presentations from the following: Circuit Clerk, Clerk of the County Commission, including Elections, Jefferson County Maintenance Department, including Central Garage and Other Building, Assessor's Office, Prosecuting Attorney's Office, the County Commission, Extension Service Office, the Jefferson County Development Authority, Eastern Panhandle Transit Authority, the Eastern Panhandle Conservation District, Magistrate Court and the Coal Severance Fund.

It was the consensus of the Commission to meet on Friday, February 18 at 6:00pm to begin budget deliberations, with additional deliberation dates to be discussed during the 18<sup>th</sup> as well.

No decisions regarding the County budget were made during this meeting.

There being no further business, the meeting adjourned at 7:36pm.

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Caleb Hudson, PRESIDENT

Respectively Submitted:  
Jessica D. Carroll  
Administrative Assistant

# REQUISITIONS TO BE APPROVED

February 17, 2022

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
COUNTY COMMISSION	22032	\$ 32,500.00	Perry & Associates	FY21 Audit RFP #21-132 Single Audit
<b>GRAND TOTAL</b>		<b>\$ 32,500.00</b>		





**Certified Public Accountants, A.C.**

**Cost Proposal for Audit Services**

**JEFFERSON COUNTY COMMISSION AND THE JEFFERSON COUNTY HISTORIC  
LANDMARKS COMMISSION  
JEFFERSON COUNTY**

**For Fiscal Periods July 1, 2020 through June 30, 2021**

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**RFP# 21-132**

**Date of Proposal: February 1, 2022**

**Contact: Jodey L. Altier, CPA Audit Partner**

**313 Second Street, Marietta OH 45750 740-373-0056**

**313 Second St.  
Marietta, OH 45750  
740.373.0056**

**1907 Grand Central  
Ave. Vienna, WV 26105  
304.422.2203**

**150 West Main St.  
St. Clairsville, OH 43950  
740.695.1569**

**1310 Market St., Suite 300  
Wheeling, WV 26003  
304.232.1358**

**749 Wheeling Ave., Suite 300  
Cambridge, OH 43725  
740.435.3417**

**[www.perrycpas.com](http://www.perrycpas.com)**





Certified Public Accountants, A.C.

313 Second St.  
Marietta, OH 45750  
740.373.0056

1907 Grand Central Ave.  
Vienna, WV 26105  
304.422.2203

150 West Main St.  
St. Clairsville, OH 43950  
740.695.1569

1310 Market Street, Suite 300  
Wheeling, WV 26003  
304.232.1358

749 Wheeling Ave., Suite 300  
Cambridge, OH 43725  
740.435.3417

February 1, 2022

Michelle Gordon, Finance Director  
Jefferson County Commission  
PO Box 250  
124 E Washington Street  
Charles Town, WV 25414

Dear Ms. Gordon and the Commission Members:

In response to your Request for Proposal for audit services for the Jefferson County Commission, Jefferson County (the County) for the fiscal period July 1, 2020 through June 30, 2021, Perry & Associates Certified Public Accountants, A.C. (the Firm) is pleased to provide to you our fixed fee bid of \$32,500.00.

The County has requested their audit to consist of the County and the Jefferson County Historic Landmarks Commission. The above price includes performing all these services. This includes our hourly fees and out-of-pocket expenses as detailed in Exhibit A.

I hereby certify that I am entitled to represent Perry & Associates CPAs, A.C., empowered to submit this bid and authorized to sign a contract with the Jefferson County Commission, Jefferson County, (the County). We look forward to working with you again.

Respectfully submitted,

Jodey L. Altier, CPA, CFF, President, Managing Partner  
Perry & Associates, Certified Public Accountants, A.C.

Tax - Accounting - Audit - Review - Compilation - Agreed Upon Procedure - Consultation - Bookkeeping - Payroll - Litigation Support - Financial Investigations  
Members: American Institute of Certified Public Accountants

• Ohio Society of CPAs • West Virginia Society of CPAs • Association of Certified Fraud Examiners • Association of Certified Anti-Money Laundering Specialists •

RSM US Alliance member firms are separate and independent businesses and legal entities that are responsible for their own acts and omissions, and each are separate and independent from RSM US LLP. RSM US LLP is the U.S. member firm of RSM International, a global network of independent audit, tax, and consulting firms. Members of RSM US Alliance have access to RSM International resources through RSM US LLP but are not member firms of RSM International.



**Exhibit A**

**Bid Summary and Certification**

The Firm of Perry and Associates CPA's, A.C. proposes to conduct audit services for the Jefferson County Commission and the Jefferson County Historic Landmarks Commission, Jefferson County, for the fiscal year ending June 30, 2021 and to issue the results on or before the specified date of March 24, 2022, for the amount of \$32,500.00. The firm's employees assigned to and who will conduct this audit, their level of audit responsibility, credentials, experience, and hourly rates are as follows:

	CPA Yes/No	Years of Governmental audit Experience	Has prior experience this entity Yes/No	Has prior experience this entity Type Yes/No	Hours	Rate/ Hour	Total
<b>President/CEO:</b> Jodey L. Altier	Yes	25	Yes	Yes	16	\$50.00	\$800.00
<b>Principal and Quality Control &amp; Technical Specialist:</b> Cynthia J. Reid	Yes	23	Yes	Yes	16	\$50.00	\$800.00
<b>Principal:</b> Jessica E. Heldman	Yes	14	Yes	Yes	17	\$50.00	\$850.00
<b>Audit Manager:</b> Chris Barkley	No	8	No	Yes	74	\$50.00	\$3,700.00
Mariah P. Richards	No	5	Yes	Yes	127	\$50.00	\$6,350.00
Ryan C. Lynn	Yes	7	No	Yes	74	\$50.00	\$3,700.00
<b>Staff Auditors</b>	No	Varies	No	Yes	326	\$50.00	\$16,300.00
				<b>Total</b>	<u>650</u>		<u>\$32,500.00</u>

Staff auditors will be assigned as needed.

**BREAKDOWN OF TOTAL AUDIT/REVIEW HOURS**

Planning and Supervision	<u>87</u>	Review Report (Conclusions) Preparation	<u>77</u>
Field Work: General	<u>414</u>	Non-Audit Services	<u>0</u>
Federal Grants	<u>64</u>		
		<b>Total Hours</b>	<u><u>650</u></u>

The Firm will not provide this entity with any services that would violate professional standards issued by the American Institute of Certified Public Accountants and *Government Auditing Standards* issued by the Comptroller General of the United States.

In the preparation of this bid there was no conflict of interest or collusion between the Firm and the audit committee members or another representative of the entity. Further, the Firm did not influence, directly or indirectly, the audit committee members or any entity personnel in the scoring of the bid proposals and/or the awarding of the contract.

Respectively submitted,



Jodey L. Altier, CPA, CFF, President, Managing Partner  
Perry & Associates Certified Public Accountants, A.C.

February 1, 2022

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$384,652.36		\$384,652.36
6.2% Tax Payable OASDI	\$22,786.12		\$22,786.12
1.45% Tax Payable HI	\$5,329.09		\$5,329.09
Fed Withholding	\$32,407.26		\$32,407.26
WV State Withholding	\$15,980.01		\$15,980.01
PERS Retirement Deduct 4.5%	\$8,915.12		\$8,915.12
PERS Retirement Deduct 6%	\$5,588.07		\$5,588.07
Hosp. Pre-Taxed	\$14,926.00		\$14,926.00
AFLAC Pre-Taxed	\$406.25		\$406.25
AFLAC Post-Taxed	\$818.92		\$818.92
Optional Life Post-Taxed	\$1,869.80		\$1,869.80
Christmas Club	\$4,355.00		\$4,355.00
Wage Attach #1	\$760.05		\$760.05
Wage Attach #2	\$150.00		\$150.00
Wage Attach #3	\$0.00		\$0.00
DSRS Retirement Deduct 8.5%	\$6,189.49		\$6,189.49
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$5,242.80		\$5,242.80
457R - Roth	\$810.00		\$810.00
MD State Tax	\$493.76		\$493.76
D/VF	\$1,802.50		\$1,802.50
VA State Tax	\$153.82		\$153.82
Colonial(Plus)	\$47.84		\$47.84
Uniforms	\$0.00		\$0.00
Total Deductions	\$129,865.90	\$0.00	\$129,865.90
Net Wages Total	\$254,786.46	\$0.00	\$254,786.46
Payroll Date	February 17, 2022		



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



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **February 17<sup>th</sup>, 2022**

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

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

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

✚ **Approval of Exonerations**

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

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

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

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

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

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

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

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

Contact information:

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

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

[Click here to enter text.](#)



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



Name: Tom Hansen

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 5 minutes

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

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

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

Subject (*Wording to be placed on agenda*): Play Security  
Verification Letter

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

The Bailiffs are happy to provide security for the rehearsals and the play performance(s); however, there will be a budgetary impact for doing so. Since it is not known what court may bring for the remainder of the fiscal year, it is difficult to say that the funding to accommodate the request is currently available. It is also difficult to determine what the impact will be since the full details have not been provided, only the rehearsals. Therefore, it is being requested that funding, if needed, be made available to the Sheriff to cover any budgetary overage caused by providing this security detail. (Currently, our salary line items for the Bailiffs are under at 50.35% and 50.68%)

After last year's cruiser competition, it was suggested by the Commission that we look in to alternative forms of funding for future events. In that light, we are looking in to a community grant from Walmart. The local store has provided assistance to us in the past; however, they are utilizing a new online format to process these requests. To be able to create our account, the Commission needs to verify that we are affiliated and covered under your tax-exempt status. A letter was provided to staff based upon their parameters.

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

I move to approve funding for the Bailiffs for any overage created by providing security for the play detail.

I move to approve the verification of the Sheriff's Office affiliation and tax-exempt status and authorize the President to sign the letter.

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](mailto:thansen@jeffersoncountywv.org)

Phone Number: 304-728-3205

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





# JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT

*Caleb Hudson*

VICE PRESIDENT

*Steve Stolipher*

COMMISSIONER

*Clare Ath*

COMMISSIONER

*Tricia Jackson*

COMMISSIONER

*Jane Tabb*

February 17, 2022

Front Door

VIA Email [frontdoor@cybergrants.com](mailto:frontdoor@cybergrants.com)

Re: 556000333

To Whom It May Concern:

The Jefferson County Commission is the holder of the above referenced EIN. This letter is to verify that the Jefferson County Sheriff's Office is affiliated with the Jefferson County Commission and as such they are covered under our tax-exempt status.

Sincerely,

Caleb Hudson  
Commission President  
Jefferson County

Interim County Administrator  
*Sandy Slusher McDonald*



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



Name: Ralph Blasey, Attorney, Peel Properties WVA LLC

Department or Organization: **Peel Properties WVA. LLC**

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1<sup>st</sup> Choice: **February 17, 2022**

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

**Subject (Wording to be placed on agenda): Thorn Hill Subdivision (JCPC File No. 02-17) – Request for time extension on Tolling of Bonding Agreement expiration.**

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

The Jefferson County Commission entered into an “Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions” (also known as a tolling of bonding agreement) on February 3, 2011 with the developer of the Thorn Hill Subdivision. The bonding/surety provider and financier of the project was United Bank and Peel Properties. Now the property is held exclusively by Peel Properties WVA LLC.

The purpose of the tolling of bonding agreement is to provide relief to the developer and the project financier/bonding/surety provider from having to move forward with a subdivision project during difficult economic times, especially due to a downturn in the market conditions for residential lots and new homes. The main problem during the last 8 years of extension has been the surplus of lots created during the growth period and the inventory of foreclosed properties. These two factors are finally being alleviated. Tolling of the bond only applies to projects where no work has started, and no lots have been sold; the project at this point is only a platted subdivision of record in the County Clerk’s office. Under the tolling agreement the project may not move forward with the sale of lots and construction of the site improvements until the full construction bond amount is reposted at the current rates. This will be in the best interest of the County and Neighborhood since the project won’t be forced to begin and remain in various states of construction.

During the past four years of extension, this subdivision was further affected by the transfer of the County’s Sewer System through the Public Service District to the City of Charles Town. This site was to be served by the PSD and will now need to be served by the City of Charles Town. There are other developments that are moving forward that are between the Thorn Hill Project and the City’s available Sewer and Water Systems. The additional four years should allow this extension of City services to the site.

The intent of the extension is to only allow the project to move forward when both the sewer and water extensions are available and the economic conditions support the ability to sell the lots, this in turn finances the cost of building the required site improvements. Otherwise, forcing a project to proceed with construction of the site improvements when it is not economically viable may result in a default on the bonding agreement by the developer; as a result, the county may be forced to take the bond and the county then becomes responsible for finishing the project.

When the tolling of bonding provision was created it was decided by the bonding policy committee to have a "sunset" provision (see section 6(c) of the tolling agreement). The expectation was that economic conditions would turn around in that period of time. However, the developer and representatives of United Bank for the last extension and Peel Properties for this extension did not then and do not now believe it is a good time to move forward with reposting the bond and beginning construction of the site improvements under the current economic conditions and with the current Water and Sewer system being redirected to the City of Charles Town.

This Project underwent many court proceedings and multiple years of appeals in order to proceed after the Planning Commission approved the subdivision. Most likely, the project would have already been developed and released if it wasn't subject to those appeals. However, because of the downturn of the market after the appeals and the surplus of lots that were created during the growth period in Jefferson County (while this development was under Appeal), the Holders of the Bank Notes and the Bank did not want to bond and begin the development until they knew that they could finish the development in an orderly fashion. This further extension will not cause any problems, since the property will not be cleared, or work started, until the new bond and surety is approved by the County and is posted with the County as the beneficiary. This will also ensure that the area won't be left in partial state of construction. Finally, the additional time period will allow the City of Charles Town Sewer service be extended to the area.

The Thorn Hill Subdivision tolling of bonding agreement is due to expire on February 19, 2022. At that time, the developer will be required to post the full construction bond in an estimated amount of approximately \$4-6 million; otherwise, a default on the agreement may result in a recording of the merger deed and the subdivision reverting back to its original single parcel. If this happens, nothing will be gained other than a considerable amount of additional funds and additional Staff time needed to re-review the project. During the last Tolling extension, the applicants have already agreed to upgrade the Storm Water Management to current County Engineer requirements. This extension will allow the Note Holders and Owner until February 19, 2026 to repost the bond in the full (and current) amount.

Finally, of all of the projects in Jefferson County that is currently stayed, delayed or extended by the County Commission, this is the only project that the Bank, Note Holders and Owner have agreed to provide updated Storm Water Management design as required by the Ordinance and County Engineer when the development reposts the bond.

Section 9 of the tolling agreement provides a provision for amendment of the agreement by the declarant and the County Commission. Engineering is not opposed to granting the time extension

Is this a funding request? Y/N NO  
If so, how much? \$  
Provide exact financial impact/request: \$0.00

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
**Move to approve the request to extend the tolling of bonding agreement noting the existing condition that the stormwater management system be redesigned to meet the requirements of the current Jefferson County Stormwater Management Ordinance as required and reviewed by the County Engineer and that the redesign and resulting plat changes be reviewed and processed administratively by staff; and to extend the expiration date by four (4) years (through February 19, 2026) for the Thorn Hill Subdivision (JCPC File No. 02-17) and that the new/amended agreement be executed and recorded in the office of the County Clerk.**

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: Roger Goodwin, P.E. and Ralph Blasey, esq.  
Email address: Rgoodwin@jeffersoncountywv.org ralph@blaseylaw.com Phone Num: Rpgger 304/728-3257 Ralph 301/339-4152

**AGREEMENT REGARDING BONDING OBLIGATIONS AND  
DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS**  
(Time Extension Amendment February 19, 2018)

**Thorn Hill Subdivision**

**THIS AGREEMENT REGARDING BONDING OBLIGATIONS AND DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS** (this "Declaration") is made and entered into as of the 6<sup>th</sup> day of February, 2018, by Thorn Hill, LLC ("Declarant"), and the **COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA** (the "County Commission").

**WHEREAS**, Declarant is the owner of a certain tract of land located in Jefferson County, West Virginia, legally described as Parcel 14 on Tax Map 19 in the Charles Town Tax District in the deed found recorded in the Jefferson County Clerk's Office in Deed Book 959, Page 359 (the "Land"); and

**WHEREAS**, the Land has been legally subdivided (the "Subdivision") into Thorn Hill Subdivision consisting of (179) single family lots (the "Lots") pursuant to and in accordance with the subdivision ordinance of Jefferson County, West Virginia in effect on July 18, 1979 (the "Subdivision Ordinance"), and as shown on that certain plat of the Thorn Hill Subdivision, Lots 1-179 (JCPC File No. 02-17) , recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 23 at Page 20 (the "Final Plat"); and

**WHEREAS**, Declarant posted a bond with the County Commission, in the form of *a letter-of-credit*, in the amount of \$3,500,000.00 (the "Existing Infrastructure Bond") to secure the completion of all infrastructure improvements to be made in connection with the development of the Subdivision (the "Infrastructure Improvements") as itemized on that certain Construction Bond – Estimate, dated September 1, 2005 (the "Bond Estimate"), and approved by the Jefferson County Department of Planning, Zoning & Engineering (the "Department") on October 17, 2005; and

**WHEREAS**, due to economic conditions in the home building industry, the Declarant has decided to delay construction of the Infrastructure Improvements and, accordingly, has requested that the County Commission modify the Declarant's original bonding obligations with respect to the Subdivision (the "Original Bonding Obligations") until such time as the Declarant commences construction of the Infrastructure Improvements; and

**WHEREAS**, the County Commission has determined that it is in the best interests of Jefferson County to modify the Original Bonding Obligations until such time as the Declarant commences construction of the Infrastructure Improvements subject to the condition that Declarant execute and record this Declaration which shall run with the Land and be enforceable by the County Commission; and

**NOW, THEREFORE**, in consideration of the premises and the covenants and agreements hereinafter set forth, Declarant declares as follows:

1. **Incorporation of Recitals; Defined Terms.** The foregoing recitals are hereby incorporated into this Declaration by this reference as if fully set forth herein. Capitalized terms used herein and not defined or cross-referenced herein shall have the meanings ascribed to such terms in the Subdivision Ordinance.
  
2. **Modification of Original Bonding Obligations.**
  - (a) The County Commission's agreement to modify the Original Bonding Obligations shall be subject to the satisfaction of the following condition precedent (the "Modification Conditions"):
    - (i) The Declarant submits to the Department a surety in the amount of \$10,000 as a Site Stability Bond.
  
  - (b) Upon satisfaction of the Modification Condition, the County Commission shall return the Existing Infrastructure Bond to the Declarant and the Original Bonding Obligations shall be deemed modified as follows:
    - (i) Unless and until Declarant commences the construction of any Infrastructure Improvements, the Declarant's bonding obligations with respect to Subdivision shall be limited to posting a \$10,000 surety as a Site Stability Bond with the County Commission and complying with the provisions of the Bonding Policy with respect to the Site Stability Bond; provided, however, that no infrastructure improvements shall be required to be made to the Land as a condition of keeping the Site Stability Bond in place.
  
    - (ii) No Infrastructure Improvements, including without limitation any Site Stability Work, shall occur or be permitted on the Land (other than the continuance of an agricultural use existing on the land prior to this agreement, and/or mowing and other routine maintenance required to preserve the appearance of the Land and the health and safety of the community) unless and until the Declarant submits to the Department, and the Department approves, a new cost estimate for all Infrastructure Improvements, and the Declarant posts an approved surety with the County Commission in the amount of 115% of said estimate in accordance with the Bonding Policy (the "New Infrastructure Bond"). Upon posting of the New Infrastructure Bond, and provided Declarant is not then in default under this Declaration, the County Commission shall return the surety for the Site Stability Bond to the Declarant.

(iii) Once the New Infrastructure Bond has been posted with the County Commission, the County Commission shall hold the New Infrastructure Bond in accordance with the Bonding Policy and the Declarant shall thereafter comply with all provisions of the Bonding Policy. The County Commission shall be under no obligation to grant further modifications to the Declarant's bonding obligations with respect to the Subdivision. The provisions of this Section 2(b)(iii) shall survive termination of this Declaration.

3. **Covenant Not to Commence Construction.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall not commence, or cause any third party to commence, the construction of any Infrastructure Improvements, including without limitation any Site Stability Work.
4. **Covenant Prohibiting Construction of Homes or Sale or Transfer of Lots.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, (a) Declarant shall not commence, or cause any third party to commence, the construction of any single family residence or other structure on any portion of the Land, and (b) Declarant shall not sell or transfer any Lot. Notwithstanding the foregoing, Declarant may transfer the entire Subdivision to a single transferee subject to the terms and provisions of this Declaration; provided, that such transferee expressly assumes the obligations of Declarant under this Declaration by a written agreement satisfactory to the County Commission.
5. **Covenant to Maintain "Good Standing" with the State of West Virginia.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall continually maintain "good standing" with the State of West Virginia with regard to this parcel/property. This shall include:
  - (a) Maintaining a current and valid organization/business certificate, license, or any other document required by the West Virginia Secretary of State to conduct business in the State of West Virginia. The Declarant shall be in default of this agreement if at any time during the term of this agreement the organization/business is dissolved or revoked by the West Virginia Secretary of State and its good standing is allowed to lapse; and
  - (b) Not be delinquent on the real estate property taxes by more than 30 calendar days from the first payment due date set by the Jefferson

County Assessor. The Declarant shall be in default of this agreement if at any time during the term of this agreement, the real estate property taxes on this property are delinquent more than 30 calendar days.

