

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**FIRST QUARTERLY SESSION - JANUARY-MARCH 2023**  
**THURSDAY, MARCH 16, 2023**  
**6:00 P.M.**  
County Commission Meeting Room  
located at the Old Charles Town Library  
200 E. Washington Street, Charles Town, WV

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**CALL TO ORDER**

**PRAYER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- February 27, 2023 Budget Presentations
- February 28, 2023 Budget Presentations
- March 1, 2023 Special Session
- March 2, 2023 Regular Meeting

**APPROVAL OF ACCOUNTS PAYABLE**

- March 9, 2023
- March 16, 2023

**APPROVAL OF MANUAL CHECKS**

- March 10, 2023
- March 17, 2023

**APPROVAL OF REQUISITIONS**

- March 16, 2023

**APPROVAL OF PAYROLL**

- March 17, 2023

**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. 6:10 p.m. Tom Hansen, Sheriff
  - Tax Deputy New Hire
  - Deputy Vacation Accruals
  - Bank Securities/Bonding Letter
  - New Rank Structure
  - Trip Guard Hire(s)
  - Employee Issue
  
2. 6:25 p.m. Tina Renner, Circuit Clerk
  - Approval of New Hires
  
3. 6: 30 p.m. Nancy Strine, CDBG and HOME Administrator, City of Martinsburg
  - Public Hearing to discuss housing needs of Jefferson County for the FY2023 HOME Investment Partnership Program
  - Approval of Resolution authorizing participation in the Eastern Panhandle Home Consortium of West Virginia for the period July 1, 2023 to June 30, 2024
  
4. 6:45 p.m. Public Hearing
  - Zoning Map Amendment (rezoning) for the property designated as Tax District: Kabletown (06), Tax Map: 29; Parcels: 2 & 6. The properties are vacant, located at the intersection Berryville Pike (Route 340) and Lewisville Road (west of John's Family Restaurant; east of railroad tracks; north of Clarke County boundary) in Charles Town. The property owner/applicant is Lutman Land Development, LLC. The combined acreage for both parcels is approximately 96.89 acres. The property is currently zoned Industrial Commercial and a petition has been made to the County Commission by the property owner to change the zoning classification of the property from Industrial Commercial to Rural (Planning Commission File #23-1-Z).
  
5. 7:00 p.m. Public Hearing
  - Zoning Map Amendment (rezoning) for the property designated as Tax District: Shepherdstown (09), Tax Map: 8; Parcels: 10.9 & 24.3. The property is located at 233 Lowe Drive, Shepherdstown, WV (aka Clarion Hotel). The property owner/applicant is Federal Group, Inc. The combined acreage is approximately 24.64 acres. The property is currently zoned Residential Growth and a petition has been made to the County Commission by the property owner to change the zoning classification of the property from Residential Growth to Residential-Light Industrial-Commercial (Planning Commission File #23-2-Z).
  
6. 7:15 p.m. Steve Cox and Bessie Nelson, Jefferson County Sheriff's Civil Service Commission
  - Request guidance from the County Commission on signature authority to sign a contract on behalf of the Civil Service Commission with a 3<sup>rd</sup> party vendor to provide promotional exams for the Jefferson County Sheriff Deputies.
  
7. 7:20 p.m. Sandy Hamilton, Telamon Community Board President and Jennie Shriner, Telamon Executive Director
  - Request for Appointment of Jefferson County Telamon Community Board Representative
  
8. 7:25 p.m. Interviews and Appointments to the following:

- Jefferson County Emergency Services Agency – one unexpired term for Citizen Representative ending June 30, 2024
  - Jefferson County Planning Commission – three (3) three-year terms ending March 31, 2026
9. 7:35 p.m. Steve Allen, Director, Jefferson County Homeland Security and Emergency Management
    - Signature for the FY2020 Emergency Management Performance Grant Award
    - Signature for the 2023 Jefferson County Multi-Jurisdictional All Hazard Mitigation Plan Grant Award
    - Signature for the FY2021 Emergency Management Performance Grant Application
  10. 7:45 a.m. Mike Sine, Interim Director, Jefferson County Emergency Services Agency
    - EMS Transition Update - Liabilities and interactions related to the level of VFD and Career staff involvement in emergency services particularly but not limited to the new EMS system.
      - FSLA as it relates to activities of County ESA employees
      - VFD MOU's, Licensing, Rapid Response Licensing, personnel/equipment participation in the EMS system and use of County ambulances to provide non-911 community services
      - Potential Motion/policy statement regarding use of County owned 911 Ambulances
      - Potential purchase of Middleway and/or Shepherdstown's Ambulances as part of the transition
  11. 7:55 p.m. Nathan Cochran, Assistant Prosecuting Attorney
    - a. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation) and related matters.
    - b. Review, discussion, and possible adoption of leases for Ambulance parking, personnel space and other contractual issues between the JCESA and/or JCC and fire companies at various Fire Stations.
    - c. Review, discussion, and possible decision regarding use and dispatch of ambulances in Jefferson County.
    - d. Discussion of W.Va Human Rights Comm. Case No. EREP-49-21

**FINANCE DIRECTOR REPORTS**

- Internal Budget Revision – transfer of FY23 funds from Professional Services to Travel in the amount of \$5,326.73 for commissioner travel expenses
- Request Approval of JCESA Invoice #439, March 3, 2023, in the amount of \$8,642.22 for January 2023 labor costs association with EMS transition project

**UNFINISHED BUSINESS**

12. MOU - Shepherd University Emergency Action Plan (SS)
13. Appointment to Charles Town Utility Board (SS)

**NEW BUSINESS**

14. Review of Agenda Policy & Procedures (SS)
15. Discussion re: lack of adequate radio reception for emergency personnel (police, fire, EMS) in and around

Shepherdstown (JK)

**16. Selection of Date & Time for FY24 DRAFT Budget Public Hearing**

***\*\*\*Letters in parentheses following Unfinished/Old/ New Business items denote the initials of the commissioner making the agenda request\*\*\****

**COUNTY ADMINISTRATOR REPORTS**

- Selection of Date(s) for County Administrator Interviews
- Review of Anniversary Date Merit Increase Issue for Employees

**COUNTY COMMISSION REPORTS**

**17. ADJOURN**

**CORRESPONDENCE AND INFORMATION**

Jefferson County Prayer Leadership Request Form

Letter from the WV Public Service Commission re: Disbursement of Wireless E-911 Subscriber Fees

Harpers Ferry-Bolivar Public Service District Meeting Minutes – January 12, 2023

Public comments received: David Tabb, James Kircher

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

**SPECIAL SESSION**

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

At a Special Session of the County Commission of said County and State continued and held 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 27, 2023, beginning at 9:30am.

**PRESENT:** Steve Stolipher, President  
Clare Ath, Vice President  
Tricia Jackson, Commissioner  
Jane Tabb, Commissioner  
Jennifer Krouse-Commissioner  
Cindy Rezmer, Interim County Administrator  
Krista Davis, Finance Director  
Sorayda Pitts, Administrative Assistant

**In re: FY24 Budget Presentations – Day 1**

The meeting was called to order at 9:30am by President Stolipher.

Krista Davis, Finance Director 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: County Commission, Engineering/Planning/Zoning/GIS, Maintenance/Central Garage/Other Buildings, Development Authority, Communications Center/911 Center, Homeland Security, Information Technology, Jefferson County Emergency Services, Civil Service Commission, Park & Recreation, Historical Commission, Libraries.

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

There being no further business, the meeting adjourned at 3:30pm

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Steve Stolipher, PRESIDENT

Respectively Submitted:  
Sorayda Pitts  
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 Tuesday, February 28, 2023, beginning at 9:30am

**PRESENT:** Steve Stolipher, President  
Clare Ath, Vice President  
Jane Tabb, Commissioner  
Jennifer Krouse, Commissioner  
Cindy Rezmer, Interim County Administrator  
Krista Davis, Finance Director  
Sorayda Pitts, Administrative Assistant

### **In re: FY24 Budget Presentations – Day 2**

The meeting was called to order at 9:30am by President Stolipher.

Krista Davis, Finance Director for the FY24 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: Sheriff-Law Enforcement/Svc of Process/ Regional Jail/ Tax Office/Dog Warren, Circuit Clerk, County Clerk & Elections Budget, Prosecuting Attorney, Assessor's Office, Agriculture Agent, JCCM, EPTA, Day Report Center, JCWAC & Horsemen, Shepherdstown Community Center, Coal Severance Fund/ Magistrate Court/ RDA (as presented by Krista Davis), Saint Andrews Mountain Community Center, Health Department

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

There being no further business, the meeting adjourned at 12:30pm

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Steve Stolipher, PRESIDENT

Respectively Submitted:  
Sorayda Pitts  
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 at 100 E. Washington St., Charles Town WV and virtually via GoToWebinar on March 1, 2023 beginning at 9:00 o'clock a.m.

**PRESENT:** Steve Stolipher, President  
Clare Ath, Vice President  
Jane Tabb, Commissioner  
Jennifer Krouse, Commissioner  
Cindy Rezmer, Interim County Administrator  
Nathan Cochran-Prosecuting Attorney  
Sorayda Pitts, Administrative Assistant

**In re: Special Session:**

The Meeting was called to order at 9:00 am by President Stolipher

To consider the approval and acceptance of ambulance space leases and staffing arrangement with the volunteer fire departments.

**Motion by Mr. Stolipher to authorize the Commissioner Chairman to sign the lease agreements for companies 1,2,3,4. Motion carries 3-0 with Commissioner Krouse abstaining from voting.**

There being no further business, the meeting adjourned at 9:05 am.

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Steve Stolipher, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant



## **Minutes**

### **Jefferson County Commission**

**Thursday, March 02, 2023**

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A meeting of the Jefferson County Commission was held on Thursday, March 02, 2023 during the second quarterly session at 9:30am. The meeting was held via GoToWebinar and in-person. Present were Steve Stolipher, President, Clare Ath, Vice President, and Commissioners Tricia Jackson, Jennifer Krouse, and Jane Tabb. Also present were Cindy Rezmer, Interim County Administrator, Krista Davis, Finance Director, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, March 02, 2023 meeting is available on the Jefferson County Commission website.

**PRAYER-** Pastor Bush-Grace Baptist Church

#### **PLEDGE OF ALLEGIANCE**

Commissioner Stolipher led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

Motion by Mr. Stolipher to approve the February 02, 2023 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the February 16, 2023 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the February 16, 2023 BORE Meeting Minutes as presented. Motion seconded and unanimously approved.

**APPROVAL OF PAYROLL**

Motion by Mr. Stolipher to approve the Payroll for March 3, 2023 in the amount of **\$277,245.06**. Motion seconded and unanimously approved.

**APPROVAL OF REQUISITIONS**

Motion by Mr. Stolipher to approve the Requisitions for March 2, 2023 in the amount of **\$94,558.49**. Motion seconded and unanimously approved.

**APPROVAL OF ACCOUNTS PAYABLE**

CHECK#	VENDOR NAME	AMOUNT
87610	CAPITAL LIGHTING & SUPPLIES LLC	\$ 770.52
87611	J.C. EHRLICH	\$ 775.94
87612	DR. ROBERT E. JONES III	\$ 1,000.00
<b>TOTAL</b>		<b>\$ 2,546.46</b>

- **Motion by Mr. Stolipher to approve the Accounts Payable for February 23, 2023 in the amount of \$2,546.46. Motion seconded and unanimously approved.**

CHECK#	VENDOR NAME	AMOUNT
87614	AHA-ARTS & HUMANITIES ALLIANCE	\$ 1,182.80
87615	AMERITEL CORP	\$ 187.03
87616	AT&T MOBILITY - CC	\$ 489.24
87617	AUTOMATED OFFICE EQUIPMENT INC	\$ 250.08
87618	BUREAU OF CHILD SUPPORT	\$ 373.39
87619	CITY OF CHARLES TOWN	\$ 78.00
87620	COMPTROLLER OF MARYLAND	\$ 869.00
87621	DARYLL WIMER	\$ 20.46
87622	DELTA DENTAL OF WV	\$ 5,425.86
87623	DOUGLAS PITTINGER	\$ 12.17
87624	EFTPS IRS TAXES	\$ 95,611.18
87625	EMPOWER RETIREMENT	\$ 5,558.49

87626		FIRE SAFETY EQUIP	\$ 555.00
87627		GUTTMAN OIL CO	\$ 7,410.47
87628		HIGHMARK WV	\$ 174,251.24
87629		INFORMER SYSTEMS LLC	\$ 5,304.00
87630		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	\$ 1,751.43
87631		JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$ 29,570.01
87632		JEFF CO PARKS & RECREATION COMMISSION	\$ 26,635.77
87633		JEFFERSON SECURITY BANK	\$ 4,075.00
87634		JCCOA JEFFERSON CENTER	\$ 150.00
87635		JEFFREY POLCZYNSKI	\$ 258.75
87636		JENNIFER KROUSE	\$ 95.08
87637		JOSHUA WEAVER	\$ 256.00
87638		LANGUAGE LINE SERVICES	\$ 118.12
87639		LAURA L KUHN	\$ 189.75
87640		LISA DRISCOLL	\$ 409.91
87641		MILLENIUM INSURANCE GROUP	\$ 900.00
87642		NATIONAL VISION ADMIN.	\$ 1,501.84
87643		NATIONWIDE RETIREMENT SOLUTIONS	\$ 834.00
87644		OLD CHARLES TOWN LIBRARY	\$ 1,500.00
87645		PANSCH INVESTIGATIONS LLC	\$ 550.00
87646		PROGRESSIVE PRINTING	\$ 420.00
87647		RANDALL DOANE	\$ 189.75
87648		REBECCA CHALK	\$ 17.50
87649		RICE TIRES CO	\$ 1,547.56
87650		RYAN MILBOURNE	\$ 189.75
87651		SHERIFF OF JEFFERSON COUNTY	\$ 262.47
87652		STATE TAX DEPARTMENT	\$ 150.00
87653		THE THRASHER GROUP INC	\$ 14,070.00
87654		TYLER PAYTON	\$ 13.13
87655		VICTOR C LUPIS III	\$ 77.49
87656		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 17,292.21
87657		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	\$ 503.37
87658		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 43,080.26
87659		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 166.49
87660		XEROX FINANCIAL SERVICES	\$ 249.81
87661	FG/009	RANSON POLICE DEPT	\$ 1,046.14
87662	FG/009	SHERIFF OF JEFFERSON CO	\$ 4,817.39
87663	FG/009	MOOREFIELD POLICE DEPT	\$ 360.65
87664	BS/011	SHERIFF OF JEFFERSON CO	\$ 8,126.64
87665	AM/053	SHERIFF OF JEFFERSON CO	\$ 1,630.81

TOTAL			\$ 460,585.49
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- Motion by Mr. Stolipher to approve the Accounts Payable for March 02, 2023 in the amount of \$460,585.49. Motion seconded and unanimously approved.

**APPROVAL OF MANUAL CHECKS**

24-Feb-23

OTHER FUNDS			
Check#	Fund	VENDOR	Amount
1382	IP/249	SHERIFF JEFFERSON CO -SCHOOL	\$ 43.00
1383	IP/249	SHERIFF JEFFERSON CO - LAW	\$ 7,436.97
1384	IP/249	SHERIFF JEFFERSON CO - PARKS	\$ 40,693.91
1385	IP/249	SHERIFF JEFFERSON CO - EMS	\$ 4,301.70
1386	IP/249	SHERIFF JEFFERSON CO - ADMIN	\$ 1,892.64
<b>TOTAL</b>			<b>\$ 54,368.22</b>

- Motion by Mr. Stolipher approve the Manual Checks for February 24, 2023, in the amount of \$54,368.22. Motion seconded and unanimously approved.

3-Mar-23

OTHER FUNDS			
Check#	Fund	VENDOR	Amount
570	CS/002	EASTRIDGE HEALTH SYSTEM	\$ 2,660.00
571	CS/002	RESCUE ONE TRAINING FOR LINE INC	\$ 8,850.00
840	HD/008	SHERIFF OF JEFFERSON CO	\$ 1,412.50
1042	AV/056	JUSTTECH	\$ 473.34
1043	AV/056	MONROE	\$ 770.72
157	AR/207	EMERGENCY VEHICLE SPECIALIST	\$ 15,633.82
158	AR/207	EXECUTIVE EMERGENCY LIGHTING	\$ 23,200.77
159	AR/207	JEFF CO EMERGENCT AGENCY	\$ 8,189.84
160	AR/207	JEFF CO EMERGENCT AGENCY	\$ 12,745.09

161	AR/207	JEFF CO EMERGENCT AGENCY	\$ 5,777.36
162	AR/207	JEFF CO EMERGENCT AGENCY	\$ 84,441.27
163	AR/207	SHERIFF OF JEFFERSON CO	\$ 5,603.77
164	AR/207	TYLER TECH	\$ 1,400.00
1809	CO/246	RE MICHEL CO	\$ 283.10
1810	CO/246	WHITMOYER AUTO GROUP	\$ 190,000.00
956	CW/059	WV STATE AUDITOR	\$ 956.00
399	WV/369	WVDSRF	\$ 610.00
<b>TOTAL</b>			<b>\$ 363,007.58</b>

- **Motion by Mr. Stolipher approve the Manual Checks for March 3, 2023 in the amount of \$363,007.58. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:** Marc Petitpierre, Jacquelyn Million, Kelsey Stipanovic, Robert Sell, Steve Holz and David Tabb

### **PRESENTATIONS**

1. Angie Banks-Assessor- Requested approval to advertise vacant clerk position.
  - **Motion by Mr. Stolipher to approve the advertisement for the vacant clerk position. Motion seconded and unanimously approved.**
2. Tina Renner- Circuit Clerk- Requested approval for an internal budget revision.
  - **Motion by Mr. Stoliplier to approve the internal budget revision and move \$8000 from Employees Salary and wages (410300) to overtime (410801). Motion seconded and unanimously approved.**
3. Tom Hansen-Sheriff- Requested the acceptance of the grant funding for the spray/neuter program.
  - **Motion by Mr. Stolipher to approve the acceptance of the grant funding for the spray/neuter program and authorize the President to sign any related documents. Motion seconded and unanimously approved.**

4. Crystal Gumbel/ Laura Creamer- Adult Drug Court- Requested approval to refurbish the old mail room for Recovery Closet to support Jefferson County Treatment Court.

- **Motion by Mr. Stolipher to direct Nathan Cochran to draft a legal Memorandum of Understanding/ lease for the old mail room for the Recovery Closet of Jefferson County treatment Court. Motion seconded and unanimously approved**

5. Keith Lowery- Jefferson County Community Ministries-Requested approval to hire for the Social Services Liason.

- **Motion by Mr. Stolipher to approve the hire Jennifer Verdugo for the Social Service Liason Position with a starting salary of \$57,000 with a start date of March 12, 2023. Motion seconded and unanimously approved.**

6. Susanna Henderson- Economic Resilience Coordinator- Requested a letter of support for the Corporation of Shepherdstown FY24 Congressional Directed Spending Request application for the Shepherdstown Path Project.

- **Motion by Mr. Stolipher to approve a letter of support for the Corporation of Shepherdstown FY24 Congressional Directed Spending Request application for the Shepherdstown Path Project. Motion seconded and unanimously approved.**

7. Nikki Painter-Probate Office- Requested removal of Executor for Two Estates

- **Motion by Mrs. Tabb to convene as a Fiduciary Review Board. Motion seconded and unanimously approved**

**Petitioner Eugene Isaac Hoffman was represented by legal counsel that presented evidence concerning the request.**

- **Motion by Mrs. Krouse to approve the petition of removal of William Judy, III, executor for the Estates of Ellen Sherry Hoffman, also Richard Walter Accurso, deceased and appoint Eugene Hoffman as the executor. Motion seconded and unanimously approved.**

- **Motion by Mrs. Tabb to adjourn as a Fiduciary Review Board and reconvene in regular session. Motion seconded and unanimously approved.**

8. Laura Kuhn-Director Fleet & Facilities management- Requested approval to advertise and interview for the vacant custodial position.

- a. **Motion by Mr. Stolipher to authorized proceedings with the advertising and interview process to fill the upcoming vacant custodial position. Motion seconded and unanimously approved.**

9. Jeff Polczynski- Director of communications- Requested

- a. Appointment to fill the vacancy of CAD Administrator for the Emergency Communications Center.

- **Motion by Mrs. Tabb to approve the appointment of Damien Hart as the CAD Administrator at the hourly rate of \$29, 8077 (\$62,000/ year) with a starting date of March 20, 2023. Motion passed on a 3-1-1 vote with Commissioner Jackson opposing and Commissioner Krouse Abstaining.**

- b. Appointment to fill the two (2) Public Safety Dispatcher (trainee)

- **Motion by Mr. Stolipher to approve the appointment of Brittany Moore as a Public Safety Dispatcher (trainee) at the hourly rate of \$22.2422 (\$46,347/year) with the training incentive/signing bonus of \$2000 and the post-training salary increase once full training is complete. Motion seconded and unanimously approved.**

- **Motion by Mr. Stolipher to approve the appointment of Bethani Mummert a Public Safety Dispatcher (trainee) at the hourly rate of \$24,0875 (\$50,101.96/year) with the training incentive/signing bonus of \$2000 and the post-training salary increase once full training is complete. Motion seconded and unanimously approved.**

10. Becky Burns/ Alexandra Beaulieu- Engineering- Requested

a. release of the \$10,000.00 site stability bond/tolling of Bond Agreement for Beallair Homes, LLC, for the Beallair Subdivison, Phase 2, Lots 50-133 & Residue A (File # 05-41)

**c. Motion by Mr. Stolipher to approve the release of the remaining funds being held in Cash-in-escrow Account # 3211479 with the Bank of Charles Town as security for the site stability bond/tolling of Bond Agreement for Beallair Homes, LLC, for the Beallair Subdivison, Phasse 2, Lots 50-133 & Residue A ,File # 05-41. Motion seconded and unanimously approved.**

b. Approval of employment offer to fill the position of Planning Clerk in the Department of Engineering, Planning and Zoning.

**a. Motion by Mr. Stolipher to approve the hire of Michelle Evers. as a planning clerk in the Department of Engineering, Planning and Zoning with a starting salary of \$37,650/year with a starting date of early as March 12, 2023. Motion seconded and unanimously approved.**

11. Russell Burges- Information Technology- Requested CGI video project for Jefferson County, WV.

**b. Motion by Mr. Stolipher to approve the CGI Video Project for Jefferson County, WV as part of the promoting tourism in Jefferson County, West Virginia and adding to the Jefferson County, WV Website. Motion seconded and unanimously approved.**

12. Mike Sine- Interim Director- Jefferson County Emergency Service Agency- Requested reimbursement for cost of supplies, equipment and services for the EMS Transition during the month of January, 2023 in the amount of \$30,306.41.

**c. Motion by Mr. Stolipher to approve the reimbursement of \$30,306.41 to JCESA for the cost of supplies, equipment and services for the EMS**

**Transition during the month of January, 2023 to be funded from the ARPA: EMS system allocation. Motion seconded and unanimously approved.**

13. Ryan Snyder- Jefferson County Development Authority- Requested approval to advertise for the vacant JCDA Executive Director Position.

**d. Motion by Mr. Stolipher to approve the advertisement of the Jefferson County Development Authority Executive Director position. Motion seconded and unanimously approved.**

14. Nathan Cochran- Assistant prosecuting attorney-

- a. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation) and related matters.

**NO UPDATES PROVIDED**

#### **UNFINISHED BUSINESS**

15. Jennifer Myers- Jefferson County Parks & Recreation- Requested funding for the 2023 Fireworks at Sam's Michael Park.

- **Motion by Mr. Stolipher to approve the request of \$10, 000 for fireworks at the Sam's Michael Park, funds allocated from the Coal Severance Fund. Motion seconded and unanimously approved.**

16. Steve Stolipher- Requested Memorandum of Understanding- SUEAP

**No plan has been provided by SUEAP**

17. County Ambulance dispatch in the CAD system

- **Motion by Mr. Stolipher that the Jefferson County 911 EMS system shall be operated only by ambulances owned and operated under the authority of the Jefferson County Commission,**

**There shall be 2 exceptions.**

**1 – Pre-established Mutual-Aid Agreements with surrounding 911 systems may dispatch their units to assist Jefferson County.**

**2 – During times of declared State Of Emergency and Mass Casualty Incidents the Jefferson County system may, by authority of the Commission and/or the JCESA Director or designee, request the assistance of licensed non 911 transport ambulances.**

**Under agreement by and with the approval of the JCESA Medical Director the system may be supplemented by non-transport Rapid Response Units owned by Jefferson County and/or the Volunteer Fire Departments of this County. Motion seconded and unanimously approved.**

**NEW BUSINESS**

18. Jennifer Krouse- Commissioner- Requested a letter to the WV Public Service Commission about West Virginia American Water's Purchase of JUI and Rate Increase.

- **Motion by Mrs. Krouse to approve the draft letter, (*including the two amendments made by Commissioner Ath and Tabb*) and send it to WV Public Service Commission about West Virginia American Water's Purchase of JUI and Rate Increase. Motion seconded and unanimously approved.**

19. Tricia Jackson-Commissioner- Requested to secure an outside attorney/ law firm to assist with human resources and personnel matters where the county attorney is conflicted out.

- **Motion by Ms. Jackson to approve and sign the letter of agreement between the county commission and Ms. Wendy Greve, Esq. of**

**Pulling, Fowler, Flanagan, Brown, & Poe to begin July 1, 2023.  
Motion failed 2-3 vote with Commissioners Stolipher, Ath and Tabb  
opposing.**

20. Clare Ath- Commission- Requested a letter of support to Senator Joe Manchin requesting grant funding considering for the Charles Town Utility Board and authorize the president of the Commission to sign letter.

- **Motion by Mrs. Ath to approve the letter of support to Senator Joe Manchin requesting grant funding considering for the Charles Town Utility Board and authorize the president of the Commission to sign letter. Motion seconded and unanimously approved**

The Commission adjourned at 12:12 pm on a motion by \_\_\_\_\_ Motion was seconded and unanimously approved.

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

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant



## REQUISITIONS TO BE APPROVED

March 16, 2023

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
EMERGENCY COMMUNICATIONS	23096	\$ 116,975.00	Priority Dispatch	ESP System/EFP/Training
	23097	\$ 63,965.90	Priority Dispatch	ESP System/PROQA/AQUATraining
IT/DATA PROCESSING	23098	\$ 20,847.60	INSight Public Sector	Microsoft Office Software - Stand./Pro.
COUNTY CLERK	23099	\$ 9,832.39	Casto & Harris	Plat Cabinet
<b>GRAND TOTAL</b>		<b>\$ 211,620.89</b>		



DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$409,330.06		\$409,330.06
6.2% Tax Payable OASDI	\$24,377.43		\$24,377.43
1.45% Tax Payable HI	\$5,701.07		\$5,701.07
Fed Withholding	\$33,893.38		\$33,893.38
WV State Withholding	\$17,148.37		\$17,148.37
VA State Tax	\$315.80		\$315.80
MD State Tax	\$845.14		\$845.14
PERS Retirement Deduct 4.5%	\$8,494.86		\$8,494.86
PERS Retirement Deduct 6%	\$7,302.84		\$7,302.84
DSRS Retirement Deduct 8.5%	\$6,706.01		\$6,706.01
EMS Retirement Deduct 9%	\$293.73		\$293.73
Hosp. Pre-Taxed	\$14,155.00		\$14,155.00
D/VF	\$1,642.03		\$1,642.03
AFLAC Pre-Taxed	\$348.93		\$348.93
AFLAC Post-Taxed	\$803.62		\$803.62
Optional Life Post-Taxed	\$1,660.36		\$1,660.36
Wage Attach #1	\$373.39		\$373.39
Wage Attach #2	\$150.00		\$150.00
Wage Attach #3	\$0.00		\$0.00
Wage Attach #4	\$0.00		\$0.00
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$4,586.14		\$4,586.14
457R - Roth	\$945.00		\$945.00
Christmas Club	\$4,075.00		\$4,075.00
Colonial(Plus)	\$47.84		\$47.84
Uniforms	\$0.00		\$0.00
Total Deductions	\$134,699.94	\$0.00	\$134,699.94
Net Wages Total	\$274,630.12	\$0.00	\$274,630.12
Payroll Date	March 17, 2023		



**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: 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*): Tax Deputy New Hire  
Deputy Vacation Accruals  
Bank Securities/Bonding Letter  
New Rank Structure  
Trip Guard Hire(s)  
Employee Issue

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

The Sheriff's Tax Office has a vacancy for Tax Deputy (employee transferred to County Clerk's Office). I am requesting to fill it with the hire of Emily Banocy-Newman beginning March 20, 2023 as an 80 hour employee with a starting salary of 34,000.

The Commission requested to revisit the topic of Deputy Vacation accruals closer to the March 31<sup>st</sup> deadline.

Its time to renew the bank securities/bonding. There is no need to act at this time, just informational.

I have requested the Civil Service Commission to approve a new rank structure allowing for the creation of a third Lieutenant position.

I am requesting approval to hire part-time Trip Guard(s). These are as needed position(s).

Requesting executive session to discuss an employee/legal issue.

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

I move to approve the hire of Emily Banocy-Newman to the position of Tax Deputy beginning March 20, 2023 as an 80 hour employee with a starting salary of 34,000.

I move to approve the discussed change to the Deputy vacation accruals.

I move to approve the addition of the third Lieutenant position as amended by the Civil Service Commission.

I move to approve the hire of as a part-time trip guard at an hourly rate of \$17.50.

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



# Office of Sheriff and Treasurer of Jefferson County

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

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

March 8, 2023

To: County Commission  
County Clerk  
Prosecuting Attorney

From: Sheriff Hansen

Subject: Bank Securities/Bonding – County Bank Accounts

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

Bank of Charles Town	Account balance of \$26,954,031.30 as of 2/28/23. <b>(\$25,000,000.00 in pledged securities.)</b>
Jefferson Security Bank	Account balance of \$608,946.05 as of 2/28/23. <b>(\$1,200,000.00 in pledged securities.)</b>
United National Bank	Account balance of \$3,908,866.13 as of 2/28/23. <b>(\$5,500,000.00 in pledged securities, all other amounts are covered by FDIC)</b>
Truist	Account balance of \$14,162,034.88 as of 2/28/23. <b>(\$12,000,000.00 in pledged securities.)</b>

**Taking into consideration upcoming account transfers, it is my recommendation that the pledged securities with Jefferson Security be decreased to \$800,000.00 and increased with Truist to \$16,000,000.00.**

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



## AGENDA REQUEST FORM

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

Name: *Tina Renner*

Department or Organization: *Circuit Clerk*

Estimation of time needed for appointment: *15 minutes*

Date Requested – 1<sup>st</sup> Choice: *Mar. 16<sup>th</sup>*      *If a specific date is needed, please provide reason:*  
2<sup>nd</sup> Choice:

Subject (wording to be placed on agenda): *New Hire's*

Please provide a description of your request or presentation, including any background information:

*2 Backfill positions*

Is this a Funding Request?      Y/N

If so, how much?      \$

Provide exact financial request:

Is this a Hiring Request? *Yes*

Name of Hire: *Danielle Sticker and Melissa Grayles*

Annual Salary: \$ *35,000* each      *70 Hr/80 Hr*

Start Date (beginning of pay period): *Mar. 20<sup>th</sup>*

Increase after probation if any: *n/a*

Any Additional Conditions of Employment:

*Backfill 2 positions*

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

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

If not attached, explain:

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

Contact Information:

Phone Number:

Email Address:

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



**AGENDA REQUEST FORM**  
**www.jeffersoncountywv.org**



Name: Nancy Strine, CDBG and HOME Administrator

Department or Organization: **City of Martinsburg representing the Eastern Panhandle HOME Consortium**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **March 9<sup>th</sup>**

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

I need a month to public the legal notice

Date Requested – 2<sup>nd</sup> Choice: **March 16<sup>th</sup>**

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

First item is to hold a public hearing to discuss the housing needs of Jefferson County for the FY 2023 HOME Investment Partnership Program and second for the Commission to approve a Resolution authorizing participation in the Eastern Panhandle Home Consortium of West Virginia for the period July 1, 2023 to June 30, 2024.

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

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*):

1. Hold a public hearing to discuss the housing needs of Jefferson County for the FY 2023 HOME Investment Partnership Program;
2. To approve a Resolution authorizing participation in the Eastern Panhandle Home Consortium of West Virginia for the period July 1, 2023 to June 30, 2024.

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: Nancy Strine

Email address: [nstrine@cityofmartinsburg.org](mailto:nstrine@cityofmartinsburg.org)

Phone Number: 304-264-2131 ext 278

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

**JEFFERSON COUNTY COMMISSION, JEFFERSON COUNTY, WEST VIRGINIA  
FY 2023 HOME INVESTMENT PARTNERSHIP PROGRAM**

Notice is hereby given by the Jefferson County Commission that it will hold a public hearing on **Thursday, March 16, 2023 at 6:30pm**, prevailing time, in the County Commission meeting room located at the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia. The Jefferson County Commission Chambers are accessible to persons with physical disabilities. If special arrangements need to be made to accommodate citizens in order for them to participate in the public hearing, please call Jessica James, in the **County Commission office at 304-728-3284** to make those arrangements.

