

**REGULAR MEETING AGENDA
JEFFERSON COUNTY COMMISSION
FIRST QUARTERLY SESSION JANUARY–MARCH 2024
THURSDAY, MAY 16, 2024
6:00 P.M.
County Commission Meeting Room
Old Charles Town Library
200 E. Washington Street, Charles Town, WV**

CALL TO ORDER

PRAYER

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE TO THE WV FLAG

"I pledge allegiance to the flag of West Virginia, which serves as a constant reminder that "Mountaineers Are Always Free," which stands as a symbol of her majestic mountains, fertile forests, rich veins of coal, and the Pride of her people."

APPROVAL OF MINUTES

- May 2, 2024 Regular Meeting

APPROVAL OF REQUISITIONS

- May 16, 2024

APPROVAL OF ACCOUNTS PAYABLE

- May 9, 2024
- May 16, 2024

APPROVAL OF MANUAL CHECKS

- May 10, 2024
- May 17, 2024

APPROVAL OF PAYROLL

- May 10, 2024

ANNOUNCEMENTS

Report if there are changes in the agenda if applicable

PUBLIC COMMENT

*****To participate in public comment in person, please sign the public comment sign-in sheet located on the table in the back of the room. To participate virtually, please "raise your hand" on the GoToWebinar control panel. Please submit comments via email to info@jeffersoncountywv.org. Your name and any written comments submitted for the record will be included in the meeting minutes.***

PRESENTATIONS

1. 6:10 p.m. Angela Banks, Assessor
 - Exonerations
 - Employee promotions
2. 6:20 p.m. Tom Hansen, Sheriff
 - Approval of Hires – full-time bailiff/trip guard and part-time bailiff
3. 6:30 p.m. Interviews and appointments to the following:
 - Jefferson County Historic Landmarks Commission – one three-year term ending March 31, 2027
 - Property Safety Enforcement Agency Board – one two-year term for citizen representative ending February 8, 2026 and one two-year term for fire chief ending February 8, 2026
4. 6:45 p.m. Roger Goodwin, Chief County Engineer, Department of Engineering, Planning, and Zoning
 - Approval to advertise for building plans reviewer/inspector position
 - Property Safety Enforcement Agency request for petition/complaint hearing date on Property Safety Case 23-001 (Duncan)
5. 7:00 p.m. Mike Sine, Director, Jefferson County Emergency Services
 - EMS Week Proclamation
 - Employee recognition
6. 7:20 p.m. Bessie Nelson, Budget Director
 - State and internal budget revisions for FY24
7. 7:30 p.m. Nathan Cochran, Assistant Prosecuting Attorney
 - a. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property
 - b. Report by counsel on Magistrate Court space and related issues
 - c. Discussion of WV Human Rights Comm. Case No. EREP-49-21

COUNTY ADMINISTRATOR REPORTS

- Article 147
- American Public University (APU) Memorandum of Understanding (MOU)
- Shepherd University Announcement
- Grant match letter
- Update on Sam Michaels Park HVAC

8. ADJOURN

CORRESPONDENCE AND INFORMATION

Impact Fee Status Report for April 2024

Notice of Public Hearing – Sunnyside Industrial Park Rezoning – Thursday, June 6, 2024

Jefferson County Circuit Court Administrative Order Concerning Appointment of Home Confinement Officer

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

Minutes

Jefferson County Commission

Thursday, May 2, 2024

A meeting of the Jefferson County Commission was held on Thursday, May 2, 2024, during the fourth quarterly session at 9:30 am. The meeting was held via GoToWebinar and in-person. Present were President Steve Stolipher, Vice President Jane Tabb, and Commissioner Pasha Majdi. Also present were Edwina Benites-LM, county administrator, Nathan Cochran, assistant prosecuting attorney, and Sorayda Pitts, administrative assistant. The archived meeting of the Thursday, May 2, 2024, meeting is available on the Jefferson County Commission website.

Prayer- Moment of silence

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE OF WEST VIRGINIA FLAG

APPROVAL OF MINUTES

Mr. Stolipher motioned to approve the April 15, 2024, Opioid Settlement Fund Public Workshop meeting minutes. The motion was approved unanimously.

Mr. Stolipher motioned to approve the April 16, 2024, Special Session, Lay the Levy minutes with edits. The motion was approved unanimously.

Mr. Stolipher motioned to approve the April 18, 2024, regular meeting minutes. The motion was approved unanimously with corrections.

Mr. Stolipher motioned to approve the April 22, 2024, Special Session for County Administrator interviews. The motion was approved unanimously.

APPROVAL OF PAYROLL

Mr. Stolipher motioned to approve the payroll for April 26, 2024, in the amount of \$317,230.00. The motion was approved unanimously.

APPROVAL OF ACCOUNTS PAYABLE

CHECK NUMBER		VENDOR NAME	UNCLEARED
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89585		AHA-ARTS & HUMANITIES ALLIANCE	1,249.37
89586		APRIL BLAKER	91.18
89587		AT&T	783.45
89588		AT&T BILL PAYMENT	2.58
89589		BIEDLERS ELEC MOTOR REP	256.96
89590		BUREAU OF CHILD SUPPORT	373.39
89591		COMPTROLLER OF MARYLAND	972.24
89592		EFTPS IRS TAXES	105,731.95
89593		EMPOWER RETIREMENT	6,670.88
89594		GUTTMAN OIL CO	9,991.46
89595		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	1,849.99
89596		JEFFERSON CO CONVENTION AND VISITORS BUREAU	31,234.06
89597		JEFFERSON COUNTY FAIR ASSOCIATION	275.00
89598		JEFF CO PARKS & RECREATION COMMISSION	28,134.71
89599		JEFFERSON SECURITY BANK	4,085.00
89600		KELSEY STIPANOVIC	2,334.73
89601		LANGUAGE LINE SERVICES	41.50
89602		NATIONWIDE RETIREMENT SOLUTIONS	1,065.00
89603		PANSCH INVESTIGATIONS LLC	550.00
89604		PATTON BUILDING SERVICES, INC	17,646.00
89605		DR. ROBERT E. JONES III	1,000.00
89606		UNIFIRST	99.64
89607		WV DEPUTY SHERIFF RETIREMENT SYSTEM	23,304.95
89608		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	4,006.84
89609		WV ENHANCED 911 COUNCIL	600.00
89610		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	47,061.21
89611		WV STATE AUDITOR	2,600.00
89612		WV STATE TAX DEPARTMENT	30,045.91
89613		WV STATE TAX DEPARTMENT	24,501.69
89614	GS/004	GENERAL COUNTY FUND-J FEE	12,408.21
89615	FG/009	RANSON POLICE DEPT	2,207.14
89616	FG/009	SHERIFF OF JEFFERSON COUNTY	6,106.02
89617	BS/011	SHERIFF OF JEFFERSON COUNTY	7,906.97
89618	AM/053	SHERIFF OF JEFFERSON COUNTY	1,786.42
TOTAL			376,974.45

Mr. Stolipher motioned to approve the accounts payable for April 25, 2024, in the amount of \$376,974.45. The motion was approved unanimously.