The Declarant shall provide to the County Commission, on a periodic basis as determined by the County Commission and/or their staff, documentation evidencing that the Declarant is continually maintaining good standing with the State of West Virginia, to the satisfaction of the County Commission.

6. **Covenant to Meet Jefferson County Stormwater Management Ordinance Regulations.** In consideration of the County Commission's agreement to modify the Original Bonding Obligations, Declarant covenants and agrees that prior to satisfying the conditions set forth in Section 2(b)(ii) above, Declarant shall:

- (i) Redesign the stormwater management facilities to provide stormwater runoff quantity and quality control in accordance with the Jefferson County Stormwater Management Ordinance which became effective on January 1, 2014, and is recorded in the Office of the Jefferson County Clerk in Book 1131, Page 525.
- (ii) Submit the stormwater management redesign as a redline revision for review by the Planning Department and Engineering Department staff for review and approval. The stormwater management plan review and any necessary plat amendments resulting from the redesign shall be processed administratively by the Planning and Engineering staff.
- (iii) Submit stormwater management redesign to the staff so as to achieve review and approval prior to satisfying the conditions set forth in Section 2(b)(ii) above.
- (iv) Notify adjacent property owners via regular and certified mail at the time of the stormwater management redline revision submission; and provide a list of property owner's names, addresses and tax map and parcel numbers to the Jefferson County Bonding Administrator to verify proper notification.

7. **Default.**

- (a) The failure of Declarant to observe or perform any of the covenants, conditions or obligations of this Declaration shall constitute a default under this Declaration. If Declarant fails to cure any default within thirty (30) days after the issuance of a notice by the County Commission, specifying the nature of the default; the County

Commission may exercise any rights and remedies it may have hereunder or applicable law, and may record the merger deed in the land records of the County Clerk of Jefferson County. Notwithstanding the foregoing, Declarant shall not be entitled to any notice of a violation of the covenant not to sell or transfer any Lot under Section 4(b) of this Declaration.

- (b) The County Commission shall have the right to bring any proceedings at law or in equity against the Declarant for violating or attempting to violate or defaulting upon any of the provisions contained in this Declaration, and to recover actual damages for any such violation or default. Such proceeding shall include the right to restrain by injunction any violation or threatened violation by the Declarant or any other person of any of the terms, covenants or conditions of this Declaration, or to obtain a decree to compel performance of any such terms, covenants or conditions. All of the remedies permitted or available to the County Commission under this Declaration or at law or in equity shall be cumulative and not alternative, and the invocation of any such right or remedy shall not constitute a waiver or election of remedies with respect to any other permitted or available right or remedy. In any action brought by the County Commission pursuant to these provisions, the County Commission will be entitled to costs (including but not limited to its reasonable attorneys' fees). In addition, the County Commission shall have the right to draw on the Site Stability Bond and apply the proceeds thereof in accordance with the Bonding Policy.
- (c) The maximum length of time for tolling the bond under this time extension shall be four (4) years. As a condition of this agreement the Declarant shall execute a merger deed that merges the lots back into the parent tract. The merger deed shall be held by the Bonding Administrator for the Jefferson County Commission. If the Declarant fails to repost the New Infrastructure Bond and the Bond Surety within four (4) years of the date of this agreement, the County Commission shall have the right to record the merger deed and revoke all project approvals; and the \$10,000 surety for the Site Stability Bond shall be forfeited to the County Commission. The merger deed may not be recorded by the County Commission if the Declarant reposts the Construction Bond and Bond Surety prior to expiration of the four (4) year tolling period; in such case, the merger deed shall be returned by the County Commission to the Declarant. In the event of recordation of the merger deed, the parent tract and residue parcel shall retain all future development rights under the land development ordinances in effect at the time the future application for land development is presented to the County.

8. **Waiver.** No waiver by the County Commission of any default under this Declaration shall be effective or binding unless made in writing by the County Commission and no such waiver shall be implied from any failure of the County Commission to take any action with respect to any default or violation.
9. **Binding Effect.** The terms of this Declaration shall constitute covenants running with the land and shall bind the Land described herein and inure to the benefit of and be binding upon the Declarant and all parties having any right, title or interest in the Land (or any part thereof), their heirs, successors, successors-in-title and assigns. This Declaration is not intended to supersede, modify, amend or otherwise change the provisions of any prior instrument affecting the land burdened hereby; except as this Agreement Regarding Bonding Obligations And Declaration of Covenants, Conditions and Restrictions shall supersede any and all prior Agreements Regarding Bonding Obligations And Declaration of Covenants, Conditions and Restrictions for the Thorn Hill Subdivision.
10. **Amendment of Declaration.** This Declaration may not be amended except by a written agreement executed by the Declarant and the County Commission and recorded in the Office of the County Clerk of Jefferson County, West Virginia.
11. **Declaration Shall Continue Notwithstanding Breach.** It is expressly agreed that no breach of this Declaration shall entitle the Declarant to cancel, rescind, or otherwise terminate this Declaration
12. **Term of this Declaration.** This Declaration shall be effective as of the date first above written and shall continue in full force and effect until the Declarant satisfies the conditions set forth in Section 2(b)(ii) above. Upon the termination of this Declaration, all rights and privileges derived from and all duties and obligations created and imposed by the provisions of this Declaration, except for the provisions of Section 2(b)(iii) above, shall terminate and have no further force or effect.
13. **Recordation.** This agreement shall be recorded in the Office of the Clerk of the Jefferson County Commission in both the name of the developer and the project name. It shall be the Declarant's responsibility to record the agreement and provide the Bonding Administrator with confirmation of such recordation in the form of the deed book and page number reference.
14. This Agreement Regarding Bonding Obligations and Declaration of Covenants, Conditions and Restrictions Dated February 19, 2018 supersedes the prior Tolling Time Extension Amendment Agreement recorded in Deed Book 1161, Page 363.

Thorn Hill Subdivision, Lots 1-179  
(Subdivision Name)

Jefferson County Planning Commission File No. 02-17

Herbert Jonkers, Manager, Thorn Hill, LLC  
(Applicant/Developer Name)

By: [Signature] Date: 1/22/18

Print Name: HERBERT JONKERS Title: Manager

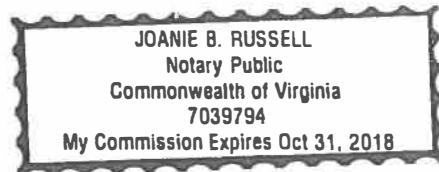
(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

STATE OF VA, COUNTY OF Smyth, to wit:

I Joanie B Russell, a Notary Public in and for the State and County aforesaid, do hereby certify that Herbert Jonkers and \_\_\_\_\_, as manager and \_\_\_\_\_, respectively of the Thorn Hill LLC, whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this 22 day of Jan, 20 18.

Joanie B Russell  
Notary Smyth Co VA



My Commission Expires: 10-31-2018

COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

By: gal [Signature] Date: 2/6/18

Print Name: Josh Compton, President, Jefferson County Commission

(Notary Certification Shall Be On The Same Page As The Signatures Being Notarized)

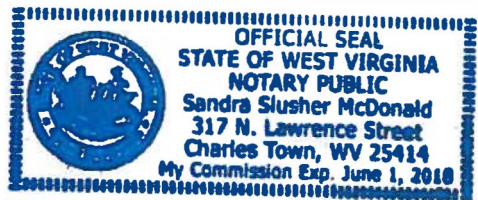
STATE OF West Virginia, COUNTY OF Jefferson, to wit:

I, Sandra Slusher McDonald, a Notary Public in and for the State and County aforesaid, do hereby certify that Josh Compton and \_\_\_\_\_, as Commission President and \_\_\_\_\_, respectively of the Jefferson County Commission whose names are signed to the foregoing, this day personally appeared before me in my State and County aforesaid and acknowledged their signatures above (and the Corporate Seal as the genuine Seal of the said corporation).

Given under my hand this 10<sup>th</sup> day of February, 20 18.

My Commission Expires: 6/1/2018

Sandra Slusher McDonald  
notary



ATTEST:

Jacqueline C Shadle  
Jacqueline C. Shadle  
Clerk, County Commission of Jefferson County



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



Name: **Russell Burgess**

Department or Organization: **Information Technology**

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1<sup>st</sup> Choice: **February 17, 2022**

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

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

Subject (*Warding to be placed on agenda*): **Jefferson County GigReady Program Participation**

Please provide the County Commission with a description of your request or presentation, including any background information: **Jefferson County previously elected to participate in the State GigReady Program. This participation would include technical review across the region to identify the most viable projects that may or may not cross county boundaries. This would mean we would commit to a regional project if one was identified. However, each county would only be responsible for their county's match. Jefferson County previously elected to provide a match of up to 25% if a project was selected. Then the county could review the cost estimate and determine if they would like to proceed. The technical assistance portion of the program requires Jefferson County to provide a dollar amount that they would be willing to commit if a project is selected.**

Is this a funding request?  Y/N  Yes

If so, how much? \$ to be determined

Provide exact financial impact/request:

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

- **Motion to commit \$\_\_\_\_\_ on behalf of Jefferson County for the State GigReady program to obtain technical assistance for identifying projects that may qualify for the program. Any projects identified would be reviewed at a later time to determine the county's involvement.**

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: **Russell Burgess**

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

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION\_ N/A**

not applicable



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



Name: **Russell Burgess**

Department or Organization: **Information Technology**

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

Date Requested – 1<sup>st</sup> Choice: **February 17, 2022**

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

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

Subject (*Wording to be placed on agenda*): **Request Approval for new Information Technology Intern**

Please provide the County Commission with a description of your request or presentation, including any background information: **Requesting approval to start internship with Information Technology Department to meet graduation requirements for Blue Ridge Community and Technology College. Internship would be with approved stipend amount of \$12 per hour for 150 hours of internship. The internship requirements is for 150 hours, therefore we have increased our previously set maximum paid hours/amount to be \$12 per hour for 150 hours.**

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

If so, how much?                \$

Provide exact financial impact/request: **\$1,800 from Information Technology Department Budget**

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

**-Motion to approve one internship with the Information Technology Department to meet graduation requirements for Blue Ridge Community and Technical College with approved stipend of \$12 per hour for 150 hours of internship.**

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: **Russell Burgess**

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

Phone Number: **\_(304) 728-5605**

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

not applicable



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



Name: **Stephen S. Allen, Director**

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

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

Date Requested – 1<sup>st</sup> Choice: **February 17, 2022**

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

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

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

- 1. Emergency Management Performance Grant (EMPG) application for calendar year 2019.**
- 2. Approval to post the position of Administrative Assistant/Public Information Officer/Volunteer Coordinator.**

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

- 1. This is a grant application request to reimburse the County Commission for up to 50% of the JCHSEM staff's salaries and benefits for calendar year 2019.**
- 2. Brianna Gustafson vacated this position on May 3, 2021. I am requesting to post this position at the starting salary for the position (Grade 4) \$37,750. This is a salary exempt position.**

Is this a funding request? **Item 1, Yes. But the grant time is expired and this is a reimbursement for the services.**

**Item 2. It is a position within the 2023 budget, however the allotted amount for the vacant position was listed as \$37,227 which is not what the FY2020-2021 Annual Salaries has listed for Grade 4.**

If so, how much? **1. Up to 50% of the salaries and benefits. For the year 2019 the personnel expenses were \$204,090.41. The approved amount for the county is \$75,000, which is 50% of \$150,000.**

**2. The amount listed for salaries lists \$37,750 for Grade 4**

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

- 1. I move to approve the 2019 Emergency Management Performance Grant Award document for reimbursement in the amount of \$ 75,000.**
- 2. I move to post the position of Administrative Assistant/Public Information Officer/Volunteer Coordinator at \$37,750.**

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

If not attached, explain:

Attachment:

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

State of West Virginia  
Emergency Management Division

## FY 2019 Emergency Management Performance Grant Award

<b><u>CFDA Number</u></b> 97.042	<b><u>Federal Grant Award</u></b> EMP-2019-EP-00001	<b><u>OASIS-GG Document ID</u></b>
<b><u>Subgrant Period</u></b> From: 1/1/2019 To: 12/31/2019	<b><u>Subgrant #</u></b> 19-EMPG-19	Major Program: EMPGLO Program: EMPGLOC Program Period: LO2019

<b><u>Subgrantee Name and Address</u></b> Jefferson Co Commission 124 E Washington St Charles Town, WV 25414	<b><u>FEIN</u></b> 556000333001
	<b><u>DUNS</u></b> 077414548
	<b><u>OASIS ID</u></b> 000000211969

<b>TOTAL GRANT AWARD</b>	<b>\$ 75,000</b>
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By signing and accepting this award, the subgrantee agrees to comply with all conditions and assurances included in the application. I certify that this project will be implemented as described in the application.

**Subgrantee Authorized Official:** \_\_\_\_\_

**Title:** President, Jefferson County Commission    **Date:** \_\_\_\_\_

**Emergency Management Program Certification**

The attached application has been reviewed and the proposed project and expenditures fall within all state and federal guidelines which govern the Emergency Management Performance Grant program, and sufficient funds exist to make this award.

EMPG Grant Representative \_\_\_\_\_ Date \_\_\_\_\_

I hereby authorize the awarding of funds to support the project as described in the attached application.

HSSAA Director \_\_\_\_\_ Date \_\_\_\_\_

**Jefferson County, West Virginia  
Job Description**

<b>Position Title:</b>	Administrative Assistant, Public Information Officer, Volunteer Coordinator	<b>Grade Level:</b>	
<b>Department</b>	Homeland Security and Emergency Management	<b>Date:</b>	
<b>Reports to:</b>	Director of Homeland Security and Emergency Management	<b>FLSA Status</b>	Exempt

**Statement of Duties:** Provides administrative support to the Director and Deputy Director of Homeland Security and Emergency Management, is the Public Information Officer for JCHSEM, and works with staff to coordinate activities of volunteers.

**Supervision Required:** The employee plans, prioritizes, and carries out the regular work in accordance with standard practices and previous training. The employee interprets instructions and/or adapts methods to resolve particular problems. Instructions for new assignments usually consist of statements of desired objectives, deadlines, and priorities. Technical and policy problems or changes in procedures are discussed with supervisor. Work is generally reviewed only for technical adequacy, appropriateness of actions or decisions, and conformance with policy, or other requirements.

**Supervisory Responsibility:** Employee regularly leads other workers (Volunteers) in accomplishing assigned work and performs non-supervisory work that is usually of the same kind and levels as is done by the group led. Provides on-the-job training for new employees.

**Confidentiality:** Employee has access law-enforcement-sensitive documents; counter terrorism information, sensitive plans, as well as has to sign Non-disclosure agreements regarding sensitive information with some federal agencies as a part of the job.

**Accountability:** Consequences of errors, missed deadlines or poor judgment may include adverse public relations, monetary loss, legal repercussions, labor/material costs, personal injury, endanger others, and jeopardize programs.

**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:** Work consists of the practical application of a variety of concepts, practices, and specialized techniques relating to a professional or technical field. Assignments typically involve evaluation and interpretation of factors, conditions or unusual circumstances; inspecting, testing or evaluating compliance with established standards 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,

Homeland Security and Emergency Management  
Administrative Assistant/Public Information Officer/Volunteer Coordinator  
10/16/2016

**Jefferson County, West Virginia**  
**Job Description**

but conditions are generally not unpleasant. Employee is frequently required to work beyond normal business hours to attend evening meetings, trainings, public events, disaster exercises, or to participate in the activated Emergency Operations Center. Additionally, this employee is responsible to send out NIXLE Weather Watches and Warnings and other emergency public information around the clock and respond to media inquiries whatever time they occur.

**Nature and Purpose of Public Contact:** Employee has constant interaction with co-workers, the public, groups, and/or individuals such as civic leaders, peers from other municipalities, representatives of professional groups and the news media. The employee serves as a recognized authority of the municipality in matters of considerable importance, including departmental practices, procedures, regulations, or guidelines. Employee is required to discuss controversial matters where tact is required to avoid friction and to obtain cooperation.

**Occupational Risk:** Work consists of a variety of duties that 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

**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. Provide administrative support including answering telephones, sending out messages, taking minutes, working with the County Commission staff to put information on the Homeland Security and Emergency Management website, filing, ordering office supplies, records management and making appointments.
2. Operate computer programs for data entry, research and reporting, enter data into web-based systems, process reports on the ETEAM computer program, and monitor weather reports. Puts weather watches and warnings onto NIXLE, Facebook, and Twitter. Responsible for being trained and posting vital information to the IPAWS (Integrated Public Alert and Warning System) and the EAS (Emergency Alert System).
3. Assists with grant preparation and reporting.
4. Serve as Public Information Officer for the department; prepares and distributes information on mitigation, planning, preparedness, response, and recovery phases of emergency management.
5. Build professional relationships with local and regional media and become familiar with ways in which the media can assist during emergencies; maintains list of all local/regional media and contacts for each. Monitors public information of televisions, radios, newspapers, internet and social during a disaster that affects the local community.

Homeland Security and Emergency Management  
Administrative Assistant/Public Information Officer/Volunteer Coordinator  
10/16/2016

**Jefferson County, West Virginia  
Job Description**

6. Build professional relationships and help train other local agency's public information officers.
7. Familiar with the Public Information Annex of the Emergency Operations Plan and be ready to enact.
8. Maintains communications equipment, keeps devices charged and ready for use at all times.
9. Operates JIS/JIC (Joint Information System or Joint Information Center) during time of disaster.
10. As Volunteer Coordinator, maintains and updates all databases, files and credential criteria records; ensures all volunteers are approved and added to the insurance, as required.
11. Works with JCHSEM and other agencies to identify and assign volunteers to needed areas.
12. Performs other duties as assigned by the Director or Deputy Director.
13. Must be available 24/7/365 in case of emergency, be available for daytime, evening, and/or weekend assignments, and travel to attend meetings and conferences.

**Recommended Minimum Qualifications:**

**Education and Experience:** 4 Year Degree (Bachelors); or equivalent and three to five (3-5) years of 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. The experience should be in Emergency Management. Please note the difference between Emergency Management and Fire, Rescue, Law Enforcement, and Emergency Services.

**Special Requirements:** Must reside in Jefferson County or the adjoining area. Must successfully complete annual training/certification requirements, FEMA EMI Individual Study courses and National Incident Management System (NIMS) requirements. Must successfully complete a background check. A valid driver's license is required for this position. In addition to the degree, the PIO is required by NIMS to be trained in FEMA's Basic Public Information Officer and Advanced Public Information Officer courses, as well as NIMS 100, 200, 300, 400, 700, and 800,. It is highly recommended that this individual be trained in social media.

**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 computer databases, various software, programs, and the Internet in support of department operations.

**Jefferson County, West Virginia  
Job Description**

**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, volunteer coordination, writing and 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:** Work requires some agility and physical strength, such as moving in, about construction sites, or over rough terrain, or standing or walking most of the work period. Frequently lifts up to 60 lbs.

**Motor Skills:** Duties may involve assignments requiring application of hand and eye coordination with finger dexterity and motor coordination. Examples include operating a motor vehicle, using a personal computer or climbing a ladder.

**Visual Demands:** Visual demands require the employee to constantly read documents for general understanding and for analytical purposes. Reviewing non-written materials (e.g. maps, blueprints, instrumentation for analytical purposes). Color vision (e.g. requiring the ability to determine color differences).

