

**AGENDA
JEFFERSON COUNTY COMMISSION
SECOND QUARTERLY SESSION - APRIL-JUNE 2023
THURSDAY, MAY 4 2023
9:30 A.M.**

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

CALL TO ORDER

PRAYER – Pastor Van Marsceau

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- Amended - April 6, 2023 Regular Meeting
- April 18, 2023 Special Session – Lay the Levy
- April 20, 2023 Regular Meeting

APPROVAL OF ACCOUNTS PAYABLE

- April 27, 2023
- May 4, 2023

APPROVAL OF MANUAL CHECKS

- April 28, 2023
- May 5, 2023

APPROVAL OF REQUISITIONS

- May 4, 2023

APPROVAL OF PAYROLL

- April 28, 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. Your comments will be included in the minutes and agenda correspondence. Please include your name*

PRESENTATIONS

1. 9:40 a.m. Angie Banks, Assessor
- Exonerations
2. 9:45 a.m. Matt Harvey, Prosecuting Attorney
- Approval to Hire Full-time Paralegal
3. 9:50 a.m. Tom Hansen, Sheriff
- May Delinquent List
- Court Security Grant
- Reserve Applicants
- Part-time Bailiff Hires
- Full-time Bailiff Hours
4. 10:05 a.m. Jennifer Myers, Director, Jefferson County Parks and Recreation
- Request Letter of Permission from the Jefferson County Commission to hold a fireworks show at Sam Michaels Park on July 1, 2023 with a rain date of July 2, 2023.
- Request for the Jefferson County Commission to act as the Responsible Entity for Jefferson County Parks and Recreation Commission Community Development Funding as related to the requirements of an environmental assessment and sign all documents associated with said request
5. 10:15 a.m. Russell Burgess, Jefferson County Department of IT & GIS
- Approval to Advertise for Department of Information Technology Support/Helpdesk Technician
6. 10:25 a.m. Roger Goodwin, Chief County Engineer
- West Virginia State Code, Chapter 7, Article 1, County Commissions Generally - §7-1-3U, *Authority of Counties and Municipalities to Treat Streams to Prevent Floods*
7. 10:35 a.m. Alex Beaulieu, Deputy Director, Department of Engineering, Planning & Zoning
- Request for Partial Refund of the Conditional Use Permit fee for Patrick Kiser.
8. 10:40 a.m. Mike Sine, Interim Director, Jefferson County Emergency Services Agency
- Monthly Update on EMS Transition
- Request for additional staffing to restore staffing and units back to Blue Ridge Mountain Volunteer Fire Company No. 5 and Middleway Volunteer Fire Department Co. 6
- Request for reimbursement of labor expenses associated with the EMS transition project in the amount of \$8,330.18 for March
9. 11:00 a.m. Lutman Land Development, LLC
- Public Hearing for Zoning Map Amendment Request for Lutman Land Development, LLC 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 Residential-Light Industrial-Commercial (Planning Commission File #23-3-Z).

10. 11:15 a.m. ILA Properties, Inc, Applicant for REhman et. al. Property
- Public Hearing for Zoning Map Amendment (rezoning) for the property designated as Tax District: Middleway (07), Tax Map: 2; Parcel: 2.2. The property is vacant, located approximately ¼ of a mile southeast of the Berkeley/Jefferson County line; south of Route 115 West. The property owner is Saif & Shahzad Rehman; the applicant is ILA Properties, Inc. Parcel Size: 12.8 acres. The property is currently zoned Rural and a petition has been made to the County Commission by the applicant to change the zoning classification from Rural to Residential-Light Industrial-Commercial (Planning Commission File #23-4-Z).
11. 11:30 a.m. Interviews and Appointments to the following:
- HOME Consortium Council – one three-year term ending June 30, 2026
- Jefferson County Property Safety Ordinance Enforcement Agency – one unexpired term ending February 8, 2024
- Jefferson County Development Authority – one three-year term for Ranson representative ending April 5, 2026
12. 11:40 a.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. Perdue 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; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc. et al., Civil Action No. 20-C-82 PNM (W. Va. Cir. Ct. Kanawha County) and related matters.
 - b. Review potential adoption of Commission leave policy as assigned to counsel.
 - c. Review, discussion, and possible adoption of Operational MOU for Fire & EMS between JCESA and/or JCC and fire departments.
 - d. Discussion of minor boundary location issue between Berkeley and Jefferson County.

UNFINISHED BUSINESS

13. Radio Signal Update re: Shepherdstown (JK)

NEW BUSINESS

14. Review organizational status for Emergency Services Agency transition
15. Meeting Room Use Request – Jefferson County Democratic Women’s League

INTERIM COUNTY ADMINISTRATOR REPORTS

- Request Modification of Existing Contract with Tyler Technologies to assist with onboarding/importing additional employee and payroll information resulting from the EMS transition
- Review and Approval of FY24 Employee Benefits Selections

COUNTY COMMISSION REPORTS

16. ADJOURN

CORRESPONDENCE AND INFORMATION

2023 Jefferson County Levy Rate Sheet

Year-to-Date Budget Reports for April 2023

Public comments received from the following: David Tabb, Marc Petitpierre

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.

AMENDED

Minutes

Jefferson County Commission

Thursday, April 6, 2023

A meeting of the Jefferson County Commission was held on Thursday, April 6, 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, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, April 6, 2023 meeting is available on the Jefferson County Commission website.

PRAYER- Pastor Bill Rowley

PLEDGE OF ALLEGIANCE

Commissioner Stolipher led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Stolipher to approve the March 15, 2023 Budget Deliberation Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the March 16, 2023 Regular Meeting Minutes with edits. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the March 22, 2023 Budget Deliberation Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Stolipher to approve the Payroll for March 31, 2023 in the amount of **\$291,190.54**. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Stolipher to approve the Requisitions for April 6, 2023 in the amount of **\$203,696.18**. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#		VENDOR NAME		AMOUNT
87723		CASTO & HARRIS INC		\$ 9,832.39
87724		CORNELIA HAMM		\$ 340.56
87725		COURTNEY S MOORE		\$ 53.75
87726		DOING BETTER BUSINES		\$ 25.95
87727		GUTTMAN OIL CO		\$ 4,757.81
87728		J.D. POWER & ASSOC		\$ 478.50
87729		JENNILEE HARTMAN		\$ 361.57
87730		Bobby Swartz		\$ 200.00
87731		SPECIALTY BUSINESS SUPPLIES		\$ 48.25
87732		WILLIAM SCHWEITZER		\$ 2,751.47
87733		WV ASSOC OF EXTENSION 4-H AGENTS		\$ 125.00
87734		WVCORP WV COUNTIES SELF INSURANCE RISK POOL		\$ 31,966.25
87735		XEROX CORPORATION		\$ 410.00
87736	GS/004	GENERAL COUNTY FUND-004		\$ 13,433.92
TOTAL				\$ 64,785.42

- **Motion by Mr. Stolipher to approve the Accounts Payable for March 23, 2023 in the amount of \$64,785.42 Motion seconded and unanimously approved.**

CHECK#	VENDOR NAME	AMOUNT
87738	AHA-ARTS & HUMANITIES ALLIANCE	\$ 979.41
87739	AT&T MOBILITY - CC	\$ 622.31
87740	ATLANTIC OCCUPSYCH INC.	\$ 2,125.00
87741	BESSIE NELSON	\$ 99.55
87742	BUREAU OF CHILD SUPPORT	\$ 373.39
87743	CITY OF CHARLES TOWN	\$ 20.00
87744	CITY OF CHARLES TOWN	\$ 80.00
87745	COMPTROLLER OF MARYLAND	\$ 802.33
87746	DAMIEN HART	\$ 177.00
87747	DELTA DENTAL OF WV	\$ 5,636.24
87748	EFTPS IRS TAXES	\$ 97,014.62
87749	EMPOWER RETIREMENT	\$ 5,544.90
87750	GUTTMAN OIL CO	\$ 4,670.66
87751	HIGHMARK WV	\$ 172,468.62
87752	JAMIN BRANCH	\$ 6,500.00
87753	JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	\$ 1,450.27
87754	JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$ 24,485.37
87755	JEFF CO PARKS & RECREATION COMMISSION	\$ 22,055.68
87756	JEFFERSON SECURITY BANK	\$ 4,075.00
87757	JCCOA JEFFERSON CENTER	\$ 150.00
87758	JEFFREY POLCZYNSKI	\$ 468.50
87759	JESSICA EBERSOLE	\$ 85.00
87760	KONE BROOKLYN	\$ 591.44
87761	LANGUAGE LINE SERVICES	\$ 27.25
87762	THE LAW OFFICE OF GREGORY E KENNEDY PLLC	\$ 6,553.25
87763	MILLENIUM INSURANCE GROUP	\$ 900.00
87764	NATIONAL VISION ADMIN.	\$ 1,549.52
87765	NICOLE NOBREGA	\$ 927.16
87766	NATIONWIDE RETIREMENT SOLUTIONS	\$ 834.00
87767	R.E. MICHEL CO. LLC	\$ 8.49
87768	RAYMOND L FECTEAU	\$ 250.00
87769	DR. ROBERT E. JONES III	\$ 1,000.00
87770	ROBERT S. SELL	\$ 256.00
87771	SPIRIT OF JEFFERSON	\$ 62.70
87772	STATE TAX DEPARTMENT	\$ 150.00
87773	VA DEPT OF TAXATION	\$ 2,270.53
87774	WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 16,180.87
87775	WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	\$ 466.33
87776	WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 43,979.67
87777	WV STATE TAX DEPARTMENT	\$ 48,368.71

87778		XEROX CORPORATION		\$ 330.29
87779	FG/009	SHERIFF OF JEFFERSON CO		\$ 3,828.10
87780	BS/011	SHERIFF OF JEFFERSON CO		\$ 6,137.11
87781	AM/053	SHERIFF OF JEFFERSON CO		\$ 1,605.75
TOTAL				\$ 486,161.02

- **Motion by Mr. Stolipher to approve the Accounts Payable for March 30, 2023 in the amount of \$486,161.02. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
87782		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU		3,457.65
87783		BOLIVAR / HARPERS FERRY PUBLIC LIBRARY		22,500.00
87784		CCAWV-COUNTY COMMISSION ASSOCIATION OF WV		75.00
87785		COLONIAL LIFE		143.52
87786		CORMAC QUINN		16.40
87787		DARYLL WIMER		19.37
87788		DAVID EVERETT BOOBER		561.70
87789		DAVID WAMPLER		30.67
87790		DOUGLAS PITTINGER		32.91
87791		ED HANNON		10.58
87792		EPTA-EASTERN PANHANDLE TRANSIT AUTHORITY		20,000.00
87793		GUTTMAN OIL CO		5,121.33
87794		INSIGHT PUBLIC SECTOR INC		20,847.60
87795		JEFFERSON CO EMERGENCY SERVICES AGENCY		787,217.75
87796		JEFFERSON COUNTY DEVELOPMENT AUTHORITY		31,725.00
87797		JEFF CO PARKS & RECREATION COMMISSION		93,771.50
87798		JEFFERSON DAY REPORT CENTER		37,502.50
87799		JENNIFER KROUSE		56.00
87800		KEITH JOHNSON		8.03
87801		MARKL SUPPLY COMPANY		1,398.25
87802		OLD CHARLES TOWN LIBRARY		1,500.00
87803		OLD CHARLES TOWN LIBRARY		22,500.00
87804		ROMULO QUEZADA		6.07
87805		SHEPHERDSTOWN PUB LIBRARY		22,500.00
87806		SHERIFF OF JEFFERSON COUNTY		77.21
87807		SOUTH JEFFERSON PUBLIC LIBRARY		22,500.00
87808		TEK ADVISORS LLC		4,200.00
87809		THE HARTFORD		3,509.68
87810		THE HARTFORD		2,241.55

87811		WVU WEST VIRGINIA UNIVERSITY		3,700.00
87812	FG/009	BERKELEY CO SHERIFF DEPT		1,462.26
87813	FG/009	CITY OF CHARLES TOWN		714.24
87814	FG/009	RANSON POLICE DEPT		1,954.22
TOTAL				1,111,360.99

- **Motion by Mr. Stolipher to approve the Accounts Payable for April 6, 2023 in the amount of \$1,111,360.99. Motion seconded and unanimously approved.**

APPROVAL OF MANUAL CHECKS

24-Mar-23

OTHER FUNDS				
Check#	Fund	VENDOR		Amount
572	CS/O2	EASTRIDGE HEALTH SYSTEM		\$ 2,400.00
845	HD/8	ATTENTI		\$ 60.96
1050	AV/56	J.D POWER & ASSOC		\$ 685.00
1051	AV/56	MR. PRINT		\$ 305.57
359	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 85,644.80
1814	CO/246	P.J RACO CONSULTING		\$ 1,375.00
167	AR/207	STRYKER MEDICAL		\$ 116,718.48
1387	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 59.00
1388	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 9,676.07
1389	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 56,048.01
1390	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 5,924.73
1391	IP/249	SHERIFF JEFFERSON CO - ADMIN		\$ 2,606.87
147	PARK/249	MINGHINI'S		\$ 14,250.00
958	CW/O59	HUNTZMAN ENT		\$ 1,074.00
TOTAL				\$ 296,828.49

- **Motion by Mr. Stolipher approve the Manual Checks for March 24, 2023, in the amount of \$296, 828,49. Motion seconded and unanimously approved.**

31-Mar-23

OTHER FUNDS				
Check#	Fund	VENDOR		Amount
573	CS/2	PRIORITY DISPATCH		\$ 116,975.00
846	HD/8	SHERIFF OF JEFFERSON CO		\$ 1,399.80
1052	AV/56	MILLERS SUPPLIES AT WORK		\$ 521.68
168	AR/207	EMERGENCY VEHICLE SPECIALIST		\$ 12,785.29
169	AR/207	INDEPENDENT FIRE CO		\$ 7,289.00
170	AR/207	JCESA		\$ 30,306.41
171	AR/207	SHERIFF OF JEFFERSON CO		\$ 8,756.72
1815	CO/246	PRIORITY DISPATCH		\$ 63,965.90
148	249/PARK	JEFF CO PARK/REC		\$ 11,328.61
TOTAL				\$ 253,328.41

- **Motion by Mr. Stolipher approve the Manual Checks for March 31, 2023 in the amount of \$253,328.41. Motion seconded and unanimously approved.**

7-Apr-23

OTHER FUNDS				
Check#	Fund	VENDOR		Amount
959	CW/O59	WV STATE POLICE		\$ 15.00
400	WV/369	WVDSRF		\$ 910.00
149	PARK	HELBING LIPP REC		\$ 6,251.12
1816	CO/246	R.E. MICHEL CO		\$ 1,986.44
172	AR/207	CITIZEN VOL FIRE		\$ 3,400.00
173	AR/207	EMERGENCY VEH		\$ 9,225.26
174	AR/207	INDEPENDENT FIRE		\$ 2,400.00
175	AR/207	JEFF CO COMM MIN		\$ 20,000.00
176	AR/207	RUGGED NOTEBOOKS		\$ 35,225.00
177	AR/207	STRYKER MEDICAL		\$ 5,479.60
178	AR/207	US BANK		\$ 592.16
1053	AV/56	AWVA ASSOC OF WV ASSESSORS		\$ 1,060.00
1054	AV/56	BARKER LAND & CONSULTING		\$ 10,000.00
1055	AV/56	COMMERCIAL PRESS INC		\$ 978.00
1056	AV/56	MILLERS SUPPLIES AT WORK		\$ 46.10
1057	AV/56	NATIONAL BAND & TAG CO		\$ 2,700.00
1058	AV/56	PRINT-O-STAT		\$ 190.00
1059	AV/56	SEGRA		\$ 616.00
1060	AV/56	US BANK		\$ 968.47

847	HD/8	US BANK		\$ 91.06
TOTAL				\$ 102,134.21

- **Motion by Mr. Stolipher approve the Manual Checks for April 7, 2023 in the amount of \$102,134.21. Motion seconded and unanimously approved.**

PUBLIC COMMENT: Makayla Zonfrilli, Jaqueline Milliran, David Tabb, Josh Beall.

PRESENTATIONS

1. Angie Banks-Assessor-
 - a. Requested approval of Exonerations

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Gregory & Amy Byrne	PP	SD	\$21.45	315497

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 315497 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Richard & Janice Myers	PP	CT	\$35.76	303094

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 303094 as presented by Ms. Banks. Motion seconded and unanimously approved.**

- b. Requested approval of new hire
- **Motion by Mrs. Tabb approve the hire of Cheri Vest for the Circuit Clerk position with a start date of April 17, 2023 and a starting salary of \$37,000. Motion seconded and unanimously approved.**

2. Karen Olden- Probate Office

- **Motion by Mrs. Tabb to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**
- a. Quarterly Review of Accountings/Waivers and New Estates.
- **Motion by Mrs. Tabb to approve the accounts and waivers that have met all the requirements of the Probate Office and are ready to be closed and approve the new estates that been opened since last quarterly review. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to adjourn as a Fiduciary Review Board. Motion seconded and unanimously approved**
- b. Requested approval to appoint Bradley C. Snowden, Esq. as a Fiduciary Commissioner
- **Motion by Mr. Stolipher to appoint Bradley C. Snowden, Esq. as the fourth Fiduciary Commissioner. Motion seconded and unanimously approved.**

3. Jennifer Myers- Jefferson County Parks & Recreation-

- a. Requested to add Jefferson County Parks & Recreation Commission to the Jefferson County Commission health insurance plan effective July 1, 2023.
- **Motion by Mrs. Ath to allow Jefferson County Parks & Recreation Commission to explore the options to become a division of the Jefferson County Commission health insurance plan. Motion seconded and unanimously approved.**

b Requested to waive all fees and bonding for park and construction projects in Jefferson County Parks.

- **Motion by Mr. Stolipher to waive all fees and bonding for construction projects in all Jefferson County Parks. Motion seconded and unanimously approved.**

4. Steve Allen- Jefferson County Office of Homeland Security and Emergency Management- Requested acceptance of proposal bid for 2023 Multi-Jurisdictional All Hazards Mitigation Plan.

- **Motion by Ms. Jackson to approve the President to sign the contract for the 2023 Multi-Jurisdictional All Hazards Mitigation Plan. Motion seconded and unanimously approved.**

5. Steve Cox and Bessie Nelson- Jefferson County Sheriff's Civil Service Commission- Requested guidance from the County Commission regarding vendor contract for a 3rd party to provide promotional exams for the Jefferson County Sheriff Deputies.

**Please note that Nathan Cochran-Assistant Prosecuting Attorney recused himself from the discussion.*

- **Motion by Mr. Stolipher to grant the President of the Jefferson County Civil Service authority to sign contracts on behalf of the Civil Commission providing funds are available. Motion seconded and unanimously approved.**

6. Lutman Land Development, LLC- Requested 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 Residential Growth/Light Industrial/Commercial.

- **Motion by Mr. Stolipher to accept the 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 May 4, 2023 and to refer the application to the Planning Commission for advice on the requests consistency with the Comprehensive plan. Motion seconded and unanimously approved.**

7. ILA Properties, Inc. Applicant for Rehman, et. al. Property- Requested for a Map Amendment for Rehman, et. al., Middleway District, Map 2, Parcel 2.2 containing 12.80+-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.

- **Motion by Mr. Stolipher to accept the Landowner Petition and request for Map Amendment for Rehman, et. al., Parcel 2.2 on Map 2 in the Middleway Tax District and schedule a Public Hearing at the County Commission Meeting on May 4, 2023 and to refer the application to the Planning Commission for advice on the requests consistency with the Comprehensive Plan.**

8. Laura Kuhn- Fleet & Facilities Management- Requested

- a. Approval of Employment-Custodian

- **Motion by Mr. Stolipher to approve the employment of Conner Walzl as a Custodian with the department of Fleet and Facilities Management at a Grade 2, 40-hour position with a start date of April 10, 2023 and starting Salary of \$33,000. Motion seconded and unanimously approved.**

- b. Approval of funding for Service Invoices for the 911 Generator

- **Motion by Mr. Stolipher to approve the budget transfer from the Coal Severance fund to Maintenance /Repair line to cover the two invoices from Fidelity Power Systems for repair of the generator at the 911 Communications Center for a total of \$14,172.04. Motion seconded and unanimously approved.**

9. Roger Goodwin- Department of Engineering, Planning and Zoning- Requested approval of Employment offer to fill both positions of Planning Intern in the Department of Engineering, Planning and Zoning.

- **Motion by Mr. Stolipher to approve the offer of employment to Joe Guttman as a Planning Intern with the Department of Engineering, Planning and Zoning at an hourly rate of \$15.00 and not to start before May 1, 2023. Motion seconded and unanimously approved.**

- **Motion by Mr. Stolipher to approve the offer of employment to Shenandoah Ragle as a Planning Intern with the Department of Engineering, Planning and Zoning at an hourly rate of \$15.00 and not to start before May 1, 2023. Motion seconded and unanimously approved.**

10. Jeff Polczynski-Emergency Communication Center- Requested approval of hire to six (6) Full-time Public Safety Dispatchers (Trainee)

- **Motion by Mrs. Tabb to approve the appointment of Amanda Carroll as a Public Safety Dispatcher (trainee) at the hourly rate of \$22,2822 (\$46,347/yearly), training incentive signing bonus of \$2000 and the post-training salary increase upon completion of training. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve the appointment of Matthew Buchwitz as a Public Safety Dispatcher (trainee) at the hourly rate of \$22,9507 (\$47,737.41/yearly), training incentive signing bonus of \$2000 and the post-training salary increase upon completion of training. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve the appointment of Steffanie Michael as a Public Safety Dispatcher (trainee) at the hourly rate of \$22,2822 (\$46,347/yearly), training incentive signing bonus of \$2000 and the post-training salary increase upon completion of training. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve the appointment of Robert Smith as a Public Safety Dispatcher (trainee) at the hourly rate of \$22,2822 (\$46,347/yearly), training incentive signing bonus of \$2000 and the post-training salary increase upon completion of training. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve the appointment of Jade Warner as a Public Safety Dispatcher (trainee) at the hourly rate of \$22,2822 (\$46,347/yearly), training incentive signing bonus of \$2000 and the post-training salary increase upon completion of training. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve the appointment of Anthony Cole as a Public Safety Dispatcher (trainee) at the hourly rate of \$22,2822**

(\$46,347/yearly), training incentive signing bonus of \$2000 and the post-training salary increase upon completion of training. Motion seconded and unanimously approved.

11. Jeff Polczynski- Emergency Communication Center- Dustyn McConnell, Jeffrey Perry, SWIC/SIRN and Fred Kinder, SIRN Technician, WVEMD-

It was the consensus of the Commission that Director Jeff Polczynski return for the May 4th Commission Meeting with additional information/updates.

12. Liz Wheeler-Jefferson County Farmland Protection Board-Requested approval of purchase of one agricultural Conservation Easement.

- **Motion by Mr. Stolipher to approve the purchase by the Jefferson County Farmland Protection Board for the Jefferson County Farmland Protection Program one conservation easement on the property in Jefferson County owned by Kime Farm Owner, LLC. Motion seconded and unanimously approved.**

13. 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; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc., et al., Civil Action No. 20-C-82 PNM (W. Va. Cir. Ct. Putnam County) (the "West Virginia AG Action"), pending within In re: Opioid Litigation, Civil Action No. 21-C-9000 (W. Va. Cir. Ct. Kanawha County) and related matters.
- b. Review potential adoption of Commission leave policy as assigned to counsel.
- c. Review, discussion, and possible adoption of Operational MOU for Fire and EMS between the JCESA and/or JCC and fire departments.
- d. Discussion of W.Va. Human Rights Comm. Case No. EREP-49-21.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice on items 13 a, b and c. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to reconvene in regular session. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to approve the President to sign the release form for the Walgreens litigation. Motion seconded and unanimously approved.**

UNFINISHED BUSINESS

14. Memorandum of Understanding – Shepherd University Emergency Action Plan (SS)

NO ACTION REQUIRED

NEW BUSINESS

15. Discussion between Commissioners and County Administrator staff regarding the lead-up to the budgeting process, the late submission of the budget, and the errors discovered therein (JK)

16. Approval of FY24 Official Budget Document Submittal to the State Auditor's Office.

- **Motion by Mr. Stolipher to approve the adjustment of the original FY24 official budget and take \$250,000.00 from the contingency line and the remaining \$1,697 from the Coal Severance fund to balance out the FY2024. Motion Seconded and unanimously approved.**

17. Meeting room use Request- Mountain View Coaching

- **Motion by Ms. Jackson to approve the request by Mountain View Coaching to use the meeting room for monthly financial empowerment for teens workshop with a stipulation that any Jefferson County Department/Organization will take**

priority in the use and an additional fee of \$40 will be charge to the for-profit organization. Motion Seconded and unanimously approved.

INTERIM COUNTY ADMINISTRATOR REPORTS

- **ESA Reimbursement Request for Labor Cost of EMS Transition project for February 2023 for the amount of \$7,850.24.**

Motion by Mrs. Tabb to approve the reimbursement of \$7,850.24 to JCESA for the cost of labor for February 2023 in association with the EMS transition project and to be funded by ARPA Fund: EMS System allocation. Motion seconded and unanimously approved.

- **Continuation of Retro Pay Discussion**

Motion by Mr. Stolipher to approve the retro pay for the county employees. Motion seconded and unanimously approved.

- **Continuation of Increased Pay Rate**

Motion by Mr. Stolipher to approve the continuation of increase pay rate for the commission staff. Motion failed on a 2 -2 vote with Commissioner Stolipher and Commissioner Tabb voting for it and Commissioner Jackson and Commissioner Krouse opposing. Noting Commissioner Ath was not present for the vote.

- **Project Manager for ESA Transition**

It was the consensus of the Commission that interim County Administrator Cindy Rezmer provide a job description at the next county commission meeting.

- **Designation of Grant Signatory**

NO MOTION NEEDED

- Offer of Employment – County Administrator

Motion by Mr. Stolipher to approve the hire of Makayla Zonfrilli as the County Administrator with a salary of \$110,000.00 with a starting date of May 8, 2023. Motion seconded and unanimously approved.

The Commission adjourned at 12:35pm on a motion by Mr. Stolipher was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant

SPECIAL SESSION TO LAY THE LEVY

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, April 18, 2023, beginning at 9:30 o'clock a.m.

PRESENT: Steve Stolipher, President
Clare Ath, Vice President
Tricia Jackson, Commissioner
Jane Tabb, Commissioner
Cindy Rezmer, Interim County Administrator
Sorayda Pitts, Administrative Assistant

In re: LEVY ORDER AND LEVY RATES APPROVED FOR FISCAL YEAR FY 2024-2025

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

The purpose of the meeting was to Lay the Levy for FY2024.

Motion by Mrs. Tabb to approve the Levy rates for property taxation beginning July 1, 2023 as reflected in the Levy Order Rate Sheet and authorize the County Clerk to sign the Levy Order Rate Sheet as presented and forward the proper documents to the State Auditor’s Office. Motion seconded and unanimously approved.

AUTHORIZED RATES

Thirteen and four cents	(13.04) Class I Property
Twenty-six and eight cents	(26.08) Class II Property
Fifty-two and sixteen cents	(52.16) Class III and Class IV Property

There being no further business, motion by Mr. Stolipher to adjourn the Special Session to Lay the Levy. Motion seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectively Submitted:
Sorayda Pitts
Administrative Assistant

Minutes

Jefferson County Commission

Thursday, April 20, 2023

A meeting of the Jefferson County Commission was held on Thursday, April 20, 2023 during the second quarterly session at 6:00pm. 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 and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, April 20, 2023 meeting is available on the Jefferson County Commission website.

PRAYER- Rev. John Bethard, Chaplain

PLEDGE OF ALLEGIANCE

Commissioner Stolipher led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Stolipher to approve the **March 2, 2023** Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the **March 9, 2023** Budget Deliberations Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the **March 24, 2023** Budget Deliberations Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the **March 27, 2023** DRAFT FY24 Public Hearing Meeting Minutes as presented. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the **April 06, 2023** Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Stolipher to approve the Payroll for April 14, 2023 in the amount of **\$280,530.48**. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Stolipher to approve the Requisitions for April 20, 2023 in the amount of **\$34,938.27**. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
87816	AMERIFLEX	125.80
87817	ANGELA L BANKS	667.83
87818	BOLAND TRANE SERVICES INC	5,417.00
87819	BUREAU OF CHILD SUPPORT	439.85
87820	CAPITAL ELECTRIC	1,525.05
87821	COMPILED TECHNOLOGIES LLC	3,600.00
87822	COMPTROLLER OF MARYLAND	737.51
87823	EFTPS IRS TAXES	93,613.06
87824	ELIZABETH DUTKO	2,157.26
87825	EMPOWER RETIREMENT	5,465.49
87826	GUTTMAN OIL CO	5,613.82
87827	J.C. EHRLICH	775.94
87828	JAMES P HAYDEN	2,466.85
87829	JEFFERSON SECURITY BANK	4,075.00
87830	LAURA POPE	377.50
87831	LORI BROWN	377.50
87832	MARKL SUPPLY COMPANY	8,715.00
87833	MICHAEL MONAGHAN	1,830.88
87834	MILLER'S SUPPLIES AT WORK	76.61
87835	NAPA AUTO PARTS	328.16
87836	NATIONWIDE RETIREMENT SOLUTIONS	834.00
87837	POTOMAC EDISON	33,840.82
87838	RETIREE HEALTH BENEFIT TRUST	8,008.00
87839	RICE TIRES CO	1,230.86
87840	SANDRA KELLEY	650.65

87841		STACI HOVERMALE		377.50
87842		STATE TAX DEPARTMENT		150.00
87843		TRACY P RICE RPR		250.25
87844		US BANK		87,732.29
87845		WILLIAM SCHWEITZER		498.53
87846		WV ASSOCIATION OF CIRCUIT CLERK		225.00
87847		WV DEPUTY SHERIFF RETIREMENT SYSTEM		17,292.41
87848		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		44,121.34
87849		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM		166.49
87850		WV REGIONAL JAIL & CORRECTION FACILITY AUTH		55,970.00
87851	FG/009	SHERIFF OF JEFFERSON CO		\$ 4,749.02
87852	BS/011	SHERIFF OF JEFFERSON CO		\$ 7,343.98
87853	AM/053	SHERIFF OF JEFFERSON CO		\$ 1,630.81
TOTAL				403,458.06

- **Motion by Mr. Stolipher to approve the Accounts Payable for April 13, 2023 in the amount of \$403,458.06. Motion seconded and unanimously approved.**

CHECK#		VENDOR NAME		AMOUNT
87854		BHM CPA GROUP INC	VOIDED CHECK	\$ (65,000.00)
				\$ 65,000.00
87855		DOUGLAS H FLETCHER		\$ 677.35
87856		FEDEX		\$ 39.72
87857		GUTTMAN OIL CO		\$ 5,258.50
87858		JAMIE GREEN		\$ 1,676.61
87859		JAMIN BRANCH		\$ 281.65
87860		MONROE SYSTEMS FOR BUSINESS		\$ 45.74
87861		SHERIFF OF JEFFERSON COUNTY		\$ 3,285.00
87862		SHERIFF OF JEFFERSON COUNTY		\$ 5,398.10
87863		SOFTWARE SYSTEMS INC		\$ 1,233.77
87864		SPIRIT OF JEFFERSON		\$ 125.10
87865		TINA RENNER		\$ 10.00
87866		TONY GAINEY		\$ 3,250.00
87867		TRACY P RICE RPR		\$ 231.00
87868		W B MASON CO. INC		\$ 762.19
87869		WV BUREAU OF EMPLOYMENT UNEMPLOYMENT COMP. DIV.		\$ 8,344.96
87870		WV STATE AUDITOR		\$ 2,600.00
87871		BHM CPA GROUP INC		\$ 32,500.00
87872	GS/004	GENERAL CO FUND -004		\$ 15,924.91

87873	AM/053	SHERIFF OF JEFFERSON CO		\$ 225,000.00
87874	AM/053	SHERIFF OF JEFFERSON CO		\$ 225,000.00
87875	AM/053	SHERIFF OF JEFFERSON CO		\$ 225,000.00
TOTAL				\$ 756,644.60

- **Motion by Mr. Stolipher to approve the Accounts Payable for April 20, 2023 in the amount of \$756,644.60. Motion seconded and unanimously approved.**

APPROVAL OF MANUAL CHECKS

14-Apr-23				
OTHER FUNDS				
Check#	Fund	VENDOR		Amount
960	CW/O59	WV STATE AUDITORU		\$ 2,740.00
848	HD/8	ATTENTI		\$ 3,094.40
849	HD/8	SHERIFF OF JEFFERSON CO		\$ 1,412.50
574	CS/2	EASTRIDGE HEALTH SYSTEM		\$ 1,800.00
179	AR/207	CITIZENS VOLUNTEER FIRE CO		\$ 3,400.00
180	AR/207	EMERGENCY VEHICLE SPECIALIST		\$ 1,084.87
181	AR/207	JCESA		\$ 16,492.46
182	AR/207	MINGHINI'S		\$ 8,550.00
183	AR/207	MINGHINI'S		\$ 13,300.00
184	AR/207	SHERIFF OF JEFFERSON CO		\$ 11,469.35
1817	CO/246	MOTOROLA SOLUTION		\$ 433,198.69
1392	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 126.00
1393	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 19,659.84
1394	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 119,270.00
1395	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 12,607.90
1396	IP/249	SHERIFF JEFFERSON CO - ADMIN		\$ 5,547.95
TOTAL				\$ 653,753.96

- **Motion by Mr. Stolipher to approve the Manual Checks for April 14, 2023, in the amount of \$653,753.96 Motion seconded and unanimously approved.**

21-Apr-23

		OTHER FUNDS		
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Check#	Fund	VENDOR	Amount
575	CS/2	BENDA HINKLE	\$ 224.10
360	FP/57	JEFFERSON CO FARMLAND PROT.	\$ 102,410.97
185	AR/207	AT&T	\$ 380.98
186	AR/207	INDEPENDENT FIRE DEPT	\$ 2,400.00
187	AR/207	SHEPHERDSTOWN FIRE DEPT	\$ 3,200.00
1818	CO/246	INSIGHT PUBLIC SECTOR	\$ 28,265.98
1819	CO/246	JC SOLID WASTE AUTH	\$ 221.00
TOTAL			\$ 137,103.03

- **Motion by Mr. Stolipher to approve the Manual Checks for April 21, 2023 in the amount of \$137,103.03. Motion seconded and unanimously approved.**

PUBLIC COMMENT: John Christensen, Marc Petitpierre, Tine Renner, David Tabb and Jeri Wines.