CHECK NUMBER	VENDOR NAME	UNCLEARED
89619	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	2,116.50

89620	BOLAND TRANE SERVICES INC	1,226.00
89621	CHARLES TOWN PRESBYTERIAN CHURCH	80.00
89622	CHARLES TOWN PRESBYTERIAN CHURCH	34.00
89623	COLONIAL LIFE	95.68
89624	ENVELOPE SUPERSTORE	1,678.49
89625	FIRST CITIZENS BANK & TRUST CO	2,230.47
89626	GUTTMAN OIL CO	5,970.94
89627	HIGHMARK WV	198,832.34
89628	HIPLINK SOFTWARE	2,974.00
89629	NATIONAL BAND & TAG CO	2,930.00
89630	NATIONAL VISION ADMIN.	1,580.80
89631	OLD CHARLES TOWN LIBRARY	1,500.00
89632	MOUNTAINSIDE BACKFLOW LLC	240.00
89633	POTOMAC EDISON	33,300.57
89634	SPIRIT OF JEFFERSON	161.66
89635	THE HARTFORD	2,362.20
89636	THOMAS HANSEN	305.00
89637	TYLER TECHNOLOGIES	36,385.19
89638	WVCORP WV COUNTIES SELF INSURANCE RISK POOL	40,180.50
TOTAL		334,184.34

Mr. Stolipher motioned to approve the accounts payable for May 2, 2024, in the amount of \$334,184.34. The motion was approved unanimously.

APPROVAL OF MANUAL CHECKS

APRIL 25, 2024			
OTHER FUNDS			
Check #	Fund	Vendor	Amount
601	CS/002	EASTERN PANHANDLE MENTAL HEALTH CENTER	\$2,400.00
909	HD/008	SHERIFF OF JEFFERSON COUNTY	\$1,954.75
910	HD/008	US BANK	\$91.40
1148	AV/056	AWVA-A5SOCIATION OF WV ASSESSORS	\$280.00
1149	AV/056	MILLER'S SUPPLIES AT WORK	\$635.40
1150	AV/056	PRINT-O-STAT INC	\$190.00
332	AR/207	SHERIFF OF JEFFERSON COUNTY	\$8,915.97
TOTAL			\$14,467.52

Mr. Stolipher motioned to approve the manual checks for April 26, 2024, in the amount of \$14,467.52. The motion was approved unanimously.

Check #	Fund	Vendor	Amount
		MAY 2, 2024	
		OTHER FUNDS	
1151	AV/056	MONROE SYSTEMS FOR BUSINESS	\$1,091.58
1152	AV/056	PRINTER CONNECTION, INC.	\$40,513.00
333	AR/207	CORPORATION OF SHEPHERDSTOWN	\$30,000.00
334	AR/207	FRIENDSHIP VOLUNTEER FIRE COMPANY	\$1,800.00
1882	CO/246	JEFF CO PARKS & RECREATION COMMISSION	\$55,000.00
992	CW/059	WV STATE POLICE ACCT OFFICE	\$15.00
994	CW/059	RCS SECURITY	\$8,800.00
TOTAL			\$137,219.58

Mr. Stolipher motioned to approve the manual checks for May 3, 2024, in the amount of \$137,219.58. The motion was approved unanimously.

PUBLIC COMMENT:

Public comment was received by:

Jacquelyn Milliron (see attached)

David Tabb (see attached)

Jennifer Krouse (see attached)

Tricia Jackson (see attached)

Brian Parrish

Bob Aitchson (see attached)

PRESENTATIONS

1. Matthew Harvey- Prosecutor attorney- hire of assistant prosecuting attorney request

Mrs. Tabb motioned to hire Travis Nupp as an assistant prosecuting attorney at a rate of \$70,000 annually, and to begin on May 5, 2024. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.

2. Nikki Painter-County clerk’s office-

Mrs. Tabb motioned to convene as a Fiduciary Review Board. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.

-Fiduciary commissioner report for the estate of Tyron Stewart Jr.

Mr. Stolipher motion to accept the recommendation as presented from Mr. Lorenzetti, Fiduciary Commissioner, to remove Fredonia Stewart as successor and appoint Donna

Hearing. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

Mr. Stolipher moved to reconvene in regular session. The motion was seconded by Mr. Majdi. The motion was approved unanimously.

-Set time and location for the Canvas on May 20, 2024.

Mr. Stolipher motioned to hold the 2024 primary canvass at the Jefferson County Courthouse beginning at 9:30 am on May 20, 2024. The motion was seconded by Mr. Majdi. The motion was approved unanimously.

3. Luke Peters- West Virginia Office of Broadband

Presentation only (see attached)

4. Susan McFadden- Kabletown CEOS Club- Proclamation for CEOS Week request

Mrs. Tabb motioned to approve to designate CEOS week, May 19, 2024, through May 25, 2024, in Jefferson County. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.

5. Brooke Perry- Cochran Mill, LLC

Mr. Stolipher motioned to accept the Landowner petition; request a map amendment for Cochran Mill Road, LLC; to refer the matter to the Jefferson County Planning Commission on May 7, 2024, to confirm the petition meets the requirement of the comprehensive plan; and to have the public hearing on June 6, 2024, at 11:00 am during the Jefferson County Commission regular meeting. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

6. Martin Burke, chair, of Jefferson County Historic Landmarks Commission- match for Duffields Depot rehabilitation grant

Mrs. Tabb motioned to provide a grant match of \$13,200 for the Duffields Depot rehabilitation. The funds are to be allocated from the Coal Severance account. The motion was seconded by Mr. Majdi. The motion was approved unanimously.

7. Jennifer Brockman- Planning and Zoning- Full refund on an application deemed unnecessary by staff request

Mr. Stolipher motioned to refund the \$100 fee related to an application that was deemed unnecessary by staff as presented. The motion was seconded by Mr. Majdi. The motion was approved unanimously.

8. Laura Kuhn-director-Jefferson County fleet & facilities management, approval to purchase three, 5-ton heat pump units for the gymnasium at Jefferson County Community Center.

Mr. Majdi motioned to approve the purchase of three (3), 5-ton heat pump units for the gymnasium at Jefferson County community Center at a cost of \$16,645.78. The funds will be allocated from the Capital Outlay account. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.

9. Edwina Benites-LM (on behalf of Jeff Polczynski)- Approval of appointment for two (2) public safety dispatchers

Mr. Majdi motioned to approve the appointment of Jessica Waggonner Noris at \$24.0982 per hour and Emily Daveler at a \$23.7473 per hour, with a training incentive signing bonus of \$2000, and a post-training salary increase upon completion of training. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

10. Mike Sine, director, Jefferson County Emergency Services Agency:

- a)Memorandum Of Understanding with Harpers Ferry National Park Employee Promotion

Mr. Stolipher motioned to approve the updated Memorandum Of Understanding with the Harpers Ferry National Park Service as presented. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

- b)Pay Table Revision

Mrs. Tabb motioned to approve the revised Emergency Service Agency pay table and corresponding ESA policy AP1192 as presented. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.