**Jefferson County Government  
FY2020-2021 Annual Salaries  
Effective 7/1/2020**

(Paid Bi-weekly Based on Hours Worked per Period)

**0.7% COLA**

**Revised 03-11-2020**

New Grade	Bi-Wkly Hrs	Annual Minimum	Annual Maximum	New Range	Per Hour Minimum	Per Hour Maximum	% Between Grades
1	70	22,197	35,515	60.0%	12.1963	19.5141	
	80	25,368	40,589	60.0%	12.1963	19.5141	
2	70	27,615	44,184	60.0%	15.1727	24.2764	24.4%
	80	31,559	50,494	60.0%	15.1727	24.2764	24.4%
4	70	33,032	52,851	60.0%	18.1492	29.0387	8.9%
	80	37,750	60,400	60.0%	18.1492	29.0387	8.9%
5	70	38,448	61,517	60.0%	21.1252	33.8003	16.4%
	80	43,940	70,304	60.0%	21.1252	33.8003	16.4%
6	70	44,525	71,240	60.0%	24.4640	39.1424	15.8%
	80	50,886	81,418	60.0%	24.4640	39.1424	15.8%
7	70	47,862	76,579	60.0%	26.2976	42.0762	7.5%
	80	54,699	87,519	60.0%	26.2976	42.0762	7.5%
8	80	70,951	113,522	60.0%	34.1111	54.5778	29.7%
9	80	81,787	130,859	60.0%	39.3204	62.9127	15.3%
10	80	103,454	165,526	60.0%	49.7375	79.5801	26.5%

**Jefferson County Sheriff's Deputies**

DEPUTY	Uncertified 44,183	Certified 47,833	Annual Minimum	Annual Maximum	New Range	Per Hour Minimum	Per Hour Maximum	% Between Grades
			49,283	73,924	50.0%	21.2418	22.9983	
						23.6935	35.5403	11.5%
<b>CORPORAL</b>			54,568	81,853	50.0%	28.2347	39.3521	10.7%
<b>SERGEANT</b>			59,853	89,780	50.0%	28.7755	43.1632	9.7%
<b>LIEUTENANT</b>			65,139	97,708	50.0%	31.3167	46.9750	8.8%
<b>CHIEF DEPUTY</b>			75,708	113,562	50.0%	36.3982	54.5973	16.2%

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



Name: Richard Thiel, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **February 17, 2022**

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

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

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

- Review and Approval of FY2022 State Budget Revision 3 for the General County Fund
- Review and Approval of FY2022 State Budget Revision 3 for the Coal Severance Fund

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

- Documents attached for budget revisions and the FY23 Budget Charge.

Is this a funding request? Y/N No

If so, how much? \$ NA

Provide exact financial impact/request:

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

- Motion to accept FY22 State Budget Revision 3 for the General County Fund
- Motion to accept FY22 State Budget Revision 3 for the Coal Severance Fund

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



Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26301  
 Phone: 627-2415 ext. 5114  
 Fax: 304-340-5090  
 Email: lgs@wvsao.gov

**REQUEST FOR REVISION TO APPROVED BUDGET**

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

CONTROL NUMBER

FY: 2022  
 Fund: 1  
 Rev. No: 3  
 Pages: \_\_\_\_\_

Jefferson County Commission

GOVERNMENT ENTITY

Person To Contact Regarding Request:

Name: **Rick Thiel**  
 Phone: **304-724-8425**  
 Fax: **304-728-5611**  
 Email: [rthiel@jeffersoncountywv.org](mailto:rthiel@jeffersoncountywv.org)

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

COUNTY  
 Government Type

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	7,758,436		125,073	7,633,363
323	State Grants		25,000		25,000
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) -100,073

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

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

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	1,708,048	53,844		1,761,892
405	Prosecuting Attorney	1,702,500	26,400		1,728,900
413	Elections-County Clerk	268,953	5,000		273,953
698	Transfers/Reim. (Audit Findings)	3,345,150		184,167	3,160,983
699	Contingencies	3,082,733		6,400	3,076,333
700	Sheriff-Law Enforcement	3,465,836	5,250		3,471,086
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures -100,073

APPROVED BY THE STATE AUDITOR

BY: \_\_\_\_\_  
 Deputy State Auditor, Local Government Services Div. Date

AUTHORIZED SIGNATURE  
 OF ENTITY

APPROVAL  
 DATE

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 17th Day of February 2022, the following Order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised as shown on **Fiscal Year 2022 budget revision number #3 to the General County Fund**, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by \_\_\_\_\_, and duly seconded by \_\_\_\_\_ the vote was as follows:

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

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

\_\_\_\_\_  
**Caleb Wayne Hudson, President**  
Jefferson County Commission

Jefferson County Commission  
 State Budget Revision JE

**Budget Revision #3 of General Fund FY22**

<u>Description</u>	<u>GL acct</u>	<u>Increase</u>	<u>Decrease</u>
1) Record Adjustment for FY21 Ending Fund Balance and FY22 Beginning Fund Balance			
Unencumbered Fund Balance	001.299001		125,073
Transfer to Capital Outlay Fund	001698.456609		(125,073)
2) Crime Scene Investigation additional funding.			
Pros Atty-Contracted Services	001405.423000	26,400	
State Grant	001.323IG0	(20,000)	
Contingency for Emergencies	001699-456510	(6,400)	
3) State Funding for Election Redistricting Provided by Governors Office-Dec 9, 2021			
State Grant Revenue	001.323IG0	-5000	
Elc CO CLK-Matl and Supplies	001413-434100	5000	
4.) Wage Increases due to settlement agreement to ensure dept does not go over budget			
Co Comm-sal and wages	001401-410300	45,766	
Co Comm-FICA tax	001401-410400	2,837	
Co Comm-Medic Exp	001401-410401	664	
Co Comm-Retirement	001401-410600	4,577	
Transfer to Capital Outlay Fund	001698.456609		53,844
5.) Jan 6, 2022 Commission Approved Restoration of Travel to orig FY22 request of \$7,000. Incr amt is \$5,250			
LEO-Travel	001700-421400	5,250	
Transfer to Capital Outlay Fund	001698.456609		5,250
<b>Total</b>		<b>59,094</b>	<b>59,094</b>



1/1/2022 Begin FB  
FY22 BR

Account Inquiry [Jefferson County, WV - Production]



- Back
- Search
- Browse
- Output
- Print
- Display
- PDF
- Save
- Excel
- Word
- Email
- Schedule
- Attach
- Detail
- Months
- Seg Find
- Totals
- Project Strings

Account

Fund 001 GEN FUND  
 Org 001 GEN FUND  
 Object 299001 FB-UNAS-BD  
 Project

Acct 001 299001  
 Acct name FUND BALANCE-UNASSIGNED-BUDGET  
 Type Revenue Status Active  
 Rollup  
 Sub-Rollup

MultiYr Fund

Account Notes

- 4 YEAR COMPARISON
- HISTORY
- 4 YEAR GRAPH
- HISTORY GRAPH

Yr/Per 2022/07	Fiscal Year 2022	Fiscal Year 2021	Fiscal Year 2020	Fiscal Year 2023
Original Budget	-4,670,441.00	-4,635,799.00	-4,685,057.00	00
Transfers In	-3,087,995.00	-5,233,481.00	-1,618,517.00	00
Transfers Out	.00	.00	.00	00
Revised Budget	-7,758,436.00	-9,869,280.00	-6,303,574.00	00
Actual (Memo)	00	00	00	00
Encumbrances	00	00	00	00
Requisitions	00	00	00	00
Available	-7,758,436.00	-9,869,280.00	-6,303,574.00	00
Percent used	00	00	00	00

(A)



need to adjust FY22 Begin FB  
 to match FY21 Final Financials  
 Ending FB

(A) 7,758,436  
 (B) 7,633,363  
 -----  
 125,073

Per GL  
 From next pg  
 decrease 001 299001  
 decrease 001698 456609

FY20 BR

JEFFERSON COUNTY, WEST VIRGINIA  
 BALANCE SHEET - GOVERNMENTAL FUNDS (Unaudited)  
 June 30, 2021

	General	Coal Severance Tax	County Capital Outlay	Impact Fees	ARPA Grant	Other Nonmajor Governmental Funds	Total Governmental Funds
<b>ASSETS AND DEFERRED OUTFLOWS</b>							
<b>Assets</b>							
Cash and cash equivalents	\$ 7,098,801	\$ 198,639	\$ 12,049,707	\$ --	\$ --	\$ 934,905	\$ 20,282,052
Receivables, net of allowance for uncollectibles:							
Taxes	780,513	--	--	--	--	--	780,513
Accounts	175,487	--	--	--	--	489,308	664,793
Due from:							
Other funds	114,245	--	--	--	--	--	114,245
Other governments	883,347	--	--	--	--	370,916	1,254,263
Inventory, at cost	2,941	--	--	--	--	--	2,941
Prepaid expenses	58,589	--	--	--	--	3,123	61,712
Restricted cash	--	--	--	8,476,911	4,018,467	--	12,495,378
<b>Total assets</b>	<b>9,113,923</b>	<b>198,639</b>	<b>12,049,707</b>	<b>8,476,911</b>	<b>4,018,467</b>	<b>1,798,250</b>	<b>35,655,897</b>
<b>Deferred Outflows</b>							
Total deferred outflows of resources	--	--	--	--	--	--	--
<b>Total assets and deferred outflows of resources</b>	<b>\$ 9,113,923</b>	<b>\$ 198,639</b>	<b>\$ 12,049,707</b>	<b>\$ 8,476,911</b>	<b>\$ 4,018,467</b>	<b>\$ 1,798,250</b>	<b>\$ 35,655,897</b>
<b>LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES</b>							
<b>Liabilities</b>							
Accounts payable	725,749	5,200	--	--	--	178,702	909,651
Payroll payable	198,092	--	--	--	--	--	198,092
Intergovernmental payable	--	--	--	--	--	4,862	4,862
Due to:							
Other funds	--	--	13,297	--	--	100,948	114,245
Unearned revenue	--	--	--	--	--	8,831	8,831
<b>Total liabilities</b>	<b>923,841</b>	<b>5,200</b>	<b>13,297</b>	<b>--</b>	<b>--</b>	<b>293,343</b>	<b>1,235,681</b>
<b>Deferred Inflows</b>							
Deferred revenue - taxes	556,719	--	--	--	--	--	556,719
<b>Total deferred inflows of resources</b>	<b>556,719</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>556,719</b>
<b>Total liabilities and deferred inflows of resources</b>	<b>1,480,560</b>	<b>5,200</b>	<b>13,297</b>	<b>--</b>	<b>--</b>	<b>293,343</b>	<b>1,792,400</b>
<b>Fund balances</b>							
Nonspendable	61,530	--	--	--	--	3,123	64,653
Restricted	--	145,823	--	8,476,911	4,018,467	1,493,996	14,135,197
Committed	105,486	47,616	12,036,410	--	--	7,788	12,197,300
Assigned	4,277,911	--	--	--	--	--	4,277,911
Unassigned	3,188,436	--	--	--	--	--	3,188,436
<b>Total fund balances</b>	<b>7,633,363</b>	<b>193,439</b>	<b>12,036,410</b>	<b>8,476,911</b>	<b>4,018,467</b>	<b>1,504,907</b>	<b>33,863,497</b>
<b>Total liabilities, deferred inflows and fund balances</b>	<b>\$ 9,113,923</b>	<b>\$ 198,639</b>	<b>\$ 12,049,707</b>	<b>\$ 8,476,911</b>	<b>\$ 4,018,467</b>	<b>\$ 1,798,250</b>	<b>\$ 35,655,897</b>

The notes to the financial statements are an integral part of this statement.

(B) to prev. pg

FY22 BR 2) Pros 4try  
Crime Scene  
Investigation

Morgan Rail Service  
10152 Hedgesville Rd  
Hedgesville, WV 25427

**Invoice**

Date	Invoice #
10/4/2021	1328

<b>Bill To</b>
Jefferson Co. Prosecuting Attorney Office 120 S. George St. Charles Town, WV 25414

<b>Ship To</b>

P.O. No.	Terms
	30 days

Serviced	Description	Amount
9/19/2021	Excavating services conducted at Mountain View Reclamation Landfill in Greencastle, PA.	26,400.00
9/19/2021	Two men @ 1200.00 each, 2400.00	
9/20/2021	Four men at @ 1200.00 each, 4800.00	
9/21/2021	Four men at @ 1200.00 each, 4800.00	
9/22/2021	Four men at @ 1200.00 each, 4800.00	
9/23/2021	Four men at @ 1200.00 each, 4800.00	
9/24/2021	Four men at @ 1200.00 each, 4800.00	
<p>matl Crime scene investigation</p> <p><del>001405. 423000 Contracted Services</del></p> <p>Partially State Funded</p>		
<b>Total</b>		<b>\$26,400.00</b>



State Capitol Building  
Martinsburg, WV 25305

3) State Funding for  
Election Redistricting

To:

Cc:

Subject:

Attachments:

Michelle Gordon

Monday, December 20, 2021 3:18 PM

Nikki Painter

Jacki Shadle

RE: Funds for Redistricting Efforts

Elections-Redistricting Expense FY22 \$5000 2021-12-10.pdf

Hi Nikki,

Your check arrived. I'll enter a budget revision to increase 001413-434100 by \$5,000. You can enter any internal budget revisions needed to move it from there.

Michelle

Michelle Gordon

**Finance Director, Jefferson County**

Jefferson County Commission

O: 304.724.8425

F: 304.728.5611

**From:** Nikki Painter <npainter@jeffersoncountywv.org>

**Sent:** Friday, December 17, 2021 3:32 PM

**To:** Michelle Gordon <mgordon@jeffersoncountywv.org>

**Subject:** FW: Funds for Redistricting Efforts

FYI-

---

**From:** Brittany Westfall <Bwestfall@wvsos.com>

**Sent:** Friday, December 17, 2021 3:21 PM

**Cc:** Lisa Blake <LBlake@wvsos.com>; Elaine Hogan <ehogan@wvsos.com>; Missi Kinder <mkinder@wvsos.com>; Nathan Martin <NMartin@wvsos.com>; Matthew Gallagher <MGallagher@wvsos.com>; Alexis R. Brown <ABrown@wvsos.com>; Lee Dean <LDean@wvsos.com>; Jarrod Summers <JSummers@wvsos.com>; Dottie Underwood <DUnderwood@wvsos.com>

**Subject:** Funds for Redistricting Efforts

Dear County Clerks and Staff,

We have good news. Courtesy of the Governor's Office, every county is receiving \$5,000 for their redistricting efforts. There are no additional steps necessary, and your payments are on the way.

In case we do not speak again before the holidays, I hope everyone has a Merry Christmas!

Best regards,

Brittany Westfall

Director of Elections

West Virginia Secretary of State's Office

304-558-6000 Office

**JEFFERSON COUNTY, WEST VIRGINIA**

59042

No. 59042

DATE: 2021/12/23

RECEIVED OF: JEFF CO CORR AND FEE \$ 228,840.00

2 HUNDRED TWENTY EIGHT THOUSAND EIGHT HUNDRED FORTY DOLLARS AND 00 CENTS

IN PAYMENT OF: DEPOSIT

FOR: AMBULANCE SRV FEE 050-044 CSU FUND 1225,840.00

TOMAS H HANSEN JR

SHERIFF AND TREASURER

By: \_\_\_\_\_ T. H. \_\_\_\_\_

DEPUTY

THE PERSON PAYING MONEY INTO THE TREASURY SHALL FORTHWITH FILE ONE OF THESE RECEIPTS WITH THE COUNTY CLERK.

**JEFFERSON COUNTY, WEST VIRGINIA**

59043

No. 59043

DATE: 2021/12/23

RECEIVED OF: JEFF CO CORR AND FEE \$ 228,840.00

2 HUNDRED TWENTY EIGHT THOUSAND EIGHT HUNDRED FORTY DOLLARS AND 00 CENTS

IN PAYMENT OF: DEPOSIT

FOR: AMBULANCE SRV FEE 050-044 CSU FUND 1225,840.00

TOMAS H HANSEN JR

SHERIFF AND TREASURER

By: \_\_\_\_\_ T. H. \_\_\_\_\_

DEPUTY

THE PERSON PAYING MONEY INTO THE TREASURY SHALL FORTHWITH FILE ONE OF THESE RECEIPTS WITH THE COUNTY CLERK.

**JEFFERSON COUNTY, WEST VIRGINIA**

59044

No. 59044

DATE: 2021/12/23

RECEIVED OF: ST OF WV \$ 5,000.00

FIVE THOUSAND DOLLARS AND 00 CENTS

IN PAYMENT OF: STATE REVENUE REDISTRIBUTING

FOR: STATE GOVERNMENT GRANTS 001-822 IGD FUND 5,000.00

TOMAS H HANSEN JR

SHERIFF AND TREASURER

By: \_\_\_\_\_ T. H. \_\_\_\_\_

DEPUTY

TOTAL OF INVOICE(S): \$5,000.00

VENDOR CODE: 00000211969

DATE: 12/10/2021

CHECK  
DESCRIPTION

INVOICE  
NUMBER

NET  
AMOUNT

State revenue.  
001.3231600

REFE2200000000000019

\$5,000.00

For additional information, log on to Vendor Self Service at [www.vvoasis.gov](http://www.vvoasis.gov). If you need additional payment details, Please contact MARY LIPFORD, 3045582000.

Learn more about the launching of your new State-wide accounting system (vvoASIS), visit us at [www.vvoasis.gov](http://www.vvoasis.gov)

REMOVE DOCUMENT ALONG THIS PERFORATION

CTL# 38034120

THIS WARRANT HAS MULTIPLE SECURITY FEATURES TO DETERMINE AUTHORITY AND GENUINENESS  
VOID UNLESS PRESENTED FOR PAYMENT WITHIN SIX MONTHS

State of West Virginia

STATE WARRANT # 1005823494

PAYEE

JEFFERSON CO COMMISSION

12/10/2021

\*\*\*\*\*\$5,000.00\*\*



WEST VIRGINIA TREASURY

STATE TREASURER



STATE AUDITOR

⑈ 1005823494 ⑈

⑆051902322⑆

5270537822⑈



*Jim Justice*  
*Governor of West Virginia*

December 9, 2021

The Honorable Josh Compton  
Jefferson County Commission  
Post Office Box 250  
Charles Town, WV 25414

Dear Commissioner Compton:

I am grateful for all that the Jefferson County Commission has done and continues to do for our State as we navigate through the redistricting process. I know that this has presented difficulties for each of our counties, and I appreciate your hard work on this important process.

---

Please see enclosed a check in the amount of \$5,000 to be used for assistance with expenses associated with redistricting, including expenses related to mapping. I ask that these funds be used for redistricting expenses only.

If you have any questions regarding the funding, please feel free to contact my office. I wish you the very best!

Sincerely,

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

Jim Justice  
Governor



AGENDA REQUEST FORM  
www.jeffersoncountywv.org



5) LEO - Travel  
restoration

Name: Tom Hansen

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 15 minutes

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

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

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

Subject (Wording to be placed on agenda): Travel Budget Restoration  
Salary Adjustments  
Vision Presentation/Discussion

1/6/2022  
approved travel  
restoration

Increase 5,250  
201700.421400 - Travel

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

The Sheriff is requesting the restoration of his Travel budget. We are court mandated to transport prisoners and mental health patients all over the state and have exceeded the budget provided. - Approved

We will be sharing a presentation to outline where the Sheriff's Office is currently and the vision held for the future.

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 restore the 75% cut to the Sheriff's travel budget. approved.

I move to approve the Salary Adjustments as presented. not approved

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

Area for Commission Staff Use Only - Financial Impact/Recommendation. Includes a faint watermark 'not appl. only'.

Account Info



- Back
- Search
- Browse
- Add
- Update
- Delete
- Output
- Print
- Display
- PDF
- Save
- Excel
- Word
- Email
- Schedule
- Attach
- GL Account Inquiry
- Detail Find
- Per Up

Current Projection 20221 FY2021-2022 OPERATING BUDGET Access level ADOPTED

Account 001700 421400 TRAVEL

Budget Levels

	2022 Budget	2023 Budget
DEPARTMENT	7,000.00	00
FINANCE ADJ	00	00
DRAFT BUDGET	00	00
COMMISSION ADJ	5,250.00	00
ADOPTED *	1,750.00	00
Current Year Projected Actual	00	

- Budget Detail
- Monthly Amount
- Statistics
- Refresh Projected

Text/Notes

Text
Notes

Current Amounts

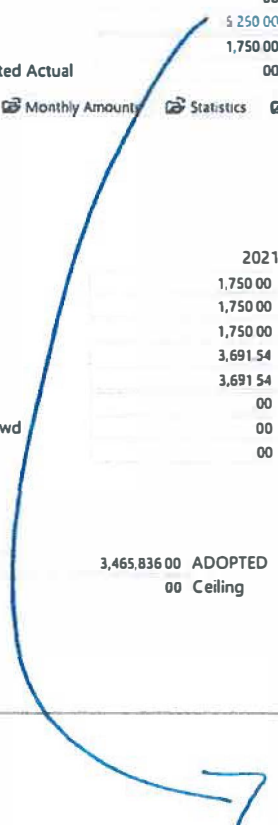
	2021
Original budget	1,750.00
Revised budget	1,750.00
Budget less cfwd	1,750.00
Current actual	3,691.54
Actual less cfwd	3,691.54
Encumb/req	00
Encumb/req less cfwd	00
Available budget	00

Historical Budget Amounts

	Revised Budget	Actual	% Used
2018	7,000.00	4,017.30	57.39
2019	7,000.00	2,506.00	35.80
2020	7,000.00	1,801.33	25.73
2021	1,750.00	3,691.54	210.95

Projection Totals

	2022	2023	% Change
Current budget	3,465,836.00 ADOPTED	3,448,644.00	517
Projected actual	00 Ceiling	3,465,836.00	100.00



→ FY22 commission 75% across the Board Cut.