PRESENTATIONS

1. Nikki Painter-Elections, County Clerk's Office- Requested the approval to apply for the HAVA grant to cover part of the cost of the electronic poll books that were approved for the '24 budget cycle.
 - **Motion by Mr. Stolipher to approve the HAVA grant application as presented. Motion seconded and unanimously approved.**
2. Rebecca Hall-Prosecuting Attorney's Office Victim Assistant Program- Requested the Commission to sign the VOCA Federal Grant Contract for 2022-2023 and sign the VOCA Federal Grant Application 2023-2024.
 - **Motion Mr. Stolipher to approve the 2022-2023 VOCA Federal Grant contract. Motion seconded and unanimously approved.**
3. Gino Sisco- Director- Jefferson County Development Authority- Requested approval to hire new Director for the Jefferson County Development Authority

- **Motion by Mr. Stolipher to approve the hire of Edwina Benites for Executive Director of the Jefferson County Development Authority with a salary of \$95,000.00 with a start date of May 1, 2023. Motion passed on a 3-2 vote with Commissioner Tabb, Commissioner Ath, Commissioner Stolipher voting for and Commissioner Krouse with Commissioner Jackson opposing.**

4. Mike Sine- Interim Director Jefferson County Emergency Services Agency- Requested

- a. Monthly update on progress of EMS Transition
- b. Reimbursement for the cost of supplies, equipment and services for the EMS Transition during the month of February for the amount of \$31,224.62.
 - **Motion by Mr. Stolipher to approve the reimbursement in the amount of \$31,224.62 to JCESA for the cost of supplies, equipment and services for the EMS Transition during the month of February, to be funded by ARPA Fund: EMS System allocation. Motion seconded and unanimously approved.**
- c. Reimbursement for the cost of supplies, equipment and services for the EMS Transition during the month of March for the amount of \$48,356.23.
 - **Motion by Mr. Stolipher to approve the reimbursement in the amount of \$48,356.23 to JCESA for the cost of supplies, equipment and services for the EMS Transition during the month of March, to be funded by ARPA Fund: EMS System allocation. Motion seconded and unanimously approved.**

5. Interviews and appointments

- a. Jefferson County Property Safety Ordinance Enforcement Agency- One unexpired term ending February 8, 2024

Move to the next meeting

- b. Telamon Community Action Board of Directors-One three-year term ending March 2026.

- **Motion by Mr. Stolipher to appoint Jennifer Verdugo to the Telamon Community Action Board for a one three-year term ending March 2026. Motion seconded and unanimously approved.**

c. HOME Consortium Council- Two three-year terms ending June 30, 2026

- **Motion by Mr. Stolipher to appoint Bob Anderson to the HOME Consortium Council for a one-three year term ending June 30, 2026. Motion seconded and unanimously approved.**

d. Jefferson County Development Authority Board of Director- One three year term for Citizen Representative ending April 5, 2026

- **Motion by Mr. Stolipher to appoint Todd Coyle to the Jefferson County Development Authority Board as the Citizen Representative for a three-year term.**

Ranson- JCDA

Moved to next meeting

Bolivar- JCDA

- **Motion by Mrs. Ath to reappoint Gino Sisco to the Jefferson County Development Authority Board as the Town of Bolivar representative for a one three year term ending April 5, 2025. Motion seconded and unanimously approved.**

Shepherdstown-JDCA

- **Motion by Mr. Stolipher to reappoint James Gatz to the Jefferson County Development Authority Board of Director as the Corporation of Shepherdstown representative for a one three year term ending April 5, 2026. Motion seconded and unanimously approved.**

Charles Town-JCDA

- **Motion by Mrs. Krouse to appoint Elizabeth Ricketts to the Jefferson County Development Authority Board of Director as the City of Charles Town representative for a one three year term ending April 5, 2026. Motion seconded and unanimously approved.**

6. Jennifer Verdugo- Social Support Services- Requested a letter of support Mountaineer Recovery Grant.

NO ACTION NEEDED

7. 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; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc., et al., Civil Action No. 20-C-82 PNM (W. Va. Cir. Ct. Putnam County) (the "West Virginia AG Action"), pending within In re: Opioid Litigation, Civil Action No. 21-C-9000 (W. Va. Cir. Ct. Kanawha County) and related matters.
 - b. Review potential adoption of Commission leave policy as assigned to counsel.
 - c. Review, discussion, and possible adoption of Operational MOU for Fire and EMS between the JCESA and/or JCC and fire departments.

NO UPDATED PROVIDED

UNFINISHED BUSINESS

8. Inclusion of Jefferson County Parks & Recreation staff on County Health Insurance Benefit Plan.

- **Motion by Mr. Stolipher to research the request from Jefferson County Parks & Recreation to be added into the Jefferson County Commission**

**Health Insurance Benefit Plan with the County Health Insurance Agent.
Motion seconded and unanimously approved.**

OLD BUSINESS

9. Extension of Temporary Compensation Increase

NO ACTION TAKEN

COUNTY ADMINISTRATOR REPORTS

-Request modification of existing contract with Tyler Technologies to assist with onboarding/importing additional employee and payroll information resulting from EMS Transition.

It was the consensus of the Commission that interim County Administrator Cindy Rezmer provide a copy of the existing Tyler Technologies contract to the Commission and revisit at the May 4th Commission Meeting.

- Approval to advertise-Finance Director Position

- **Motion by Mr. Stolipher to approve the advertisement of the Finance Director position. Motion passed on a 3-2 vote with Commissioner Stolipher, Commissioner Tabb and Commissioner Ath voting for it and Commissioner Krouse and Commissioner Jackson opposing it.**

- Approval to contract with CPA Firm for Financial Audit and Statement preparation

- **Motion by Mrs. Tabb to approve the contract with CPA Firm for Financial Audit. Motion seconded and unanimously approved.**

- Approval of Hospitality Request for roads/transportation summit.

It was the consensus of the Commission that additional information be brought to the May 4th Commission Meeting.

The Commission adjourned at 8:02 pm on a motion by Mr. Stolipher. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant

REQUISITIONS TO BE APPROVED

May 4, 2023

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
911/COMMUNICATIONS	23121	\$ 34,855.57	Motorola Solutions	WV State APX
OTHER BUILDINGS	23122	\$ 6,000.00	ZMM Architects	Architectural Plans
COUNTY CLERK - ELECTIONS	23124	\$ 46,453.05	ESS Election Systems Software	Voting Equipment Yearly Maintenance
GRAND TOTAL		\$ 87,308.62		

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$414,575.05		\$414,575.05
6.2% Tax Payable OASDI	\$24,680.25		\$24,680.25
1.45% Tax Payable HI	\$5,772.02		\$5,772.02
Fed Withholding	\$33,402.63		\$33,402.63
WV State Withholding	\$13,436.10		\$13,436.10
VA State Tax	\$386.69		\$386.69
MD State Tax	\$531.75		\$531.75
PERS Retirement Deduct 4.5%	\$8,490.94		\$8,490.94
PERS Retirement Deduct 6%	\$7,643.62		\$7,643.62
DSRS Retirement Deduct 8.5%	\$6,674.54		\$6,674.54
EMS Retirement Deduct 9%	\$319.09		\$319.09
Hosp. Pre-Taxed	\$14,532.00		\$14,532.00
D/VF	\$1,625.23		\$1,625.23
AFLAC Pre-Taxed	\$348.93		\$348.93
AFLAC Post-Taxed	\$803.62		\$803.62
Optional Life Post-Taxed	\$1,730.33		\$1,730.33
Wage Attach #1	\$439.85		\$439.85
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	\$4,375.95		\$4,375.95
457R - Roth	\$960.00		\$960.00
Christmas Club	\$4,075.00		\$4,075.00
Colonial(Plus)	\$47.84		\$47.84
Uniforms	\$0.00		\$0.00
Total Deductions	\$131,260.38	\$0.00	\$131,260.38
Net Wages Total	\$283,314.67	\$0.00	\$283,314.67
Payroll Date	April 28, 2023		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angela Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **May 4, 2023**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Approval of Exonerations**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Matthew Harvey, Prosecuting Attorney**

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

Estimation of amount of time needed for appointment: **ten to fifteen minutes**

Date Requested – 1st Choice: **May 4, 2023**

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

May 4, 2023 is specifically requested as this position is a critical need.

Date Requested – 2nd Choice: **n/a**

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

- The Prosecuting Attorney's office requests to hire a full time Paralegal. A qualified candidate, Katie Rose, has been identified.**

Is this a funding request? **No**

If so, how much?

Provide exact financial impact/request:

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

The Commission approves the hiring of Katie Rose as a full time paralegal.

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

If not attached, explain:

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

Contact information: **Jaymee Houser**

Email address: **jhouser@jcpawv.org**

Phone Number: **304-728-3318**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Tom Hansen

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

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice next meeting

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): May Delinquent List
Court Security Grant
Reserve Applicants
Part-time Bailiff Hires
Fulltime Bailiff hours

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

The May delinquent list has been run and is available for your review at the Tax Office.

The Sheriff's Office is requesting approval to apply for 3 Xray machines to be placed at the entrance of each Courthouse. This grant does not require a match.

Two former Reserves have requested reinstatement into the program. There is nothing that precludes them from being reappointed.

Request to hire Raymond Campbell as a part-time bailiff. With a start date of May 8, 2023 and pay of \$15.00/hour (move to \$17 7/1).

Request to convert Daryl Wimer from a 35 hour employee to a 40 hour employee effective July 1, 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*):

I move to approve the application for the Courthouse Security Grant as presented and authorize the President to sign the associated documents.

I move to approve the reinstatement of Russell Voelker and Christina Lopenzo as Reserve Deputies.

I move to approve the hire of Raymond Campbell as a part-time Bailiff with a starting pay of \$15.00/hour beginning on May 8, 2023.

I move to approve the transition of Daryl Wimer to a 40 hour employee effective July 1, 2023.

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

If not attached, explain:

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

Contact information:

Email address: thansen@jeffersoncountywv.org

Phone Number: 304-728-3205

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jennifer Myers

Department or Organization: **Jefferson County Parks & Recreation Commission**

Estimation of amount of time needed for appointment: 5 min.

Date Requested – 1st Choice: **May 4, 2023**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Request a letter of permission from the Jefferson County Commission to hold a fireworks show at Sam Michaels Park on July 1, 2023, with a rain date of July 2, 2023.

Please provide the County Commission with a description of your request or presentation, including any background information: The Jefferson County Parks & Recreation Commission has contracted with pyrotechnical company Digital Lightning to set off fireworks for the community. Per the state of WV, the fireworks permitting process requires a letter of permission from the property owner giving Digital Lightning permission to do Fireworks on the property (Sam Michaels Park).

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*):

Motion to give Digital Lightning permission to do a fireworks show at Sam Michaels Park on July 1, 2023, with a rain date of July 2, 2023.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT
Steve Stolipher

VICE PRESIDENT
Clare Ath

COMMISSIONER
Tricia Jackson

COMMISSIONER
Jennifer Krouse

COMMISSIONER
Jane Tabb

May 4, 2023

To Whom it May Concern:

We give permission for Digital Lightning to shoot fireworks from our property, Sam Michaels Park, located at 235 Sam Michaels Lane, Shenandoah Junction, WV 25442 on July 1, 2023 with a rain date of July 2, 2023.

Sincerely,

Steve Stolipher, President
Jefferson County Commission

Interim County Administrator
Cindy Rezmer

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jennifer Myers

Department or Organization: **Jefferson County Parks & Recreation Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **May 4, 2023**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Request for the Jefferson County Commission to act as the Responsible Entity for Jefferson County Parks & Recreation Commission Community Development Funding as related to the requirements of an environmental assessment and sign all documents associated with said request.

Please provide the County Commission with a description of your request or presentation, including any background information: The Jefferson County Parks & Recreation Commission was awarded a \$925,000 grant through an earmark with Senator Capito. The funding, through the Department of Housing & Urban Development, requires an environmental review and/or assessment prior to the release of funding. As part of the process, Jefferson County Parks & Recreation has submitted required paperwork, however, cannot act as the "Responsible Entity" (RE) as defined at 24 CFR 58.2(a)(7), which is limited to States, Tribes or Units of General Local Government. We are requesting signatures from the Jefferson County Commission to move this project forward.

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*):

Motion to approve the Jefferson County Commission as the responsible entity to allow the release of HUD funds for Phase II of the AMP at Sam Michaels Park.

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



U. S. Department of Housing and Urban Development
Pittsburgh Field Office
William S. Moorhead Federal Building
1000 Liberty Avenue, Suite 1000
Pittsburgh, PA 15222-4004

Phone: (412) 644-5846

www.hud.gov

Fax: (412) 644-2678

April 21, 2023

Jennifer Myers, Director
Jefferson County Parks & Recreation Commission
235 Sam Michael's Lane
Harpers Ferry, WV 25425

Subject: Disapproval of Phase II of the Amphitheatre at Sam Michaels Park RROF

Dear Jennifer:

The U.S. Department of Housing and Urban Development (HUD), Region III, Pittsburgh Field Office of Community Planning and Development (CPD), as authorized by 24 CFR §58.72(b), has disapproved the Jefferson County Parks & Recreation Commission's Phase II of the Amphitheatre at Sam Michaels Park project Requests for Release of Funds (RROFs). The certification was not in fact executed by the Responsible Entity's Certifying Officer.

The RROF's and associated materials noted Parks & Recreation Commission leadership; however, the Commission is a Recipient and not a Responsible Entity/Unit of General Local Government. Before we can approve an Authorization to Use Grant Funds (AUGF) for this project, the Parks & Recreation Commission will revise its documentation and republish the notice identifying a Unit of General Local Government Responsibility Entity as defined at 24 CFR § 58.2(a)(7). The Parks & Recreation Commission shall be noted as the Recipient.

Thank you for your assistance as we ensure the Parks & Recreation Commission processes comply with 24 CFR Part 58's Limitations on Activities Pending Clearance. If you have any questions or need further information or assistance, please contact me at Phillip.E.McKeough@hud.gov or (202) 880-4521.

Sincerely,

A handwritten signature in blue ink, appearing to read "P. McKeough".

Phillip McKeough
CPD Director

**U.S. Department of Housing and Urban Development
Community Planning and Development
Office of Economic Development - Congressional Grants Division
Washington, DC 20410**

**FY2022
Community Project Funding Grant Guide
("CPF Grant Guide")**

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Community Project Funding Grant Guide

SECTION 1: BACKGROUND AND PURPOSE

Congress made available “grants for the Economic Development Initiative for the purposes of Community Project Funding/Congressionally Directed Spending” in the Consolidated Appropriations Act, 2022, (P.L. 117-103) (the Act). These Community Project Funding (CPF) awards are administered by the Department of Housing and Urban Development (HUD).

The purpose of the “FY2022 Community Project Funding Grant Guide” (CPF Grant Guide) is to provide instructions for completing the requested information and filling out the required administrative forms to initiate your grant agreement. The CPF Grant Guide also provides information on the requirements that will govern these funds, as provided by the Act, and the cross-cutting requirements that generally apply to all HUD awards as provided by HUD regulations and other applicable Federal regulations and statutes. Because CPF awards are authorized and funded through specific Congressional directives as provided by the Act, CPF awards are distinct from Community Development Block Grant funding and are not subject to Title I of the Housing and Community Development Act of 1974, the Community Development Block Grant regulations at 24 CFR part 570 or any other program-specific statutes or regulations, *unless specifically noted in this guide*.

Community Project Funding Grant Guide

SECTION 2: INSTRUCTIONS

2.0 Grant Obligation Process

As a reminder, Congress listed recipients of CPF in the [Joint Explanatory Statement \(JES\)](#) of the Act. Only those entities listed within the (JES) are eligible to receive the CPF grant funds.

To receive this grant award, you must submit the required information for project activities specified by Congress in the Act. As mentioned, in your Letter of Invitation (LOI), we are requesting that you provide the organization's Authorized Representative, a project description, a line-item budget and certain Federal forms necessary to obligate the awards. The project description should capture the maximum anticipated scope of the project, not just a single activity that the CPF grant is going toward. It should include all contemplated actions that are part of the project. The line-item budget should identify the use of the CPF grant funds in context of the full project budget. Links to the required forms are below in Section 2.4.

Upon receipt of your information, we will review the materials for completeness and verify information for consistency with the Congressionally directed purpose for your award, as stated in the JES, and prepare your Grant Agreement for signature. If there are questions about any of the information provided, HUD will notify you regarding needed clarifications prior to issuing the Grant Agreement. HUD will also notify you if the review and evaluation HUD is required to conduct under 2 CFR 200.206 leads to a determination that specific conditions should be added to your award as provided by 2 CFR 200.208.

Once the Grant Agreement has been prepared and sent to you for signature, you will receive instructions for how to establish accounts in our grant administration and accounting systems - Disaster Recovery and Grant Reporting (DRGR) and Line of Credit Control System (LOCCS).

Once we receive your signed Grant Agreement, we will work with you to confirm that all required information has been submitted. At this point, HUD will sign the Grant Agreement, which is the point of obligation of the grant award.

2.1 What are the necessary steps to access to CPF grant funds?

Upon verification of the required information requested herein: a completed project narrative, line-item project budget, and required forms, you will receive a Grant Agreement and a request to provide financial information for direct deposit. All projects **must** have a completed environmental review (and, where applicable, an approved Request for Release of Funds/Certification, as explained in Section 3.3.1 below) prior to committing Federal or non-Federal funds for choice-limiting actions or undertaking such actions on the project. Further details on the environmental review process are provided in Section 3.3.1. Once the information above is in place, your Grant Officer for your State, listed in Section 5 of this Guide, will work with you to complete your payment requests to access CPF grant funds.

2.2 What can I do now to get started?

In addition to submitting the information requested in the LOI and detailed below, there are a few essential things you can start now:

- **Get your Unique Entity Identifier (UEI)**
- All entities doing business with the federal government use a Unique Entity Identifier (UEI) (SAM) created in [SAM.gov](https://sam.gov). This replaced the DUNS number, which was phased out in April of 2022. More information on this requirement is below in the Federal Requirements section in Section 3.2.
 - **Initiate your Environmental Review**
- More information in Section 3.3.1 below.

2.3 How will I be able to access CPF grant funds once the project narrative, budget and Environmental Review have been approved?

Grantees may access CPF funds and submit periodic reports through the DRGR system. DRGR is a web-based system used to automate the management of program requirements and voucher payments issued by HUD.

An overview of guidance and directions for reporting and accessing CPF funds will be included in the Grant Award Instructions that will come with the grant agreement. Additional information and tutorials on DRGR are available on HUDEXchange here:

<https://www.hudexchange.info/programs/drgr/>.

2.4 Instructions for Submitting Required Materials

Instructions for submitting your FY2022 CPF grant materials are below. If you have questions concerning the electronic submission of the grant materials, please contact the Department’s Office of Economic Development – Congressional Grants Division at CPFGrants@hud.gov or the Grant Officer representing your State listed in Section 5 of this guide.

<p>What to Submit</p>	<p>To initiate your grant agreement, you must submit the following materials to HUD in association with your FY2022 CPF award:</p> <ol style="list-style-type: none"> 1. Project Narrative 2. Project Budget 3. Standard Form SF-424 Application for Federal Assistance. https://www.hudexchange.info/resource/306/hud-form-sf424/ 4. Standard Form SF 424 B, Assurances for Nonconstruction Programs, or Standard Form SF 424 D, Assurances for Construction Programs. https://www.grants.gov/forms/sf-424-family.html 5. Standard Form SF- LLL Disclosure of Lobbying Activities (if applicable) https://www.hudexchange.info/resource/308/hud-form-sflll/ 6. Request for Release of Funds Form 7015.15 and Certification, if applicable, for environmental reviews completed under 24 CFR Part 58.* <p>PLEASE NOTE: There are no forms or templates for the Project Narrative or the Project Budget. However, we have provided a guide below to help you consider the essential information needed to verify the</p>
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	<p>project. You may prepare these materials using software compatible with Microsoft Word or Excel, or as a PDF document.</p> <p>Even though we need electronic submission of the forms, the Project Narrative, and the Project Budget, it may be easier to complete and sign the forms if you print them first. If you choose to complete and sign a hard copy of the forms, you must then scan them and submit them electronically.</p> <p>PLEASE NOTE: HUD encourages starting the environmental review process as soon as possible.</p> <p>* The Request for Release of Funds/Certification Form 7015.15 may be submitted at a later date since it must await completion of the environmental review. This form must be submitted electronically via the HUD Environmental Review Online System.</p>
<p>How to Submit Required Information</p>	<p>You must submit the materials identified above to the CPFGGrants@hud.gov mailbox with a “cc” to the Grant Officer dedicated to your state as listed on Section 5.</p> <p>Your email subject line must include, in this order: Grant Number: Grantee Name: Submission of Required LOI Materials</p> <p>For example: B-22-CP-XX-####: Town of Anywhere: Submission of Required LOI Materials</p>
<p>When to Submit</p>	<p>You are encouraged to submit the required materials as soon as possible. HUD strongly recommends that you submit your completed documents within 60 days following receipt of the LOI and Grant Guide. These requested materials should be submitted to HUD no later than December 31, 2022.</p>
<p>Grantee Responsibilities</p>	<p>As the grantee, you are responsible for managing the project and ensuring the proper use of the CPF funds. You are also responsible for ensuring the completion of the project, its proper closeout and compliance with all applicable federal requirements. Subject to the requirements that apply to pass-through entities under 2 CFR Part 200, including 2 CFR 200.332, you may subaward all or a portion of your funds to one or more subrecipients, as identified in your Project Narrative (which will be incorporated in your Grant Agreement) or as may be approved by HUD in accordance with 2 CFR 200.308. As the grantee you are responsible for ensuring each subrecipient’s compliance with federal requirements.</p>
<p>Support</p>	<p>Grant Officers are assigned by State and are listed in Section 5 of this Guide. Your Grant Officer can assist you in the completion of the</p>

	<p>required documents and in responding to questions you may have regarding the materials that you are required to submit.</p> <p>Additionally, requests for Technical Assistance regarding the environmental review process should be sent to the HUD Regional Environmental Officer for your jurisdiction provided in this Guide.</p> <p>CPD Field Office staff can be found here: https://www.hud.gov/program_offices/comm_planning/staff#MA</p> <p>For additional information about the CPF grant, please see the Frequently Asked Questions on the Congressional Grants Division website at: https://www.hud.gov/program_offices/comm_planning/edi-grants. We will be updating this document periodically based on questions from grantees.</p>
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2.5 Detailed Instructions

You must include a brief, but sufficient, project narrative that is consistent with the Congressional authorization for the use of the grant. You must also include a line-item project budget that is consistent with that Congressional authorization and the limitations and prohibitions on expenses as required by the Act and described above. Please remember, your project narrative and line-item budget should address the ENTIRE project. Your line-item budget must also include a sub budget that addressed the CPF portion of the budget only. The FY2022 CPF portion of the line-item budget must add up to the total CPF grant amount.

A project narrative, line-item budget, and indirect cost rate information as described below are necessary to make sure your grant agreement contains the minimum information regarding the indirect cost rate required by 2 CFR Part 200.211. As defined by 2 CFR 200.1, “budget” means the financial plan for the Federal award that the Federal awarding agency or pass-through entity approves during the Federal award process or in subsequent amendments to the Federal award.

2.5.1 Project Narrative (for the entire project)

- **Content:** Your narrative should contain a detailed description of the intended use of CPF funds, which must be consistent with the Congressionally directed purpose of your award, as stated in the JES, and must contain the intended location(s) of the activities. The project narrative should include sufficient scope and information about the ENTIRE effected project (not limited to the EDI CPF portion) to inform the environmental review process. Project activities must be grouped together and evaluated as a single project for all individual activities which are related either on a geographical or functional basis, or both, or are logical parts of a composite of contemplated actions.

Grantees will submit semi-annual reports on activity types and annual reports on Section 3 Economic Opportunity accomplishments. In anticipation of the required periodic reporting, the narrative should provide anticipated project goals, outputs, or outcomes, especially as they are related to Section 3 Economic Opportunity Activity Performance Measures.

Proposed Subrecipient: If you intend to coordinate the execution of project activities through a grant subrecipient, that organization name, EIN or TIN, overview of the role, responsibilities, and functions to be carried out by the subrecipients must be included in the project narrative. The Grant Agreement will be signed and dated by the entity named in the statutory language; the subrecipient will be listed as such on the Grant Agreement. The grantee will be responsible for all coordination with HUD on all accessing grant CPF funds, amendments requests, reporting, correspondence, grant closeout and all other grant requirements. The grantee is responsible for ensuring that the subrecipient complies with all grant requirements. Further, grantees are required to ensure that subrecipients are not barred from serving in this capacity on a federal award.

- **Format:** You may create your project narrative using software such as Microsoft Word or as a PDF, and include the document in the same email along with the SF-424 and SF-LLL.

2.5.2 Line-Item Budget (for the entire project)

- **Content:** The line-item budget should include costs for the entire project showing both the budget for the CPF portion of the project and the non-CPF portions of the project.
- All pertinent budgetary information should be listed and explained, such as: the overall amount for predevelopment costs; construction, renovation, and rehabilitation costs; acquisition, demolition, and site preparation; architectural and engineering fees; initial set asides for revolving loan funds; and administrative costs.
- A breakdown of administrative versus activity delivery costs.
- No more than 20 percent of your CPF grant may be used for planning and management development costs, as provided under 24 CFR §570.205, or administrative costs, as provided under 24 CFR §570.206. This cost limitation does not apply to the use of program income.
- **Format:** You may create your project budget using software such as Microsoft Excel or provide a line item using a Microsoft Word document.

PLEASE NOTE: The CPF portion of the line-item budget must add up to the full grant amount. While the line-item budget does not have to be explicit in the use of funds under a line item (that level of specificity should be explained in the Project Narrative) it **MUST** equal the entire CPF award amount.

Any changes to the project scope as originally proposed to your member(s) of Congress must be consistent with the Congressionally directed purpose for your award, as stated in the JES. HUD does not have the authority to approve changes that depart from the Congressionally directed purpose for your award, as stated in the JES. For example, if a grantee wants to change a project to create a community center to a housing complex, the grantee will have to discuss this with their member(s) of Congress that authorized the grant award.

If, however, your project or budget changes after your initial submission to HUD but is still within the intent of the grant awarded by Congress, you must submit a letter to your Grant Officer requesting HUD to consider an amendment to revise the project description, budget and/or timelines, along with a justification for the proposed changes. This new scope of work should include a detailed explanation of how the change keeps with the intent of Congress, why the change is needed and the details of the revised narrative or line-item budget.

After the grant agreement has been executed, the grantee must comply with the requirements in 2 CFR 200.308 for reporting deviations from budget or project scope or objective and requesting prior approval from HUD for budget and project changes.

Amendments to projects previously approved by HUD may also require a revision of the environmental review for the amended project.

2.5.3 SF-424: Application for Federal Assistance

The SF-424 is the common application form for federal funding. The form provides the Department basic information about the applicant, the project and the project funding source. A link to the form can be found here: <https://www.hudexchange.info/resource/306/hud-form-sf424/>.

The form also includes the following certifications and assurances:

a. The governing body of the applicant's organization has duly authorized the application for Federal assistance. In addition, by signing and electronically submitting the application, the Authorized Organization Representative (AOR) certifies that the applicant:

(1) has the legal authority to apply for Federal assistance and the institutional, managerial, and financial capacity (including funds to pay for any non-Federal share of program costs) to plan, manage, and complete the program as described in the application;

(2) will provide HUD any additional information it may require; and

(3) will administer the award in compliance with requirements identified and contained in the Application and in accordance with requirements applicable to the program.

b. No appropriated Federal funds have been paid or will be paid, by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress, in connection with this application for Federal assistance or any award of funds resulting from the submission of this application for Federal assistance or its extension, renewal, amendment, or modification. If funds other than Federal appropriated funds have been or will be paid for influencing or attempting to influence the persons listed above, the applicant agrees to complete and submit Standard Form SF-LLL, Disclosure of Lobbying Activities, as part of its application submission package. The applicant further agrees to and certifies that it will require all subawards at all tiers including subgrants and contracts to similarly certify and disclose accordingly.

c. Federally recognized Indian tribes and Tribally Designated Housing Entities (TDHEs) established by a federally recognized Indian tribe, as a result of the exercise of the tribe's sovereign power, are excluded from coverage by item b (also known as the Byrd Amendment). However, State-recognized Indian tribes and TDHEs established under State law are not excluded from the statute's coverage and therefore agree to, and must comply with, item b above.

By submitting this application, the organization affirms its awareness of these certifications and assurances. The Authorized Representative submitting the application is affirming that these certifications and assurances are material representations of the facts upon which HUD will rely when

making an award to the applicant. If it is later determined that the signatory to the application submission knowingly made a false certification or assurance or did not have the authority to make a legally binding commitment for the applicant, the applicant may be subject to criminal prosecution, and HUD may terminate the award to the applicant organization or pursue other available remedies including false claims citation and standard clause plus 2 CFR 200.339 on noncompliance and 2 CFR 200.340 on termination.

Follow the instructions below for each box of the SF 424:

1. Check the application box
2. Check the “New” box
3. Leave blank
4. Leave blank
5. a. Enter your Grant Number (B-22-CP-XX-#####)
b. Leave blank
6. Leave blank
7. Leave blank
8. a. Enter the legal name of your organization
b. Enter the EIN/TIN for your organization
c. Enter your organization’s Unique Entity Identifier
d. Enter the complete address of your organization
e. Enter the Department and/or Division responsible for the application
f. Enter all contact information for the person responsible for the application
9. Enter the letter or letters describing your organization from the listing on the “Instructions for the SF-424”
10. Enter US Department of Housing and Urban Development
11. Enter 14.251 and under CFDA Title, “Economic Development Initiative, Community Project Funding, and Miscellaneous Grants”
12. Enter FY2022 and under Title, “CPF”
13. Leave blank
14. See “Instructions for the SF-424”
15. Enter a brief description of the project and attach a more detailed, but also brief project description and a project budget
16. See “Instructions for the SF-424”
17. Enter the proposed start and end dates for the project
18. On the “Federal line,” enter only the amount of the EDI CPF grant
19. Check box “C”
20. Check the appropriate box
21. After review of the Certifications and Assurances below, check “I AGREE,” enter all information for the Authorized Representative submitting the application and **sign and date the form and include it with your emailed submission.**

2.5.4 Standard Form SF LLL: Disclosure of Lobbying

No appropriated Federal funds may be paid by or on behalf of the applicant, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, or an employee of a member of Congress, in connection with this “application” for Federal assistance or any award of funds resulting from the submission of this “application” for Federal assistance or its extension, renewal, amendment, or modification.

If your organization has paid or will pay funds other than Federal appropriated funds to influence or attempt to influence the persons listed above, you must complete and submit Standard Form LLL, Disclosure of Lobbying Activities, as part of your “application” submission package. The applicant further agrees to and certifies that it will require all subawards at all tiers including subgrants and contracts to similarly certify and disclose accordingly.

Federally recognized Indian tribes and TDHEs established by federally recognized Indian tribes as a result of the exercise of the tribe's sovereign power are excluded from coverage of the Byrd Amendment, and do not have to submit these forms. State-recognized Indian tribes and TDHEs established only under State law must comply with this requirement.

*If there are no lobbying activities in association with this award, you may omit the form from your "application" materials.

SECTION 3: FEDERAL REQUIREMENTS

The Grant Agreement transmitted by the Department following approval of your required materials will set forth all applicable regulatory requirements for your grant. Below are some of the more significant applicable regulatory requirements. The following regulations may also be accessed from the Congressional Grants Division Web site, as outlined on page one of this Grant Guide. It is important to note that to the extent that CPF funds are combined with other Federal grant funds or the CPF funds are used on properties that are subject to other Federal grant requirements, the grantee must comply with both CPF requirements and the other Federal grant requirements. Where statutory restrictions apply, HUD cannot provide waivers or exceptions without statutory authority to do so. Where there is a conflict between this CPF guide and other HUD guidance, HUD will resolve the conflict.