11. Transfer Employee from Part-Time to Full-Time

Mr. Majdi motioned to transfer Colin Graham (Fire Fighter/Paramedic I) from part-time to full-time continuing at the same rate of \$25.00 per hour until completion of his probationary period. This transfer is to be effective June 30, 2024. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.

- d) Employee Promotion

Mr. Majdi motioned approve the promotion of Kaila Napier from Fire Fighter/Paramedic II to FF/Paramedic III and receive a pay rate increase to \$27.27 per hour. Effective April 21, 2024. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.

12. Bessie Nelson, budget director- FY25 Benefits Selection Approval

Mrs. Tabb motioned to approve the FY25 benefit selection to include medical, dental, vision and life insurance as presented. The motion was seconded by Mr. Majdi. The motion was approved unanimously.

13. Nathan Cochran-Assistant Prosecuting Attorney

a. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property.

b. Discussion and legal advice concerning West Virginia Human Rights Commission docket No. EREP-49-21

Mr. Stolipher moved to enter into executive session to receive legal advice and status updates on the contractual matter in items 12 (a) and (b). The motion seconded was by Mr. Majdi. The Commission approved the motion unanimously.

Mr. Stolipher moved to exit executive session and reconvene in regular session. The motion was seconded by Mr. Majdi. The Commission approved the motion unanimously.

COUNTY ADMINISTRATOR REPORTS

Article 147

Edwina Benites-LM provided update on: Article 147

FY2023 Appropriation requests

Grant Funding- Region 9

Edwina Benites-LM provided an update on Opioid settlement funding

The next steps for the use of opioid settlement funding

Impact fee study progress

Adjourn

The Commission adjourned at 12:48 pm, a motion by Mr. Stolipher. The motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Jackie Shadle
Jefferson County Clerk's Office

**Mutual Aid Agreement
Harpers Ferry National Historical Park
&
Jefferson County Emergency Services Agency
Jefferson County, West Virginia**

This Agreement is entered into by and between the National Park Service (hereinafter "NPS"), United States Department of the Interior, acting through the Superintendent of Harpers Ferry National Historical Park (hereinafter "Park"), and Jefferson County Emergency Services Agency (hereinafter "JCESA"), acting through the Director.

ARTICLE I- BACKGROUND AND OBJECTIVES

The purpose of this Agreement is to provide mutual aid and assistance between the Park and JCESA should emergency medical services/search and rescue operations be needed in, or wildland fires or hazardous materials spills occur on, or threaten or endanger property under the protection of either agency.

Currently, the NPS is primarily responsible for completing detection and suppression of wildfires and providing response to emergency medical incidents/search and rescue operations, and hazardous materials spills on federally owned land within the Park. JCESA is primarily responsible for completing detection and suppression of wildfires and providing response to emergency medical incidents/search and rescue operations, and hazardous materials spills within their response area.

ARTICLE II- AUTHORITY

WHEREAS, pursuant to 16 U.S.C. 450 bb, the NPS administers the Park that was established as a unit of the National Park System, United States Department of the Interior; and

WHEREAS, pursuant to 16 U.S.C. 1b. (1), the NPS may provide for the rendering of emergency rescue, fire suppression and cooperative assistance to nearby fire prevention agencies and for related purposes outside of the National Park System; and

WHEREAS, pursuant to 42 U.S.C. 1856a, the NPS is authorized to enter into reciprocal agreements for mutual aid, to furnish fire protection with any fire organization maintaining fire protection facilities in the vicinity of NPS property and for other property for which said agency normally provides fire protection; and

WHEREAS, the Park and JCESA have determined that the Agreement herein described is compatible with the public interest.

NOW, THEREFORE, pursuant to 42 U.S.C. 1856a, both parties do mutually understand and agree as follows:

ARTICLE III- STATEMENT OF WORK

The area of Park property covered by this Agreement will be that area within JCESA's response area within Jefferson County, West Virginia.

In the execution of this Agreement, employees, or agents of JCESA are not considered employees of the Park or NPS.

The NPS, Park, and JCESA waive all claims against each other for compensation for any loss, damage, personal injury, or death occurring in consequence of activities pursuant to this Agreement.

Neither party to this Agreement will reimburse the other party for all or any part of the cost incurred by such party in providing services pursuant to this Agreement.

Nothing in this Agreement will be construed as obligating the NPS to expend in any one fiscal year any sum in excess of the monies appropriated by Congress and allocated by the NPS for the performance of this Agreement.

The Park and JCESA agree to notify the other of available training in the areas identified and participate in joint training exercises when possible.

The provisions of this Agreement are divided into the following three sections: Wildland Fire (Forest Fire); Emergency Medical Services/Search and Rescue; and Hazardous Materials.

Wildland Fire (Forest Fire)

Each party to this Agreement will furnish such equipment and personnel to aid the other party as can be made available without jeopardizing the fire protection of its own area of responsibility.

Only Minimum Impact Suppression Tactics will be used when fighting fires within the Park. No chainsaws or ground-disturbing equipment such as graders or bulldozers will be used without the permission of the NPS Superintendent or his/her designee.

Each party, to this agreement, will mutually report any fires that occur on or threaten lands within their respective jurisdictional boundaries. Once reported, either party may take immediate action to suppress a fire in the other party's area of primary responsibility in order to save life or property.

The Park will provide an Incident Commander (IC) for incidents on Park lands. The IC will serve as the liaison with the Officer-In-Charge of JCESA on the scene of the incident and will direct and control suppression efforts on Park land. If the fire crosses from Park land to adjacent private land, the Officer-In-Charge of JCESA will take over as IC for suppression activities on private land.

Emergency Medical Services/Search and Rescue

JCESA will respond to all requests for emergency medical services (EMS) and Search and Rescue (SAR) in the Park, within JCESA's response area.

Each party to this Agreement agrees that they will mutually report any EMS or SAR incidents that occur on lands within their respective jurisdictional boundaries.

The Park employee who is first on the scene of an EMS or SAR incident will assume the duties of Incident Commander until relieved by higher qualified Park or JCESA personnel and will order resources as appropriate. When an EMS or SAR incident occurs on land in the Park, Park personnel will assume the duties of IC. When an EMS or SAR incident occurs on the water outside the Park, Park personnel will assist the JCESA IC. Park personnel with the requisite training and experience will respond in a positive manner to requests for assistance from JCESA Officer-In-Charge at the scene. This may include riding in

a JCESA ambulance to assist in providing patient care and/or transport. This may also include transporting Company personnel in Park vehicles and equipment.

Park equipment may be made available for use in SAR operations adjacent to Park boundaries on the request of the JCESA Director or his/her designee. Such equipment will be operated by Park personnel while under the general direction of the IC at the scene of the search and rescue operation.

Hazardous Materials

JCESA will respond to all Hazardous Material spills in the Park, when requested, or when dispatched by Jefferson County Emergency Communications Center.

JCESA will conduct all containment and control efforts within the spill site in accordance with guidelines established by the State of West Virginia, appropriate Federal containment, and control standards and regulations for hazardous materials disposal.

The Park employee who is the first responder to the incident will assume the duties of IC until relieved by someone of higher qualifications. The Officer-In-Charge for JCESA will determine the next level of response, if necessary, and initiate the request for additional assistance.