Ora Ash, Deputy State Auditor  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26301  
 Phone: 627-2415 ext. 5114  
 Fax: 304-340-5090  
 Email: lgs@wvsao.gov

**REQUEST FOR REVISION TO APPROVED BUDGET**

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

CONTROL NUMBER  
 FY: 2022  
 Fund: 2  
 Rev. No.: 3  
 Pages: \_\_\_\_\_

Jefferson County Commission  
 \_\_\_\_\_  
 GOVERNMENT ENTITY

Person To Contact Regarding Request:  
 Name: **Rick Thiel**  
 Phone: **304-724-8425**  
 Fax: **304-728-5611**  
 Email: [rthiel@jeffersoncountywv.org](mailto:rthiel@jeffersoncountywv.org)

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

COUNTY  
 Government Type

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

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
298	Assigned Fund Balance	197,039		3,600	193,439
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) -3,600

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

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

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	193,669		3,600	190,069
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures -3,600

APPROVED BY THE STATE AUDITOR  
 BY: \_\_\_\_\_  
 Deputy State Auditor, Local Government Services Div. Date

AUTHORIZED SIGNATURE  
 OF ENTITY

APPROVAL  
 DATE

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 17th day of February, 2022, the following Order was made and entered:

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

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised as shown on **Fiscal Year 2022 budget revision number #3 to the Coal Severance Fund**, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by

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

Clare Ath	_____
Jane M. Tabb	_____
Caleb Hudson	_____
Stephen Stolipher	_____
Tricia-Jackson	_____

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

\_\_\_\_\_  
**Caleb Wayne Hudson**, President  
Jefferson County Commission

Jefferson County Commission  
State Budget Revision Entry

Budget Revision #3 of Coal Severance Fund FY22

Description	GL acct	Increase	Decrease
1) Record Adjustment for FY21 Ending Fund Balance and FY22 Beginning Fund Balance			
Assigned Fund Balance	002.298002		3,600 Adj year end fund balance
Co Comm Prof Services	002401.422300		(3,600) Adj year end fund balance

Totals

---



Coal FY22 BR

Account Inquiry [Jefferson County, WV - Production]



- Back
- Search
- Browse
- Output
- Print
- Display
- PDF
- Save
- Excel
- Word
- Email
- Schedule
- Attach
- Detail
- Months
- Seg Find
- Totals
- Project Strings

Account

Fund 002 ... COAL FUND  
 Org 002 ... COAL FUND  
 Object 298002 ... FB-ASGN-BD  
 Project ...

Acct 002 298002  
 Acct name FUND BALANCE-ASSIGNED-BUDGETAR  
 Type Revenue Status Active  
 Rollup ...  
 Sub-Rollup ...  
 MultiYr Fund

- 4 YEAR COMPARISON
- HISTORY
- 4 YEAR GRAPH
- HISTORY GRAPH

Yr/Per 2022/07	Fiscal Year 2022	Fiscal Year 2021	Fiscal Year 2020	Fiscal Year 2023
Original Budget	-186,002.00	-102,670.00	-77,770.00	00
Transfers In	-11,037.00	-103,659.00	-51,150.00	00
Transfers Out	00	00	00	00
Revised Budget	-197,039.00	-206,329.00	-128,920.00	00
Actual (Memo)	.00	00	00	00
Encumbrances	.00	00	.00	00
Requisitions	.00			00
Available	-197,039.00	-206,329.00	-128,920.00	00
Percent used	.00	00	00	00

(A) Need to adjust FY22 Begin FB to match FY21 End FB.

(A) 197,039 Per GL  
 (B) 193,439 From Next pg  
 3600 decrease 602.298002  
 decrease 062401.422300

JEFFERSON COUNTY, WEST VIRGINIA  
BALANCE SHEET - GOVERNMENTAL FUNDS (Unaudited)  
June 30, 2021

	General	Coal Severance Tax	County Capital Outlay	Impact Fees	ARPA Grant	Other Nonmajor Governmental Funds	Total Governmental Funds
<b>ASSETS AND DEFERRED OUTFLOWS</b>							
<b>Assets</b>							
Cash and cash equivalents	\$ 7,098,801	\$ 198,639	\$ 12,049,707	\$ --	\$ --	\$ 934,905	\$ 20,282,052
Receivables, net of allowance for uncollectibles:							
Taxes	780,513	--	--	--	--	--	780,513
Accounts	175,487	--	--	--	--	489,306	664,793
Due from:							
Other funds	114,245	--	--	--	--	--	114,245
Other governments	883,347	--	--	--	--	370,916	1,254,263
Inventory, at cost	2,941	--	--	--	--	--	2,941
Prepaid expenses	58,589	--	--	--	--	3,123	61,712
Restricted cash	--	--	--	8,476,911	4,018,467	--	12,495,378
<b>Total assets</b>	<b>9,113,923</b>	<b>198,639</b>	<b>12,049,707</b>	<b>8,476,911</b>	<b>4,018,467</b>	<b>1,798,250</b>	<b>35,655,897</b>
<b>Deferred Outflows</b>							
Total deferred outflows of resources	--	--	--	--	--	--	--
<b>Total assets and deferred outflows of resources</b>	<b>\$ 9,113,923</b>	<b>\$ 198,639</b>	<b>\$ 12,049,707</b>	<b>\$ 8,476,911</b>	<b>\$ 4,018,467</b>	<b>\$ 1,798,250</b>	<b>\$ 35,655,897</b>
<b>LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES</b>							
<b>Liabilities</b>							
Accounts payable	725,749	5,200	--	--	--	178,702	909,651
Payroll payable	198,092	--	--	--	--	--	198,092
Intergovernmental payable	--	--	--	--	--	4,862	4,862
Due to:							
Other funds	--	--	13,297	--	--	100,948	114,245
Unearned revenue	--	--	--	--	--	8,831	8,831
<b>Total liabilities</b>	<b>923,841</b>	<b>5,200</b>	<b>13,297</b>	<b>--</b>	<b>--</b>	<b>293,343</b>	<b>1,235,681</b>
<b>Deferred inflows</b>							
Deferred revenue - taxes	556,719	--	--	--	--	--	556,719
<b>Total deferred inflows of resources</b>	<b>556,719</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>--</b>	<b>556,719</b>
<b>Total liabilities and deferred inflows of resources</b>	<b>1,480,560</b>	<b>5,200</b>	<b>13,297</b>	<b>--</b>	<b>--</b>	<b>293,343</b>	<b>1,792,400</b>
<b>Fund Balances</b>							
Nonspendable	61,530	--	--	--	--	3,123	64,653
Restricted	--	145,823	--	8,476,911	4,018,467	1,493,996	14,135,197
Committed	105,486	47,616	12,036,410	--	--	7,788	12,197,300
Assigned	4,277,911	--	--	--	--	--	4,277,911
Unassigned	3,188,436	--	--	--	--	--	3,188,436
<b>Total fund balances</b>	<b>7,633,363</b>	<b>193,439</b>	<b>12,036,410</b>	<b>8,476,911</b>	<b>4,018,467</b>	<b>1,504,907</b>	<b>33,863,497</b>
<b>Total liabilities, deferred inflows and fund balances</b>	<b>\$ 9,113,923</b>	<b>\$ 198,639</b>	<b>\$ 12,049,707</b>	<b>\$ 8,476,911</b>	<b>\$ 4,018,467</b>	<b>\$ 1,798,250</b>	<b>\$ 35,655,897</b>

The notes to the financial statements are an integral part of this statement.

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to prev. pg

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



Name: STEPHEN BRIGHTWELL - PHOTOGRAPHER

Department or Organization: WV DEPT OF ARTS, CULTURE & HISTORY

Estimation of amount of time needed for appointment: 30 MINUTES IN COURTROOM

Date Requested - 1<sup>st</sup> Choice: FEBRUARY THE 26<sup>TH</sup> - IF THIS SUITS TIME WOULD BE AT DISCRETION <sup>YOUR</sup>  
If a specific date is needed, please provide reason for specific date: I WILL BE IN THE AREA ON FEB 26<sup>TH</sup>

Date Requested - 2<sup>nd</sup> Choice: SINCE ITS SUCH A LONG DRIVE I WOULD LIKE TO HAVE ACCESS ON THAT SATURDAY FEB, THE 26<sup>TH</sup>.

Subject (Wording to be placed on agenda): OUR CALENDAR WILL FEATURE THE INTERIOR OF THE HISTORIC JEFFERSON COUNTY COURTHOUSE.

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

PHOTOS OF INTERIOR OF COURTROOM FOR 2023 HISTORIC PRESERVATION CALENDAR

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):

ENTRY FOR SHORT TIME ON SATURDAY, FEBRUARY THE 26<sup>TH</sup>, 2022

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

If not attached, explain:

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

Contact information:

Email address: STEPHEN.C. BRIGHTWELL @ WV.GOV Phone Number: (304) 763 - 1023

FOR COMMISSION STAFF USE ONLY - FINANCIAL IMPACT/RECOMMENDATION

not applicable





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

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

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **February 17, 2022**

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

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

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

1. 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, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6 and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
2. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.
3. Report by counsel on opioid case. (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170).
4. Consider renewal of two intergovernmental agreements between the County Commission, the Sheriff's Department, and the Corporation of Bolivar for collection of taxes and for public safety services.

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**



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

This AGREEMENT is made effective \_\_\_\_\_ 2022 between the Jefferson County Commission, [hereinafter the "Commission"], the Jefferson County Sheriff's Department [hereinafter the "Sheriff"] and the Corporation of Bolivar [hereinafter "Bolivar"] and collectively known as the "parties". This AGREEMENT is contingent, however, upon approval by the Attorney General of West Virginia, or thirty (30) days from submission of this AGREEMENT thereto, whichever is sooner, and upon the Filing Requirements listed below.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. The remittance of taxes collected under this contract shall occur regularly, but in no event less than quarterly, with the first remittance due and payable on July 1, 2022;

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

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

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

#### 5. PERSONNEL.

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

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

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

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

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

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

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

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

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

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

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

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

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

16. FILING REQUIREMENTS. The Commission shall file a copy of this AGREEMENT with the County Clerk of Jefferson County and provide a copy of such filing to Bolivar. Bolivar will file a copy with the Recorder of the Municipality and with the WV State Tax Commissioner.

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

Executed this \_\_\_\_ day of \_\_\_\_, 2022.

JEFFERSON COUNTY COMMISSION:

By: \_\_\_\_\_ Date. \_\_\_\_\_  
Commission President.

SHERIFF:

By: \_\_\_\_\_ Date. \_\_\_\_\_  
Thomas H. Hanson.  
Sheriff of Jefferson County, WV

CORPORATION OF BOLIVAR:

By: \_\_\_\_\_ Date. \_\_\_\_\_  
Helen Dettmer.  
Mayor of Bolivar, WV

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

This renewal of AGREEMENT is made effective July 1, **2022** between the Jefferson County Commission, [hereinafter the "Commission"], the Jefferson County Sheriff's Department [hereinafter the "Sheriff"], and the Corporation of Bolivar [hereinafter "Bolivar"] and collectively known as the "parties". This AGREEMENT is contingent, however, upon approval by the Attorney General of West Virginia, or thirty [30] days from submission of this AGREEMENT thereto, whichever is sooner, **and upon the Filing Requirements listed below.**

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

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

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

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

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

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

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

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

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

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

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

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

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

iii. Such services WILL NOT include civil ordinance enforcement.

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

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

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

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

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

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

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

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

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

### 3. COOPERATION AMONG PARTIES.

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

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

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

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

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

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

#### 5. PERSONNEL AND EQUIPMENT.

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

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

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

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

6. MUTUAL INDEMNIFICATION. Each party shall be liable for its own acts to the extent provided by law and hereby agrees to indemnify, hold harmless, and defend the other, its personnel and employees against any and all liability loss, costs, damages, expenses, claims or actions, including attorney's fees arising from its own acts which the other party, its personnel and employees may

hereinafter sustain or be required to pay, arising out of or by reason for any act of omission of the party, its agents, servants or employees, in the execution, performance, or failure to adequately perform its obligations pursuant to this Agreement.

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

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

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

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

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

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

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

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

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

16. FILING REQUIREMENTS. The Commission shall file a copy of this AGREEMENT with the County Clerk of Jefferson County **and provide a copy of such filing to Bolivar** and Bolivar will file a copy with the recorder of the municipality **and with the WV State Tax Commissioner**.

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

Executed this \_\_\_\_ day of \_\_\_\_, 2022.

JEFFERSON COUNTY COMMISSION:

By: \_\_\_\_\_ Date. \_\_\_\_\_  
Commission President.

SHERIFF:

By: \_\_\_\_\_ Date. \_\_\_\_\_  
Thomas H. Hansen.  
Sheriff of Jefferson County, WV

CORPORATION OF BOLIVAR:

By: \_\_\_\_\_ Date. \_\_\_\_\_  
Helen Dettmer.  
Mayor of Bolivar, WV



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



Name:

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **February 17, 2022**

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

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

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

**Decision - Proposed text amendment to the Jefferson County *Envision Jefferson 2035 Comprehensive Plan* (approved 1/14/15) to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts, in accordance with WV Code§8A-3-11, 8A-3-6, and related statutes.**

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.](#)



*Please Run 1 Time:*

January 19<sup>th</sup>

**NOTICE OF PUBLIC HEARING**  
**Thursday, February 3, 2022 at 10:00 am**

The County Commission of Jefferson County will hold a Public Hearing regarding a proposed text amendment to the Jefferson County *Envision Jefferson 2035 Comprehensive Plan* (approved 1/14/15) to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts, in accordance with WV Code 8A-3-11, 8A-3-6, and related statutes.

The hearing will be held on **Thursday, February 3, 2022 at 10:00 am** in the County Commission Meeting Room located at the Old Charles Town Library, 200 E. Washington Street, Charles Town, WV. This meeting will also be available live through GoToWebinar. Invites will be posted on Facebook and email alerts.

Upon the conclusion of the public hearing, the County Commission may take action to approve, reject or table the proposed text amendment for consideration at a subsequent County Commission meeting.

The meeting will be limited to the number of in-person attendees due to COVID 19 restrictions. Five (5) attendees will be allowed in the meeting room at a time. Please email [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) if you wish to be added to the list for in-person attendance at the Public Hearing.

Oral or written comments can be provided at the hearing on **Thursday, February 3, 2022 at 10:00 am**. Written comments may also be submitted to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or to PO Box 250, Charles Town, WV 25414.

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

By Order of the Jefferson County Commission  
Caleb Hudson, President



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



**Name:** Jennifer Brockman, County Planner, and Mike Shepp, President, Jefferson County Planning Commission

**Department or Organization:** Department of Engineering, Planning and Zoning and  
Jefferson County Planning Commission

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

**Date Requested – 1<sup>st</sup> Choice:** January 6, 2022

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

This date is required to meet the County Commission's amendment timeline

**Date Requested – 2<sup>nd</sup> Choice:** n/a

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

Presentation and overview of the Planning Commission's recommended text amendment to the *Envision Jefferson 2035 Comprehensive Plan* related to allowing solar facilities are principal permitted uses (PPU's) in the rural and residential zoning districts and requesting that the County Commission schedule their required Public Hearing and vote to accept, reject, or modify the amendment within the required 90 day time frame.

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

To provide the Planning Commission President an opportunity to present an overview of the Planning Commission's recommended text amendment to the *Envision Jefferson 2035 Comprehensive Plan* developed in response to direction from the County Commission on September 9, 2021. In response to the County Commission's request that the Jefferson County Planning Commission consider amending the Jefferson County Comprehensive Plan to clarify and/or state that solar facilities are principal permitted uses (PPU's) in the rural and residential zoning districts, the Planning Commission developed a public participation process, drafted a relevant text amendment, and held the required Public Hearing within the required 120 day time frame set by WV Code 8A-3-11(c). See attached memo and draft text.

In accordance with WV Code 8A-3-11(d), the County Commission is required to act by either adopting, rejecting or amending the comprehensive plan within the latter of ninety days or three scheduled meetings after the submission of the recommended amendment to the comprehensive plan to the governing body. Before this action, the County Commission is required to hold a Public Hearing with a Class I legal ad run at least 15 days prior to the date of the hearing.

**Is this a funding request?** Y/N      **If so, how much?** n/a

**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 *Envision Jefferson 2035 Comprehensive Plan* stating that solar facilities are principal permitted uses (PPU's) in the rural and residential zoning districts in the County.

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

- Staff Memo - Background
- Summary of 2035 Comp Plan Amendments
- Proposed *Envision Jefferson 2035 Comprehensive Plan* Text Amendment, as recommended to the County Commission by the Planning Commission on December 14, 2021.

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

**Contact information:** Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)      Phone Number: 304-728-3228

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





# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

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Charles Town, WV 25414

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Phone: (304) 728-3228

Fax: (304) 728-8126

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### MEMO

**TO:** County Commission of Jefferson County  
**FROM:** Jennifer M. Brockman, AICP, County Planner  
**DATE:** January 6, 2022  
**RE:** Planning Commission Recommendation regarding the amendment to *Envision Jefferson 2035 Comprehensive Plan* regarding solar facilities in Jefferson County

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On Tuesday, December 7, 2021, the Jefferson County Planning Commission held a Public Hearing on the proposed amendment to the *Envision Jefferson 2035 Comprehensive Plan*. The Planning Commission's role was to recommend the amendment to the County Commission, which is required to hold its own Public Hearing and take action on the amendment within 90 days of receipt of the Amendment. Per WV Code §8A-3-1, the general purpose of a Comprehensive Plan is to provide guidance to the County Commission to "accomplish a coordinated and compatible development of land and improvements within its territorial jurisdiction, in accordance with present and future needs and resources."

On Tuesday, December 14, 2021, the Jefferson County Planning Commission reviewed all public input received related to the proposed amendment to the *Envision Jefferson 2035 Comprehensive Plan* and made the following motion, which passed unanimously:

"The Planning Commission has reviewed the information that has been presented by the staff and the public during the course of this amendment. The study titled 'Solar Power: Review of Existing Conditions and Services and Probable Future Changes in Jefferson and Surrounding Counties', prepared by Potesta & Associates has been especially helpful, and the Commission adopts and finds that the information collected and reviewed reflects many of the existing conditions and probable future changes that may occur in Jefferson County related to the solar power issue.

For the foregoing reasons, in accordance with W.Va. Code §8A-3-11-3-6 and related statutes, I move to:

- approve the proposed text amendment to the Jefferson County *Envision Jefferson 2035 Comprehensive Plan* to clarify that solar facilities are principal permitted uses in the rural and residential zoning districts;
- to direct staff to submit the amendment to the Jefferson County Commission for consideration and potential adoption on January 6, 2022; and
- to authorize the president or his designee to present the comprehensive plan amendment to the Commission on January 6, 2022."

The County Commission is now required to schedule its own Public Hearing prior to taking action on the *2035 Comp Plan* text amendment. After approval of the *Plan Amendment*, a Zoning Ordinance text amendment is anticipated to be drafted which will address the process and development details and will require additional Public Hearings at that time.

Prior to the December 14, 2001 action, the Planning Commission process related to the *Envision Jefferson 2035 Comprehensive Plan* text amendment was as follows:

A. September 2, 2021:

- The Jefferson County Commission requested that the Planning Commission draft an amendment to the *Envision Jefferson 2035 Comprehensive Plan* in accordance with WV Code 8A-3-11, 8A-3-6, and related statutes to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts.

B. September 14, 2021:

- The Planning Commission reviewed and discussed the County Commission's directive from 09/02/21 regarding an amendment to the Comprehensive Plan to identify and secure the role of solar facilities throughout the rural and residential zoning districts in Jefferson County, including consideration of an amendment to the Jefferson County Comprehensive Plan in accordance with WV Code 8A-3-11, 8A-3-6, and related statutes to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts.
- At this meeting, the Planning Commission also discussed the required public input process and established the following time frames:
  - September 28, 2021: a workshop to receive public input for writing the draft amendment and to provide staff direction to draft the amendment.
  - October 5, 2021: for Staff to review and discuss the proposed amendment with the Planning Commission.
  - November 16, 2021: a Public Hearing on the proposed draft amendment. (later changed to December 7, 2021)

C. September 28, 2021:

- After discussion, the Planning Commission directed staff to prepare a draft revision of the *Envision Jefferson 2035 Comprehensive Plan* to permit large scale solar facilities in the rural and residential growth districts and to have the draft by the October 5, 2021 meeting for review and consideration.
- The Planning Commission confirmed that the public could continue to submit written comments and information for the Planning Commission's consideration through the public hearing.

D. October 5, 2021:

- After review and discussion of both the Staff's recommended draft and a draft submitted by the Hough's, the Planning Commission provided feedback to staff on how to incorporate the recommendations into a single draft for consideration at a Public Hearing.
- At this time, the Planning Commission moved to change the scheduled Public Hearing to December 7, 2021 in order to allow sufficient time for the staff to incorporate the changes as discussed and the Planning Commission to review their final edits prior to the hearing and meet the legal notice requirements.