3.1 Requirements Under the Consolidated Appropriations Act, 2022 (P.L. 117-103)

<p>Pre-award costs are unallowable</p>	<p>Under the Act, CPF funds cannot be used to reimburse costs incurred before funds are obligated. Accordingly, no costs incurred before your grant agreement has been signed by HUD can be charged to your CPF grant.</p>
<p>Limitations on Planning, Management Development and Administrative Expenses</p>	<p>Under the Act, no more than 20 percent of the awarded grant may be used for a combination of planning and management development costs, as provided under 24 CFR §570.205, or program administrative costs, as provided under 24 CFR §570.206. This cost limitation does not apply to the use of program income.</p> <p>Because CPF awards are authorized and funded through specific Congressional directives as provided by the Act, CPF awards are distinct from Community Development Block Grant funding and are not subject to Title I of the Housing and Community Development Act of 1974, the Community Development Block Grant regulations at 24 CFR part 570 or any other program-specific statutes or regulations, <i>unless specifically noted in this guide.</i></p>
<p>Eminent Domain</p>	<p>No Federal funds provided under your award may be used to support any Federal, state, or local project that seeks to use the power of eminent domain, unless eminent domain is employed only for a public use. Public use includes use of funds for mass transit, railroad, airport, seaport, or highway projects, and utility projects which benefit or serve the general public (including energy-related, communication-related, water-related, and waste water-related infrastructure), other structures designated for use by the general public or with other common-carrier or public-utility functions that serve the general public and are subject to regulation and oversight by the government, and projects for the removal of an immediate threat to public health and safety or brownfields, as defined in the Small Business Liability Relief and Brownfields Revitalization Act</p>

	(Pub. L. 107-118). Public use does not include economic development that primarily benefits private entities.
Restriction on Use of Funds for Computer Networks	No Federal funds provided under your award may be used to maintain or establish a computer network that does not block the viewing, downloading, and exchanging of pornography. This requirement does not limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.
Obligation and Expenditure Deadlines	HUD’s authority to obligate your FY2022 CPF grant expires on September 30, 2025. Your organization must have an executed Grant Agreement with HUD before that date. Additionally, all FY2022 CPF funds must be expended by September 30, 2030, or they will expire, be recaptured, and returned to the U.S. Treasury. These deadlines are statutory deadlines and cannot be extended or waived by HUD.
Build America, Buy America	<p>Recipients of an award of Federal financial assistance from a program for infrastructure are required to comply with the requirements of the Build America, Buy America (BABA) Act. Pursuant to the General Applicability Waiver of Build America, Buy America Provisions as Applied to Recipients of HUD Federal Financial Assistance (87 FR 26219), any funds obligated on or after November 14, 2022, must comply with section 70914 of the Act. Additional information about BABA can be found in the FY2022 Community Project Funding Grant Guides Additional Guidance.</p> <p>For Tribal recipients, including Tribes and TDHEs, the General Applicability Waiver of Build America, Buy America Provisions as Applied to Tribal Recipients of HUD Federal Financial Assistance (87 FR 26221), any funds obligated on or after May 14, 2023, must comply with section 70914 of the Act.</p> <p>See Section 3.3.2 below for additional details in fulfilling the BABA requirements.</p>

3.2 Cross Cutting Federal Requirements

Summary	
Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (2 CFR Part 200)	<p>The requirements of 2 CFR Part 200 apply to all CPF awards.</p> <p>Grantees are encouraged to review the provisions of these regulations including provisions related to:</p> <ul style="list-style-type: none"> • Suspension and debarment at 2 CFR 200.214 • Prohibition on certain telecommunications and video surveillance services or equipment at 2 CFR 200.216 • Financial management, internal controls, and Federal payment requirements at 2 CFR 200.302, 200.303, and 200.305

	<ul style="list-style-type: none"> • Program Income requirements at 2 CFR 200.307* • Revision of budget and program plans at 2 CFR 200.308 • Disposition of property acquired with CPF funds at 2 CFR §200.311 • Procurement requirements at 2 CFR §200.317-327 • Record retention and access requirements at 2 CFR 200.334-200.338 • Reporting requirements at 2 CFR 200.328-200.330, including on the status of property acquired with CPF funds at 2 CFR §200.330 • Subrecipient monitoring and management at 2 CFR 200.331-200.333 • Remedies for Noncompliance at 2 CFR 200.339-200.343 • Closeout of federal grants at 2 CFR §200.344-346 • Cost Principles at 2 CFR Part 200, subpart E • Audit requirements at 2 CFR Part 200, subpart F <p>*For purposes of all CPF awards, program income must be used for the purposes and under the conditions of the grantee’s specific CPF award in accordance with the addition requirements at 2 CFR 200.307(e)(2). In accordance with 2 CFR 200.307(b), costs incidental to the generation of program income may be deducted from gross income to determine program income for purposes of your CPF grant, provided these costs have not been charged to the Federal award. Further technical assistance will be provided to grantees with projects that may generate program income.</p>
<p>Environmental Review Requirements (24 CFR Part 50 or Part 58)</p>	<p>All projects funded by HUD are subject to requirements under the National Environmental Policy Act (NEPA) and HUD’s NEPA-implementing regulations at 24 CFR Part 50 or 24 CFR Part 58. Environmental reviews must be completed, and a Request for Release of Funds and Certification must be approved by HUD CPD Field Office Director through issuance of the 7015.16 Authority to Use Grant Funds, as applicable, prior to taking any action to avoid violations under 24 CFR 58.22 which prohibits limitations on activities pending clearance, and Section 110(k) of the National Historic Preservation Act which prohibits anticipatory demolition or significant harm of historic properties prior to completion of the historic preservation review process known as Section 106 review.</p> <p>The environmental review must be completed by a “Responsible Entity” (RE) as defined at 24 CFR 58.2(a)(7). An applicant that is a State, unit of general local government, Indian Tribe, or Alaska Native Village is the RE for the project. For other applicants, the RE is the unit of general local government within which the project is located that exercises land use responsibility, or the Indian Tribe or Alaskan Native Village jurisdiction within which the project is located that exercises land use responsibility. REs can conduct an environmental review on behalf of other entities in their jurisdiction even if they are not the grantee. In the event that an RE that is not the grantee declines to assume responsibility for the environmental review, you must advise HUD, and HUD will</p>

	<p>complete the environmental review under 24 CFR Part 50 or designate another RE. HUD has the option under 58.2(a)(7)(ii)(C) and 58.11(d) to designate another responsible entity.</p> <p>Locate your nearest HUD Regional Environmental Officer here: https://www.hudexchange.info/programs/environmental-review/hud-environmental-staff-contacts/#region-i-regional-and-field-environmental-officers. Further information on environmental requirements can be found here: https://www.hudexchange.info/programs/environmental-review/orientation-to-environmental-reviews/#overview.</p> <p><u>After receipt of your Letter of Invitation, you may not take any further action on your project until the environmental review is complete.</u> You may not commit or spend ANY project funds (HUD or non-HUD funds) or take any choice limiting actions until the project completes an environmental review. Examples of choice limiting actions include, but are not limited to, purchasing land, entering into contracts for property acquisition or construction, or physical work on the project. Failure to comply with the prohibition on choice limiting actions and Section 110(k) can result in forfeiture of grant funds. You are encouraged to commence the environmental review process for your project as soon as possible. Under Part 58 an environmental review is complete when the Responsible Entity (RE) certifies the review and a Request for Release of Funds and Certification is approved by HUD CPD Field Office Director through issuance of the 7015.16 Authority to Use Grant Funds., as applicable. Under Part 50 an environmental review is complete when certified by the HUD Authorizing Official.</p> <p>See Section 3.3.1 below for additional detail on fulfilling environmental review requirements.</p>
<p>Indirect Cost Rate</p>	<p>Normal indirect cost rules under 2 CFR Part 200, subpart E apply. If you intend to charge indirect costs to your award, your application must clearly state the rate and distribution base you intend to use. If you have a Federally negotiated indirect cost rate, your application must also include a letter or other documentation from the cognizant agency showing the approved rate.</p> <p>Special instructions for state and local governments: If your department or agency unit has a Federally negotiated indirect cost rate, your application must include that rate, the applicable distribution base, and a letter or other documentation from the cognizant agency showing the negotiated rate. If your department or agency unit receives more than \$35 million in direct Federal funding per year, you may not claim indirect costs until you receive a negotiated rate from your cognizant agency for indirect costs as provided in Appendix VII to 2 CFR Part 200.</p>

	<p>If your department or agency unit receives no more than \$35 million in direct Federal funding per year and your department or agency unit has developed and maintains an indirect cost rate proposal and supporting documentation for audit in accordance with 2 CFR Part 200, Appendix VII, you may use the rate and distribution base specified in that indirect cost rate proposal.</p> <p>Alternatively, if your department or agency unit receives no more than \$35 million in direct Federal funding per year and does not have a current negotiated rate (including provisional) rate), you may elect to use the de minimis rate of 10% of MTDC. As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until you choose to negotiate for a rate, which you may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.</p> <p>Special instructions for applicants other than state and local governments: If you have a Federally negotiated indirect cost rate, your application must clearly state the approved rate and distribution base and must include a letter or other documentation from the cognizant agency showing the approved rate. If your organization does not have a current negotiated rate (including provisional rate) and elects to use the de minimis rate, your application must clearly state you intend to use the de minimis rate of 10% of Modified Total Direct Costs (MTDC). As described in 2 CFR 200.403, costs must be consistently charged as either indirect or direct costs but may not be double charged or inconsistently charged as both. Once elected, the de minimis rate must be applied consistently for all Federal awards until the organization chooses to negotiate a rate, which the organization may apply to do at any time. Documentation of the decision to use the de minimis rate must be retained on file for audit.</p>
<p>Economic Opportunities for Low-and Very Low-income Persons: Section 3 Requirements (24 CFR Part 75) and Indian Preference</p>	<p>The requirements of Section 3 of the Housing and Urban Development Act of 1968 found at 24 CFR Part 75 apply to all grant recipients that are awarded \$200,000 or more for projects involving housing construction, rehabilitation, or other public construction. Section 3 of the Housing and Urban Development Act of 1968 (Section 3), 12 U.S.C. 1701u (Economic Opportunities for Low- and Very Low-Income Persons in Connection with Assisted Projects), and the HUD regulations at 24 CFR Part 75, ensure, to the greatest extent feasible, that training, employment, contracting and other economic opportunities be directed to low- and very low-income persons, especially recipients of government assistance for housing, and to businesses that provide economic opportunities to low-and very low-income persons where a proposed project is located.</p>

	<p>CPF grantees are encouraged to review the requirements of this regulation to determine ways to support the mission of increasing economic opportunity for low- and very-low income persons and small business owners in your community. Grantees will submit periodic reports of Section 3 accomplishment Performance Measures in DRGR. A link to DRGR guidance for reporting Section 3 accomplishments is provided below.</p> <p>CPF grants made to Tribes and TDHEs are subject to Indian Preference requirements in Section 7(b) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5307(b)). As stated in 24 CFR §75.3(c), grants to Tribes and TDHEs are subject to Indian Preference requirements in lieu of Section 3.</p> <p>www.hud.gov/localoffices https://portalapps.hud.gov/Sec3BusReg/BRegistry/BRegistryHome www.EEOC.govhttp://www.dol.gov/ofccp/ https://files.hudexchange.info/resources/documents/DRGR-Guidance-on-Reporting-Section-3-Labor-Hours-Fact-Sheet.pdf</p>
<p>Uniform Relocation Assistance and Real Property Acquisitions Policies Act</p>	<p>With certain limited exceptions, HUD-funded programs or projects are subject to the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (URA) (42 U.S.C. §§ 4601 et seq.), and the government-wide regulations issued by the Federal Highway Administration at 49 CFR Part 24.</p> <p>The URA applies to acquisitions of real property and relocation occurring as a direct result of the acquisition, rehabilitation, or demolition of real property for Federal or Federally funded programs or projects. Real property acquisition that receives Federal financial assistance for a program or project, as defined in 49 CFR 24.2, must comply with the acquisition requirements contained in 49 CFR part 24, subpart B. Unless otherwise specified in law, the relocation requirements of the URA and its implementing regulations at 49 CFR part 24, cover any displaced person who moves from real property or moves personal property from real property as a direct result of acquisition, rehabilitation, or demolition for a program or project receiving HUD financial assistance.</p>
<p>Generally Applicable HUD requirements (24 CFR Part 5, subpart A and 24 CFR 1000.12)</p>	<p>CPF grantees and their subrecipients must comply with the generally applicable HUD and CPD requirements in 24 CFR Part 5, subpart A, including all applicable fair housing, and civil rights requirements. Grants to Tribes and TDHEs are subject to the nondiscrimination requirements in 24 CFR 1000.12 in lieu of the nondiscrimination requirements in 24 CFR 5.105(a).</p>

<p>Faith Based Organizations</p>	<p>Faith based organizations should also review the Department’s regulations governing the award of funds to faith-based organizations, pursuant to 24 CFR §5.109.</p>
<p>SAM registration and Unique Entity Identifier (UEI)</p>	<p>The System for Award Management (SAM) and Universal Identifier Requirements under 2 CFR Part 25 apply.</p> <p>Unless subject to the exceptions in 2 CFR 25.110 and 25.200(c), each applicant for a CPF award must:</p> <ul style="list-style-type: none"> (a) Be registered in SAM.gov (https://sam.gov/content/home) before submitting an application or plan; (b) Maintain an active SAM registration with current information, including information on a recipient’s immediate and highest-level owner and subsidiaries, as well as on all predecessors that have been awarded a Federal contract or grant within the last three years, if applicable, at all times during which the applicant has an active Federal award or an application or plan under consideration by a Federal awarding agency; and (c) Provide its unique entity identifier in each application or plan submitted to HUD. <p>As of April of 2022, all entities doing business with the federal government must use a Unique Entity Identifier (UEI) (SAM) created in SAM.gov. The federal government has stopped using the DUNS number to uniquely identify entities.</p> <p>To Sign up or Reactivate SAM.gov Account: Grantees must have a SAM.gov account. If your organization is already registered in SAM.gov, your UEI has already been assigned and is viewable in SAM.gov. This includes inactive registrations. The UEI is currently located below the DUNS Number on your entity registration record. Remember, you must be signed in to your SAM.gov account to view entity records. To learn how to view your UEI, go here: https://www.fsd.gov/gsafsd_sp?id=gsafsd_kb_articles&sys_id=a05adbae1b59f8982fe5ed7ae54bcbbba</p> <p>Grantees should refer to the <i>Guide to Getting a Unique Entity ID</i> at SAM.gov to get UEI for your organization without having to complete a full entity registration.</p> <p>Grantees may contact their Grant Officer for technical assistance. Please refer to this link to begin registering in SAM.gov for the UEI number https://sam.gov/content/home.</p>
<p>The Federal Financial Accountability and Transparency Act of 2006, (Public Law 109-282), as amended (FFATA)</p>	<p>Compliance with the Federal Funding Accountability and Transparency Act of 2006 (Pub. L. 109-282) as amended (FFATA). FFATA requires information on federal awards be made available to the public via a single, searchable website, which is www.USASpending.gov. Accordingly, your award will be subject to the requirements provided by</p>

	<p>the Award Term in Appendix A to 2 CFR Part 170, “REPORTING SUBAWARD AND EXECUTIVE COMPENSATION INFORMATION,” unless the Federal funding for the award (including funding that may be added through amendments) is not expected to equal or exceed \$30,000. Requirements under this Award Term include filing subaward information in the Federal Funding Accountability and Transparency Act (FFATA) Sub-award Reporting System (FSRS.gov) by the end of the month following the month in which the recipient awards any sub-grant equal to or greater than \$30,000.</p> <p>Each applicant must have the necessary processes and systems in place to comply with the Award Term in Appendix A of 24 CFR Part 170 if the applicant receives an award, unless an exception applies as provided in 2 CFR 170.110.</p>
Davis Bacon and Related Acts (DBRA)	Compliance with Davis Bacon and Related Acts (DBRA) is not a condition or requirement for CPF grants but may be required if your project is also supported by other funds which do require adherence to the DBRA.
Suspension and debarment	The governmentwide debarment and suspension regulations in 2 CFR Part 180 apply as incorporated and supplemented by HUD’s implementing regulations in 2 CFR Part 2424. These regulations restrict awards, subawards, and contracts with certain parties that are debarred, suspended, or otherwise excluded from or ineligible for participation in Federal assistance programs or activities.
Prohibition Against Lobbying Activities	Applicants are subject to the provisions of Section 319 of Public Law 101-121, 31 U.S.C. 1352, (the Byrd Amendment), and 24 CFR Part 87, which prohibit recipients of federal awards from using appropriated funds for lobbying the executive or legislative branches of the Federal government in connection with a Federal award. Applicants will be required to certify in their grant agreements that no Federal funds have been used to lobby. In addition, applicants must disclose, using Standard Form LLL (SF-LLL), “Disclosure of Lobbying Activities,” any funds, other than federally appropriated funds, that will be or have been used to influence federal employees, members of Congress, or congressional staff regarding specific awards. Federally recognized Indian tribes and TDHEs established by Federally recognized Indian tribes as a result of the exercise of the tribe’s sovereign power are excluded from coverage of the Byrd Amendment, but state-recognized Indian tribes and TDHEs established only under state law shall comply with this requirement. Applicants must submit the SF-LLL if they have used or intend to use non-federal funds for lobbying activities.
Drug-Free Workplace	The following award term applies to all grantees of CPF awards: You as the recipient must comply with drug-free workplace requirements in Subpart B (or Subpart C, if the recipient is an individual) of 2 CFR Part

	<p>2429, which adopts the governmentwide implementation (2 CFR Part 182) of sections 5152-5158 of the Drug-Free Workplace Act of 1988 (Pub. L. 100-690, Title V, Subtitle D; 41 U.S.C. 701-707).</p>
<p>Trafficking in persons</p>	<p>The following award term and condition, which is required by 2 CFR Part 175, applies as written:</p> <ul style="list-style-type: none"> a. Provisions applicable to a recipient that is a private entity. <ul style="list-style-type: none"> 1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not— <ul style="list-style-type: none"> i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect; ii. Procure a commercial sex act during the period of time that the award is in effect; or iii. Use forced labor in the performance of the award or subawards under the award. 2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity: <ul style="list-style-type: none"> i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either— <ul style="list-style-type: none"> A. Associated with performance under this award; or B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR Part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by HUD at 2 CFR 2424. b. Provision applicable to a recipient other than a private entity. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity— <ul style="list-style-type: none"> 1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or 2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either: <ul style="list-style-type: none"> i. Associated with performance under this award; or ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, “OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement),” as implemented by HUD at 2 CFR 2424. c. Provisions applicable to any recipient.

	<ol style="list-style-type: none"> 1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term. 2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section: <ol style="list-style-type: none"> i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and ii. Is in addition to all other remedies for noncompliance that are available to us under this award. 3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity. <p>d. Definitions. For purposes of this award term:</p> <ol style="list-style-type: none"> 1. “Employee” means either: <ol style="list-style-type: none"> i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements. 2. “Forced labor” means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery. 3. “Private entity”: <ol style="list-style-type: none"> i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25. ii. Includes: <ol style="list-style-type: none"> A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b). B. A for-profit organization. 4. “Severe forms of trafficking in persons,” “commercial sex act,” and “coercion” have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102).
<p>Conflicts of Interest</p>	<ol style="list-style-type: none"> i. Conflicts Subject to Procurement Regulations. In the procurement of property or services by recipients and subrecipients, the conflict-of-interest rules in 2 CFR 200.317 and 2 CFR 200.318(c) shall apply. In all cases not governed by 2 CFR 200.317 and 2 CFR 200.318(c), recipients and subrecipients must follow the requirements contained in paragraphs ii-v below.

	<ul style="list-style-type: none"> ii. General prohibition. No person who is an employee, agent, consultant, officer, or elected or appointed official of the recipient or subrecipient and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have a financial interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has immediate family or business ties, during his or her tenure or for one year thereafter. Immediate family ties include (whether by blood, marriage or adoption) the spouse, parent (including a stepparent), child (including a stepchild), brother, sister (including a stepbrother or stepsister), grandparent, grandchild, and in-laws of a covered person. iii. Exceptions. HUD may grant an exception to the general prohibition in paragraph (ii) upon the recipient's written request and satisfaction of the threshold requirements in paragraph (iv), if HUD determines the exception will further the Federal purpose of the award and the effective and efficient administration of the recipient's program or project, taking into account the cumulative effects of the factors in paragraph (v). iv. Threshold requirements for exceptions. HUD will consider an exception only after the recipient has provided the following documentation: <ul style="list-style-type: none"> a. A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and b. An opinion of the recipient's attorney that the interest for which the exception is sought would not violate state or local law. v. Factors to be considered for exceptions. In determining whether to grant a requested exception after the recipient has satisfactorily met the threshold requirements in paragraph (iii), HUD will consider the cumulative effect of the following factors, where applicable: <ul style="list-style-type: none"> a. Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available; b. Whether an opportunity was provided for open competitive bidding or negotiation; c. Whether the person affected is a member of a group or class of low- or moderate-income persons intended to be the beneficiaries of the assisted activity, and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;
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	<ul style="list-style-type: none"> d. Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision-making process with respect to the specific assisted activity in question; e. Whether the interest or benefit was present before the affected person was in a position as described in paragraph (ii); f. Whether undue hardship will result either to the recipient or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and g. Any other relevant considerations. <p>vi. Disclosure of potential conflicts of interest. Recipients must disclose in writing to your CPF Grant Officer any potential conflict of interest.</p>
<p>Award Term and Condition for Recipient Integrity and Performance Matters</p>	<p>If the total Federal share of the Federal award may include more than \$500,000 over the period of performance, the following award term and condition applies as written:</p> <p>Reporting of Matters Related to Recipient Integrity and Performance</p> <ol style="list-style-type: none"> 1. <i>General Reporting Requirement</i> If the total value of your currently active grants, cooperative agreements, and procurement contracts from all Federal awarding agencies exceeds \$10,000,000 for any period of time during the period of performance of this Federal award, then you as the recipient during that period of time must maintain the currency of information reported to the System for Award Management (SAM) that is made available in the designated integrity and performance system (currently the Federal Awardee Performance and Integrity Information System (FAPIIS)) about civil, criminal, or administrative proceedings described in paragraph 2 of this award term and condition. This is a statutory requirement under section 872 of Public Law 110-417, as amended (41 U.S.C. 2313). As required by section 3010 of Public Law 111-212, all information posted in the designated integrity and performance system on or after April 15, 2011, except past performance reviews required for Federal procurement contracts, will be publicly available. 2. <i>Proceedings About Which You Must Report</i> Submit the information required about each proceeding that: <ol style="list-style-type: none"> a. Is in connection with the award or performance of a grant, cooperative agreement, or procurement contract from the Federal Government; b. Reached its final disposition during the most recent five-year period; and c. Is one of the following: <ol style="list-style-type: none"> (1) A criminal proceeding that resulted in a conviction, as defined in paragraph 5 of this award term and condition; (2) A civil proceeding that resulted in a finding of fault and liability and payment of a monetary

	<p>fine, penalty, reimbursement, restitution, or damages of \$5,000 or more;</p> <p>(3) An administrative proceeding, as defined in paragraph 5. of this award term and condition, that resulted in a finding of fault and liability and your payment of either a monetary fine or penalty of \$5,000 or more or reimbursement, restitution, or damages in excess of \$100,000; or</p> <p>(4) Any other criminal, civil, or administrative proceeding if:</p> <ul style="list-style-type: none"> (i) It could have led to an outcome described in paragraph 2.c.(1), (2), or (3) of this award term and condition; (ii) It had a different disposition arrived at by consent or compromise with an acknowledgment of fault on your part; and (iii) The requirement in this award term and condition to disclose information about the proceeding does not conflict with applicable laws and regulations. <p>3. <i>Reporting Procedures</i> Enter in the SAM Entity Management area the information that SAM requires about each proceeding described in paragraph 2 of this award term and condition. You do not need to submit the information a second time under assistance awards that you received if you already provided the information through SAM because you were required to do so under Federal procurement contracts that you were awarded.</p> <p>4. <i>Reporting Frequency</i> During any period of time when you are subject to the requirement in paragraph 1 of this award term and condition, you must report proceedings information through SAM for the most recent five-year period, either to report new information about any proceeding(s) that you have not reported previously or affirm that there is no new information to report. Recipients that have Federal contract, grant, and cooperative agreement awards with a cumulative total value greater than \$10,000,000 must disclose semiannually any information about the criminal, civil, and administrative proceedings.</p> <p>5. <i>Definitions</i> For purposes of this award term and condition:</p> <ul style="list-style-type: none"> a. Administrative proceeding means a non-judicial process that is adjudicatory in nature in order to make a determination of fault or liability (e.g., Securities and Exchange Commission Administrative proceedings, Civilian Board of Contract Appeals proceedings, and Armed Services Board of Contract Appeals proceedings).
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	<p>This includes proceedings at the Federal and State level but only in connection with performance of a Federal contract or grant. It does not include audits, site visits, corrective plans, or inspection of deliverables.</p> <ul style="list-style-type: none"> b. Conviction, for purposes of this award term and condition, means a judgment or conviction of a criminal offense by any court of competent jurisdiction, whether entered upon a verdict or a plea, and includes a conviction entered upon a plea of nolo contendere. c. Total value of currently active grants, cooperative agreements, and procurement contracts includes— <ul style="list-style-type: none"> (1) Only the Federal share of the funding under any Federal award with a recipient cost share or match; and (2) The value of all expected funding increments under a Federal award and options, even if not yet exercised.
<p>Lead-Based Paint Requirements</p>	<p>If grant funds are used for purchase, lease, support services, operation, or work that may disturb painted surfaces, of pre-1978 housing, you must comply with the lead-based paint evaluation and hazard reduction requirements of HUD's lead-based paint rules (Lead Disclosure; and Lead Safe Housing (24 CFR part 35)), and EPA's lead-based paint rules (e.g., Repair, Renovation and Painting; Pre-Renovation Education; and Lead Training and Certification (40 CFR part 745)).</p>

3.3 Detailed Requirements

3.3.1 Detailed Environmental Review Requirements

ENVIRONMENTAL REVIEW REMINDER

PLEASE NOTE: After receipt of your Letter of Invitation you may not take any actions nor commit any HUD or any non-HUD funds which would cause actions that are choice-limiting among reasonable alternatives or would produce an adverse environmental impact, before HUD has approved the environmental certification of compliance, and the Request for Release of Funds, if applicable. Choice-limiting actions include acquisition, leasing, rehabilitation, demolition, new construction and ground disturbance work such as clearing, grading or grubbing. You are therefore encouraged to begin the environmental review process as soon as possible.

3.3.1.a What is the Environmental Review?

An environmental review is the process of reviewing an CPF Special Project and its potential environmental impacts to determine whether it meets federal, state, and local environmental standards. The environmental review process is required for all HUD-assisted projects to ensure that the proposed project does not negatively impact the surrounding environment and that the site itself will not have an adverse environmental or health effect on end users.

HUD's environmental review requirements are described in HUD's NEPA implementing regulations at 24 CFR Part 50 and Part 58. The process includes performing an environmental impact analysis that covers the provisions of the NEPA and related environmental laws and regulations.

The scope of the environmental review depends on the scope of your project. For complex projects, the review could include a full technical analysis, consultation with the State Historic Preservation Officer and Tribes, notice in a local newspaper, a 15-day public comment period, and an additional 15-day objection period after submission of the Request for Release of Funds and Certification before HUD can release the funds. For certain other projects, the environmental review could be a simple review prepared by the Responsible Entity (RE) indicating that the project is exempt or excluded from any further review. The HUD Regional Environmental Officer (REO) linked in the following section can advise you and the RE about these requirements. Please contact the HUD REO for your area as soon as possible to initiate the review process.

3.3.1.b Who Conducts the Environmental Review?

Under the Multifamily Housing Property Disposition Reform Act of 1994, units of general local government or states are authorized to carry out federal environmental review responsibilities under the NEPA and related authorities pursuant to 24 CFR Part 58 for Community Project Funding grants as Responsible Entities (REs). The RE is legally responsible for environmental review, decision-making, and action with respect to the project and for compliance with the requirements of 24 CFR Part 58.

Only an RE as defined at 24 CFR 58.2(a)(7) may take responsibility for conducting the environmental review that is required for each FY2022 CPF. If you are a State, unit of general local government, Indian tribe, or Alaska Native Village, you are the RE. If you are a housing authority, redevelopment agency, academic institution, hospital or other non-profit organization, the RE is the unit of general local government, Indian Tribe, or Alaskan Native Village within which your project is located and which exercises land use responsibility. Part 58 allows HUD to designate another RE rather than performing the review itself under Part 50. In the event that an RE declines to assume responsibility for the environmental review, you must advise HUD, and HUD will complete the environmental review under 24 CFR Part 50 or designate another RE. Locate your nearest HUD Regional Environmental Officer (REO) by region: <https://www.hudexchange.info/programs/environmental-review/hud-environmental-staff-contacts/#region-i-regional-and-field-environmental-officers>.

In summary, as a FY 2022 CPF grantee, you must ensure that an RE or HUD completes an environmental review for your project. You must submit necessary documentation requested by the RE or HUD for the environmental review. You must retain documentation that a Part 58 or Part 50 review was completed.

3.3.1.c What are my responsibilities when HUD conducts the review under Part 50?

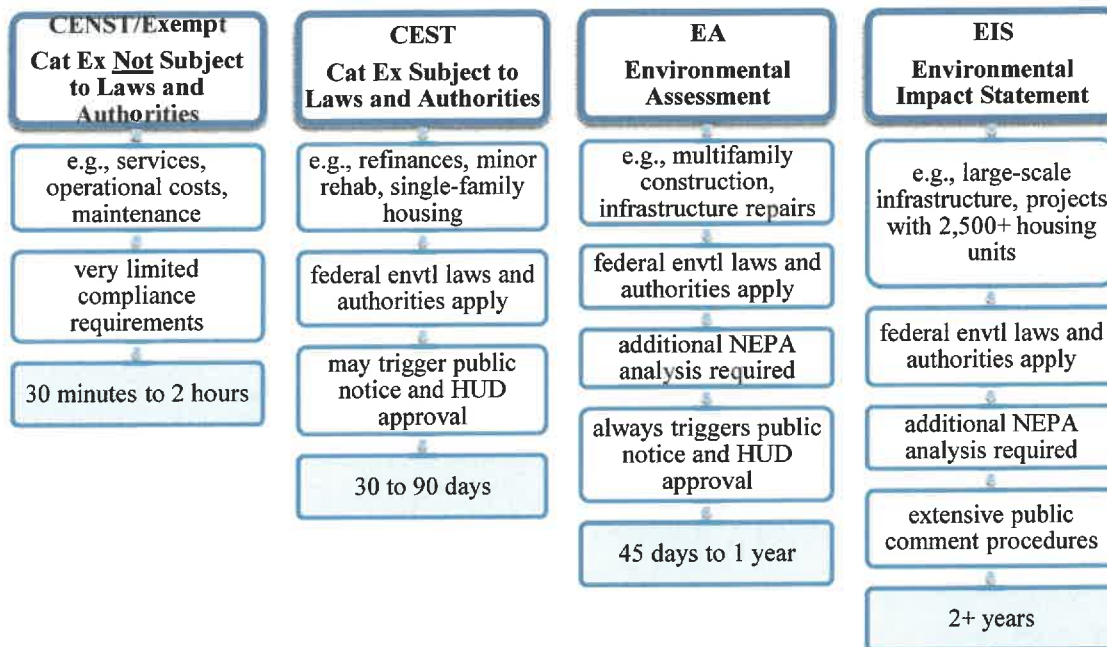
Under 24 CFR 50.32, the collection of data and studies as part of the information contained in the environmental review may be done by an applicant or the applicant's contractor. The HUD program staff may use any information supplied by the applicant or contractor. HUD independently evaluates the information, is responsible for its accuracy, supplements the information, if necessary, to conform to the requirements of Part 50, and prepares the environmental finding. As a CPF grantee you are responsible for providing environmental documentation to HUD. You are encouraged to hire an environmental consultant to assist in the preparation of your environmental documentation. For projects that involve historic properties, retention of a historic preservation professional (see consultant lists on [SHPO websites](#)) can assist grantees in complying with Section 106 of the National Historic Preservation Act. These activities may be funded via grant funds applied to planning and administrative expenses (up to 20 percent). Please reach out to your Regional Environmental Officer (REO) to begin this process at your earliest convenience to avoid potential project schedule conflicts.

3.3.1.d How long does the environmental review process take?

The scope of the project (not just the portion that CPF funding is going towards), will determine the level of environmental review and the timeframes for completion.

If you plan to use your CPF funds for a project involving only planning activities, engineering, or technical assistance, the environmental review by an RE or HUD may be as simple as documenting that these activities are Exempt or Categorically Excluded Not Subject to 58.5/50.4 (CENST).

If, however, your CPF involves, for example, acquisition or disposition of real property, change in land use or physical change of land or buildings, the environmental review may be complex, and in some instances, lengthy. There are several environmental laws and authorities that include consultation or public notice requirements with defined timeframes. Please refer to the following graphic for general timeframes under Part 58 based on activity type:



3.3.1.e Where to conduct the Environmental Review?

All environmental reviews for CPF grants must be entered into the [HUD Environmental Review Online System \(HEROS\)](#). Both REs and partners (e.g., non-RE recipients, consultants, PHAs, and nonprofits) may request access to HEROS and enter project information into the system. If you are a non-RE recipient, you should coordinate with your RE to ensure both organizations have HEROS access. If you do not already have HEROS access, you should request access as soon as possible via the online [HEROS Access Form](#). HEROS access requests can take up to 3 weeks to process. You will be notified via email when your HEROS profile has been set up. Additional information on HEROS, training resources, FAQs, and a User Guide is available on the HUD Exchange: <https://www.hudexchange.info/programs/environmental-review/heros/>.

PLEASE NOTE: CPF grantees may wish to determine if the project will be reviewed under 24 CFR Part 58 (where a unit of general local government, Indian tribe, or Alaska Native Village is the recipient or otherwise agrees to act as Responsible Entity) or under 24 CFR Part 50 (for grants to a housing authority, redevelopment agency, academic institution, hospital or other non-profit organization where the unit of general local government, Indian tribe, or Alaska Native Village declines to act as Responsible Entity) before registering in HEROS.

3.3.1.f What are the responsibilities of a recipient when the CPF grant funds are for a project that has already begun construction using non-HUD funds?

If a construction contract was entered into before the issuance of the Letter of Invitation, the federal ‘nexus’ date, construction activities for work funded by non-federal funds may proceed to the extent practical and to the extent permitted in accordance with the previously executed contract. Any costs incurred under such contracts prior to completion of the environmental review cannot be reimbursed with federal funds. You may not enter into additional construction contracts or take other choice-limiting commitments or actions, including making a commitment of HUD or non-HUD funds to the

project, until an environmental review by an RE under Part 58 is completed and a Request for Release of Funds and Certification (RROF/C) is approved by the HUD CPD Field Office Director via certification of the 7015.16 Authority to Use Grant Funds in HEROS, if applicable; or an environmental review by HUD under Part 50 is completed.