The Park will provide site security and crowd and traffic control.

The Park will provide support as requested by JCESA within the capabilities of training, equipment, and staffing levels.

The Park will initiate the investigation to identify the responsible party and determine the source of the hazardous material.

The financial responsibility for the clean-up is to be borne by the responsible party, as permitted by law.

ARTICLE IV- TERM OF AGREEMENT

The Agreement will be effective for a period of five years from the date of the final signature, unless it is terminated earlier by one of the parties pursuant to Article X that follows.

ARTICLE V- KEY OFFICIALS

Superintendent
Harpers Ferry National Historical Park
485 Fillmore Street, Harpers Ferry, WV 25425

Director
Jefferson County Emergency Services Agency
419 16th Avenue Ranson, WV, 25438

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

ARTICLE VI- FUNDING

Funds will not be exchanged under this Agreement. In-kind services will be exchanged as set forth in Article III.

ARTICLE VII- PRIOR APPROVAL

Not applicable.

ARTICLE VIII- REPORTS AND/OR OTHER DELIVERABLES

Each party is responsible for its respective timekeeping and other required records and reports. Upon request and to the full extent permitted by applicable law, the parties will share with each other final reports of incidents involving both parties.

ARTICLE IX- PROPERTY UTILIZATION

Unless otherwise agreed to in writing by the parties, any property furnished by one party to the other will remain the property of the furnishing party. Any property furnished by the NPS to the Company during the performance of this Agreement will be used and disposed of as set forth in NPS Property Management Regulations.

ARTICLE X- MODIFICATION AND TERMINATION

This Agreement may be modified only by a written instrument executed by the parties.

Either party may terminate this Agreement by providing the other party with thirty (30) days advance written notice. If one party provides the other party with notice of its intention to terminate, the parties will meet promptly to discuss the reasons for the notice and to try to resolve their differences.

ARTICLE XI- STANDARD CLAUSES

Civil Rights: During the performance of this Agreement, the NPS/Park agree to abide by the terms of USDI-Civil Rights Assurance Certification, non-discrimination and will not discriminate against any person because of race, color, religion, sex or national origin. The participants will take affirmative action to ensure that applicants are employed without regard to their race, color, sexual orientation, national origin, disabilities, religion, age, or sex. The ICESA agrees to abide by the applicable Civil Rights laws of the United States of America and the State of West Virginia, including the West Virginia Human Rights Act, W.Va. Code 5-11-1 et. seq.

The Parties agree that all mutual aid which may be provided between them is provided *gratis* as a voluntary public service between agencies and does not constitute federal funding. The Parties further understand and agree nothing in this agreement creates, nor shall be construed to create, the ICESA, the Jefferson County Commission, any of their agents or employees as "recipients of federal funds." Furthermore, the Parties further understand and agree nothing in this agreement creates, nor shall be construed to create, the ICESA, the Jefferson County Commission, any of their agents or employees to be federal contractors within the meaning of OFCCP rules and regulations or any other federal rule or regulation.

Promotions: The Company shall not publicize, or otherwise circulate, promotional material (such as advertisements, sales brochures, press releases, speeches, still and motion pictures, articles, manuscripts, or

other publications) which states or implies Governmental, Departmental, bureau or Government employee endorsement of a product, service, or position which the Company represents. No release of information relating to this agreement may state or imply that the Government approves of JCESA's work product or considers JCESA's work product to be superior to other products or services.

Public Information Release: JCESA must obtain prior approval from the Superintendent, Harpers Ferry National Historical Park, for any public information releases which refer to the Department of the Interior, any bureau, park unit, or employee, or this Agreement. The specific text, layout, photographs, etc., of the proposed release must be submitted with the request for approval.

ARTICLE XII- SIGNATURES

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the date(s) set forth below.

RYAN LEVINS

Digitally signed by RYAN LEVINS
Date: 2024.03.29 08:15:43 -04'00'

Ryan Levins
Superintendent (Acting)
Harpers Ferry National Historical Park

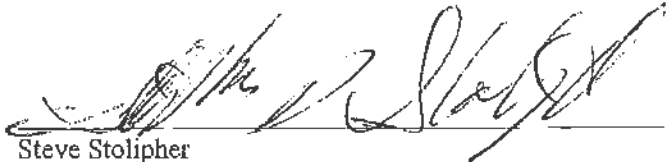
Date



Theodore (Mike) Sine
Director
Jefferson County Emergency Services Agency

4/26/2024

Date



Steve Stolipher
President
Jefferson County Commission

5/2/24

Date

In my time here as an elected county commissioner, I have seen enough to know that there is an awful lot of corruption in county and state politics. I am very saddened to know that some people who once told me they were my friend, they were lying to me. But many people were telling the truth. There are many silver linings to the cloudy situation I find myself in right now. I have made many new TRUE friends. Children in Jefferson county are now protected from perverts and predators who seek to expose them to obscene events. These county commission meetings are now covered in prayer for every single meeting until the end of this year, as they were for almost the entirety of last year. I fought hard for transparency in this very dark county government. Two county commissioners sitting here right now voted against bringing prayer to our meetings, and they voted against protecting Jefferson county's children. How can they justify these actions in their minds? And all three sitting here today voted against giving all county commissioners their voice on this commission, and they voted against giving the people of this county their voice. They do not listen to the people of this county, they only seek to serve themselves. IN MY OPINION.

1 of 2

In my time here I have fought hard for our county residents- I cared not what party affiliation they are. I did my best for everyone. The very sad thing is that I had to fight against people that I shouldn't have- people in my own republican party. I am ashamed of most of those in leadership here in this county- County AND state officials alike. At a time when I was fighting for not just Jefferson County, but for the whole of WV, I was abandoned by those in leadership because they were scared. They were scared because they care more about getting elected than about fighting for the will of WE THE PEOPLE. What they don't seem to get is that the people would be ON THEIR SIDE if they chose to go against the establishment, who are selling WV out right from under our noses to BIDEN'S GREEN NEW DEAL.

former

And, Mr Harvey, I know that you have been out there defaming me to certain good members of the public, calling me a criminal. I am no criminal. I live for GOD. I always try to do what is right in HIS eyes. But hey, if one has to blow into a machine to start one's car, maybe you should remember: Yall without sin can cast the first stone.