E. October 21, 2021:

- After discussion of the final draft amendment, the Planning Commission voted to accept the edits as presented by staff and to move forward public hearing scheduled for December 7, 2021.

F. December 7, 2021:

- Planning Commission held a Public Hearing on the draft text amendment to *Envision Jefferson 2035 Comprehensive Plan* text amendment.

**Attachment:**

- Summary of Comp Plan Amendment for the 12-14-21 PC Meeting
- *Envision Jefferson 2035 Comprehensive Plan* 2021 Amendment Recommended by the Planning Commission 12-14-21

Notes for 12/7/21 PC Public Hearing re: Comp Plan Amendment

The following summarizes the sections proposed to be changed by this Amendment:

<b>Draft Comprehensive Plan Amendment Language</b>	
<b>Page</b>	
<b>12</b>	<b>Goals and Objectives Intro</b>
14	Added reference to flexible uses on ag properties
<b>24</b>	<b>Rural/Agricultural Areas</b>
	Added reference to solar facilities in rural areas
<b>30</b>	<b>Urban Level Development Recommendations</b>
31	Expand utilities referenced in Objective 7 and add 7.d. to enable location of alternative energy facilities in Rural and RG zones
<b>34</b>	<b>Rural Land Use Planning</b>
34	Added info about expanding uses in Rural areas including solar with land restoration and panel removal
37	Recommends alternative energy facilities in Rural and Residential Districts with reclamation requirements
<b>39</b>	<b>Rural Land Use Planning Recommendations</b>
40	Recommended new 4.g. regarding amendments the Zoning Ordinance to allow small and large scale solar energy development as a PPU in the Rural and Residential Districts with provisions for removal in future.
<b>64</b>	<b>Economic Development, Employment, and Infrastructure Element</b>
64	Added "infrastructure, utilities, energy production" to intro to Econ Development Element
66	Add info re: renewable energy under Target Industries
69	Added sentence about alternative energy facilities as a PPU in Rural and Residential Districts
<b>71</b>	<b>Economic Development and Employment Recommendations</b>
73	New recommendation 12 re: recognizing importance of alternative energy
<b>74</b>	<b>2.B. Agricultural and Rural Economy</b>
74/75	Added discussion of alternative uses of rural land including alternative energy production and how it may allow land to be return to ag uses in future. Referred to need for CC and PC support
76	New paragraph under Rural Economic Activities to permit solar facilities near existing electrical infrastructure with reclamation requirements
79-80	New subsection "Utilities in the Rural Environment" which included paragraph about reclamation allowing the land to return to ag uses in future
<b>81</b>	<b>Agricultural and Rural Economy Recommendations (Goal 8)</b>
82	New Recommendation 5.c. to include a text amendment re: alternative energy as a PPU and incorporated reference to security and reclamation requirements
<b>93</b>	<b>Alternative Energy subsection</b>
93	Added sentence about repeal of renewable energy standard in WV
94	New paragraph about the need for large scale alternative energy projects
<b>96</b>	<b>Infrastructure and Technology Recommendations (Goals 10 &amp; 11)</b>
97	Modified Recommendation 8 and 8.a. to include reference to commercial energy providers

## GOALS AND OBJECTIVES

A key element of any land use planning document is the development of a statement of realistic Goals and Objectives which lay the groundwork for the recommendations and implementation strategies of the vision. As the planning process progressed, the Steering Committee grouped goals and recommendations into the following five broad elements which provide the framework for the Plan.

<b>Land Use and Growth Management</b> (includes Housing & Intergovernmental Coordination)
<b>Economic Development, Employment, and Infrastructure</b> (includes Transportation & Tourism)
<b>Cultural, Historic, and Natural Resources, and Recreation</b>
<b>Education and Libraries</b>
<b>Finance and Public Safety</b> (includes Impact Fees)

The Goals and Objectives of the *Envision Jefferson 2035 Comprehensive Plan* can be found in Appendix D. The Goals and Objectives were developed after the existing conditions (data and trends analysis) and issues analysis were completed and were agreed upon by the County Commission to provide direction to the Steering Committee as they continued the public input process for the purpose of developing the Recommendations of this Plan. As the Recommendations were developed, occasionally a strategy identified in the Goals and Objectives may have been determined by the County Commission to require a modification and the Recommendations may appear in conflict with the Goals and Objectives. If such conflict exists, the Recommendations are the final product of the Plan and are to be relied upon to provide guidance to the Planning Commission and County Commission in their land use and development decision making process. As such, the Goals and Objectives are a resource that reflects the evolution of the thought processes throughout the development of this Plan, but the Recommendations specify the end goal.

The five elements incorporate the components that are required and/or recommended by WV Code 8A. The components are:

**Required:** Land Use, Housing, Transportation, Infrastructure, Public Services, Rural, Recreation, Economic Development, Community Design, Preferred Development Areas, Renewal and/or Redevelopment, Financing, and Historic Preservation.

**Recommended:** History, Environmental, Tourism, Conservation, Safety, and Natural Resource(s).

A comprehensive planning document generally covers a twenty year planning horizon and is intended to reach beyond current physical, political, and institutional

constraints. The process of developing goals begins with an examination of existing conditions related to each of the categories listed above and the analysis of issues and opportunities throughout the County. The most important sources for the draft Goals and Objectives were public input from four public meetings conducted in 2013, results of an online survey available countywide, and discussion and submitted comments from the Steering Committee. For additional information related to the Existing Conditions and Public Involvement and Outreach, see Appendices B and C.

The previous four Comprehensive Plans for Jefferson County were policy based planning efforts. The *Envision Jefferson 2035 Comprehensive Plan* includes the creation of recommendations and related maps, including land use maps, which are the fundamental elements and are based on future needs and projected actions. The Future Land Use Guide will need to be viewed in conjunction with the recommendations found in the Plan when reviewing a variety of land use decisions. Foldout versions of all the maps are found in Appendix F.

One of the key concepts that a Comprehensive Plan addresses through its Future Land Use Map or Guide is the location of new development within the County. As the cost of maintaining and providing services and utilities increases, there is a need to target infrastructure and community service investments in these areas that will support new growth. The Future Land Development Map (as shown on page 15) provides a broad overview of these concepts. In Jefferson County, there are four broad types of land use activity which are identified and discussed in this Plan:

- Urban Growth Boundaries (UGBs), Charles Town and Ranson, which are locations within Jefferson County where urban scale development is anticipated over the planning horizon of Envision Jefferson 2035. Shepherdstown's adopted Growth Management Boundary (GMB) is not anticipated to have urban scale development if it remains in the unincorporated area. Therefore, the use of the term UGB throughout this document refers to the Charles Town and Ranson UGBs only.
- Six identified Preferred Growth Areas (PGAs) which are also locations within Jefferson County where urban scale development is to be targeted over the planning horizon of this Plan and a seventh PGA identified for Residential Areas identified for low and medium density residential detached housing.
- Rural/Agricultural Areas, where the Plan recommends that non-urban scale development occur and where the rural/agricultural economy is to be enhanced and promoted.
- Eight Village communities that can host increased growth, planned commercial services, and infrastructure development.

A larger version of the Future Land Development Map is available in Appendix F – Maps.

Jefferson County's percentage of arable agricultural land is 54.7%, more than any other county in West Virginia. That affords the County a rich mix of urban, suburban, and agricultural environments. With that consideration in mind, the Plan strengthens proposals related to its historic farming community's economic growth. It recommends potential amendments to the Zoning Ordinance and Subdivision Regulations, which will support a more robust, profitable agricultural and artisan economy through a diversity of uses. This Plan proposes a higher density cluster provision rather than allowing rural residential developments via the Land Evaluation Site Assessment (LESA) system / Conditional Use Permit (CUP) process; ~~and~~ to allow the use of the a more traditional CUP process in the Rural District for non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare; and to allow more flexibility in multiple uses on agricultural properties to allow diversification of their businesses.

### **What are Goals, Objectives, and Recommendations?**

**Goals** are general guidelines that broadly describe what the community wishes to achieve over the period of the Comprehensive Plan. Goals are generally bigger in scope than objectives.

**Objectives** are the types of actions or activities that are recommended in order to attain the goals.

**Recommendations** are implementation strategies that are specific steps that would be undertaken to achieve the goals and objectives. They can involve regulatory processes or actions that provide a means for the goals and objectives to be achieved.

*Goals and Objectives are what a community wishes to achieve. Recommendations are implementation strategies of how a community looks to achieve them.*



### Rural/Agricultural Areas

Rural/Agricultural properties outside the UGBs and PGAs are allowed to develop using the "by right" standard of one lot per 15 acres and a cluster development of one lot per ten acres. Over the past number of years, the Zoning Ordinance has been amended to allow many additional uses in the Rural District to promote more rural agricultural uses and value added operations. The 2008 Subdivision and Land Development Regulations have been amended to reduce the site improvement standards for rural business. This Plan proposes that a holistic review of Rural zoned properties should occur that would allow for greater scope and variety of agriculture related activities and rural recreation, including the development of small or large scale solar energy facilities in the Rural areas of the County. It should be noted that regardless of location, whether in an UGB, GMB, or PGA, all Rural zoned properties shall be permitted to undertake the activities noted above. Additionally, this Plan proposes that the Zoning Ordinance be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision instead of allowing rural residential developments via the Condition Use Permit process.

***Land Evaluation Site Assessment (LESA)  
also known as the  
Conditional Use Permit (CUP) process  
outside the UBG or PGA***

Currently, any land use not listed as a Principal Permitted Use in the Zoning Ordinance may be proposed on any property utilizing the LESA/CUP process. This Plan recommends eliminating the LESA system and modifying the CUP process for use exclusively for non-residential development projects in the Rural Zoning District.

It is expected that urban level residential and non-residential development (and redevelopment efforts) will focus in the UGBs and identified PGAs in the next two decades. In addition, it is anticipated that the bulk of new investment by public entities will take place in these areas over the 20-year timeframe of this Plan.

### Retention of Existing Zoning Map Classifications

As part of the Envision Jefferson 2035 process, there are no zoning map amendments (rezoning requests) or reductions in existing zoning rights proposed by the County. The existing zoning on any property in the County will not be affected by this process. This Plan, including the Future Land Use Guide, does not propose to reduce the rights of any property owner. The Plan and the Future Land Use Guide propose to retain vested property rights which are reflected by the Future Land Use designations. The Future Land Use Guide includes a depiction of the Growth Area Boundary that was included on the Study Area Map of the *2004 Comprehensive Plan*.



<b>Urban Level Development Recommendations (Goal 1)</b>	
<b>1.</b>	Recognize the existing vested rights, development entitlements, and permitted density levels on properties in Jefferson County.
	a. No property's zoning status will be changed as part of this Plan.
<b>2.</b>	Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:
	a. Economic Well-Being of the County; or
	b. Error or Under Scrutinized Property on the Future Land Use Guide; or
	c. Change in Neighborhood; or
	d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	e. Environmental impacts are considered.
<b>3.</b>	Identify opportunities for small area plans and involve key stakeholders.
<b>4.</b>	In coordination with the Jefferson County Development Authority, utility providers, and other agencies, extend natural gas services and alternative energy sources into Jefferson County and encourage the extension of these services into new subdivisions to provide access to alternatives for heating and cooking uses.
<b>5.</b>	Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.
	a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.
	b. Reduce application fees for urban level development located within the areas desired for urban future growth.
	c. Establish a greater variety of zoning district options (in commercial, residential, and mixed-use zoning categories) that adhere to predictability of land use options and outcomes based on the Plan recommendations.
	d. Consider the utilization of alternatives to use-separated (Euclidean) zoning within the UGB and PGA, such as the SmartCode adopted by the City of Ranson or performance based zoning to achieve the desired land used goals.
	e. Update the County's zoning regulations in a way that balances flexibility of use for property owners and developers while preserving the quality of life for residents.

	f. Streamline development review and permitting policies by establishing a two tiered system that would allow greater power for staff review for projects of a certain size or smaller scale, etc.
6.	Require new urban level development to provide opportunities for multi-modal accessibility and to occur in a manner that enables connectivity to existing street and infrastructure networks or for future connectivity as development is extended to municipalities, UGBs, PGAs, or Villages.
	a. Create and implement the results of small area studies that would address the potential provision of infrastructure, accessibility, place making, and community facilities.
	b. Require viable integration of multi-modal accessibility to facilities as part of new development plans.
	c. In coordination with the West Virginia Division of Highways, identify key corridors where publicly owned roadways might be beneficial to the overall development of the County.
	d. Coordinate with existing property owners/HOA's to extend existing roadway corridors when possible to connect into adjoining neighborhoods or new development. At a minimum, this may include pedestrian, non-motorized vehicle, and/or emergency access ways.
7.	Encourage the location of new infrastructure (water, sewer, <u>electrical, broadband, and other</u> utilities) within municipalities, UGBs, PGAs, or Villages.
	a. Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available.
	b. In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs, while considering the ability of current and future customer base to assume the debt for the infrastructure.
	c. Encourage that new investment by public entities be focused toward the municipal areas, including the UGBs and the PGAs.
	<u>d. Enable to location of alternative energy facilities such as solar, wind and hydropower facilities within the Rural and Residential Growth Zoning Districts throughout the county where most of the existing electrical transmission infrastructure is located.</u>
8.	Encourage the location of new community public facilities (such as schools, libraries, parks) within Municipalities, UGBs, PGAs, or Villages.
	a. Encourage the clustering of development so that the developer retains their density while dedicating community facilities.
	b. Locate and integrate new neighborhoods so that existing community centers, schools, parks, or libraries serve the needs of the new

	development.
	c. Whenever possible, construct community facilities in areas served by public water and/or sewer.
9.	Develop incentives for the protection of historic, cultural and/or natural resources during site development.
	a. Allow the applicant the ability to achieve permitted density and/or intensity on a site while allowing for the protection of the desired resource.
	b. Allow opportunities for development to take place at a higher density/intensity than might be otherwise be possible to offset the cost associated with protection of these resources.
10.	Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson County in context with their surroundings, paying particular attention to brownfield and greyfield sites.
	a. Identify specific sites and structures where adaptive reuse could occur that will assist with the redevelopment of brownfields and greyfield areas where the existing building(s) can be rehabilitated. (using sites from <i>Ranson Renewed</i> as an example)
	b. Identify and obtain funding mechanisms to remediate sites and encourage the utilization of these areas.
	c. Collaborate with the development community and interested environmental associations that can assist the County in amending its development provisions to encourage universal design, energy efficiency, and enhanced on- or off-site storm water retention.
11.	Reduce stormwater runoff, nutrients, sediment, and waste materials that reach the Potomac and Shenandoah Rivers, as well as other water bodies through development oversight provisions.
	a. Amend the parking requirements to support walkable and/or transit oriented communities per the land development standards based on site design and site amenities.
	b. Allow developers the option to provide fewer than the minimum required parking spaces if it can be determined that sufficient mitigation measures are in place.
12.	Development on US 340 South should limit any land uses of a higher intensity than current zoning allows to the area between the existing US 340 right-of-way and the proposed preferred alignment right-of-way.
	a. The area to the east of the preferred alignment is to remain zoned Rural, except the intersection of Myerstown Road and the proposed preferred alignment.
	b. Once a Record of Decision is published by the West Virginia Division of Highways, within 18 months, the Departments of Planning and Zoning

	should begin an updated land use plan for this area to reflect the commitment on the part of the state to construct the new four lane road.
	c. Require that confirmation from public service providers be submitted, as a part of the application, stating that public water and sewer infrastructure can be provided to the proposed property to be rezoned (including cost), before any zoning map amendments occur in this area.
13.	Develop design criteria and access management standards for the WV 45 corridor west of the Shepherdstown Preferred Growth Area and within the Shepherdstown Growth Management Boundary to the Jefferson/Berkeley County line.
	a. Ensure that any new development or redevelopment along this corridor occur in a manner that recognizes and enhances the gateway aspect of this corridor.
	b. Require that an additional setback from the road right-of-way be set aside to allow for a roadway widening improvement easement, a pedestrian easement to include a hard surface trail, a landscaping strip wide enough to support large canopy trees, and the subsequent start of the development. This commitment of land shall not affect the overall permitted density and may require adjustments elsewhere in the development plan. This easement area shall be required whether or not the land is conveyed to a public agency.
	c. Require that developments be configured to eliminate lots having individual access onto WV 45. Lots shall use common access easements or rights-of-way to gain access to the state right-of-way.
14.	Require all commercial/industrial zoning map amendment requests to utilize new zoning categories adopted on June 1, 2014 (or later) and discourage the use of the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests.
	a. Encourage any development in a zone that permits mixed use to be developed according to the Mixed Residential/Commercial or Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance.
15.	Develop new non-rural residential zoning categories in line with the residential land use categories recommended by this Plan and require that all non-rural residential zoning map amendment requests utilize the new categories, after the creation of such new residential zoning districts.
16.	Collaborate with state legislators to amend WV Code 8A to allow conditions to be imposed meeting specified requirements on proposed zoning map amendments.
	a. Encourage the state legislature to include adaptive reuse of historic structures in State Building Code.

## 1.B. Rural Land Use Planning

Between 1974 and 2007, nearly 14,000 acres of land were removed from agricultural production in the County. Approximately 78% of these acres were lands with prime soils or soils of statewide importance. It is important that viable existing farmlands are protected. By encouraging cluster residential development, a large portion of the property will be maintained for farming activities, which would allow Jefferson County's agricultural and rural character to be maintained. Additionally, developing provisions which allow for a greater scope and variety of agriculture related activities, including the development of small or large scale solar energy facilities, with land restoration and panel removal requirements, in the Rural areas of the County would also allow the County's agricultural and rural character to be maintained. Existing farmers who want to stay on their farms, but who cannot rely on traditional farming activities to do so, have expressed an interest in leasing portions of their land for solar energy facilities rather than selling the land for permanent conversion from agriculture. By requiring that solar energy production facilities be removed after their productive lives, the land is preserved for future agricultural uses.

Below is a soils map of Jefferson County and a larger version can be found in Appendix F – Maps.



With Jefferson County's close proximity to the Washington, D.C. and Baltimore, MD Metropolitan Areas, the possibility of rejuvenated local agricultural activity exists. Niche farming has expanded for both foods and materials used in the creation of goods. As value added agricultural and rural land use activities increase, they enable the retention of the agricultural and rural environment. These value added activities assist in providing farmers with additional revenue sources to maintain the farms. The growing movement toward more localized food sources has resulted in the creation of community farmers' markets, the revitalization of local farm markets, and the expansion and awareness of community supported agriculture (CSA) programs. Similarly local restaurants and schools are increasingly utilizing local grown food in their facilities.

### **Rural Land Use**

One of the highest priorities of the Envision Jefferson 2035 Steering Committee and the public was the desire to preserve the rural landscapes, heritage, and lifestyle that attracted many residents to Jefferson County. Comments were received that indicated Jefferson County needs to balance the demands of growth with the protection of agricultural lands. Efforts of the agricultural and artisan communities can create desirable places for tourism to thrive. In these communities, visitors can visit working farms, shop at an artisan studio, and eat at restaurants that are either located on farms or that serve food derived from local enterprises.

The form and types of development that takes place in the rural environment should be respectful of the rural culture and historic nature of the community. Many of the residential and commercial structures built in Jefferson County are similar in design and scale to types of buildings constructed in other areas of the U.S. without consideration of local architectural style.

A variety of tools and means exist to assist in the protection of lands with prime or statewide importance, soils and active farm sites. These tools range from policy, such as purchase of development rights, to land development standards that allow for flexibility of agriculture based uses and activities on the farm.

Since zoning was adopted in Jefferson County, large residential developments and non-agricultural commercial developments were permitted in the Rural District through the Land Evaluation Site Assessment (LESA) system/Conditional Use Permit (CUP) process. As a result, rural land has been converted to non-agricultural uses. For this reason, this Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the rural zoning district. The cluster provisions should be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision. This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and

intensity with the rural environment and poses no threat to public health, safety, and welfare. Additionally, this Plan recommends that the “by right” provisions in the Rural zoning district be retained allowing one lot per 15 acres, as well as the provisions allowing the transfer of land between parent and child and the minor subdivision process<sup>2</sup> for lots of record as of October 5, 1988.

There are two types of non-residential CUPs proposed by this Plan in the Rural District which may require different types of review. One type consists of fairly intensive uses that could occur on a farm, but may not be appropriate to be a by-right use in the Rural District. The second type is for uses not on a farm or uses that are not agricultural in nature. This second type of rural CUP should only be proposed on a small portion of a rural property to help preserve farmland and open space and continue agricultural operations. This requires amending the Zoning Ordinance to eliminate the LESA system and could require modifying the CUP process.