3.3.1.g When may a recipient commit its CPF project funds?

You may commit your funds only after you have received written notice from the HUD field office that it has approved the release of funds, unless the funds are for activities that the RE has documented as exempt or categorically excluded and not subject to related laws. You may not take any actions nor commit any HUD funds or any non-HUD funds which would cause actions that are choice-limiting among reasonable alternatives or would produce an adverse environmental impact before HUD has approved the environmental certification of compliance and the RROF/C, if applicable.

3.3.1.h When should you start the environmental review?

You should start the environmental review process right away, even while our Project Team is reviewing your required grant materials. As part of the environmental review process, you will be asked to provide information necessary for completing the environmental analysis in an expeditious and comprehensive manner. Information about both natural resources and the built environment, including manmade hazards will need to be collected. Depending on the level of environmental review, you may be asked to provide data and analysis related to:

- Airport Hazards
- Coastal Barrier Resources
- Flood Insurance
- Clean Air
- Coastal Zone Management
- Contamination and Toxic Substances
- Endangered Species
- Explosive and Flammable Hazards
- Farmlands Protection
- Floodplain Management
- Historic Preservation
- Noise Abatement and Control
- Sole Source Aquifers
- Wetlands Protection
- Wild and Scenic Rivers
- Environmental Justice

Additional information about the related environmental laws and authorities can be found on the HUD Exchange: <https://www.hudexchange.info/programs/environmental-review/federal-related-laws-and-authorities/>.

Self-guided training on HUD environmental review requirements and related laws and authorities can be completed using the HUD Web-Based Instructional System for Environmental Review (WISER), available on the HUD Exchange: <https://www.hudexchange.info/trainings/wiser/>.

HUD Regional/Field Environmental Officers:

Locate your nearest HUD Regional/Field Environmental Officer by Region:
<https://www.hudexchange.info/programs/environmental-review/hud-environmental-staff-contacts/#region-i-regional-and-field-environmental-officers>
<http://www.huduser.org/portal/datasets/il.html>

3.3.2 Build America, Buy America

Recipients of an award of Federal financial assistance from a program for infrastructure are hereby notified that funds may be subject to Build America, Buy America (BABA) requirements). Pursuant to the General Applicability Waiver of Build America, Buy America Provisions (BAP) as Applied to Recipients of HUD Federal Financial Assistance, funds obligated on or after November 14, 2022, for grants to non-tribal entities, and May 14, 2023, for grants to Tribes and TDHEs, must comply with section 70914 of the Act, including by the incorporation of a BAP in the terms and conditions of each Federal award with an infrastructure project. Renewal awards and amendments obligating additional funds to existing awards that are executed on or after the applicable deadline, will also require a Buy American Preference (BAP). BAP means that none of the funds provided under this award may be used for a project for infrastructure unless:

- (1) all iron and steel used in the project are produced in the United States this means all manufacturing processes, from the initial melting stage through the application of coatings, occurred in the United States;
- (2) all manufactured products used in the project are produced in the United States—this means the manufactured product was manufactured in the United States; and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation; and
- (3) all construction materials are manufactured in the United States—this means that all manufacturing processes for the construction material occurred in the United States. “All manufacturing processes” for construction materials includes the final manufacturing process and the immediately preceding manufacturing stage for the construction material. See initial implementation guidance in the Memorandum linked here: [M-22-11](#), page 3.

The Buy America Preference only applies to articles, materials, and supplies that are consumed in, incorporated into, or affixed to an infrastructure project. As such, it does not apply to tools, equipment, and supplies, such as temporary scaffolding, brought to the construction site and removed at or before the completion of the infrastructure project. The Buy America preference does not apply to equipment and furnishings, such as movable chairs, desks, and portable computer equipment, that are used at or within the finished infrastructure project but are not an integral part of the structure or permanently affixed to the infrastructure project.

Exceptions to Buy America Preference Requirements Must be Established with a Waiver

When necessary, recipients may apply for, and the Agency may grant, a waiver from the requirements listed above. The Agency will notify the recipient of information on the process for requesting a waiver from these requirements.

- (a) When the Agency has made a determination that one of the following exceptions applies, the awarding official may waive the application of the BAP:
 - (1) applying the BAP would be inconsistent with the public interest;
- (2) the types of iron, steel, manufactured products, or construction materials are not produced in the United States in sufficient and reasonably available quantities or of a satisfactory quality; or
- (3) the inclusion of iron, steel, manufactured products, or construction materials produced in the United States will increase the cost of the overall project by more than 25 percent.

A request to waive the application of the BAP must be in writing. The Agency will provide instructions on the format, contents, and supporting materials required for any waiver request. Waiver

requests are subject to public comment periods of no less than 15 days and must be reviewed by the Made in America Office. There may be instances where an award qualifies, in whole or in part, for an existing waiver described at: https://www.hud.gov/program_offices/general_counsel/BABA

“Construction materials” includes an article, material, or supply—other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; or aggregate binding agents or additives—that is or consists primarily of:

- non-ferrous metals;
- plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables);
 - glass (including optic glass);
 - lumber; or
 - drywall.

Further, the definition of “construction materials” does not include cement and cementitious materials, aggregates such as stone, sand, or gravel, or aggregate binding agents or additives. Items that consist of two or more of the listed materials that have been combined together through a manufacturing process, and items that include at least one of the listed materials combined with a material that is not listed through a manufacturing process, should be treated as manufactured products, rather than as construction materials. See initial implementation guidance in the Memorandum linked here: [M-22-11](#), page 14.

“Domestic content procurement preference” means all iron and steel used in the project are produced in the United States; the manufactured products used in the project are produced in the United States; or the construction materials used in the project are produced in the United States. “Infrastructure” includes, at a minimum, the structures, facilities, and equipment for, in the United States, roads, highways, and bridges; public transportation; dams, ports, harbors, and other maritime facilities; intercity passenger and freight railroads; freight and intermodal facilities; airports; water systems, including drinking water and wastewater systems; electrical transmission facilities and systems; utilities; broadband infrastructure; and buildings and real property. Infrastructure includes facilities that generate, transport, and distribute energy.

“Federal Financial Assistance” pursuant to 2 CFR 200.1, means assistance that entities received or administer in the form of:

1. Grants;
2. Cooperative agreements (which does not include a cooperative research and development agreement pursuant to the Federal Technology Transfer Act of 1986, as amended (15 U.S.C. 3710a));
 3. Non-cash contributions or donations of property (including donated surplus property)
 4. Direct appropriations;
 5. Assessed or voluntary contributions; or
6. Any other financial assistance transaction that authorizes the non-Federal entity's expenditure of Federal funds except assistance listed in 2 CFR 200.1(2).

Federal Financial Assistance does not include:

“Non Federal Entity” means a state, local government, Indian tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

“Funds to for-profit organizations” – for purposes of BABA implementation, they are not considered non Federal entities. However, there may be independent statutory authorities that agencies may have to include domestic content requirements in awards of Federal financial assistance issued to for-profit organizations. See M-11-22, p. 3.

“Project” means the construction, alteration, maintenance, or repair of infrastructure in the United States.

Types of Construction Projects: When determining if a particular construction project of a type not listed in the definition above constitutes “infrastructure,” agencies should consider whether the project will serve a public function, including whether the project is publicly owned and operated, privately operated on behalf of the public, or is a place of public accommodation, as opposed to a project that is privately owned and not open to the public. Projects with the former qualities have greater indicia of infrastructure, while projects with the latter quality have fewer. Projects consisting solely of the purchase, construction, or improvement of a private home for personal use, for example, would not constitute an infrastructure project.

SECTION 4: PAPERWORK REDUCTION ACT NOTES

PAPERWORK REDUCTION ACT

Economic Development, Community Project Funding/Congressionally Directed Spending
U.S. Department of Housing and Urban Development
OMB Approval No 2506-0217 (Emergency PRA expires September 2022.)

Public Reporting Burden for this collection of information is estimated to average 2 hours per response, including the time for reviewing instructions, searching existing data sources, gathering, and maintaining the data needed, and completing and reviewing the collection of information. Response to this collection of information is mandatory to obtain a benefit. The information requested does not lend itself to confidentiality. HUD may not conduct or sponsor, and an applicant is not required to respond to a collection of information unless it displays a currently valid OMB control number.

Community Project Funding Grant Guide

SECTION 5: CONGRESSIONAL GRANTS DIVISION CONTACT INFORMATION

CONGRESSIONAL GRANTS DIVISION STAFF

Community Project Funding Portfolio Assignments

<p>Angela Dyer Angela.Dyer@hud.gov</p> <p>Delaware DE Kentucky KY Maryland MD Michigan MI Washington DC West Virginia WV</p>	<p>Katressa Garner Katressa.L.Garner@hud.gov</p> <p>Connecticut CT Maine ME Massachusetts MA New Hampshire NH New Jersey NJ New York NY Rhode Island RI Vermont VT</p>	<p>Holly A. Kelly CPFGrants@hud.gov</p> <p>Alaska AK Idaho ID Oregon OR Washington WA Guam GU Saipan MP (Marianas Pacific)</p>
<p>Holly A. Kelly CPFGrants@hud.gov</p> <p>Arkansas AR New Mexico NM Oklahoma OK</p>	<p>Rommel Calderwood Rommel.Calderwood@hud.gov</p> <p>Arizona AZ Iowa IA Kansas KS Missouri MO Nebraska NE Nevada NV</p>	<p>Shaina Glover Shaina.Y.Glover@hud.gov</p> <p>Illinois IL Minnesota MN Pennsylvania PA Virginia VA</p>
<p>Vaughn Watson Vaughn.A.Watson@hud.gov</p> <p>Colorado CO Montana MT North Dakota ND South Dakota SD Utah UT Wyoming WY</p>	<p>Holly A. Kelly CPFGrants@hud.gov</p> <p>Florida FL Georgia GA Louisiana LA North Carolina NC South Carolina SC Puerto Rico PR</p>	<p>Njeri Santana-Carter Njeri.A.Santana@hud.gov</p> <p>Alabama AL California CA Tennessee TN Texas TX Wisconsin WI</p>
<p>Holly A. Kelly CPFGrants@hud.gov</p> <p>Hawaii HI Indiana IN Mississippi MS Ohio OH</p>	<p>Holly A. Kelly – Director Congressional Grants Division Holly.A.Kelly@hud.gov</p>	<p>U.S. Department of Housing and Urban Development Office of Community Planning and Development Office of Economic Development Congressional Grants Division 451 Seventh Street, SW, Rm 7128 Washington DC 20410 CPFGrants@hud.gov</p>

**NOTICE OF FINDING OF NO SIGNIFICANT IMPACT AND
NOTICE OF INTENT TO REQUEST RELEASE OF FUNDS**

May 10, 2023

Jefferson County Commission

PO Box 250
Charles Town, WV 25414

Steve Stolipher, President
304-728-3207

These notices shall satisfy two separate but related procedural requirements for activities to be undertaken by the **Jefferson County Parks & Recreation Commission**.

REQUEST FOR RELEASE OF FUNDS

On or about May 26, 2023 the Jefferson County Commission will submit a request to the Office of the Secretary, Department of Housing and Urban Development for the release of FY2022 EDI Community Project funds under Title 24, subtitle A part 58; to undertake a project known as Phase II of the Amphitheatre at Sam Michaels Park for the purpose of constructing a ticket booth, restrooms, concessions and sewer utility to the venue. In addition, if monies allow, Phase II will also include office and meeting room space. The total cost of the project is estimated at 1,525,000; the amount of other sources of funding is approximately \$600,000. Congress made available "grants for the Economic Development Initiative for the purposes of Community Project Funding/Congressionally Directed Spending" in the Consolidated Appropriations Act, 2022, (P.L. 117-103) (the Act). Construction of the sewer utility will be funded by an allocation from the Jefferson County Commission through ARPA, in the amount of \$300,000. Any overages or additional monies needed for the project will be paid for by Jefferson County Parks & Recreation impact fee and capital funding. This project will include the purchasing of construction materials for the project as well as site work and leveling. The project is anticipated to begin in April 2023 and will end December 2023.

Commented [WME1]: As per our conversation(3/9/23) somewhere in the Project description should reflect the amount of all other sources of funding and the beginning and ending time frame.

FINDING OF NO SIGNIFICANT IMPACT

The Jefferson County Commission has determined that the project will have no significant impact on the human environment. Therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 (NEPA) is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at Sam Michaels Park, 235 Sam Michaels Lane, Shenandoah Junction, WV 25442 and may be examined or copied weekdays 9 A.M to 5 P.M.

PUBLIC COMMENTS

Any individual, group, or agency may submit written comments on the ERR to the Jefferson County Commission. All comments received by May 25 will be considered by the Jefferson County Commission prior to authorizing submission of a request for release of funds. Comments should specify which Notice they are addressing.

ENVIRONMENTAL CERTIFICATION

The Jefferson County Commission certifies to Office of the Secretary, Department of Housing and Urban Development that Steve Stolipher in his capacity as President of the Jefferson County Commission consents to accept the jurisdiction of the Federal Courts if an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied. HUD's approval of the certification satisfies its responsibilities under NEPA and related laws and authorities and allows the Jefferson County Parks and Recreation Commission to use Program funds.

OBJECTIONS TO RELEASE OF FUNDS

**HUD will accept objections to its release of fund and the Jefferson County Commission's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if they are on one of the following bases: (a) the certification was not executed by the Certifying Officer of the Jefferson County Commission; (b) the Jefferson County Commission has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR part 58; (c) the grant recipient or other participants in the development process have committed funds, incurred costs or undertaken activities not authorized by 24 CFR Part 58 before approval of a release of funds by HUD; or (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58, Sec. 58.76) and shall be addressed to Phillip E. McKeough at phillip.e.mckeough@hud.gov or at Community Planning & Development (CPD) Department
U.S. Dept of Housing and Urban Development
William S. Moorhead Federal Building
1000 Liberty Avenue - 10th Flr.
Suite 1000
Pittsburgh, PA 15222-4004. Potential objectors should contact HUD to verify the actual last day of the objection period.**

Steve Stolipher, President, Jefferson County Commission

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Russell Burgess**

Department or Organization: **Department of Information Technology**

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

Date Requested – 1st Choice: **May 4, 2023**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Advertise for Department of Information Technology Support/Helpdesk Technician**

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

- **The Department of Information Technology would like to fill the above full time position due to employee resignation. This position is essential for the Information Technology Department to successfully support all county employees and operations. Salary would be listed as \$37,500.00 per year full time employee.**

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*):

- **Motion to approve the Information Technology Department to Advertise for Department of Information Technology Support/Helpdesk Technician at salary of \$37,500.00 per year full time employee.**

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



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

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

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

Date Requested – 1st Choice: **May 4, 2023**

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **West Virginia State Code, Chapter 7, Article 1. County Commissions Generally, §7-1-3U, Authority of Counties And Municipalities to Treat Streams to Prevent Floods.**

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

Approximately six months ago, representatives of the West Virginia Conservation Agency appeared before the County Commission requesting that the County Commission enter into an agreement with the West Virginia Conservation Agency creating a partnership for preventing flooding of streams and for flood event stream cleanup. The County Commission referred the request to the County Administrator and the Chief County Engineer for review, which also included a review by the County Attorney.

The West Virginia Conservation Agency has the technical expertise and possibly funding/grants to assist counties with stream flood prevention and stream cleanup work as noted in §7-1-3U of the West Virginia State Code, which states:

§7-1-3U, Authority of Counties And Municipalities to Treat Streams to Prevent Floods

To protect people and property from floods, counties and municipalities are hereby empowered to re-channel and dredge streams; remove accumulated debris, snags, sandbars, rocks and any other kinds of obstructions from streams; straighten stream channels; and carry out erosion and sedimentation control measures and programs.

For stream treatment to prevent floods as provided in this section, counties and municipalities are hereby further empowered to levy, within all Constitutional and statutory limitations; acquire property by purchase, exercise of the right of eminent domain, lease, gift or grant; accept any and all benefits, moneys, services and assistance which may be available from the federal and state government or any private source;

issue and sell bonds within the Constitutional and statutory limitations prescribed by law for the issuance and sale of bonds by counties and municipalities for public purposes generally. Any such levy shall be equal and uniform throughout the county or municipality.

The power and authority granted in this section, may be exercised by any county or municipality in cooperation with each other or separately as provided in section three-i of this article. Any county or municipality which exercises any power or authority set forth in this section shall comply with all applicable provisions of federal and state laws and rules and regulations lawfully promulgated thereunder.

The term "stream" as used in this section means any watercourse, whether natural or man-made, distinguishable by banks and a bed, regardless of their size, through which water flows continually or intermittently, regardless of its volume.

The West Virginia Conservation Agency is making an effort to have these agreements already in place around the state before a flood event occurs. Therefore, the West Virginia Conservation Agency is requesting that the Jefferson County Commission execute the attached agreement so that a partnership is in place to assist Jefferson County should the need for assistance ever arise. Jefferson County is free to decline assistance on any project and/or to terminate the agreement upon 30 days written notice to the West Virginia Conservation Agency. The attached agreement is presented for consideration by the Jefferson County Commission.

Is this a funding request? **No.**
If so, how much?

Motion Requested: **Yes.**

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

Move to authorize the County Commission President to execute the 7-1-3U AGREEMENT BETWEEN THE WEST VIRGINIA CONSERVATION AGENCY AND THE JEFFERSON COUNTY COMMISSION CONCERNING STREAM RESTORATION, BANK STABILIZATION AND BLOCKAGE REMOVAL WORK.

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

7-1-3U AGREEMENT BETWEEN THE WEST VIRGINIA CONSERVATION AGENCY AND THE JEFFERSON COUNTY COMMISSION CONCERNING STREAM RESTORATION, BANK STABILIZATION AND BLOCKAGE REMOVAL WORK

If not attached, explain:

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

Contact information:

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

**7-1-3U AGREEMENT
BETWEEN
THE WEST VIRGINIA CONSERVATION AGENCY AND
THE JEFFERSON COUNTY COMMISSION
CONCERNING STREAM RESTORATION, BANK STABILIZATION AND
BLOCKAGE REMOVAL WORK**

THIS 7-1-3U Agreement (Agreement) is made this **4th day of May, 2023**, by and between the West Virginia Conservation Agency (WVCA) and the Jefferson County Commission, a political subdivision of the State of West Virginia, (JCC). Authority to enter into this Agreement is found in W.Va. Code §19-21A-4 and W.Va. Code §7-1-3u.

WHEREAS, West Virginia has experienced disastrous flood events that have devastated the State and citizenry; and

WHEREAS, there exists a substantial need to protect people and property from floods, to respond to the effects of flooding, to minimize stream bank erosion and engage in flood prevention; and

WHEREAS, counties and municipalities have the authority to undertake works of improvement to protect people and property from floods through a variety of methods, including the rechanneling and dredging of streams; removal of accumulated debris, snags, sandbars, rocks and any other kinds of obstructions; and to carry out erosion and sedimentation control measures and programs; and

WHEREAS, the WVCA has the technical expertise to assist counties and municipalities with meeting this authority; and

WHEREAS, the need for such assistance can best be met through cooperative efforts of the Jefferson County Commission and the WVCA;

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

I. DEFINED TERMS

As used throughout this Agreement, the following terms have the meaning set forth below:

A. “West Virginia Conservation Agency” means the administrative office of the State Conservation Committee as provided for by W.Va. Code §19-21A-4.

B. “Executive Director of the WVCA” means the Administrator of the West Virginia Conservation Agency as set forth in W.Va. Code §19-21A-4.

C. “The Jefferson County Commission,” means a political subdivision of the state created and defined by W. Va. Code §7-1-1.

D. “Stream” means any watercourse, distinguishable by banks and a bed, regardless of its size, which water flows continually or intermittently, regardless of its volume.

E. “In-kind” refers to payment, distribution or substitution of goods and services in lieu of money.

F. “Sub-agreement” means those subordinate agreements entered into between the parties relating to a specific site, or sites, eligible for assistance. Sub-agreements shall include pertinent details for each site.

II. COVENANTS

A. **Scope.** This agreement covers all work necessary to design and construct projects contemplated under W.Va. Code §7-1-3u. Subordinate agreements (Sub-agreements) will be developed for each project and contain the full scope of work for each site.

B. **Cost Share Funding.** WVCA and the Jefferson County Commission have agreed to jointly fund work in accordance with a funding formula that will be negotiated for each project and included in the Sub-agreement developed for each planned project.

C. The Jefferson County Commission may provide “in-kind” services or goods in lieu of cash payments to complete projects contemplated under this agreement.

D. None of the stream or bank stabilization projects contemplated under this agreement involve the taking of land through eminent domain and/or condemnation.

E. All of the projects contemplated under this agreement shall have their own sub-agreement that will include, but is not limited to specific scope of work, budget, and cost share funding. Not all sub-agreements will contain all possible terms and conditions.

III. FUNDING CONTINGENCY

This agreement is contingent upon both WVCA and the Jefferson County Commission’s availability of funds.

IV. THE JCC SHALL:

1. Identify and prioritize potential sites, as requested.
2. Provide an agreed upon portion of cost-share funding, as determined by the negotiated funding formula for each project.
3. Provide competitive contracting services associated with each project, with the assistance of WVCA, including, but not limited to advertising and awarding construction contracts to complete the agreed upon projects using the attached 7-1-3U Projects Contracts Policy

and Procedures, which have been adopted by the Jefferson County Commission for this Agreement and all 7-1-3U Sub-agreements between the parties.

4. Rely on their legislatively granted authority to access the land necessary to implement the agreed upon projects.
5. Obtain all necessary permits to complete the agreed upon project, as requested.
6. Identify temporary and permanent disposal sites in the county.

V. THE WVCA SHALL:

1. Provide technical assistance for the Scope of Work to be completed including permit, design, construction oversight, final inspection, and acceptance of the work performed.
2. Provide technical and administrative support to the Jefferson County Commission in the performance of their contracting services, to include final review and concurrence of the construction contract and final payout to the contractor in accordance with 7-1-3U Projects Contracts Policy and Procedure.
3. Provide engineering services to include contract review, project oversight, inspection of the work, and final acceptance of the work performed under the contract.
4. Pay its own administrative, engineering, and legal costs associated with carrying out its duties and responsibilities.
5. Provide an agreed upon portion of cost-share funding, as determined by the negotiated funding formula for each project.

VI. PROJECTS

1. A committee representing WVCA and the Jefferson County Commission will meet to discuss Jefferson County Commission's potential site list to determine project suitability and funding availability, and to prepare a recommendation for the Jefferson County Commission to accept or reject, as a governing body.
2. The Jefferson County Commission may reject the committee's recommendation on a project and may elect to complete said project at its own cost. In such cases, to the extent practicable, WVCA will provide technical assistance, but no cost-share funding.
3. The Jefferson County Commission may reject a project and still move forward under this Agreement for all approved projects.

VII. PRINCIPAL CONTACTS:

The parties agree to identify principal contacts for communication purposes related to this Agreement. Should these principal contacts change, the parties agree to notify one another as soon as practicable.

<p>For SCC/WVCA:</p> <p><u>Administrative:</u> Name: Anita May Title: Fiscal Services Manager WV Conservation Agency Address: 1900 Kanawha Blvd East Charleston, WV 25305 Telephone: 304-957-2983 Email: amav@wvca.us</p> <p><u>Technical:</u> Name: Gene Saurborn Title: Director of Watershed Projects Address: 201 Scott Avenue Morgantown, WV 26508 Telephone: 304-285-3118 Email: GSaurborn@wvca.us</p>	<p>For JCC:</p> <p><u>Administrative:</u> Name: Alex Beaulieu Title: Deputy Director</p> <p>Address: Department of Engineering, Planning & Zoning 116 East Washington Street, Suite 100 Charles Town, WV 25414 Telephone: 304-728-3228 Email: abeaulieu@jeffersoncountywv.org</p> <p><u>Technical:</u> Name: Roger Goodwin, PE, CFM Title: Director & Chief County Engineer</p> <p>Address: Department of Engineering, Planning & Zoning 116 East Washington Street, Suite 100 Charles Town, WV 25414 Telephone: 304-728-3257 Email: rgoodwin@jeffersoncountywv.org</p>
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VIII. BILLING AND PAYMENT

1. WVCA agrees to pay their portion of the cost-share funding, within forty-five (45) days of receipt of both 1) a satisfactory final inspection of the project by WVCA, and 2) a properly documented and complete invoice.
2. The Jefferson County Commission agrees to pay its portion of the cost share funding, within forty-five (45) days of receipt of both 1) a satisfactory final inspection of the project by WVCA, and 2) a properly documented and complete invoice.

3. Advancement of up to one hundred percent (100%) of the construction funds to the Jefferson County Commission from WVCA may be available for some projects, at the sole discretion of WVCA. Should an advancement be requested by the Jefferson County Commission, WVCA shall take such measures and necessary steps to protect those funds and meet the requirements of the WV State Auditor's Office for advancements in the project Sub-agreement.

VIII. AMENDMENTS

This Agreement may be amended upon the terms reached in conference upon notice by each party to the other. Such amendment conference shall be attended by the President of the Jefferson County Commission, the Executive Director WVCA and held within ten (10) days after the giving of notice as aforesaid, should any party fail to attend a properly noticed amendment conference, the proposed amendment shall not act to amend this Agreement. For an amendment to take effect it shall be 1) in writing, 2) attached to this Agreement as an addendum hereto, and 3) include the signature of each party to this Agreement.

IX. EFFECTIVE DATE AND TERMINATION

This Agreement becomes effective on the date last signed by the parties and will remain in effect for one (1) year from the effective date and shall automatically renew for a term of one (1) year, unless terminated by either party by written notice delivered to the other thirty (30) days prior to the expiration of this agreement or any extension thereof. After one year, this Agreement shall be reevaluated. Each party may seek to terminate this agreement at any time, provided that at least thirty (30) days prior written notice of the effective date of termination is given to the other parties.

X. LEGAL NOTICE.

Any legal notices required to be given under this Agreement shall be delivered in person or sent by certified or registered mail

to the Jefferson County Commission at:

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

to the WVCA at:

WV Conservation Agency
Attn: Jennifer Skaggs, Executive Director
1900 Kanawha Blvd., East
Charleston WV 25305

XI. MISCELLANEOUS

1. This agreement does not confer any rights or benefits on any third party.
2. This agreement shall be governed by the laws of West Virginia.
3. The terms of this agreement are not intended to alter, amend, or rescind any provisions of State law. Any provision of this agreement, which conflicts with State law, will be null and void.
4. Insofar as any condition or term of this agreement is found, by a court of competent jurisdiction, to be unlawful, the remaining terms and conditions remain in full force and effect.
5. The venue for any dispute between the parties shall be the Circuit Court of Jefferson County, West Virginia.

IN WITNESS WHEREOF, the parties hereto have caused this 7-1-3U Agreement to be executed by their duly authorized representatives. **This Agreement shall be effective June 1, 2023.**

THE JEFFERSON COUNTY COMMISSION

By: _____ Date: May 4, 2023
STEVE STOLIPHER, PRESIDENT

WEST VIRGINIA CONSERVATION AGENCY

By: _____, Date: May 4, 2023
JUDITH LYONS
EXECUTIVE DIRECTOR

ATTEST:

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

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Alexandra Beaulieu

Department or Organization: Office of Planning and Zoning

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: May 4, 2023

If a specific date is needed, please provide reason for specific date: Applicant's fee has been deposited into County's account.

Date Requested – 2nd Choice: Next available meeting.

Subject (*Wording to be placed on agenda*): Request for a partial refund of the Conditional Use Permit fee for Patrick Kiser. Applicant withdrew application after the fee was deposited and public notice requirements were met.

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

Mr. Derrick submitted an application for a Conditional Use Permit along with the required \$300 application fee (PC File #23-4-CUP) for inclusion on the April 27, 2023 Board of Zoning Appeals meeting agenda. On April 19, 2023, the applicant notified Staff that due to significant opposition from the neighborhood, he was withdrawing the request (see attached email).

Staff is requesting a partial refund of \$220.00 on behalf of Mr. Kiser. The partial refund excludes the advertising and mailing fees associated with the request (legal ad in the Spirit of Jefferson, public notice placard, and mailing of eight (8) certified letters to adjoining property owners).

Is this a funding request? Y / N
If so, how much? \$220.00

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

I move to recommend a partial refund of a Conditional Use Permit fee in the amount of \$220.00 to Patrick Kiser.

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

Zoning

From: Patrick
Sent: Wednesday, April 19, 2023 10:11 AM
To: Zoning
Subject: Re: [Possible Spam] Re: Re: Zoning Assistance

Follow Up Flag: Follow up
Flag Status: Completed

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

I am confirming I would like to withdraw the CUP file 23-4-CUP.

Do I have to draft and mail the certified letters to neighbors and then provide you will verification the letters have been mailed?

Thanks again,
Patrick

Sent from my iPhone

On Apr 19, 2023, at 09:31, Zoning <Zoning@jeffersoncountywv.org> wrote:

Good morning,

The Conditional Use Permit application associated with the FFL homebased business can be withdrawn separate from the Zoning Certificate application for the woodworking business (cottage industry). Please reply to this email with confirmation that you are withdrawing the Conditional Use Permit application file #23-4-CUP.

In order to obtain a refund, our Office will submit a request to the County Commission for authorization of a partial refund of the application fee, less advertising/public notice fees related to the application that have already been paid. I have calculated that the refund amount would be \$220.00. Please note that the refund process requires approval from the County Commission before Staff can submit to the finance office for reimbursement. The next County Commission meeting date is May 4, 2023 and a check should be mailed to you within 2-3 weeks after May 4. You do not need to attend the May 4 meeting as staff will present the request on your behalf.

The public notice placard that is currently posted may be removed and discarded. Our Office will prepare a new placard to post on the property related to the Woodworking business in accordance with the Cottage Industry provisions and notify you when it is available for pickup. The placard will need to be posted for 15 days prior to issuance of the Zoning Certificate. Additionally, letters are required to be sent by certified mail to the homeowners association (if one exists). If an HOA does not exist, letters are required to be mailed to individual property owners accessing Breeze Knoll Way within 1,000 feet of your property line. Proof of the certified mailing is required to be submitted to our Office for the record. I have attached a letter

from a previous application that you may use as an example. There will not be a public hearing associated with the zoning certificate application as zoning certificate applications are processed administratively. The purpose of the public notice requirements is to notify the neighbors of the proposed use.

Please let me know if you have any follow up questions.

Thank you,

Alexandra Beaulieu
Zoning Administrator
Office of Planning & Zoning
Jefferson County, WV
304-728-3228

From: Patrick Kiser
Sent: Wednesday, April 19, 2023 8:27 AM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: [Possible Spam] Re: Re: Zoning Assistance

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

Good morning,

I have a critical question to ask about my current Zoning effort for the CUP and Cottage applications that are currently under review.

What is the process for withdrawing my request for the FFL portion of this request?

I have recently found out that there is Massive opposition from almost the entire neighborhood, which I obviously didn't anticipate. I would still like to move forward with the Wood Working piece, so I am not sure how that changes the current Sign in my yard, board hearing, etc.

Any advice you can give me would be greatly appreciated.

Also, does that have any affect on the 300 dollar check I submitted since I am cancelling the FFL portion?

Thanks and I apologize for the plethora of calls and concerns this might have caused your office.
Patrick



AGENDA REQUEST FORM

www.jeffersoncountywv.org

Name: **Mike Sine**

Department or Organization: **JCESA**

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

Date Requested – 1st Choice: **May 4, 2023**

If a specific date is needed, please provide reason:

Subject (Wording to be placed on agenda):

1. Provide monthly update to the JCC on the progress of the EMS Transition.
2. Request for additional staffing to restore staffing and units back to BRMV Co5 and MVFD Co 6.
3. Request for reimbursement of labor expenses in the amount of **\$8,330.18** for March 2023, associated with the EMS transition project.

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

1. Regular update regarding the progress of the EMS Transition.
2. Requesting additional funding to hire a minimum of 4 new positions to reinstate EMS Service to Blue Ridge Mountain Fire Company 5 and Middleway Volunteer Fire Company 6; each with staff and units to cover 12-hour shifts. **\$ 228,217.68**
3. JCESA has incurred labor costs performing the work necessary for the EMS Transition. The work hours and associated costs were not anticipated in our FY23 budget allocation. We seek reimbursement for the cost of hours expended, specifically for elements of the transition that were not within proposed deliverables and would have been required of JCESA to perform. We are not requesting reimbursement for time expended by senior staff whose wages are already budgeted.

Is this a Funding Request? **Y/N - YES**

If so, how much? **\$228,217.68 + \$8,330.18**

Provide exact financial request:

Contact Information: **Mike Sine**

Phone Number: 304.728.3287 Ext. 5207

Email Address: msine@jcesa.org

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

Jefferson County Emergency Services Agency

Invoice

Date	Invoice #
4/24/2023	443

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 March 2023	8,330.18	8,330.18
		Total	\$8,330.18

NOTICE OF PUBLIC HEARING
Thursday, May 4, 2023 at 11:00 a.m.

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 Residential-Light Industrial-Commercial (Planning Commission File #23-3-Z).

The hearing will be held on **Thursday, May 4, 2023 at 11:00 a.m.** 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. Written comments may also be submitted to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

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

By Order of the Jefferson County Commission
Steve Stolipher, President



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor; P.O. Box 716

Charles Town, WV 25414

www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org

zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: County Commission of Jefferson County
FROM: Jennifer M. Brockman, AICP, County Planner
DATE: April 13, 2023
RE: Planning Commission Recommendation regarding the Zoning Map Amendment Petition for ILA Properties (File #23-4-Z)

On Thursday, April 6, 2023, a representative for the proposed Lutman Rezoning presented a petition for a Zoning Map Amendment to the Jefferson County Commission for a vacant parcel located south of Route 115 West, approximately ¼ mile southeast of the Berkeley/Jefferson County Line. The parcel, designated as Middleway (07), Map: 2, Parcel: 2.2, consist of approximately 12.8 acres. The property is currently zoned Rural (R) and the petition requests rezoning from Rural to Residential-Light Industrial-Commercial (RLIC).