73 Truly God is good to Israel, even to such as are of a clean heart.

2 But as for me, my feet were almost gone; my steps had well nigh slipped.

3 For I was envious at the foolish, when I saw the prosperity of the wicked.

4 For there are no bands in their death: but their strength is firm.

5 They are not in trouble as other men; neither are they plagued like other men.

6 Therefore pride compasseth them about as a chain; violence covereth them as a garment.

7 Their eyes stand out with fatness: they have more than heart could wish.

8 They are corrupt, and speak wickedly concerning oppression: they speak loftily.

9 They set their mouth against the heavens, and their tongue walketh through the earth.

10 Therefore his people return hither: and waters of a full cup are wrung out to them.

11 And they say, How doth God know? and is there knowledge in the most High?

12 Behold, these are the ungodly, who prosper in the world; they increase in riches.

13 Verily I have cleansed my heart in vain, and washed my hands in innocency.

14 For all the day long have I been plagued, and chastened every morning.

15 If I say, I will speak thus; behold, I should offend against the generation of thy children.

16 When I thought to know this, it was too painful for me;

17 Until I went into the sanctuary of God; then understood I their end.

18 Surely thou didst set them in slippery places: thou castedst them down into destruction.

19 How are they brought into desolation, as in a moment! they are utterly consumed with terrors.

20 As a dream when one awaketh; so, O Lord, when thou awakest, thou shalt despise their image.

21 Thus my heart was grieved, and I was pricked in my reins.

22 So foolish was I, and ignorant: I was as a beast before thee.

23 Nevertheless I am continually with thee: thou hast holden me by my right hand.

24 Thou shalt guide me with thy counsel, and afterward receive me to glory.

25 Whom have I in heaven but thee? and there is none upon earth that I desire beside thee.

26 My flesh and my heart faileth: but God is the strength of my heart, and my portion for ever.

27 For, lo, they that are far from thee shall perish: thou hast destroyed all them that go a whoring from thee.

28 But it is good for me to draw near to God: I have put my trust in the Lord God, that I may declare all thy works.

Public Comment
Jennifer Krouse
May 2, 2024

2 of 2

1. **Forensic audit regarding the Tyler Munis system.** Your constituents deserve to know which staff has access to the accounting and finances and who is their back up for the continuity of government. Taxpayers should be able to see how their money is spent right down to the invoice. I am requesting once again for a forensic independent audit of the ~~county~~ finances to include the Tyler software system. I have witnessed staff complaints about no pay raises and feel that if there another \$1 million out there somewhere, that they deserve to know as well.

2. **Initial House Bill 4949 turned into Senate Bill 782—change of permit policy.**

During the Budget Session, the head of engineering and planning was allocated additional staff within his department for the upcoming fiscal year. The public was also told that some are willing to pay more in permit fees to be at the top of the review stack. Let's learn about those at the perpetual bottom of the stack.

This commission should be aware that each application is currently taking a minimum of 20-25 business days. That 20-25 business days does not start until the department gets the application fee. The department currently takes about 7 business days to determine those fees. Even if you pay the fee the same day the department issues the invoice, a builder is looking at 6 weeks for any response from the department from the initial submittal date.

If there are simple labelling errors and the applicant corrects and resubmits the same day alerted, the application is treated like brand new and is placed at the bottom of the pile for another 4-5 week wait, to be checked for more minor and major corrections.

It doesn't stop there. Upon the check review, if the county finds additional errors that it missed in the first review, the application is then once again put at the bottom of the stack for another 4-5 weeks. This is not equitable since minor labelling errors ~~are~~ ^{are not} the same as engineering rework.

How does this apply to Senate Bill 782? That Bill forces the building department to deny or approve an application for a permit within 60 days. If the department does nothing, then the application is automatically approved. The only entities that can reasonably afford to challenge a denial are large corporations. In this Bill, the government has virtuously provided itself exclusive rights to extensions when state or federal agencies are involved. Corporate and government funded applications would likely be treated as priority and approved. Yes, priority to some of the same people who offered to pay more to be at the top of the stack. Can the Commission guess where the average small business and homeowner fits in this process? At the bottom of the pile, hoping that they don't have to reapply and repay fees.

This Commission should consider providing small businesses and taxpayers, who can't compete with the corporate cookie stamp, with a streamline boiler plate and online examples of a perfect application with clearly outlined procedures. A builder who forgot to cross a T should not be penalized by another spin on the county permits carousel.

3. **Information regarding Public Comment:** The City of Vienna has not only a convocation at their public meetings but they also provide 5 min public comment.

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Enrolled

Senate Bill 782

By Senators Swope, Jefferies, and Plymale

[Passed March 4, 2024; in effect 90 days from
passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §8A-13-1, §8A-13-2, §8A-13-3, and §8A-13-4, all relating to local permitting
3 deadlines and extensions for applications for a permit, license, variance, or any other type
4 of prior approval from a governing body or planning commission of a municipality or county
5 for an action related to the development or improvement of property.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. LOCAL PERMITTING DEADLINES.

§8A-13-1.

Definition.

1 For purposes of this article, "request" means an application for a permit, license, variance,
2 or any other type of prior approval from a governing body or planning commission of a municipality
3 or county for an action related to the development or improvement of property.

§8A-13-2.

Deadline.

1 (a) If an applicant submits a request to a governing body or planning commission of a
2 municipality or county, then the governing body or planning commission of the municipality or
3 county must approve or deny the applicant's request within 60 days. The following applies if:

4 (1) The governing body or planning commission fails to approve or deny the applicant's
5 request within 60 days, then the request is approved.

6 (2) The time limit in this section begins upon the governing body or planning commission's
7 receipt of a request from an applicant.

8 (3) The governing body or planning commission approves the request, then the governing
9 body or planning commission may not impose on the applicant additional requirements related to
10 the request.

11 (4) The governing body or planning commission denies the request, then the governing
12 body or planning commission must provide the applicant a statement in writing of the reasons for
13 the denial.

14 (5) A governing body or planning commission denies a request for being incomplete, then

15 the governing body or planning commission must provide the applicant a statement in writing of
16 the reasons the request is incomplete. The request is incomplete if the request fails to contain all
17 information required by law or by a previously adopted rule, ordinance, or policy.

§8A-13-3. Extension.

1 The time limit in §8A-13-2 of this code may be extended. The following applies:

2 The time limit in §8A-13-2 of this code is extended if a request requires prior approval of a
3 state or federal agency. The time limit is extended to 60 days after the required prior approval is
4 granted. The extension may not exceed 60 days, unless approved by the applicant.

5 An applicant may request an extension in writing.

§8A-13-4. Applicability.

1 The time limit in §8A-13-2 of this code does not apply to state agencies.

Jefferson county Commission Meeting May 2, 2024 Public Comment – prepared by Jacquelyn Milliron

1. request for forensic audit regarding the Tyler Munis system. Your constituents deserve to know which staff has access to the accounting and finances and who is their back up for the continuity of government. Taxpayers should be able to see how their money is spent right down to the invoice.

2. Initial House Bill 4949 turned into Senate Bill 782—change of permit policy.
 - a. During the Budget Session, the head of engineering and planning was allocated additional staff within his department for the upcoming fiscal year. The public was also told that some builders are willing to pay more in permit fees to be at the top of the review stack. Let's learn about those at the perpetual bottom of the stack.

This commission should be aware that each application is currently taking a minimum of 20-25 business days. That 20-25 business days does not start until the department gets the application fee and the department currently takes about 7 business days to determine those fees. Even if you pay the fee the same day the department issues the invoice, a builder is looking at 6 weeks for any communication from the department from the initial submittal date.

If there are simple labelling errors and the applicant corrects and resubmits the same day, the application is treated like brand new and is placed at the bottom of the pile for another 4-5 week wait to be checked for both minor and major corrections.

It doesn't stop there. Upon the check review, if the county finds additional errors that it missed in the first review, the application is then once again put at the bottom of the stack for another 4-5 weeks. This might give the appearance of equity, but when the county has no boiler plate for even licensed contractors, this method can and perhaps does make or break small businesses.