Although members of Jefferson County's agricultural community are active in numerous civic and community organizations, a number of farm operators stated that issues related to agriculture in Jefferson County are not understood well by the community, County staff, and community leaders. By engaging the farm community to provide greater input into the planning process, it is hoped that the needs of farm operators will be more effectively addressed by both staff and the political leadership of Jefferson County. It is anticipated that residents and staff would be in a position to learn more about the role of agriculture and the impacts of farming activities in Jefferson County. Therefore, the ability to farm in Jefferson County would be better understood. To this end, this Plan recommends that alternative energy facilities, including solar, wind, and hydropower energy production, should be authorized as a Principal Permitted Use in the Rural and Residential Districts, including provisions that require the energy companies to return the land to a condition capable of being used for agriculture after the solar panels or wind facilities are removed. Additional information about the rural economy can be found in the Agricultural and Rural Economy section of the Economic Development, Employment and Infrastructure Element.

Other appropriate uses in the Rural District are value added agricultural operations and artisan activities, as described below.

#### **Value Added Agriculture**

Farm operators and artisans who participated in the Envision Jefferson 2035 process, expressed concerns regarding regulatory requirements on existing and potential activities that could take place on farms. Some of the areas of concerns related to state and/or federal regulations to mitigate the impact of agricultural, mining, or

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<sup>2</sup> Jefferson County Zoning and Land Development Ordinance, Section 5.7(D) states that any property that was a lot of record as of October 5, 1988 may create two lots and a residue every five years through the Minor Subdivision Process (page 72 of the current Zoning Ordinance, effective 06-01-14).

residential subdivisions coexist within the County's rural agricultural areas. Home sites in these subdivisions typically have larger lot sizes than in subdivisions in the existing Residential Growth (RG) Zoning District or subdivisions served by water and sewer, but are of a smaller scale than the farms that surround them. Homes in the large lot developments and rural residential subdivisions are typically served by private well and septic systems, with a limited probability that public services will be extended to these properties in the future. The preservation of the quality of life and rural lifestyle for existing and future residents is of great importance for property owners in these communities.

The following recommendations address the needs of the agricultural community, artisan community and the rural environment.

<b>Rural Land Use Planning Recommendations (Goal 2)</b>	
<b>1.</b>	<b>Recognize the rights and viability of existing rural residential neighborhoods.</b>
	a. Balance artisan, home occupation, and cottage industry rights with the maintenance of the character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods.
<b>2.</b>	<b>Allow and promote a greater range of agricultural and/or artisan uses within the rural areas on existing farmlands to incentivize the expansion of the rural economy within Jefferson County.</b>
	a. Collaborate with key stakeholders in the agricultural community to update the County's zoning and land use recommendations to broaden the range of permitted complementary and accessory on-farm uses.
	b. Identify types of farm activities that may be successful based on the soils on individual properties and the proximity of Jefferson County to relevant markets.
<b>3.</b>	<b>Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or artisan operations.</b>
	a. Revise local regulations to balance production and marketing of artisan or agricultural products on-site, considering the individual use, size, and scale of the operation as appropriate to the property site.
	b. Waive or modify the roads, parking, and stormwater regulations on farms for on-site production and marketing enterprises, to the extent possible.
<b>4.</b>	<b>Protect the viability of agricultural lands and wildlife corridors by encouraging the utilization of cluster subdivisions as the preferred form of residential development within rural areas.</b>
	a. Allow residential development outside of the Urban Growth Boundaries or Preferred Growth Areas to develop only as rural cluster subdivisions, in accordance with existing land use rights.
	b. Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.

	<p>c. Amend the Zoning Ordinance density provisions related to Cluster Developments to utilize a higher density such as one unit per five acres, with provisions for a maximum lot size and a mandatory retention of a set percentage of the original tract in agricultural uses, open space, and/or forest/woods, instead of allowing for rural residential development to occur using the LESA/CUP system.</p>
	<p>d. Amend the Subdivision Regulations to permit a Cluster Development of any size to process as a minor subdivision, provided that the subdivision standards shall apply.</p>
	<p>e. Encourage the creation of subdivisions that incorporate working farmland or community gardens in Development Supported Agriculture programs.</p>
	<p>f. Consider amending the provision in the Jefferson County Zoning and Land Development Ordinance related to the transfer of land between parent and child to include other family members, such as sibling to sibling.</p>
	<p><u>g. Amend the Zoning and Land Development Ordinances to allow small and large scale wholesale or commercial solar energy development as a Principal Permitted Use in the Rural and Residential Districts and provide for the removal of facilities after they have exhausted their useful lives, so that the land may be returned to agricultural use.</u></p>
5.	<p>Encourage a variety of mechanisms to protect existing farmlands, key farm buildings, and scenic corridors within Jefferson County.</p>
	<p>a. Identify funding sources for farmland protection which could come from local, state and federal sources in addition to fundraising opportunities.</p>
6.	<p>Involve members of the agricultural community in planning and land use decisions related to rural lands within Jefferson County.</p>
	<p>a. Establish collaborative and interactive mechanisms for the Planning and Zoning staff and economic development officials to coordinate with the agriculture community that will enable the farming community's input in the planning and zoning process.</p>
7.	<p>Explore policies in concert with the Public Service District (PSD) and municipalities regarding rural water and sewer infrastructure.</p>
	<p>a. Explore legislative options that would allow equitable distribution of cost sharing with entire development community along with rate paying base (i.e. Capital Improvement Fees).</p>

## **2. Economic Development, Employment, and Infrastructure Element**

Economic growth and development is closely tied to the availability of natural resources, technological innovation, infrastructure, utilities, energy production and human capital as well as its geographic proximity to major population centers, adequate roads, and infrastructure. Jefferson County is ideally situated to have a vital economy. The general health of an economy can be determined by examining two components: stability and balance. Stability is an indication of the ability of a local economy to withstand the fluctuations in the regional and national economy. Balance refers to the level of diversification of a local economy. The more diversified the local economic and employment base, the more difficult it is to disrupt the local economy. Any economy that is overly reliant on a single employer or employment sector is more highly impacted by economic shifts.

The major sectors of Jefferson County's economy include traditional economic development activity, including education and high tech training; agriculture and the rural economy; and recreational, historic and heritage tourism. This section of the Plan discusses each of these sectors in detail and provides recommendations for them. Additionally, because of the critical nexus of economic development with the adequacy and extent of the infrastructure and transportation system networks, these components are included in this element as well.

<b>Five Major Economic Sections</b>	
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### **2.A. Economic Development and Employment**

According to the Jefferson County Development Authority, Jefferson County's strategic Mid-Atlantic location close to Washington, D.C. and Baltimore, MD Metropolitan Areas coupled with ready access to major transportation routes makes the County ideally situated for business, manufacturing, and industry. Jefferson County is located in one of the fastest growing areas in the United States. The County is a major economic driver in a state that boasts the nation's fourth lowest cost of doing business, low utility rates, and a highly skilled and hard-working workforce. While facilitating relocations and start-up businesses, the Jefferson County Development Authority supports and promotes existing businesses.

While there has been a significant amount of commercial development in Jefferson County since the 2004 Comprehensive Plan, it has slowed considerably in recent years. During this same time period, residential growth occurred at a more rapid rate, particularly in the early 2000's. Additionally, Jefferson County's economic



These improvements will enhance the ability of Jefferson County to compete on an economic development basis with other communities in the region.

**Target Industries**

Jefferson County will encourage a diversity of business types to locate within its borders. As part of these efforts, the Jefferson County Development Authority (JCDA) has identified several industries and other sectors of employment towards which incentives and programming should be targeted (in no particular order):

Jefferson County Development Authority Identified Industry Sectors	
Agriculture Development	Manufacturing
Government	Small Business
Information Technology	Tourism

Each of these target industries are currently located in Jefferson County and will benefit from retention, expansion, and attraction to strengthen each cluster. Building on these assets will give the County a strong identification of its core business strengths. While not identified by the JCDA, there are several large non-profit organizations which are a significant part of Jefferson County's economy. This provides additional economic and employment opportunities. In addition, more regional employers are looking to acquire renewably generated electricity to meet the demands of shareholders and expected future regulatory requirements. Starting around 2020, this demand has created interest in sourcing alternative energy production such as solar energy production facilities in Jefferson and surrounding counties. These facilities will place little stress on existing infrastructure and will add substantially to the tax base.

Additionally, small businesses, which can range from restaurants and artisan cottage industries to small technology and service firms, are an integral part of the local economy and have opportunities to grow stronger.

**Federal Government**

One of Jefferson County's target industries is correlated with the presence of state and federal government facilities. Since the federal government has found success with their existing local facilities, the potential for additional federal employment opportunities to locate here is greatly enhanced. The following Table lists federal facilities, many of which have had a long term presence in the County.

Federal Facilities in Jefferson County
U.S. Coast Guard Administrative Support Facility
U.S. Customs and Border Protection Advanced Training Facility
Department of State Diplomatic Security Training Center
U.S. Fish and Wildlife, National Conservation Training Center
Harpers Ferry National Historical Park



for commercial, office, and/or industrial uses that may serve to bolster Jefferson County's employment base while balancing the environmental and quality of life concerns that may arise from larger scale businesses.

**Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas**

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses. Within the unincorporated area, the County's industrial park and properties zoned industrial are also important to the economic growth and vitality of the County.

The exception to this general philosophy is to allow alternative energy facilities, such as solar energy development, as a Principal Permitted Use in the County's Rural and Residential Districts as well.

In recent years, public, and private reinvestment in the urban core of the five municipalities has occurred and is continuing to grow, as the following examples illustrate:

- The Town of Ranson received numerous grants that focus on the Brownfield Commerce Corridor that is shared with Charles Town, and includes the redevelopment of vacant industrial buildings, street and streetscape improvements, and the expansion of a key transportation corridor through Ranson.
- Shepherdstown and Bolivar/Harpers Ferry have vital core commercial areas that support the local and tourist population in the County and serve as gateways into the County from neighboring states.
- Shepherdstown and Bolivar/Harpers Ferry are a part of the Canal Towns Partnership, comprised of several communities along the C&O Canal, which is an economic development initiative with the goal of cooperatively marketing and making improvements to attract visitors to the canal's gateway communities.
- The American Public University System made substantial investment in Charles Town and Ranson, including the redevelopment of existing structures and construction of administrative buildings and parking facilities.
- Hollywood Casino at Charles Town Races has been a strong component of economic activity in the County and continues to respond to a changing market by advancing alternative entertainment and horse racing options.

These examples of collaboration between local government entities and private entities bolster local economic development opportunities and this collaboration should continue.

The County's downtown areas are concentrations of local and regional government agencies, small offices, and a limited number of small shops, restaurants, and services which serve to attract visitors and residents to the downtown areas. The



<b>Economic Development and Employment Recommendations (Goals 6 &amp; 7)</b>	
<b>1.</b>	Expand and strengthen the existing marketing and branding of Jefferson County's qualities, facilities, and resources to potential businesses, residents, and visitors.
<b>2.</b>	Collaborate with HEPMPO and other transportation agencies to identify ways to improve transportation (commuter, air, rail, and bus services) connectivity and roadways between Jefferson County and nearby states.
	a. Establish a working relationship with Washington Metropolitan Council of Governments and Loudoun County's Transportation and Safety Commission to address highway transportation problem areas identified in both counties.
<b>3.</b>	Work with key stakeholders to effectively streamline Jefferson County's permitting and development review processes in a manner that balances the protection of the public health, safety, and welfare of the community with economic development priorities.
<b>4.</b>	Encourage the Jefferson County Development Authority (JCDA) to identify incentives for the specified target industries on an annual or semi-annual basis.
<b>5.</b>	Create a business friendly environment in Jefferson County.
	a. Streamline the State licensing of various business enterprises by providing regional or satellite offices in Jefferson County.
	b. Coordinate with local and state economic development agencies to identify potential funding sources for economic development efforts.
	c. Identify opportunities for public/private partnerships (or other creative forms of collaboration) between local and state government entities and private sector investment that would result in the creation or expansion of employment opportunities and infrastructure in Jefferson County.
	d. Develop a land bank program that would enable potential economic development projects such as a large federal facility or other regionally significant employment facility.
<b>6.</b>	Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.
	a. Plan with stakeholders' co-work facilities or business incubators that provide space for start-up companies along with a small network of entrepreneurs to collaborate.
	b. Expand awareness of entrepreneurs' forums, employer open houses, and job fairs taking place in Jefferson County and the Eastern Panhandle.
	c. Encourage local municipalities and residents of the County's villages to research and create Business Improvement Districts (BID) to implement improvements and provide services to businesses located in the district.
<b>7.</b>	Encourage local employers and the JCDA to improve online and offline outreach to potential employees, including County residents and individuals outside the region.

8.	Coordinate with local businesses and the JCDA to identify and utilize methods to market Jefferson County's products within the Mid-Atlantic region, the nation, and the world.
9.	<p>Collaborate with various state and federal agencies to attract departments or agencies that would benefit from Jefferson County's workforce and location.</p> <ul style="list-style-type: none"> <li>a. Encourage state and federal agencies to consider the location of new facilities in Jefferson County within the growth areas identified in this Plan.</li> <li>b. Encourage state and federal agencies planning to build new facilities in Jefferson County to adhere to local land use regulations as part of the site design process.</li> <li>c. Encourage the utilization of existing structures or the utilization of greyfield or brownfield sites for the development of new state and federal facilities.</li> <li>d. Coordinate with state and federal facilities locating in Jefferson County so that the following land use considerations are addressed and mitigated: <ul style="list-style-type: none"> <li>i. Existing and potential impacts caused by land uses adjacent to proposed state and federal facilities are known in advance of first construction.</li> <li>ii. Existing and potential impacts of new or repurposed facility use on adjacent lands provide adequate buffers and setbacks to surrounding uses.</li> </ul> </li> </ul>
10.	<p>Implement strong and vibrant relationships between Jefferson County businesses and business related organizations and all educational resources in the County, Eastern Panhandle, West Virginia, and the Mid-Atlantic region that will promote graduating students with job opportunities in Jefferson County.</p> <ul style="list-style-type: none"> <li>a. Expand partnerships with all local and regional institutes of higher education that focus on programs which would further educational opportunities in the core economic sectors identified by the JCDA.</li> <li>b. Maintain and expand relationships with local businesses and local/regional education institutions to increase availability of co-op and mentoring programs between students and businesses in Jefferson County and the Eastern Panhandle.</li> <li>c. Collaborate with key business and economic stakeholders to identify and create programs that would encourage the retention of highly skilled young graduates from the County's institutions of higher learning.</li> <li>d. Coordinate with key business stakeholders to improve employer outreach and collaboration with regional and state university/college career centers to promote Jefferson County employment and internship opportunities to students on all academic levels.</li> <li>e. Coordinate with appropriate agencies to publicize available scholarship programs for students interested in the target industries to strengthen workforce development in Jefferson County.</li> </ul>
11	Collaborate with Shepherd University, American Public University System (APUS), and other higher education entities to identify opportunities for Jefferson County based research programs that would combine classroom learning with virtual resources.

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Recognize that modern and innovative energy sources including solar, wind and hydropwer energy facilities provide for clean economic development in the County and are vital to the emerging local, State and National trend/need for clean electrical energy.



## 2.B. Agricultural and Rural Economy

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses. Alternatively, providing other opportunities for farmers to use their land for a interim use, and then return it to farming in the future, would help maintain the County's rural economy. One option noted in this Plan maintains that allowing solar facilities to be located within the Rural zoning district is a way to preserve farms for a generation and then return the land to agricultural uses. This protects large acreage from permanent residential development, while allowing other portions of the properties to continue to farm

There must be a viable rural economy to maintain the rural landscape. The rural economy is much more than traditional farming. It includes innovative agriculture, horticulture, forestry, commercial and non-commercial equine industry, other forms of animal husbandry, tourism, rural based public and commercial recreation, ancillary rural business, ~~and~~ compatible rural institutional uses, and other profitable uses such as alternative energy production (solar, wind, hydropower). Many of these sectors are growing and collectively contribute significantly to Jefferson County's economy and provide several thousand jobs. The County's citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.

A key aspect of the County's rural economy is recognizing the changes in the regional and national marketplace that might affect agricultural activities at the local level. In some instances, farm operators have adapted to these changes by diversifying into additional farm based activities, changing the types of farming activities taking place on a site, or seeking to include direct sales and on-site marketing, and value added processing of crops or products. The ability of a farm operator to diversify or change their operations to meet the needs of the marketplace is an important consideration in providing a framework for the continuation and enhancement of farm and agricultural activities in Jefferson County. Consideration of an amendment to the Zoning and Land Development Ordinance to permit alternative energy production facilities to be located on large tracts of land in the Rural and Residential zoning districts should be considered as an option that may in the long run protect farms from other development.

The enhancement of the rural economy is a central focus of the rural strategy of this Plan and requires the support of the County Commission, Planning Commission and the Jefferson County Development Authority and other organizations which support the agricultural economy. A broad-based rural economy can be a net-revenue generator for the County because tax revenues generally exceed expenditures for rural properties. The County recognizes its fiscal responsibility to protect the land resource for the rural economy, to provide fundamental protection for rural businesses, to ensure prudent fiscal management of limited public resources, and to provide needed protection of the public health and safety.

**Rural Economic Activities**

The agricultural community in Jefferson County recommended the following priorities to strengthen the rural economy:

<b>Agricultural Community Priorities</b>
Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);
Allow farm operators to work with nearby farm operators to market and sell each other's goods on each individual farm;
Allow a wider range of service activities to take place on agricultural properties.

The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.

By enabling farm operators to have more options and encouraging the creation of cottage industries that reflect the rural aesthetic, the viability of operating rural based businesses in the County's rural areas will be enhanced in the coming decades. While Jefferson County has modified its Zoning and Land Development Ordinance to allow for a greater variety of uses, additional steps might be needed to improve opportunities for farm operators to continue or expand their businesses, and for artisans and other individuals to operate small businesses that complement these activities. A streamlined process for uses with minimal impacts to surrounding neighbors should be developed.

As discussed above (see Land Use and Growth Management: Rural/Agricultural Components), significant new opportunities exist for farms located near existing electrical infrastructure to lease their land for the production of solar power. These opportunities will provide those farmers, some of whom have indicated they cannot maintain their farms without additional sources of revenue, to access new income sources and to maintain the rest of their farms in agricultural uses. By permitting the provision of alternative energy facilities as a Principal Permitted Use in the Rural and Residential zones, while requiring these facilities to provide reclamation and facility removal standards, the impacts to the rural landscape will be minimized, while allowing farming and other agricultural uses to return once the land is reclaimed.

The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an Agricultural Based Economic Empowerment Area, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm co-ops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.

There are many creative people that live and work in Jefferson County, using their talents to create poetry, pottery, paintings, plays, performances, photographs, novels, fabric art, sculpture, carvings, installations, music and dance, and the fine art and culture of all forms. The County is home to numerous cultural and historical organizations as well as artist studios, galleries, museums, and theaters which host a number of activities and events throughout the year. These activities and organizations add to the cultural value in the County and provide economic resources for the artisan. This Plan supports the artisan community and its needs for developing a robust economic and cultural community.

While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations. This requires eliminating the Land Evaluation Site Assessment (LESA) system and modifying the CUP process. For additional discussion, see Rural Land Use Planning Section (page 34).

### **Agricultural Service Facilities**

An issue expressed by members of Jefferson County's agricultural community during the planning of this document was the lack of agricultural service facilities located in Jefferson County. Farm operators currently travel to Winchester, Hagerstown, or Frederick to purchase farm machinery or to get their machinery repaired. Farmers raising livestock also need to travel out of state to sell or purchase animals at auctions. There are few large animal veterinarians in Jefferson County that can assist with maintaining the health of animals or be available in case of emergency. There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service. The lack of service facilities could have a negative impact on the maintenance or expansion of agricultural activities in Jefferson County in the coming years.

### **Distribution and Marketing of the County's Agricultural Products**

In recent years, there has been a change in the way farm products are marketed and sold in Jefferson County. In the past, a large number of farm products cultivated on Jefferson County farms were commodities, with little differentiation between the products of individual farm operators. Currently this is changing due to the increasing reliance of the local farm community on farmers' markets and direct sales to local and regional restaurants. There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center complex could serve as another means of selling the County's farm products and could include dining and/or commercial kitchen facilities.

While the farmers' markets have helped individual farm operators differentiate between their products, there is still a limited local or regional identity when it comes to agriculture in the Eastern Panhandle. In some cases, individual farms have addressed this concern through the creation of an identity for the farm and/or for the product being produced. It would be beneficial to the Jefferson County rural economy if a more unified effort occurred through a shared marketing mechanism, regional branding, or the creation of common distribution and marketing facilities.

An increasing movement toward smaller farming operations of less than 40 acres in size in the County should not be discounted, even though a number of farms in Jefferson County are located on large tracts of land. According to the 2012 U.S. Agricultural Census, over half of all farms in Jefferson County provide a limited income to farm operators; however, there are opportunities for expansion of smaller farming operations. The majority of the farms in Jefferson County have the opportunity to provide a viable range of income generating agricultural activities to an individual farm operator.