The purpose of this public hearing is to discuss the specific housing needs of Jefferson County, WV. The Jefferson County Commission is a member of the Eastern Panhandle HOME Consortium of West Virginia which consists of the City of Martinsburg, Berkeley County, part of Jefferson County and part of Morgan County, West Virginia. The HOME Consortium is eligible to receive a HOME Investment Partnership Grant in FY 2023. The U.S. Department of Housing and Urban Development will be notifying the City of Martinsburg in the future of the amount of HOME funds that will be available for FY 2023. In order to receive those funds, the member jurisdictions in the Eastern Panhandle HOME Consortium must develop a program for the use of HOME funds as a part of the City of Martinsburg's FY 2023 Consolidated Annual Action Plan. The HOME Consortium will be preparing their HOME Program and they intend to afford citizens, local agencies, and interested parties the opportunity to become involved in the planning process.

The following general types of activities are eligible for funding under the HOME program: Homeowner Rehabilitation, including repair, rehabilitation or reconstruction of owner occupied houses; Homebuyer Activities, including funds for purchase and/or rehabilitation of existing houses or new construction of houses for homebuyers; Rental Housing, including acquisition and/or rehabilitation of existing rental housing or new construction of rental housing; and Tenant Based Rental Assistance, including financial assistance for rent, security deposits and under certain conditions, utility deposits for tenants. All HOME funds must be used for persons and households that meet the HUD income guidelines and definition of low- and moderate-income.

Notice is also hereby given that the JEFFERSON COUNTY COMMISSION is accepting proposals for the use of its portion of the HOME Consortium funds for FY 2023 beginning February 17, 2023. Application packets, instructions and information are available on an open basis. All interested applicants are encouraged to contact the Jefferson County Commission office, in order to obtain the application packet and to address any questions. **Please contact Jessica James at 124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284 or Nancy Strine, HOME Administrator for the Eastern Panhandle 304-264-2131 ext. 278 or email [nstrine@cityofmartinsburg.org](mailto:nstrine@cityofmartinsburg.org)**

All interested citizens are encouraged to attend this public hearing and they will be given the opportunity to present oral or written testimony concerning the housing needs of Jefferson County and the use of HOME funds to address those needs. Written comments may be submitted to Jessica James, County Commission office, **124 E. Washington Street, Charles Town, WV 25414 or 304-728-3284**

**Steve Stolipher, President**  
Jefferson County Commission

## RESOLUTION

**A RESOLUTION OF THE County Commission of Jefferson County, West Virginia AUTHORIZING PARTICIPATION IN THE EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA FOR THE PERIOD OF JULY 1, 2023 TO JUNE 30, 2024.**

**WHEREAS**, TITLE II of the National Affordable Housing Act of 1990 provides for the creation of the HOME Investment Partnership Program (hereinafter referred to as “HOME”); and

**WHEREAS**, the HOME regulations promulgated by the U.S. Department of Housing and Urban Development (HUD) under 24 CFR Part 92 authorizes units of general local government to enter into Housing Consortium Cooperation Agreements; and

**WHEREAS**, there is a need throughout the Eastern Panhandle of West Virginia to provide affordable housing for the low- and moderate-income residents; and

**WHEREAS**, the City of Martinsburg, County of Berkeley, Town of Hedgesville, County of Jefferson, City of Charles Town, City of Ranson, Corporation of Shepherdstown, Town of Bolivar, Town of Harpers Ferry, County of Morgan Town of Paw Paw, Town of Bath West Virginia, have formed a Consortium that has been designated as a Participating Jurisdiction under the HOME Program, thereby entitling the Consortium to seek annual funding; and

**WHEREAS**, the Jefferson County Commission entered into a three (3) year Housing Consortium Cooperation Agreement with an annual renewal clause for participation in the HOME Consortium for the Eastern Panhandle; and

**WHEREAS**, the U.S. Department of Housing and Urban Development is expected to award the HOME Consortium of the Eastern Panhandle a HOME grant upon request and consideration for Fiscal Year 2023; and

**WHEREAS**, the Jefferson County Commission recognizes the need to obtain funding for affordable housing and has identified the HOME Program as a source of funds to meet this need.

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY THAT:**

1. Jefferson County will cooperate with the City of Martinsburg, County of Berkeley, Town of Hedgesville, City of Charles Town, City of Ranson, Corporation of Shepherdstown, Town of Bolivar, Corporation of Harpers Ferry, County of Morgan, Town of Paw Paw, Town of Bath West Virginia, in a Consortium for participation in the HOME Program; and
2. The President of the Jefferson County Commission is hereby authorized to enter into a one-year Cooperation Agreement for the period of July 1, 2023 to June 30, 2024 with the other members which form the Eastern Panhandle HOME Consortium of West Virginia; and

3. A copy of this resolution is to be submitted in the request to US. Department of Housing and Urban Development to approve funding of the Eastern Panhandle HOME Consortium of West Virginia for the above Fiscal Year 2023 HOME Investment Partnership Program.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

**BY:**

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

**ATTEST:**

\_\_\_\_\_  
Jacqueline C. Shadle, County Clerk

## Jessica Carroll

---

**From:** Nancy Strine <NStrine@cityofmartinsburg.org>  
**Sent:** Thursday, January 26, 2023 5:28 PM  
**To:** Jessica James  
**Subject:** HOME Consortium of the Eastern Panhandle  
**Attachments:** HCC Description 2022-updated.pdf

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Hi Jessica,

We now have 2 vacancies on the HOME Consortium board for Jefferson County. One since Caleb is no longer a Commissioner and one is from Tony Grant that expired in the summer. If you can appoint a commissioner and then another member in the community that would be great. I noticed you did not have the HOME Consortium of the Eastern Panhandle listed under your boards. Here's the updated one pager that describes the HOME Consortium.

I have been to a couple of housing meetings in Ranson and Patsy Noland and Amanda Stroud, the council person from Ranson, have been in attendance. They might be good candidates.

The active Jefferson County member is Annette Van Hilst, and she is very active and great!

If you want to discuss this please let me know. I really need these members. If Annette cannot make a meeting, then we do not have quorum. We need one person from each jurisdiction to meet quorum.

The next HOME Consortium meeting is scheduled for Monday, March 13<sup>th</sup> at 9:30am. We have been doing them by Zoom. Trying to get a meeting place with the City Hall renovation work has been difficult.

Sincerely,  
Nancy

### ***Nancy Strine***

CDBG & HOME Administrator  
City of Martinsburg  
206 Viking Way, temporary address  
232 North Queen Street, permanent address  
Martinsburg, WV 25401  
Tel 304-264-2131 x 278  
Fax 304-264-2136  
[nstrine@cityofmartinsburg.org](mailto:nstrine@cityofmartinsburg.org)

## **EASTERN PANHANDLE HOME CONSORTIUM OF WEST VIRGINIA**

The Eastern Panhandle HOME Consortium of West Virginia was formed in 2006 to enable the Cities and Counties of the Eastern Panhandle to receive HOME Investment Partnership Program funds from the U.S. Department of Housing and Urban Development. HOME funds are used to provide affordable housing opportunities for low income households. The HOME Consortium receives approximately \$489,000 per year. The primary use of HOME funds has been to provide the Homebuyer Assistance Program providing interest-free, deferred payment loans for downpayment and closing costs to low-income first-time homebuyers. To date 333 households have been assisted.

The members are the City of Martinsburg, Berkeley County, Jefferson County and Morgan County and their municipalities. The City of Martinsburg is the lead member and responsible for program administration and grant management. The HOME Consortium has three (3) representatives from each primary member and there is one at-large member. The Council meets quarterly in the month in May, August, November and February.

The HOME Consortium Council oversees the program and provides guidance on the use of funds. The primary duties and responsibilities of the Consortium Council are as follows:

1. Define an overall strategy and programs based on the needs of the Consortium members.
2. Establish priorities for the use of HOME funds.
3. Approve the allocation and distribution of funds among the Consortium members.
4. Approve the annual consolidated Action Plan in regard to the use of HOME funds.
5. Provide advice on the eligibility and feasibility of specific project activities.
6. Ensure that any required matching funds are provided by the Members or from the non-federal funds portion of HOME assisted projects.
7. Review and approve any amendments to the Cooperation Agreement.
8. Review and approve documentation submitted by non-profit organizations for designation as a local Community Housing Development Organization (CHDO). Monitor and recertify annually any CHDO's.
9. Adopt and assure compliance with affirmative marketing policies and procedures.
10. Provide guidance and direction in promoting and affirmatively furthering fair housing in the Eastern Panhandle.

*Please Run 2 Times:*

*March 1st and March 8<sup>th</sup>*

**NOTICE OF PUBLIC HEARING  
Thursday, March 16, 2023 at 6:45 pm**

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the property designated as Tax District: Kabletown (06), Tax Map: 29; Parcels: 2 & 6. The properties are vacant, located at the intersection Berryville Pike (Route 340) and Lewisville Road (west of John's Family Restaurant; east of railroad tracks; north of Clarke County boundary) in Charles Town. The property owner/applicant is Lutman Land Development, LLC. The combined acreage for both parcels is approximately 96.89 acres. The property is currently zoned Industrial Commercial and a petition has been made to the County Commission by the property owner to change the zoning classification of the property from Industrial Commercial to Rural (Planning Commission File #23-1-Z).

The hearing will be held on **Thursday, March 16, 2023 at 6:45 pm** in the County Commission Meeting Room located in the Charles Town Library, 200 E. Washington Street, Charles Town. This meeting will also be available live through GoToWebinar. Invites will be posted on Facebook and email alerts.

Oral or written comments can be provided at the hearing on **Thursday, March 16, 2023**. 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).

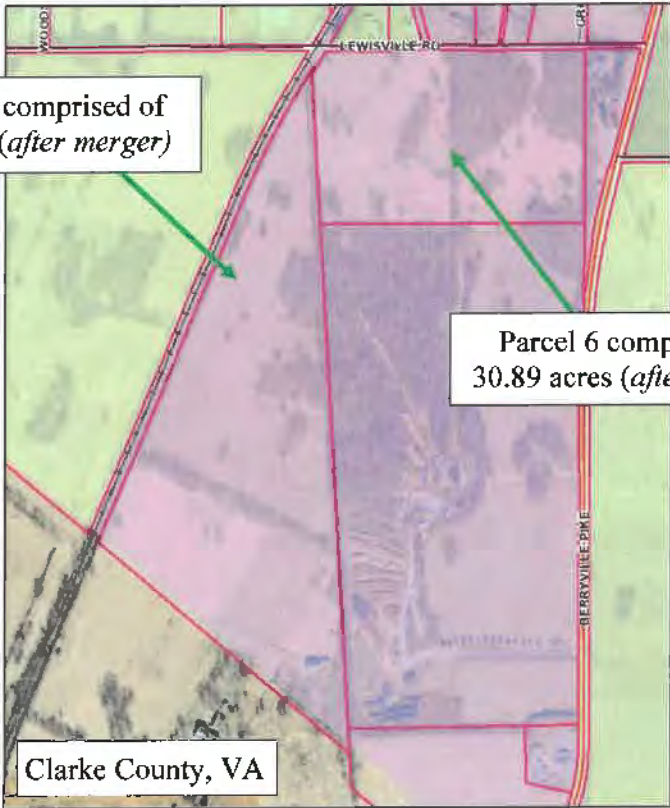
By Order of the Jefferson County Commission  
Steve Stolipher, President



**Staff Report**  
 Jefferson County Planning Commission Meeting  
 March 14, 2023

**Lutman Land Development Rezoning Request (23-1-Z)**

**Item # 5** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Industrial-Commercial to Rural is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Property Owner:	Lutman Land Development LLC
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Parcel Information:	<p>Vacant parcels located southeast of the intersection of Norfolk &amp; Southern Railroad and Lewisville Road, Charles Town/Summit Point, WV                  Located behind John's Family Restaurant- 847 Berryville Pike &amp; 340 Defense Shooting Range and Firearms Training - 459 Berryville Pike, Summit Point                  Tax District: Kabletown (06), Map: 29, Parcels 2 and 6. Combined acreage: ~96                  Zoning District: Industrial-Commercial</p>  <p>Parcel 2 comprised of 66 acres (after merger)</p> <p>Parcel 6 comprised of 30.89 acres (after merger)</p> <p>Clarke County, VA</p>
Surrounding Properties:	North: Rural & Industrial-Commercial      East: Industrial-Commercial, South: Industrial-Commercial & Clarke County, VA,      West: Rural
Current Use:	Vacant property / Farm Use
Proposed Request	To rezone from Industrial-Commercial (IC) to Rural (R)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that while the request is <b>not consistent</b> with the <i>Envision Jefferson 2035 Comprehensive Plan</i> recommendations, the rezoning request is reasonable for the location.

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 14, 2023

**Lutman Land Development Rezoning Request (23-1-Z)**

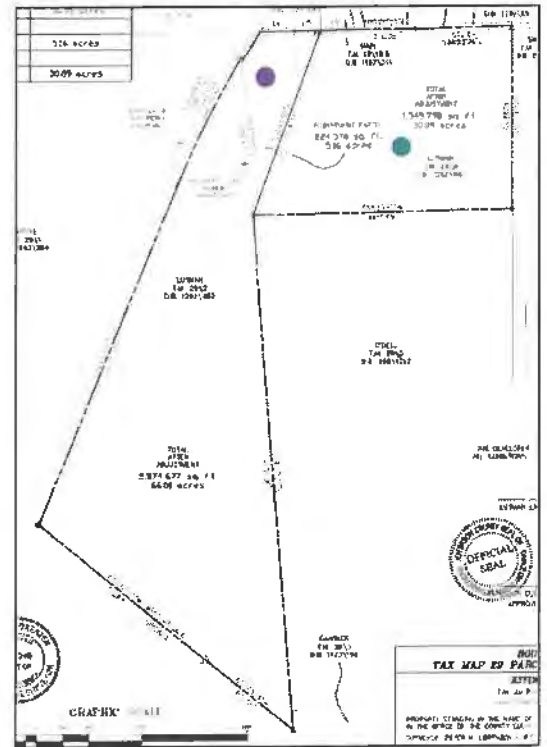
**Applicant's Request**

The applicant's request is to rezone two vacant parcels consisting of approximately 96 acres from Industrial Commercial (IC) to Rural (R). The parcels are currently vacant and have historically been used as farmland. They have been zoned Industrial-Commercial since zoning was adopted in Jefferson County in 1988.

Parcel 2 (●), which is comprised of approximately 66 acres, is located southeast of the intersection of Norfolk & Southern Railroad and Lewisville Road and is immediately behind 340 Defense Shooting Range and Firearms Training (459 Berryville Pike).

Parcel 6 (●), which is comprised of approximately 30 acres, is located along Lewisville Road and is immediately behind John's Family Restaurant (847 Berryville Pike).

The subject parcels have recently been reconfigured via an approved Boundary Line Adjustment, which was recorded on February 15, 2023 in Plat Book 26/Page 526. It appears that the intent of the boundary line adjustment was to provide Parcel 2 with road frontage on Lewisville Road.



**Neighboring Uses**

The surrounding properties contain a mix of agricultural, residential, and commercial land uses.



**Staff Report**  
Jefferson County Planning Commission Meeting  
March 14, 2023

**Lutman Land Development Rezoning Request (23-1-Z)**

**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that while the request is **not consistent** with the *2035 Plan* because the properties are shown as future "Industrial or Commercial" on the Future Land Use Guide, the rezoning request is reasonable for the location. While the current zoning permits a variety of industrial and commercial uses, the property owner is interested in subdividing lots for residential purposes, which is not a permitted use in this zoning category. This owner-initiated downzoning to Rural would allow this to happen.

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

**Zoning Map Amendment Public Hearing Process**

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

**Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary**

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

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

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

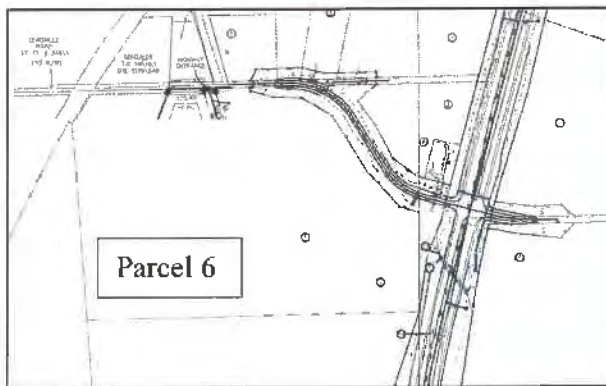
The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development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

The subject parcels are located within the US 340 South PGA (see graphic below). Most of the properties south of Rippon to the state line, west of the current US 340, and east of the RR tracks, are zoned Industrial Commercial and proposed for Industrial or Commercial future land uses. Most of the discussion in the *2035 Plan* regarding the US 340 South PGA is focused on the impact of the proposed highway widening and realignment on the future growth along this corridor. It also notes that local water and sewer service will be needed in order for higher intensity development to occur along this corridor.

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 14, 2023

**Lutman Land Development Rezoning Request (23-1-Z)**

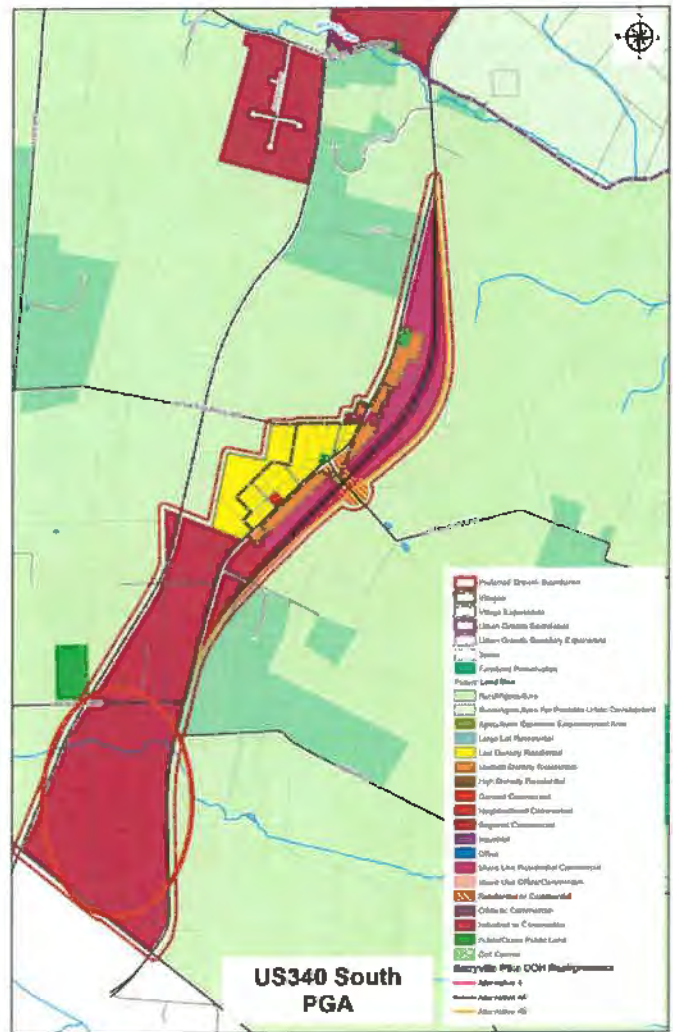
Since the *2035 Plan* was adopted, the WV Division of Highways has finalized the road alignment for US 340 South, published the Record of Decision, and is currently pursuing acquisition of the right-of-way and finalizing the design/build of the new road. The following excerpt shows the impact of the proposed realignment of Lewisville Road and US 340 South on the subject Parcel 6 below.



The *2035 Plan* clearly discusses the retention of the existing zoning map classifications and states that no zoning map amendments (rezoning requests) or reductions in existing zoning rights were being proposed by the County. Therefore, as these parcels have been zoned Industrial-Commercial for a number of decades, the Future Land Use Guide showed this area as “Industrial or Commercial”. The *Plan* doesn’t discuss the concept of owner-initiated downzoning requests. While the proposed rezoning to Rural would not allow the Commercial or Industrial development anticipated by the *2035 Plan*, due to the lack of public water, sanitary sewer, and natural gas in this area, rural residential development is a reasonable use of the properties. Residential development in this area will have convenient access to the new four-lane road to accommodate commuting in this area of the County.

**B. Appendix G - Land Use Map Classifications**

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



**Staff Report**  
Jefferson County Planning Commission Meeting  
March 14, 2023

**Lutman Land Development Rezoning Request (23-1-Z)**

Appendix G states that the “Industrial or Commercial” land use category (pp. 239) was used to depict “existing properties zoned Industrial/Commercial District (IC)”. Property zoned IC has the zoning entitlement rights to develop as either commercial or industrial. This Plan clarifies that the property shown on the Future Land Use Guide may develop as either commercial or industrial. The commercial uses in this category could be Neighborhood Commercial, General Commercial or Regional Commercial as appropriate for the site, based on the road network and available infrastructure.”

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

**C. Proposed Zoning District – Rural (R)**

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not served with public water or sewer facilities, although certain size developments processed under the cluster provision of Section 5.7D(2) may choose to do so. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7D. The *Envision Jefferson 2035 Comprehensive Plan* recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the Rural zoning district

**Staff Discussion and Recommendation**

The *Envision Jefferson 2035 Plan* noted that the subject parcels, located within the US 340 South Preferred Growth Area (PGA), are zoned Industrial Commercial and therefore are proposed for Industrial or Commercial future land uses. However, because of the lack of public water, sanitary sewer, and/or natural gas in this area, rural residential development is a reasonable use of the properties. While the current zoning permits a variety of industrial and commercial uses, the property owner is interested in subdividing lots for residential purposes, which is not a permitted use in this zoning category. This owner-initiated downzoning to Rural would allow this to happen.

Assuming the applicant can document that both parcels were on record as separate lots as of October 5, 1988, if the property is zoned to Rural, staff has estimated that Parcel 6 (~35 acres after the recent BLA) would have the right to create 7 lots under the cluster provisions, with 17.5 acres is retained in greenspace and Parcel 2 (~61 acres) would have the right to create 12 lots total under the cluster provisions, with 30.5 acres retained in greenspace. Cluster Subdivisions are required to process as Major Subdivisions including a Concept Plan. Alternatively, there are Minor Subdivision options that would allow fewer lots to be processed on each parcel.

While the proposed zoning district is not recommended by the *2035 Plan* for these properties, staff finds that the proposed Rural rezoning for the lots included in this application to be **reasonable** for the location.

**Planning Commission Action**

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

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 14, 2023

**Lutman Land Development Rezoning Request (23-1-Z)**

The petition was presented to the County Commission on February 16, 2023 and the required Public Hearing has been scheduled on March 16, 2023. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this hearing.

**Attachment:**

- Section 5.7 Rural (R) District

3. Distance Requirements

- a. Commercial shall comply with Section 4.6B
- b. Industrial shall comply with Section 4.6A<sup>7, 23</sup>

E. Lot Area

A minimum lot size of three acres shall be required for any industrial use unless the site is located in an approved Industrial Park.<sup>23</sup>

F. Additional Commercial and Industrial Design Standards<sup>27</sup>

1. Commercial Design Standards<sup>23, 27</sup>

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.
- b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11F.<sup>27</sup>
- c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
- d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.

2. Industrial Design Standards

- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.<sup>23</sup>
- b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11F.<sup>27</sup>
- c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

**Section 5.7 Rural (R) District<sup>23, 32</sup>**

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not served with public water or sewer facilities, although certain size developments processed under the cluster provision of Section 5.7D(2) may choose to do so. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7D. The Envision Jefferson 2035 Comprehensive Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the Rural zoning district.<sup>8, 23, 32</sup>

A. Principal Permitted and Conditional Uses<sup>23, 27, 32</sup>

- 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
- 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

B. Minimum Lot Area, Lot Width and Yard Requirements<sup>23</sup>

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.<sup>27</sup>
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.<sup>23</sup>
3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6A.<sup>23</sup>

C. Height Regulations

No structure shall exceed 45 feet in height except as provided in Section 9.2.<sup>32</sup>

D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7D.1, 5.7D.2 or 5.7D.3 below.

A property owner may use a combination of these Subsections, provided that the number of lots are prorated by density. The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:<sup>8, 32</sup>

1. A property owner may create one (1) lot for every 15 acres with a minimum lot size of three (3) acres.<sup>17, 21</sup>
  - a. Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.<sup>32</sup>
  - b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17, 21</sup>
2. Clustering
  - a. Purpose and Intent
    - i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space<sup>32</sup>.
    - ii. To provide for a well planned development while minimizing the use of prime agricultural land.
  - b. Requirements
    - i. One (1) lot may be subdivided for every five (5) acres.<sup>17, 21, 23, 32</sup>
      - (a) Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.<sup>32</sup>
      - (b) A minimum of 50% of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. A note to this effect shall be placed on all cluster subdivision plats.<sup>32</sup>

(c) For every additional 5% green space preservation, the following sliding scale may be utilized:<sup>32</sup>

55% green space	1 lot per 4.5 acres
60% green space	1 lot per 4 acres
65% green space	1 lot per 3.5 acres
70% green space	1 lot per 3 acres
75% green space	1 lot per 2.5 acres

ii. The residue of a lot divided utilizing either 5.7D.1 or 5.7D.2 prior to the date of adoption of this amendment on March 16, 2017, shall have additional rights based on the provisions of this Subsection, provided that the total lots developed shall not exceed one lot per five acres based on the parent parcel on October 5, 1988 and all other provisions of this Subsection are complied with.<sup>32</sup>

iii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.<sup>17, 21, 32</sup>

(a) Setbacks shall be 25' front, 12' sides, and 20' rear.

(b) All clusters of three (3) or more lots shall be served by an internal road; provided that all clusters utilizing the sliding scale in 5.7D.2.b shall have an internal road with direct access to a public road identified as a Major Collector or a Minor or Principal Arterial on the Envision Jefferson 2035 Comprehensive Plan Roadway Classification Map.<sup>23</sup>

(c) Clusters of three (3) or more lots shall not be along an existing public road.

(d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17, 21</sup>

iv. Procedures<sup>23</sup>

(a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.<sup>17, 21, 23</sup>

(b) The Concept Plan for a proposed Cluster Development can be combined with the required submittal and process requirements for a Concept Plan for a Major Subdivision as outlined in the Subdivision Regulations, provided that the Concept Plan includes all requirements of the Concept Plan in the Subdivision Regulations and includes the necessary soils and topographic data, together with a written narrative, required for the analysis listed below.<sup>32</sup>

(c) The Staff shall review and make a recommendation to the Planning Commission regarding the proposed design and layout of the proposed Cluster Development. Staff shall consider the following when reviewing the Cluster Concept Plan:<sup>32</sup>

(1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.

- (2) **Surrounding land use and zoning:** The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.<sup>23</sup>
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.<sup>32</sup>
  4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.<sup>32</sup>
  5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
  6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.<sup>34</sup>

**Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District<sup>1</sup>**

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.<sup>23</sup>

**A. Principal Permitted and Conditional Uses<sup>23, 27, 32</sup>**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

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



Name: Lutman Land Development, LLC

Department or Organization:

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1<sup>st</sup> Choice: **February 16, 2023**

*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*): Landowner Petition for Map Amendment for Lutman Land Development, LLC: Kabletown District, Map 29, Parcels 2 (66 Acres) and 6 (30.89 Acres) containing a Total of 96.89 +- Acres. Request to schedule a Public Hearing and refer the application to the Planning Commission for advice on the Comprehensive Plan Consistency of the request.

Please provide the County Commission with a description of your request or presentation, including any background information: Request for a Map Amendment for Lutman Land Development, LLC per Article 12, Section 12.3.A. of Jefferson County Zoning and Land Development Ordinance from Industrial/Commercial to Rural. Supporting and Background Attached.

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*):

Motion: Move to Accept Landowner Petition and Request for Map Amendment for Lutman Land Development, LLC, Parcels 2 and 6 on Map 29 in the Kabletown Tax District and schedule a Public Hearing at the County Commission Meeting on March 16, 2023 and to refer the application to the Planning Commission for advice on the request's consistency with the Comprehensive Plan.

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

If not attached, explain: Attached

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

Contact information: Paul J Raco

Email address: [Pjraco.consulting@gmail.com](mailto:Pjraco.consulting@gmail.com)

Phone Number: 304/676-8256

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

not applicable



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

File #: \_\_\_\_\_  
 Date Rec'd: \_\_\_\_\_  
 Fees Paid: \_\_\_\_\_  
 Staff Int: \_\_\_\_\_

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

**Property Owner Information**

Owner Name: \_\_\_\_\_  
 Business Name: Lutman Land Development LLC  
 Mailing Address: 67 Lutmans Lane, Kearneysville, WV 25430  
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

**Applicant Contact Information**

Applicant Name: Same as Owner Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Name: Paul J Raco  
 Business Name: P.J. Raco Consulting, LLC  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: Route 340/1 Lewisville Road Vacant Lot:   
 Tax District: Kabletown Map No: 29 Parcel No: 2 and 6  
 Parcel Size: 66 +/- Acres 30.89+- Acres Deed Book: 1292 Page No: 482

**Current Zoning District**

Industrial - Commercial District

**Proposed Zoning District**

Rural District

**Substantiation for the Request**

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

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

N/A --- Industrial - Commercial is not the appropriate district since Public Water and Sewer has not been

~~made available and the four lane has not been completed as anticipated when the original zoning ordinance was passed and the subsequent Comprehensive Plans were adopted.~~

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

See Attached

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

See Attached

A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

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

	2-8-23		
Property Owner Signature*	Date	Property Owner Signature*	Date

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

A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

Map Amendment Application  
Rezoning Request  
Article 12, Jefferson County Zoning Ordinance  
Lutman Land Development LLC  
February 8, 2023

**Owners/Applicants:**

Lutman Land Development, LLC  
67 Lutmans Lane  
Kearneysville, WV 25430

**Ordinance Citation:**

Article 12, Section 12.3 Jefferson County Zoning and Land  
Development Ordinance

**Map Amendment Definition:**

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

**Request:**

Amend the Zoning Map for these two parcels of approximately 66 and 30.89 acres in size. The amendment is from the current Industrial/Commercial District to the Rural District.

**Substantiation for the Request:**

1. The property is currently zoned for Heavy Industrial and Commercial Uses and the Applicants are seeking a map amendment to the Rural District. As further explained in this

package, the Applicants believe that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. These changes include multiple rezonings north of this property which were approved by the County Commission after the Planning Commission declared them consistent with the Comprehensive Plan. This includes the rezoning of the Sunnyside Industrial Park from Industrial/Commercial to the Residential/Light Industry/Commercial District.
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Route 9 Preferred Growth Area in Jefferson County. This land is also located on the Future Land Use Map/Guide as Commercial however circumstances and expectations that these decisions were based on have not materialized; and,
4. The Applicants believe that the current Heavy Industrial/Commercial Zoning Classification is an error in the Jefferson County Zoning Map since the property is now shown located in one of the 6 primary growth areas of Jefferson County. The property is also located west of Principal Arterial Road (Route 340) in the County on a Local Service Road (Lewisville Road). The properties have no direct access onto Route 340. This application is not typical in that it demonstrates how this specific area's infrastructure has failed to develop as the original zoning ordinance and the subsequent Comprehensive Plans theorized. The request is centered on how the area has not developed as expected by the goals of the original ordinance. Even the last Comprehensive Plan (Envision 2035) recognized that this area would need to be revisited for different zoning districts, because of the lack of sewer and water and the fact that the highway expansion hasn't happened as envisioned.

**Tax District, Map and Parcel Number:**

Kabletown Tax District, Map 29, Parcels 2 and 6

**Deed Book Reference:**

Deed Book 1292 at Page 482

**Sketch Plat:**

Attached

**Tract Size:**

Total of approximately 96.89 Acres in two parcels (66 and 30.89 acres)

**Discussion on:**

Comprehensive Plan compatibility of the proposed change:  
Included in this Petition.

Any Change of transportation characteristics and neighborhood  
from when the original ordinance was adopted: Included in this  
Petition.

### A. Comprehensive Plan Compatibility

Among the many recommendations in the 2015, Envision Jefferson 2035 Comprehensive Plan, the following sections address items directly related to this map amendment request.

As found on page 13 through 21 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcels are within the Route 340 South PGA. The Comprehensive Plan was adopted in 2015 after several years of meetings throughout the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. It is typical for communities that have a new Comprehensive Plan to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, the initial Zoning Ordinance, the 2004 Plan and the 2015 Plan show this property slated for growth around Route 340 and the railroad from Rippon to Virginia. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the Rt 340 South Preferred Growth Area and identifies the property for Commercial Development.

Regarding the history of Land Use Regulations and Comprehensive Plans in Jefferson County, this area was slated for Commercial and Industrial development in the original ordinance because of Route 340 and the Railroad in this corridor. But this was put in the ordinance and later plans because of the expectation that Public Water and Sewer would be shortly extended to this area from Charles Town when Route 340 was expanded to four lanes. After 35 years, this has not happened and there is little to no chance that public water and sewer from Charles Town will ever serve this area. Likewise, as expressed in the recent Rezoning of the Sunnyside Industrial Park north of this property, there is no interest from anyone for commercial or industrial development in this area. The market does not support commercial or industrial development in this area and the public does not support industrial development in the area.

So, in fact for the last 35 years, these properties remain undeveloped, the road has not expanded, water and sewer has not become available, and the owners can't even convey a family transfer of land for a relative

to build a house because it isn't permitted in the current zone. Essentially, the value of the property has not grown as in other Preferred Growth Areas, because regardless of the size, neither commercial nor industrial users are interested and the owner cannot subdivide or put more than one house on the parcels. As such, these parcels remain vacant 66 and 30 acre parcels that are taxed, but not able to be utilized better for enhanced taxes.