How does this apply to Senate Bill 782 fit into the dilemma? That bill forces the building department to deny or approve an application for a permit within 60 days. If the department does nothing then the application is automatically approved. We all know that the only entities that can afford to challenge a denial are large corporations that our county government virtuously doesn't want to spend to defend. So, poof, corporate applications are approved. Yes, the same ones who offered to pay more to be at the top. Can the Commission guess where the average small business will be? At the bottom of the pile and hoping that they don't have to reapply and repay.

This Commission should consider providing small businesses and taxpayers, who can't compete with the corporate cookie stamp, with a streamline boiler plates and online examples of a perfect application. A builder who forgot to cross a T should not be penalized by another spin on the county carousel.

3. Information regarding Public Comment: The City of Vienna has not only a convocation at their public meetings but they also provide 5 min public comment.

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4949

By Delegates Howell, Linville, Akers, Stephens, Willis,
Hornby, Winzenreid, Crouse, Dittman, Jeffries, and W.
Clark

[Introduced January 19, 2024; Referred to the
Committee on Political Subdivisions then Government
Organization]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §8A-13-1, §8A-13-2, and §8A-13-3, all relating to modifying local permitting
3 deadlines for local governing bodies or planning commissions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 13. LOCAL PERMITTING DEADLINES.

§8A-13-1. Definition.

1 For purposes of this article, "request" means an application for a permit, license, variance,
2 or any other type of prior approval from a governing body or planning commission of a municipality
3 or county for an action related to the development or improvement of property.

§8A-13-2. Deadline.

1 If an applicant submits a request to a governing body or planning commission of a
2 municipality or county, then the governing body or planning commission of the municipality or
3 county must approve or deny the applicant's request within 60 days. The following applies:

4 (a) If the governing body or planning commission fails to approve or deny the applicant's
5 request within 60 days, then the request is approved.

6 (b) The time limit in this section begins upon the governing body or planning commission's
7 receipt of a request from an applicant.

8 (c) If the governing body or planning commission approves the request, then the governing
9 body or planning commission may not impose on the applicant additional requirements related to
10 the request.

11 (d) If the governing body or planning commission denies the request, then the governing
12 body or planning commission must provide the applicant with a statement in writing of the reasons
13 for the denial.

14 (e) If the governing body or planning commission denies a request for being incomplete,
15 then the governing body or planning commission must provide the applicant a statement in writing

16 of the reasons the request is incomplete. The request is incomplete if the request fails to contain
17 all information required by law or by a previously adopted rule, ordinance, or policy.

§8A-13-3. Extension.

1 The time limit in §8A-13-2 of this code may be extended. The following applies:

2 (a) The time limit in §8A-13-2 of this code is extended if a request requires prior approval of
3 a state or federal agency. The time limit is extended to 60 days after the required prior approval is
4 granted. The extension may not exceed 60 days, unless approved by the applicant.

5 (b) An applicant may request an extension in writing.

NOTE: The purpose of this bill is to modify local permitting deadlines for local governing bodies or planning commissions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.

Tricia Jackson
5/2/2024

The people of Jefferson County are witnessing an injustice. The entire system is being exposed and we see now that there are no checks and balances. A court decision has removed two duly elected servants of the people from office. An election has been overturned and the will of the people has been subverted. I am working with my attorney and plan to file an immediate appeal. I have no intention of surrendering and plan to challenge this unjust decision every step of the way. Elections mean something and I will continue fight for the citizens of Jefferson County against those that are working to do us wrong.

The lawfare attacks on President Trump that we are witnessing on the National level are now happening in West Virginia. Just like with President Trump, my opponents have weaponized the legal system to attempt to suppress and deny the will of the voter. As described by many reporting on the Trump legal proceedings, this is election interference.

The people of Jefferson County did not ask for this, nor did they want it. Over the past few months, the groundswell of support from voters has been overwhelming. I am truly humbled by the amount of support and love that has been shown to me. I will not forget it and I will continue to fight for the good people of Jefferson County and the state of West Virginia.

Just like with President Trump, the establishment is afraid of me and what I will do when I become the next West Virginia State Auditor. Can anyone imagine what they are so afraid of? As for me, I am more certain and determined in my resolve to continue to fight to expose the corruption that has wronged the people of Jefferson County and I will do the same for the people of West Virginia.

I haven't given up fighting for you and I am asking you not to give up fighting either. Let's continue this fight together. Thank you for your support thus far, and I am asking you to continue to fight alongside me to fight the corruption; to fight the entrenched good old boy establishment by sending me to Charleston as your next West Virginia State Auditor.

Someone needs to watch what the 3 do when they start spending like drunken sailors. They have already given you a preview.

Public Comment 5/2/24
Tricia Jackson



THE
CONSTITUTION
of the United States



No Person shall be a Senator who shall not have attained to the Age of thirty Years, and been nine Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State for which he shall be chosen

The Vice President of the United States shall be President of the Senate, but shall have no Vote, unless they be equally divided.

The Senate shall chuse their other Officers, and also a President pro tempore, in the Absence of the Vice President, or when he shall exercise the Office of President of the United States

The Senate shall have the sole Power to try all Impeachments. When sitting for that Purpose, they shall be on Oath or Affirmation. When the President of the United States is tried, the Chief Justice shall preside: And no Person shall be convicted without the Concurrence of two thirds of the Members present.

Judgment in Cases of Impeachment shall not extend further than to removal from Office, and disqualification to hold and enjoy any Office of honor, Trust or Profit under the United States: but the Party convicted shall nevertheless be liable and subject to Indictment, Trial, Judgment and Punishment, according to Law.

SECTION. 4

The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the Places of chusing Senators.

The Congress shall assemble at least once in every Year, and such Meeting shall be [on the first Monday in December,]* unless they shall by Law appoint a different Day.

SECTION. 5.

Each House shall be the Judge of the Elections, Returns and Qualifications of its own Members, and a Majority of each shall constitute a Quorum to do Business; but a smaller Number may adjourn from day to day, and may be authorized to compel the Attendance of absent Members, in such Manner, and under such Penalties as each House may provide.

Each House may determine the Rules of its Proceedings, punish its Members for disorderly Behaviour, and, with the Concurrence of two thirds, expel a Member.

Each House shall keep a Journal of its Proceedings, and from time to time publish the same, excepting such Parts as may in their Judgment require Secrecy; and the Yeas and Nays of the Members of either House on any question shall, at the Desire of one fifth of those Present, be entered on the Journal.

Neither House, during the Session of Congress, shall, without the Consent of the other, adjourn for more than three days, nor to any other Place than that in which the two Houses shall be sitting.

SECTION. 6

The Senators and Representatives shall receive a Compensation for their Services, to be ascertained by Law, and paid out of the Treasury of the United States. They shall in all Cases, except Treason, Felony and Breach of the Peace, be privileged from Arrest during their Attendance at the Session of their respective Houses, and in going to and returning from the same; and for any Speech or Debate in either House, they shall not be questioned in any other Place.