The County Commission scheduled a Public Hearing for this rezoning for Thursday, May 4, 2023. At the April 6th meeting, the County Commission, in accordance with WV Code 8A and the Jefferson County Zoning Ordinance Article 12, referred the petition to the Planning Commission for their review and recommendation as to whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan*.

On Tuesday, April 11, 2023, at the Jefferson County Planning Commission meeting, the Planning Commission heard an overview of the ILA Properties Zoning Map Amendment (#23-4-Z) petition by staff, and the applicant's consultant, as well as a staff report identifying relevant portions of the *Envision Jefferson 2035 Comprehensive Plan* for the Planning Commission's consideration and review. This staff report is attached to this memo for the County Commission's information and consideration. Staff provided comments on the application and the relevant sections of the *2035 Plan*. Staff presented a finding to the Planning Commission that, although the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the RLIC zoning request is **reasonably consistent** with the *Envision Jefferson 2035 Comprehensive Plan* recommendations. The property is located within the Route 9 Preferred Growth Area (PGA) and is planned for urban level development.

After reviewing the application, the staff report, and further discussion, the Planning Commission found, with a unanimous vote, that the proposed Zoning Map Amendment to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

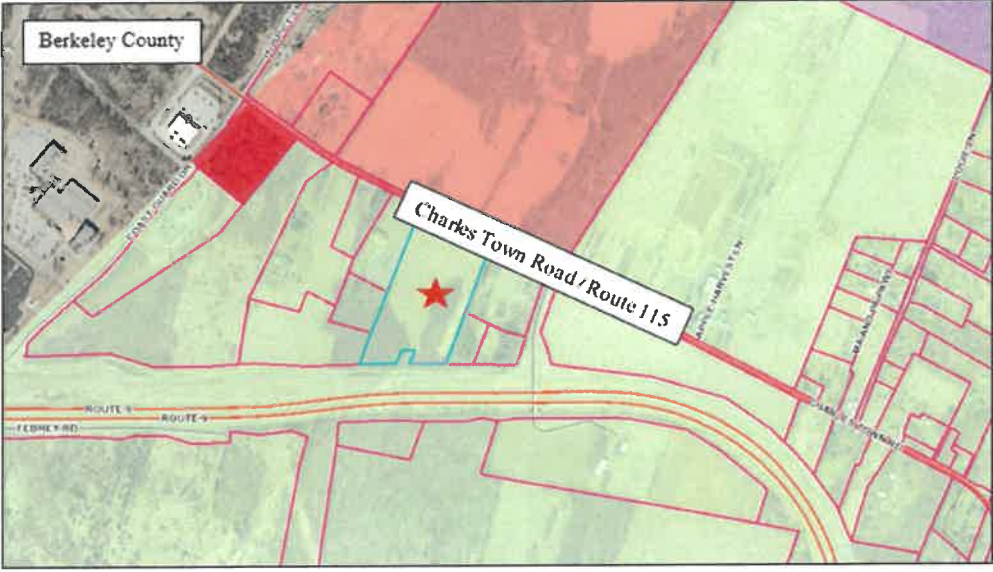
Attachment:

- *23-4-Z ILA Properties Rezoning Staff Report for 4/11/23 Planning Commission Meeting*

Staff Report
 Jefferson County Planning Commission Meeting
 April 11, 2023

Rehman (ILA Properties) Rezoning Request (23-4-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 parcel from Rural (R) to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Property Owner:	Saif & Shahzad Rehman
Applicant	ILA Properties, Inc. / Contact: Joshbeen Grewal
Consultant:	Paul Raco, P.J. Raco Consulting, LLC
Parcel Information:	<p style="text-align: center;">Vacant Parcel; south of Route 115 West approximately ¼ mile southeast of the Berkeley/Jefferson County Line Tax District: Middleway (07), Map: 2, Parcel: 2.2 Acreage: ~12.8 acres; Zoning District: Rural</p> 
Surrounding Properties:	<p style="text-align: center;">North: Residential-Light Industrial-Commercial South: Rural; East: Rural; West: Rural, General Commercial, Berkeley Co.</p>
Current Use:	Agricultural
Proposed Request	To rezone from Rural to Residential-Light Industrial-Commercial (RLIC)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that, 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 is reasonably consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> recommendations.

Staff Report
Jefferson County Planning Commission Meeting
April 11, 2023

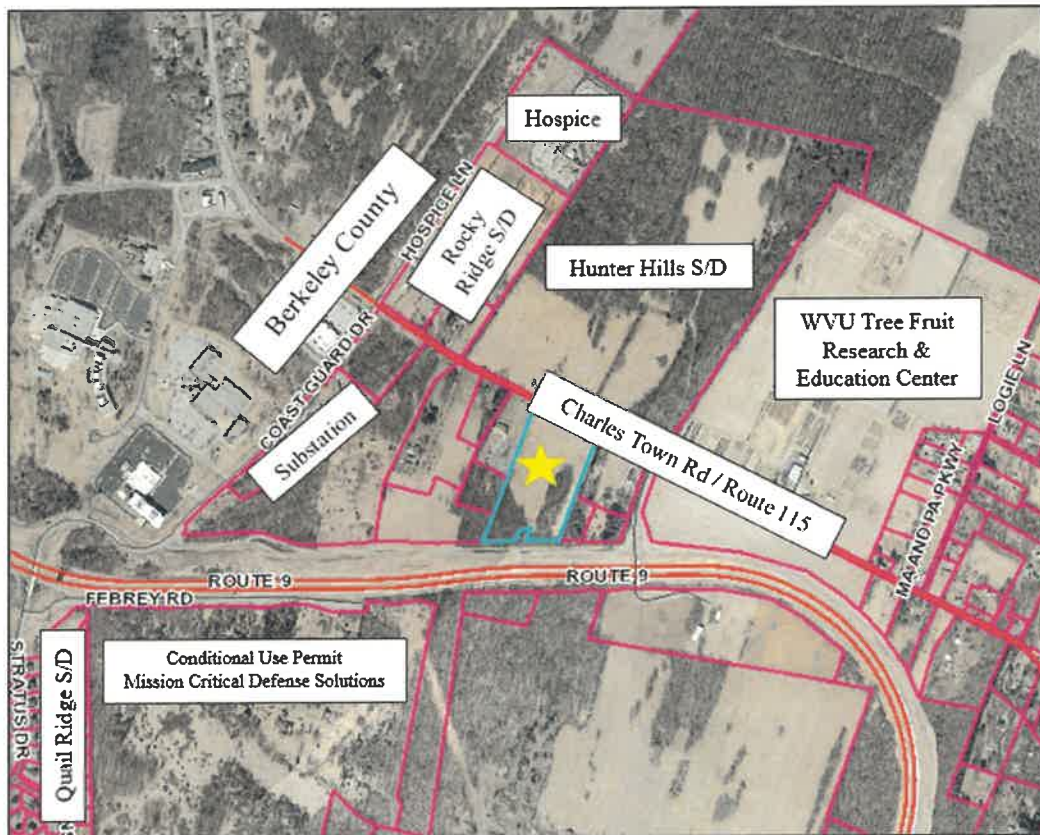
Rehman (ILA Properties) Rezoning Request (23-4-Z)

Applicant's Request

The applicant is requesting to rezone approximately 12.8 acres from Rural (R) to Residential-Light Industrial-Commercial (RLIC). The property is currently vacant.

Neighboring Uses

The property under consideration for this Zoning Map Amendment is surrounded by a combination of rural, residential and non-residential uses.



The property identified as Hunter Hills S/D, on the north side of Charles Town Rd (WV 115), was rezoned to RLIC in 2013 (Z13-01). This property is being developed as a Major Residential Subdivision (File 21-21-SD) for 471 small lot single-family homes and 171 townhouse lots, which will be served by public water and sanitary sewer from Berkeley County.

The property identified as Rocky Ridge S/D, located on the Berkeley County line, was rezoned to RLIC in 2014 (Z14-01). This property has been approved to be developed as a Major Residential Subdivision (File 19-7-SD) consisting of 132 Townhouse lots, which will be served by public water and sanitary sewer from Berkeley County, and a commercial lot for storage units at the corner of Hospice Lane and Charles Town Road (WV 115).

In 2017, the 3.9-acre property immediately to the west of the subject property was developed for the Grace Baptist Church.

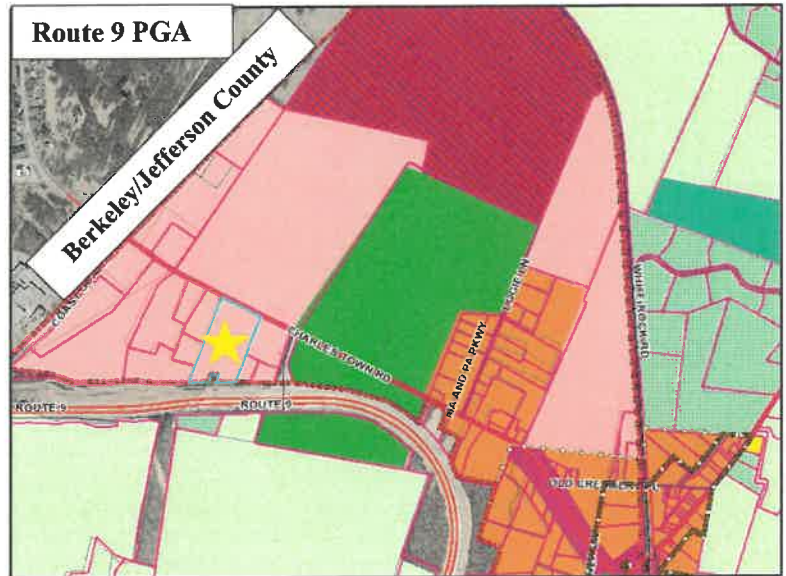
In 2019, a 5.68-acre property located at southeast corner of Coast Guard Road and Charles Town Road (WV 115) was rezoned from Rural (R) to General Commercial (GC) and has not yet been developed.

Staff Report
Jefferson County Planning Commission Meeting
April 11, 2023

Rehman (ILA Properties) Rezoning Request (23-4-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* 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 zoning map amendments, the request is **reasonably consistent** with the *Plan* because of its location within the County-designated Route 9 Preferred Growth Area (PGA) and its designation on the Future Land Use Guide as future Mixed Use Office/Commercial.



It should be noted that Staff has no statutory authority to make decisions in this regard. The Planning Commission is required to provide the County Commission with their advice as to whether the request is consistent with the Comprehensive Plan prior to the County Commission’s Public Hearing. 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*.

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

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

Staff Report
Jefferson County Planning Commission Meeting
April 11, 2023

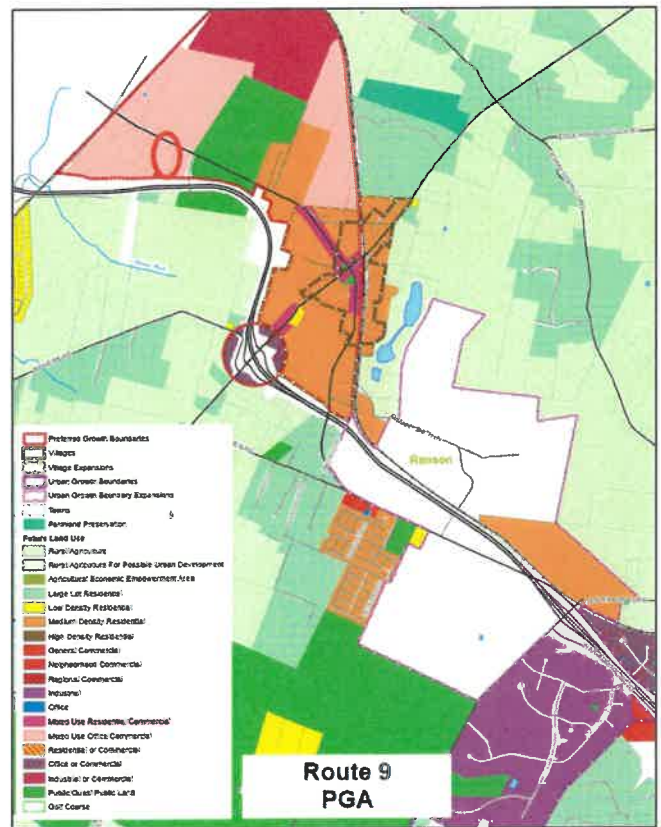
Rehman (ILA Properties) Rezoning Request (23-4-Z)

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

The subject parcel is located within the identified Route 9 Preferred Growth Area (PGA) and is shown on the Future Land Use Guide as Mixed Use Office/Commercial. Under the discussion of the PGAs (p. 22), the *Plan* states that because the properties within the Route 9 PGA (between Kearneysville and the Jefferson/ Berkeley County line) could be served by water, sewer, and natural gas services from Berkeley County, the *Plan* recommended more intense business park/commercial uses to develop near the County line. It also recommended that the village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district.

The property included in this petition is inside the boundaries of the *2035 Plan*'s Route 9 PGA and may be able to be served by public water and wastewater treatment once it is extended to the Hunter Hills development. It is therefore intended for eventual urban-level development intensity.

The criteria for evaluating zoning map amendments in a Preferred Growth Area are found within the Recommendations section under "Urban Level Development" (p. 30-33). It should be noted that under the "Urban Level Development Recommendations (Goal 1)", Recommendation #14 recommends that all commercial/industrial zoning map amendment requests should utilize the 2014 (or later) zoning categories and discourages the use of the existing R-LI-C District as a zoning category for zoning map amendment requests. It further recommends that any development in a zone that permits mixed use be developed according to the mixed land use ratios found in the land use categories recommended by this Plan, unless otherwise provided in the Zoning Ordinance (p.33, emphasis added).



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. The *Plan* doesn't discuss the concept of owner-initiated downzoning requests. In this case, the owner-initiated zoning map amendment to RLIC broadens the uses that can occur in this area to include light industrial, commercial and residential uses. While the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request is reasonably consistent with the *Envision Jefferson 2035 Comprehensive Plan* recommendations as it still allows a mixture of the recommended office and commercial uses as well as potential residential uses.

Staff Report
Jefferson County Planning Commission Meeting
April 11, 2023

Rehman (ILA Properties) Rezoning Request (23-4-Z)

2. Appendix G - Land Use Map Classifications (p. 235-239)

The subject property is shown on the Future Land Use Guide and the Route 9 Preferred Growth Area map shown above (p. 223) as Mixed Use Office/Commercial.

Appendix G of the Envision Jefferson 2035 Comprehensive Plan provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide, which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts (p. 235).

Appendix G states that the intent of the Mixed Use Office/Commercial land use category is to create an employment district primarily consisting of office and technology uses, with limited amounts of commercial uses. This will require the development of a new zoning category, intended to provide an opportunity for professional services and business offices, research and development, medical, technology and financial services, which could be located where this category is shown on the Future Land Use Guide (p. 238).

The property that is included in this rezoning request is located within the Route 9 Preferred Growth Area (PGA) based on the relationship to Charles Town Road (WV 115), one of a limited number of roads identified as “Principal Arterial” routes in the County, and the potential extension of public water and wastewater service to the area. The recommended Office/Commercial land use category along this corridor reflected the fact that, with heavier truck track re-routed to the new 4-lane WV 9, along with the future extension of utilities in this area, Charles Town Road (WV 115) would be able to serve a mixture of future urban level land uses supported by the rezoning request. The requested zoning map amendment to Residential-Light Industrial-Commercial (RLIC) allows the uses anticipated with the future Office/Commercial zoning as well as residential uses that would not otherwise be permitted.

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

The purpose of the Residential-Light Industrial-Commercial (RLIC) District (Section 5.8) is “to guide high intensity growth into the designated growth area” (complete description attached). The Urban Level Development Recommendation (#14) “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 subject parcel is inside the Route 9 Preferred Growth Area of the *2035 Plan*. While the requested RLIC zoning district is broader than the proposed Mixed Use Office/Commercial zoning district, it is reasonable in this area, to permit residential opportunities along with light industrial and commercial uses through the rezoning process.

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 is **reasonably consistent** with the intent of the urban-level recommendations of the *2035 Plan*. The location of the property within the County-designated Route 9 Preferred Growth Area, the fact that it is capable of being served by public water and wastewater treatment, and the designation of Mixed Use Office/Commercial support the requested amendment.

Staff Report
Jefferson County Planning Commission Meeting
April 11, 2023

Rehman (ILA Properties) Rezoning Request (23-4-Z)

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 April 6, 2023 and the required Public Hearing has been scheduled on May 4, 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

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: ILA Properties, Inc, Applicant for Rehman, et. al. Property

Department or Organization:

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1st Choice: **April 6, 2023**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Landowner Petition for Map 2, Parcel 2.2 containing 12.80 +- Acres. Request to schedule a Public Hearing for advice on the Comprehensive Plan Consistency of the request.**

Please provide the County Commission with a description of your request: **Request for a Map Amendment for Rehman, et. al. per Article 12, Section 12.5.A. of Jefferson County Code, to amend the Comprehensive Development Ordinance from Rural to Residential Growth/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 Rehman, et. al., Parcel 2.2 on Map 2 in the Middleway Tax District and schedule a Public Hearing at the County Commission Meeting on May 4, 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, 2nd Floor, P.O. Box 716
Charles Town, West Virginia 25444

File #: _____
Date Rec'd: _____
Fees Paid: _____
Staff Int: _____

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

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

Zoning Map Amendment (Rezoning)

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

Property Owner Information

Owner Name: Saif and Shahzad Rehman
Business Name: _____
Mailing Address: 874 Robinwood Hills Drive, Akron, OH 44333
Phone Number: c/o Paul 304/676-8258 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Applicant Name: Joshbaen Grewal Same as owner:
Business Name: ILA LLC P.O. Box 1212
Mailing Address: 4515 Charles Town Road, Kearneysville, WV 25430
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

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: Charles Town Road, Route 116 West Side just South of Berkeley Line Vacant Lot:
Tax District: Middleway Map No: 2 Parcel No: 2.2
Parcel Size: 12.80 +- Acres Deed Book: 1059 Page No: 646

Current Zoning District

Rural District

Proposed Zoning District

Residential/Light Industrial/Commercial 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.

Property is located in a Preferred Growth Area in the Jefferson County Envision Jefferson Comprehensive Plan.

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.

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.

[Signature] 3/29/2023 [Signature] 3/29/2023
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 (Rezoning) Application
Article 12, Jefferson County Zoning Ordinance
Rehman Property
ILA, LLC
March 30, 2023

Owners:

Saif and Shahzad Rehman
874 Robinwood Hills Drive
Akron, OH 44333

Applicants:

ILA Properties, Inc
4115 Charles Town Road
Kearneysville, WV 25430

Ordinance Citation:

Article 12 of the Jefferson County Zoning and Development Review Ordinance. Section 12.3

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 this 12.80 Acre Parcel to Residential/Light Industrial/Commercial, due to its Consistency with the Envision Jefferson 2035 Comprehensive Plan.

Substantiation for the Request:

1. The property is currently zoned Rural, and the Applicants are seeking a map amendment to the Residential/Light Industrial/Commercial District. The Applicant believes that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan. This area for development was also considered compatible with the

2004 Jefferson County Comprehensive Plan as evidenced by the County Commission's rezoning of three properties across Route 115 (Hunter Family and Perkins/Lindburg Families) in 2014 for commercial and residential uses and the Murall Limited Partnership property just several properties north of this site;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The changes include the availability of Public Water and Sewer, the aforementioned rezonings north of this property and across the street in which all were approved by the County Commission, and the additional growth in the area. These changes are addressed in the application;
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Route 9 Preferred Growth Area in Jefferson County. This Map, Growth Area and Plan was approved in 2015 and so far, has developed as envisioned in the Plan. The reasons for rezoning that are cited in this Petition are the same reasons that led to this area to be in the Preferred Growth Area in the Envision Jefferson Plan; and,
4. The Applicants believe that the current Rural Zoning classification is an error in the current Jefferson County Zoning Map since the property has been a Preferred Growth Area since 2015. As such, this area is located in one of the 6 primary growth areas of Jefferson County and is intended for Urban Scale Growth instead of Rural. The property is also located on a Principal Arterial Road (Route 115) in the County. A Principal Arterial Road is the highest rated road in the County and only three roads are identified as Principal Arterial Roads: Route 340, Route 9, and this road, Route 115.

Tax District, Map and Parcel Number:

Middleway Tax District, Map 2, Parcel 2.2

Deed Book Reference:

Deed Book 1059 at Page 645

Sketch Plat:

Attached

Tract Size:

12.80 +- 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 Envision Jefferson 2035 Comprehensive Plan, the following sections address items directly related 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 Route 9 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 Comprehensive Plan, to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, both the 2004 Plan and the 2015 Plan show this property slated for growth around Route 9 and Kearneysville. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the Rt 9 Preferred Growth Area and specifically identifies the property for Urban Scale/Level Development.

A main difference between the Envision Jefferson 2035 Comprehensive Plan and the previous Plans is that this Plan clearly identifies areas slated for urban growth and under what conditions that this growth should develop. In this area, the Plan targets this area for development due to the availability of Water and Sewer from Berkeley County along with the area's easy access to two interchanges for the four lane Route 9. This modal of transportation leads directly to Route 81. The property area also has direct access to a Principal Arterial Road, one of only three in Jefferson County. Finally, the area is within the Growth Area due to the immediate location of an Office Park (mostly government facilities) in the Liberty Business Park and it is within minutes of the Regional Veteran's Administration Hospital. This map amendment will allow the property to pursue commercial, office and multifamily opportunities. This property along with the other properties adjacent to this property that have already been rezoned should be able to provide support services and housing for the business and industries in the area including the Rockwool Development. The idea is to provide housing near the office and industrial centers so that the labor force does not have to travel long distances through the County to get to work.

The Comprehensive Plan's map show that this property is ready for future development, especially commercial, office, and multifamily development due to its location. This type of use is what the Commission intended when it was designated a Preferred Growth Area.

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 in a Preferred Growth Area (PGA). Therefore, pursuant to the Comprehensive Plan, this location is prime for development since it is in this designated area, along with the fact that the property is close to a major Electrical Substation, a Business Park, and a Federal Hospital and Outpatient Treatment Facility.

A section of the Envision Jefferson 2035 that supports this map amendment is found on Page 22:

“Route 9 PGA (between Kearneysville and the Jefferson/Berkeley County line) This area would be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. The intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange.” Emphasis Added.

It is clear that this section specifically recognizes the subject property as one of the primary properties that is slated for Urban Level Growth. It is ideal for a small professional office, commercial center, or multifamily (apartment) building that will serve the immediate office, institutional and business area. This type of project will provide for apartments and/or commercial uses, while keeping traffic to a minimum.

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 Route 9 PGA Map, this map amendment is consistent and compatible with the Plan. The Consistency with, and Compatibility to the existing Comprehensive Plan and the

Future Land Use Guide are the two most important criteria to be used for a Map Amendment.

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. Based on the Map that was created in 2015 (after years of developing the Plan), both the Applicant and the Public were made aware of the land use anticipated on this property and in the neighborhood.

To carry through what the County adopted in 2015 in this Preferred Growth Area, the requested rezoning would allow the Applicants the flexibility of building commercial, office, and/or residential. From an economic development standpoint, Jefferson County would certainly benefit from allowing commercial growth in this County, as opposed to Berkeley County. As a matter of fact, this applicant is the developer who extended water and sewer in the area as desired by the Comprehensive Plan. Since commercial and residential uses are being developed in the area, Jefferson County should continue to take advantage of it. This is especially true since the traffic generated will most likely disperse along the Primary Transportation routes including the four lane highway to other employment centers such as Martinsburg, Hagerstown and Winchester.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to Berkeley County’s Public Water and Wastewater Treatment Facilities. The property is also located within minutes of the Short Road and Shepherdstown interchanges onto the four lane Route 9. These qualities make the property an ideal candidate for a map amendment.

Finally, the Plan’s goals also support commercial activities in the County; in addition to the protection of private property rights. Both in the current Comprehensive Plan and the proposed zoning ordinance in 2008, this area was proposed to be zoned as a business center and urban area. This shows that the County planners believed that this property was prime land for economic development for quite some time. This is a unique area of the County. Since the 2004 Comprehensive Plan was adopted, this area has consistently been targeted for growth. This is evidenced by the several rezonings in the neighborhood, the rezoning of the area into a business park in the 2008 Zoning Ordinance and now

by the inclusion of this area Route 9 Preferred Growth Area in the Envision 2035 Plan.

While the current Comprehensive Plan supports the map amendment request, 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...”

There is also a large Sheetz Store and a Business Park that were constructed in this neighborhood. These two commercial entities are just over the Berkeley border from the subject property. The County Line shouldn't be the limiting factor for commercial development on Jefferson County's side.

Recommendation 3.18 on Page 64:

“The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities in the workforce.”

Again, this area is promoted in the Plan to develop into residential subdivisions, apartments, offices and a small commercial center that is conveniently located to a federal government office park and the VA Center. Jefferson County is adjacent to this growth and should capitalize on the economic gains that Berkeley County has enjoyed in the same area. This property should work well with the mixed-use development that was recently processed across Route 115.

According to the County, there is a very small percentage of land that is zoned for just commercial/office use in Jefferson County. It is very difficult to achieve the goal of pursuing new commercial development if the County doesn't create new areas for commercial development as recommended in the Envision Jefferson Plan. Because of the adjacent zoning in Jefferson County and the development in this area of Berkeley County, this property would be an ideal parcel of land to include in a Commercial District which also allows apartments which are lacking in Jefferson County. Besides the proximity to the adjacent development, it

also has access to good infrastructure, including water, sewer, natural gas, and roads.

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 Berkeley County have changed significantly since the Zoning Ordinance was adopted in 1988. Again, these changes will be similar to those that were cited in the Hunter and Perkins Rezoning Petitions. The following are examples of these changes:

1. The Liberty Business Park was developed on the Berkeley County side of the line and contains Coast Guard and IRS facilities. This park is minutes from this property. The adjacent Coast Guard Road serving this property and the Liberty Business Park is now a State Road.
2. With the development of the Liberty Business Park, Public Water and Sewer were extended into the area. The Berkeley County Water and Sewer lines were also extended down Route 115 to this property by this applicant to serve other compatible uses that are endorsed by the Comprehensive Plan Preferred Growth Area.
3. Several residential developments have been built in this area including Quail Ridge Subdivision (Final Section still under construction) and Chapel View Subdivision and the applicant has two more affordable projects under development in the immediate area.
4. Quad/Graphics, a very large industrial printing and distribution facility, was built in Baker Heights in the 90s.
5. In 2005, the County Commission rezoned the 191-acre F.O. Day property which is in the same neighborhood. The Day property was zoned Rural, and the County Commission approved a map amendment to Commercial/Industrial after finding that it was consistent with the Comprehensive Plan
6. The large Sheetz Store was just built in the neighborhood (less than ¼ mile away). Ironically, this Sheetz was relocated from Jefferson County.

7. A Food Lion (within eyesight just across Coast Guard Drive) was built adjacent to this property just on the Berkeley side of the line. The grocery store was sold since it opened.
8. The Comfort Suites Hotel was built very close to the subject property.
9. Hospice of the Panhandle has built its headquarters and a multi-bed in-house care facility in the neighborhood. This facility was a project that was approved by both Jefferson and Berkeley Counties since it straddles the County line. The project includes over 25,000 square feet of office space and a very large inpatient center.
10. The new Route 9 was completed with direct four lane access to Route 81. This route is approximately one mile from the subject property and has two major interchanges that services this Preferred Growth Area. Old Route 9 (Route 115) still considered a Primary Road by the Comprehensive Plan, services this property and leads into Short Road that has direct access to the new interchange. The property is nearly in between two major interchanges (Shepherdstown Exit and Short Road Exit) to the new four lane Route 9. This makes the property ideal the plan supported development.
11. 2014, the County Commission unanimously approved two separate requested mixed-use rezonings for the three properties across the street owned by the Hunters and the Perkins Trust.
12. A 132 Unit Townhouse Residential Project with Mini-Storages was recently approved by the Planning Commission for the property in the vicinity of the subject property.

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

1. Availability of Public Utilities and Services:

Public Water and Sewer is now available in this neighborhood. The availability of this 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 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, there is a need for commercial development and multifamily to offset the office and institutional development in this area and that are recommended in the UGBs and the PGAs. This property is ideal to provide those needed commercial and affordable housing for the existing office and hospitals/inpatient facilities.

2. Growth in the Corridor:

Since the adoption of the original Zoning Ordinance in 1988, this area has grown considerably. The significant growth includes Quail Ridge and Chapel View Subdivisions; Hospice Offices and Inpatient Campus; large Sheetz; Grocery Store; Quad/Graphics in Baker Heights, the Liberty Business Park and the approved (Concept Plan) townhouse development across the road. These types of developments along with the existing growth in the Kearneysville and Baker Heights area illustrate that commercial and office development and residential along old Route 9 is very much consistent with the Comprehensive Plan; especially since most of these came after the Zoning Ordinance was adopted. The map amendment for the subject property would ideally fit into this neighborhood’s mixed use.

C. *Change of Transportation Characteristics:*

There have been positive changes in the transportation and traffic characteristics in this area since the time of the adoption of the Zoning Ordinance. Old Route 9 was enhanced just north of the property in Baker Heights. The road was widened and improved to accommodate the large volume of tractor trailer traffic associated with the industrial and commercial growth in the area.

However, the major change in transportation characteristics is the finished Route 9. It is the direct four lane link to Route 81 that Jefferson County supported. This road has opened both trade routes and commuter routes in and out of Jefferson County. As mentioned previously, this property has access via good roads (old Route 9 (Route 115)) to both the Short Road and Shepherdstown

interchanges onto new Route 9. The new Route 9 and Public Water and Sewer in this area make this property an ideal property for further development and is just as proposed by the Comprehensive Plan.

These changes and improvements to the transportation system have taken place since 1988 when the Zoning Ordinance was adopted. Since the Comprehensive Plan was newly adopted in 2015, these road improvements have already been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. All these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The four lane Route 9 was recognized as a driving force for the creation of this Route 9 Preferred Growth Areas in the Plan. Accordingly, the Comprehensive Plan already acknowledges that these transportation changes have had a positive effect in this area, so much so, the County endorsed the creation of this area as an Urban Growth Center in an acknowledged Preferred Growth Area. These changes and improvements to both the Comprehensive Plan and the Transportation Characteristics support the rezoning of the subject property.

D. *Error in the Original Zoning Map*

The only justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. 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 Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted; and/or shortly after the Envision Jefferson 2035 Plan was adopted. These aren't errors in the traditional sense, just reasons that the area should be rezoned based on the circumstances that existed in 1988 when Zoning was adopted and after both the 2004 and 2015 Comprehensive Plans were adopted.

Listed below are several reasons why this property should have been zoned for development in 1988 when the original ordinance was adopted and after 2015 when the Envision Jefferson 2035 made it very clear that the property was ideal for growth. These reasons have already been discussed in detail in this Petition. These are some of the reasons that the Day property was rezoned in 2005, the Hunter and Perkins' properties were rezoned in 2014 and the Murall Property was rezoned in 2019 all in this neighborhood. These reasons alone would support the requested map amendment to the mixed-use classification:

1. The property is located on a Principal Arterial Road as defined by the Comprehensive Plan. There are only three roads defined as Principal Arterial Roads in Jefferson County (Route 340, Route 9, and Route 115);

2. The property has access to public water and public wastewater services;
3. The property is located between two unincorporated mixed-use communities (Baker Heights and Kearneysville); and,
4. The long anticipated major connection was made with Route 81 when the Route 9 Four Lane was completed.

Once you combine these facts with the other compelling factors including: the Liberty Business Park; Residential Subdivisions; the large Sheetz store, the grocery store, the VA Center, the Hospice of the Panhandle; the multiple rezonings; and, the new Route 9, it makes this property and ideal candidate for the requested map amendment. These arguments were only bolstered by the 2015 Comprehensive Plan's designation as a PGA.

E. Conclusion:

The Owner and Applicants respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Petition 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; the 2005 action of the County Commission regarding rezoning the Day property; the recent rezonings of the adjacent Hunter, Perkins', and neighboring Murall Partnership properties; the fact that the property should have been classified as a mixed-use district in the original ordinance or at least during the 2004 and 2015 rewrites of the Comprehensive Plan; the positive changes in the transportation characteristics in the area, especially the construction of Route 9; the changes in the neighborhood from when the original zoning ordinance was adopted (including the development of a business/office park); the fact that the property and area is located in a Preferred Growth Area in the new Plan indicates this area as a major growth location; and, the fact that the property has access to Public Water and Sewer and other services. This map amendment will change the zoning classification on the Owner/Applicant's property from the Rural District to the Residential/Light Industrial/Commercial District.

See Attached

Rehman, et. al.