The type of use that the 1988 County Commission envisioned when it was adopted has not come to fruition because of the lack of water and sewer and expansion of Route 340. Furthermore, as stated in the following section of the Comprehensive Plan, this property will be west of the four lane preferred route if it does get built, so the area should most likely all be rezoned. From simply a professional planning standpoint on the original zoning of the area and the last Comprehensive Plan, this area should be reassessed based on the Highway and the lack of utilities.

Page 17 of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

#### “Land Use Activity Areas

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

#### Four Comprehensive Types of Land Use Activity within the Designated Areas

Urban Growth Boundaries  
**Preferred Growth Areas (PGAs)**  
Villages  
Rural/Agricultural Areas

The first two area types addressed below, Urban Growth Boundaries (UGB) and **Preferred Growth Areas (PGA)** (including one residential growth area), are the sections of Jefferson County

**where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035.” Emphasis Added.**

In this case, the subject property is in a Preferred Growth Area (PGA), but certainly Urban Scale Growth is not what comes to mind in the area south of Rippon to the Virginia line.

A definitive section of the Envision Jefferson 2035 that supports this map amendment is found on Page 21 and 22 that describes this PGA. It sounds skeptical of growth in this area based on the highway and the utilities:

**“c. US 340 South PGA (portions of the corridor beginning north of Rippon continuing south to the Clarke County Line):**

**The proposed highway widening, and realignment is expected to create some additional growth pressures along this corridor.**

**Additionally, a percentage of the property along the western edge of US 340 South is currently zoned Industrial Commercial. Localized water and sewer service may need to be utilized for higher intensity development to occur along this corridor. It is recognized that the proposed US 340 alignment is not yet finalized and that land use decisions may need to move with the corridor, or a small area plan may be needed for this location if the final alignment is significantly different from the proposed configuration.**

**The West Virginia Division of Highways has identified a preferred alignment out of multiple alternatives and recently made minor adjustments to the preferred alignment choice. However, a Record of Decision, the legally binding conclusion, has been published at this time. The possibility for changes to the current preferred alignment is possible. In creating the land use recommendation for this area, the preferred alignment was used to make future land use decisions. The current preferred alignment is shown to the east of the existing US 340 right-of-way. This area does not have any public water and sewer infrastructure which future development will need for site development.”**

It is clear that this section specifically recognizes that this area needs water and sewer and further work by the WVDOT on the highway expansion. Furthermore, these two lots don't even front on Route 340. They are located on a Local Service Road known as Lewisville Road. These parcels and the lack of access to a major road and utilities, are more appropriately destined for a small minor or family subdivision. This is especially true since there are no major developments in the area.

Based on these portions of the Comprehensive Plan, this map amendment is consistent and compatible with the Plan since none of these visions of the area have materialized in the last 35 years. In this case, the Consistency with, and Compatibility to the existing Comprehensive Plan is more related to what didn't happen in this area and thus has rendered the properties nearly unusable for the past 35 years.

The importance of the Future Land Use Guide when making Map Amendment decisions is outlined on Page 15 of the Plan:

“By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”

This section of the Plan allows for predictability of future land uses in Jefferson County. This section is also consistent with the original Zoning Ordinance adopted in 1988 and several Comprehensive plans in between. While the plan is usually used for predictability of land use for the public purchasing in an area of the County, it is also used by owners and purchasers when planning for the future. In this case, the area was slated for development by the County but has not developed in that direction. No utilities were extended to the area and the DOH decision on the highway has been pending for over 20 years.

To carry through what the County adopted in 2015 in this Preferred Growth Area, the requested rezoning would be consistent with the

statements that indicate that the area should be studied again depending on the highway and utilities. In this case, the owner would like to have these properties downzoned to proceed based on the lack of utilities and only having access to the Local Service Road.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. These parcels don't have access to infrastructure or public facilities and therefore should be supported in the applicant's request to be downzoned to the Rural District.

While the current Comprehensive Plan supports the map amendment request, due to the lack of public facilities and infrastructure, the 2004 Comprehensive Plan includes several recommendations that support this rezoning request. This is important to note to show that the area being slated for growth hasn't changed from the old plan to the new plan.

2004 Comprehensive Plan Recommendations:

**Recommendation 3.01 on Page 24:**

When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes..."

These subject properties are adjacent to Clarke County in an area that is reserved for farmland. Little growth has occurred in this area of Clarke County in the years subsequent to the adoption of the Jefferson County Zoning Ordinance and Comprehensive Plans.

Based on the preceding recommendations from both the Envision Jefferson 2035 Comprehensive Plan and the previous 2004 Comprehensive Plan, this map amendment is consistent and compatible with the development goals of the Plans.

## B. Change of Neighborhood

This area of Jefferson County and the adjacent area on Clarke County have not changed significantly since the Zoning Ordinance was adopted in 1988 and the Comprehensive Plan in 2015. Neither Utilities nor the widening of Route 340 has taken place. Accordingly, the Envision Jefferson Plan suggests that this area be reevaluated.

The following are changes in the neighborhood that would specifically support the requested change from Industrial and Commercial to Rural:

### 1. Availability of Public Utilities and Services:

Public Water and Public Sewer have not become available in this neighborhood. The lack of availability of utilities is a change for what was envisioned in this neighborhood in the 35 years since 1988. As stated earlier, one of the Comprehensive Plan's primary objectives is to funnel growth into areas already served by existing infrastructure such as sewer and water:

'This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.' (Page 27)

Furthermore, this Recommendation (5a found on Page 30) of the Plan supports the rezoning of these parcels to Rural due to the availability of services in other areas of the County.

**"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."**  
(Emphasis added)

In this case, it is the lack of services that endorse the Map Amendment.

## 2. Lack of Growth in the Corridor and the PGA:

Since the adoption of the original Zoning Ordinance in 1988, this area has not developed. Again, the ordinal Zoning Ordinance and subsequent (including current) Plans relied on the belief that the Railroad, along with the expansion of the highway and utilities, would support Industrial Growth in this area. That hasn't happened. The significant growth has occurred in the other Preferred Growth Areas and Urban Growth Boundary. The new plan should add PGAs in other areas of the County that are growing.

### C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics north of this area since the time of the adoption of the Zoning Ordinance. Route 340 was expanded to 4 lanes north of Rippon over 25 years ago. The County has been waiting for the expansion of Route 340 to be completed to the Virginia line, but it has not happened.

These changes and improvements to the transportation system near this site has not taken place since 1988 when the Zoning Ordinance was adopted. Since the Comprehensive Plan was newly adopted in 2015, the potential of this road improvement has been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. However, the Plan's discussion of this area being in a PGA, is based on the Change of Transportation and addition of Utilities. Accordingly, the Comprehensive Plan already acknowledges that these infrastructure elements are key to this area developing as a major growth area. In the meantime (the past 35 years), the owners' hands have been tied with respect to doing even a minor subdivision of a Parent to Child transfer of land. These delays in upgrading the road does have an effect on the ability to develop in this PGA. This occurrence supports the rezoning of the subject properties to Rural to allow some use of the properties.

### D. Error or Change of Conditions From the Original Zoning and Subsequent Plans

One justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. But other justifications generally include a change of neighborhood, or a change in conditions since the Zoning Ordinance was adopted. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Petition. However, in some states, an error in the original zoning map is also used as a good indicator for map amendments.

Accordingly, this Application has discussed some of the reasons that this property should not have been zoned for Heavy Industry when the original ordinance was adopted; and/or shortly after the Envision Jefferson 2035 Plan was adopted.

In this case, the error in the original zoning ordinance is that all of the area south of Rippon could not feasibly develop into commercial and industrial uses simply because it was located between a railway and Route 340. That would be impractical without additional services and infrastructure. Furthermore, County Government and the County public's thoughts on the types of permitted Industry has changed since 1988. This doesn't appear to be the preferred location for heavy industry in Jefferson County anymore.

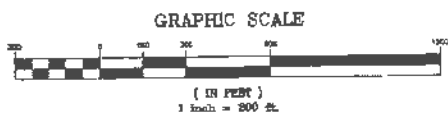
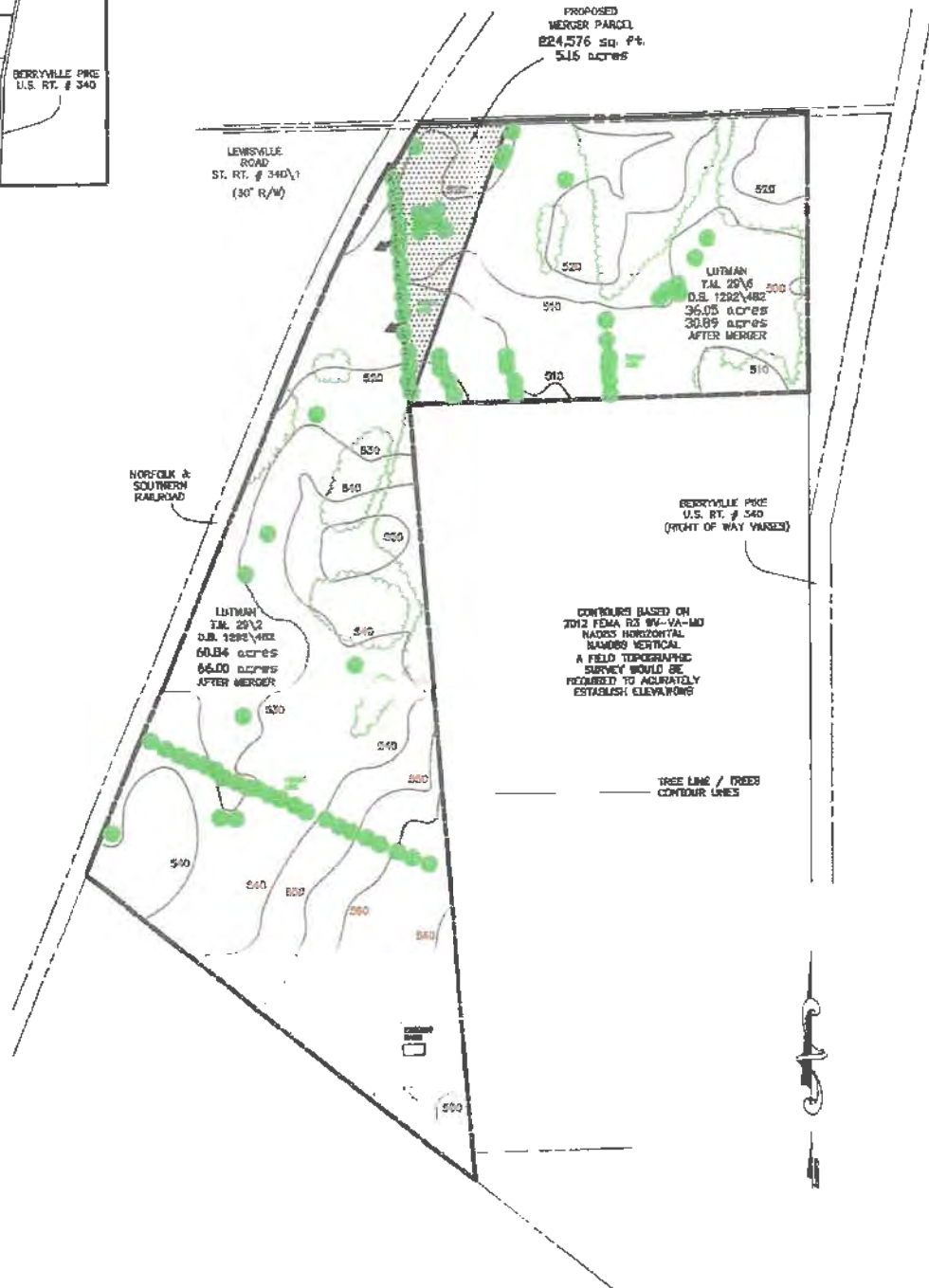
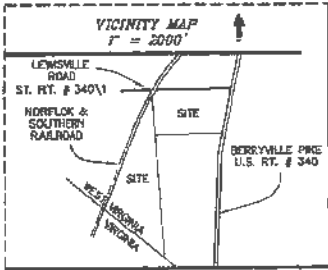
Finally, the change of conditions from the original Zoning Ordinance and the Comprehensive Plans that followed after 1988 is simply that all of these Plans anticipated infrastructure construction in this area that has not materialized. It is time to let the property owners have a say in what the zoning and use of their property should be. In this case, the Applicant is simply requesting a reversion to Rural Classification.

E. Conclusion:

The Applicant respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan, the 2004 Comprehensive Plan and the original Zoning Ordinance in that the required elements envisioned to make this a Preferred Growth Area has not materialized for commercial and industrial growth; the changes in the neighborhood from when the original zoning ordinance was adopted including the recent rezoning of the Sunnyside Industrial Park from Industrial/Commercial to Residential/Light Industrial/Commercial District on Wheatland Road; the fact that the area is located in a Preferred Growth Area in the new Plan only because of the anticipated services and road improvements; and, the fact that the property does not have access to Public Water, Sewer or other services including frontage on Route 340. This map amendment will change the zoning classification on the Applicant's property from the Industrial/Commercial District to the Rural District.

  
\_\_\_\_\_  
David Lutman, Lutman Land Development LLC

2-8-23  
\_\_\_\_\_  
Date



**LITMAN RECORDING SKETCH PLAN**  
**TAX MAP 29 PARCELS 2 & 6 KABLETOWN DISTRICT**  
**JEFFERSON COUNTY, WEST VIRGINIA**  
 T.M. 29 PARCELS 2 & 6 DEED BOOK 1292 PAGE 482.  
 KABLETOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

PROPERTY STANDING IN THE NAME OF LITMAN LAND DEVELOPMENT LLC, AS RECORDED  
 IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1292 PAGE 482.  
 SURVEYOR: PETER H. LORDANON - P.O. BOX 307 316, SUMMIT POINT, WY. 25448.  
 (304) 728-8093

OWNER: LITMAN LAND DEVELOPMENT LLC \ DEVELOPER: 57 LITMANS LANE, KEARNEYVILLE, WY, 25450  
 (304) 702-2500

DWG # GANSLER DATE 12-12-22



*Please Run 2 Times:*

*March 1st and March 8<sup>th</sup>*

**NOTICE OF PUBLIC HEARING  
Thursday, March 16, 2023 at 7:00 pm**

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the property designated as Tax District: Shepherdstown (09), Tax Map: 8; Parcels: 10.9 & 24.3. The property is located at 233 Lowe Drive, Shepherdstown, WV (aka Clarion Hotel). The property owner/applicant is Federal Group, Inc. The combined acreage is approximately 24.64 acres. The property is currently zoned Residential Growth and a petition has been made to the County Commission by the property owner to change the zoning classification of the property from Residential Growth to Residential-Light Industrial-Commercial (Planning Commission File #23-2-Z).

The hearing will be held on **Thursday, March 16, 2023 at 7:00 pm** in the County Commission Meeting Room located in the Charles Town Library, 200 E. Washington Street, Charles Town. This meeting will also be available live through GoToWebinar. Invites will be posted on Facebook and email alerts.

Oral or written comments can be provided at the hearing on **Thursday, March 16, 2023**. 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).

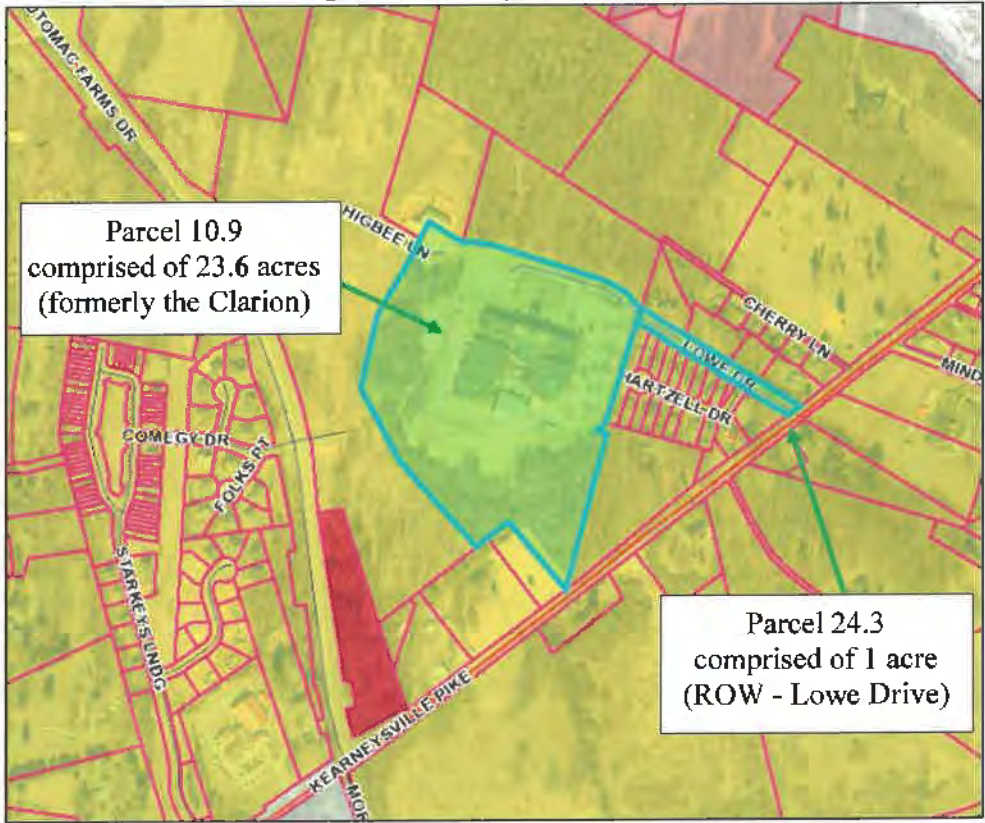
By Order of the Jefferson County Commission  
Steve Stolipher, President



**Staff Report**  
 Jefferson County Planning Commission Meeting  
 March 14, 2023

**Federal Group Inc Rezoning Request (23-2-Z)**

**Item # 6** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Residential Growth (RG) to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

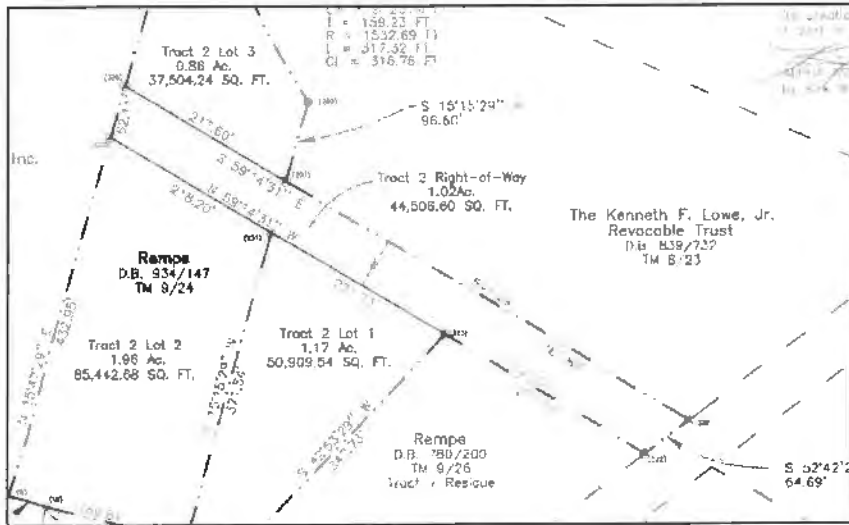
Property Owner:	Federal Group Inc.
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Parcel Information:	<p style="text-align: center;">233 Lowe Drive, Shepherdstown, WV                  Tax District: Shepherdstown (09), Map: 8, Parcels 10.9 and 24.3.                  Combined Acreage: ~25 Zoning District: Residential Growth</p>  <p style="text-align: center;">Parcel 10.9                  comprised of 23.6 acres                  (formerly the Clarion)</p> <p style="text-align: right;">Parcel 24.3                  comprised of 1 acre                  (ROW - Lowe Drive)</p>
Surrounding Properties:	North, East, South, and West: Residential Growth
Current Use:	Former Clarion Hotel and Restaurant/Christian Caine Jewelry Store (temporary) / Federal Training Facility and Call Center
Proposed Request	To rezone from Residential Growth to Residential-Light Industrial-Commercial
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that, although the <i>Envision Jefferson 2035 Comprehensive Plan</i> recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request and the proposed uses for the 23.6-acre parcel are <b>consistent</b> with the intent of the recommendations of the <i>2035 Plan</i> .

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**March 14, 2023**  
**Federal Group Inc Rezoning Request (23-2-Z)**

**Applicant's Request**

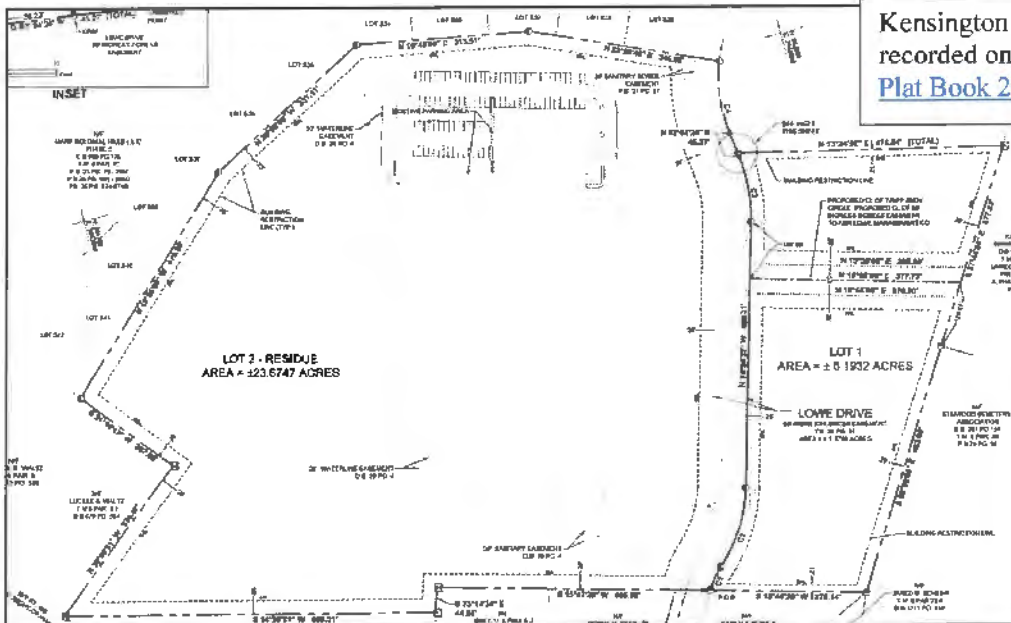
The applicant is requesting to rezone approximately 25 acres from Residential Growth to Residential-Light Industrial-Commercial. The proposal consists of two parcels.

Parcel 24.3 is comprised of approximately 1 acre and is designated as a 60' wide right-of-way (Lowe Drive). At this time, there are a number of lots that use Lowe Drive as their primary access.



Rempe Minor Subdivision,  
 recorded on 11/17/00 in  
[Plat Book 18, at Page 30](#)

Parcel 10.9 is comprised of 23.6 acres and is the former location of the Clarion Hotel and Conference Center. On September 19, 1996, the subject parcel was granted a Conditional Use Permit for a Federal Training Center, which was operated within the Clarion Hotel and Conference Center (File Z96-5). In July of 2020, the property owner processed a subdivision plat to divide a 6.19-acre lot (Lot 1) for future development. As the hotel has recently closed, the property owner is looking to expand the permitted uses of the existing commercial structure and possible redevelopment of the hotel rooms as apartments.



Kensington Subdivision, Phase 1  
 recorded on 07/24/2020 in  
[Plat Book 26, at Page 109 & 109A](#)

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 14, 2023  
**Federal Group Inc Rezoning Request (23-2-Z)**

**Neighboring Uses**

While the surrounding area is primarily zoned Residential Growth, the surrounding area contains a combination of residential and commercial land uses.



**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan* and provides a staff recommendation for the Planning Commission’s consideration based on relevant sections and elements of the *Plan*. Staff’s professional recommendation is that, although the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request and the proposed uses are **consistent** with the intent of the recommendations of the *2035 Plan*. The location of the properties within the County-designated Preferred Growth Area in the immediate vicinity of Shepherdstown and the designation of the 23.6-acre parcel on the Future Land Use Guide as “General Commercial” support the requested amendment. The Planning Commission is required to provide the County Commission with their advice as to whether they also make this finding prior to the County Commission’s Public Hearing.

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

**Staff Report**  
Jefferson County Planning Commission Meeting  
March 14, 2023

**Federal Group Inc Rezoning Request (23-2-Z)**

**Zoning Map Amendment Public Hearing Process**

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

**Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary**

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

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

**Shepherdstown Preferred Growth Area (PGA)**

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

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

In 2014, Shepherdstown adopted a Growth Management Boundary (GMB), which meets the WV Code definition of a UGB and which is planned to have growth around the existing core of Shepherdstown and less intense development at the edges of the GMB. While this larger growth and annexation area is recommended in the Shepherdstown 2014 Comprehensive Plan, the *Envision Jefferson 2035 Comprehensive Plan* recognizes a smaller PGA to the southwest of the Shepherdstown core and the existing County zoning if it remains in the unincorporated area (p.19).

The *Envision Jefferson 2035 Comprehensive Plan* states that the Shepherdstown PGA is “defined predominately by existing residential and commercial development, existing zoning, and access to water and sewer services. It encompasses an area broadly described as properties on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480 including land on either side of Potomac Farms Road. This area is included within Shepherdstown’s Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area.” (pp. 20-21)

The properties included in this petition are inside the boundaries of the *2035 Plan*’s Shepherdstown PGA and are served by public water and wastewater treatment and, therefore, intended for eventual urban-level development intensity.



**Staff Report**  
Jefferson County Planning Commission Meeting  
March 14, 2023

**Federal Group Inc Rezoning Request (23-2-Z)**

amendment to Residential-Light Industrial-Commercial allows the uses anticipated with the General Commercial zoning as well as residential uses that would not otherwise be permitted. The applicant has indicated that they are interested converting the hotel rooms into apartments as well as maintaining various office and commercial uses within the existing structures and believe that the Residential-Light Industrial-Commercial (RLIC) District best serves these uses.

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

The purpose of the Residential-Light Industrial-Commercial (RLIC) District (Section 5.8) is to “to guide high intensity growth into the designated growth area” (complete description attached). The proposed RLIC zone would permit the variety of residential, office, and commercial uses the applicant is interested in pursuing; however, under the Urban Level Development Recommendations (#14), the *Envision Jefferson 2035 Plan* “discourages the use of the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests.”

As noted previously, the parcels included in this application are inside the boundaries of the *2035 Plan’s* Shepherdstown PGA and the 23.6-acre parcel is proposed for general commercial uses. While the requested RLIC zoning district is broader than the proposed General Commercial zoning district, it will allow the reuse of the existing structures for residential uses as well as commercial and office uses which will allow uses compatible with the neighboring residential uses.

**Staff Discussion and Recommendation**

Staff finds that, although the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request and the proposed uses are **consistent** with the intent of the recommendations of the *2035 Plan*. The location of the properties within the County-designated Preferred Growth Area in the immediate vicinity of Shepherdstown, the fact that they are served by public water and wastewater treatment, and the designation of the 23.6-acre parcel on the Future Land Use Guide as “General Commercial” support the requested amendment. The applicant has indicated the intent to integrate the proposed conversion of hotel rooms to apartments with the existing and future commercial and office development will complement the existing and approved future residential development on adjoining properties and serve these areas.

**Planning Commission Action Required**

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

The petition was presented to the County Commission on February 16, 2023 and the required Public Hearing has been scheduled on March 16, 2023. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this Hearing.

**Attachments:**

- Section 5.8 Residential-Light Industrial-Commercial (RLIC)
- Appendix C

- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.<sup>23</sup>
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.<sup>32</sup>
  4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.<sup>32</sup>
  5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
  6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.<sup>34</sup>

**Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District<sup>1</sup>**

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.<sup>23</sup>

**A. Principal Permitted and Conditional Uses<sup>23, 27, 32</sup>**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

## B. Standards<sup>23</sup>

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23, 27</sup>
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.<sup>27</sup>

## C. Site Development Standards<sup>23, 27, 40</sup>

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.<sup>27</sup>
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5, 7, 23, 27</sup>
3. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7, 27</sup>

## Section 5.9 Reserved<sup>23</sup>

## Section 5.10 Village (V) District<sup>8, 23, 32, 35</sup>

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27</sup>

### A. Principal Permitted Uses

1. Residential Land Uses
  - a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.
2. Non-Residential Land Uses in Existing Structures
  - a. Building setbacks, parking and drive aisle setbacks, distance requirements, and landscape buffers are not required when a proposed land use is to be located within an existing structure.
  - b. When additional parking for an existing structure is required, a Site Plan shall be submitted. Setbacks shall be as required in Section 5.10A.2(a) with the exception that a four (4) foot screened buffer shall be required along the side and rear property lines. The screening may be either vegetative (existing or planted) or opaque fencing and may be placed anywhere within the four (4) foot buffer. At the time of the planting, vegetation shall be at least six (6) feet in height. No structures, vehicular parking, or stored materials shall be permitted within the side and rear yard buffers.

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37, 39, 43</sup>**

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

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

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

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

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

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



Name: Federal Group, Inc

Department or Organization:

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1<sup>st</sup> Choice: **February 16, 2023**

*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*): Landowner Petition for Map Amendment for Federal Group, Inc.: Shepherdstown District, Map 8, Parcels 10.9 (23.67 Acres) and 24.3 (1.02 Acres) containing a Total of 24.69 +/- Acres. Request to schedule a Public Hearing and refer the application to the Planning Commission for advice on the Comprehensive Plan Consistency of the request.

Please provide the County Commission with a description of your request or presentation, including any background information: Request for a Map Amendment for Federal Group, Inc. per Article 12, Section 12.3.A. of Jefferson County Zoning and Land Development Ordinance from Residential Growth to Residential/Light Industrial/Commercial. Supporting and Background Attached.

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*):

Motion: Move to Accept Landowner Petition and Request for Map Amendment for Federal Group, Inc., Parcels 10.9 and 24.3 on Map 8 in the Shepherdstown Tax District and schedule a Public Hearing at the County Commission Meeting on March 16, 2023, and to refer the application to the Planning Commission for advice on the request's consistency with the Comprehensive Plan.

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

If not attached, explain: Attached

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

Contact information: Paul J Raco

Email address: Pjraco.consulting@gmail.com

Phone Number: 304/676-8256

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

not applicable





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

File #: \_\_\_\_\_  
 Date Rec'd: \_\_\_\_\_  
 Fees Paid: \_\_\_\_\_  
 Staff Int: \_\_\_\_\_

Email: [planningdept@jeffersoncountywv.org](mailto:planningdept@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of &A-7-8 et seq of the WV State Code.

**Property Owner Information**

Owner Name: \_\_\_\_\_  
 Business Name: Federal Group Inc  
 Mailing Address: 233 Lowe Drive, Shepherdstown, WV 25443  
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

**Applicant Contact Information**

Applicant Name: \_\_\_\_\_ Same as owner:   
 Business Name: Federal Group Inc  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Name: Paul J Raco  
 Business Name: P.J. Raco Consulting, LLC  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: 233 Lowe Drive, Shepherdstown, WV 25443 Vacant Lot:   
 Tax District: Shepherdstown Map No: 8 Parcel No: 10.9 + 3  
 Parcel Size: 23.6 23.67 + Acres Deed Book: 1230 Page No: 490

**Current Zoning District**

Residential Growth District

**Proposed Zoning District**

Residential/Light Industrial/Commercial District



**REQUEST FOR MAP AMENDMENT/Rezoning  
Federal Group Inc  
District 9, Map 8, Parcels 10.9 and 24.3  
February 8, 2023**

**Property Owner and Applicant:**

Federal Group, Inc.  
233 Lowe Drive  
Shepherdstown, WV 25443

**Request:**

Amend the Zoning Map for the 23.67 Acre Parcel and the 1.02 Acre Right of Way Parcel Based on its Consistency with the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, and the Existing Uses. Currently, the property is Zoned for Residential Growth, and this Map Amendment is for the Residential/Light Industrial/Commercial District

**Section of Ordinance:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance, as amended.

A Map Amendment is defined as: "An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation."

**Substantiation for the Request:**

1. The request is consistent and extremely compatible with the 2015 Jefferson County Comprehensive Plan (Envision Jefferson 2035), the current uses and the current Zoning. This Plan was adopted by the County Commission after multiple meetings and hearings and places this property in the Preferred Growth Area and the Future Land Use Guide identifies this property as Commercial property. Currently, the zoning allows all forms of Residential Growth. So, between the existing zoning and the proposed zoning, it will cover all existing uses, as well as apartments. The plan's applicable recommendations are explained in this narrative.