No Senator or Representative shall, during the Time for which he was elected, be appointed to any civil Office under the Authority of the United States, which shall have been created, or the Emoluments whereof shall have been increased during such time; and no Person holding any Office under the United States, shall be a Member of either House during his Continuance in Office.

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards and other needful Buildings;
-And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

SECTION. 9

The Migration or Importation of such Persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the Year one thousand eight hundred and eight, but a Tax or duty may be imposed on such Importation, not exceeding ten dollars for each Person

The Privilege of the Writ of Habeas Corpus shall not be suspended, unless when in Cases of Rebellion or Invasion the public Safety may require it.

No Bill of Attainder or ex post facto Law shall be passed.

[No Capitation, or other direct, Tax shall be laid, unless in Proportion to the Census or Enumeration herein before directed to be taken.]*

No Tax or Duty shall be laid on Articles exported from any State

No Preference shall be given by any Regulation of Commerce or Revenue to the Ports of one State over those of another: nor shall Vessels bound to, or from, one State, be obliged to enter, clear, or pay Duties in another.

No Money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law; and a regular Statement and Account of the Receipts and Expenditures of all public Money shall be published from time to time.

No Title of Nobility shall be granted by the United States: And no Person holding any Office of Profit or Trust under them, shall, without the Consent of the Congress, accept of any present, Emolument, Office, or Title, of any kind whatever, from any King, Prince, or foreign State.

SECTION. 10

No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal; coin Money; emit Bills of Credit; make any Thing but gold and silver Coin a Tender in Payment of Debts; pass any Bill of Attaiuder, ex post facto Law, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

No State shall, without the Consent of the Congress, lay any Imposts or Duties on Imports or Exports, except what may be absolutely necessary for executing it's inspection Laws: and the net Produce of all Duties and Imposts, laid by any State on Imports or Exports, shall be for the Use of the Treasury of the United States; and all such Laws shall be subject to the Revision and Controul of the Congress.

No State shall, without the Consent of Congress, lay any Duty of Tonnage, keep Troops, or Ships of War in time of Peace, enter into any Agreement or Compact with another State, or with a foreign Power, or engage in War, unless actually invaded, or in such imminent Danger as will not admit of delay.

SECTION. 2

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States; he may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices; and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment.

He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, Judges of the supreme Court, and all other Officers of the United States, whose Appointments are not herein otherwise provided for, and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments.

The President shall have Power to fill up all Vacancies that may happen during the Recess of the Senate, by granting Commissions which shall expire at the End of their next Session

SECTION. 3

He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; he shall take Care that the Laws be faithfully executed, and shall Commission all the Officers of the United States

SECTION. 4

The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

Article. IV.

SECTION. 1

Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State. And the Congress may by general Laws prescribe the Manner in which such Acts, Records and Proceedings shall be proved, and the Effect thereof.

SECTION. 2

The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States
A Person charged in any State with Treason, Felony, or other Crime, who shall flee from Justice, and be found in another State, shall on Demand of the executive Authority of the State from which he fled, be delivered up, to be removed to the State having Jurisdiction of the Crime.

No Person held to Service or Labour in one State, under the Laws thereof, escaping into another, shall, in Consequence of any Law or Regulation therein, be discharged from such Service or Labour, but shall be delivered up on Claim of the Party to whom such Service or Labour may be due.]*

SECTION. 3

New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State.

SECTION. 4

The United States shall guarantee to every State in this Union a Republican Form of Government, and shall protect each of them against Invasion; and on Application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic Violence.

Article. V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose Amendments to this Constitution, or, on the Application of the Legislatures of two thirds of the several States, shall call a Convention for proposing Amendments, which in either Case, shall be valid to all Intents and Purposes, as Part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three fourths thereof, as the one or the other Mode of Ratification may be proposed by the Congress; Provided that no Amendment which may be made prior to the Year One thousand eight hundred and eight shall in any Manner affect the first and fourth Clauses in the Ninth Section of the first Article; and that no State, without its Consent, shall be deprived of its equal Suffrage in the Senate

DELAWARE

Geo: Read
Gunning Bedford jun
John Dickinson
Richard Bassett
Jaco: Broom

MARYLAND

James McHenry
Dan of St. Thos. Jenifer
Daul Carroll

VIRGINIA

John Blair-
James Madison Jr.

NORTH CAROLINA

Wm. Blount
Richd. Dobbs Spaight
Hu Williamson

SOUTH CAROLINA

J. Rutledge
Charles Cotesworth Pinckney
Charles Pinckney
Pierce Butler

GEORGIA

William Few
Abr Baldwin

Attest William Jackson Secretary

In Convention Monday
September 17th, 1787.

Present

The States of

New Hampshire, Massachusetts, Connecticut, Mr. Hamilton from New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, South Carolina and Georgia.

Resolved,

That the preceding Constitution be laid before the United States in Congress assembled, and that it is the Opinion of this Convention, that it should afterwards be submitted to a Convention of Delegates, chosen in each State by the People thereof, under the Recommendation of its Legislature, for their Assent and Ratification; and that each Convention assenting to, and ratifying the Same, should give Notice thereof to the United States in Congress assembled.

Resolved, That it is the Opinion of this Convention, that as soon as the Conventions of nine States shall have ratified this Constitution, the United States in Congress assembled should fix a Day on which Electors should be appointed by the States which shall have ratified the same, and a Day on which the Electors should assemble to vote for the President, and the Time and Place for commencing Proceedings under this Constitution

That after such Publication the Electors should be appointed, and the Senators and Representatives elected: That the Electors should meet on the Day fixed for the Election of the President, and should transmit their Votes certified, signed, sealed and directed, as the Constitution requires, to the Secretary of the United States in Congress assembled, that the Senators and Representatives should convene at the Time and Place assigned; that the Senators should appoint a President of the Senate, for the sole Purpose of receiving, opening and counting the Votes for President; and, that after he shall be chosen, the Congress, together with the President, should, without Delay, proceed to execute this Constitution

By the unanimous Order of the Convention

Go. Washington-President:
W. JACKSON Secretary.

* Language in brackets has been changed by amendment.

Amendment VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defence.

Amendment VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

Amendment VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Amendment IX.

The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

Amendment X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

AMENDMENTS 11-27

Amendment XI.

Passed by Congress March 4, 1794. Ratified February 7, 1795.

(Note: A portion of Article III, Section 2 of the Constitution was modified by the 11th Amendment.)

The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

Amendment XII.

Passed by Congress December 9, 1803. Ratified June 15, 1804.

(Note: A portion of Article II, Section 1 of the Constitution was changed by the 12th Amendment.)

The Electors shall meet in their respective states, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same state with themselves; they shall name in their ballots the person voted for as President, and in distinct ballots the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of the government of the United States, directed to the President of the Senate; the President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates and the votes shall then be counted; The person having the greatest number of votes for President, shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by states, the representation from each state having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. [And if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in case of the death or other constitutional disability of the President.-]* The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed, and if no person have a majority, then from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

*Superseded by Section 3 of the 20th Amendment.

Amendment XV.

Passed by Congress February 26, 1869. Ratified February 3, 1870.