Date

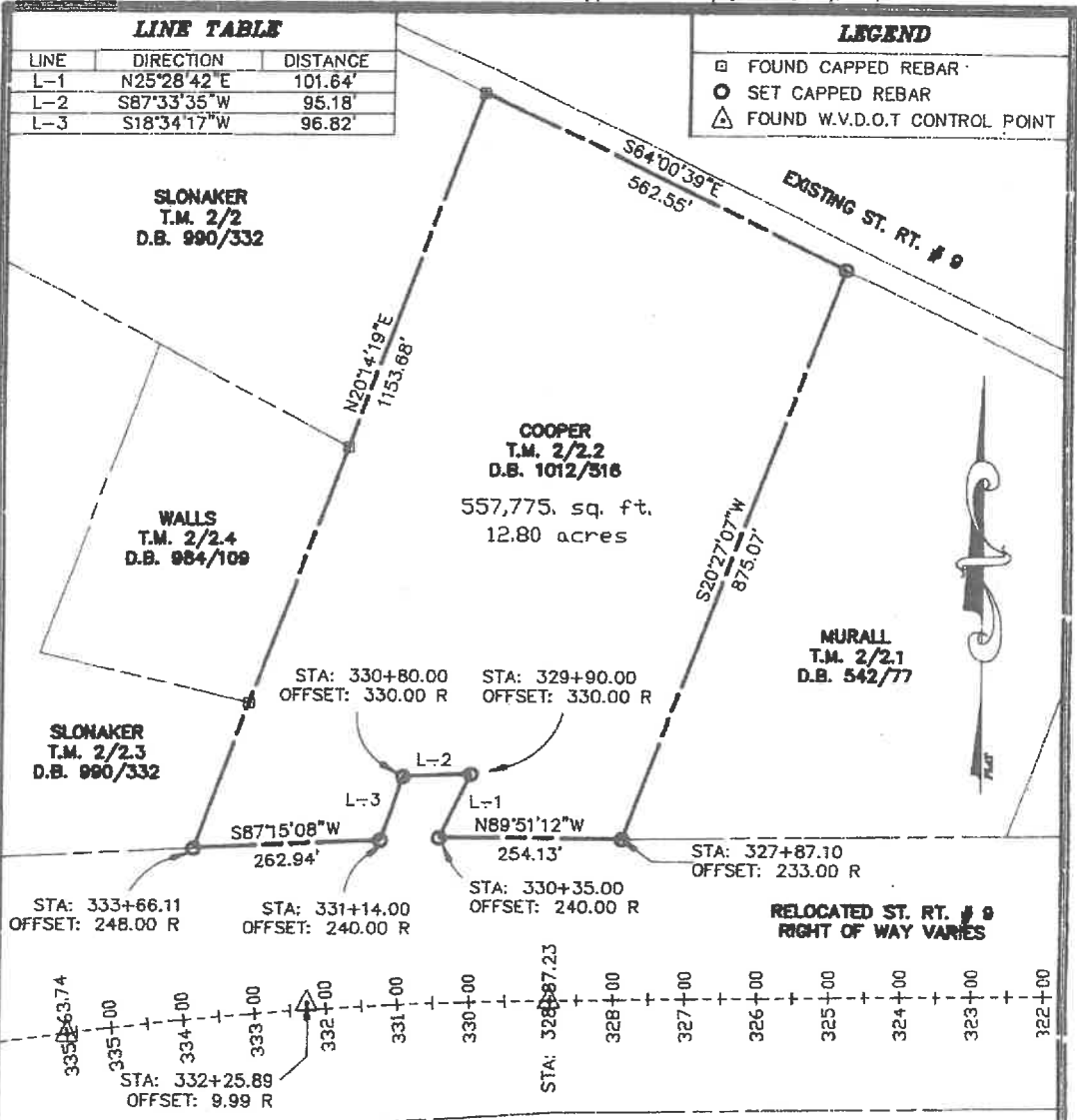


ILA Properties, Inc

3/29/23

Date

REYMAN REZONING



PLAT OF RESURVEY

PLAT SHOWING RESURVEY OF TAX MAP PARCEL 2/2.2,
 STANDING IN THE NAME OF OTTOWAY & MONTCELLO COOPER, AS RECORDED IN THE
 OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOK 1012/516
 LOCATED IN MIDDLEWAY DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA.

DWG # 4588

DATE-10/26/05

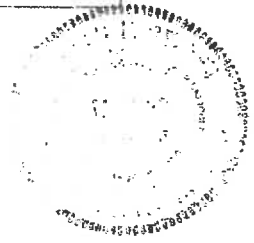
GRAPHIC SCALE



(IN FEET)
 1 inch = 200 ft.

SURVEYED BY:

PETER H. LORENZEN P.S.
 SUMMIT POINT, W.V. 728-6093





Jefferson County WV Public Research Map

Jefferson County GIS/Addressing Office

- Layers
 - Addressing ✓
 - Boundaries
 - Parcels - Not Survey Accurate ✓
 - Water Features ✓
 - Historic ✓
 - Recreation
 - Geology ✓
 - JC Planning & Zoning

Find

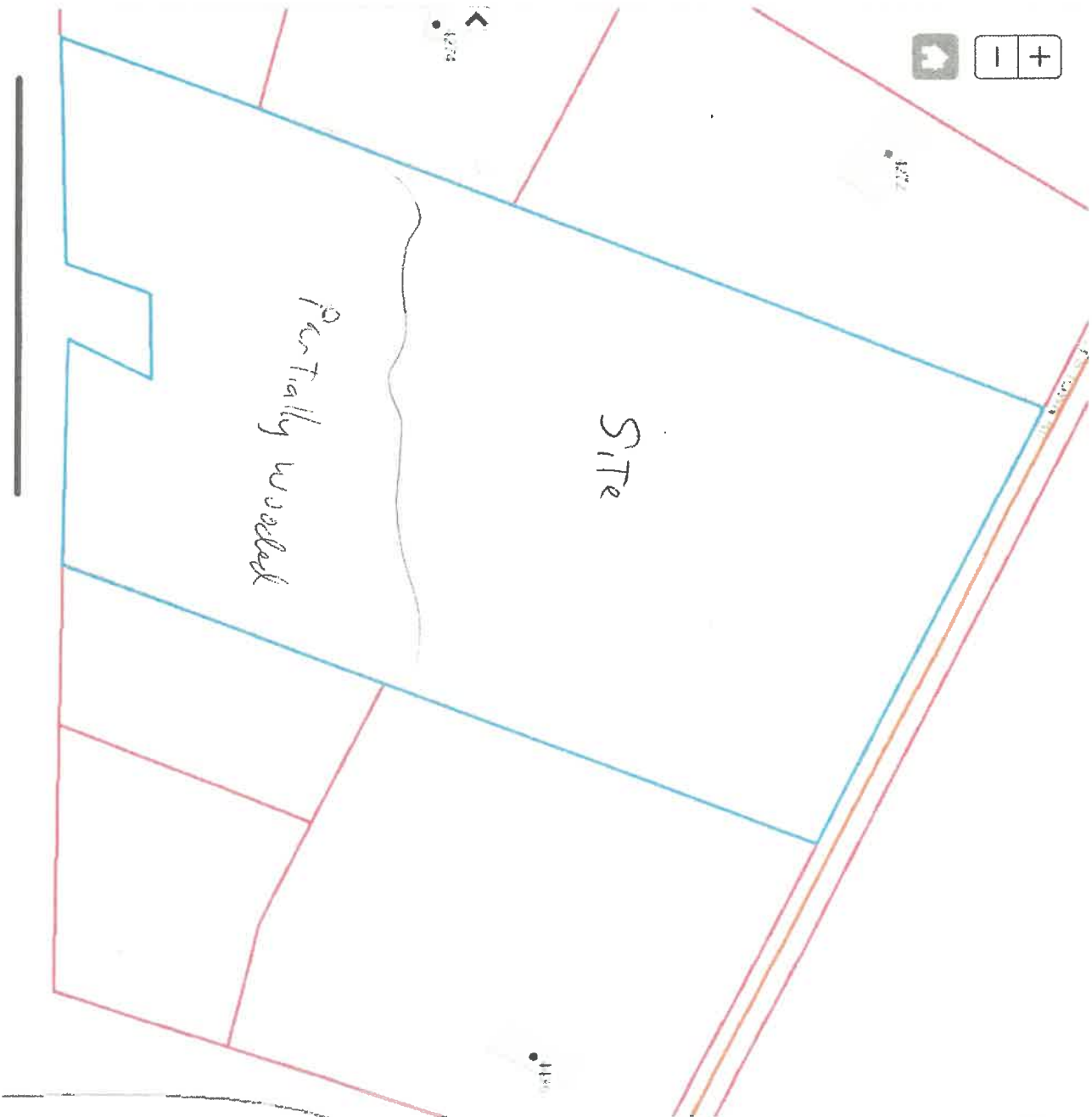
Identify Filter

Identify Results

1 features currently selected

Parcel: 07000200020002

TD: 07 / Map: 2 / Pci: 0002.0002
 Deeded Owner: REHMAN SAIF & SHAHZAD
 Owner Address: 874 ROBINWOOD HILLS DR
 City: AKRON
 State: OH
 Zip: 44333
 Deed Book/Page: 1059/645
 Description: 12.80 AC S & W ENTERPRISES
 Lot Size: 12.8
 Tax Year: 2023
 Map Card: [Map Card](#)
 County Tax Information: [County Tax Info](#)



NOTICE OF PUBLIC HEARING
Thursday, May 4, 2023 at 11:15 a.m.

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the property designated as Tax District: Middleway (07), Tax Map: 2; Parcel: 2.2. The property is vacant, located approximately ¼ of a mile southeast of the Berkeley/Jefferson County line; south of Route 115 West. The property owner is Saif & Shahzad Rehman; the applicant is ILA Properties, Inc. Parcel Size: 12.8 acres. The property is currently zoned Rural and a petition has been made to the County Commission by the applicant to change the zoning classification from Rural to Residential-Light Industrial-Commercial (Planning Commission File #23-4-Z).

The hearing will be held on **Thursday, May 4, 2023 at 11:15 a.m.** 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. Written comments may also be submitted to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

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

By Order of the Jefferson County Commission
Steve Stolipher, President



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor; P.O. Box 716

Charles Town, WV 25414

www.jeffersoncountywv.org

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

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

MEMO

TO: County Commission of Jefferson County
FROM: Jennifer M. Brockman, AICP, County Planner
DATE: April 13, 2023
RE: Planning Commission Recommendation regarding the Zoning Map Amendment Petition for the Lutman property (File #23-3-Z)

On Thursday, April 6, 2023, a representative for the proposed Lutman Rezoning presented a petition for a Zoning Map Amendment to the Jefferson County Commission for two vacant parcels located southeast of the intersection of Norfolk & Southern Railroad and Lewisville Road, located behind John's Family Restaurant (847 Berryville Pike) and 340 Defense Shooting Range and Firearms Training (459 Berryville Pike), Summit Point. The parcels, designated as Kabletown (06), Map: 29, Parcels 2 and 6, consist of approximately 96 acres. The property is currently zoned Industrial-Commercial (IC) and the petition requests rezoning from IC to Residential-Light Industrial-Commercial (RLIC).

The County Commission scheduled a Public Hearing for this rezoning for Thursday, May 4, 2023. At the April 6th meeting, the County Commission, in accordance with WV Code 8A and the Jefferson County Zoning Ordinance Article 12, referred the petition to the Planning Commission for their review and recommendation as to whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan*.

On Tuesday, April 11, 2023, at the Jefferson County Planning Commission meeting, the Planning Commission heard an overview of the Lutman Zoning Map Amendment (#23-3-Z) petition by staff, and the applicant's consultant, as well as a staff report identifying relevant portions of the *Envision Jefferson 2035 Comprehensive Plan* for the Planning Commission's consideration and review. This staff report is attached to this memo for the County Commission's information and consideration. Staff provided comments on the application and the relevant sections of the *2035 Plan*. Staff presented a finding to the Planning Commission that, although the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the RLIC zoning request is **reasonably consistent** with the *Envision Jefferson 2035 Comprehensive Plan* recommendations, because it is shown as future "Industrial or Commercial" on the Future Land Use Guide.

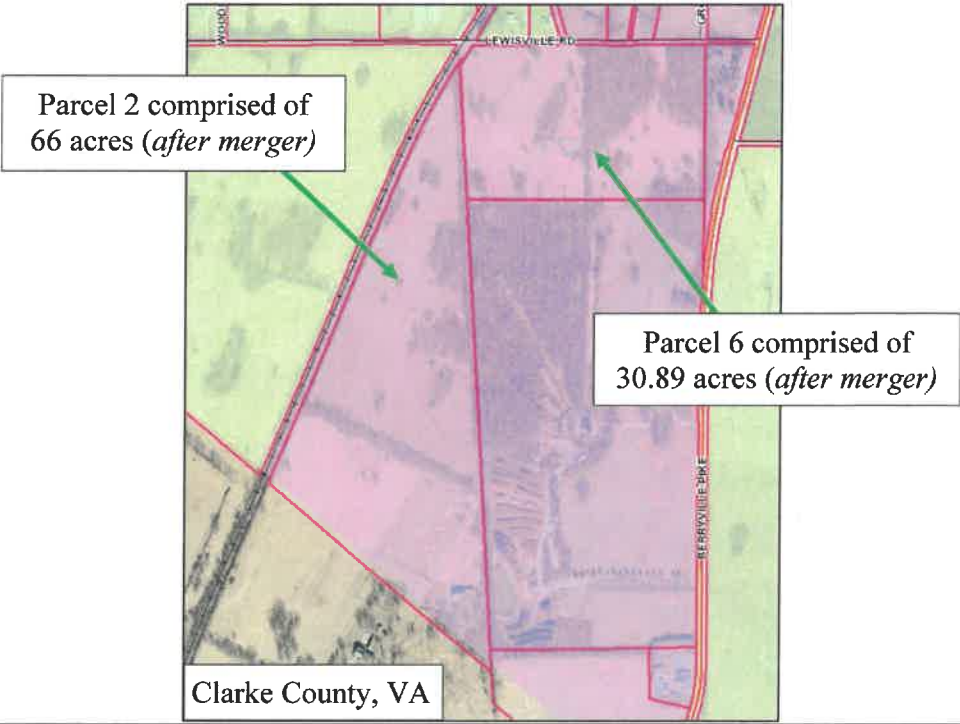
After reviewing the application, the staff report, and further discussion, the Planning Commission found, with a unanimous vote, that the proposed Zoning Map Amendment to Residential-Light Industrial-Commercial (RLIC) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Attachment:

- *23-3-Z Lutman Rezoning Staff Report for 4/11/23 Planning Commission Meeting*

Staff Report
 Jefferson County Planning Commission Meeting
 April 11, 2023
Lutman Land Development Rezoning Request (23-3-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 (IC) to Residential-Light Industrial-Commercial (RLIC) 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 & Southern Railroad and Lewisville Road, Charles Town/Summit Point, WV Located behind John's Family Restaurant- 847 Berryville Pike & 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 style="text-align: center;">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 Residential-Light Industrial-Commercial (RLIC)
Planning Commission Responsibility:	To advise the County Commission whether the revised Zoning Map Amendment request 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 is reasonably consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> recommendations.

Staff Report
Jefferson County Planning Commission Meeting
April 11, 2023
Lutman Land Development Rezoning Request (23-3-Z)

Applicant's Request

The applicant's revised request is to rezone two vacant parcels consisting of approximately 96 acres from Industrial Commercial (IC) to Residential-Light Industrial-Commercial (RLIC). 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.

The applicant's previous request to rezone to Rural was determined by the Planning Commission to be inconsistent with the *Envision Jefferson 2035 Comprehensive Plan* and the Planning Commission recommended pursuing a different zoning category.

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. The boundary line adjustment resulted in road frontage on Lewisville Road for Parcel 2.

Neighboring Uses

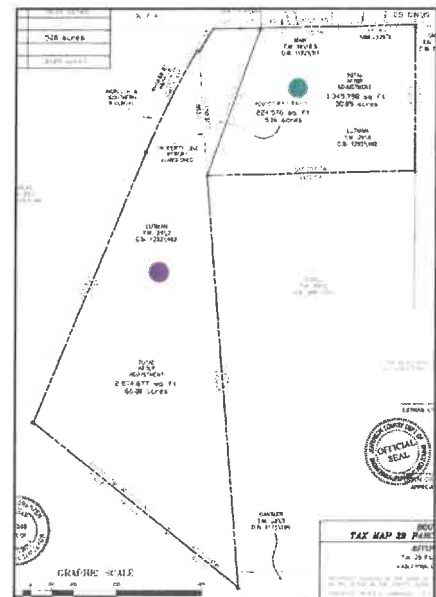
The surrounding properties contain a mix of agricultural, residential, and commercial land uses.

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 (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 *2035 Plan* discourages the use of the existing R-LI-C District as a zoning category for zoning map amendment requests, the request is **reasonably consistent** with the *2035 Plan* because it is shown as future "Industrial or Commercial" on the Future Land Use Guide.

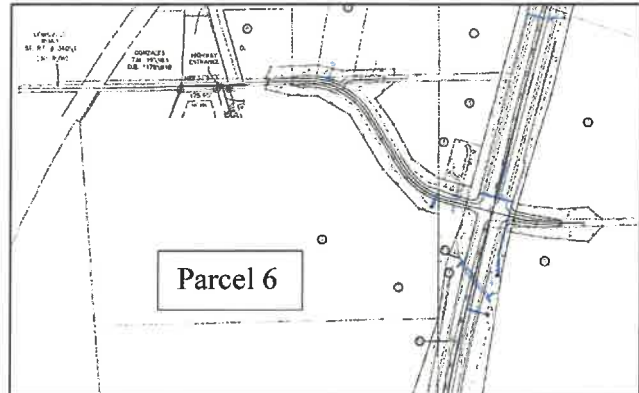
While the current zoning designation permits industrial and commercial uses, the owner-initiated downzoning to Residential-Light Industrial-Commercial (RLIC) would still allow commercial uses and some light industrial uses by right, while also allowing various densities of residential uses and the creation of live/work spaces.

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



Staff Report
Jefferson County Planning Commission Meeting
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Lutman Land Development Rezoning Request (23-3-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 graphic shows the impact of the proposed realignment of Lewisville Road and US 340 South on the subject Parcel 6.



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

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. 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. In this case, the owner-initiated down-zoning to RLIC broadens the uses that can occur in this area to include light industrial, commercial and residential uses. While the *Envision Jefferson 2035 Comprehensive Plan* recommends discouraging the use of the R-LI-C zoning district for all zoning map amendments, the request is reasonably consistent with the *Envision Jefferson 2035 Comprehensive Plan* recommendations as it still allows industrial and commercial uses as well as residential uses.

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).

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 residential opportunities along with light industrial and commercial uses through the rezoning process.

Staff Report
Jefferson County Planning Commission Meeting
April 11, 2023
Lutman Land Development Rezoning Request (23-3-Z)

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). As these properties are located within the US 340 South Preferred Growth Area and are zoned Industrial-Commercial (IC), they are already zoned to allow intensive commercial and industrial uses. The proposed RLIC zone would permit a wide variety of residential, commercial, and light industrial uses, but does not provide the mandatory mix of uses that was recommended in the *Envision Jefferson 2035 Plan*.

Staff Discussion and Recommendation

While the *Envision Jefferson 2035 Plan* anticipated the development of a new zoning category or revisions to the RLIC zone to require a mandatory mix of the residential and commercial uses, this text amendment has not occurred. The applicants are requesting to broaden the permitted uses in an area that has not been successfully marketed for industrial and commercial uses due to location and the lack of utilities, to a zone that would allow a mixture of residential densities and a mixture of commercial and light industrial uses. The properties that are proposed for the rezoning have been reconfigured to allow them to have access to Lewisville Road, which is being reconfigured as a part of the WV Division of Highways realignment of US 340 South. Any subdivision of these properties into more than 3 residential lots will be required to process as a Major Subdivision.

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

Planning Commission Action

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

The petition was presented to the County Commission on April 6, 2023 and the required Public Hearing has been scheduled on May 4, 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 5.8 Residential-Light Industrial-Commercial (RLIC) District
- Appendix C

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Lutman Land Development, LLC

Department or Organization:

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1st Choice: **April 6, 2023**

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

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 Residential Growth/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 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 May 4, 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, 2nd Floor, P.O. Box 716
 Charles Town, West Virginia 25414

File #: _____
 Date Rec'd: _____
 Fees Paid: _____
 Staff Int: _____

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

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

Zoning Map Amendment (Rezoning)

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

Property Owner Information

Owner Name: _____
 Business Name: Lutman Land Development, LLC
 Mailing Address: 67 Lutman's 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 Just West of Route 340 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

Proposed Zoning District

Residential/Light Industrial/Commercial

Substantiation for the Request

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

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

N/A Planning Commission Found this property's change to the Mixed-Use Zone as being Consistent with the Comprehensive Plan. This property is located in the Preferred Growth District.

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


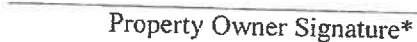

See Attached

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.

	3-29-2023		
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
March 30, 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 Residential/Light Industrial/Commercial

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. The Applicant sought a Rezoning to Rural, but the Staff and Planning Commission found that request not to be consistent with the Comprehensive Plan since the property is located in a Preferred Growth District. The Planning Commission already moved that Rezoning to this proposed Mixed-Use Zone was Consistent with the Plan and asked the Applicant to resubmit this Application requesting the Residential/Light Industrial/Commercial District;

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. As such, the plan calls for Urban Scale Growth. The Department of Transportation has also announced that the four lane near this site is in the final stage before construction. The four lane is one of the main reasons that this area was continued to be slated for development in the 2015 Comprehensive Plan; 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. When the original Zoning Ordinance, the main focus for all areas along a highway and a railroad was for the property to be developed into Heavy Industrial Uses. This was still the philosophy during the 2015 rewrite of the Comprehensive Plan. As the Commission knows now, heavy industrial uses are not

the major focus of Jefferson County and this trend shifted after the 2015 Plan was adopted. The property is also located just west of Principal Arterial Road (Route 340) in the County with near direct access to the proposed four lane Route 340. The properties are shown to have direct access to Route 340 under this plan. This rezoning will allow the area to focus on Commercial if needed after the highway is constructed and will also allow limited residential lots since public water and sewer has not been constructed as anticipated by the Comprehensive Plan.

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

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. The area was also put into a PGA because of the expectation that Public Water and Sewer would be extended to this area from Charles Town when Route 340 was expanded to four lanes. After 35 years, the road expansion appears primed to happen. As expressed in the recent Rezoning of the Sunnyside Industrial Park north of this property, there is little to 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. The interest for commercial may be enhanced with the improved road.

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 shift in Heavy Industrial priorities. 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 shift away from Heavy Industrial uses.

Again, the Jefferson County Envision Comprehensive Plan indicates that this area is in the 340 South Preferred Growth Area and as such is an area that should develop into a mixture of uses.

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 or Heavy Industrial Uses are not what comes to mind in the area south of Rippon to the Virginia line. This area is better for commercial uses and rural type of housing that would be permitted with the rezoning.

A definitive section of the Envision Jefferson 2035 that supports this map amendment is found on Page 21 and 22 that describes this PGA:

“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 further work with the WVDOH on the highway expansion. This is finally happening. Furthermore, these two lots will have close access to the new widened highway. These parcels and the lack of access to public utilities, are more appropriately destined for a small minor or family subdivision and commercial development that can be sustained in the area. This is especially true since there are no major developments in the area. Many people from Jefferson County stop on the Virginia side of the border at the Convenience, Fuel, and Cigarette Outlet just south of the site.

Based on these portions of the Comprehensive Plan, this map amendment is consistent and compatible with the Plan. 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 as Heavy Industrial.

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. Just now has the

DOH moved forward with the plans to make this a viable rezoning request, especially to lose the Heavy Industrial component.

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. In this case, the owner would like to have these properties downzoned from an Industrial standpoint and to allow a limited amount of Minor Subdivisions that are consistent with septic and well since Public Utilities are not foreseeable in the future.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. These parcels will finally have access to proper highway infrastructure and therefore should be supported in the applicant's request to be rezoned. The Residential/Light Industrial/Commercial Zone is a viable and useful zone that allows for limited mixed uses. Current Planning practices have moved in the direction of mixed uses that are consistent with urban centers and towns. It allows for neighborhoods to be able to serve themselves both residentially and commercially. Contrary to recent reports, the mixed use zone is not a prohibited zone in the Comprehensive Plan. The County Commission did not prohibit the zone to be used in rezonings. The plan merely makes a statement that this zone should be discouraged in lieu of other new zones that were being developed. A typical Zoning Ordinance in a traditionally zoned community sometimes has more than 50 zoning districts. Jefferson County's Ordinance only has 12 zones and two or three don't even have any land in the zone. In order for Jefferson to be able to totally do away with the currently permitted mixed-use zone, the ordinance would need to be expanded to include many more zones that allow for a much more variety of uses. The mixed use zone is the only zone in the Jefferson County Ordinance that allows a property owner some flexibility in using and marketing their property.

Based on the preceding recommendations from the Envision Jefferson 2035 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 has changed a bit since the Zoning Ordinance was adopted in 1988 and the Comprehensive Plan in 2015. While Public Utilities have not been extended, the widening of Route 340 has finally been approved to move forward. Accordingly, the Envision Jefferson Plan suggests that this area be reevaluated, especially since this property has access to one of the new interchanges.

The following are changes in the neighborhood that would specifically support the requested change from Industrial and Commercial to the Mixed-Use District:

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 such, the commercial and smaller, large lot residential would still be supported in the area, but the Heavy Industrial aspect of the current zone would not be:

‘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)

Again, this would allow commercial/retail/residential, but not heavy industrial uses.

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

Since the adoption of the original Zoning Ordinance in 1988, this area has not developed as Industrial as envisioned in the original ordinance. Again, the original 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.

However, other uses and other zones are supported in this Preferred Growth Area such as limited residential and commercial uses. This is especially true now that the highway expansion is happening. The Plan shows this area as a PGA and is permitted to develop, just not industrially which this rezoning will address.

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, and that is about to happen.

These changes and improvements to the transportation system near this site has not taken place since 1988 when the Zoning Ordinance was adopted. However, since the Comprehensive Plan was adopted in 2015, the potential of this road improvement has been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. Accordingly, the Comprehensive Plan already acknowledges the highway 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 property to continue to support commercial, while allowing residential and disallowing the heavy industrial uses.

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 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 definitely not 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. Accordingly, the property should be allowed to develop into commercial and residential uses to take advantage of the PGA designation.

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 and the continued desire to have industry in this area which has changed. 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 commercial with the ability to do some limited number of large lots or family transfers.

E. Conclusion:

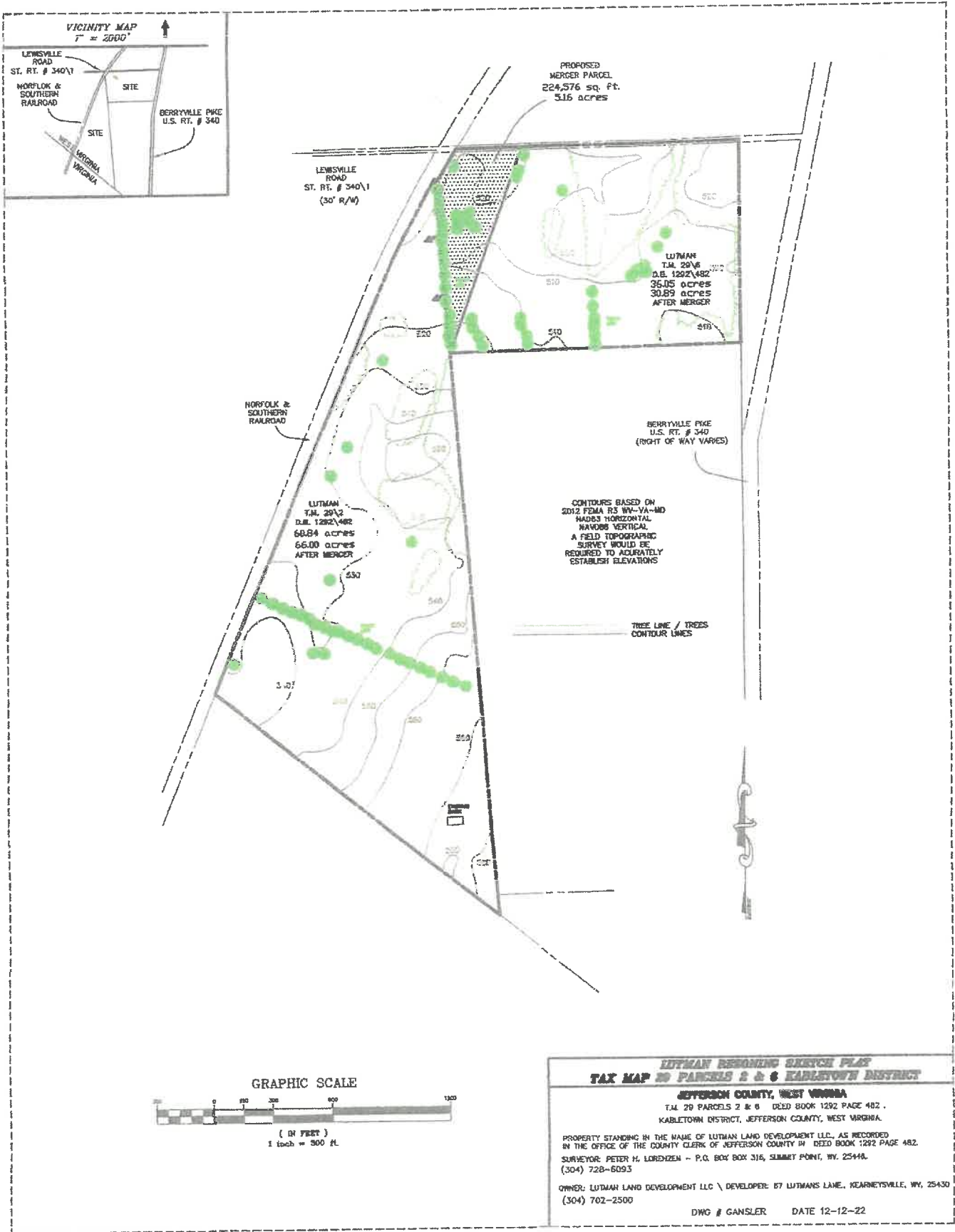
The Applicant respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan and the original Zoning Ordinance in that the required elements envisioned to make this a Preferred Growth Area has not materialized for 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; the news that the Highway widening is on a direct path for construction; and, the Planning Commission and Staff have indicated in their reports and action that this area's change to the Mixed-Use zone is consistent with the Comprehensive Plan. This map amendment will change the zoning classification on the Applicant's property from the Industrial/Commercial District to the Residential/Light Industrial/Commercial District.



David Lutman, Lutman Land Development LLC

3-29-2023

Date



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica James

Department or Organization: **Jefferson County Commission**




Estimation of amount of time needed for appointment: 10-15 minutes

Date Requested – 1st Choice: **May 4, 2023**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interviews and Appointments to the following:**

-  HOME Consortium Council – one three-year term ending June 30, 2026
-  Jefferson County Property Safety Ordinance Enforcement Agency – one unexpired term ending February 8, 2-24
-  Jefferson County Development Authority – one three-year term for Ranson representative ending April 5, 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*): I move to approve a letter of support to Senator Joe Manchin requesting grant funding consideration for the Charles Town Utility Board and authorize the President of the Commission to affix his signature to the document.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, April 20, 2023, or as soon thereafter as the Commission may decide:

HOME Consortium Council -two (2) three-year terms ending June 30, 2026

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

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

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.

David K. Gignilliat

1290 West Washington Street, Unit 2, Harpers Ferry, WV 25425 • 571-248-1298 wvadavidg@gmail.com

EDUCATION

University of Virginia
B.A., Economics, June 1998

Charlottesville, VA

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.*
-

RELATED SKILLS/EXPERTISE

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

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
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 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**

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 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**

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.

David K. Gignilliat

1290 West Washington Street, Unit 2, Harpers Ferry, WV 25425 • 571-248-1298 wvadavidg@gmail.com

EDUCATION

University of Virginia
B.A., Economics, June 1998

Charlottesville, VA

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.

RELATED SKILLS/EXPERTISE

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

INTERESTS

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



JEFFERSON COUNTY COMMISSION

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

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

Web: www.jeffersoncountywv.org

PRESIDENT

Steve Statliper

VICE PRESIDENT

Clare Ath

COMMISSIONER

Tricia Jackson

COMMISSIONER

Jennifer Krouse

COMMISSIONER

Jane Tabb

March 21, 2023

The Honorable Keith Pierson, Mayor
City of Ranson
312 S. Mildred St.
Ranson, WV 25425

Dear Mayor Pierson:

Please be advised the term of Jason Gore, Ranson's appointee to the Jefferson County Development Authority, expires on April 5, 2023. Per West Virginia State Code, cities and municipalities are asked to select three potential candidates to serve as their representative on the Development Authority Board of Directors, with the County Commission appointing one of the potential candidates for a three-year term ending April 5, 2026.

Please contact the Commission in writing via US Mail or e-mail to submit your selections for appointee to the Jefferson County Development Authority. Once you've provided three selections, the Commission will then conduct interviews and an appointment to the JCDA Board during one of their regularly scheduled meetings, potentially April 20th. Please feel free to contact me should you have any questions.

For the Commission,

Jessica James
Assistant Deputy County Administrator

james@jeffersoncountwv.org

Interim County Administrator
Cindy Resmer

Jessica Carroll

From: Keith Pierson <dukepierson8@gmail.com>
Sent: Wednesday, April 5, 2023 4:30 PM
To: Jessica James
Subject: Options for JCDA

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.

Please find the following names for commission to choose from.

Rob Snyder
117 east 2nd avenue
Ranson Wva

Ranson JCDA - Rep Nominees

Daryl Wilt
214 east 10th avenue
Ranson Wva

Donnie Haines
503 east 11th avenue
Ranson Wva

William Benner
1351 Cranes Lane
Ranson Wva

I hope this works for the commission.

Thanks
Duke



Name: **Nathan Cochran**

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

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **May 4, 2023**

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

Date Requested – 2nd Choice: **May 18, 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; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc., et al., Civil Action No. 20-C-82 PNM (W. Va. Cir. Ct. Putnam County) (the "West Virginia AG Action"), pending within In re: Opioid Litigation, Civil Action No. 21-C-9000 (W. Va. Cir. Ct. Kanawha County) and related matters.
- b. Review potential adoption of Commission leave policy as assigned to counsel.
- c. Review, discussion, and possible adoption of Operational MOU for Fire and EMS between the JCESA and/or JCC and fire departments.
- d. Discussion of minor boundary location issue between Berkeley and Jefferson County.