2. The subject property is within the Shepherdstown Preferred Growth Area and Growth Boundary (UBG per Code). As such, the Comprehensive Plan supports Urban Level Growth on and around this property.
3. Existing Shepherdstown Public Water and Sewer services are currently available in this neighborhood and serve the existing facilities.
4. Since the Zoning Ordinance was adopted in 1988, there have been several significant changes in the neighborhood. The most significant change was the construction of this facility for the Clarion, the Federal Training Facility and Conference Center, two Restaurants and Lounge, Fitness Center and Government Offices. Other changes in the neighborhood include the development of the Maddex Commercial Area (Food Lion, etc.); the Hartzell Gardens Duplex Subdivision (adjacent); the Tollhouse Ridge Subdivision; the enhancement to the entrance to the western campus of Shepherd University; the rezoning of the Lowe property located on the Route 45 end of the connector road; the Rezoning of the Rankin Property on Route 480 and the Connector Road; Rezoning of the Sheetz Property on Route 45 and construction of the Sheetz Store, the WVU Medical Office Building and the ROCS Store on Route 45 and, the development of the Colonial Hills Subdivision (adjacent) in this neighborhood. These and other changes are described in this narrative.
5. Since the Zoning Ordinance was adopted in 1988, there has also been a significant change in Transportation Characteristics in the area. The most notable change was the construction of the Connector Road which functions as a bypass around Shepherdstown. This road is near the Applicant's property and the Applicant has an Easement to access the road if needed, which is in addition to the main access on Route 480. Road improvements to Route 45 and the West Campus Entrance to Shepherd were also constructed.
6. Current Zoning, Residential Growth, would allow for a dense apartment complex, along with the current existing uses that are approved as a Conditional Use Permit including the Government Office Facility, Conference Center, Public and Private Fitness Center, Rumsey Tavern and Restaurant with Ballroom. Furthermore, the Facility currently has 100 Hotel Rooms and Conference Facilities already on the premises. The plan is to simply replace the hotel rooms with apartments in light of the COVID driven closure of the hotel. Accordingly, there will be little if any discernable difference in the intensity of use after the rezoning

**Tax Parcel Information:**

Shepherdstown Tax District, Map 8, Parcels 10.9 and 24.3

**Deed Book Reference:**

Deed Book 1230 at Page 490  
Deed Book 967 at Page 723

**Sketch Plat:**

Attached. The two subject parcels are shaded in yellow.

**Tract Size:**

Approximately 23.67 Acres and 1.02 Acres for a Total of 24.69+- Acres.

**Ordinance Required Discussion on:**

The compatibility of the proposed change with the Jefferson County Comprehensive Plan; and,  
The change of transportation characteristics and neighborhood from when the original zoning ordinance was adopted in 1988.

**A. Comprehensive Plan Compatibility**

Among the many recommendations in the 2015, Envision Jefferson 2035 Jefferson County Comprehensive Plan, the following sections address items pertinent to this map amendment.

As found on page 13 of the 2015 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcel is within the Shepherdstown PGAs. The attached map shows the Shepherdstown PGA. The Comprehensive Plan was recently adopted after several years of meetings in various neighborhoods of the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. As common with communities that have just adopted a new Comprehensive Plan, there will be many ordinance amendments and map amendments processed in order for the map and ordinances to better reflect the new Plan. In this case, both the 2004 Plan and the new 2015 Plan show this property within the Growth Area around Shepherdstown. The current Plan is more specific in that it shows this property within the Preferred Growth Area and specifically identifies the original property (1988 parcel) for Commercial and/or Residential Development and Urban Level Growth.

The property is now zoned for Residential Growth including apartments and the Applicant would like to expand the capabilities of the property primarily to allow the

existing commercial uses and the conversion of hotel rooms to Apartments. This change is consistent with both the existing uses on the property, the uses that were permitted since 1996 by Conditional Use and mixed use nature of the existing neighborhood. As described in other sections of this document, the residential development in the neighborhood around Shepherdstown (particularly Colonial Hills is this immediate neighborhood) will need some commercial development to provide services in this area. Hopefully, the employees in the government offices existing on site will be able to live in the proposed apartments in the hotel conversion. This property will become a true mixed use community with Office Space, commercial uses including the existing restaurants, lounge, and Fitness Center, along with some retail space (currently the temporary relocation of Christian Caine Jewelry). These uses will not only complement the hotel conversion to apartments but will keep some commercial and retail facilities in the area for the growing residential development around this property.

The Comprehensive Plan's maps and guides continue to show that this property is ready to continue the existing uses and is prime for future development, especially commercial development due to its location. This type of use is what the Commission intended when it was added to the Preferred Growth Area and designated as Commercial or Residential on the Future Land Use Guide and in the Plan.

Page 17 of the Comprehensive Plan describes the various categories of land, including PGAs as follows:

**"Land Use Activity Areas**

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

**Four Comprehensive Types of Land Use Activity within the Designated Areas**

**Urban Growth Boundaries**  
**Preferred Growth Areas (PGAs)**  
**Villages**  
**Rural/Agricultural Areas**

The first two area types addressed below, **Urban Growth Boundaries (UGB)** and **Preferred Growth Areas (PGA)** (including one residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035." Emphasis Added.

A further explanation of PGAs is found on Page 20 of the Plan:

**"The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another. Each of the PGA Maps can be found in Appendix F – Maps" Emphasis Added.**

In this case, the subject property is both in an Urban Growth Boundary (UGB, as defined by the Code) and the Preferred Growth Area (PGA). Therefore, pursuant to the Comprehensive Plan, this location is prime for development since it is in both of these designated areas. The Comprehensive Plan compatibility is combined with the fact that the property has been a Hotel, Conference Center, Fitness Center, two Restaurants, Ballroom and Government Offices and Training Facility for over two and a half decades. Furthermore, it is close to other residential subdivisions.

The most definitive section of the Envision Jefferson 2035 that supports this map amendment is found on Page 20:

**"a. Shepherdstown PGA (an area located south and west of Shepherdstown)**

**This PGA is defined predominately by existing residential and commercial development, existing zoning, and access to water and sewer services. It encompasses an area broadly described as properties on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480 including land on either side of Potomac Farms Road. This area is included within Shepherdstown's Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area." (Emphasis Added)**

It is clear that this section specifically recognizes this area as primary properties which are slated for Urban Level Growth. Furthermore, it cannot be overdeveloped since the property is already improved with buildings that are used for commercial, office and hotel uses, along with proposed residential around it. It is ideal for professional offices, commercial/retail center that will serve the immediate residential uses in the area, as well as, the conversion of the hotel into apartments. This type of project will provide for services, while keeping traffic to a minimum, compared to the previous and current uses during their heyday. This property was very active after it was improved in 1996 and 1997. It was a primary site for the Middle East Peace Talks in 2000 and hosted many other high level Federal Government gatherings in the past.

Finally, the following recommendation is found in the Urban Level Development Recommendations Table starting on Page 30 of the Plan:

**"5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.**

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan:

**“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.” (Page 69)

And on Page 70: Recommendations:

**“5. Create a business friendly environment in Jefferson County.**

**6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.”**

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the Shepherdstown PGA Map and the Shepherdstown Growth Boundary (GMB/UGB), the existing uses, and the proposed uses of the existing buildings, this map amendment is consistent and compatible with the Plan. The Consistency and Compatibility with the existing Comprehensive Plan and the Future Land Use Guide are the two most important criteria to be used for a Map Amendment. Also important is the fact that the Plan supports redevelopment of property for the overall economic good of the County. The redevelopment of the property is probably the key reason that the Comprehensive Plan supports the rezoning.

**B. Shepherdstown UGB/GMB, Shepherdstown PGA and Future Land Use Guide**

The subject property is located squarely in the core of the all the Growth Areas around Shepherdstown. The property, as it existed in 1988 (Adoption of Zoning) is also shown on the Future Land Use Guide as Commercial and/or Residential on and around this property. As there is planned residential in this neighborhood, the rezoning of this property pursuant to the Future Land Use Guide, will allow needed commercial services to support this residential. The PGA, UGM/GMB and Future Land Use Guide are thoroughly discussed in A above.

Based on the location of this property within these areas, the property has already been determined to be an intensive growth area. This area was vetted by the Public, Staff, Planning Commission and County Commission as an area for Urban Level Growth as well as demonstrated by the issued Conditional Use Permit in 1996/97. As stated above, these maps and guides that are a Part of the

Comprehensive Plan are primary resources to be utilized by the Commission to approve a Map Amendment. However, as noted, more importantly, the Plan specifically allows the County Commission to recognize the economic benefits of a rezoning. In this case, because of COVID and the Government pulling in their resources, the hotel has been sitting vacant for multiple years. The most viable redevelopment of the hotel portion is into apartments since they are both residential type uses. However, as it is zoned for residential and the commercial and office uses are only currently permitted by the existing Conditional Use, the conversion of the hotel to residential has been determined to invalidate the CUP. Thus, without the rezoning, the commercial and office uses would be forced to close.

#### **C. Sewer and Water**

This property is within the Shepherdstown Water and Sewer Service area and is part of the reason that this area has been included within the Growth Areas and designated as commercial on the Future Land Use Map. This property is specifically served by both Shepherdstown Water and Sewer. As the Comprehensive Plan points out in many sections, Urban Level Growth should be directed into the areas served by central sewer and water. Accordingly, the Plan supports this Map Amendment based on the availability of utilities in this area.

As addressed below, the Shepherdstown Wastewater Treatment Plant has recently undergone a quantity expansion and quality renovation. However, this property along with the existing uses are already served.

#### **D. Change of Neighborhood**

It is important to point out that the Zoning Ordinance requires a discussion of the changes in an area since the original Zoning Ordinance was adopted in 1988. Some of these neighborhood changes are recent and others were completed years ago.

The neighborhood has undergone significant changes since the zoning ordinance was adopted. In 1988, the Shepherdstown Wastewater Treatment Plant was nearing capacity and that is probably one of the reasons that more land wasn't zoned for residential or commercial uses at that time (1988). Another huge change in the neighborhood is that the Route 45 Connector Road (Potomac Farms Drive) was constructed in 2000/2001. The subject properties have access to the Connector Road, along with primary existing access to Route 480. This change will be further discussed in the Change of Transportation Characteristics part of the application. Finally, the neighborhood has added a number of residential units in several subdivisions including Maddex, Kensington, Tollhouse Woods and Colonial Hills. Along with this residential growth, other commercial areas have also developed since 1988, leaving a deficit of available commercial land in and around the growth areas of the County. If the rezoning does not add Commercial to the zoning classification, once the hotel officially closes, the office space, restaurants and fitness center would not be a permitted use. This rezoning is the only way that the existing commercial

uses, along with the conversion of the hotel to apartments, can happen. The long time owners/applicants did not have any control over the fact that the Government no longer needed to use the facility once the other Training Facility was built on Terrapin's Neck. However, once COVID hit, it was the straw that broke the proverbial camel's back that closed the hotel for all practical purposes. This rezoning is the only way to allow the redevelopment of an existing large facility for the economic future of the property.

Of course, the main change of neighborhood was that this facility was built in the late 90s and included the Clarion Hotel, Conference Center, Ballroom, Restaurants, Lounge, Fitness Center and Government Training Offices. This was approved as a Conditional Use and has coexisted in the neighborhood for the last two and half decades. Much of the growth around it most likely were a result of the existence of this facility.

The following are changes in the neighborhood that would specifically support the requested change from Residential Growth to the Residential/Light Industrial/Commercial District:

1. Availability of Public Utilities and Services:

Public Water and Sewer is now available in this neighborhood. Furthermore, the recent Wastewater Treatment Plan expansion has increased its capacity to sustain additional growth in the Growth Area Boundaries. The availability of the capacity is a change for this neighborhood since 1988. As stated earlier, one of the Comprehensive Plan's primary objectives is to funnel growth into areas already served by existing infrastructure such as sewer and water:

'This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.' (Page 27)

The allowance of growth in this area because of both the sewer and water and location within the aforementioned UGB/GMA and PGA is also supported by Recommendation 5a found on Page 30:

"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." (Emphasis added)

In this case, the construction of the water and sewer services into this area was accomplished with the help of the current owners/applicant. There would be no unreasonable costs to the community, since Shepherdstown already

serves the site, and the continued use of the site will keep service rates stable.

## 2. Growth in the Area:

Several large residential projects have been completely developed in this area that would benefit from the continued commercial use and potential expansion of use that would be permitted with this map amendment. Four of these, Colonial Hills, Tollhouse Woods, Kensington Townhouses and Maddex Subdivision (near the northwest end of Potomac Farms Road), are residential developments that are approved with a considerable number of residential units. Colonial Hills and Tollhouse are continuing to develop units and expect substantial growth in the next couple of years. While the Maddex development has a small number of commercial services available to the residents in the Maddex Subdivision area, Colonial Hills, Tollhouse Woods and the previously approved Kensington Townhouses are approved mostly as residential developments and will benefit from continued and future commercial uses on the subject property. As these subdivisions build out, they will most certainly need nearby commercial services available to their residents. Due to the limited area of Shepherdstown and the traffic congestion and parking problems within the town, it is imperative that some commercial services be made available to the residents outside of town. Otherwise, the town will only be surrounded by residential development. Furthermore, these new commercial services should not have a negative impact on the businesses within the Central Business District of Shepherdstown, because of the unique collection of eclectic shops and shops that service college students that are already in town.

Again, the most significant development in the area that was built after the zoning ordinance was adopted is the Clarion Conference Hotel and National Training Center, Fitness Center, Restaurants that were constructed on these parcels. This facility already exists and cannot function as a hotel anymore because of circumstances that were far out of the owners' control. The continued use of the office space and the adaptive reuse of an otherwise currently vacant facility is vital to the County and is supported by the Plan.

The primary area that is zoned for commercial uses in the Shepherdstown Growth area has mostly been developed. The original zoning map only allowed for limited areas for commercial development in the Shepherdstown Growth Area. These areas were zoned for the Mixed-Use District. Most of that commercial area was the Maddex Farm area that is now almost entirely developed for commercial uses. Therefore, it is vital to add some commercially zoned properties on the south and west side of Shepherdstown. Otherwise, commercial growth in the Shepherdstown Growth Area will not be

able to meet the demands of the residential properties in that growth area. This map amendment is a perfect opportunity to take some property slated exclusively for residential use and allow it to develop commercially. It will also provide for some limited commercial development in the area to serve the residential developments in the area.

Finally, the owner of this property also has opened the facility to Christian Calne, a local Jewelry Designer in Jefferson County for the past 25 years. They are currently relocated from the Maddex Square Shopping Center due to a fire and are strongly considering a move to this property if the map amendment is approved. The County Staff has allowed the business to operate while processing for this rezoning. Thus far, the Staff is supportive of the rezoning since the property has been utilized for commercial and been zoned for residential for many years. If the business does not stay, similar types of retail, office and commercial uses are contemplated for the first floor of the former hotel facility.

**E. Change of Transportation Characteristics:**

Please note that this property is already zoned Residential Growth. As such, there should be little significant difference in traffic from this property if it is rezoned to Residential/Light Industrial/Commercial. As a matter of fact, it should provide for less traffic if this property is allowed to keep its office and commercial uses and change the hotel area into a permitted apartment complex. Additionally, a small-scale commercial and existing office center would have a more favorable outcome regarding traffic since some of the local residents could utilize the commercial services available if the property is rezoned. A small commercial center on this property will accomplish that goal.

The addition of this connector road (functionally a bypass), along with the expanded entrance into the western campus of Shepherd University, has considerably changed the transportation characteristics of the expanded neighborhood. These two improvements have allowed traffic to bypass Shepherdstown to keep pass through traffic away from the more congested areas of town. The addition of commercial services in the western and southwestern areas of Shepherdstown should further reduce commercial traffic in the downtown area of Shepherdstown, without negatively affecting the unique collection of shops in town.

**F. Current Permitted Uses on the Subject Property:**

Under the current zoning, the property can currently be converted into a residential apartment complex by virtue of its Residential Growth designation. However, this

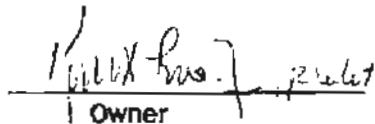
would actually invalidate the existing commercial uses since it was determined that the conversion of the hotel into apartments would invalidate the CUP. No one seems to debate this odd occurrence, so all involved in the request seemingly support the rezoning. The already approved subdivisions in the neighborhood should be better served by some continued commercial and office uses as opposed to just housing. This map amendment would also allow the commercial and office uses to continue to be taxed at a higher rate. The simple existence and size of the facility itself will limit the size and scope of a potential commercial or office building. This property is not capable of supporting huge commercial or industrial uses due to the existing building and potential setbacks. The Applicant is requesting the change because the existing commercial aspect would be lost without the rezoning. Furthermore, it appears that the County Commission has been very supportive of enhanced business opportunities, as well as, proper and needed redevelopment in Jefferson County that this map amendment would allow. This rezoning would allow a true mixed use development to exist on the property. There will be Office Space (existing), retail and service space (existing), and apartments above the existing commercial space. This type of development is completely supported by Staff and Comprehensive Plan.

**G. General Policy of the Comprehensive Plan:**

As cited in the previous pages, there are specific sections of the Comprehensive Plan that support this map amendment. Consistency with and Compatibility to the Envision Jefferson 2035 Comprehensive Plan and economic benefit to the County are the prevailing reasons that the Commission should grant approval to a Map Amendment or Rezoning. This proposal very much meets those requirements. Beyond the specific provisions, the general policies found throughout both the current Plan and the previous Plan (2004) support this map amendment. This property has been located within the primary growth area around Shepherdstown for many years. Finally, most of the existing uses will remain, they just need this approval since the original Conditional Use Permit was based on the Federal Conference and Training facility. Additionally, the hotel use cannot exist without the government using the facility for conferences. That lack of use by the Federal Government, combined with the complete shutdown of the hotel as a result of COVID has placed the property in a catastrophic position of nearly closing. The long time owner/applicant is attempting to redevelop the existing hotel into apartments which will allow the property to continue to survive with a mix of commercial and residential development. As such, this request should respectfully be approved.

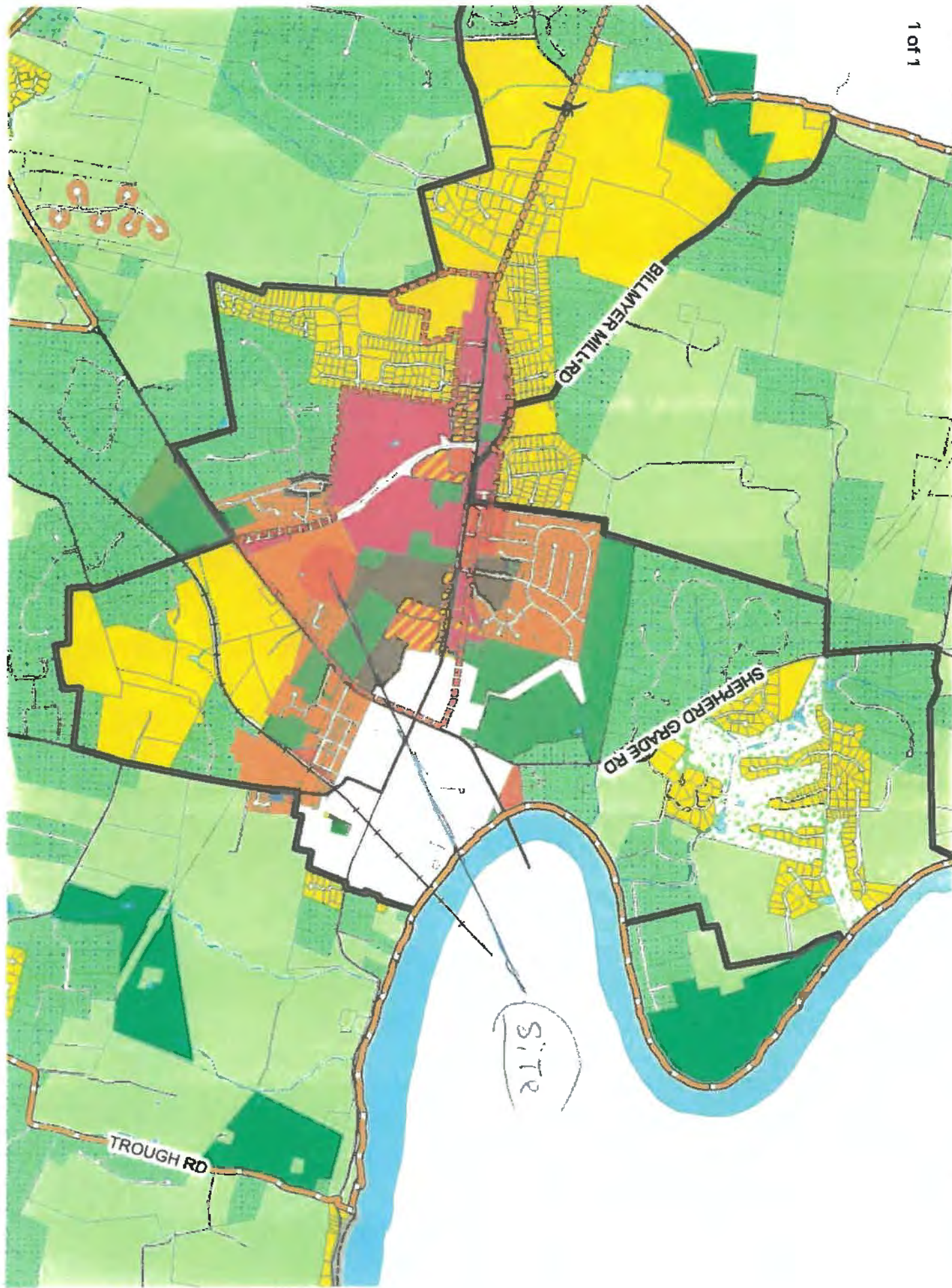
**H. Conclusion:**

The Applicant is requesting this map amendment for these two parcels for the benefit of economic redevelopment in Jefferson County. Therefore, the Applicant respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. The request and proposed uses are entirely consistent with the current existing uses, the Future Land Use Guide, and the Comprehensive Plan. The property is within the Shepherdstown Preferred Growth Area (PGA) and the UBG/GMA and is currently zoned for residential and is shown as commercial on the Future Land Use Guide. As such, the request is very consistent with the recommendations and policies in the Comprehensive Plan. The Applicant also believes that: the 2015 Envision Jefferson 2035 Comprehensive Plan (and the previous 2004 Plan); the general philosophy of the County Commission regarding business enhancement and redevelopment in Jefferson County; and the changes in the neighborhood from when the original zoning ordinance was adopted all support the requested map amendment. Finally, the Comprehensive Plan allows the County Commission to grant rezonings and map amendments based on the economic good of the County. The requested rezoning will change this property's zoning designation from the Residential Growth District to the Residential/Light Industrial/Commercial District. Thank you for the Commission's consideration of the request.

  
Owner

2/8/23  
Date





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



Name: Steve Cox & Bessie Nelson

Department or Organization: Civil Service Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: March 16, 2023

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

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

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

Please provide the County Commission with a description of your request or presentation, including any background information: **Guidance from the County Commission on signature authority to sign a contract on behalf of Civil Service Commission with a 3<sup>rd</sup> party vendor to provide promotional exams for the Jefferson County Sheriff Deputies. I will also enter a purchase requisition in the Tyler Software System with the estimated annual expense to be approved and converted to a purchase order within the Tyler Software System. This would encumber the funds from the Materials and Supplies G/L and the actual amount would be liquidated from the PO when invoices are paid.**

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: Approved in the FY23 budget and has been requested for the FY24 budget in materials and supplies line item.

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

Make a motion to grant the President of the Jefferson County Civil Service Commission authority to sign contracts on behalf of the Civil Service Commission providing funds are available.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable

## **Bessie Nelson**

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**From:** Matt Harvey  
**Sent:** Wednesday, March 8, 2023 2:08 PM  
**To:** Bessie Nelson; Steve Cox; Will Liston; Jean Vezzosi; Jacki Shadle  
**Cc:** Nathan Cochran  
**Subject:** FW: Civil Service Commission Contracts  
**Attachments:** Test Security Agreement - IOS v2.1.pdf

Bessie,

As you know, the Office of the Prosecuting Attorney is the designated attorney for the County Commission, as such, we cannot provide legal advice that could be in direct conflict with that representation. That issue was recently raised by Clerk Shadle in a different matter but the basis for the conflict is the same. This office sought an ethics opinion on that issue and it is unfortunately still awaiting a formal opinion, but the informal opinion seems to preclude us from direct conflicts. I would suggest that the Civil Service Commission seek guidance from the County Commission with questions or issues regarding their budget.

Matt Harvey

**From:** Nathan Cochran <ncochran@jcpawv.org>  
**Sent:** Monday, February 27, 2023 5:39 PM  
**To:** Matt Harvey <mharvey@jcpawv.org>  
**Subject:** FW: Civil Service Commission Contracts

**From:** Bessie Nelson <bnelson@jeffersoncountywv.org>  
**Sent:** Monday, February 27, 2023 3:25 PM  
**To:** Nathan Cochran <ncochran@jcpawv.org>  
**Cc:** Steve Cox <scox@jeffersoncountywv.org>; Will Liston <wliston@jeffersoncountywv.org>; Jean Vezzosi <jvezzosi@jeffersoncountywv.org>; Jacki Shadle <jshadle@jeffersoncountywv.org>  
**Subject:** Civil Service Commission Contracts

Hi Nathan,

The Civil Service Commission is in the process of signing a contract with a third party vendor to provide promotional tests the Sheriff's Office. Does the president of the Civil Service Commission have authority to enter into a binding contract committing funds from their budget? The contract is attached for your review. The Civil Service Commission has an approved budget (dept 421).

Please advise.

**Bessie F. Nelson**  
*Deputy Clerk - Payroll*  
Jefferson County Clerk's Office  
bnelson@jeffersoncountywv.org  
304-728-3340  
100 E Washington St

**PO Box 208  
Charles Town, WV 25414**

Visit us on the web at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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



Name: Sandy Hamilton, Telamon Community Board President and Jennie Shriner, Telamon Executive Director

Department or Organization: **Telamon**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **March 16, 2023**

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

Date Requested – 2<sup>nd</sup> Choice: April 6, 2023

Subject (*Wording to be placed on agenda*): **Telamon Community Board Representation**

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

Is this a funding request? Y/N NO

If so, how much? \$ N/A

Provide exact financial impact/request:

Recommended motion: " I recommend appointing a Jefferson County representative to the Telamon Community Board."

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

If not attached, explain: N/A

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

Contact information: Sandy Hamilton, Telamon Community Board President

Email address: [nextpath23@gmail.com](mailto:nextpath23@gmail.com) Phone Number: 304-283-8880

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

not applicable



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



Name: Jessica James, Assistant Deputy Co Administrator

Department or Organization: **Jefferson County Commission**



Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **March 16, 2023**

*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*): **Interviews and Appointments to the following:**

-  Jefferson County Emergency Services Agency – one unexpired term for Citizen Representative, ending June 30, 2024
-  Jefferson County Planning Commission – three (3) three-year terms ending March 31, 2026

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address: stolipherjcc@gmail.com

Phone Number:

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



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 16, 2023 or as soon thereafter as the Commission may decide:

**Jefferson County Emergency Services Agency Board - one unexpired term ending June 30, 2024.**

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

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

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

*(h) Employees of the Agency are not eligible to serve as members of the Board.*

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

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



LETTER OF INTENT

Christina Lantz  
20605 Charles Town Road, Harpers Ferry, WV 25425  
[clantz954@gmail.com](mailto:clantz954@gmail.com)  
(304) 995-2229

Date: March 10, 2023

Dear Members of the Jefferson County Commission,

I am contacting you to express my sincere interest in applying to serve as a citizen representative on the Jefferson County Emergency Services Agency Board. I have been a resident of Jefferson County for 46 years. I have worked in Jefferson County for over 30 years and have been a business owner since 2012 which requires attention to detail, organizational skills, establishment and tracking of budgets, and personnel management.

Thank you for your time and consideration. I believe that my experience as a community member and business owner will be significant assets in my service to both the County Commission and Jefferson County Emergency Services Agency. Please do not hesitate to contact me should you require more information.

Sincerely,

Christina Lantz

[Signature]



# **LOUIS A. WRIGHT**

205 White Tail Ln  
Kearneysville, WV. 25430  
717-729-2990  
Lwfarms205@yahoo.com

**03/03/2023**

Members of the Jefferson County Emergency Service Agency Board  
Re: Board Appointment application

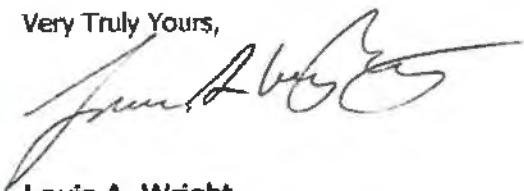
**Dear Members of the Jefferson County Emergency Service Agency Board  
Re: Board Appointment application:**

I have attached my application for Boards, Committees or Commissions of Jefferson County Commission.

I have a keen interest in serving on the Jefferson County Emergency Services Agency Board and have many years of service and experience I believe will be helpful to your agency board. The application and brief resume are attached. Please contact me if you require further information or follow up.

I would be honored to serve the citizens of Jefferson County on this critical board. I believe my work history, expertise, and commitment should be of great value to your Board in complimenting your services to the county.

Very Truly Yours,



**Louis A. Wright**

# LOUIS A. WRIGHT

205 White Tail Ln.  
Kearneysville, WV. 25430  
717-729-2990  
Lwfarms205@yahoo.com

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## OBJECTIVE

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Serve the citizens of Jefferson County on the Emergency Services Agency Board

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## EXPERIENCE

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Montgomery County Fire Rescue

Fire Lieutenant / Feb 2002 - Present

- I serve as the primary supervisor on an engine company or truck company in a busy metropolitan area. Covering Rural and well as city environments. Respond to and manage EMS incident and fire ground operations.
- Certified Rail Officer. Respond on emergency incidents involving heavy rail and metro incidents as a command support and subject matter expert.

Franklin County PA.

EMT-B / Dec. 1993 - 2010.

Served as an EMT-B in numerous municipalities. Can provide more info upon request.

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## EDUCATION

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Licensed Pilot and currently enrolled in a BA in aviation at Liberty University.

Maryland Fire Rescue Institute- Numerous Emergency services related certifications.

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## AWARDS AND ACKNOWLEDGEMENTS

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- Numerous Unit Citations through my career. Can be provided upon request.

**Jefferson County Commission**  
**Application for Boards, Committees or Commissions**

Please type or print information

Name: Louis A. Wright

Home Telephone Number: 304-724-6842

Work Address: 20633 Boland Farm Rd. Germantown MD. 20876

Work Phone Number: 240-773-4734

Mobile Phone Number: 717-729-2990

E-mail Address: LW farms 205 @ Yahoo, com

Party Affiliation: (Building Commission and Health Department applicants)

---

Occupation: Fire lieutenant

Education: High School Weatherford High School

College Liberty University

Trade/Business School \_\_\_\_\_

Are you a United States citizen? Yes  No

Are you a West Virginia resident? Yes  No

Are you a resident of Jefferson County? Yes  No

Are you able to produce verification of residency? Yes  No

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

Address:

205 White Tail Ln  
Kearneyville WV. 25430

---

Magisterial District: 07 - Middleway District

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

See statement of qualifications  
\_\_\_\_\_  
\_\_\_\_\_

Organization Memberships and Positions Held : \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

Date:	Offense:

Statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

Signature: *Janet W. Wyle* Date: 3/3/23

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

79 North Tamarac Drive  
Shepherdstown  
West Virginia 25443  
March 10, 2023

Jefferson County Commission  
PO Box 250  
Charles Town  
West Virginia 25414

Dear County Commission Members:

I am responding to your *Notice of Intent to Appoint* in the March 8 edition of the Spirit of Jefferson. I wish to apply for a position of Citizen Representative on the Jefferson County Emergency Services Agency Board. Attached are my complete resume and a briefer profile.

I was born in Northern Ireland. After university I was offered a position at Allied Chemical (now Honeywell) in Moundsville, West Virginia. Following a 34-year career in manufacturing in the chemical industry, in 2002 President George W. Bush appointed me as a Board member and then Chair of the United States Chemical Safety Board (CSB).

My wife and I settled in Shepherdstown in 2008. We are both committed to public service. I served as a board member and Chair of the Jefferson County Board of Health, and I am now a member of the Jefferson County Local Emergency Planning Committee and the Shepherdstown Water Board. My wife Beth served for nine years on the board of the Contemporary American Theater Festival. We are both supportive of Shepherd University, especially the music and theater departments.

I believe that my experience in managing chemical plants and investigating fires, explosions and toxic gas releases while at the CSB will be very helpful to the Emergency Services Agency. I also trained as a Emergency Medical Technician with the Morris Minute Men First Aid Squad while living in Morristown, New Jersey.

I look forward to appearing before the County Commission members to answer any questions that they may have. Please let me know if you need any further information.

Sincerely



John Bresland

[johnsbresland@msn.com](mailto:johnsbresland@msn.com)  
Cell 202-577-8448 Home 304-876-9293

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**JOHN S. BRESLAND**


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79 North Tamarac Drive  
 Shepherdstown, WV 25443  
 E-mail: [johnsbresland@msn.com](mailto:johnsbresland@msn.com)

Telephone: +1 202-577-8448 (c)  
 +1 304-876-9293 (h)

### **SUMMARY**

Collaborative leader with extensive experience in the federal government and the chemical industry, working for the United States Chemical Safety Board, Honeywell International Inc. and as a Staff Consultant for the Center for Chemical Process Safety. Management experience at the executive level in industry and the federal government. Technical and management expertise in chemicals manufacturing, safety and environmental programs, re-engineering and facility design and construction. Strong managerial track record of facilitating cross-functional teamwork and fostering positive community relationships. Acknowledged reputation for opening doors of communication among diverse stakeholders.