### **Enhance Farmland Protection Activities**

In 2000, Jefferson County formed a Farmland Preservation Program that is funded by a portion of the transfer tax collected when a house or land is sold. To date, this program has purchased the development rights of 3,900 acres. As mentioned in the Land Use element, the funding that is available to support the County's farmland protection program is much less than the demand from farm operators to participate in it. Since the County's farmland protection program is funded by a portion of the transfer tax, the viability of the program is subject to a widely fluctuating real estate marketplace. In times when there is a great deal of real estate activity, revenue generated for the program is strong, enhancing the ability to purchase development rights and protect farmlands. Conversely, in times when the real estate market is slow, the amount of money available for protection efforts is limited. Therefore, it is important to establish reliable funding sources to support farmland protection

activities. One option to protect farmland is to coordinate with the American Battlefield Protection program to make the most efficient use of funding resources.

To reduce the conversion of farmland, the Plan recommends that clustering should be the preferred method of any rural residential development. This would allow land owners to group lots in a traditional rural community pattern, while retaining a majority of the land for agricultural and rural economic uses. Even when the development of a residential cluster results in the loss of some farm land, the goal of the regulations related to cluster developments is to retain as much farmland as possible by adjusting the number and size of the lots in the cluster and requiring the balance of the farm (the residue) to be retained as a permanent agricultural use. Cluster developments on a property should minimize the use of high quality soils and maximize the use of less

productive agricultural land. In order to retain the maximum amount of land in farm use and rural economic activity, the open space requirement for residential cluster development shall be met by the residue which will retain no development rights.

#### **Transportation in the Rural Environment**

The County's rural road network originally evolved serving the needs of the farming community and is not intended to serve the needs associated with the higher traffic volumes and speeds required for large residential subdivisions. At certain seasons of the year conflict can be created between residential traffic and large pieces of slow moving farm equipment. The LESA/CUP system has not effectively protected the rural road network from this type of development pressure. As such, this Plan recommends utilizing cluster developments as the preferred form of residential development within the rural areas. Limiting suburban development in the rural area helps protect agricultural land use activities.

Most of the roads in the County's rural area are paved, but tend to have narrow widths, excessive horizontal and vertical curvatures, bridge and drainage problems, and poor intersection alignments. These conditions contribute to the safety concerns associated with increasing motor vehicle traffic on the rural roads. The increased residential densities that have occurred in the rural area in the past are producing additional traffic volume and requiring more maintenance of the rural road network of predominantly narrow, two-lane paved roads with existing design issues.

#### **Utilities in the Rural Environment**

The availability of electricity is an important resource to support all residential, commercial and agricultural operations in Jefferson County. The federal government is working to encourage states to develop policies that encourage an increase in the amount of power generated by alternative renewable energy sources such as solar, wind and hydropower. The location of transmission lines and substations in Jefferson County are a local resource which could provide opportunities for future renewable energy resources to connect to the power grid in an efficient manner.

Utility scale alternative renewable energy systems are large-scale installations that provide clean energy to a regional energy provider. One example is utility scale solar facilities which are commonly mounted on the ground and span across fields of land to generate electricity to assist in meeting renewable energy and sustainable energy production goals. Proximity to transmission lines and substations, elevation/slope, flood zones, wetlands, and soils all affect a site's buildability for any large scale alternative renewable energy facility.

Solar facilities are compatible with rural lands and agricultural uses as they have minimal negative off-site impacts. A primary impact of utility-scale solar facilities is the removal of rural and agricultural land from active use; however, this use can preserve the land for future agricultural use, and applicants typically state that the land will be restored to its previous condition. Generally, large scale solar facility system owners choose to lease instead of purchasing property, allowing local farmers to retain ownership of the land. Some farmers also retain portions of their land for on-going agricultural uses compatible with the solar facilities. Solar energy systems have a typical lifespan of 25-30 years; so the system owner would be paying the lease for decades, ensuring an economic contribution to the property owner for the duration of the system's life and allowing to property to revert to agricultural uses in the future if the landowner desires.

Solar energy facilities which are required to be removed upon expiration of their usable lives can provide farmers with the income necessary to retain their farms while having minimal impact on the rural aesthetic or the permanent conversion of land to non-agricultural use. Permitting these facilities as Principal Permitted Uses will also generate construction jobs and tax revenues while placing almost no strain on existing infrastructure and will thereby promote the economic well-being of the County and the Rural and Residential Districts. Additionally, the land will be reclaimed for the ability to farm the land or provide for other permitted agricultural uses in the future.

### **Agriculture Tourism**

The rural areas of the County contribute to the local tourism economy in a variety of ways. Not least of these is the maintenance of attractive viewsheds to enhance the experience of visitors to battlefields, historic sites and villages. Tourism is addressed later in this Element on page 81.

The following recommendations provide action steps to foster and expand the diverse rural economy through a variety of policy, regulatory, incentive-based, and programmatic approaches that will protect the rural land, structures, and character necessary to advance the rural economy.

<b>Agricultural and Rural Economy Recommendations (Goal 8)</b>	
<b>1.</b>	Support West Virginia's and Jefferson County's "Right to Farm" policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19; Section 4.5 of the County's Zoning Ordinance).
	a. Identify and utilize a wider variety of funding sources that could serve to expand the County's farmland protection program.
	b. Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
<b>2.</b>	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	a. Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth.
<b>3.</b>	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	a. performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	b. the adaptive reuse of existing historic and agricultural structures.
<b>4.</b>	Collaborate with the County's agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
<b>5.</b>	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	a. Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm products and related auxiliary products.
	b. Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.

	<p><u>c. Amend the local land use regulations to permit utilities which generate electricity by alternative renewable energy sources (such as solar, wind and hydropower) to be permitted as a principal permitted use throughout the County; provided also that developers or owners provide security guarabteeing the removal of the renewable energy facilities at the expiration of their usable life so that land may be returned to farming or other agricultural uses.</u></p>
	<p><u>e.d.</u> Require that new non-rural commercial uses that are not compatible with the dominant agricultural land use pattern locate only in the Urban Growth Boundaries (UGBs) and Preferred Growth Areas (PGAs) as identified by the future land use recommendations of this Plan.</p>
6.	<p>Coordinate with local businesses and the Jefferson County Development Authority (JCDA) to brand and market Jefferson County farms and products by identifying and linking potential partnerships and matching suppliers with potential local and regional markets.</p>
	<p>a. Conduct market research on high-value agricultural products, ancillary farm businesses, and other rural economic uses such as farm agri-tourism, retreats, and country inns;</p>
	<p>b. Develop and expand, in conjunction with the Jefferson County Convention and Visitors Bureau, brand identification of Jefferson County farm products;</p>
	<p>c. Provide more alternatives to promote rural tourism and rural land uses.</p>
7.	<p>Work with Jefferson County's agricultural community to effectively distribute local agricultural products and encourage the growth of the market for local products.</p>
	<p>a. Facilitate the establishment of year round marketing outlets to support the farm community, such as farmers' markets or a product distribution center;</p>
	<p>b. Encourage the expansion of off-site farmers' markets to provide marketplaces for farmers and artisans to sell their goods within a variety of Jefferson County commercial venues;</p>
	<p>c. Promote products to Jefferson County based businesses.</p>
8.	<p>Coordinate with key agricultural and rural stakeholders to identify ways to expand marketing and value added production activities for farmers and artisans on their properties in rural areas of Jefferson County.</p>
	<p>a. Amend existing regulations in order to identify and facilitate ways to allow the sale of items grown, processed, crafted, or manufactured in Jefferson County on farms other than the farm where the product originated.</p>
	<p>b. Develop a streamlined process for such uses when there are minimal impacts to surrounding neighbors.</p>
	<p>c. Expand and improve high speed Information Technology (IT) connections in rural areas of Jefferson County with local internet or advanced technologies providers to enable residents to run businesses from home or to telecommute.</p>

9.	Collaborate with the local artisan community and Jefferson Arts Council to review and amend the local land use regulations to promote and enhance the viability and livelihood of artisans in the rural areas of Jefferson County.
	a. Encourage local non-profit organizations and local and regional economic development agencies to create a regular forum where all County artisans, businesses, and members of the non-profit and arts communities can meet to network and collaborate.
	b. Work to improve connections between County businesses and artisans that may have products and services that can be sold in local stores or other businesses.
	c. Ensure that training and educational opportunities are available that would enable the success of such businesses.
	d. Establish and support an endowment for arts funding for rural crafted arts.
10.	Strengthen the Agricultural Committee of the JCDA by creating a public/private Rural Economic Development Council comprised of rural industry sector leaders. This organization will:
	a. link governmental, non-governmental, and regional organizations;
	b. link state and federal farm assistance programs to local farmers;
	c. receive and make grants;
	d. act as an advocacy group for rural issues; and
	e. promote activities that nurture the rural economy.
11.	Create a county or regional agricultural industrial park that could include sites for service providers such as farm equipment repair facilities, tractor and implement sales, meat processing facilities, and veterinarian services; as well as:
	a. A local or regional food hub that could be tied into Community Supported Agriculture (CSA) packaging and distribution, a regional food bank, and to serve as a marketing site for farms and farmers;
	b. A neighborhood based CSA or Development Supported Agriculture;
	c. A permanent, year-round farmers' market site;
	d. Sites for Industrial Agriculture such as Vertical Farming, Hydroponic Greenhouses, and Aquaponic Farming;
	e. Agriculture based training, research, and continuing education facilities created in conjunction with institutes of higher learning and research;
	f. Commercial aquaculture activities;
	g. A livestock auction facility;
	h. A Community Cold Storage/Meat Locker Facility that would allow county residents to rent space to purchase and store sides of meat; and/or
	i. Alternative Energy Production facilities, ranging from ethanol refining to algae production for biofuels.
12.	Promote and expand the commercial and recreational equine industry as a fundamental component of the rural economy by amending County ordinances to reflect the current practices and needs of the industry.

13	Collaborate with the County's culinary, artisan, and farm communities and JCDA to study the feasibility of establishing a Culinary Center that would provide exposure to and for marketing the goods that are produced in Jefferson County and the Eastern Panhandle.
	a. Collaborate with the West Virginia Extension Service, West Virginia Department of Agriculture, and local stakeholders to establish a regional commercial kitchen and packing facility in the Eastern Panhandle that could be used by farm operators in the manufacture of value added products.
14.	Expand vocational programs, either through the existing Future Farmers of America program in the County's high schools or through programs that combine classroom exercise with a co-op program exposing students to a variety of agricultural formats and opportunities.
	a. Advocate for Jefferson County Schools to partner with Berkeley and Morgan County schools to create a regional Agriculture Magnet School whose curriculum would be focused on agriculture and agribusiness fields.
	b. Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.
15.	Coordinate with Jefferson County Schools to encourage the following agricultural activities:
	a. Preserve and expand the Future Farmers of America programs that are in place at the County's middle and high schools.
	b. Coordinate with local artisans to improve accessibility and awareness of arts education and programming.
	c. In conjunction with local gardening organizations and Jefferson County Agricultural Development Office, expand school garden programs that could serve as a source of fresh foods for cafeterias.
	d. Encourage schools to use local agricultural products in cafeterias through partnerships with local farmers and CSA programs.
16.	Encourage the West Virginia University Extension Office to consider the creation of Mentoring/Training Programs similar to FarmLink programs that are in place in other states such as Maryland and Virginia.
17.	Support the County's rural economic strategy by working with the State Legislature to review the State Code and consider the following amendments:
	a. Tax credits on farm-related capital improvements;
	b. Tax abatement or deferral when a farmer makes an investment in high-value crops that do not turn a profit for several years (orchards, Christmas trees, vineyards, etc.);
	c. Assessment of farm worker housing on farms below residential market value;
	d. Additional reduction in the real estate tax rate on rurally zoned property that is under permanent conservation easement.



may not meet current standards, to be upgraded or maintained. Recently, the County adopted a new stand-alone Stormwater Management Ordinance that includes additional standards related to water quality and includes provisions for low impact design stormwater provisions such as rain gardens, bio-swales, permeable pavers, and permeable asphalt. These new standards help to minimize the impact of sediment and certain identified nutrients as required by the Chesapeake Bay Program.

In addition to land development activities, the following point and non-point source activities impact the water quality in waterways due to stormwater run-off:

Point and non-point source pollution
Over-fertilization and the use of chemicals to maintain lawns by homeowners
Use of salt and chemicals on roads in winter weather by the State Division of Highways
The fertilizers used to grow crops
Industrial emissions
Waste products (rubber, gasoline, and various other fluids) associated with auto use
Animal husbandry activities

The effect of stormwater run-off on the local waterways, particularly the Shenandoah and Potomac Rivers, has a significant impact on our local and regional recreational and heritage tourism, as well as drinking water quality. There are a number of watershed protection groups in the County that are actively seeking to improve the quality of the surface and groundwater within particular watersheds. These groups have made efforts to clean-up the waters and restore aquatic life to Jefferson County waterways. Such efforts have included, river clean ups, water monitoring, septic tank pumping and repair reimbursement programs, fencing of livestock to keep them out of streams, tree plantings, and outreach to residents and businesses to educate them about how to combat pollution. These efforts will ensure that high quality of water in Jefferson County continues.

### Alternative Energy

It is widely recognized that many of the resources that we rely on to heat, cool, and light homes, power electronics, provide transportation fuel, and other daily needs are finite. Consequently, there has been an increasing need to assess the viability of alternative and renewable energy sources that may assist in maintaining the quality of life of Jefferson County's residents and businesses. In 2009, West Virginia adopted an Alternative and Renewable Energy Portfolio Standard that requires investor-owned electric utilities (such as Potomac Edison) with more than 30,000 residential customers to supply 25% of retail sales from eligible alternative and renewable energy resources by 2025. This standard was subsequently repealed by the state legislature in 2015; however many private utility providers and other large companies have set their own renewable energy or clean energy goals and are pursuing these alternatives without state or federal mandates.

Alternative and renewable energy sources are available, ranging from hydro (water), solar, and wind power to the use of various biofuels (algae, biomass, wood pulp, and other waste products), and plant crops (corn and switchgrass) that might be used to complement or replace existing power sources. Another alternative energy source that may be applicable for the heating and cooling of buildings is the use of geothermal systems (drawing up groundwater and circulating it through pipes embedded in a building's walls).

There are efforts underway at the local and state level to encourage the conservation of energy and the utilization of alternative energy sources. The most notable of these are the projects that have been incorporated into the expansion of the American Public University System (APUS) in Charles Town and Ranson. These projects include the use of solar collectors that also serve as cover for parked cars, the installation of several electric car charging stations, and the utilization of building improvements and materials that limit the use of energy needed for heating, cooling, and lighting. The improvements undertaken by APUS can serve as a role model to new development in Jefferson County and to the redevelopment of existing structures and sites.

Several large-scale alternative and renewable energy projects have taken place in the County. Concern has been expressed that legislation prohibiting Cooperatives or Communities to create a solar panel system that would feed multiple houses is impacting the expansion and viability of implementing other solar projects in the County. As the cost of improvements decreases and the efficiency of various renewable energy materials improves, the reliance on current energy sources will be reduced as more families and businesses adopt these improvements.

Emergent local, regional and national trends indicate that large scale alternative and renewable energy projects, such as solar, wind, and hydropower energy facilities, have become essential and will continue to be needed to provide clean energy throughout the region and into the power grid. In recent years, Jefferson County has been identified as an area that could accommodate these renewable energy facilities due to its proximity to the grid network, the gentler topography than many areas of West Virginia, and large open areas throughout the County. Opportunities to develop these alternative energy resources should be pursued in the County.

### **Natural Gas Services**

Jefferson County regional economic development officials and businesses identified the need for natural gas services to homes and businesses. At present the only area of the County served by natural gas lines is the former Kodak/3M plant in Middleway; however, the potential exists for the expansion of service capacity in the Eastern Panhandle and the extension of natural gas lines from the Berkeley/Jefferson County line along WV Route 9 to various parts of the County. The extension of natural gas into Jefferson County would aid County economic development efforts while providing an alternative to electricity for residential and commercial purposes.

<b>Infrastructure and Technology Recommendations (Goals 10 &amp; 11)</b>	
<b>1.</b>	Require key stakeholders to coordinate planning and investment for both local and countywide infrastructure improvements.
	<ul style="list-style-type: none"> <li>a. Require members of the development community and utility and service providers to collaborate regularly to plan for future infrastructure needs, while considering the impact on the individual consumer rates.</li> <li>b. Provide and encourage mechanisms to have consolidated water and sewer providers in the County.</li> </ul>
<b>2.</b>	Bring natural gas into Jefferson County to grow the economy and increase the quality of life for the residents.
	<ul style="list-style-type: none"> <li>a. Identify partners and funding sources for the expansion of natural gas services.</li> <li>b. Ensure that one or more compressed or liquid natural gas fueling stations is built to serve Jefferson County residents, businesses, and visitors.</li> <li>c. In coordination with Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO), Jefferson County Schools, and Eastern Panhandle Transit Authority (EPTA), advocate for the wider utilization of natural gas as a fuel source for school buses and for EPTA.</li> </ul>
<b>3.</b>	Create opportunities for the County's water and sewer providers to share resources and better coordinate their systems and administration.
	<ul style="list-style-type: none"> <li>a. Amend Subdivision and Land Development Regulations to require privately owned public water and sewer utilities to meet the local PSD standards, which would allow a local PSD to assume maintenance, and possible ownership in the future, with fewer upgrades and expenses.</li> <li>b. Provide opportunities for applicable homeowners associations and/or developers to enter into maintenance agreements for privately owned public water and/or sewer utilities with the applicable public utility providers in which the public utility providers will maintain new facilities.</li> <li>c. Coordinate with the County's utility providers to identify methods that would limit the expansion of water and sewer trunk lines to areas within the Urban Growth Boundary and/or Preferred Growth Areas.</li> <li>d. Encourage the PSDs to promote cooperation with the local development community to work toward cost sharing on infrastructure projects.</li> </ul>
<b>4.</b>	Collaborate with Village residents, businesses and utility providers to identify ways to provide water and sewer utilities within Village and village expansion areas.
<b>5.</b>	Enact and enforce requirements for maintenance and inspection of individual, on-site septic systems on a regular basis.
	<ul style="list-style-type: none"> <li>a. Initiate a dynamic education and informational program for County residents concerning well and septic maintenance and use practices.</li> <li>b. Pursue an amendment to the state code to allow residents who are required to connect to an extended water or sewer network to continue to utilize existing individual well and septic systems for the lifetime of the home system if there are no public health issues.</li> </ul>

	c. Collaborate with local public utility providers to identify and provide incentives that would encourage property owners to transition from well and septic to a centralized system where and when needed to address public health issues.
	d. Find funding mechanisms to defray the costs of providing public utilities in areas where the provision of these utilities is necessary based on declining public health or environmental concerns.
6.	Coordinate with Region 9 and the County's public service providers to identify and seek additional funding sources that would aid in the construction of needed capital facilities and for the upgrading of existing facilities to meet newer federal standards.
	a. Continue to monitor and participate in planning efforts related to the implementation of the Chesapeake Bay Watershed Improvement Plan.
	b. Assess and evaluate the County's stormwater planning documents as best management practices in the field evolve.
7.	Identify ways that utility services can be regularly upgraded to meet the highest level of service and technology through coordination with local water, sewer, electric, gas, and telecommunications utility and service providers.
	a. Require all local electric, cable, and other utility providers to bury existing and new lines (serving new development) as a part of the regular maintenance and upgrading of their facilities.
8.	Encourage public <b>and private</b> entities to utilize alternative and renewable energy sources for a variety of energy needs.
	a. Enable the construction of renewable energy generation <b>and production</b> facilities by residents, <del>and businesses,</del> <b>and commercial alternative renewable energy providers.</b>
	b. Encourage County businesses and service stations to provide electric vehicle recharging stations within Jefferson County as soon as possible and use distinctive signage to guide residents and visitors to the charging stations.
	c. Develop regulations to enable cooperatives or communities to create a solar panel system that would feed multiple houses in the County.
9.	Collaborate with local economic development agencies and Information Technology (IT) providers to ensure that the current and future needs of small businesses within Jefferson County are met.
	a. Ensure that all areas of Jefferson <u>C</u> ounty are served by high speed wireline and/or wireless services and other advanced technologies.
	b. Encourage private sector investment to improve wireless internet service availability in Jefferson County and the Eastern Panhandle.
	c. Ensure that, as next-generation wireless and cellular services are implemented, Jefferson County collaborates with providers, including any necessary regulatory changes, to ensure that providers are able to provide these services at the same time as other communities in the Washington, D.C. and Baltimore, MD Metropolitan Areas.