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



Name: **Jennifer Krouse**

Department or Organization: **Commissioner**

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

Date Requested – 1st Choice: **May 4, 2023**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Radio Signal Update RE: Shepherdstown**

Please provide the County Commission with a description of your request or presentation, including any background information:
This is a brief budgeting update regarding Radio Signal Equipment from Mr Fred Kinder, SIRN Technician, and Jeff Polczynski, Jefferson County Emergency Communications Director, from meeting date of April 6, 2023. Possible Executive Session regarding site location options.

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

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

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **Jefferson Democratic Women's League**

Estimation of amount of time needed for appointment: 10-15 minutes

Date Requested – 1st Choice: **May 4, 2023**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Request for the Jefferson County Democratic Women's League to use the Jefferson County Commission meeting room on the 3rd Tuesday of each month from 7-9pm for general meetings**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): **I move to approve the use of the Jefferson County meeting room by the Jefferson County Democratic Women's League on the 3rd Tuesday of each month from 7-9pm.**

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

COUNTY COMMISSION MEETING ROOM

THIRD TUESDAYS

REQUEST FORM

Date Requested: 4/10/23 ~~Monthly~~; ~~1st~~ Tuesday's *1st & 2nd Tue not available*

Meeting Time: 7pm to 9pm

Organization Name: Jefferson County Democratic Womens Club

Purpose of Meeting: Monthly Meeting

Please attach a brief description of your organization (You may attach other printed materials.)

Please check the boxes on all that apply to your organization:

- Has previously used the library
- Is a not-for-profit organization
- Can provide a certificate of insurance
- Indemnification Form provided in lieu of certificate of insurance

By signing this Request, I acknowledge that I have read and fully understand the Jefferson County Commission Meeting Room Policy for the use of the County Commission Meeting Room located at 200 East Washington Street lower level of the Old Charles Town Library. I agree to assume personal responsibility for my organization's compliance with these regulations, the behavior of all those attending any meeting or program, and the care of the meeting room and all property within the room.

Person Making Request: (printed) Debbie Royalty

Signature of Person Making Request: Debbie Royalty Date: 4/10/23

Contact Person: _____
(If other than the representative signing above)

Representative's Address: 199 Brannon Ln.
Charles Town, WV 25414

Telephone: 540-931-1452

Email: dar.royalty@gmail.com

COUNTY COMMISSION MEETING ROOM

INDEMNIFICATION FORM

As the individual or the authorized representative of the organization making the reservation, I agree to indemnify and hold harmless the Jefferson County Commission, its agents and representatives, from any and all lawsuits, action, claims or demands of any character or nature arising out of or brought on account of injuries or damages sustained by any person(s) as a consequence or result of using the meeting room, its furnishings or its equipment.

Person Making Request: (printed): Debbie Royalty

Signature of Person Making Request: Debbie Royalty

Date: 4/10/23

Contact Person: _____
(If other than the representative signing above)

Representative's Address: 199 Brannon Ln.
Charles Town, WV

Telephone: 540-931-1452 Fax: _____

E-mail: dar.royalty@gmail.com

Confirmation of Request for Group Health Coverage

Aetna has recently completed a review of County of Jefferson's request for a quote of group health coverage (the "Request"). We have determined that we are not currently positioned to provide a competitive proposal.

However, as an entity that offers health coverage and consistent with direction provided under Section 2702 of the Patient Protection and Affordable Care Act, we will provide a response to your Request and proceed with an insured quote should County of Jefferson continue to be interested in this information.

If it is still County of Jefferson's position to have us provide a quote for group health coverage, please

- a) Furnish the information indicated below that has not already been provided (where available), and
- b) Sign and return this notification to us as indicated below.

In order for us to provide you the quote, a signed request along with all requested data items is required no later than 60 days prior to the requested quote effective date.

REQUIRED DATA:

- Please provide a detailed summary of the plan design(s) requested.
- Please provide the contribution strategy for the current and proposed plans.
- Please provide the following historical information:
 - Monthly claims and corresponding enrollment counts for a recent 12 months minimum, up to a 24-month period.
 - Please identify the basis for the claim information (i.e., paid vs. incurred and if incurred whether a completion factor has been applied). Provide the information broken down for each unique plan offering.
 - Please identify if any of the plans are capitated. If so, indicate whether capitations are included/excluded from the claim information.
 - Large claim information for individual claims in excess of \$25,000 based on the same time period as the claims data provided.
 - **For Hospital or Health Systems only:** Claims need to be split by domestic and non-domestic. Also please provide home/host/domestic payment arrangement (i.e. discount off billed charges, fee schedules, etc.)
 - **Individual Medical Questionnaires (IMQ)** (Where allowed by state) – will be required if/when monthly claim data is not available
 - Plan designs: A description of the plans which were in place during the experience period along with a description of any plan changes that occurred during this period and the date the change went into effect
- Current and/or Renewal Rates
- Please provide a complete census file including the following for all eligible employees: Age/DOB, Gender, Dependent Tier Status, COBRA Participant indicator, Waiver indicator, Retiree indicator, Home Zip Code, and Current Medical Plan Election.

Additional Requested Data:

- Current Medical Management programs in place
 - 5-year carrier history
 - Large Claim Data: including diagnosis and claimant status information. Identify if amounts in excess of any pooling threshold have been included/excluded from the claim experience provided.
 - Current commission level
 - A recent utilization report from the current carrier. This should include historical achieved discount and trend information as well as utilization information relative to the use of inpatient hospital, outpatient hospital, and physician/other services. The report should also identify the top utilized facilities
 - Please provide information/reason on any required data noted as not available
-

County of Jefferson Certification:

I understand Aetna position on its product offerings' alignment with our request, but County of Jefferson requests a quote from Aetna as allowed under Section 2702 of the Patient Protection and Affordable Care Act.

Signature

Title

Date

Please send this form back c/o Karina Gray via email kmjoy@aetna.com

April 26, 2023

Laurie Bracelin
Millennium Insurance Group

Dear Laurie:

Thank you for your recent inquiry. We have conducted a preliminary review of your request and have determined that we will likely be unable to offer you a competitive proposal.

We conduct this preliminary review (prior to seeking all information necessary to issue a formal quote) in order to avoid potentially unnecessary administrative burden on the large group employer/plan sponsor [hereinafter “Employer”] and us.

Nevertheless, consistent with the requirements in the Affordable Care Act (ACA) we will provide a formal quote on approved fully insured products at the direct request of the Employer upon receipt of required supporting information.

Should the Employer still wish to obtain a formal quote from us despite the result of our preliminary review, please contact Will Ryales at 763.361.1720.

Once again, thank you for your inquiry.

Sincerely,

Will Ryales
Account Executive

Jefferson County Commission Benefit Analysis - Current Year 7/1/22 thru 6/30/23

	<u>Current Rates</u>	<u>Current Plan 7/1/22 - 6/30/23</u>	
Medical Census Breakdown			
87 Employee Only	\$ 891.31	Total Monthly Premium	\$ 171,577.31
19 2 Party	\$ 1,782.62	EE Monthly Contribution	\$ 28,406.00
27 Family	\$ 2,228.28	ER Monthly Cost	\$ 143,171.31
44 Waive			16.60%
177 Total Eligible		<u>Estimated ER HRA Costs</u>	\$ 12,500.00
		Total Monthly Employer	\$ 155,671.31
			83.40%
Dental Census Breakdown			
83 Employee Only	\$ 23.46	Total Monthly Premium	\$ 5,589.66
24 2 Party	\$ 46.71	EE Monthly Contribution	\$ 1,297.72
36 Family	\$ 70.04	ER Monthly Cost	\$ 4,291.94
34 Waive			23.20%
177 Total Eligible			76.80%
Vision Census Breakdown			
82 Employee Only	\$ 6.94	Total Monthly Premium	\$ 1,530.38
25 2 Party	\$ 11.88	EE Monthly Contribution	\$ 326.41
35 Family	\$ 18.98	ER Monthly Cost	\$ 1,203.97
35 Waive			21.30%
177 Total Eligible			78.70%
Life/ADD \$50,000	.254/\$1,000	ER Monthly Premium	\$ 2,247.90
		Total Annual Premium	\$ 18,364.56
		EE Annual Contribution	\$ 3,916.92
		Total Annual Employer	\$ 14,447.64
			21.30%
			78.70%
		Total Annual Premium	\$ 2,058,927.72
		EE Annual Contribution	\$ 340,872.00
		ER Annual Cost	\$ 1,718,055.72
			16.60%
			83.40%
		<u>Estimated ER HRA Annual</u>	\$ 150,000.00
		Total Annual Employer	\$ 1,868,055.72
		Total Annual Premium	\$ 67,075.92
		EE Annual Contribution	\$ 15,572.64
		Total Annual Employer	\$ 51,503.28
			23.20%
			76.80%
		Total Annual Premium	\$ 18,364.56
		EE Annual Contribution	\$ 3,916.92
		Total Annual Employer	\$ 14,447.64
			21.30%
			78.70%
		Total Annual Employer	\$ 26,974.80
		<u>Grand Totals:</u>	
		Total Annual Medical ER	\$ 1,868,055.72
		Total Annual Dental ER	\$ 51,503.28
		Total Annual Vision ER	\$ 14,447.64
		<u>Total Annual Life/ADD ER</u>	\$ 26,974.80
		Total Annual Costs ER	\$ 1,960,981.44

Summaries of Options for 7/1/2023 - 6/30/2024 Note: Medical includes HRA Costs

	ER Monthly Cost (Same EE Contribution)	ER Annual Cost (Same EE Contribution)
Option 1		
Medical \$4000/\$8,000	180,198.69	2,162,384.28
Dental \$1,500 85% UCR	4,525.20	54,302.40
Vision	1,203.97	14,447.64
<u>Life/ADD</u>	2,247.90	26,974.80
Grand Total ER Costs	188,175.76	2,258,109.12

	ER Monthly Cost (Same EE Contribution)	ER Annual Cost (Same EE Contribution)
Option 2		
Medical \$5000/\$10,000	170,344.77	2,044,147.24
Dental \$1,500 85% UCR	4,525.20	54,302.40
Vision	1,203.97	14,447.64
<u>Life/ADD</u>	2,247.90	26,974.80
Grand Total ER Costs	178,321.84	2,139,872.08

Savings \$118,237.04

	ER Monthly Cost (Same EE Contribution)	ER Annual Cost (Same EE Contribution)
Option 3		
Medical \$6000/\$12,000	162,651.95	1,951,823.40
Dental \$1,500 85% UCR	4,525.20	54,302.40
Vision	1,203.97	14,447.64
<u>Life/ADD</u>	2,247.90	26,974.80
Grand Total ER Costs	170,629.02	2,047,548.24

Savings \$210,560.88

Jefferson County Commission Super Blue Plus 2010

On the chart below, you'll see what your plan pays for specific services. You may be responsible for a facility fee, clinic charge or similar fee or charge (in addition to any professional fees) if your office visit or service is provided at a location that qualifies as a hospital department or a satellite building of a hospital.

Benefit	In Network	Out of Network
General Provisions		
Effective Date	July 1, 2023	
Benefit Period (1)	Contract Year (July 1 through June 30)	
Deductible (per benefit period)		
Individual	\$4,000	\$6,000
Family	\$8,000	\$12,000
Plan Pays – payment based on the plan allowance	100% after deductible	80% after deductible
Out-of-Pocket Limit (Includes coinsurance. Once met, plan pays 100% coinsurance for the rest of the benefit period)		
Individual	\$1,000	\$3,000
Family	\$2,000	\$6,000
Total Maximum Out-of-Pocket (Includes deductible, coinsurance, copays, prescription drug cost sharing and other qualified medical expenses, Network only) (2) Once met, the plan pays 100% of covered services for the rest of the benefit period.		
Individual	\$9,100	Not Applicable
Family	\$18,200	Not Applicable
Office/Clinic/Urgent Care Visits		
Retail Clinic Visits & Virtual Visits	100% after \$25 copay	80% after \$25 copay
Primary Care Provider Office Visits & Virtual Visits	100% after \$25 copay	80% after \$25 copay
Specialist Office Visits & Virtual Visits	100% after \$35 copay	80% after \$35 copay
Virtual Visit Provider Originating Site Fee	100% after deductible	80% after deductible
	100% after \$50 copay	80% after \$50 copay
Urgent Care Center Visits	Copayment, if any, does not apply to Urgent Care Center Visits prescribed for the treatment of Mental Health and Substance Use Disorder	
Telemedicine Services (3)	100% after \$10 copay	not covered
Preventive Care (4)		
Routine Adult		
Physical Exams	100% (deductible does not apply)	80% after deductible
Adult Immunizations	100% (deductible does not apply)	80% after deductible
Routine Gynecological Exams, including a Pap Test	100% (deductible does not apply)	80% after deductible
Mammograms, Annual Routine	100% (deductible does not apply)	80% after deductible
Mammograms, Medically Necessary	100% after deductible	80% after deductible
Diagnostic Services and Procedures	100% (deductible does not apply)	80% after deductible
Routine Pediatric		
Physical Exams	100% (deductible does not apply)	80% after deductible
Pediatric Immunizations	100% (deductible does not apply)	80% after deductible
Diagnostic Services and Procedures	100% (deductible does not apply)	80% after deductible
Emergency Services		
Emergency Room Services (11)	\$125 copay (waived if admitted) after network deductible, 100% thereafter	
Ambulance Emergency (ground, water, air)	100% (deductible does not apply)	
Ambulance Non-Emergency (ground, water) (10)	100% after program deductible	80% after program deductible
Ambulance Non-Emergency (air)	100% (deductible does not apply)	
Hospital and Medical / Surgical Expenses (including maternity)		
Hospital Inpatient	100% after deductible	80% after deductible
Hospital Outpatient	100% after deductible	80% after deductible
Maternity (non-preventive facility & professional services) including dependent daughter	100% after deductible	80% after deductible

Jefferson County Commission - \$5,000 Option Super Blue Plus 2010

On the chart below, you'll see what your plan pays for specific services. You may be responsible for a facility fee, clinic charge or similar fee or charge (in addition to any professional fees) if your office visit or service is provided at a location that qualifies as a hospital department or a satellite building of a hospital.

Benefit	In Network	Out of Network
General Provisions		
Effective Date	July 1, 2023	
Benefit Period (1)	Contract Year (July 1 through June 30)	
Deductible (per benefit period)		
Individual	\$5,000	\$6,000
Family	\$10,000	\$12,000
Plan Pays – payment based on the plan allowance	100% after deductible	80% after deductible
Out-of-Pocket Limit (Includes coinsurance. Once met, plan pays 100% coinsurance for the rest of the benefit period)		
Individual	\$1,000	\$3,000
Family	\$2,000	\$6,000
Total Maximum Out-of-Pocket (Includes deductible, coinsurance, copays, prescription drug cost sharing and other qualified medical expenses, Network only) (2) Once met, the plan pays 100% of covered services for the rest of the benefit period.		
Individual	\$9,100	Not Applicable
Family	\$18,200	Not Applicable
Office/Clinic/Urgent Care Visits		
Retail Clinic Visits & Virtual Visits	100% after \$25 copay	80% after \$25 copay
Primary Care Provider Office Visits & Virtual Visits	100% after \$25 copay	80% after \$25 copay
Specialist Office Visits & Virtual Visits	100% after \$35 copay	80% after \$35 copay
Virtual Visit Provider Originating Site Fee	100% after deductible	80% after deductible
	100% after \$50 copay	80% after \$50 copay
Urgent Care Center Visits	Copayment, if any, does not apply to Urgent Care Center Visits prescribed for the treatment of Mental Health and Substance Use Disorder	
Telemedicine Services (3)	100% after \$10 copay	not covered
Preventive Care (4)		
Routine Adult		
Physical Exams	100% (deductible does not apply)	80% after deductible
Adult Immunizations	100% (deductible does not apply)	80% after deductible
Routine Gynecological Exams, including a Pap Test	100% (deductible does not apply)	80% after deductible
Mammograms, Annual Routine	100% (deductible does not apply)	80% after deductible
Mammograms, Medically Necessary	100% after deductible	80% after deductible
Diagnostic Services and Procedures	100% (deductible does not apply)	80% after deductible
Routine Pediatric		
Physical Exams	100% (deductible does not apply)	80% after deductible
Pediatric Immunizations	100% (deductible does not apply)	80% after deductible
Diagnostic Services and Procedures	100% (deductible does not apply)	80% after deductible
Emergency Services		
Emergency Room Services (11)	\$125 copay (waived if admitted) after network deductible, 100% thereafter	
Ambulance Emergency (ground, water, air)	100% (deductible does not apply)	
Ambulance Non-Emergency (ground, water) (10)	100% after program deductible	80% after program deductible
Ambulance Non-Emergency (air)	100% (deductible does not apply)	
Hospital and Medical / Surgical Expenses (including maternity)		
Hospital Inpatient	100% after deductible	80% after deductible
Hospital Outpatient	100% after deductible	80% after deductible
Maternity (non-preventive facility & professional services) including dependent daughter	100% after deductible	80% after deductible

Jefferson County Commission - \$6,000 Option Super Blue Plus 2010

On the chart below, you'll see what your plan pays for specific services. You may be responsible for a facility fee, clinic charge or similar fee or charge (in addition to any professional fees) if your office visit or service is provided at a location that qualifies as a hospital department or a satellite building of a hospital.

Benefit	In Network	Out of Network
General Provisions		
Effective Date	July 1, 2023	
Benefit Period (1)	Contract Year (July 1 through June 30)	
Deductible (per benefit period)		
Individual	\$6,000	\$6,000
Family	\$12,000	\$12,000
Plan Pays – payment based on the plan allowance	100% after deductible	80% after deductible
Out-of-Pocket Limit (Includes coinsurance. Once met, plan pays 100% coinsurance for the rest of the benefit period)		
Individual	\$1,000	\$3,000
Family	\$2,000	\$6,000
Total Maximum Out-of-Pocket (Includes deductible, coinsurance, copays, prescription drug cost sharing and other qualified medical expenses, Network only) (2) Once met, the plan pays 100% of covered services for the rest of the benefit period.		
Individual	\$9,100	Not Applicable
Family	\$18,200	Not Applicable
Office/Clinic/Urgent Care Visits		
Retail Clinic Visits & Virtual Visits	100% after \$25 copay	80% after \$25 copay
Primary Care Provider Office Visits & Virtual Visits	100% after \$25 copay	80% after \$25 copay
Specialist Office Visits & Virtual Visits	100% after \$35 copay	80% after \$35 copay
Virtual Visit Provider Originating Site Fee	100% after deductible	80% after deductible
	100% after \$50 copay	80% after \$50 copay
Urgent Care Center Visits	Copayment, if any, does not apply to Urgent Care Center Visits prescribed for the treatment of Mental Health and Substance Use Disorder	
Telemedicine Services (3)	100% after \$10 copay	not covered
Preventive Care (4)		
Routine Adult		
Physical Exams	100% (deductible does not apply)	80% after deductible
Adult Immunizations	100% (deductible does not apply)	80% after deductible
Routine Gynecological Exams, including a Pap Test	100% (deductible does not apply)	80% after deductible
Mammograms, Annual Routine	100% (deductible does not apply)	80% after deductible
Mammograms, Medically Necessary	100% after deductible	80% after deductible
Diagnostic Services and Procedures	100% (deductible does not apply)	80% after deductible
Routine Pediatric		
Physical Exams	100% (deductible does not apply)	80% after deductible
Pediatric Immunizations	100% (deductible does not apply)	80% after deductible
Diagnostic Services and Procedures	100% (deductible does not apply)	80% after deductible
Emergency Services		
Emergency Room Services (11)	\$125 copay (waived if admitted) after network deductible, 100% thereafter	
Ambulance Emergency (ground, water, air)	100% (deductible does not apply)	
Ambulance Non-Emergency (ground, water) (10)	100% after program deductible	80% after program deductible
Ambulance Non-Emergency (air)	100% (deductible does not apply)	
Hospital and Medical / Surgical Expenses (including maternity)		
Hospital Inpatient	100% after deductible	80% after deductible
Hospital Outpatient	100% after deductible	80% after deductible
Maternity (non-preventive facility & professional services) including dependent daughter	100% after deductible	80% after deductible

Benefit	In Network	Out of Network
Medical Care (including inpatient visits and consultations)/Surgical Expenses	100% after deductible	80% after deductible
Therapy and Rehabilitation Services		
Physical Therapy (Rehabilitative and Habilitative) – Limit: 30 visits per benefit period for other than chronic pain Limit: 30 visits per event for chronic pain (9) Limitations are for Physician & Outpatient Facility, Network and Non-Network, Rehabilitative and Habilitative, combined. Limit does not apply when Therapy Services are prescribed for the treatment of Mental Health or Substance Use Disorder	100% after \$25 copay per visit	80% after \$25 copay per visit
	Copayment, if any, does not apply to Therapy Services prescribed for the treatment of Mental Health and Substance Use Disorder	
Respiratory Therapy	100% after deductible	80% after deductible
Speech Therapy	100% after \$25 copay per visit	80% after \$25 copay per visit
including rehabilitative services and habilitative services Copayment, if any, does not apply to Therapy Services prescribed for the treatment of Mental Health and Substance Use Disorder		
Occupational Therapy (Rehabilitative and Habilitative) – Limit: 30 visits per benefit period for other than chronic pain Limit: 30 visits per event for chronic pain (9) Limitations are for Physician & Outpatient Facility, Network and Non-Network, Rehabilitative and Habilitative, combined Limit does not apply when Therapy Services are prescribed for the treatment of Mental Health or Substance Use Disorder	100% after \$25 copay per visit	80% after \$25 copay per visit
	Copayment, if any, does not apply to Therapy Services prescribed for the treatment of Mental Health and Substance Use Disorder	
Spinal Manipulations (Rehabilitative and Habilitative) – Limit: 30 visits per benefit period for other than chronic pain Limit: 30 visits per event for chronic pain (9) Limitations are for Physician, Network and Non-Network, Rehabilitative and Habilitative, combined	80% for other than chronic pain Primary Care Office Visit Cost-sharing will apply for chronic pain	80% for other than chronic pain Primary Care Office Visit Cost-sharing will apply for chronic pain
Other Therapy Services (Cardiac Rehab, Infusion Therapy, Chemotherapy, Radiation Therapy and Dialysis)	100% after deductible	80% after deductible
Mental Health / Substance Use Disorder		
Inpatient Mental Health Services	\$100 inpatient copay/admission after deductible, 100% thereafter	\$100 inpatient copay/admission after deductible, 80% thereafter
Inpatient Detoxification / Rehabilitation	\$100 inpatient copay/admission after deductible, 100% thereafter	\$100 inpatient copay/admission after deductible, 80% thereafter
Outpatient Mental Health Services (includes virtual behavioral health visits)	100% after deductible	80% after deductible
Outpatient Substance Use Disorder Services	100% after deductible	80% after deductible
Other Services		
Allergy Extracts and Injections	100% after deductible	80% after deductible
Applied Behavior Analysis for Autism Spectrum Disorder (5)	100% after deductible	80% after deductible
Assisted Fertilization Procedures	100% after deductible	80% after deductible
Dental Services Related to Accidental Injury	100% after deductible	80% after deductible
Diagnostic Services	100% after deductible	80% after deductible
Advanced Imaging (MRI, CAT, PET scan, etc.)	Copayment, if any, does not apply to Diagnostic Services prescribed for the treatment of Mental Health and Substance Use Disorder	
Basic Diagnostic Services (standard imaging, diagnostic medical, lab/pathology, allergy testing)	100% after deductible	80% after deductible
	Copayment, if any, does not apply to Diagnostic Services prescribed for the treatment of Mental Health and Substance Use Disorder	
Durable Medical Equipment, Orthotics and Prosthetics	100% after deductible	80% after deductible
Home Health Care	100% after deductible	80% after deductible
Hospice	limit: 100 visits/benefit period aggregate with visiting nurse	
	\$100 inpatient copay/admission after deductible, 100% thereafter	\$100 inpatient copay/admission after deductible, 80% thereafter
Infertility Counseling, Testing and Treatment (6)	100% after deductible	80% after deductible
Private Duty Nursing	100% after deductible	80% after deductible
	limit: 35 visits/benefit period	
Skilled Nursing Facility Care	100% after deductible	80% after deductible
Transplant Services	100% after deductible	\$100 inpatient copay/admission after deductible, 80% thereafter
Precertification Requirements (7)	Yes	Yes

Prescription Drugs

Prescription Drug Deductible Individual Family	none none
Prescription Drug Program (8) Soft Mandatory Generic Defined by the National Plus Pharmacy Network - Not Physician Network. Prescriptions filled at a non-network pharmacy are not covered. Your plan uses the Comprehensive Formulary with an Incentive Benefit Design	<p>Retail Drugs (34-day Supply) \$10 generic copay \$20 Formulary brand copay \$40 Non-Formulary brand copay</p> <p>Retail Drugs (35-90 day Supply) \$30 generic copay \$60 Formulary brand copay \$120 Non- Formulary brand copay Cost-sharing for Prescription Insulin Drugs will not exceed \$100 for a 30 day supply</p> <p>Mail Order Drugs (34-day Supply) \$10 generic copay \$20 Formulary brand copay \$40 Non-Formulary brand copay</p> <p>Mail Order Drugs (35-90 day Supply) \$30 generic copay \$60 Formulary brand copay \$120 Non- Formulary brand copay Cost-sharing for Prescription Insulin Drugs will not exceed \$100 for a 30 day supply</p>

This is not a contract. This benefits summary presents plan highlights only. Please refer to the policy/ plan documents, as limitations and exclusions apply. The policy/ plan documents control in the event of a conflict with this benefits summary.

- (1) Your group's benefit period is based on a Contract Year. The Contract Year is a consecutive 12-month period beginning on your employer's effective date. Contact your employer to determine the effective date applicable to your program.
- (2) The Network Total Maximum Out-of-Pocket (TMOOP) is mandated by the federal government. TMOOP must include deductible, coinsurance, copays, prescription drug cost share and any qualified medical expense.
- (3) Telemedicine services (acute care for minor illnesses available on-demand 24/7) must be performed by a Highmark approved telemedicine vendor. Additional services provided by a Highmark approved telemedicine vendor are paid according to the benefit category that they fall under (E.G. PCP is eligible under the PCP office visit benefit, behavioral health is eligible under outpatient mental health).
- (4) Services are limited to those listed on the Highmark WV Preventive Schedule (Women's Health Preventive Schedule may apply).
- (5) After initial evaluation, applied behavioral analysis will be covered as specified above. All other covered services for the treatment of Autism Spectrum Disorders will be covered according to the benefit category (E.G. speech therapy, diagnostic services). Treatment for Autism Spectrum Disorders does not reduce visit/day limit
- (6) Treatment includes coverage for the correction of a physical or medical problem associated with infertility. Infertility drug therapy may or may not be covered depending on your group's prescription drug program.
- (7) Medical Management & Policy (MM&P) must be contacted prior to a planned inpatient admission or within 48 hours of an emergency or maternity-related inpatient admission. Please note that certain outpatient procedures also require prior authorization. Be sure to verify that your provider is contacting MM&P for precertification. If this does not occur and it is later determined that your services are not medically necessary or appropriate, you will be responsible for payment of any costs not covered.
- (8) The Highmark formulary is an extensive list of Food and Drug Administration (FDA) approved prescription drugs selected for their quality, safety and effectiveness. The formulary was developed by Highmark Pharmacy Services and approved by the Highmark Pharmacy and Therapeutics Committee made up of clinical pharmacists and physicians. All plan formularies include products in every major therapeutic category. Plan formularies vary by the number of different drugs they cover and in the cost-sharing requirements. Your program includes coverage for both formulary and non-formulary drugs at the copayment or coinsurance amounts listed above. Under the soft mandatory generic provision, when you purchase a brand drug that has a generic equivalent, you will be responsible for the brand-drug copayment plus the difference in cost between the brand and generic drugs, unless your doctor requests that the brand drug be dispensed. Anti-Cancer medications orally administered or self-injected. Deductible, copayment and coinsurance amounts for patient administered anti-cancer medications that are covered benefits are applied on no less favorable basis than for provider injected or intravenously administered anti-cancer medications.
- (9) 30 visit maximum per event for combined physical therapy, occupational therapy and spinal manipulations
- (10) Unless otherwise provided for benefits for emergency ambulance services rendered by a non-network provider will be subject to the same cost-sharing amount, if any, that is applicable to network services. The member will be responsible for any amounts billed by the non-network provider for non-emergency ground and water ambulance services that are in excess of the amount that Highmark WV pays.
- (11) Benefits for emergency care services rendered by an out-of-network provider will be paid at the network services level. Benefits for hospital services or medical care services rendered by an out-of-network provider to a member requiring an inpatient admission or observation immediately following receipt of emergency care services will be paid at the network services level. The member will not be responsible for any amounts billed by the out-of-network provider that are in excess of the plan allowance for such services.
- (12) Covered virtual services will be paid according to the benefit category (e.g., primary care provider office visit, maternity visit, etc.) For example, virtual visits relating to the treatment of mental illness or substance use disorder are covered under your outpatient mental health and substance use disorder benefit and subject to the cost sharing amount in excess of the plan allowance for such services.

Summary of Benefits: Blue Edge Dental Flex

Blue Edge Dental Flex plan options provide you maximum flexibility. Benefits are paid at the same level for care received from any provider. The listed percentages represent the portion of the maximum allowable charge (MAC) for which the plan is responsible. Network providers agree to accept the MAC as payment in full and agree to file your claims. **If you receive covered services from an out-of-network provider, the plan will apply the percentages shown to the 50th percentile for covered services and you will be responsible for the difference, up to the provider's charge.** Standard deductibles, exclusions and limitations apply. Network dentists may elect to discount non-covered services and services above the annual maximum. Discounts vary by service and region and when agreed to by the provider; not permitted in all jurisdictions.

Jefferson County Commission - Blue Edge Dental Flex 3W (NS)		
Network	Elite Plus	
Deductible – Individual/Family (waived for In and Out-of-network Class I services)	\$50 / \$150	
Benefit Period Maximum per member	\$1,500	
Class I Services		
Exams	100%	
X-rays	100%	
Cleanings	100%	
Fluoride Treatment	100%	
Sealants	100%	
Space Maintainers	100%	
Palliative Treatment (Emergency)	100%	
Class II Services		
Basic Restorative (Fillings), Posterior Resins	80%	
Repairs of Crowns, Inlays, Onlays, Bridges & Dentures	80%	
Oral Surgery (including Simple and Surgical Extractions)	80%	
General Anesthesia	80%	
Endodontics	80%	
Periodontics (Surgical and Nonsurgical)	80%	
Class III Services		
Inlays, Onlays, Crowns	50%	
Prosthetics (Bridges, Dentures)	50%	
Orthodontics (dependents to age 19)		
Diagnostic, Active, Retention Treatment	Not Covered	
Orthodontic Lifetime Maximum per covered dependent	Not Applicable	
Implants		
Implant Surgery, Supported Restoration	50%	
Additional Features		
<input type="checkbox"/> TMD/TMJ*	<input checked="" type="checkbox"/> Smile for Health®--Wellness	<input checked="" type="checkbox"/> Pregnancy
<input type="checkbox"/> Annual Maximum Rollover*	<input checked="" type="checkbox"/> College Tuition Benefit	<input checked="" type="checkbox"/> Preventive Incentive*
<input type="checkbox"/> Occlusal Guard*		

Insurance is provided by Highmark Blue Cross Blue Shield West Virginia, an independent licensee of the Blue Cross and Blue Shield Association. United Concordia is a separate company that administers Highmark dental benefits.

Smile for Health--Wellness is a registered service mark of United Concordia Companies, Inc.

*These features are for Large Group only. Additional fees may apply.



Your NVA Vision Benefit Summary

Jefferson County Commission

Effective 07/01/2015

Revised 01/01/2018

Group Number #8703

How Your Vision Care Program Works

Schedule of Vision Benefits

Benefit Frequency	Participating Provider	Non-Participating Provider
Examination Once Every Plan Year	<ul style="list-style-type: none"> Covered 100% After \$10 copay 	Reimbursed Amount <ul style="list-style-type: none"> Up to \$35
Lenses Once Every Plan Year	Standard Glass or Plastic <ul style="list-style-type: none"> Covered 100% 	<ul style="list-style-type: none"> Up to \$25 Up to \$45 Up to \$75 Up to \$75
<ul style="list-style-type: none"> Single Vision Bifocal Trifocal Lenticular 		
Frame Once Every Plan Year	Retail Allowance <ul style="list-style-type: none"> Up to \$130 (20% discount off balance)* 	<ul style="list-style-type: none"> Up to \$45
Contact Lenses Once Every Plan Year	In lieu of Lenses & Frame	In lieu of Lenses & Frame
Elective Contact Lenses	<ul style="list-style-type: none"> Up to \$130 Retail (15% discount (Conventional) or 10% discount (Disposable) off balance)** 	<ul style="list-style-type: none"> Up to \$98
Fit/Follow-Up***		
<ul style="list-style-type: none"> Standard Daily Wear Standard Extended Wear Specialty Wear 	<ul style="list-style-type: none"> Covered 100% Covered 100% Covered 100% After \$20 copay 	<ul style="list-style-type: none"> Up to \$20 Up to \$30 Up to \$30
Medically Necessary****	<ul style="list-style-type: none"> Covered 100% 	<ul style="list-style-type: none"> Up to \$200

Eligible members and dependents are entitled to receive a vision examination and one (1) pair of lenses and a frame or contact lenses and contact lens evaluation/fitting once every plan year.

For your convenience, at the start of the program, you will receive two identification cards with participating providers in your zip code area listed on the back. At the time of your appointment, simply present your NVA identification card to the provider or indicate that your benefit is administered by NVA. The provider will contact NVA to verify eligibility. A vision claim form is not required at an NVA participating provider.