### **BUSINESS and GOVERNMENT EXPERIENCE**

#### **Process Safety Risk Assessment LLC**

President September 2012 to present  
 Work with client companies in the chemical and energy sectors to assess the process risks in their operating units. Regular speaker on process safety at industry and company conferences.

#### **Mary Kay O'Connor Process Safety Center, Texas A&M University**

Research Fellow 2012 to 2018  
 Provided counsel and input to the programs and activities of the Mary Kay O'Connor Process Safety Center.

#### **United States Chemical Safety and Hazard Investigation Board**

Board Member 2010 to August 2012  
 Retained my position as a Board Member when President Obama appointed a new Chairman in 2010.

Chairman and Chief Executive Officer 2008 to 2010  
 Nominated by President Bush in July 2007 and confirmed by the U.S. Senate in March, 2008 to a five-year term as Chairman and CEO of the Chemical Safety Board. Responsible for the day-to-day executive management of the agency, congressional relations and explaining the work of the agency to stakeholders.

Board Member 2002 to 2007  
 Nominated by President Bush and confirmed by the U.S. Senate to a five-year term on the United States Chemical Safety Board, the independent federal agency that that investigates oil refinery and chemical facility incidents in the United States.  
 Duties included oversight of the management of the agency, responding to the scene of incidents as the Board spokesperson, reviewing and voting on staff investigation reports, speaking about Board activities at technical conferences and industry meetings.

**Honeywell International Inc.****1966 - 2000**

A Fortune 100 company, with chemicals, polymers, aerospace, automotive and electronic materials business units.

**Corporate Director, Environmental Risk Management****1995 - 2000**

- Led Honeywell's compliance with EPA's Risk Management Program regulation:
  - Organized and presented training courses for company personnel and Honeywell customers
  - Visited customers to assist them in their compliance with the regulation
  - Frequent speaker at EPA and industry conferences on the Risk Management Program and on community outreach
- Spearheaded water pollution control compliance at Honeywell facilities worldwide
- Audited Honeywell facilities for compliance with OSHA and EPA regulations
- Collaborated with plant leadership teams, the finance organization and banks to obtain tax exempt financing for pollution control projects, resulting in savings of \$500,000 per year
- Integrated the Health, Safety and Environmental programs of newly acquired businesses into the Honeywell organization

**Project Leader – Re-engineering****1994 - 1995**

Led a cross functional team of 25 professionals re-engineering and automating the customer order fulfillment process for the Chemical Intermediates business, with sales of \$500 million

**Plant Manager, Philadelphia, PA****1991 - 1994**

Managed phenol and acetone manufacturing plant with \$250 million operating budget

- Annually achieved record production rates
- Integrated plant operations into the local community by using a Community Advisory Panel and Open Houses, allowing the plant to be accepted by its neighbors
- Implemented Total Quality program; involved all employees in teams, resulting in improved safety and product quality and lower operating costs. Developed and implemented a unique plan called "Team Days" which encouraged personnel to present innovative ideas and positive results to plant management, union leaders and other employees.
- Reorganized the plant staff to operate at higher levels of effectiveness
- Negotiated a \$1 million rate reduction with local electric power utility

**Operations Manager, caprolactam manufacturing plant, Hopewell, VA****1989 - 1991**

Directed the operations of a 1.4 million tons/year fertilizer manufacturing facility

- Responsible for plant operations, production scheduling, warehousing and transportation. Led multidisciplinary engineering team which designed a \$50 million product quality improvement for an ammonium sulfate fertilizer plant

**Operations Manager, phenol plant, Philadelphia, PA****1983 - 1989**

Managed 110 employees operating state of the art computer controlled chemical manufacturing, boiler house and transportation facilities. Expanded production by 50% with minimum capital expenditures

- Directed the continual upgrading of process safety, electronic controls, personnel hiring and training and environmental compliance. The plant was recognized by Arthur D. Little as the most advanced phenol and acetone plant in the U.S. for efficiency, capacity utilization, energy consumption and maintenance turnarounds

Environmental Control Supervisor, phenol plant, Philadelphia, PA 1979 - 1983  
Responsible for plant's compliance with all environmental regulations. Developed excellent relationship with environmental agencies and local citizen groups. Testified at City Council hearings and appeared on radio and television programs as chemical industry spokesman

Production Supervisor, phenol plant, Philadelphia, PA 1975 -1979  
Responsible for day-to-day manufacturing operations. Supervised six foremen and approximately 50 operating personnel.

Environmental Supervisor, toluene diisocyanate plant, Moundsville, West Virginia. 1972 -1975  
Responsible for ensuring plant's compliance with air and water pollution control regulations

Process Engineer and Production Supervisor, toluene diisocyanate and organic acids plant 1966 - 1972

### **PROFESSIONAL AND COMMUNITY ACTIVITIES**

- Chairman (1996-1999) American Chemistry Council Community Awareness and Emergency Response Task Group.
- Chairman (1995-1997) American Chemistry Council, Federation of State Chemical Associations - a group of 20 state chemical industry associations
- Chairman (1993-1995) Pennsylvania Chemical Industry Council, a state trade association representing 75 chemical manufacturers.
- Member, American Institute of Chemical Engineers
- Fellow, Royal Society of Chemistry, United Kingdom
- Member, Institution of Chemical Engineers, United Kingdom
- Board of Trustees, Holy Family College, Philadelphia, PA (1991-1995)
- Member, Morris Minute Men First Aid Squad, Morris Township, New Jersey (2000-2002)
- Board Member and Chairman, Jefferson County, West Virginia Board of Health (2015-2021)
- Member, Water Board, Shepherdstown, West Virginia
- Member, Jefferson County, West Virginia, Local Emergency Planning Committee

### **EDUCATION**

Associate, Royal Institute of Chemistry, Salford University, England  
Higher National Certificate in Chemistry, Londonderry Technical College, N. Ireland  
University of Pennsylvania, Graduate Professional Development Program

**John S. Bresland**  
**79 N. Tamarac Drive**  
**Shepherdstown**  
**WV 25443**

[johnsbresland@msn.com](mailto:johnsbresland@msn.com)  
304 876 9293 Home  
202 577 8448 Cell

John Bresland worked for Honeywell International Inc. (formerly Allied Chemical) in West Virginia; Philadelphia, Pennsylvania; Hopewell, Virginia and Morristown, New Jersey from 1966 until 2000. He held positions in process engineering, environmental compliance, project management and manufacturing. Before moving to Honeywell's headquarters in Morristown in 1995 he was Plant Manager of the Honeywell phenol and acetone manufacturing plant in Philadelphia. From 1995 until 2000, he was Director of Environmental Risk Management for Honeywell International Inc. in Morristown, New Jersey.

In 2002 he was nominated by President George W. Bush and confirmed by the U.S. Senate to serve a five-year term as a Board Member of the U.S. Chemical Safety and Hazard Investigation Board (CSB). In July 2007 President Bush nominated him for a five-year term as the Chairman of the CSB. He served as Chairman from March 2008 until June 2010. He resigned from the CSB on August 31, 2012.

He is President of Process Safety Risk Assessment LLC, a company offering consulting expertise in chemical process safety.

He served as Chairman of the Board of Health in Jefferson County, West Virginia and is a member of the Water Board in Shepherdstown, West Virginia and the Jefferson County Local Emergency Planning Committee.

He is a member of the American Institute of Chemical Engineers, the Institution of Chemical Engineers and is a Fellow of the Royal Society of Chemistry. He graduated in Chemistry from Londonderry Technical College, Northern Ireland and from Salford University, England.

**Jessica Carroll**

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**From:** David Gignilliat <uvadavidg@gmail.com>  
**Sent:** Monday, March 13, 2023 4:55 PM  
**To:** Cindy Rezmer; Jessica James; Sorayda Pitts; Steve Stolipher  
**Subject:** Letter of Interest, Resume and References for Open Board/Commission Spots  
**Attachments:** David Gignilliat -- 2020 Resume.pdf; Council-- References II.pdf

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Hello,

My name is David Gignilliat. I am a citizen of Jefferson County, currently residing in Ranson. I would like to be considered for the following open board/commission appointments that will be discussed later this week:

**a) Jefferson County Emergency Services Agency Board - one unexpired term ending June 30, 2024.**

**b) Jefferson County Planning Commission - three (3) three-year terms ending March 31, 2026**

**c) Jefferson County Property Safety Ordinance Enforcement Agency - one unexpired term ending February 8, 2024**

I moved to the Panhandle in 2019, and have tried to immerse myself in a variety of community activities -- starting a business in Jefferson County (Quixotica Media), writing for a variety of publications, serving as vice chair of the Harpers Ferry Water Commission, joining the Chamber of Commerce, becoming a member of Charles Town Baptist Church, inter alia -- and I believe I would be an excellent candidate to server on any of these boards and commissions.

I have attached my resume and several character references to this email.

**The email notice I received about these opportunities was a bit unclear as to the exact deadline. Is this email sufficient to be considered for all of these positions? I believe today is the deadline for submitting an application, so I am a bit at the proverbial 11th hour here.**

Regards,

--

David K. Gignilliat  
Harpers Ferry, WV  
Google Voice: 571-248-1298  
[Facebook & Writing Portfolio Page](#)

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# David K. Gignilliat

126 West Washington, Unit #3, Charles Town, WV 25414 ▲ 703-763-9953 [uvadavid@gmail.com](mailto:uvadavid@gmail.com)

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## EDUCATION

**University of Virginia**

*B.A., Economics, June 1998*

**Charlottesville, VA**

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## WORK EXPERIENCE

**Quixotica, LTD.**

*2006-Present*

**CEO, Creative Media Consulting, Freelance Writer and Editor**

- **Overview:** *Professional writer and editor for 20+ years. Author of 2000+ articles, stories, reports. Former daily newspaper writer. Published work includes news articles, features, covstories, profiles, Q&As, blog posts, brochures, web pages, press releases, media alerts, executive bios, marketing emails, social media.*
- **Publications:** *Northern Virginia Magazine, Celebrate Hilton Head, Savannah Morning News, Business in Savannah, Hilton Head Monthly, The South Magazine, Well Fed, Virginia Bride, Prince William Living*
- **Non-Magazine Clients:** *Dennis Stokely, 24e Style, Winking Lizard, Ruth's Chris*
- **Subject Matter Expertise:** *Business/Finance/Economics • Sports • Travel/Tourism • History • Hobbies/Recreation • Food/Drink • Architecture/Design/Construction*

**Transnational Construction**

**Alexandria, VA**

**Assistant Manager -- Marketing Representative, May 2006-Present**

- *Conduct outbound phone calls to potential home improvement customers to set appointments for remodeling estimates. Contact clients prior to appointment date to confirm appointment.*
- *Write and mail marketing letters to potential target markets. Follow up post visit to ensure client satisfaction. Participate in weekly sales meetings.*
- *Train new staff on company policy, products and sales techniques*
- *Consistently ranked as top annual performer in 15-seat call center. Frequently exceed sales expectations.*

**Quixotica Books**

**Woodbridge, VA**

**Independent Amazon Re-Seller, September 2005-Present**

- **Sales:** *Averaging at least \$5,500 in sales per a month. Between 150-200 units a month, including books, DVDs, CDs, video games and new-in-box items*
- **Product Acquisition:** *Investigate sources for products, such as libraries, thrift stores, wholesalers, liquidators, drop shippers, garage/estate sales, for new or used items.*
- **Customer Service:** *Correspond with online customers via electronic mail, telephone, or other electronic messaging to address questions or complaints about products, policies, or shipping methods.*

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## RELATED SKILLS/EXPERTISE

**Other Jobs Held:** *Financial/Investment Advisor (NASD Series 7/66 licensed for 7 years), Bartender, Restaurants & Retail*

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## INTERESTS

- *Cooking, Sports Analytics, Romance Languages, Politics, Investing, Vladimir Nabokov, Led Zeppelin*



## COUNTY OF PRINCE WILLIAM

Martin E. Nohe, Coles Magisterial District Supervisor  
13476 Dumfries Road, Manassas, Virginia 20112  
Telephone (703)792-4620

[www.ColesDistrict.org](http://www.ColesDistrict.org)  
[www.facebook.com/coles.district](https://www.facebook.com/coles.district)

**Martin E. Nohe**  
Coles District

July 19, 2019

Charles Town City Council and  
Daryl Hennessy, City Manager  
101 E. Washington Street  
Charles Town, WV 25414

Please allow me to recommend Mr. David Gignilliat to you for the position of Councilman for the City of Charles Town, West Virginia. I have known and worked with Mr. Gignilliat for over twenty-five years and can personally attest to his strong character, ethic for hard work, his creative thinking, and his strong communication skills. As a local elected official myself in Prince William County, Virginia, I am acutely aware of the skills and talents that are necessary to lead a local government and lead a community into the future. I believe that Mr. Gignilliat has the right combination of being an effective consensus builder with strong interpersonal skills and a skillful financial thinker with a passion for public service to serve your community well.

David Gignilliat has worked as a stockbroker, a professional writer, and an entrepreneur with each job helping him develop new skills that will ensure that he serves the City well and wisely. His commitment to hard work and willingness to make personal sacrifice to get any job done is truly the mark of a good community leader. The City Government and the people of Charles Town would be well-served to have David Gignilliat as a Councilman, and I strongly encourage you to give him the opportunity to serve.

If you have any questions, or if I can be of any other assistance to your city, please do not hesitate to contact me at any time.

Yours,

Marty Nohe  
Coles District Supervisor  
Prince William Board of County Supervisors

\*\* Chairman, Northern Virginia Transportation Authority (NTVA)

\*\* President, Appliance Connection, Woodbridge, VA

To Charles Town City Council and City Manager Hennessy:

I am aware that David Gignilliat is a candidate for the open City Council position in Charles Town, WV. I offer my positive recommendation of his candidacy. My brief elaborations are:

I served as an elected City Councilman for the entire City of Savannah for two full terms (eight years), while also practicing law in Savannah. I personally ran for Mayor of Savannah, and lost in a run-off election. Within this background, I had the opportunity to work for, and collaboratively, with many diverse people. I gained insight to their capacities, both their strengths and weaknesses.

Public service is a difficult endeavor- requiring a multitude of skill sets. I find that David Gignilliat possesses a wide variety of these required leadership skills. David has a youthful spirit and drive, coupled with knowledge, which enables him to persevere at his chosen task, regardless of roadblocks and unanticipated difficulties. He is a creative thinker who is guided by his compassion for others, within a logical goal-setting framework.

He truly wants to help make a person's life better in some manner. I have found David's leadership style to include the ability to adapt to the given situation- and he is the type of person willing to "roll up his own sleeves" and help get the job done. David is a skillful communicator and advocate who will be able to thrive in your role.

If I can be of any further service with regard to elaboration upon my recommendation, please do not hesitate to contact me.

Respectfully Submitted,

Jeffrey A. Felser

Former Alderman-at-Large,

Savannah, GA City Council

To Whom It May Concern:

I have known David Gignilliat for almost exactly 25 years, since we were fledgling first-year roommates at the University of Virginia. David, even then, always had a drive to do things different, explore unique alternatives, write prolifically, and be successful in spite of challenging circumstances. While most of us in the Lefevre dorm at U.Va. were content enough to sign up for a few classes or join a fraternity, David decided to write for the student newspaper, The Cavalier Daily, his first week in Charlottesville. Very quickly, he became a senior writer, and by mid-semester, he was travelling to the Supreme Court to cover a story. By the end of the next semester, he was an associate news editor, and then the paper's Sports Editor for two terms. By the time, he had graduated, he had written 50 articles for the Washington Post covering the University of Virginia.

I mention these details, because it is revealing example of David's level of commitment to something he has a passion for. He is a bit of a MacGyver type, for those who recall the mid-80s television show. Give him an opening, or an opportunity, and a paperclip, and he will make the most of it. He has a sense of adventure, one that sometimes steers him a bit offroad, but he always seems to find his way back to the main path. He is one of the few people I know who can go from left-brained thinking (analytical, methodical, pragmatic) to a right-brained approach (creative, artistic) rather seamlessly

In the intervening years since college, David and I have remained good friends and colleagues. We both shared a profession (investment planning) for a while, and we both share a passion for Uva. sports, which we discuss relentlessly. I have followed his creative approaches to building a writing career, starting a small business, his unique marketing and networking ideas, and his way with words. He is willing to take chances, and risk being a failure so that he can be a success.

I have been consulting with David recently as he is starting a company and finishing up a novel, and he has frequently mentioned his desire to run for office. David wants to do it all, and I think he might do just that, perhaps one day soon.

I know David considers me to be a mentor because of the success I have had in my profession, but I consider him a valuable resource as well. He seems to be an endlessly fertile source of ideas, a world-class writer, and with occasional help and margin, has the organization and wherewithal to undertake massive projects and do great things. Without hesitation or reservation, I would recommend him for this position.

Gregory M. Cash  
President, Wickham Cash Partners, Charlotte, NC  
Merrill Lynch/Bank of America  
\$15 billion (Assets Under Management), #1 Advisor in NC/Top 40 - US, Barron's 2019

**To Whom It May Concern:**

**I have known David Gignilliat for 12 years, both as his employer (at a florist and amusement shop in Woodbridge, Va.) and as his friend. I have learned that he has recently moved to Charles Town, and as pursuing your city's open Council position.**

**In working with David over the years, I found him to be highly competent, efficient and creative in his problem-solving techniques. He answered the phones, processed payments, cut and maintained flowers, wrapped bouquets, prepared gift baskets, and sold pool tables and slot machines on the other side of the store. And usually without breaking a sweat, and with a pleasant grin on his face. Once he understood his role and responsibilities, he seemed to thrive at every single task.**

**David would be an asset to any organization, especially a group of like-minded hard workers where he can let his diverse skill sets shine and his congenial nature come through. As someone who now resides in Virginia, but who grew up in West Virginia, and still spends time visiting family and friends in Keyser and parts in between, consider yourselves lucky. David may have been born and raised in Virginia, and spent over half of his life there, but he is also as 'wild and wonderful' as they come.**

**In short, David would make an excellent choice as your next Mayor in Charles Town.**

**Regards,**

**Milene Kent**

**Former Owner, Lake Ridge Florist & Boomer's Home Amusements (Woodbridge, VA)  
Former VP, Marketing & Sales, The Washington Post**

To Whom It May Concern,

If you are looking to add a superstar to your team, I suggest you strongly consider talking to my friend, David Gignilliat. He is the type of leader that any organization would want to build around, especially a city government.

I worked closely with David in a number of professional and social settings, as his general manager in fine dining restaurants to his colleague in professional organizations to his friend for over 15 years. His confidence, organizational skills and compassion make him the type of leader that people want to follow and be around. His positive personality and upbeat sense of humor makes him very popular with those that surround him. As a native Ohioan, I can appreciate his no-nonsense approach and "roll up your sleeves" work ethic.

I've seen David work under pressure without breaking a sweat. And, I've seen him work his charm when the situation needed it most. When the going gets tough, David is usually the one that'll still be standing.

I imagine that this does not read like a long, boring, traditional "letter of recommendation." David doesn't need that. This is simply a letter that shares my fondness and respect for somebody that I not only admire very much, but also care very much about as a person. I have been rooting for him from near and far for many years, and I hope that the City of Charles Town will tap this rising star as its next City Councilman.

Sincerely,

Dominic Moraco  
General Manager  
Winking Lizard Restaurant Corp.  
Cleveland, Ohio.

To Whom It May Concern:

I have known David Gignilliat since I was his fifth grade teacher in the late 1980s. Even then, David was a born leader, being President of the student council, which was a display of confidence from his teachers as well as his peers. He was an extremely gifted learner who quickly mastered any task presented. This track continued into his years at the University of Virginia.

Helping others and being civic-minded was instilled in David at an early age and carried into adulthood. He has the ability to multi-task and solve any situation, using his unique array of problem-solving skills. David's organizational skills are also an asset to be admired. He makes lists, charts, and diagrams to help organize his thoughts and time, which are a gift for a busy person.

David is also a prolific writer, having been published in various magazines and newspapers from Virginia to Georgia. He has been encouraged by many to write a book, and I know that he is trying to complete his first novel by the end of this year. I believe he is found something special in himself once he landed in your City. I hope to one day see him published, and on the shelves at my local bookstore. When he puts his mind to it, he can do anything.

I cannot think of a more deserving person to be your next Ward 4 City Councilman.

Nita Faught  
Gifted Education Resource Teacher  
Prince William County Virginia



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 16, 2023 or as soon thereafter as the Commission may decide:

**Jefferson County Planning Commission - three (3) three-year terms ending March 31, 2026**

**Jefferson County Property Safety Ordinance Enforcement Agency - one unexpired term 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, by 12:00 pm on Friday, January 15, 2021.

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



Timothy Shane Roper  
482 Steptoe Street  
Summit Point, WV 25446

February 24, 2023

Jefferson County Commission:

I have been advised that my current term on the Jefferson County Planning Commission ends on March 31, 2023. I have enjoyed my involvement in the process, and my term with the Jefferson County Planning Commission, but I would NOT like to be considered for another term.

Thank you for the opportunity to serve our county.

Sincerely,

A handwritten signature in cursive script that reads "Timothy Shane Roper". The signature is written in black ink and is positioned above the printed name.

Timothy Shane Roper

304-671-7195

soozie661@yahoo.com



## Jessica Carroll

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**From:** Donnie <donniefisher@yahoo.com>  
**Sent:** Monday, March 13, 2023 12:38 PM  
**To:** Jessica James  
**Subject:** Planning commission term

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

I am so sorry for the delay on getting back to you. I would like the opportunity to be reappointed to the planning commission for another term. Please let me know if you need anything further from me.

Thank you  
Donnie Fisher



**Jefferson County Commission**  
**Application for Boards, Committees or Commissions**

Please type or print information

Name: Aaron Howell

Home Telephone Number: 304-290-3059

Work Address: 111 E. Washington Street, Charles Town, WV 25414

Work Phone Number: 304-725-8431

Mobile Phone Number: 304-290-3059

E-mail Address: Howell.Aaron.J@GMail.com

Party Affiliation: *(Building Commission and Health Department applicants)*  
\_\_\_\_\_

Occupation: Banker

Education: High School Morgantown High School

College West Virginia University/Shepherd University

Trade/Business School \_\_\_\_\_

Are you a United States citizen? Yes  No

Are you a West Virginia resident? Yes  No

Are you a resident of Jefferson County? Yes  No

Are you able to produce verification of residency? Yes  No

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

Address: 23 Leed Court, Charles Town, WV 25414  
\_\_\_\_\_  
\_\_\_\_\_

Magisterial District: Kabletown

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

Commercial Banking with over 13 years of experience in Commercial and Residential Lending, understanding policies, plans, and procedures.

Organization Memberships and Positions Held : \_\_\_\_\_

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

Date:	Offense:

Statement: N/A

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

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

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

Signature:  Date: 3/7/23

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

## Jessica Carroll

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**From:** Elizabeth Ricketts <elizabethricketts13@gmail.com>  
**Sent:** Friday, March 10, 2023 9:21 AM  
**To:** Jane Tabb Commissioner; Clare Ath; Tricia Jackson Commissioner; Jessica James; jckkrouse@gmail.com; Steve Stolipher  
**Subject:** Attention: application for board - County Commission - application for EPTA board vacancy (Jefferson County)

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Hello Commissioners,

I am submitting the application below to serve on the Jefferson County Planning Commission for one of the open terms. Previously, I was appointed by you to serve on the EPTA board. Currently, I am elected to a non-partisan position on the Charles Town City Council. I have read state code 8A-2-11 and feel I meet the requirements to serve on the Planning Commission.

I have been attending the Envision Jefferson 2045 workshop meetings and hope to continue doing so in a more active role with the Planning Commission.

Please let me know if you have any questions or need additional information.

Thank you for your consideration.

Elizabeth Ricketts  
304-397-0115

application below



1 of 2

Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

Name: Elizabeth Ricketts

Home Telephone Number: 304-886-1322

Work Address: 101 E Washington St, Charles Town, WV 25414

Work Phone Number: 304-397-0115

Mobile Phone Number: \_\_\_\_\_

E-mail Address: ElizabethRicketts13@gmail.com

Party Affiliation: (*Building Commission and Health Department applicants*)  
EPTA board applicant

Occupation: City Councilmember - Charles Town

Education: High School Jefferson High School

College Shepherd University

Trade/Business School \_\_\_\_\_

Are you a United States citizen? Yes  No

Are you a West Virginia resident? Yes  No

Are you a resident of Jefferson County? Yes  No

Are you able to produce verification of residency? Yes  No

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

Address:  
309 W Washington St. #214  
Charles Town, WV 25414

Magisterial District: Jefferson County — Charles Town

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

Attached

Organization Memberships and Positions Held :

Attached

Have you ever been convicted of any felonies? If yes, please list. No

Date:	Offense:

Statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

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

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

Signature:  Date: 1/12/2023

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

# Patrick Kratovil

509 South Fairfax Blvd Charles Town, WV 25414  
Phone: 617-943-3272 E-Mail: pkratovil@gmail.com

March 10, 2023

Jefferson County Commission  
124 E Washington St,  
Charles Town, WV 25414

Re: Planning Commission Vacancy

Dear Commissioners,

I am hereby applying to be considered for one of the vacancies on the Jefferson County Planning Commission. I moved to Charles Town as a child in the early 1990s and am a graduate of Charles Town Junior High School, and Jefferson High School, Class of 2000. Since then, I graduated from the West Virginia University College of Law and have been practicing law in Charles Town since 2018. I have been the legal advisor for Jefferson County Teen Court since 2018 and was appointed to the Charles Town Board of Zoning Appeals in 2022.

I believe my long history in Jefferson County and legal background would be an asset to the Planning Commission in developing the Comprehensive Plan. I have lived in badly planned communities and have seen what happens when cities fail to plan for the future. The change in our county over the last twenty years has been astonishing and the pace of change will only continue to increase. I hope to contribute to our community's future success by serving on the Jefferson County Planning Commission.

Regards,



Patrick Kratovil

# Patrick Kratovil

509 South Fairfax Blvd Charles Town, WV 25414  
Phone: 617-943-3272 E-Mail: pkratovil@gmail.com

## Education

Jefferson High School, Shenandoah Junction, WV	Diploma, June 2000
City University of New York, York College	B.A., May 2015
West Virginia University, College of Law	J.D., December 2017

## Organizational Involvement

**Charles Town Board of Zoning Appeals: 2022-present**

**Legal Advisor- Jefferson County Teen Court: 2018-present**

**Economic Development Board- Charles Town Now: 2013-2015, 2020-present**

## Employment History

### **Attorney - Kratovil Law Offices 2018-present**

- Cases in Magistrate, Family and Circuit Courts in West Virginia and Virginia.
- Specializing in criminal, family, and juvenile abuse and neglect cases.

### **Bankruptcy and Criminal Paralegal- Kratovil Law Offices: 2013-2015**

- Managed multiple ongoing bankruptcy cases simultaneously from initial consultation to discharge.
- Drafted letters and other communications daily on behalf of supervisor using his notes.
- Performed extensive legal research for multiple appeals and trials using FastCase.

### **Procurement and Inventory Manager- Tarzian Hardware: 2007- 2013**

- Oversaw the inventory control computer system for a multi-million dollar business.
- Implemented a new computerized ordering system for major weekly vendors.
- Maintained working relationships with dozens of vendors to ensure efficient flow of products to our customers

References Available Upon Request

Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

Name: Patrick Kratochvil

Home Telephone Number: 617-943-3272

Work Address: 211 W Washington St Charles Town WV

Work Phone Number: 304-728-7718

Mobile Phone Number: 617-943-3272

E-mail Address: pkratochvil@gmail.com

Party Affiliation: (*Building Commission and Health Department applicants*)  
\_\_\_\_\_

Occupation: Attorney

Education: High School Jefferson HS 2000

College York College, CUNY 2015

Trade/Business School WVU College of Law 2017

Are you a United States citizen? Yes  No

Are you a West Virginia resident? Yes  No

Are you a resident of Jefferson County? Yes  No

Are you able to produce verification of residency? Yes  No

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

Address:

509 S Fairfax Blvd Charles Town, WV  
\_\_\_\_\_  
\_\_\_\_\_

Magisterial District: Charles Town

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

see attached letter & resume

Organization Memberships and Positions Held : \_\_\_\_\_

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

Date:	Offense:

Statement: \_\_\_\_\_

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

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

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

Signature:  Date: 3-10-23

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

## Jessica Carroll

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**From:** tim smith <tim@rsdhorseauctions.com>  
**Sent:** Monday, March 13, 2023 6:54 PM  
**To:** Jessica James  
**Subject:** Planning commission appointment

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

I am interested in an appointment to the **Planning Commission.**

I am a full-time farmer and lifelong resident of Jefferson County, WV. I previously served on other boards within Jefferson County. In my lifetime Jefferson County has been very good to me and I would like the opportunity to give back to the community.

I look forward to this opportunity

**Timothy W. Smith**

RSD Horse Auctions LLC  
Smith Livestock  
Tim Smith  
1241 Wiltshire Rd  
Kearneysville, W.V. 25430  
304-671-3446



**Jessica Carroll**

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**From:** David Gignilliat <uvadavidg@gmail.com>  
**Sent:** Monday, March 13, 2023 4:55 PM  
**To:** Cindy Rezmer; Jessica James; Sorayda Pitts; Steve Stolipher  
**Subject:** Letter of Interest, Resume and References for Open Board/Commission Spots  
**Attachments:** David Gignilliat -- 2020 Resume.pdf; Council-- References II.pdf

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

Hello,

My name is **David Gignilliat**. I am a citizen of Jefferson County, currently residing in Ranson. I would like to be considered for the following open board/commission appointments that will be discussed later this week:

- a) Jefferson County Emergency Services Agency Board - one unexpired term ending June 30, 2024.**
- b) Jefferson County Planning Commission - three (3) three-year terms ending March 31, 2026**
- c) Jefferson County Property Safety Ordinance Enforcement Agency - one unexpired term ending February 8, 2024**

I moved to the Panhandle in 2019, and have tried to immerse myself in a variety of community activities -- starting a business in Jefferson County (Quixotica Media), writing for a variety of publications, serving as vice chair of the Harpers Ferry Water Commission, joining the Chamber of Commerce, becoming a member of Charles Town Baptist Church, inter alia -- and I believe I would be an excellent candidate to server on any of these boards and commissions.

I have attached my resume and several character references to this email.

**The email notice I received about these opportunities was a bit unclear as to the exact deadline. Is this email sufficient to be considered for all of these positions? I believe today is the deadline for submitting an application, so I am a bit at the proverbial 11th hour here.**

Regards,

--

David K. Gignilliat  
Harpers Ferry, WV  
Google Voice: 571-248-1298  
[Facebook & Writing Portfolio Page](#)

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# David K. Gignilliat

126 West Washington, Unit #3, Charles Town, WV 25414 • 703-763-9953 [uvadavid@gmail.com](mailto:uvadavid@gmail.com)

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## EDUCATION

**University of Virginia**

*B.A., Economics, June 1998*

**Charlottesville, VA**

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## WORK EXPERIENCE

**Quixotica, LTD.**

*2006-Present*

**CEO, Creative Media Consulting, Freelance Writer and Editor**

- **Overview:** *Professional writer and editor for 20+ years. Author of 2000+ articles, stories, reports. Former daily newspaper writer. Published work includes news articles, features, covstories, profiles, Q&As, blog posts, brochures, web pages, press releases, media alerts, executive bios, marketing emails, social media.*
- **Publications:** *Northern Virginia Magazine, Celebrate Hilton Head, Savannah Morning News, Business in Savannah, Hilton Head Monthly, The South Magazine, Well Fed, Virginia Bride, Prince William Living*
- **Non-Magazine Clients:** *Dennis Stokely, 24e Style, Winking Lizard, Ruth's Chris*
- **Subject Matter Expertise:** *Business/Finance/Economics • Sports • Travel/Tourism • History • Hobbies/Recreation • Food/Drink • Architecture/Design/Construction*

**Transnational Construction**

**Alexandria, VA**

**Assistant Manager -- Marketing Representative, May 2006-Present**

- *Conduct outbound phone calls to potential home improvement customers to set appointments for remodeling estimates. Contact clients prior to appointment date to confirm appointment.*
- *Write and mail marketing letters to potential target markets. Follow up post visit to ensure client satisfaction. Participate in weekly sales meetings.*
- *Train new staff on company policy, products and sales techniques*
- *Consistently ranked as top annual performer in 15-seat call center. Frequently exceed sales expectations.*

**Quixotica Books**

**Woodbridge, VA**

**Independent Amazon Re-Seller, September 2005-Present**

- **Sales:** *Averaging at least \$5,500 in sales per a month. Between 150-200 units a month, including books, DVDs, CDs, video games and new-in-box items*
- **Product Acquisition:** *Investigate sources for products, such as libraries, thrift stores, wholesalers, liquidators, drop shippers, garage/estate sales, for new or used items.*
- **Customer Service:** *Correspond with online customers via electronic mail, telephone, or other electronic messaging to address questions or complaints about products, policies, or shipping methods.*

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## RELATED SKILLS/EXPERTISE

**Other Jobs Held:** *Financial/Investment Advisor (NASD Series 7/66 licensed for 7 years), Bartender, Restaurants & Retail*

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## INTERESTS

- *Cooking, Sports Analytics, Romance Languages, Politics, Investing, Vladimir Nabokov, Led Zeppelin*



## COUNTY OF PRINCE WILLIAM

Martin E. Nohe, Coles Magisterial District Supervisor  
13476 Dumfries Road, Manassas, Virginia 20112  
Telephone (703)792-4620

[www.ColesDistrict.org](http://www.ColesDistrict.org)  
[www.facebook.com/coles.district](https://www.facebook.com/coles.district)

**Martin E. Nohe**  
Coles District

July 19, 2019

Charles Town City Council and  
Daryl Hennessy, City Manager  
101 E. Washington Street  
Charles Town, WV 25414

Please allow me to recommend Mr. David Gignilliat to you for the position of Councilman for the City of Charles Town, West Virginia. I have known and worked with Mr. Gignilliat for over twenty-five years and can personally attest to his strong character, ethic for hard work, his creative thinking, and his strong communication skills. As a local elected official myself in Prince William County, Virginia, I am acutely aware of the skills and talents that are necessary to lead a local government and lead a community into the future. I believe that Mr. Gignilliat has the right combination of being an effective consensus builder with strong interpersonal skills and a skillful financial thinker with a passion for public service to serve your community well.