<b>10.</b>	Partner with IT providers, the Shepherd University Research Corporation (SURC), and the existing federal and state agencies located in Jefferson County to establish the feasibility and creation of an open access telecommunications network that could serve as a trunk line for regional services across the Eastern Panhandle.
	a. Market the availability of the established trunk line services across the Eastern Panhandle to potential businesses and organizations that are heavily reliant on a bandwidth intensive service and researching Jefferson County as a possible relocation site.
<b>11.</b>	Explore the creation of a reimbursement funding mechanism that would allow for pump stations and water mains that serve one subdivision to be oversized or expanded upon to serve nearby future development within the designated growth areas, not solely dependent on revenue from rate payers but also the development community.
<b>12.</b>	Explore policies in concert with the State legislature, Public Service District (PSD), and the municipalities to study and amend regulations related to water and sewer infrastructure development, including legislative options that would allow equitable distribution of cost sharing with entire development community along with rate paying base (i.e. Capital Improvement Fees).



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

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **February 17, 2022**

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

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

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

- **Legislative Updates**

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

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

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

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

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

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

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

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

Contact information:

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

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

[Click here to enter text.](#)



## **NOTICE OF INTENT TO APPOINT**

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 3, 2022 or as soon thereafter as the Commission may decide:

### **Jefferson County Property Safety Enforcement Agency: Two 2-year citizen representative terms ending February 8, 2024**

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

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



**WEST VIRGINIA  
DEPARTMENT OF TRANSPORTATION**

1900 Kanawha Boulevard East • Building Five • Room 109  
Charleston, West Virginia 25305-0440 • (304) 558-0444

**Jimmy Wriston, P.E.  
Secretary of Transportation  
Commissioner of Highways**

February 8, 2022

To Whom It May Concern:

The Statewide Transportation Improvement Program (STIP) is a financially constrained document that is required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures for federal fiscal years 2020-2025. One of the requirements of funding any project with federal transportation funds is that each proposed regionally significant project or major change to program group size undergoes a public review and comment period. Therefore, additions or deletions to the STIP and certain changes to current projects or groupable programs in the STIP must meet this requirement before federal funds can be obligated. As such, the West Virginia Department of Transportation (WVDOT) is requesting your assistance in making available the listing of proposed amendments to the approved 2020-2025 STIP. The project listing and program funding snapshots can be found by viewing Amendment 8 – Highways at the link below:

<https://transportation.wv.gov/highways/Programming/STIP/Pages/amendments.aspx>

If you require a printed copy, please contact Gehan M. Elsayed, P.E., Ph.D., at the address/number below. All written comments are to be received no later than March 4, 2022, and should be addressed to:

**Gehan M Elsayed, P.E., Ph.D.  
Chief Engineer of Programs and Performance Management  
Deputy State Highway Engineer  
West Virginia Division of Highways  
1900 Kanawha Boulevard, East  
Building 5, Room 152  
Charleston, West Virginia 25305-0430**

Thank you for your assistance with this matter. Should you need additional information, please contact Dr. Elsayed at (304) 414-6912.

Sincerely,

A handwritten signature in black ink that reads "Jimmy Wriston, P.E.".

**Jimmy Wriston, P.E.  
Secretary of Transportation  
Commissioner of Highways**

GE:l

Attachment

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

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THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE DECEMBER MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON DECEMBER 10th, 2021.

The meeting was called to order at 8:07 a.m.

Those in attendance were:

David Simmons-Chairman Term 6/30/2027  
Mike Lowrey-Secretary Term 6/30/2022  
Helen Dettmer-Treasurer Term 6/30/2024

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

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

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

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

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

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

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

Mr. Kunkle from J.C. Kunkle and Associates discussed year ending June 30, 2020 financial statements and annual audit, went over the independent audit completed by Ferrari & Associates, PLLC. Mr. Kunkle suggested possibility seeking a rate increase to fully fund the Working Capital Reserve account, adding an additional \$14,000.00 into the rates.

The Board recommended tabling possible rate increase for discussion at the next meeting and January 14, 2022.

Mr. Tennant discussed COLA increases for plant staff and Christmas bonus, and lunch for staff and HFWW clerk.

Motion by Mr. Simmons, seconded by Mr. Lowrey to go into executive session at 8:50 a.m. to discuss the matter, approved.

Motion by Mr. Simmons, seconded by Mr. Lowrey to go back into session at 8:59 a.m., approved.


The Board will give the plant staff COLA pay increases, and Holiday bonus, and lunch for staff and HFWW clerk.

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

The meeting was adjourned at 9:15 a.m.

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David Simmons-Chairman



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Mike Lowery Secretary



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Helen Dentmer-Treasurer

## Jessica Carroll

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**From:** Lyn Widmyer <lynwidmyer@gmail.com>  
**Sent:** Friday, February 4, 2022 10:21 AM  
**To:** JCCInfo  
**Cc:** Jennifer Myers  
**Subject:** Support for Parks and Recreation

I would like to express my thanks and appreciation to Jennifer Myers and the staff of Parks and Rec for their responsiveness to community requests for pickle ball facilities. Pickle ball is the fastest growing sport in the United States. There is an avid group of players here in Jefferson County but few options to play due to lack of courts. Upon a request at a recent parks and rec meeting, staff painted court lines on outdoor tennis courts at Leetown and provided indoor play at Sam Michaels community center. The number of players has increased substantially as a result, drawing players from Berkeley County and even Virginia. There is great demand for even more court options.

Jennifer and her staff are prepared to respond to community requests and to expand recreation opportunities for all ages (our pickle ball community has lots of senior citizens like myself!).

Please support the continued excellence of the Parks and Rec Department by funding them as requested during the budget!

--

Lyn Widmyer  
1434 Cattail Run Road  
Charles Town, WV 25414  
304 279 3201  
web page: [lynwidmyer.net](http://lynwidmyer.net)

February 10, 2022

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

Dear Commissioners,

After 2 ½ years, of studies, surveys, public meetings, and public hearings, the Envision Jefferson County 2035 Comprehensive Plan was adopted in January of 2015. The Plan recognizes alternative energy including solar and would support a STA allowing, in the Rural District, solar facilities as a permitted use within the designated growth areas and as a conditional use outside of the growth areas. The Virginia and Maryland counties adjacent to Jefferson allow solar facilities only as a conditional use.

Ignoring state law, the County has made two attempts to enact a STA allowing solar facilities as a permitted use county wide. The last attempt was set aside by Court order because it was not consistent with the Plan as required by law. Instead of changing the STA, three of you approved a motion to request an amendment to the Plan to allow utility scale solar facilities in the Rural and Residential Districts as a principal permitted case. WHY?!! Explain to the citizens and voters of this county why the change from a conditional use to a permitted use is required. Why are you placing the rights and interest of all citizens in a subordinate position to the wishes of a solar developer and/or Commissioner Stolipher?

The Planning Commission failed to conduct any study or survey including a survey of the citizens' opinion on permitted v. conditional use. Put the question to a vote at a special election or the May primary.

A comprehensive plan is a statement of public policies which give direction to a planning commission when drafting a zoning text amendment. Whether principal permitted or conditional use, guidelines/boundaries have to be established as to how and where solar development occurs.

Goal #28: Alternative Energy Facilities – Solar was designed as a discussion outline. Some objectives overlap; some offer options. Others may not be necessary. The wording can be modified or adjusted, but the ideas need to be addressed. Time does not allow me to discuss each objective or the thinking behind it.

A limit on the total amount of land in the County which can be developed for solar must be established. Objective 3 sets forth two methods which are commonly used. According to the USDA, Jefferson County has 66,113 acres in farmland which is 49% of the County. One percent (1%) of the total land mass equals 2% of farmland. How much farmland are you willing to give

up? Objective 3B is the most used method of limitation because it projects the future consumption of electricity in a county.

Objective number 19 satisfies the requirement that solar energy projects “be located adjacent to or very near existing transmission infrastructure” and would further “minimize the aesthetic impact” of these facilities. See the findings of fact adopted by the Planning Commission and this Commission. Reference is also made to the Potesta Report. Both papers support objectives 3,5,8,12,13,15,16,17,18,19,20, and 21.

Positive discussions that are aimed at solving this problem are needed. The citizens of this County stand ready and willing to work with you to establish a fair policy statement on solar. The question is whether the elected officials are willing to work with the citizens. Only time will tell.

Submitted by:

Douglas S. Rockwell

P.S.: Reject the proposed amendment.

(304) 261-4716

CDRockwell@hotmail.com

**Current address:** 182 Posting Way  
Charles Town, WV 25414

**Future Address:** 204 Volney Hill Road  
Shenandoah Junction, WV 25442  
Move in Date estimate: March 18, 2022

February 2, 2022

**To:**

**Comcast**

Comcast Corporation  
Comcast Center  
1701 JFK Boulevard  
Philadelphia, PA 19103  
Customer Care  
1 (800) 934-6489

[We\\_can\\_help@cable.comcast.com](mailto:We_can_help@cable.comcast.com)

**CC:**

**Lennar**

45 Brass Harness Dr,  
Shenandoah Junction, WV 25442  
Brad Broseker  
Melissa King

[brad.broseker@lennar.com](mailto:brad.broseker@lennar.com)

[Melissa.King@Lennar.com](mailto:Melissa.King@Lennar.com)

**Jefferson County Commissioner**

124 E Washington St,  
Charles Town, WV 25414  
Sandy Slusher McDonald, Interim County Administrator  
Jessica Carroll, Executive Assistant  
Rick Thiel, Director of Finance

[sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org)

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**Jefferson County Mayor**

101 E Washington St.  
Charles Town, WV 25414  
Phone: (304) 725-2311  
Bob Trainor

[btrainor@charlestownwv.us](mailto:btrainor@charlestownwv.us)

**WV Senator Joe Manchin**

261 Aikens Center, Ste. 305  
Martinsburg, WV 25404  
P: 304-264-4626  
F: 304-262-3039

Send via Contact form

<https://www.manchin.senate.gov/speedtest>

**RE: Harvest Hill, Shenandoah Junction, WV 25442 has no Comcast services**

We are writing to file a complaint and requesting your assistance to move along the schedule as promised for Comcast to install internet for Harvest Hills Community in Shenandoah Junction, WV 25442.

Lennar has opened a new community called Harvest Hills in Shenandoah Junction, WV since July 2021. Now it is February 2022. There has been no internet since it opened the community as brand new with about 5-7 existing homes. If I am correct there are 27 new homeowners. Many of us work at home. My husband and I are one of the 27 homeowners. I feel it is unheard to have no internet provider install not even set up when selling 27 lots. It should have had internet provided before they were selling it. And now many of us are moving in late January 2022 and moving in now to end of spring or early June.

We, all of the neighbors have connected via Facebook page and talked about the issues with no internet. We each of us as an established neighbors and new neighbors had called Comcast many times and also spoke with Lennar Representative about the internet issues. They said it would be installed around February 2022. As far as I understand Comcast is taking their time and will install whenever they are ready. Maybe late spring or summer or even a year later? This is unacceptable because we all have a job that relies on internet. Most important of all access to 911 is very much needed for any of us who needs to access to call 911.

I also want to complain because internet is very powerful access for especially in 911 emergency. My husband and I are both Deaf and we need reliable internet for 911 in case we call. As far as I understand we can't call 911 because there is NO Internet! We use special phone that is videophone that are made for the Deaf that connects to ASL Interpreters who can interpret for our calls especially for 911 calls. This concerns for our safety. You never know when you need it. There are another neighbor's parents who are also Deaf and comes and visit them in Harvest Hills too from time to time. So that makes us 4 Deaf adults in Harvest Hills who needs internet when we need to call 911 especially in Harvest Hill community!

2<sup>nd</sup> of all, there are 27 new homeowners to Harvest Hills and there are about 7-10 established resident who has been living there for at least 10 years or more. We all have communicated with Comcast through phone calls since August 2021. And we are not getting a reliable confirmation when we will have access to internet or when they will install ASAP.

One neighbor has moved in last week. The rest will follow in in February and onwards. We are moving in approximately March 18<sup>th</sup>. We all need internet for our emergency needs, our work, and perhaps some kids are on virtual school program and all of us need internet immediately.

I have a business to run that requires me to communicate with my clients through a reliable high-speed internet to communicate with ASL Interpreters using videophone. I talk with my federal clients who reach out to me to request ASL Interpreting Services. How can I run my business without high-speed internet which my videophone requires it? I have no other strong connections to complete my work and answer my client's call. I am a heavy Videophone user to communicate with my clients and customers. This videophone requires ethernet for a strong reliable connection. Wi-Fi is not so great for Videophones especially in the nature of emergency or it is unprofessional to have clear communication through ASL Interpreters. This will reflect on my work and professionalism. I provide highest quality of interpreting services. I rely on very high-speed internet.

My husband is Deaf works from home too. He relies on strong ethernet because of high secret level for his job. His job must be kept confidential. His jobs requires ethernet and high speed. Wi-Fi will cause serious concerns for his work. And he is a heavy user using the Videophone as well.

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Also, another concern: Our signal bars showed 2 bars on our iPhone as well as on hotspot where we will live in few weeks. We drove by today and it showed a very weak 2 bars. This is unacceptable for 911 and for a strong reliable communication for work and emergencies.



Our Videophone for ASL Interpreters is through ZVRS/Purple but it requires HIGH SPEED internet.

**To learn more about Deaf community calling 911:**

<https://www.zvrs.com/about/fcc/dialing-911/>

**Dialing 911 for Emergencies**

The Z (ZVRS) accepts emergency calls made to 911 through its video relay service, ZVRS. To make a 911 call, just dial "911" from your Z videophone (Z340, Z150, Z20, Z70, or ZOjo) or a desktop/laptop computer or mobile device with Z softphone application Z5).

It is very important that you keep the address (location) in the profile of your videophone or softphone up to date.

**When you dial "911", the following is what you can expect:**

- your call will be moved to the top of the queue for it to be answered by the first available video interpreter
- the video interpreter will see your address (location) that you have on your profile and call 911 (the appropriate emergency contact center.)
- the call will go to the appropriate emergency call center that serves the address shown in your profile. (The emergency call center is also known as public-safety answering point (PSAP))
- the contact person at the emergency call center then talks to you through the video interpreter. They will verify the address and ask what kind of emergency you have. While this may take some time, this verification process is important so they can send the right kind of assistance to your location.
- it is important for you to try to remain calm and be clear in your communication with the video interpreter (We all know it is hard to be calm in emergency situations.)
- after the emergency call center gathers all the information, they will then disconnect the call and send assistance your way. (note: most PSAPs' protocol require its call dispatcher to remain on line with the caller until the first responder arrives at the scene.)
- if your emergency situation changes, you should be able to call 911 again.
- if for some reason, the emergency call gets disconnected, the video interpreter will make an effort to connect again

In an emergency call, the video interpreter may use the term "first responder". It means police, fire or EMS.

## What if I can't text 911 yet?

<https://www.nad.org/resources/technology/access-to-911-emergency-services/>

If you attempt to send a text to 911 where the service is not available, FCC rules require all wireless carriers and other text messaging providers to send an automatic "bounce-back" message that will advise you to contact emergency services by another means. Bounce-back messages are intended to minimize your risk of mistakenly believing that a text to 911 has been transmitted to an emergency call center.

If you are deaf or hard of hearing, and text-to-911 is not available, use telecommunications relay services, if possible. The NAD encourages deaf and hard of hearing consumers to reach out to their local emergency call center to advocate that they deploy text-to-911 capability.

**Comment to 911 Text:** This will be an issue for us to call 911 with poor connection. You never know when it may be zero bar or 1 or 2 bars. It should be full 5 bars for a reliable texting to 911 or calling 911 through ASL Interpreters. My photo above showed how weak it can be. This is unacceptable.

## Video Relay Services

<https://www.nad.org/resources/technology/telephone-and-relay-services/video-relay-services/>

The NAD has been working hard to advance access to Video Relay Service (VRS).

To use VRS, a deaf or hard of hearing individual must have video conferencing equipment or a videophone, and a broadband (high speed) Internet connection. VRS enables a deaf or hard of hearing person to make and receive telephone calls through a communications assistant (CA) who is a qualified American Sign Language (ASL) interpreter. For many deaf and hard of hearing individuals, VRS is closer to "functionally equivalent" telephone services than any other form of relay service. For ASL users, VRS conversations flow so much more smoothly, naturally, and faster than communicating by typing. For many people, including deaf senior citizens and children, no other form of relay service is comparable.

Video conferencing equipment and videophones have additional benefits. They can be used for direct communication between deaf and hard of hearing people and with their hearing family and friends who know ASL. They can also be used by deaf and hard of hearing people who do not know ASL, but who benefit from access to visual communication cues, including speech reading.

The NAD continues to advocate for improving VRS, to make VRS a mandated service, ensuring funds for VRS research and development, and ensuring qualified interpreters for VRS and the community.

**Our comment to Video Relay services:** To connect with VRS interpreter to call 911 must have high speed internet to relay fully and clear message to 911 operator. A chopping or poor internet can cause a disaster for the Deaf person and the interpreters may have a hard time understanding because of poor and chopping video. We use VRS for our calls to communicate with 911 if necessary, our families and our work. We use high volume on for work related.

## Relay Services

<https://www.nad.org/resources/technology/telephone-and-relay-services/relay-services/>

- [Servicios de Retransmisión de Telecomunicaciones](#)
  - [Servicio de Retransmisión de Telecomunicaciones \(FCC\)](#)
-

Imagine asking your neighbors to order a pizza for you, call your doctor, or tell your boss that you are sick today. Nationwide relay services – which connect telephone users with people who are deaf or hard of hearing – were not required until the passage of the Americans with Disabilities Act (ADA) in 1990. The NAD played an important role in obtaining this provision during the drafting of the ADA. The NAD continues to work hard to ensure full access to the telephone system – addressing issues such as quality, funding, technology development and research, and universal access.

The ADA defines relay services as telephone services that enable people who are deaf or hard of hearing, or who have a speech impairment, to communicate with a person who can hear in a manner that is "functionally equivalent" to the ability of an individual without a disability to communicate by telephone.

The ADA required the Federal Communications Commission (FCC) to develop and enforce relay service regulations that encourage "the use of existing technology and do not discourage or impair the development of improved technology." The FCC has used this directive as a means to improve relay services and foster the development of new technology so relay users are not left behind as these technological advancements occur.

Today, deaf and hard of hearing individuals can choose from many different relay service providers and a wide range of relay services:

- TTY relay services, the original and now traditional relay service, which can be reached by anyone by dialing 711 from a telephone or TTY<sup>1</sup>
- Voice Carry Over (VCO) for people who are deaf or hard of hearing who communicate by speaking
- Hearing Carry Over (HCO) for people with a speech disability who use a TTY
- Speech-to-Speech (STS) relay service for people with a speech disability who use a telephone
- Non-English language relay services, such as Spanish-to-Spanish
- Captioned Telephone Service (CTS) for people with a special "captioned telephone" that enables them to communicate by speaking, listen to what they can hear, and read what the other person is saying through captions displayed on the "captioned telephone"
- Video Relay Service (VRS), an Internet-based system for people with video conferencing equipment or videophones who communicate in American Sign Language
- Internet Protocol Relay (IP Relay) service, an Internet-based system for people with a computer or other web-enabled device who communicate using text
- Internet Protocol Captioned Telephone Service (IP CTS), an Internet-based system that enables people to communicate by speaking and listening to what they can hear over a telephone, and read what the other person is saying through captions displayed on a computer or other web-enabled device

For more information about these forms of relay services, see [the FCC factsheet](#).

Relay services are provided at no cost (free) to all relay service users. State relay service programs provide and pay for some relay services, such as relay services used on in-state calls made through TTY, CTS and STS. The FCC oversees the Interstate Telecommunications Relay Fund which pays for other relay services, such as relay services used on interstate calls made through TTY, CTS and STS, as well as on all calls made through IP Relay, VRS, and IP CTS.

Here is another link for more info under Federal Communication Commission (FCC)

<https://www.nad.org/resources/technology/access-to-911-emergency-services/>

**Conclusion:** I am requesting Comcast, Lennar, Jefferson County commissioner Jefferson County Mayor and Senator Manchin to assist to communicate and get the internet line installed immediately before many of us move in this month and next month.

We need the high-speed internet immediately for our community at Harvest Hills for our #1 concern which is to have equal access to call 911 and our work and school requirements which needs high speed. We heavily rely on high speed for our everyday needs.

Every community who is building should have installed internet before selling to new homeowners. We shouldn't have to do all the legwork to reach out to the higher ups to install immediately. That is all your jobs to do. We hand this complaint/issue to you, and we would greatly appreciate your help to resolve these issues immediately.

Thank you for your prompt attention on these urgent matters as many of us rely on high speed. We look forward to hear from you soon!

Sincerely,



Alice Ann Friends

Future Member of Harvest Hill, Shenandoah Junction, WV 25442



Richard Lee Friends,

Future Member of Harvest Hill, Shenandoah Junction, WV 25442

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