Be sure to inform the provider of your medical history and any prescription or over-the-counter (OTC) medications you may be taking.

To verify your benefit eligibility prior to calling or visiting your eye care provider, please visit our website at www.e-nva.com, or download our mobile app by searching NVA Vision, or contact NVA's Customer Service Department toll-free at 1.800.672.7723 (TDD line 1-888-820-2990) or NVA's Interactive Voice Response (IVR). Customer Service is available 24 hours a day, 7 days a week, 365 days a year. Any question any time.

If you are not a registered subscriber, you can still search our providers online by selecting the "Find a Provider" link on our home page. Enter group number **8703000001** or the group number on the Identification card and enter in your search parameters. It's that easy!

*Does not apply to Wal-Mart / Sam's Club locations or for certain proprietary brands. **Does not apply to Wal-Mart/Sam's Club, Contact Fill (NVA Mail Order) or certain locations at: Target, Sears, Pearle, & K-Mart and may be prohibited by some manufacturers. ***Only covered if you choose Contact Lenses. ****Pre-approval from NVA required.

Due to their everyday low prices (EDLP) the amounts listed below may not be applicable at Wal-Mart/Sam's Club.

Lens options purchased from a participating NVA provider will be provided to the member at the amounts listed in the fixed option pricing list below:

- \$10 Solid Tint
- \$12 Fashion / Gradient Tint
- \$10 Standard Scratch-Resistant Coating
- \$12 Ultraviolet Coating
- \$40 Standard Anti-Reflective
- \$20 Glass Photogrey (Single Vision)
- \$30 Glass Photogrey (Multi-Focal)
- \$75 Polarized
- \$50 Progressive Lenses Standard
- \$65 Transitions Single Vision Standard
- \$70 Transitions Multi-Focal Standard
- \$25 Polycarbonate (Single Vision)
- \$30 Polycarbonate (Multi-Focal)
- \$30 Blended Bifocal (Segment)
- \$55 High Index
- \$100 Progressive Lenses Premium

Fixed Pricing not available in certain states.

For lens options & services purchased from a participating NVA provider, NVA members will only pay the fixed maximum amount or the provider's Usual and Customary (U&C) charge less 20%, whichever is less. Options not listed will be priced by NVA providers at 20% off the Provider's Retail (U&C) price. Fixed prices are available in-network only. Discounts are not insured benefits. In certain states, members may be required to pay the full retail amount and not the negotiated discount amount at certain participating providers.

Participating providers are not contractually obligated to offer sale prices in addition to outlined coverage. Regardless of medical or optical necessity, vision benefits are not available more frequently than specified in your policy.



Get a Better View

Plan Specific Details Online: The NVA website is easy to use and provides the most up to date information for program participants:
 -Locate a nearby participating provider by name, zip code, or City/State, Verify eligibility for you or a dependent
 -View benefit program and specific detail, Review claims, Print ID cards (when applicable), Nominate a non-participating provider to join the NVA network

Examinations: The comprehensive exam includes case history, examination for pathology or anomalies, visual acuity (clearness of vision), refraction, tonometry (glaucoma test) and dilation (if professionally indicated).

Lenses: NVA provides coverage in full for standard glass or plastic eyeglass lenses.

Frames: Select any frame from the participating provider's inventory. Any amount in excess of your plan allowance is the member's responsibility. Frame choices vary from office to office. (Visit NVA's website to view the Benefit maximizer Program)

Contact Lenses: The contact lens benefit includes all types of contact lenses such as hard, soft, gas permeable and disposable lenses. Medically necessary contact lenses includes fitting and follow up and may be covered with prior authorization when prescribed for: post cataract surgery, correction of extreme visual acuity problems that cannot be corrected to 20/70 with spectacle lenses, Anisometropia or Keratoconus.

Non-Participating Providers: You will be responsible for one hundred percent (100%) of the cost at the time of service at a non-participating provider. You can request a claim form from NVA via the website www.e-nva.com or you may submit receipts along with a letter containing the member's full name, patient's full name, address, ID# and sponsoring organization to NVA, P.O. Box 2187, Clifton, NJ 07015.

Laser Eye Surgery: NVA has chosen **The National LASIK Network** to serve their members. This network was developed by **LCA Vision** in 1999 and is one of the largest panels of LASIK surgeons in the U.S. Members are entitled to significant discounts and a free initial consultation with all in-network providers.

Discounts: In addition to your funded benefit you are eligible to access the **EyeEssential® Plan discount** (in Network Only) on additional purchases during the plan period. Please see table for more detail regarding NVA's discount plan:

*Discount is not applicable to mail order; however, you may get even better pricing on contact lenses through Contact Fill.

Your NVA EyeEssential® Plan Discount – In Network Only		
Service	Participating Provider	Lens Options
Eye Examination:	Member Cost: Retail Less \$10	\$12 Solid Tint/ Gradient Tint \$50 Standard Progressive Lenses \$75 Polarized Lenses \$65 Transitions Single Vision Standard \$70 Transitions Multi-Focal Standard \$15 Standard Scratch Coating \$12 UV Coating \$35 Polycarbonate \$45 Standard Anti-Reflective
Contact Lens Fitting:	Retail Less 10%	
Lenses:	Glass or Plastic	
Single Vision	\$35.00	
Bifocal	\$55.00	
Trifocal or Lenticular	\$70.00	
Frame:	Retail Less 35%	
Contact Lenses*:	Member Cost:	
Conventional	Retail Less 15%	
Disposable	Retail Less 10%	

Lens options purchased from a participating NVA provider will be provided to the member at the amounts listed in the fixed option price list above.

Options not listed will be priced by NVA providers at their reasonable & customary retail price less 20%.

Wal-Mart / Sam's Club Stores: Due to their everyday low prices (EDLP) Wal-Mart / Sam's Club stores do not provide additional discounts.

At NVA, We Work Only for Our Clients.

Insurance coverage provided by National Guardian Life Insurance Company (NGLIC), 2E Gilman, Madison, WI 53703. Policy NVIGRP 5/07. NGLIC is not affiliated with the Guardian Life Insurance Company of America, a/k/a The Guardian or Guardian Life. A full description of your coverage, its limitations, exclusions and conditions is contained in the Insurance Policy issued to your Plan Sponsor at its place of business. That full description in the form of a Certificate of Coverage can be made available to you by requesting it from your Plan Sponsor.

Exclusions / Limitations: No payment is made for medical or surgical treatments / Rx drugs or OTC medications / non-prescription lenses / two pair of glasses in lieu of bifocals / subnormal visual aids / vision examination or materials required for employment / replacement of lost, stolen, broken or damaged lenses/ contact lenses or frames except at normal intervals when service would otherwise be available / services or materials provided by federal, state, local government or Worker's Compensation / examination, procedures training or materials not listed as a covered service / Industrial safety lenses and safety frames with or without side shields / parts or repair of frame / sunglasses.

National Vision Administrators, L.L.C. • PO Box 2187 • Clifton, NJ 07015

Web: www.e-nva.com • Toll-Free: 1.800.672.7723

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This document is intended as a program overview only and is not a certified document of the individual plan parameters.



www.e-nva.com

Basic Life and AD&D Insurance



**THE
HARTFORD**

Benefit Highlights

Jefferson County Commission

What is basic life and AD&D insurance?	<p>Your employer provides, at no cost to you, basic life and AD&D insurance in an amount equal to \$50,000. Life insurance pays your beneficiary (please see below) a benefit if you die while you are covered.</p> <p>This highlight sheet is an overview of your basic life and AD&D insurance. Once a group policy is issued to your employer, a certificate of insurance will be available to explain your coverage in detail.</p>
Am I eligible?	<p>You are eligible if you are an active full time employee who works at least 30 hours per week on a regularly scheduled basis.</p>
When can I enroll?	<p>As an eligible employee, you are automatically covered by basic life and AD&D insurance; you do not have to enroll. If you have not already done so, you must designate a beneficiary as described below.</p>
When is it effective?	<p>Coverage goes into effect subject to the terms and conditions of the policy. You must be actively at work with your employer on the day your coverage takes effect.</p>
Benefit Reductions	<p>Benefits reduce 50% at age 70. All coverage cancels at retirement.</p>
What is a beneficiary?	<p>Your beneficiary is the person (or persons) or legal entity (entities) who receives a benefit payment if you die while you are covered by the policy. You must select your beneficiary when you complete your enrollment application; your selection is legally binding.</p>

The Hartford® is The Hartford Financial Services Group, Inc. and its subsidiaries including issuing companies Hartford Life Insurance Company, Hartford Life and Accident Insurance Company and Hartford Fire Insurance Company. Home Office is Hartford, CT.

Jefferson County Commission Basic Life BHS
00054902

Creation Date: 6/2/2015

Page 1 of 2

Version 11/12

Prepare today.
Help protect tomorrow.

AD&D Coverage

AD&D provides benefits due to certain injuries or death from an accident. The covered injuries or death can occur up to 365 days after that accident. The insurance pays:

- 100% of the amount of coverage you purchase in the event of accidental loss of life, two limbs, the sight of both eyes, one limb and the sight of one eye, or speech and hearing in both ears or quadriplegia.
- 75% for paraplegia or triplegia (paralysis of three limbs).
- One-half (50%) for accidental loss of one limb, sight of one eye, or speech or hearing in both ears or hemiplegia.
- One-quarter (25%) for accidental loss of thumb and index finger of the same hand or uniplegia.

Your total benefit for all losses due to the same accident will not be more than 100% of the amount of coverage you purchase.

Can I keep my life coverage if I leave my employer?

Yes, subject to the contract, you have the option of:

- Converting your group life coverage to your own individual policy (policies).

What is the Living Benefits Option?

If you are diagnosed as terminally ill with a 12 month life expectancy, you may be eligible to receive payment of a portion of your life insurance. The remaining amount of your life insurance would be paid to your beneficiary when you die.

Important Details

As is standard with most term life insurance, this insurance coverage includes certain limitations and exclusions:

- the amount of your coverage may be reduced when you reach certain ages.

AD&D insurance does not cover losses caused by or contributed by:

- sickness; disease; or any treatment for either;
- any infection, except certain ones caused by an accidental cut or wound;
- intentionally self-inflicted injury, suicide or suicide attempt;
- war or act of war, whether declared or not;
- injury sustained while in the armed forces of any country or international authority;
- taking prescription or illegal drugs unless prescribed for or administered by a licensed physician;
- injury sustained while committing or attempting to commit a felony;
- the injured person's intoxication.

Other exclusions may apply depending upon your coverage. Once a group policy is issued to your employer, a certificate of insurance will be available to explain your coverage in detail.

This benefit highlights sheet is an overview of the insurance being offered and is provided for illustrative purposes only and is not a contract. It in no way changes or affects the policy as actually issued. Only the insurance policy issued to the policyholder (your employer) can fully describe all of the provisions, terms, conditions, limitations and exclusions of your insurance coverage. In the event of any difference between the benefit highlights sheet and the insurance policy, the terms of the insurance policy apply.

**2023 JEFFERSON COUNTY LEVY RATE SHEET
RATES PER \$100 VALUATION**

	State	County Current	School Current Expenses	School Excess Levy	School Per. Improvement	Municipal	TOTAL	State	County Current	School Current Expenses	School Excess Levy	School Per. Improvement	Municipal	TOTAL
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Class I

Class II

Charles Town District	0.0025	0.1304	0.1940	0.2295	0.0276		0.5840	0.0050	0.2608	0.3880	0.4590	0.0552		1.1680
Charles Town Corporation	0.0025	0.1304	0.1940	0.2295	0.0276	0.1183	0.7023	0.0050	0.2608	0.3880	0.4590	0.0552	0.2366	1.4046
Ranson Corporation	0.0025	0.1304	0.1940	0.2295	0.0276	0.1250	0.7090	0.0050	0.2608	0.3880	0.4590	0.0552	0.2500	1.4180
Harpers Ferry District	0.0025	0.1304	0.1940	0.2295	0.0276		0.5840	0.0050	0.2608	0.3880	0.4590	0.0552		1.1680
Harpers Ferry Corporation	0.0025	0.1304	0.1940	0.2295	0.0276	0.0632	0.6472	0.0050	0.2608	0.3880	0.4590	0.0552	0.1264	1.2944
Bolivar Corporation	0.0025	0.1304	0.1940	0.2295	0.0276	0.0641	0.6481	0.0050	0.2608	0.3880	0.4590	0.0552	0.1282	1.2962
Kabletown District	0.0025	0.1304	0.1940	0.2295	0.0276		0.5840	0.0050	0.2608	0.3880	0.4590	0.0552		1.1680
Middleway District	0.0025	0.1304	0.1940	0.2295	0.0276		0.5840	0.0050	0.2608	0.3880	0.4590	0.0552		1.1680
Shepherdstown District	0.0025	0.1304	0.1940	0.2295	0.0276		0.5840	0.0050	0.2608	0.3880	0.4590	0.0552		1.1680
Shepherdstown Corporation	0.0025	0.1304	0.1940	0.2295	0.0276	0.0833	0.6673	0.0050	0.2608	0.3880	0.4590	0.0552	0.1666	1.3346

Class III

Class IV

Charles Town District	0.0100	0.5216	0.7760	0.9180	0.1104		2.3360							
Charles Town Corporation								0.0100	0.5216	0.7760	0.9180	0.1104	0.4732	2.8092
Ranson Corporation								0.0100	0.5216	0.7760	0.9180	0.1104	0.5000	2.8360
Harpers Ferry District	0.0100	0.5216	0.7760	0.9180	0.1104		2.3360							
Harpers Ferry Corporation								0.0100	0.5216	0.7760	0.9180	0.1104	0.2528	2.5888
Bolivar Corporation								0.0100	0.5216	0.7760	0.9180	0.1104	0.2564	2.5924
Kabletown District	0.0100	0.5216	0.7760	0.9180	0.1104		2.3360							
Middleway District	0.0100	0.5216	0.7760	0.9180	0.1104		2.3360							
Shepherdstown District	0.0100	0.5216	0.7760	0.9180	0.1104		2.3360							
Shepherdstown Corporation								0.0100	0.5216	0.7760	0.9180	0.1104	0.3332	2.6692

JEFFERSON COUNTY, WV - PRODUCTION

YEAR-TO-DATE BUDGET REPORT

FOR 2023 10



ACCOUNTS FOR: 001	GENERAL FUND	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
ORIGINAL APPROP							
001401 COUNTY COMMISSION							
001401 410100	OFFICIALS SALARY	227,675.00	179,483.89	17,195.40	0.00	48,191.11	78.8%
001401 410300	EMPLOYEES SALARY AND WAGES	444,419.00	325,943.67	23,754.06	0.00	141,920.33	69.7%
001401 410400	FICA TAX	40,964.00	30,851.72	2,494.66	0.00	11,565.28	72.7%
001401 410401	MEDICARE EXPENSE	9,582.00	7,215.34	583.43	0.00	2,706.66	72.7%
001401 410500	HEALTH INSURANCE	104,023.00	53,860.68	4,839.20	0.00	50,162.32	51.8%
001401 410599	HEALTH INSURANCE-CONTRA	-104,023.00	-43,280.10	0.00	0.00	-60,742.90	41.6%
001401 410600	RETIREMENT	56,854.00	41,716.45	3,286.80	0.00	17,249.55	70.7%
001401 410801	OVERTIME	1,000.00	993.48	77.61	0.00	6.52	99.3%
001401 421100	TELEPHONE	1,350.00	755.65	0.00	0.00	594.35	56.0%
001401 421400	TRAVEL	4,000.00	9,382.73	0.00	0.00	-5,382.73	234.6%
001401 421800	POSTAGE	500.00	33.74	0.00	0.00	466.26	6.7%
001401 422000	ADVERTISING / LEGAL PUBS	6,200.00	1,503.68	0.00	0.00	4,696.32	24.3%
001401 422100	TRAINING AND EDUCATION	2,500.00	3,231.08	0.00	0.00	-731.08	129.2%
001401 422200	DUES AND SUBSCRIPTIONS	13,015.00	4,200.95	0.00	0.00	8,814.05	32.3%
001401 422300	PROFESSIONAL SERVICES	70,750.00	41,022.15	2,880.00	37,125.00	27,602.85	73.9%
001401 422301	HRA-HEALTH REIMBURSEMENT ACCT	200,000.00	102,601.96	17,421.73	0.00	97,398.04	51.3%
001401 422320	EMPLOYEE ASSISTANCE PGM	3,800.00	3,744.00	0.00	0.00	56.00	98.5%
001401 422400	AUDIT COSTS	35,000.00	35,100.00	35,100.00	0.00	-100.00	100.3%
001401 422600	INSURANCE AND BONDS	328,385.00	332,562.50	0.00	0.00	-2,650.50	100.8%
001401 422601	WORKERS COMP INSURANCE	126,338.00	128,909.00	0.00	0.00	-2,571.00	102.0%

JEFFERSON COUNTY, WV - PRODUCTION

YEAR-TO-DATE BUDGET REPORT



FOR 2023 10

ACCOUNTS FOR:	001 ORIGINAL APPROP	GENERAL FUND REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
001401 422602	20,000.00	UNEMPLOYMENT INSURANCE	9,042.29	0.00	0.00	10,957.71	45.2%
001401 423000	3,000.00	CONTRACTED SERVICES	1,304.24	0.00	0.00	1,695.76	43.5%
001401 423900	85,000.00	INSURANCE PREMIUM RETIREE	79,104.00	8,008.00	0.00	5,896.00	93.1%
001401 434100	1,000.00	MATERIALS AND SUPPLIES	9,288.18	0.00	0.00	-3,288.18	154.8%
001401 449999	0.00	PCARD UNALLOCATED TRANSACTIONS	-16.99	0.00	0.00	16.99	100.0%
001401 456700	4,800.00	CONTR/TRSFR OTHR GOV UNIT	4,800.00	0.00	0.00	0.00	100.0%
001401 456708	14,231.00	IN-KIND RENT-FARMLAND PROT BD	11,859.20	1,185.92	0.00	2,371.80	83.3%
001401 456800	500.00	CONTRIBUTION/ TRANSFER OTHER	0.00	0.00	0.00	500.00	.0%
001401 456800 G2011	150,010.00	CONTRIBUTION/ TRANSFER OTHER	150,010.00	37,502.50	0.00	0.00	100.0%
TOTAL COUNTY COMMISSION	1,850,873.00		1,525,223.49	154,329.31	37,125.00	357,401.51	81.4%
TOTAL GENERAL FUND	1,850,873.00		1,525,223.49	154,329.31	37,125.00	357,401.51	81.4%
TOTAL EXPENSES	1,850,873.00		1,525,223.49	154,329.31	37,125.00	357,401.51	

JEFFERSON COUNTY, WV - PRODUCTION

YEAR-TO-DATE BUDGET REPORT



FOR 2023 10

ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
1,850,873.00	1,919,750.00	1,525,223.49	154,329.31	37,125.00	357,401.51	81.4%

GRAND TOTAL

** END OF REPORT - Generated by Vivian Fields **

JEFFERSON COUNTY, WV - PRODUCTION

YEAR-TO-DATE BUDGET REPORT



REPORT OPTIONS

Sequence 1	Field #	Total	Page Break	Year/Period: 2023/10
Sequence 2	1	Y	Y	Print revenue as credit: Y
Sequence 3	9	Y	N	Print totals only: N
Sequence 4	0	N	N	Suppress zero bal accts: Y
	0	N	N	Print full GL account: N
	0	N	N	Double space: N
				Roll projects to object: N

Report title:
YEAR-TO-DATE BUDGET REPORT

Print Full or Short description: F
Print MTD Version: Y
Print Revenues-Version headings: N
Format type: 1
Print revenue budgets as zero: N
Include Fund Balance: N
Include requisition amount: N
Multiyear view: D
Amounts/totals exceed 999 million dollars: N

Carry forward code: 1
Print journal detail: N
From Yr/Per: 2023/10
To Yr/Per: 2023/10
Include budget entries: Y
Incl encumb/liq entries: Y
Sort by JE # or PO #: J
Detail format option: 1

Find Criteria
Field Name Field Value
Org 001401
Object
Project
Rollup code
Account type
Account status

JEFFERSON COUNTY, WV - PRODUCTION

YEAR-TO-DATE BUDGET REPORT



FOR 2023 10

JOURNAL DETAIL 2023 10 TO 2023 10

ACCOUNTS FOR: 001	GENERAL FUND	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
001401 COUNTY COMMISSION							
001401 410100	OFFICIALS SALARY	227,675.00	179,483.89	17,195.40	0.00	48,191.11	78.8%
2023/10/000028	04/14/2023 PRJ	8,597.70 REF 2321PR			WARRANT=2321PR	RUN=1 BI-WEEKL	
2023/10/000093	04/28/2023 PRJ	8,597.70 REF 2322PR			WARRANT=2322PR	RUN=1 BI-WEEKL	
001401 410300	EMPLOYEES SALARY AND WAGES	444,419.00	325,943.67	23,754.06	0.00	141,920.33	69.7%
2023/10/000028	04/14/2023 PRJ	13,368.06 REF 2321PR			WARRANT=2321PR	RUN=1 BI-WEEKL	
2023/10/000093	04/28/2023 PRJ	10,386.00 REF 2322PR			WARRANT=2322PR	RUN=1 BI-WEEKL	
001401 410400	FICA TAX	40,964.00	42,417.00	2,494.66	0.00	11,565.28	72.7%
2023/10/000028	04/14/2023 PRJ	1,337.35 REF 2321PR			WARRANT=2321PR	RUN=1 BI-WEEKL	
2023/10/000093	04/28/2023 PRJ	1,157.31 REF 2322PR			WARRANT=2322PR	RUN=1 BI-WEEKL	
001401 410401	MEDICARE EXPENSE	9,582.00	9,922.00	583.43	0.00	2,706.66	72.7%
2023/10/000028	04/14/2023 PRJ	312.75 REF 2321PR			WARRANT=2321PR	RUN=1 BI-WEEKL	
2023/10/000093	04/28/2023 PRJ	270.68 REF 2322PR			WARRANT=2322PR	RUN=1 BI-WEEKL	
001401 410500	HEALTH INSURANCE	104,023.00	53,860.68	4,839.20	0.00	50,162.32	51.8%
2023/10/000028	04/14/2023 PRJ	2,470.40 REF 2321PR			WARRANT=2321PR	RUN=1 BI-WEEKL	
2023/10/000093	04/28/2023 PRJ	2,368.80 REF 2322PR			WARRANT=2322PR	RUN=1 BI-WEEKL	
001401 410599	HEALTH INSURANCE-CONTRA	-104,023.00	-43,280.10	0.00	0.00	-60,742.90	41.6%
001401 410600	RETIREMENT	56,854.00	58,966.00	3,286.80	0.00	17,249.55	70.7%
2023/10/000028	04/14/2023 PRJ	1,728.88 REF 2321PR			WARRANT=2321PR	RUN=1 BI-WEEKL	
2023/10/000093	04/28/2023 PRJ	1,557.92 REF 2322PR			WARRANT=2322PR	RUN=1 BI-WEEKL	

JEFFERSON COUNTY, WV - PRODUCTION

YEAR-TO-DATE BUDGET REPORT



JOURNAL DETAIL 2023 10 TO 2023 10									
ACCOUNTS FOR: 001	GENERAL FUND	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED		
ORIGINAL APPROP									
001401 410801	OVERTIME	1,000.00	993.48	77.61	0.00	6.52	99.3%		
2023/10/000093	04/28/2023 PRJ	77.61	REF 2322PR		WARRANT=2322PR	RUN=1 BI-WEEKL			
001401 421100	TELEPHONE	1,350.00	755.65	0.00	0.00	594.35	56.0%		
001401 421400	TRAVEL	4,000.00	9,382.73	0.00	0.00	-5,382.73	234.6%		
001401 421800	POSTAGE	500.00	33.74	0.00	0.00	466.26	6.7%		
001401 422000	ADVERTISING / LEGAL PUBS	6,200.00	1,503.68	0.00	0.00	4,696.32	24.3%		
001401 422100	TRAINING AND EDUCATION	2,500.00	3,231.08	0.00	0.00	-731.08	129.2%		
001401 422200	DUES AND SUBSCRIPTIONS	13,015.00	4,200.95	0.00	0.00	8,814.05	32.3%		
001401 422300	PROFESSIONAL SERVICES	70,750.00	41,022.15	2,880.00	37,125.00	27,602.85	73.9%		
2023/10/000005	04/01/2023 API	900.00	VND 022192 VCH		MILLENIUM INS G HRA ADMINISTRATION FOR APRIL 2		87763		
2023/10/000099	04/18/2023 API	1,980.00	VND 021004 VCH		LAW OFFICE OF G Prof SVCS		87895		
001401 422301	HRA-HEALTH REIMBURSEMENT ACCT	200,000.00	102,601.96	17,421.73	0.00	97,398.04	51.3%		
2023/10/000036	04/04/2023 API	667.83	VND 011048 VCH		ANGELA L BANKS	EMPLOYEE HRA DEDUCTIBLE REIMBU	87817		
2023/10/000036	04/04/2023 API	2,157.26	VND 013002 VCH		ELIZABETH DUTKO	EMPLOYEE HRA DEDUCTIBLE REIMBU	87824		
2023/10/000036	04/04/2023 API	2,466.85	VND 017025 VCH		JAMES P HAYDEN	EMPLOYEE HRA DEDUCTIBLE REIMBU	87828		
2023/10/000036	04/04/2023 API	1,830.88	VND 022137 VCH		MICHAEL MONAGHA	EMPLOYEE HRA DEDUCTIBLE REIMBU	87833		
2023/10/000036	04/04/2023 API	498.53	VND 028215 VCH		WILLIAM SCHWEIT	EMPLOYEE HRA DEDUCTIBLE REIMBU	87845		
2023/10/000069	04/14/2023 API	677.35	VND 015087 VCH		DOUGLAS H FLETC	EMPLOYEE HRA DEDUCTIBLE REIMBU	87855		
2023/10/000069	04/14/2023 API	1,676.61	VND 016004 VCH		JAMIE GREEN	EMPLOYEE HRA DEDUCTIBLE REIMBU	87858		
2023/10/000069	04/14/2023 API	3,250.00	VND 016103 VCH		TONY GAINNEY	EMPLOYEE HRA DEDUCTIBLE REIMBU	87866		
2023/10/000099	04/19/2023 API	4,196.42	VND 020025 VCH		LAURA L KUHN	EMPLOYEE HRA DEDUCTIBLE REIMBU	87894		

JEFFERSON COUNTY, WV - PRODUCTION

YEAR-TO-DATE BUDGET REPORT



FOR 2023 10		JOURNAL DETAIL 2023 10 TO 2023 10						
ACCOUNTS FOR: 001	GENERAL FUND	ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
001401 422320	EMPLOYEE ASSISTANCE PGM	3,800.00	3,800.00	3,744.00	0.00	0.00	56.00	98.5%
001401 422400	AUDIT COSTS	35,000.00	35,100.00	35,100.00	35,100.00	0.00	-100.00	100.3%
2023/10/000069	04/17/2023 API		2,600.00	VND 032033				
2023/10/000069	04/13/2023 API		32,500.00	VND 100002				
2023/10/000069	04/17/2023 API		32,500.00	VND 100002				
2023/10/000069	04/17/2023 POL		-32,500.00	VND 100002	2023086			
2023/10/000072	04/20/2023 APM		-32,500.00	VND 100002				
001401 422600	INSURANCE AND BONDS	328,385.00	329,912.00	332,562.50	0.00	0.00	-2,650.50	100.8%
001401 422601	WORKERS COMP INSURANCE	126,338.00	126,338.00	128,909.00	0.00	0.00	-2,571.00	102.0%
001401 422602	UNEMPLOYMENT INSURANCE	20,000.00	20,000.00	9,042.29	0.00	0.00	10,957.71	45.2%
001401 423000	CONTRACTED SERVICES	3,000.00	3,000.00	1,304.24	0.00	0.00	1,695.76	43.5%
001401 423900	INSURANCE PREMIUM RETIREE	85,000.00	85,000.00	79,104.00	8,008.00	0.00	5,896.00	93.1%
2023/10/000036	04/05/2023 API		8,008.00	VND 027078				
001401 434100	MATERIALS AND SUPPLIES	1,000.00	6,000.00	9,288.18	0.00	0.00	-3,288.18	154.8%
001401 449999	PCARD UNALLOCATED TRANSACTIONS	0.00	0.00	-16.99	0.00	0.00	16.99	100.0%
001401 456700	CONTR/TRSFR OTHR GOV UNIT	4,800.00	4,800.00	4,800.00	0.00	0.00	0.00	100.0%

JEFFERSON COUNTY, WV - PRODUCTION



YEAR-TO-DATE BUDGET REPORT

FOR 2023 10

JOURNAL DETAIL 2023 10 TO 2023 10

ACCOUNTS FOR: 001	GENERAL FUND	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
001401 456708	14,231.00	14,231.00	11,859.20	1,185.92	0.00	2,371.80	83.3%
	IN-KIND RENT-FARMLAND PROT BD						
2023/10/000002 04/30/2023 GEN	1,185.92	REF INKIND			INKIND RENT JCFP		
001401 456800	500.00	CONTRIBUTION/ TRANSFER OTHER	0.00	0.00	0.00	500.00	.0%
	500.00	500.00					
001401 456800 G2011	150,010.00	CONTRIBUTION/ TRANSFER OTHER	150,010.00	37,502.50	0.00	0.00	100.0%
	150,010.00	150,010.00					
2023/10/000003 04/13/2023 API	37,502.50	VND 019044 VCH		JEFF DAY REPORT 2022/23 ALLOCATIONS			87798
	37,502.50	37,502.50					
TOTAL COUNTY COMMISSION	1,919,750.00		1,525,223.49	154,329.31	37,125.00	357,401.51	81.4%
1,850,873.00							
TOTAL GENERAL FUND	1,919,750.00		1,525,223.49	154,329.31	37,125.00	357,401.51	81.4%
1,850,873.00							
TOTAL EXPENSES	1,919,750.00		1,525,223.49	154,329.31	37,125.00	357,401.51	
1,850,873.00							

JEFFERSON COUNTY, WV - PRODUCTION

YEAR-TO-DATE BUDGET REPORT



FOR 2023 10

JOURNAL DETAIL 2023 10 TO 2023 10

ORIGINAL APPROP	REVISED BUDGET	YTD EXPENDED	MTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	% USED
1,850,873.00	1,919,750.00	1,525,223.49	154,329.31	37,125.00	357,401.51	81.4%
GRAND TOTAL						

** END OF REPORT - Generated by Vivian Fields **

JEFFERSON COUNTY, WV - PRODUCTION

YEAR-TO-DATE BUDGET REPORT

REPORT OPTIONS

Sequence 1	Field #	Total	Page Break	Year/Period: 2023/10
Sequence 2	1	Y	Y	Print revenue as credit: Y
Sequence 3	9	Y	N	Print totals only: N
Sequence 4	0	N	N	Suppress zero bal accts: Y
	0	N	N	Print full GL account: N
	0	N	N	Double space: N
				Roll projects to object: N

Report title:
YEAR-TO-DATE BUDGET REPORT

Carry forward code: 1
Print journal detail: Y
From Yr/Per: 2023/10
To Yr/Per: 2023/10
Include budget entries: Y
Incl encumb/liq entries: Y
Sort by JE # or PO #: J
Detail format option: 1

Print Full or Short description: F
Print MTD Version: Y
Print Revenues-Version headings: N
Format type: 1
Print revenue budgets as zero: N
Include Fund Balance: N
Include requisition amount: N
Multiyear view: D
Amounts/totals exceed 999 million dollars: N

Find Criteria
Field Name Field value
Org 001401
Object
Project
Rollup code
Account type
Account status

Public Comment for Jefferson County Commission meeting April 20, 2023

I, David Tabb, a lifelong resident/taxpayer make the following comments:

PUBLIC COMMENT –

At this time, I am just waiting on the State Auditor to respond to my requests. The public should be getting prepared to pay for the increase on property taxes come August.

Presentation #4 – Mike Sine, JCESA

Supply & Equipment – Feb \$31,224.62

Mar \$48,356.23

Has anyone even checked to see what they are buying? There are computers, holders, and tags...it's all over the place. Why do you need 20 computers when you only have 8 ambulances?

I understand that ARPA is paying for this but there should be *some* accountability. This money is not free!

Unfinished Business:

Presentation #8 – Parks & Rec Health Insurance Benefit Plan

There is no request form filed and/or information to act on.

Old Business

Presentation #9 – Extension of Temporary Compensation Increase

There is no request form filed and/or information to act on.

County Administrator Reports:

Tyler Technologies

Finance Director Position

CPA Firm for Financial Audit and Statement

The three topics above have no paperwork for information to grant approval.

Hospitality Request for Transportation Summit

The only one with paperwork! Why is this going to cost \$1,500.00 for 40 people?

“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!

Sorayda Pitts

From: rabblerouser <marc.petitpierre@gmail.com>
Sent: Thursday, April 20, 2023 6:38 PM
To: Sorayda Pitts
Subject: public comment at 4/20/2023 meeting

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

did steve try to interrupt me, and have me busted down again?

shame on you, commissioners, and those who agree with you.
you have a lot of nerve daring to infringe and abridge my first amendment right to express my opinion and exercise my right of freedom of religion.
by having the law busting me down for trying to pray while black/
just because it's different from yours.
this isn't living up to the oath you swore to uphold the constitution.
btw, how's this religion crap working out for you?
with the mess you're making of the county's finances and administration.
still and forever running things by starting crap on social media.
having people quit left and right because of your crap.
churn, churn, churn
no wonder no one lasts very long in their jobs. or doing well at them
no one wants to keep working for you.
because you make it hard for them.
and you don't want to work with them.
or want to serve the public. like elected officials are supposed to in a democracy
you'll need to keep from sticking your nose in on the wrong side of other people's business.
and start minding your own.