David Gignilliat has worked as a stockbroker, a professional writer, and an entrepreneur with each job helping him develop new skills that will ensure that he serves the City well and wisely. His commitment to hard work and willingness to make personal sacrifice to get any job done is truly the mark of a good community leader. They City Government and the people of Charles Town would be well-served to have David Gignilliat as a Councilman, and I strongly encourage you to give him the opportunity to serve.

If you have any questions, or if I can be of any other assistance to your city, please do not hesitate to contact me at any time.

Yours,

Marty Nohe  
Coles District Supervisor  
Prince William Board of County Supervisors

\*\* Chairman, Northern Virginia Transportation Authority (NTVA)  
\*\* President, Appliance Connection, Woodbridge, VA

To Charles Town City Council and City Manager Hennessy:

I am aware that David Gignilliat is a candidate for the open City Council position in Charles Town, WV. I offer my positive recommendation of his candidacy. My brief elaborations are:

I served as an elected City Councilman for the entire City of Savannah for two full terms (eight years), while also practicing law in Savannah. I personally ran for Mayor of Savannah, and lost in a run-off election. Within this background, I had the opportunity to work for, and collaboratively, with many diverse people. I gained insight to their capacities, both their strengths and weaknesses.

Public service is a difficult endeavor- requiring a multitude of skill sets. I find that David Gignilliat possesses a wide variety of these required leadership skills. David has a youthful spirit and drive, coupled with knowledge, which enables him to persevere at his chosen task, regardless of roadblocks and unanticipated difficulties. He is a creative thinker who is guided by his compassion for others, within a logical goal-setting framework.

He truly wants to help make a person's life better in some manner. I have found David's leadership style to include the ability to adapt to the given situation- and he is the type of person willing to "roll up his own sleeves" and help get the job done. David is a skillful communicator and advocate who will be able to thrive in your role.

If I can be of any further service with regard to elaboration upon my recommendation, please do not hesitate to contact me.

Respectfully Submitted,

Jeffrey A. Felser

Former Alderman-at-Large,

Savannah, GA City Council

To Whom It May Concern:

I have known David Gignilliat for almost exactly 25 years, since we were fledgling first-year roommates at the University of Virginia. David, even then, always had a drive to do things different, explore unique alternatives, write prolifically, and be successful in spite of challenging circumstances. While most of us in the Lefevre dorm at U.Va. were content enough to sign up for a few classes or join a fraternity, David decided to write for the student newspaper, *The Cavalier Daily*, his first week in Charlottesville. Very quickly, he became a senior writer, and by mid-semester, he was travelling to the Supreme Court to cover a story. By the end of the next semester, he was an associate news editor, and then the paper's Sports Editor for two terms. By the time, he had graduated, he had written 50 articles for the *Washington Post* covering the University of Virginia.

I mention these details, because it is revealing example of David's level of commitment to something he has a passion for. He is a bit of a MacGyver type, for those who recall the mid-80s television show. Give him an opening, or an opportunity, and a paperclip, and he will make the most of it. He has a sense of adventure, one that sometimes steers him a bit offroad, but he always seems to find his way back to the main path. He is one of the few people I know who can go from left-brained thinking (analytical, methodical, pragmatic) to a right-brained approach (creative, artistic) rather seamlessly

In the intervening years since college, David and I have remained good friends and colleagues. We both shared a profession (investment planning) for a while, and we both share a passion for Uva. sports, which we discuss relentlessly. I have followed his creative approaches to building a writing career, starting a small business, his unique marketing and networking ideas, and his way with words. He is willing to take chances, and risk being a failure so that he can be a success.

I have been consulting with David recently as he is starting a company and finishing up a novel, and he has frequently mentioned his desire to run for office. David wants to do it all, and I think he might do just that, perhaps one day soon.

I know David considers me to be a mentor because of the success I have had in my profession, but I consider him a valuable resource as well. He seems to be an endlessly fertile source of ideas, a world-class writer, and with occasional help and margin, has the organization and wherewithal to undertake massive projects and do great things. Without hesitation or reservation, I would recommend him for this position.

Gregory M. Cash

President, Wickham Cash Partners, Charlotte, NC

Merrill Lynch/Bank of America

\$15 billion (Assets Under Management), #1 Advisor in NC/Top 40 - US, Barron's 2019

To Whom It May Concern:

I have known David Gignilliat for 12 years, both as his employer (at a florist and amusement shop in Woodbridge, Va.) and as his friend. I have learned that he has recently moved to Charles Town, and as pursuing your city's open Council position.

In working with David over the years, I found him to be highly competent, efficient and creative in his problem-solving techniques. He answered the phones, processed payments, cut and maintained flowers, wrapped bouquets, prepared gift baskets, and sold pool tables and slot machines on the other side of the store. And usually without breaking a sweat, and with a pleasant grin on his face. Once he understood his role and responsibilities, he seemed to thrive at every single task.

David would be an asset to any organization, especially a group of like-minded hard workers where he can let his diverse skill sets shine and his congenial nature come through. As someone who now resides in Virginia, but who grew up in West Virginia, and still spends time visiting family and friends in Keyser and parts in between, consider yourselves lucky. David may have been born and raised in Virginia, and spent over half of his life there, but he is also as 'wild and wonderful' as they come.

In short, David would make an excellent choice as your next Mayor in Charles Town.

Regards,

Milene Kent

Former Owner, Lake Ridge Florist & Boomer's Home Amusements (Woodbridge, VA)  
Former VP, Marketing & Sales, The Washington Post

To Whom It May Concern,

If you are looking to add a superstar to your team, I suggest you strongly consider talking to my friend, David Gignilliat. He is the type of leader that any organization would want to build around, especially a city government.

I worked closely with David in a number of professional and social settings, as his general manager in fine dining restaurants to his colleague in professional organizations to his friend for over 15 years. His confidence, organizational skills and compassion make him the type of leader that people want to follow and be around. His positive personality and upbeat sense of humor makes him very popular with those that surround him. As a native Ohioan, I can appreciate his no-nonsense approach and "roll up your sleeves" work ethic.

I've seen David work under pressure without breaking a sweat. And, I've seen him work his charm when the situation needed it most. When the going gets tough, David is usually the one that'll still be standing.

I imagine that this does not read like a long, boring, traditional "letter of recommendation." David doesn't need that. This is simply a letter that shares my fondness and respect for somebody that I not only admire very much, but also care very much about as a person. I have been rooting for him from near and far for many years, and I hope that the City of Charles Town will tap this rising star as its next City Councilman.

Sincerely,

Dominic Moraco  
General Manager  
Winking Lizard Restaurant Corp.  
Cleveland, Ohio.

To Whom It May Concern:

I have known David Gignilliat since I was his fifth grade teacher in the late 1980s. Even then, David was a born leader, being President of the student council, which was a display of confidence from his teachers as well as his peers. He was an extremely gifted learner who quickly mastered any task presented. This track continued into his years at the University of Virginia.

Helping others and being civic-minded was instilled in David at an early age and carried into adulthood. He has the ability to multi-task and solve any situation, using his unique array of problem-solving skills. David's organizational skills are also an asset to be admired. He makes lists, charts, and diagrams to help organize his thoughts and time, which are a gift for a busy person.

David is also a prolific writer, having been published in various magazines and newspapers from Virginia to Georgia. He has been encouraged by many to write a book, and I know that he is trying to complete his first novel by the end of this year. I believe he is found something special in himself once he landed in your City. I hope to one day see him published, and on the shelves at my local bookstore. When he puts his mind to it, he can do anything.

I cannot think of a more deserving person to be your next Ward 4 City Councilman.

Nita Faught  
Gifted Education Resource Teacher  
Prince William County Virginia

**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: **March 16, 2023**

*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. **Signature for the FY 2020 Emergency Management Performance Grant Award**
2. **Signature for the 2023 Jefferson County Multi-Jurisdictional All Hazard Mitigation Plan Grant Award**
3. **Signature for the FY 2021 Emergency Management Performance Grant Application**

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

1. **This request is for the County Commission Presidents' signature to be placed on the grant award document requesting the repayment of \$109,575 to Jefferson County for the operation of the Office of Homeland Security and Emergency Management for Fiscal Year 2020 (January 2020 through December 2020).**
2. **This request is for the County Commission Presidents' signature to be placed on the "Sub-Recipient Grant agreement" for the 2023 Jefferson County Multi-Jurisdictional All Hazard Mitigation Plan update grant award document.**
3. **This request is for the County Commission Presidents' signature to be placed on the EMPG application's "Conditions and Assurances Lobbying and Debarment" document which is needed for the processing of the application for the operation of the Office of Homeland Security and Emergency Management for Fiscal Year 2021 (January 2021 through December 2021).**

Is this a funding request? Item 1, No. Item 2, No., Item 3, No.

If so, how much?

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

1. **I move to approve the President sign the FY 2020 Emergency Management Performance Grant award document requesting the payment of the billing for the 2020 Emergency Management Performance Grant.**
2. **I move to approve the President sign the Sub-Recipient Grant Agreement document for the 2023 Jefferson County Multi-Jurisdictional All Hazard Mitigation Plan update grant award document.**
3. **I move to approve the President sign the FY 2021 Emergency Management Performance Grant application's Conditions and Assurances Lobbying and Debarment document to apply for the 2021 EMPG.**

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

If not attached, explain:

Attachments: Included 3

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**



**State of West Virginia  
Emergency Management Division**

**FY 2020 Emergency Management Performance Grant Award**

<u>CFDA Number</u> 97.042	<u>Federal Grant Award</u> EMP-2020-EP-00001	<u>OASIS-GG Document ID</u> GRNT2300001040
<u>Subgrant Period</u> From: 1/1/2020 To: 12/31/2020	<u>Subgrant #</u> 20-EMPG-19	Major Program: EMPGLO Program: EMPGLOC Program Period: LO2020

<u>Subgrantee Name and Address</u>  Jefferson Co Commission PO Box 250 Charles Town, WV 25414 US	<u>FEIN</u> 55-6000333001
	<u>UEI</u> QQHBF74FRN61
	<u>OASIS ID</u> 211969

<b>TOTAL GRANT AWARD</b>	<b>\$ 109575</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:** County Commission President    **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 \_\_\_\_\_



**STATE OF WEST VIRGINIA**

**EMERGENCY MANAGEMENT DIVISION**

**Hazard Mitigation Grant Program  
AGREEMENT FOR FINANCIAL ASSISTANCE**

**NAME OF SUB-RECIPIENT:**

Jefferson County

**COMPLETE MAILING ADDRESS:**

28 Industrial Blvd Suite 101  
Kearneysville, WV 25430

**TELEPHONE NO:** (304) 728-3290

**COMMUNITY I.D. NO:**

**NAME OF SUB-RECIPIENT'S AGENT:** Steve Allen, Director      **COUNTY:** Jefferson

**PROJECT APPLICATION NUMBER:** FEMA-DR-4517-WV-0004

**I. PURPOSE:**

This document shall constitute Hazard Mitigation Grant Program Agreement for Financial Assistance between the State of West Virginia and the above-named Sub-Recipient. This document, and all of the terms and conditions contained herein, shall apply to the Hazard Mitigation Grant Program, Catalog of Federal Domestic Assistance (CFDA) Number 97.039, authorized under FEMA-DR-4517-WV-0004.

**II. FEDERAL FUND AWARD:**

**A. Grant Award:**

1. Emergency Management Division (WVEMD) agrees to award federal funds to the Sub-Recipient in order to provide exclusive funding for eligible costs incurred within the approved Scope of Work (SOW) for the project and which are allowable as defined in 2 CFR Part 206, and 2 CFR Part 225 and West Virginia Code, Chapter 12, Article 3A, Chapter 15 Article 5, Chapter 21 Article 5A et seq. The approved Scope of Work is part of your

application for funding and is incorporated herein. It is further agreed that if additional funding is necessary due to a change in the Scope of Work that has been approved by FEMA and WVEMD, the award may be increased with a letter signed by the Sub-Recipient, the WVEMD Director and Comptroller Operations. WVEMD and the Sub-Recipient agree that should the federal grant SOW be changed by FEMA, the aforementioned change shall be deemed changed without the need to amend this grant agreement.

2. The amount of this Grant Agreement is \$60,000.00. This grant amount represents the total Federal share and the Non-Federal Share of the cost of the Project.
3. Based upon the provisions of this Grant Agreement, the funding for this FEMA grant is 75% federal funding.
4. Total estimated cost of the mitigation project is: \$60,000.00
  - a. 75% Federal contribution is: \$45,000.00
  - b. 25% Non-Federal Cost Share is: \$15,000.00
  - c. 5% Sub-recipient Management is: \$0.00
5. This agreement will be in effect for the period September 02, 2022 through August 5, 2025. WVEMD and the Sub-Recipient agree that should the federal grant period be extended by FEMA; the aforementioned grant period shall be deemed extended without the need to amend this grant agreement.
6. The Sub-Recipient agrees that the Non-Federal cost share will be utilized in direct support of the approved Project.
7. The Sub-Recipient agrees that in consideration of the receipt of the federal funds in this grant agreement, it will comply with all of the terms, conditions, requirements, and limitations set forth.
8. The Sub-Recipient's elected officials and governing body have been informed of the terms and conditions of this Agreement, which apply to the receipt of Federal and State financial assistance.
9. The Sub-Recipient's Agent has the legal authority to apply for Hazard Mitigation assistance on behalf of the Sub-Recipient and is authorized to execute all required forms on behalf of the Sub-Recipient.
10. The Sub-Recipient has the legal authority to accept Hazard Mitigation assistance and shall provide all necessary financial and managerial resources to meet the terms and conditions of receiving federal mitigation funds.
11. The Sub-Recipient agrees to use the Hazard Mitigation assistance funds solely for the purposes for which the funds are approved and provided by the federal government and the State.

12. The Sub-Recipient agrees to complete all approved work items within the time limits that are established by the Governor's Authorized Representative (GAR) or Alternate GAR, the State Hazard Mitigation Officer, or the federal government.
13. The Sub-Recipient shall participate in the development of and shall coordinate and monitor the implementation of the local mitigation measures and shall regulate and control development within hazardous areas according to local, state and federal laws, and regulations.
14. The Sub-Recipient agrees to establish internal personnel safeguards which will prohibit employees from using their positions for a purpose that creates, or gives the appearance of creating, a desire for private gain for themselves or for others, particularly those persons who have a family, business, or other tie to the employee.
15. The Sub-Recipient certifies that the federal and state disaster assistance funds requested through the execution of this grant agreement does not and will not duplicate any financial assistance or cost reimbursement received for the same disaster cost or loss under any other program or from insurance or any other source.

B. Federal Funding Accountability and Transparency Act (FFATA)  
(Pub L. 109-282, effective October 1, 2010)

1. The Sub-Recipient agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) as described below.
2. Registration and Identification Information - Sub-Recipient must maintain current registration in the Central Contractor Registration ([www.ccr.gov](http://www.ccr.gov)) at all times during which they have active federal awards funded pursuant to this agreement. A Dun and Bradstreet Data Universal Numbering System (DUNS) Number ([www.dnb.com](http://www.dnb.com)) is one of the requirements for registration in the Central Contractor Registration. Prime Recipient reporting FFATA information will use the FFATA sub-award reporting system (<http://fsrs.gov>) to report sub-award information.
3. Sub-Recipient must provide its assigned DUNS number to the State along with Sub-Recipient's return of the signed grant agreement. The State will not process this grant until such time that Sub-Recipient provides this information.
4. Primary Location - Sub-Recipient must provide to the State the primary location of performance under the award, including the city, state, and zip+4. If performance is to occur in multiple locations, then the Sub-Recipient must list the location where the most amount of the grant award is to be expended pursuant to this grant agreement.
5. Sub-Recipient must provide this information to the State along with Sub-Recipient's return of the signed grant agreement. The State will not process this grant until such time that Sub-Recipient provides this

information.

6. Compensation of Officers - Sub-Recipient must provide to the State the names and total compensation of the five most highly compensated officers of the entity **if**—
  - a. The entity in the preceding fiscal year received—
  - b. 80 percent or more of its annual gross revenues in Federal awards; and
  - c. \$25,000,000 or more in annual gross revenues from Federal awards; and
  - d. The public does not have access to information about the compensation of the senior executives of the entity through periodic reports filed under section 13(a) or 15(d) of the Securities Exchange Act of 1934 (15 U.S.C. 78m(a), 78o(d)) or section 6104 of the Internal Revenue Code of 1986. If the Sub-Recipient does not meet the conditions listed above, then it must specifically affirm to the State that the requirements of this clause are inapplicable to the Sub-Recipient. Sub-Recipient must provide information responding to this question along with Sub-Recipient's return of the signed grant agreement. The State will not process this grant until such time that Sub-Recipient provides such information responding to this question.

### **III. Funds and Project Management**

- A. The Sub-Recipient certifies that the Grant funds will be expended according to the purposes of this Grant Agreement.
  1. The Sub-Recipient agrees to submit, prior to any disbursement of grant funds by WVEMD to the Sub-Recipient, a Project cost itemization and payment timeline which shall include, but not be limited to, all anticipated Project costs, contractor payment requirements, Project progression phase schedule (if applicable) and approximate Project payment due date(s). The Sub-Recipient and WVEMD agree that once WVEMD reviews and authorizes the payment timeline, it will be incorporated herein as part and parcel of this Grant Agreement. Thereafter, WVEMD will disburse a percentage of federal funds to the Sub-Recipient for Project payment(s) in accordance with the Project payment timeline. Each phase of the Project must be completed and accounted for before WVEMD releases federal grant funds to the Sub-Recipient for the next Project phase.
  2. The Sub-Recipient is aware and certifies that early recognition of project impediments by the Sub-Recipient and the Sub-Recipient's Agent will effectively assist all concerned parties in meeting the approved Period of Performance (POP) and SOW requirements.
  3. It is expected that good project management will be demonstrated by

the Sub-Recipient throughout the lifetime of the project. Good project management activities will culminate in the final project's closeout as identified in the approved timeline and SOW; failure to do so will jeopardize your jurisdiction's future participation in additional Unified Hazard Mitigation Assistance grants.

4. The Hazard Mitigation project closeout will be in accordance with the original project schedule and State and Federal requirements governing the Hazard Mitigation Grant Program as conditioned under the Agreement for Financial Assistance. Any potential delays to project completion within the original POP WILL be discussed with your WVEMD Project Officer as soon as possible to keep your project on track to a successful conclusion and any delays or concerns will be annotated in the required FEMA Quarterly Progress Report.
5. The Sub-Recipient agrees that SOW changes must be requested in writing and must have prior approval from WVEMD AND FEMA before any deviation is authorized. Failure to receive approval may subject the Sub-Recipient to loss of funding and may cause termination of the project. SOW changes must be submitted in writing on official letterhead and sent to WVEMD.
6. The Sub-Recipient agrees to submit time extension requests to WVEMD on official letterhead no later than ninety (90) days prior to the Period of Performance (POP) deadline. Requests shall not be automatically granted and WVEMD Project Manager's need to stay, if at all possible, within the original POP timeframe. All work should stop at the POP, until extension is approved or denied. If work continues and extension is denied, the Sub-Recipient agrees that costs be incurred after the POP may not be reimbursable.

B. Sub-recipient Management Cost

1. Sub-Recipient Management Cost will be capped at 5% of the total HMGP award (includes both the federal and non-federal share of the HMGP award).
2. The Sub-Recipient will request the 5% management cost available in a separate section of the State's HMGP application.
3. If the Sub-Recipient declines the 5% state management cost, the Sub-Recipient will document that decision in the Sub-Recipient Management Cost section of the State's HMGP application or in an official letter to the recipient within 30 days after the approval of the project.
4. WVDSHEM and the sub-recipients will reconcile the management cost on a quarterly basis with documentation being provided from the sub-applicant when they submit Quarterly Reports.
5. After the review of the 3<sup>rd</sup> Quarterly Report each year, WVEMD will send a notification letter to the sub-recipient regarding the use of their available Sub-Recipient Management Cost. This letter will include:

- a. Amount of Sub-Recipient Management cost expended
  - b. Amount of Sub-Recipient Management cost remaining
  - c. Timeframe for expending remaining funds.
6. For sub-recipients requesting management costs after the approval of the project: WVEMD will send an official letter along with details of the new Management Cost policy via mail and email to each Sub-Recipient with instructions regarding the process required to accept the use of management costs. The process will include:
- a. The Sub-Recipient sending an official letter stating the denial or acceptance of management costs.
  - b. Once accepted, WVEMD will work with the Sub-Recipients to update the budget and submit the changes to FEMA.
  - c. WVEMD will await approval from FEMA and then forward approval documentation to the Sub-Recipient upon receipt from FEMA.
  - d. For those Sub-Recipients using the new 5% Management Cost, WVEMD will provide instructions on how to properly submit quarterly finance reports and required supporting documentation.
  - e. All documentation regarding approval or denial of management costs will be filed in a designated disaster folder.

C. FOR ALL ADVANCES ONLY:

- 1. The Sub-Recipient agrees to submit a monthly reconciliation report to WVEMD by the tenth (10<sup>th</sup>) working day of each month during and until the conclusion of the performance period of this Grant Agreement. This monthly reconciliation report shall be comprised of the following required information:
  - a. Account balance and any interest earned from account stated in subsection G below; and
  - b. Monitoring report to include project progress and project cost breakdown to date.
- 2. The Sub-Recipient agrees that if it fails to submit the required monthly reconciliation report to WVEMD within the time allotted to submit such report, WVEMD may **withhold** any further disbursement of grant funds to the Sub-Recipient until the report is submitted and deemed complete by WVEMD.
- 3. The Sub-Recipient agrees that advances are not granted automatically. A case-by-case basis will be used to determine if an advance is necessary.

D. FOR ALL ADVANCES & REIMBURSEMENT:

1. The Sub-Recipient agrees to submit (in a format provided by WVEMD) Hazard Mitigation Grant Program Quarterly Progress Reports to WVEMD quarterly on or before January 15, April 15, July 15 and October 15 of each year to document the progress achieved towards completing the Project. Failure to submit the quarterly reports may temporarily shut down the project until the Quarterly Report requirement is satisfied.
- 
- E. Failure to Complete the Project: The Sub-Recipient agrees that if it fails to complete the Project, or if less than the full amount of the grant funds is needed to carry out the Project, or if the Sub-Recipient does not expend grant funds in accordance with the Grant Agreement and payment timeline within 30 days, or if the Sub-Recipient uses the grant funds for any unauthorized activities, the Sub-Recipient shall, upon request of WVEMD, (1) repay to WVEMD grant funds that, as determined by WVEMD, are unused, improperly used, or exceed the amount of the total project activities and (2) pay to WVEMD interest or other income or accumulations earned on such grant funds from the date the Sub-Recipient received the funds. The amount of interest or other earnings on the funds that shall be repaid will be anticipated accrued interest earnings.
  - F. Accounting: The Sub-Recipient agrees to establish and maintain a proper accounting system in accordance with generally accepted accounting principles to record disaster related expenditures.
  - G. FDIC/FLIC: The Sub-Recipient agrees that all funds received by the Sub-Recipient shall be deposited and maintained in a bank or financial institution insured by the FDIC or FSLIC in an interest bearing account and will be used solely for the purposes listed in this Grant Agreement. Income earned and expended shall be recorded and reported as part of the closeout documentation. Upon receipt of advance payment funds from WVEMD, the funds must be promptly deposited into a separate interest-bearing account in a bank or other financial institution insured by the FDIC or FSLIC. Payments generated on behalf of the Sub-Recipient must be directly drawn from this interest-bearing account.
  - H. Interest: In accordance with 2 CFR Part 200.305, interest bearing accounts are highly encouraged by WVEMD. The Sub-Recipient agrees that any interest earned on funds deposited in an account as stated in section F above in excess of \$500.00 per year shall be returned to WVEMD by check and endorsed to the State of West Virginia. Such return, if applicable, shall be submitted to WVEMD at least quarterly for that interest earnings in excess of \$500.00 per year. Failure to return such interest may result in recapture of funds by WVEMD and withholding of further disbursements of grant funds to the Sub-Recipient until reconciliation occurs.
  - I. Non-Compliance: The Sub-Recipient agrees that noncompliance with the conditions of this Grant Agreement shall be grounds for the recapture of funds provided to the Sub-Recipient. If the Sub-Recipient fails to refund the monies as per Paragraph D above, the State, in addition to any rights or remedies it may have at law or in equity, reserves the right to offset the amount due

against any existing or future sums of money owed the Sub-Recipient by any State agency or department.

#### **IV. AUDITS, PAYMENTS AND PAPERWORK REQUIREMENTS**

- A. The Sub-Recipient acknowledges that all funds received are subject to audit by federal or state agencies. The Sub-Recipient agrees to comply with the Single Audit Act Amendments, 31 U.S.C. § 7501 *et seq.*, as promulgated by 2 CFR Part 200, "Audits of States, Local Governments and Nonprofit Organizations", and any amendments to these regulations or circulars.
- B. The Sub-Recipient agrees to comply with the audit requirements as set forth in the Audit Clause. The State reserves the right for federal and state agencies to perform additional audits or program reviews.
- C. The Sub-Recipient agrees to give federal and state agencies, as designated by the Governor's Authorized Representative, access to, and the right to examine, all records and documents that are related to the HMGP grant.
- D. The Sub-Recipient agrees to submit all periodic program and financial reports that are required by the State to the appropriate state agency. Failure to provide the required reports will result in suspension of grant funds until the required reports are provided and approved by WVEMD.
- E. The Sub-Recipient agrees to comply with the Registration and Identification Information and the Federal Funding Accountability Transparency Act.
- F. The Sub-Recipient agrees that it will not enter into any contract for which payment to the contractor is contingent upon receipt of federal or state funds.
- G. It is the responsibility of the Sub-Recipient to ensure that the information contained in the State's central vendor master file is accurate and complete. Failure to maintain accurate and complete information may result in delays in payments.
- H. The Sub-Recipient certifies that all costs claimed under this application are for actual costs incurred by the Sub-Recipient in the performance of authorized work as defined in the eligibility criteria established by FEMA.
- I. The Sub-Recipient agrees to return to the State, within thirty (10) business days of written request by the Governor's Authorized Representative, all funds advanced which are not supported by audit or other federal or state review of documentation maintained by the Sub-Recipient. IF THE SUB-RECIPIENT FAILS TO REFUND THE MONIES, THE STATE RESERVES THE RIGHT TO OFFSET THE AMOUNT DUE AGAINST ANY EXISTING OR FUTURE SUMS OF MONEY OWED THE SUB-RECIPIENT BY ANY STATE AGENCY OR DEPARTMENT.
- J. In accordance with 2 CFR Part 225, any expenditure charged to this grant may not be included as a cost to any other Federal award.

- K. The Sub-Recipient agrees to retain all cost-supporting records and documentation for a period of **three years** from the date of submission of the final expenditure report for project close out.

**V. COMPLIANCE WITH FEDERAL AND STATE REQUIREMENTS**

A. National Flood Insurance Program (NFIP):

- 1. The Sub-Recipient agrees to maintain good standing with the NFIP and comply with local regulations pertaining to the NFIP; and agrees to bring into NFIP compliance all structures identified through Community Assistance Visits (CAV's) to the maximum extent possible. Failure to enforce NFIP requirements for all development in identified flood hazard areas will result in the Sub-Recipient repaying the federal funds and state funds related to the Project.
- 2. The Sub-Recipient agrees to comply with the flood insurance purchase requirements of the Flood Disaster Protection Act, 42 U.S.C. § 4001 *et seq.*
- 3. The Sub-Recipient shall comply with 2 CFR Part 200.317 through 200.326 in all procurements, including the contract provisions found in it.
  - a. Prevailing Wage: The Sub-Recipient shall comply, as applicable, with provisions of Federal laws and regulations pertaining to labor standards and the State of West Virginia Prevailing Wages laws and regulations.

B. Environmental

- 1. The Sub-Recipient agrees to comply with the requirements of the Clean Water Act, as amended, 33 U.S.C. §§ 1251 – 1387.
- 2. The Sub-Recipient agrees to comply with the requirements of the Clean Air Act, as amended, 42 U.S.C. §§ 7401 – 7642.
- 3. The Sub-Recipient agrees to comply with the requirements of the Resource Conservation and Recovery Act, 42 U.S.C. § 6901 *et seq.*
- 4. The Sub-Recipient agrees to comply with the requirements of the Endangered Species Act, as amended, 7 U.S.C. § 136 *et seq.*, 16 U.S.C. §§ 1531–1544 and 16 U.S.C. § 460 *et seq.*

5. The Sub-Recipient agrees to comply with the requirements of the Federal Emergency Management Agency's disaster assistance regulations contained in 44 CFR Part 206.
6. Failure to comply with any environmental condition or requirement will result in the Sub-Recipient reimbursing WVEMD any federal and/or state funds expended on the property where environmental non-compliance has occurred.
7. WVEMD has the right to recapture funds upon close out and the federal de-obligation of a project.

C. Political Activities Exclusion

1. The Sub-Recipient agrees to comply with those provisions of the Hatch Act, which limit the political activities of public employees.
2. The Sub-Recipient certifies that it will not use any federal funds for lobbying and will disclose the use of Non-Federal funds for lobbying by filing any documentation and/or forms that are required by either the federal government or the State.

D. Drug-Free Workplace Act

1. The Sub-Recipient agrees to comply with provisions of the Drug-Free Workplace Act.

E. Historical Preservation

1. The Sub-Recipient agrees to comply with the requirements of the National Environmental Policy Act, as amended, 42 U.S.C. §§ 4321 – 4335, and the regulations contained in 44 CFR Part 10, and other federal and state environmental laws and regulations in the implementation of the Project. WVEMD will provide the Sub-Recipient with a signed copy of the Record of Environmental Considerations (REC) and supporting letters and documentation as soon as FEMA approves the Project. The REC will identify any special conditions placed on the Project that may impact demolition activities, the elevation of any structures, underground storage tanks, cutting of trees or removal of fences or vegetation and disposal of any materials in approved dump sites and so on.
2. The Sub-Recipient agrees to comply with the requirements of the National Historic Preservation Act, 16 U.S.C. § 470 *et seq.*, and the applicable regulations found at 36 CFR Part 800 and 44 CFR Part 208.

**VI. COMPLIANCE WITH STATE REQUIREMENTS**

- A. The Sub-Recipient shall comply with all applicable State and local ordinances, laws, regulations, building codes and standards applicable to this Project.

- B. The Sub-Recipient agrees to comply with the State's Standard Contract Terms and Conditions.
- C. The Sub-Recipient agrees to comply with all applicable federal, state, and local procurement laws, regulations, or directives.
- D. The Sub-Recipient agrees that it will not enter into any cost plus-percentage-of-cost contracts for the completion of any disaster restoration or repair work projects.
- E. The Sub-Recipient agrees that it will not enter into any contract with any party that has been debarred or suspended from either contracting with or participating in any federal or State assistance programs.
- F. The Sub-Recipient agrees to comply with the State's Right-to-Know Law provisions.
- G. The Sub-Recipient agrees to provide to the State the primary location of performance under the award, including the city, State, and zip or zip+4. If performance is to occur in multiple locations, then the Sub-Recipient must list the location where the most amount of the grant award is to be expended pursuant to this grant agreement.
- H. The Sub-Recipient agrees to provide this information to the State along with the Sub-Recipient's return of the signed grant agreement. The State will not process this grant until such time that the Sub-Recipient provides this information.
- I. If the Sub-Recipient does not meet the conditions listed above, then it must specifically affirm to the State that the requirements of this clause are inapplicable to the Sub-Recipient. The Sub-Recipient must provide information responding to this question along with the Sub-Recipient's return of the signed grant agreement. The State will not process this grant until such time that the Sub-Recipient provides such information responding to this question.

**VII. DEED RESTRICTION (44 CFR PART 80.19)**

- A. The Sub-Recipient agrees to comply with FEMA's Deed Restrictions and record same with regard to deed conveyances of any property acquired, accepted, or from which structures are removed.
- B. ***federal entity name*** Model Deed Restrictions: Deed restrictions that support 44 C.F.R. Part 80 requirements can be found at: [http://www.fema.gov/government/grant/resources/hma\\_deed\\_restriction.shtm](http://www.fema.gov/government/grant/resources/hma_deed_restriction.shtm). Applications requesting mitigation assistance to acquire properties for open space purposes must include a copy of the deed restriction language proposed to meet these requirements. The deed conveying the property to the locality must reference and incorporate FEMA's Exhibit A (or equivalent name). ANY VARIATION from the model deed restriction can ONLY be made with prior approval from FEMA's Office of Chief Counsel. Such requests should be made to FEMA through the relevant State Office. Exhibit A shall be attached to the deed when recorded.

1. Inspection: FEMA, its representatives and assigns including the State shall have the right to enter upon the Property, at reasonable times and with reasonable notice, for the purpose of inspecting the Property to ensure compliance with the terms of this part, the Property conveyance and of the grant award.
2. Monitoring and Reporting: Three years from the original date of final project closeout and every three years thereafter, the Sub-Recipient, in coordination with any current successor in interest, shall submit through the State to FEMA a report certifying that the Sub-Recipient has inspected the Property within the month preceding the report, and that the Property continues to be maintained consistent with the provisions of 44 C.F.R. Part 80, the property conveyance, and the grant award.
3. Enforcement: The Sub-Recipient, the State, FEMA, and their respective representatives, successors and assigns, are responsible for taking measures to bring the Property back into compliance if the Property is not maintained according to the terms of 44 C.F.R. Part 80, the property conveyance, and the grant award.

#### **VIII. Hold Harmless**

- A. The Sub-Recipient agrees to hold the State harmless from any and all claims, demands, lawsuits or other causes of action based upon or arising out of any activities performed by its employees, agents, representatives or independent contractors and subcontractors that involve HMGP projects and work related activities that are funded either directly or indirectly by the State.

#### **IX. Enforcement Provisions (44 CFR 13.43)**

- A. Award Terms Compliance. In addition to enforcement actions stated in this Grant Agreement, WVEMD may take other enforcement actions available to the awarding agency, as appropriate in the circumstances, if the Sub-Recipient fails to comply with the terms of the award, whether stated in a federal statute or regulation, an assurance, in a state plan or application, a notice of award, or elsewhere.
- B. Hearing, appeals. In taking an enforcement action, WVEMD will provide an opportunity for such hearing, appeal, or other administrative proceeding to which WVEMD or the Sub-Recipient is entitled under any statute or regulation applicable to the action involved.
- C. Effects of suspension. Costs resulting from obligations incurred by the Sub-Recipient during a suspension or after termination of an award are not allowable unless WVEMD expressly authorizes them in the notice of suspension or termination. Other costs during suspension or after termination which are necessary and not reasonably avoidable are allowable if:
  1. The costs result from obligations which were properly incurred before the effective date of suspension or termination, are not in anticipation

of it, and, in the case of a termination, are not cancelable; and,

2. The costs would be allowable if the award were not suspended or expired normally at the end of the funding period in which the termination takes place.

**X. Close-Out (2 CFR PART 200)**

- A. The Sub-Recipient will notify WVEMD as soon as the Project has been completed and will provide a Final Progress Report and financial report within 30 days.
- B. The closeout of the grant does not affect the right of WVEMD to disallow costs and recover funds on the basis of a later audit or other review, the obligation to return any funds due as a result of later refunds, corrections, or other transactions, records retention as required in Part 200.343, Property management requirements in 2 CFR Part 200.310, and audit requirements in 2 CFR Part 200.345.
- C. Any funds not returned within a reasonable period of time after request, may result in an administrative offset against other requests for assistance, withholding advance payments otherwise due, and other action permitted by law.

**XI. Amendments**

- A. This Grant Agreement shall not be modified, amended, altered, or changed except by written amendment executed by the parties hereto.
- B. It is further agreed that if additional funding becomes available, the federal award may be increased with a letter signed by the Sub-Recipient, the WVEMD Director and/or State Hazard Mitigation Officer.

**XII. Termination**

- A. WVEMD may terminate the Grant Agreement in whole, or in part, at any time before the POP:
  1. Whenever it is determined that the terms and conditions of the Grant Agreement have not been met. Prompt notification in writing of the termination, with effective date, will be made by WVEMD. Payment or recoveries by WVEMD shall be in accordance with the legal rights and obligations of the parties.
  2. In the event that anticipated federal funds are not obtained or continued at a sufficient level.
  3. At the discretion of WVEMD upon written notification to the Sub-Recipient with effective termination date. Payments or recoveries by WVEMD shall be in accordance with the legal rights and obligations of the parties.

IN WITNESS WHEREOF, the Division of Homeland Security Emergency Management Division and Sub-Recipient, acting through their duly authorized officers, have caused these presents to be executed on the day and year of the last signature below.

**Recipient**

Printed Name: West Virginia Emergency Management Division (WVEMD)

Signature: *Gabriel Reed*

Title: State Hazard Mitigation Officer/Grants Manager

Date: October 25, 2022

**Sub-Recipient**

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

Signature: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

## Conditions and Assurances

This program is conditioned upon and subject to compliance with the following Conditions and Assurances. By attaching a signature to page one (1) of this grant application, the applicant certifies and assures that it will comply with the following Conditions and Assurances, Regulations, Policies, Guidelines and Requirements of the Homeland Security State Administrative Agency (HS SAA), as further clarified in the Policies and Procedures Manual for this program; U.S. Department of Homeland Security guidance; and all other relevant Federal/State regulations, policies, and guidelines. These Conditions and Assurances apply to all Emergency Management Performance Grants federal and agency funds expended for purposes associated with this project. All correspondence to the HS SAA, which is required and/or occurs as a result or action of any of the following Conditions and Assurances, or as a result of the administration of any HS SAA grant program, should be addressed to:

**WV Emergency Management Division  
Homeland Security State Administrative Agency  
1124 Smith St, Suite 3201, Charleston, WV 25301**

### **1** **Laws of West Virginia:**

This application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the HS SAA.

### **2** **Legal Authority:**

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

### **3** **Relationship:**

The relationship of the sub-grantee to the HS SAA shall be that of an independent contractor, not that of a joint enterprise. The sub-grantee shall have no authority to bind the HS SAA for any obligation or expense without the express prior written approval from the HS SAA.

### **4** **Operational Within 90 Days:**

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a statement to HS SAA explaining the delay in implementation. Upon receipt of the 90-day letter, HS SAA may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

### **5** **Civil Rights Compliance:**

Sub-grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

### **6** **Written Approval of Changes:**

The sub-grantee must obtain prior written approval from HS SAA for all project changes (programmatic, fiscal or otherwise).

### **7** **Press Release:**

Release of information pertaining to this sub-grant must include the following information:

1. Grant amount;
2. State involvement (WV Emergency Management Division); and,
3. Federal involvement (U.S. Dept. of Homeland Security).

### **8** **Compliance with Federal Rules and Regulations:**

Sub-grantee will comply with Title 2, Part 200 of the Code of Federal Regulations (Super Circular). The Super Circular supersedes Circulars A-21, A-87, A-89, A-102, A-110, A-122, A-133.

**9 Program Accountability – Federal Audit Requirement – Super Circular:**

If an audit must be conducted pursuant to the Super Circular, a copy of the audit shall be submitted to HS SAA as well as to the Federal clearinghouse.

The Federal clearinghouse address is as follows:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 E. 10th Street  
Jeffersonville, IN 47132

**10 Program Accountability – State Audit Requirements:**

Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, sets forth the audit requirements of corporations, associations or other organizations which receive state funds or grants. These audit requirements do not apply to units of local and state government. If applicable, this grant shall adhere to the audit requirements set forth in §12-4-14 at the time of award. All funds disbursed by HS SAA are appropriated by the WV Legislature; therefore all funds disbursed are considered state funds. The HS SAA will notify the Legislative Auditor when a sub-grant is awarded which falls under the requirements of the WV Code.

As of 9/13/05, the requirements set forth by §12-4-14 are as follows: Any corporation, partnership, association, individual or other legal entity (not to include a state spending unit or a local government as defined in § 6-9-1a of the West Virginia Code, as amended) which receives one or more state grants or sub-grants in the amount of \$50,000 or more in the aggregate in a state fiscal year shall file with the HS SAA a Report of the disbursement of these state funds. An OMB A-133 Audit or an audit conducted by a certified public accountant may be substituted for the Report. The Report shall be filed within two years of the end of the fiscal year in which the grant or sub-grant closes. The Report shall be made by an independent certified public accountant and the scope of the Report is limited to showing how the state grant or sub-grant funds were spent. The Report does not have to be a full-scope audit or review of the entity receiving state funds. Any entity failing to file a required Report is barred from subsequently receiving state grant or sub-grant funds until the Report is filed and is otherwise in compliance with the provisions of West Virginia Code. If a Report is not required under this section of the WV Code then the grantee or sub-grantee shall file with HS SAA a sworn statement of expenditures made under the grant or sub-grant.

The Sub-grantee assures that it has read, understands and is in full compliance with all requirements as set forth in Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with this section of the West Virginia Code, as amended.

**11 Access to Records, Equipment, Training, & Exercises:**

The HS SAA, through any authorized representative, shall have access to and the right to examine all records, books, papers, documents, equipment, training, and/or exercises related to the sub-grant and to relevant books and records of contractors.

**12 Conflict of Interest:**

No public official or employee of the sub-grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can be expected to result in any private/public benefit to that individual or that individual's immediate family.

**13 National and State Evaluation Efforts:**

The Sub-grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

**14 Political Activity:**

The restrictions of the Hatch Act, Pub. L. 93-433, 5 U.S.C. Chapter III, (as amended), concerning the political activity of government employees are applicable to state grantee staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns, except they may not be candidates for office.

**15** **Obligation of Project Funds:**

Funds may not, without prior written approval from the HS SAA, be obligated prior to the effective start date or subsequent to the termination date of the project period. All invoices must be dated within the approved sub-grant period.

**16** **Elements of a Viable Continuity Capability:**

The Continuity Plan is the roadmap for the implementation and management of the Continuity Program. The National Continuity Policy: Federal Continuity Directive 1 and Federal Continuity Directive 2 outline the following ten (10) overarching continuity requirements: Essential Functions, Orders of Succession, Delegations of Authority, Continuity Facilities, Continuity Communications, Vital Records Management, Human Capital, Tests-Training-Exercises, Devolution of Control & Direction, and Reconstitution. If utilizing sub-grant funding for the development of a Continuity Plan, the Plan must address each of these ten (10) elements in order to be eligible to be reimbursed for approved/allowable costs.

**17** **Use of Funds:**

Funds awarded through the HS SAA may be expended **ONLY** for the purposes and activities specifically covered by the sub-grantee's approved project description and budget. Any change in the project or the budget must receive **PRIOR** approval from HS SAA.

**18** **Release of Information:**

All records, papers and other documents kept by recipients of grant funds are required to be made available to the HS SAA. These records and other documents submitted to the HS SAA and its grantees, including plans and application for funds, reports, etc., are subsequently required to be made available to the U.S. Department of Homeland Security under the terms and conditions of the Federal Freedom of Information Act, 5. U.S.C. §552.

The HS SAA recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to requests made pursuant to the Freedom of Information Act, 5. U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the Federal Division of Homeland Security FOIA Office, and may likely fall within one or more of the available exemptions under the Act.

Sub-grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult the HS SAA regarding concerns or questions about the release of potentially sensitive information under state and local laws.

**19** **Allowable and Unallowable Costs:**

Allowable costs incurred under this grant shall be determined in accordance with the Super Circular.

**20** **Non-supplanting:**

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The sub-grantee hereby certifies that Federal funds made available under this grant will not be used to supplant state and local funds.

**21** **Matching Contribution:**

If matching funds are allocated, the applicant assures that those funds shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Cash matching contributions are subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all cash matching contributions. There is no waiver provision for any cash match requirements.

<b>22</b>	<b>Project Income:</b>
<p>All income earned by the sub-grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by the HS SAA and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.</p>	
<b>23</b>	<b>Consultant Fees:</b>
<p>Approval of this sub-grant does not necessarily indicate an approval of specific consultant rates. Please discuss rates with the HS SAA.</p>	
<b>24</b>	<b>Purchasing:</b>
<p>When making purchases relevant to the sub-grant, the sub-grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government.</p>	
<b>25</b>	<b>Reports:</b>
<p>Each sub-grantee shall submit reports as deemed reasonably necessary by the HS SAA for monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.</p>	
<b>26</b>	<b>Environmental &amp; Historical Preservation (EHP):</b>
<p>Sub-grantee shall comply with all applicable Federal, State, and local EHP requirements and shall provide any information requested to ensure compliance with applicable laws.</p>	
<b>27</b>	<b>Suspension of Funding:</b>
<p>HS SAA may suspend, in whole or in part, terminate, or impose other sanctions on any sub-grantee funds for the following reasons:</p> <ul style="list-style-type: none"> <li>• Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;</li> <li>• Failure to submit reports;</li> <li>• Filing a false certification in this application or in another report or document; or,</li> <li>• Other just cause.</li> </ul>	
<b>28</b>	<b>Sanctions for Noncompliance:</b>
<p>In the event of the sub-grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, the HS SAA may impose such contract sanctions, as It may deem appropriate, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Withholding of payments to the sub-grantee until the sub-grantee complies;</li> <li>• Cancellation, termination or suspension of the contract, in whole or in part; or,</li> <li>• Refrain from extending any further assistance to the sub-grantee until satisfactory assurance of future compliance has been received.</li> </ul>	
<b>29</b>	<b>Immigration and Naturalization Verification:</b>
<p>The sub-grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of Federal funds to verify that employees are eligible to work in the United States.</p>	
<b>30</b>	<b>Use of Grant Funds to Enact Laws:</b>
<p>Sub-grantee understands and agrees that shall not use any sub-grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.</p>	

**31 Property Accountability:**

The sub-grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a sub-grant by the HS SAA. This obligation continues as long as the property is retained by the sub-grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from the HS SAA. Sub-grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program, with copies provided to the HS SAA. The HS SAA reserves the right to inspect and review any equipment purchased with this sub-grant

**32 Communications Equipment:**

With respect to communications initiatives and equipment, the sub-grantee agrees to the following:  
Communications equipment shall be compatible with the SAFECOM P25 trunked radio hierarchy and the WV Statewide Interoperable Radio Network. Per WV Code §15-14-4, all communications equipment requests must be reviewed and approved by the Statewide Interoperability Coordinator. [www.sirn.wv.gov](http://www.sirn.wv.gov)

**33 Equipment:**

Sub-grantees purchasing equipment with grant funds shall adhere to the established bidding procedures for their respective units of government and/or agencies. All equipment shall have a primary function of being used for homeland security purposes, and be available statewide (if practical) for use during emergencies and training/exercise events.

**34 Marking of Equipment and Publications:**

Sub-grantee shall ensure that, when practicable, any equipment purchased and publications produced with grant funding shall be prominently marked as follows: "Supported with funds provided by the U.S. Department of Homeland Security and the WV EMD."

**35 Patents and/or Copyrights and Rights in Data:**

Sub-grantee acknowledges that the HS SAA, and subsequently the U.S. Department of Homeland Security; reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Sub-grantee shall consult with the HS SAA regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

**36 Time Extensions:**

Time extensions are allowable; however, the HS SAA will review and approve extension requests on a case by case basis only if the extension is warranted. Lack of planning by the sub-grantee is not a justified reason for an extension.

**37 Equal Employment Opportunity Plan:**

Each sub-grantee certifies that it has executed and has on file, an Equal Employment Opportunity Plan.

**38 Veterans Preference:**

This program includes a provision that grantees utilizing funds to hire additional personnel give suitable preference in employment to military veterans. HS SAA defines "suitable preference" as the requirement that a sub-grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

**39 Submission/Release of Proposed Publications:**

The sub-grantee shall submit one copy of all reports and proposed publications resulting from this agreement to the HS SAA twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the United States Department of Homeland Security and the WV Emergency Management Division. Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security, nor the State of West Virginia."

**40 Purchase of American-made Equipment/Products:**

It is the sense of the Congress, as conveyed through the FY 1997 Appropriations Act, as well as the desire of HS SAA thatto the greatest extent practicable, all equipment and products purchased with Federal funds made available under this grant should be American-made.

**41 Personnel Training:**

The HS SAA reserves the right to require training as a condition of the sub-grant before or at any time during the project period. Proof of training/certification on grant-funded equipment shall be provided, upon request within 10 business days.

**42 Accounting Requirements:**

Sub-grantee shall record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording shall separate all project costs from the sub-grantee's other or general expenditures. Adequate documentation for all project costs and income shall be maintained. Adequate documentation of financial and supporting material, as defined in the pertinent Administrative Manual, shall be retained and be available for audit purposes.

**43 Financial Guide:**

Sub-grantee shall comply with all requirements as set forth in the Financial Guide which governs this program.

**44 Davis-Bacon and Related Acts:**

Subgrantee agrees to comply with the Davis-Bacon and Related Acts, which applies to contractors and subcontractors performing on federally funded or assisted contracts in excess of \$2,000 for the construction, alteration, or repair (including painting and decorating) of public buildings or public works. Davis-Bacon Act and Related Act contractors and subcontractors must pay their laborers and mechanics employed under the contract no less than the locally prevailing wages and fringe benefits for corresponding work on similar projects in the area. The Davis-Bacon Act directs the Department of Labor to determine such locally prevailing wage rates. The Davis-Bacon Act prevailing wage provisions applies to the "Related Acts," under which federal agencies assist construction projects through grants, loans, loan guarantees, and insurance. For prime contracts in excess of \$100,000, contractors and subcontractors must also, under the provisions of the Contract Work Hours and Safety Standards Act, as amended, pay laborers and mechanics, including guards and watchmen, at least one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The overtime provisions of the Fair Labor Standards Act may also apply to DBA-covered contracts. For more information, check the following US Department of Labor website link.  
<https://www.dol.gov/whd/govcontracts/dbra.htm>

**45 Contractor Planning Requirements:**

All subgrants utilizing a contractor will submit copies of agendas, notes/minutes, and sign-in sheets for meetings between subgrantee and contractor(s). Subgrantees MUST include a list of planned and completed meeting dates. These documents MUST be submitted with monthly progress reports. Copies of all final work products (i.e. plans, SOPs/SOGs, exercise documentation) must be submitted prior to the final request for reimbursement.

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

**PAPERWORK BURDEN DISCLOSURE NOTICE**

Public reporting burden for this form is estimated to average 1.7 hours per response. The burden estimate includes the time for reviewing instructions and searching existing data sources, gathering and maintaining the data needed and completing, and submitting the form. You are not required to respond to this collection of information unless a valid OMB control number appears in the upper right corner of this form. Send comments regarding the accuracy of the burden estimate and any suggestions for reducing the burden to: Information Collections Management, Department of Homeland Security, Federal Emergency Management Agency, 500 C Street, SW, Washington, DC 20472, Paperwork Reduction Project (1550-0001). NOTE: Do not send your completed form to this address.

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 44 CFR Part 18, "New Restrictions on Lobbying" and 28 CFR Part 17, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Federal Emergency Management Agency (FEMA) determines to award the transaction, grant, or cooperative agreement.

**1. LOBBYING**

As required by section 1352, Title 31 of the U.S. Code, and implemented at 44 CFR Part 18, for persons entering into a grant or cooperative agreement over \$ 100,000, as defined at 44 CFR Part 18, the applicant certifies that:

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

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

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

Standard Form-LLL "Disclosure of Lobbying Activities" attached

(This form must be attached to certification if nonappropriated funds are to be used to influence activities.)

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

As required by Executive Order 12549, Debarment and Suspension, and implemented at 44 CFR Part 67, for prospective participants in primary covered transactions, as defined at 44 CFR Part 17, Section 17.510-A.

A. The applicant certifies that it and its principals:

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

(b) Have not within a three-year period preceding this application been convicted of a or had a civilian judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or perform a public public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

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

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

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

**3. DRUG-FREE WORKPLACE  
(GRANTEE OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1986, and implemented at 44 CFR Part 17, Subpart F, for grantees, as defined at 44 CFR Part 17.815 and 17.820-

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

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

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

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

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

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

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

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

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

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

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



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



Name: Mike Sine, Interim Director

Department or Organization: **Jefferson County Emergency Services Agency**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice:

*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*):

**EMS Transition Update**

- Liabilities and interactions related to the level of VFD and Career staff involvement in emergency services particularly but not limited to the new EMS system.
- FSLA as it relates to activities of County ESA employees.
- VFD MOU's, Licensing, Rapid Response Licensing, personnel/equipment participation in the EMS system and use of County ambulances to provide non-911 community services.
- Potential Motion/policy statement regarding use of County owned 911 Ambulances.
- Potential purchase of Middleway and/or Shepherdstown's Ambulances as part of the transition.

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

Is this a funding request? Y/N YES

If so, how much? \$

Provide exact financial impact/request: to be deducted from earmarked ARPA funds

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:





Name: **Nathan Cochran**

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

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **March 16, 2023**

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

Date Requested – 2<sup>nd</sup> Choice: **April 6, 2023**

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

- a. **Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation) and related matters.**
- b. **Review, discussion, and possible adoption of leases for Ambulance parking, personnel space and other contractual issues between the JCESA and/or JCC and fire companies at various Fire Stations.**
- c. **Review, discussion, and possible decision regarding use and dispatch of ambulances in Jefferson County.**
- d. **Discussion of W.Va. Human Rights Comm. Case No. EREP-49-21.**

Is this a funding request? **No**

If so, how much? **N/A**

Provide exact financial impact/request:

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

*not applicable*



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



Name: Krista Davis

Department or Organization: **Finance**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice:  
3/16/2023

Date Requested – 2<sup>nd</sup> Choice:  
3/30/2023

Subject (*Wording to be placed on agenda*): Internal Budget Revision

Please provide the County Commission with a description of your request or presentation, including any background information:  
**We are requesting an internal budget revision to transfer FY23 funds in the amount of \$5,326.73 from Professional Services to Travel to cover travel expenses for commissioners.**

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*):  
Motion to approve a Budget Revision for Department 401 to transfer \$5,326.73 from Professional Services to Travel.

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: Krista Davis

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

Phone Number: 304-724-8425

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

not applicable

# JEFFERSON COUNTY, WV - PRODUCTION



## G/L ACCOUNT DETAIL

Org: 001401    Object: 421400  
 TRAVEL                      001.401.GG.421400.

YEAR	PER	JOURNAL	EFF DATE	SRC	T	PO/REF2	REFERENCE	AMOUNT	P	CHECK NO	WARRANT	VDR NAME/ITEM DESC	COMMENTS
2023	08	32	02/06/2023	API	1		6301	105.00	Y		87549AP230209	TRICIA JACKSON	PER DIEM
2023	07	188	01/31/2023	API	1		6397	-30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	07	188	01/31/2023	API	1		6397	-30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	07	188	01/31/2023	API	1		6397	-664.20	Y		0	UNITED AIRLINES	UNITED AI
2023	07	161	01/19/2023	API	1		6248	105.00	Y		87519AP230202	JENNIFER KROUSE	PER DIEM
2023	07	48	01/03/2023	API	1		6176	85.00	Y		87431AP230112	JENNIFER KROUSE	PER DIEM
2023	06	238	12/30/2022	API	1		6367	737.08	Y		0	HILTON	HILTON
2023	06	238	12/30/2022	API	1		6367	95.00	Y		0	IAD DULLES DAILY	IAD DULLE
2023	06	238	12/30/2022	API	1		6367	923.28	Y		0	ENTERPRISE RENT-A	ENTERPRIS
2023	06	238	12/30/2022	API	1		6367	737.08	Y		0	HILTON	HILTON
2023	06	238	12/30/2022	API	1		6367	913.08	Y		0	HILTON	HILTON
2023	06	164	12/15/2022	API	1		6121	832.25	Y		87332AP221222	JENNIFER KROUSE	REIMB FUE
2023	06	75	12/01/2022	API	1		6055	82.00	Y		87253AP221208	CLARE ATH	PER DEIM
2023	06		12/30/2022	API			PCARD	109.00	N		0	HOLIDAY INNS	
2023	06		12/30/2022	API			PCARD	218.00	N		0	HOLIDAY INNS	
2023	05	213	11/22/2022	API	1		6024	486.02	Y		87233AP221201	JENNIFER KROUSE	REIMB CCA
2023	05	213	11/22/2022	API	1		6024	112.00	Y		87234AP221201	JENNIFER KROUSE	PER DIEM
2023	04	161	10/13/2022	API	1		5878	266.88	Y		87072AP221027	TRICIA JACKSON	PER DIEM/
2023	02	417	08/31/2022	API	1		6127	30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	664.20	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	664.20	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	664.20	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	664.20	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	664.20	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	664.20	Y		0	UNITED AIRLINES	UNITED AI
2023	02	417	08/31/2022	API	1		6127	30.00	Y		0	UNITED AIRLINES	UNITED AI
2023	02	78	08/04/2022	API	1		5569	499.98	Y		86731AP220811	TRICIA JACKSON	REIMB MIL
2023	02	78	08/05/2022	API	1		5571	62.50	Y		86718AP220811	JOHN NISSEL	REIMB MIL
2023	02	77	08/03/2022	API	1		5555	301.25	Y		86717AP220811	JESSICA JAMES	REIMB MIL
2023	02	77	08/03/2022	API	1		5555	483.73	Y		86727AP220811	STEVE STOLIPHER	REIMB MIL

Total Amount:                      9,326.73

\*\* END OF REPORT - Generated by Krista Davis \*\*

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



Name: Krista Davis

Department or Organization: **Finance**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice:  
3/16/2023

Date Requested – 2<sup>nd</sup> Choice:  
3/30/2023

Subject (*Wording to be placed on agenda*): Internal Budget Revision

Please provide the County Commission with a description of your request or presentation, including any background information:  
**We are requesting approval of JCESA Invoice #439, Dated 3/3/2023, for labor costs for the EMS transition project for January 2023.**

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*):  
**Motion to approve payment for JCESA Invoice #439 in the amount of \$8,642.22 for labor costs related to the EMS Transition project number ARP48, budget line 207715 456777.**

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: Krista Davis

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

Phone Number: 304-724-8425

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

no applicable

Jefferson County Emergency Services Agency

# Invoice

Date	Invoice #
3/3/2023	439

Bill To
Jefferson County Commission PO Box 250 Charlestown, WV 25414

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
	Reimbursement for labor cost of the EMS transition project for the month of January 2023  19006 - Vendor #  207715 456777 ARP48	8,642.22	8,642.22
		<b>Total</b>	\$8,642.22

PP End	Name	In	EmpComment	Activity	PayType	Hours	\$Wage	\$ICA	\$MC	\$Retire	\$WC	Medical	Dent/Vision	Life	ADD	SFD	Shift Cost w/
01/12/2023	Smith, Joshua	1/3/23 8:38	In: Units/new hires //JL		Reg	5.62	\$ 122.46	\$ 7.59	\$ 1.78	\$ 11.63	\$ 7.23	\$ 30.07	1.48	0.41	1.732		184.38
01/12/2023	Smith, Joshua	1/3/23 9:44	In: Tuesday meeting //JL		Reg	4.02	\$ 87.60	\$ 5.43	\$ 1.27	\$ 8.32	\$ 5.17	\$ 21.51	1.06	0.3	1.239		131.89
01/12/2023	Lyons, John	1/3/23 10:00	Transition meeting, supply inventory and order, try		Reg OT	8	\$ 332.04	\$ 20.59	\$ 4.81	\$ 31.54	\$ 19.59	\$ 42.80	2.1	0.59	2.465		456.53
01/12/2023	McLaughlin, Brittany	1/3/23 10:00	In: Meeting //JL	Meeting	Reg	4.17	\$ 104.58	\$ 6.48	\$ 1.52	\$ 9.94	\$ 6.17	\$ 22.31	1.1	0.31	1.285		153.69
01/12/2023	Smith, Joshua	1/3/23 16:15	In: Interviews 415-505 //JL		Reg	1.83	\$ 39.88	\$ 2.47	\$ 0.58	\$ 3.79	\$ 2.35	\$ 9.79	0.48	0.13	0.564		60.04
01/12/2023	Smith, Joshua	1/4/23 8:00	Out: Over on tasks //JL		Reg	5.65	\$ 123.11	\$ 7.63	\$ 1.79	\$ 11.70	\$ 7.27	\$ 30.23	1.49	0.42	1.741		185.37
01/12/2023	Minnick, Matthew	1/4/23 8:41	In: Operative class et Class		Reg	1.25	\$ 24.60	\$ 1.54	\$ 0.36	\$ 2.36	\$ 1.46	\$ 6.69	0.33	0.09	0.385		38.01
01/12/2023	Longerbeam, Trevor	1/4/23 8:49	In: Ambulance stock Work		Reg OT	2.2	\$ 65.47	\$ 4.06	\$ 0.95	\$ 6.72	\$ 3.86	\$ 11.77	0.58	0.16	0.678		93.75
01/12/2023	Carroll, Brandon	1/4/23 8:59	In: Supply training //JL		Reg	1.82	\$ 37.49	\$ 2.32	\$ 0.54	\$ 3.56	\$ 2.21	\$ 9.74	0.48	0.13	0.561		57.03
01/12/2023	Lyons, John	1/4/23 9:00	IQ training, transition, interview, Hagerstown for u		Reg	9	\$ 249.03	\$ 15.44	\$ 3.61	\$ 23.66	\$ 14.70	\$ 48.16	2.37	0.66	2.773		360.40
01/12/2023	Tabor, Johanna	1/4/23 9:15	In: Transition //JL		Reg	1.63	\$ 30.97	\$ 1.92	\$ 0.45	\$ 2.94	\$ 1.83	\$ 8.72	0.43	0.12	0.502		47.88
01/12/2023	Lyons, John	1/6/23 8:00	Operative IQ Meeting and then working on transiti		Reg	5	\$ 138.35	\$ 8.56	\$ 2.01	\$ 13.14	\$ 8.16	\$ 26.75	1.31	0.37	1.541		200.22
01/12/2023	Smith, Joshua	1/6/23 10:00	In: IQ		Reg	6.68	\$ 145.56	\$ 9.02	\$ 2.11	\$ 13.83	\$ 8.59	\$ 33.74	1.76	0.49	2.058		219.16
01/12/2023	Carroll, Brandon	1/6/23 10:06	In: Supply		Reg	1.22	\$ 25.13	\$ 1.56	\$ 0.36	\$ 2.39	\$ 1.48	\$ 6.53	0.32	0.09	0.376		38.23
01/12/2023	Longerbeam, Trevor	1/6/23 10:11	In: Ambulance Stock Stocking		Reg OT	2.02	\$ 60.12	\$ 3.79	\$ 0.87	\$ 5.71	\$ 3.55	\$ 10.81	0.53	0.15	0.622		86.09
01/12/2023	Lyons, John	1/6/23 17:00	More transition related stuff. Taking sharps contain		Reg OT	1	\$ 41.51	\$ 2.57	\$ 0.60	\$ 3.84	\$ 2.45	\$ 5.35	0.26	0.07	0.308		57.07
01/26/2023	Lyons, John	1/8/23 8:00	Operative IQ build out. Not even close to being dor		Reg OT	11	\$ 456.56	\$ 28.31	\$ 6.62	\$ 43.37	\$ 26.94	\$ 58.86	2.89	0.81	3.39		627.75
01/26/2023	Cluff, Johanna	1/10/23 9:55	In: Weekly meeting		Reg OT	2.25	\$ 59.91	\$ 3.71	\$ 0.87	\$ -	\$ 3.54						58.03
01/26/2023	Smith, Joshua	1/10/23 9:58	In: Tuesday meeting //JL		Reg	8.4	\$ 188.04	\$ 11.35	\$ 2.65	\$ 17.39	\$ 10.80	\$ 44.95	2.21	0.62	2.588		275.59
01/26/2023	Lyons, John	1/10/23 10:00	Transition meeting, tasks, discussing the transition		Reg OT	9	\$ 373.55	\$ 23.16	\$ 5.42	\$ 35.49	\$ 22.04	\$ 48.16	2.37	0.66	2.773		513.62
01/26/2023	Lyons, John	1/11/23 13:00	5-1 from the shop, impromptu meeting with Nissel		Reg OT	4	\$ 165.02	\$ 10.29	\$ 2.41	\$ 15.77	\$ 9.80	\$ 21.40	1.05	0.29	1.233		228.27
01/26/2023	Ralston, Caitlyn	1/11/23 13:46	In: Ambu pick up //JL		Reg OT	1	\$ 35.00	\$ 2.05	\$ 0.48	\$ 3.14	\$ 1.95	\$ 5.35	0.26	0.07	0.308		46.62
01/26/2023	Lyons, John	1/12/23 7:00	To BCEAA to work with Billy Ston on Operative/dru		Reg OT	2	\$ 83.01	\$ 3.15	\$ 1.20	\$ 7.89	\$ 4.90	\$ 10.70	0.53	0.15	0.616		114.14
01/26/2023	Carroll, Brandon	1/12/23 11:48	In: Supplies // GW		Reg OT	1.02	\$ 31.52	\$ 1.95	\$ 0.46	\$ 2.88	\$ 1.86	\$ 5.46	0.27	0.08	0.314		44.90
01/26/2023	Minnick, Matthew	1/12/23 11:59	In: Operative class // GW		Reg OT	0.97	\$ 11.01	\$ 0.68	\$ 0.16	\$ 1.05	\$ 0.65	\$ 1.98	0.1	0.03	0.114		15.77
01/26/2023	Carroll, Brandon	1/12/23 15:51	In: Supply meeting // GW		Reg OT	1.18	\$ 36.46	\$ 2.26	\$ 0.53	\$ 3.46	\$ 2.15	\$ 6.31	0.31	0.09	0.364		51.93
01/26/2023	Lyons, John	1/12/23 16:00	Operative IQ Training		Reg OT	1	\$ 41.51	\$ 2.57	\$ 0.60	\$ 3.94	\$ 2.45	\$ 5.85	0.26	0.07	0.308		57.07
01/26/2023	Rice, Amanda	1/12/23 16:00	Operative IQ Training		Reg OT	1	\$ 27.29	\$ 1.69	\$ 0.40	\$ 2.58	\$ 1.61				0.308		33.89
01/26/2023	Minnick, Matthew	1/12/23 16:05	In: Operative class from being rescheduled // GW		Reg OT	1.12	\$ 33.93	\$ 2.07	\$ 0.48	\$ 3.17	\$ 1.97	\$ 5.99	0.29	0.08	0.345		47.73
01/26/2023	Lyons, John	1/15/23 9:00	Meeting with Commissioner Stolipher regarding So		Reg OT	2.5	\$ 103.76	\$ 6.48	\$ 1.50	\$ 9.86	\$ 6.12	\$ 13.38	0.66	0.18	0.77		142.66
01/26/2023	Minnick, Matthew	1/15/23 17:39	In: Taking ambulance 1105 to martinsburg and 110		Reg OT	1.37	\$ 40.77	\$ 2.53	\$ 0.59	\$ 3.87	\$ 2.41	\$ 7.33	0.36	0.1	0.422		58.38
01/26/2023	Carroll, Brandon	1/15/23 17:40	In: Taking ambu to shop		Reg OT	1.35	\$ 41.72	\$ 2.53	\$ 0.60	\$ 3.96	\$ 2.46	\$ 7.22	0.35	0.1	0.416		59.42
01/26/2023	Smith, Joshua	1/17/23 5:48	In: Task list //JL		Reg	8.18	\$ 178.24	\$ 11.05	\$ 2.58	\$ 16.93	\$ 10.52	\$ 43.77	2.15	0.6	2.521		268.36
01/26/2023	McLaughlin, Brittany	1/17/23 9:54	In: Meeting //JL	Meeting	Reg	2.25	\$ 56.43	\$ 3.50	\$ 0.82	\$ 5.36	\$ 3.33	\$ 12.04	0.59	0.17	0.693		82.93
01/26/2023	Smith, Joshua	1/18/23 8:54	In: Meeting //SC		Reg	4.77	\$ 103.94	\$ 6.44	\$ 1.51	\$ 9.87	\$ 6.13	\$ 25.52	1.25	0.35	1.47		156.49
01/26/2023	Carroll, Brandon	1/18/23 9:57	In: Supplies //Operative IQ Training //JL		Reg OT	1.92	\$ 40.79	\$ 2.53	\$ 0.59	\$ 3.88	\$ 2.41	\$ 7.06	0.35	0.1	0.407		58.11
01/26/2023	Minnick, Matthew	1/18/23 9:57	In: Operative class //JL		Reg OT	1.49	\$ 42.56	\$ 2.64	\$ 0.62	\$ 4.04	\$ 2.51	\$ 7.65	0.38	0.11	0.441		60.94
01/26/2023	Rice, Amanda	1/18/23 9:59	In: Operative IQ Out: Meeting over //JL		Reg OT	1.28	\$ 34.92	\$ 2.17	\$ 0.51	\$ 3.32	\$ 2.06				0.394		43.37
01/26/2023	Lyons, John	1/18/23 10:00	Operative IQ Training. Phone call with Tom Reilly re		Reg OT	2	\$ 83.01	\$ 5.15	\$ 1.20	\$ 7.89	\$ 4.90	\$ 10.70	0.53	0.15	0.616		114.14
01/26/2023	Smith, Joshua	1/19/23 9:17	In: Units		Reg	3.47	\$ 75.61	\$ 4.69	\$ 1.10	\$ 7.18	\$ 4.46	\$ 18.57	0.91	0.26	1.069		113.84
01/26/2023	Lyons, John	1/19/23 9:30	Working on IT project with Ray (EEL) for transition.		Reg OT	6.5	\$ 269.78	\$ 16.73	\$ 3.91	\$ 25.63	\$ 15.92	\$ 34.78	1.71	0.48	2.003		370.94
02/09/2023	Billier, Andrew	1/20/23 8:59	In: Getting ambulances from Hagerstown //JL		Reg	5	\$ 97.40	\$ 6.04	\$ 1.41	\$ 9.25	\$ 5.73	\$ 26.75	1.31	0.37	1.541		149.83
02/09/2023	Lyons, John	1/22/23 14:30	Putting together user field guides for Operative IQ.		Reg	3	\$ 83.01	\$ 5.15	\$ 1.20	\$ 7.89	\$ 4.90	\$ 16.05	0.79	0.22	0.924		120.14
02/09/2023	Smith, Joshua	1/23/23 11:19	In: Radios //JL		Reg	1.13	\$ 24.62	\$ 1.53	\$ 0.36	\$ 2.34	\$ 1.45	\$ 6.05	0.3	0.08	0.348		37.07
02/09/2023	Smith, Joshua	1/23/23 13:50	In: Units //JL		Reg	1.3	\$ 28.33	\$ 1.76	\$ 0.41	\$ 2.69	\$ 1.67	\$ 6.96	0.34	0.1	0.401		42.65
02/09/2023	Lyons, John	1/24/23 8:30	Transition Meeting, Operative IQ Training, Transiti		Reg OT	11	\$ 456.56	\$ 28.31	\$ 6.62	\$ 43.37	\$ 26.94	\$ 58.86	2.89	0.81	3.39		627.75
02/09/2023	Cluff, Johanna	1/24/23 8:53	In: IQ and transition IQ and transition meeting		Reg	3.62	\$ 64.25	\$ 3.98	\$ 0.93	\$ -	\$ 3.79						72.96
02/09/2023	Minnick, Matthew	1/24/23 8:56	In: Operative class //JL		Reg	0.93	\$ 18.45	\$ 1.14	\$ 0.27	\$ 1.75	\$ 1.09	\$ 4.98	0.24	0.07	0.287		28.28
02/09/2023	Carroll, Brandon	1/24/23 9:00	In: Supplies //Operative IQ Training //JL		Reg	0.87	\$ 17.92	\$ 1.11	\$ 0.26	\$ 1.70	\$ 1.06	\$ 4.66	0.23	0.06	0.268		27.27
02/09/2023	Rice, Amanda	1/24/23 9:00	In: Operative IQ Out: Meeting over //JL		Reg OT	0.83	\$ 22.65	\$ 1.40	\$ 0.33	\$ 2.15	\$ 1.34				0.256		28.13
02/09/2023	McLaughlin, Brittany	1/24/23 10:04	In: Meeting //JL	Meeting	Reg OT	2.42	\$ 91.04	\$ 5.64	\$ 1.32	\$ 8.65	\$ 5.37	\$ 12.95	0.64	0.18	0.746		126.53
02/09/2023	Lyons, John	1/25/23 8:00	Reviewing quotes for transition items and then to c		Reg OT	6	\$ 249.03	\$ 15.44	\$ 3.61	\$ 23.66	\$ 14.70	\$ 32.10	1.58	0.44	1.849		342.41
02/09/2023	Lyons, John	1/26/23 11:00	Meeting at ECC with IT department.		Reg	3	\$ 83.01	\$ 5.15	\$ 1.20	\$ 7.89	\$ 4.90	\$ 16.05	0.79	0.22	0.924		120.14

02/09/2023	Smith, Joshua	1/26/23 11:00	Reg	6.58	\$ 143.38	\$ 8.89	\$ 2.08	\$ 13.62	\$ 8.46	\$ 25.21	1.73	0.48	2.028	215.88
02/09/2023	Cluff, Johanna	1/27/23 10:17 In: Sta visit to find in Transition	Reg	2.8	\$ 40.83	\$ 2.53	\$ 0.59	\$ -	\$ 2.41					46.36
02/09/2023	Smith, Joshua	1/30/23 7:31 In: Assignments //JL	Reg	2.5	\$ 54.48	\$ 3.38	\$ 0.79	\$ 5.18	\$ 3.22	\$ 19.38	0.66	0.18	0.77	82.04
02/09/2023	Carroll, Brandon	3/30/23 10:45 In: Taking amb to shop //JL	Reg	2.13	\$ 43.88	\$ 2.72	\$ 0.64	\$ 4.17	\$ 2.59	\$ 11.40	0.56	0.16	0.656	66.77
02/09/2023	Smith, Joshua	1/31/23 9:45 In: Meeting 945-1342 //JL	Reg	3.95	\$ 86.07	\$ 5.34	\$ 1.25	\$ 8.18	\$ 5.08	\$ 21.13	1.04	0.29	1.217	129.60
02/09/2023	Lyons, John	1/31/23 10:00 Transition meeting	Reg	2.5	\$ 69.18	\$ 4.29	\$ 1.00	\$ 6.57	\$ 4.08	\$ 18.38	0.66	0.18	0.77	100.11
02/09/2023	McLaughlin, Brittany	1/31/23 10:00 In: Here at 10 //JL Meeting	Reg OT	3.32	\$ 324.90	\$ 7.74	\$ 1.81	\$ 11.87	\$ 7.37	\$ 17.76	0.87	0.24	1.023	173.59
01/26/2023	Lyons, John	1/31/23 14:00 Back to office for transition related items	Reg	2	\$ 55.34	\$ 3.43	\$ 0.80	\$ 5.26	\$ 3.27	\$ 10.70	0.53	0.15	0.616	80.09
<b>Total</b>														<b>205.25</b>
														<b>\$ 8,642.22</b>

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



Name: Steve Stolipher, President

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **March 16, 2023**

*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*): UNFINISHED BUSINESS

 **MOU – Shepherd University Emergency Action Plan**

 **Appointment to the Charles Town Utility Board (CTUB)**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable





# City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414  
Phone: (304) 725-2311 ♦ Web: [www.charlestownwv.us](http://www.charlestownwv.us)

February 22, 2023

**MAYOR**

*Robert M. Trainor*

**CITY  
COUNCIL**

*James Kratonil*

*Elizabeth Ricketts*

*Kevin Tester*

*Jeff Hynes*

*Jean Petri*

*Judie Philabaum*

*Michael George*

*Rikki Toyford*

**CITY  
MANAGER**

*John Barkley*

Ms. Cindy Rezmer  
Interim County Manager  
Jefferson County, WV  
124 E. Washington Street  
P.O. Box 250  
Charles Town, WV 25414  
Via Email: [crezmer@jeffersoncountywv.org](mailto:crezmer@jeffersoncountywv.org)

Dear Ms. Rezmer:

I am writing to you regarding the currently vacant seat on the Charles Town Utility Board, representing the former Public Service District. Upon the resignation of the former Board member who held the seat until August of 2022, the seat was vacated and continues to remain vacant.

Given the time that has passed to this point, we would like to move forward with an attempt to advertise and fill this important seat on the CTUB Board immediately. Accordingly, the Council intends to take the necessary action to do this. I wanted to reach out and inform you of this to ensure that our efforts are not duplicative.

Thank you for your consideration of this matter. Feel free to contact me at (304) 724-3244 with any questions or comments.

Sincerely,

John C. Barkley  
City Manager

Received

MAR 06 2023

Jefferson County Commission



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



Name: Steve Stolipher, President

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **March 16, 2023**

*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 of Agenda Policy & Procedures**

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

- 📌 The intent of this request is to simply serve as a helpful FYI/refresher for Commissioners, other Electeds, staff, and constituents to review the County Commission agenda policy & procedures, including the agenda request deadline and publishing/posting deadlines, information necessary when requesting approval of employment (for internal requests), and the “subject” and “recommended motion” sections of the agenda request form.

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*): N/A

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

If not attached, explain:

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

Contact information:

Email address: stolipherjcc@gmail.com

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable





# AGENDA REQUEST FORM

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

Name:

Department or Organization:

Estimation of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice:

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

2<sup>nd</sup> Choice:

Subject (wording to be placed on agenda):

Selection of date for County Administrator interviews.

Please provide a description of your request or presentation, including any background information:

Is this a Funding Request? No

If so, how much? \$

Provide exact financial request:

Is this a Hiring Request?

Name of Hire:

Annual Salary: \$ 70 Hr/80 Hr

Start Date (beginning of pay period):

Increase after probation if any: n/a

Any Additional Conditions of Employment:

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

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

If not attached, explain:

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

Contact Information:

Phone Number:

Email Address:

Email completed forms to: [jjames@jeffersoncountywv.org](mailto:jjames@jeffersoncountywv.org) and [spitts@jeffersoncountywv.org](mailto:spitts@jeffersoncountywv.org)

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



<i>Jefferson County Policies &amp; Procedures</i>		
Policy Name:	Agenda Policy	Approved: 9/13/2012
Policy Number:	900	Author: Keyser
Associated:		Original 5-7-2009 Revised 9-1-2011 Revised 9-13-2012 Revised 04-06-2017 Revised 05-03-2021

**PURPOSE:**

To provide a comprehensive and uniform process for formulating the agenda of the County Commission of Jefferson County.

**POLICY:**

The County Commission of Jefferson County is committed to providing open and accessible governmental proceedings and wishes to provide its citizens with information concerning the business of the County Commission and county government.

**PROCEDURE:**

Regularly scheduled County Commission meetings are held each month during the following times:

- 1<sup>st</sup> Thursday of the month - start time: 9:30 am
- 3<sup>rd</sup> Thursday of the month - start time: 6:00 pm
- AS OF JANUARY 21, 2021, the Commission no longer holds regularly scheduled meetings on months that happen to have a fifth Thursday.

The Agenda for each County Commission meeting is prepared by the Commission staff.

The County Commission agenda closes at 12:00 noon, one week prior to the regularly scheduled County Commission meeting. All appointments for the County Commission agenda are made with the County Commission staff prior to the 12:00 noon deadline. Submissions for new business items and information items must be submitted to Commission staff by the same 12:00 noon deadline.

An Agenda Request Form and any supporting documentation must be submitted by the 12:00 noon deadline in order to be placed on the Agenda. Ex: If the County Commission meets on Thursday, appointments must be made and new business and informational items submitted by 12:00 noon one week preceding the Thursday you are requesting to come before the County Commission. The County Commission requires written documentation and materials for appointments and items of new business. Requests for appointments and items submitted after this time will be carried over for the next agenda. Failure to submit all proper paperwork will also be carried over for the next agenda. Hand-outs at the meeting are unacceptable if they have not been included in your package one week in advance.

Appointments shall be 15 minutes unless it is determined less time is needed. Every attempt will be made to have the last appointment at 11:30 a.m.

New and old business items shall be reviewed and executed between scheduled appointments or whentime permits.

County departments shall submit all materials in both digital and hard copy format to the Commission office.

When submitting an item for the agenda, the requesting department, organization or individual shall indicate the desired action of the County Commission i.e., Discussion, Discussion/Action, Introduction, Presentation or Information. All Action Items shall include the Action being requested of the County Commission. Items not indicating the requested action will be withheld from the agenda until the proper information is provided.

Any agenda request that contains a funding request or impact to an existing approved budget requires review by the County's Finance Director before it will be included on the Commission's agenda. The Finance Director shall be responsible for reviewing requests in a timely fashion to meet the agenda deadlines contained in this policy. If a Department Head, Elected Official, or designated representative fails to contact the County Finance Director prior to making an agenda request for funding, the item will be withheld from the agenda until such time as the requestor reviews the request with the County Finance Director.

The County Commission Staff in coordination with the President of the County Commission shall be responsible for setting the agenda for each meeting. If more requests than can be considered at a regular meeting are received, then lower priority items will be placed on the next regular meeting's agenda.

Individuals wishing to express their opinions are encouraged to provide their comments during the Public Comment section of the agenda. During Public Comment individuals may express their views for the allotted period of time, however, the Commission cannot respond to you, your comments or requests. Individuals wishing to address the Commission outside the Public Comment forum must receive approval from either/or the President of the Commission and County Administrator or through a consensus of three or more Commissioners.

It is not appropriate for the Commission to publicly discuss personnel matters about an individual employee, and all discussions regarding personnel matters should be conducted in an executive session, unless requested differently by the employee. Additionally, it is inappropriate to discuss personnel matters, including employee performance issues, with individual citizens either in a public or executive session.

Both the Freedom of Information Act codified at W.Va. Code §29B-1-1 *et seq.* and the Open Governmental Proceedings Act codified at W.Va. Code 6-9A-1 *et seq.* protect an employee's personnel records and performance from disclosure to individual citizens and create an obligation on behalf of the Commission to protect employee records from public disclosure. Because discussions of personnel issues with private citizens violate an employee's privacy,

the Commission will decline an agenda request from any member of the public that seeks to discuss any employee evaluation or performance with the Commission, regardless of whether such request is intended to be negative or positive.

The agenda will be available by the close of business, three days preceding the County Commission meeting. Ex: If the County Commission meets on Thursday, the agenda will be available Monday at the close of business. In the event that a holiday falls on a Monday, the agenda will be available at 5:00 p.m. on Friday preceding the meeting.

The agenda is available in the Office of the County Commission and on the County website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). A PDF formatted file of the agenda packet will be available at this site. Links to specific agenda items will be available when practical.

If you require visual equipment for your appointment with the County Commission, please notify the Commission staff when scheduling your appointment.

At all times, the County Commission reserves the right to deny a topic, rearrange agenda items because of time constraints, and to accommodate the Commission's schedule or the public's schedule.



## **COUNTY COMMISSION OF JEFFERSON COUNTY**

### **Regular Session Meeting Day**

The County Commission meetings shall be divided into quarterly sessions each year, with each new quarter beginning in January, April, July, and October, respectively. The regular meetings of the Jefferson County Commission are held in the County Commission Meeting Room in the Old Charles Town Library, located at 200 East Washington Street, Charles Town, West Virginia. Meetings are also available to attend virtually via GoToWebinar.

Regular County Commission meetings shall be held on the first and third Thursdays of each month. Meetings held on the first Thursday shall commence at 9:30 a.m. Meetings held on the third Thursday shall commence at 6:00 p.m. The County Commission meets in regular session until all business is complete. The Commission may recess and reconvene to complete the business of the day. At all times, the public is invited and welcomed to attend any County Commission meeting. The Commission will provide an opportunity for public comment at the beginning of each regular meeting.

The County Commission Agenda for regular meetings shall be published on the Commission's website by close of business the Monday before the Thursday meeting.

The County Commission Agenda *packet* for regular meetings shall be published on the Commission's website by close of business the Tuesday before the Thursday meeting.

### **Notice of County Commission Meetings**

In addition to the notice procedures outlined in the sections below, the Commission will post notice of all special, regular, and emergency meetings on its website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org); the County's Facebook page; and circulated via the County's e-mail and text alert systems.

### **Special Meetings**

As provided by law, the County Commission may hold special sessions, whenever the public interests may require, to be called by the president with the concurrence of the majority of the County Commissioners. In the event a special session is called, the Clerk of the County Commission shall post at the front door of the Courthouse at least (2) days before a special session is to be held a notice stating the time, place and purpose for which such special session shall be held. Jurisdiction of said special session is confined to such business as the public shall have been notified in the call of the special session. If the special session is cancelled, notice of such cancellation shall be posted at the front door of the courthouse. Notice of cancellation(s) shall also be disbursed in the same manner of the agenda.

### **Emergency Meetings**

As provided by law, regular session and special session posting requirements shall not apply in the event of any emergency requiring immediate official action. However, in the event of an emergency meeting, the Commission will provide notice to the public as soon as the meeting is scheduled. In the event of any emergency requiring immediate official

action, the Clerk of the Commission shall post at the front door of the Courthouse notice of the meeting at any time prior to the meeting. The meeting notice shall state the time, place and purpose of the meeting and the facts and circumstances of the emergency. Media shall be notified of emergency sessions as soon as possible.

### **Regular Meetings**

As provided by law, the Clerk of the County Commission shall post at the front door of the Courthouse, notice of the time and place fixed and entered of record by the County Commission for the holding of regularly scheduled sessions. Should any such session fall on a holiday, the session shall be cancelled or held on an alternate day decided by the County Commission. If an alternate day is scheduled or a meeting is cancelled, notice of such alternate day or cancellation shall be posted at the front door of the Courthouse. The public shall be notified of said alternate day or cancellation of session as soon as possible.

### **Work Sessions**

Work sessions provide commissioners the opportunity to meet with staff in order to delve into complex issues, discuss solutions and alternatives, give direction to staff, finalize agendas, or create consent agendas. Work sessions may be held immediately prior to a regular meeting or may be held at other times established by the Commission. Work sessions may be used by commissioners to prepare for upcoming regular meetings. These meetings are typically less formal and are often used for information gathering; no formal votes are taken. However, it should be noted that work sessions are subject to the open meetings law.

### **Executive Sessions**

Commission meetings that are closed to the public are often referred to as executive sessions. Such sessions may only be held for the specific, limited purposes authorized by the West Virginia Open Meetings Act, and the Commission must comply with statutory procedures when closing a meeting. These private sessions can be held with the elected officials and any staff or appointed professionals necessary to the discussion.

### **Public Comment**

The County Commission recognizes the value of public comment on Commission issues and the importance of allowing members of the public to express themselves on matters of community interest. As such, the Commission will set an item on the agenda of each regular meeting for public comment.

The following guidelines pertain to all speakers who will be addressing the Commission during the Public Comment Sessions. Please note that public comment is live-streamed on the internet via GotoWebinar during the Commission's meeting, and the video is retained on the Commission website. The identity of speakers is recorded in the official minutes of the Commission, which minutes are retained online and are publicly available in perpetuity.

- Individuals who wish to address the Commission are requested to place their name on the speakers' sign-in list posted located in the back of the County Commission meeting room five minutes prior to the commencement of each meeting. If a speaker

did not have the opportunity to sign in prior to the meeting, the President will ask at the end of the public comment if there are any other individuals who wish to make public comment. Those wishing to speak should raise their hand and the President will recognize them.

- Each speaker shall be limited to three (3) minutes during the public comment period. The Clerk will indicate when your time has expired and the next speaker will be invited to begin.
- Public comment is not a question and answer period. It provides individuals with an opportunity to express their comments regarding any subject matter. All comments shall be directed only to the Commission as whole; no person may address or question Board members individually.
- The Commission will not respond to comments made during the public comment period unless it becomes necessary to direct speakers to the County Administrator for assistance. Issues requiring possible action by the County Commission may be added to a future agenda.
- Unused portions of individual allotted times may not be yielded to other speakers.
- Written comments and materials brought for the Commission by speakers will be accepted during public comment and will be made available to all Commissioners.

The following will not be permitted during public comment:

- Hate speech
- Comments that incite or promote violence
- Profanity, obscenity or vulgarity
- Use of public comment as a forum to campaign for any political office, local or otherwise
- County personnel matters (including discussion of staff members both current and former)
- Name calling and/or personal attacks

If a specific public comment violates the provisions of this policy, the President or presiding member may:

- interrupt, warn, or terminate an individual's presentation
- request that any individual leave the meeting when that individual fails to observe reasonable decorum;
- request the assistance of bailiffs in the removal of a disorderly individual when that individual's conduct interferes with the orderly progress of the meeting; and
- call for a brief recess



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



Name: **Jennifer Krouse**

Department or Organization: **Commissioner**

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

Date Requested – 1<sup>st</sup> Choice: **March 16th**

*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*): **Discussion regarding the lack of adequate radio reception for emergency personnel (police, fire, EMS) in and around Shepherdstown.**

Please provide the County Commission with a description of your request or presentation, including any background information: **There is currently a lack of adequate radio reception for emergency personnel in and around Shepherdstown. This puts both them and the public at risk. There are several factors contributing to this lack of reception, as well as several possible solutions. I would like to open discussions regarding this issue, and determine how we can proceed to address it.**

Is this a funding request? Y/**Not at the moment**

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 make a motion that we further investigate the lack of radio reception in and around Shepherdstown, and research possible solutions with an eye towards implementing those solutions to solve the problem.**

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

If not attached, explain:

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

Contact information:

Email address: **jcckrouse@gmail.com**

Phone Number: **(304) 404-7878**

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

not applicable



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



Name: Jessica James, Assistant Deputy County Administrator

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **March 16, 2023**

*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*): **Selection of Date & Time for Public Hearing on FY24 Draft Budget**

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

- ⬇ Once budget deliberations have ended, the public shall have the opportunity to provide comment regarding the FY24 draft budget ahead of submittal to the State.
- ⬇ This public hearing is traditionally held in the evening. Recommended dates would be:
  - Wednesday, March 22 or 29
  - Thursday, March 23 or 30

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable





# AGENDA REQUEST FORM

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

Name: **Cindy Rezmer**

Department or Organization: **Jefferson County Commission**

Estimation of time needed for appointment: **5 minutes**

Date Requested – 1<sup>st</sup> Choice: **March 16**  
2<sup>nd</sup> Choice:

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

Subject (wording to be placed on agenda):

- Selection of date for County Administrator interviews.
- Review of Anniversary Date Merit Increase Issue for Employees

Please provide a description of your request or presentation, including any background information:

Is this a Funding Request?    No  
If so, how much?                \$  
Provide exact financial request:

Is this a Hiring Request?    No  
Name of Hire:  
Annual Salary: \$                                70 Hr/80 Hr  
Start Date (beginning of pay period):  
Increase after probation if any: n/a  
Any Additional Conditions of Employment:

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

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

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

Contact Information:  
Email Address:

Phone Number:

Email completed forms to:    [jjames@jeffersoncountywv.org](mailto:jjames@jeffersoncountywv.org) and [spitts@jeffersoncountywv.org](mailto:spitts@jeffersoncountywv.org)

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



Jefferson County Commission  
**Prayer Leadership Request**

124 E. WASHINGTON ST.  
CHARLES TOWN WV 25414  
304.728.3284  
WWW.JEFFERSONCOUNTYWV.ORG



Requests may be submitted via US mail, drop-off, or by e-mail  
at [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

Name, Title: \_\_\_\_\_ Today's Date: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone # \_\_\_\_\_ Email: \_\_\_\_\_

Representing: \_\_\_\_\_  
(fellowship, ministry, congregation, or organization to which you belong)

Address: \_\_\_\_\_

Date(s) Requested: \_\_\_\_\_

Signature \_\_\_\_\_

By my signature above, I certify the information I provided on and in connection with this form is true and correct to the best of my knowledge. I also understand that any false statements or deliberate omissions on this form may result in the denial of my request.

**Instructions**

- The Commission meets the first and third Thursday of each month – first Thursday meetings begin at 9:30 a.m.; third Thursday meetings begin at 6:00 p.m.
- As with the regular Agenda Request Form, Prayer Leadership Request forms are due by 12:00 p.m. the Thursday prior to the regularly scheduled meeting date. *Example: If a County Commission meeting is scheduled for Thursday, March 16, prayer leadership request forms would need to be received by 12:00 p.m. on Thursday, March 9.*
- Please complete form and provide to staff through one of the methods indicated above.
- Requests are granted on a “first come, first served” basis and determined by the requestor’s availability. Staff will contact requestor to confirm date of appearance.
- To be respectful of the agenda schedule, please keep prayer length to 3 minutes.
- Questions? Please call the office at 304.728.3284 or e-mail [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) & be sure to provide your contact information.

STAFF USE ONLY  
rcvd by \_\_\_\_\_  
on \_\_\_\_\_  
granted – Y/N



# Public Service Commission of West Virginia

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

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



March 2, 2023

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

**SUBJECT: Disbursement of Wireless E-911 Subscriber Fees**

Dear County Commissioner:

A check in the amount of \$332,291.63 representing a disbursement of Wireless E-911 subscriber fees **will be mailed directly from the West Virginia State Auditor's Office**. This amount is your County's share of the fees remitted to the Public Service Commission for the months of December, 2022, January and February, 2023. The next disbursement will be in three months.

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

Sincerely,

A handwritten signature in black ink, appearing to read "Sandra Mitchell".

Sandra Mitchell  
Budget & Finance Manager

SM:sc

RECEIVED

MAR 06 2023

Jefferson County Commission

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

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THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE JANUARY MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON JANUARY 12th, 2023.

The meeting was called to order at 7:34 a.m.

Those in attendance were:

David Simmons-Chairman Term 6/30/2027  
Mike Lowrey-Secretary Term 6/30/2025  
Helen Dettmer-Treasurer Term 6/30/2024

Eddy Tennant- Operations Supervisor  
Joe Adams-Plant Operator  
James E. Williams- Consultant

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

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

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

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

Motion by Mr. Lowrey, seconded by Ms. Dettmer to approve the December capital replacement account, approved.

Discussion by Mr. Tennant to transfer \$1,000.00 from the working capital reserve acc. to the regular checking

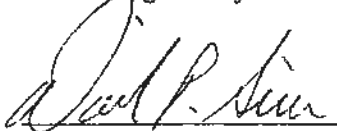
Motion by Ms. Dettmer, seconded by Mr. Lowrey to transfer \$1000.00 from the working capital reserve account over to the regular checking account, approved.

Plant staff discussed the CUPPS (5) year projected items to need repair or replacement.

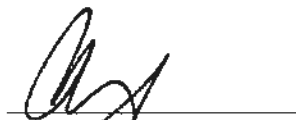
Mr. Tennant discussed upcoming 2023 CWSRF project list deadline, and Alpha preparing the information to be submitted for possible I & I project.

Motion by Mr. Simmons, and seconded by Mr. Lowrey to have Alpha apply to be on the CWSRF project list, contingent an estimate for cost of preparing list information accepted by the Board, approved.

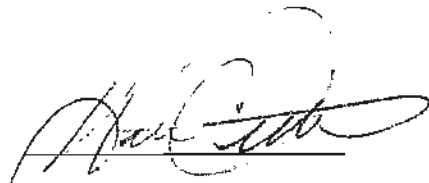
The meeting was adjourned at 8:08 a.m.



David Simmons-Chairman



Mike Lowrey-Secretary



Helen Dettmer-Treasurer

## Public Comment for Jefferson County Commission meeting March 2, 2023

I, David Tabb, a lifelong resident/taxpayer make the following comments:

### **PUBLIC COMMENT –**

My thoughts and prayers are still with all of those volunteer fire members, and their families, who sacrificed their time and assets, to ensure the safety of the community.

The fact is, it only took three County Commissioners to destroy over a 100 years of volunteer fire and emergency services. When in fact, the property taxes paid by the residents was in part, to pay for emergency services that this County Commission took for granted. Now the County Commission expects the volunteer fire companies to provide emergency fire service to the county with no assistance or reimbursement. Shame on you.

### **Presentation #11 – Russell Burgess, Director, Jefferson County IT & GIS**

**Tourism Program Update –** Will there be a surcharge on tourism for the Ambulance services?

**Presentation #12 – Mike Sine, Interim Director, Jefferson County ESA - Reimbursement in the amount \$30,306.41 –** Was this in the budget or where is the money coming from?

**Presentation #13 – Ryan Snyder – JCDA – Request approval to advertise vacant Executive Director position.** No supporting documents, you can't take action.

**Presentation #15 – Parks & Recs – request funding for fireworks – Sam Michael's Park. \$10,000.00.** No supporting documents. Does the park pay an ambulance fee? If approved, the park will be required to have an ambulance on site and since we don't have anymore volunteers, they should be charged \$2,000.00 per hour for the required present of an ambulance.

### **Presentation #16 – Memorandum of Shepherd University Emergency Action Plan**

No supporting documents. The public can not review what this document entails. Therefore, the JCC can not take any action until public hearings are performed.

### **Presentation #17 – County Ambulance dispatch in the CAD system.**

No supporting documents. This should have a public hearing to address such a critical subject matter within the safety of the county residents.

### **Presentation #18 – Letter to the WV Public Service Commission possible transfer of ownership of Jefferson Utilities (water). Increased rate concerns.**

*In part, the JCC is asking the WVPSC for consideration of, any possible rate increases, to occur over years and not at once due to inflation and the "already suffering" residents.*

The JCC asked the WV Public Service Commission, to spread rate increases over several years. The JCC has increase everyone's property tax by 20% to 35% for next tax period instead of spreading this increase over several years. That's right, the JCC increase property taxes last year too with no concerns to the current inflation. This is to include; the upcoming ambulance

fee increase and/or discussion of levy for emergency services. It appears, the JCC can ask of others to do as they ask, not as they do.

*"The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The Governor has ordered the Government to be "open for business" and not deprived the public of notice and comments that would violate ethic provisions.*

It is hard to be safe, with the current County Commission.

*Have a nice day!*

## Jessica Carroll

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**From:** WebmastervJCC <webmaster@jeffersoncountywv.org>  
**Sent:** Friday, March 10, 2023 9:25 PM  
**To:** JCCInfo  
**Subject:** Jefferson County Commission, WV: Website Form Notification

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

**Form Name:** County Commission Contact  
**Date &Time:** 03/10/2023 9:25 PM  
**Response#:** 3029  
**Submitter ID:** 7384  
**IP address:** 44.204.112.44  
**Time to complete:** 10 min. , 46 sec.

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### Survey Details

#### Page 1

**1. Name**

JAMES KIRCHER!

**2. Email**

jimmykircher@yahoo.com

**3. Questions or Concerns**

I guess we dont matter on the mountain anymore. I iwas the 1st person to stay at blue ridge fire depd in **1976**. now you have taken a vital thing our our life, you are a joke, only care about charles town. this is sick. company 5 took most of the desiced out of the county for the last few years, now were a joke, no jefferson county comission is the joke. my email is jimmykircher@yahoo.com if anyony has the guts to respond. or my pkone # is 304-283-0332. be brave enough to say something.

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

(o) Yes

Thank you,  
Jefferson County Commission, WV

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