SECTION 1

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SECTION 2

The Congress shall have the power to enforce this article by appropriate legislation.

Amendment XVI.

Passed by Congress July 2, 1909. Ratified February 3, 1913.

(Note: Article I, Section 9 of the Constitution was modified by the 16th Amendment.)

The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several States, and without regard to any census or enumeration.

Amendment XVII.

Passed by Congress May 13, 1912. Ratified April 8, 1913.

(Note: Article I, Section 3 of the Constitution was modified by the 17th Amendment.)

The Senate of the United States shall be composed of two Senators from each State, elected by the people thereof, for six years; and each Senator shall have one vote. The electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State legislatures.

When vacancies happen in the representation of any State in the Senate, the executive authority of such State shall issue writs of election to fill such vacancies: Provided, That the legislature of any State may empower the executive thereof to make temporary appointments until the people fill the vacancies by election as the legislature may direct.

This amendment shall not be so construed as to affect the election or term of any Senator chosen before it becomes valid as part of the Constitution.

Amendment XVIII.

Passed by Congress December 18, 1917. Ratified January 16, 1919. Repealed by the 21st Amendment, December 5, 1933.

SECTION 1

After one year from the ratification of this article the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

SECTION 2

The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

SECTION 3

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.

Amendment XIX.

Passed by Congress June 4, 1919. Ratified August 18, 1920.

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of sex.

Congress shall have power to enforce this article by appropriate legislation.

Amendment XXII.

Passed by Congress March 21, 1947. Ratified February 27, 1951.

SECTION 1

No person shall be elected to the office of the President more than twice, and no person who has held the office of President, or acted as President, for more than two years of a term to which some other person was elected President shall be elected to the office of President more than once. But this Article shall not apply to any person holding the office of President when this Article was proposed by Congress, and shall not prevent any person who may be holding the office of President, or acting as President, during the term within which this Article becomes operative from holding the office of President or acting as President during the remainder of such term.

SECTION 2

This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress.

Amendment XXIII.

Passed by Congress June 16, 1960. Ratified March 29, 1961.

SECTION 1

The District constituting the seat of Government of the United States shall appoint in such manner as Congress may direct:

A number of electors of President and Vice President equal to the whole number of Senators and Representatives in Congress to which the District would be entitled if it were a State, but in no event more than the least populous State; they shall be in addition to those appointed by the States, but they shall be considered, for the purposes of the election of President and Vice President, to be electors appointed by a State; and they shall meet in the District and perform such duties as provided by the twelfth article of amendment.

SECTION 2

The Congress shall have power to enforce this article by appropriate legislation.

Amendment XXIV.

Passed by Congress August 27, 1962. Ratified January 23, 1964.

SECTION 1

The right of citizens of the United States to vote in any primary or other election for President or Vice President, for electors for President or Vice President, or for Senator or Representative in Congress, shall not be denied or abridged by the United States or any State by reason of failure to pay poll tax or other tax.

SECTION 2

The Congress shall have power to enforce this article by appropriate legislation.

The NCC is an independent, non-partisan, nonprofit organization that was established in 1988 under the Constitution Heritage Act. The Center's mission is to increase awareness and understanding of the Constitution, the Constitution's history and its relevance to people's daily lives.

NATIONAL CONSTITUTION CENTER



National Constitution Center
525 Arch Street
Independence Mall
Philadelphia, PA 19106

(215) 409-6600

www.constitutioncenter.org

**Public Comment for Jefferson County Commission meeting for
May 2, 2024**

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

PUBLIC COMMENT –

It appears we are in trying times where a few elected officials are controlling the tax payers. We have two elected County Commissioners that are temporary being removed from their elected offices. This is not over. There is an appeal process that for the next 30 days, you Mr. Stolipher, can not replace them. Its truly sad that a few bad people have control over the majority of the good hard-working people of Jefferson County. We aren't the only ones. Unfortunately, this is only the beginning. This is occurring across our nation and around the world.

I believe that good will prevail over evil. It just takes a lot longer when the bad (elected officers) have their hand on the money. This brings to mind a phrase within a song, "*...only the good die young...*". The only hope is the bad will parish at some point.

I had over forty calls yesterday with a general question. "*What can we do?*" It's simple - vote! I am on the ballot and I can't say what political party I am registered with since Judge Hammer put a gag order on me (copy attached). So, I can't campaign. The phrase "*I'll be back*" comes to mind. Well, I never left and I don't intend to quit or leave. Ms. Krouse and Ms. Jackson received your vote, and you put them into office. Now, they need your help to keep them there. Call the Governor, our legislators and Federal agencies to put a stop to this out-of-control takeover by a few elected officials.

"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!

The Defendants requested that the damages hearing be “held in abeyance.” With appropriate deference to the fact that they are self-represented, the Court treats their request as a request for a stay.

“Documents” includes writings, drawings, graphs, charts, photographs, sound recordings, images, and other data or data compilations – stored in any medium from which information can be obtained.

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.



WEST VIRGINIA

Economic Development

WestVirginia.gov



**West Virginia BEAD Program:
Update Delivery to
Jefferson County Commission**

May 2, 2024

West Virginia Office of Broadband Introductions



Kelly Workman, Director, WVDED



Luke Peters, Program Manager, WVDED

Disclaimers

- This Program will use funding allocated to the State of West Virginia under the Infrastructure Investment and Jobs Act (IIJA). Program parameters are subject to National Telecommunication and Information Administration (NTIA) and U.S. Department of Commerce rules and guidance, and other federal and state requirements.
- Visit broadband.wv.gov for the complete draft Deployment Program Procedures.
- West Virginia's Initial Proposal Volume Two has received NTIA approval, and its content is authoritative to any summarized guidance shared verbally or in this presentation.
- In the event of any discrepancy between any requirements presented and any federal funding requirements, the latter will prevail and will be reflected in future presentations.
- You must submit a Pre-Application to be eligible for the Full-Application.

Infrastructure Investment and Jobs Act (IIJA)

- **Broadband Equity, Access, and Deployment (BEAD)**
 - \$42.45 billion nationally
 - \$5 million in planning funds for West Virginia
 - \$1.2 billion allocation to West Virginia
 - Allocations based upon FCC National Broadband Map-June 2023
- **Key Goals**
 - Universal broadband connectivity in West Virginia
 - Creation of Five-Year Action Plan to reach all unserved locations
 - Integrate State Digital Equity Plan to increase internet adoption

Infrastructure Investment and Jobs Act (IIJA)

- **Digital Equity (DE) Act**
 - \$2.75 billion nationally
 - \$732,000 in planning funds for West Virginia
 - Future formula funding and competitive grants
- **Key Goals**
 - Digital equity and inclusion
 - Affordable high-speed internet
 - Affordable internet enabled devices
 - Digital skills training – cybersecurity, privacy, workforce development

Summary of State Plans

**BEAD Five - Year
Action Plan**

Approved August 2023

**BEAD Initial
Proposal Vol. 1**

Approved January 2024

**BEAD Initial
Proposal Vol. 2**

Approved April 2024

Digital Equity Plan

Approved February 2024

*all included draft public input periods and federal reviews



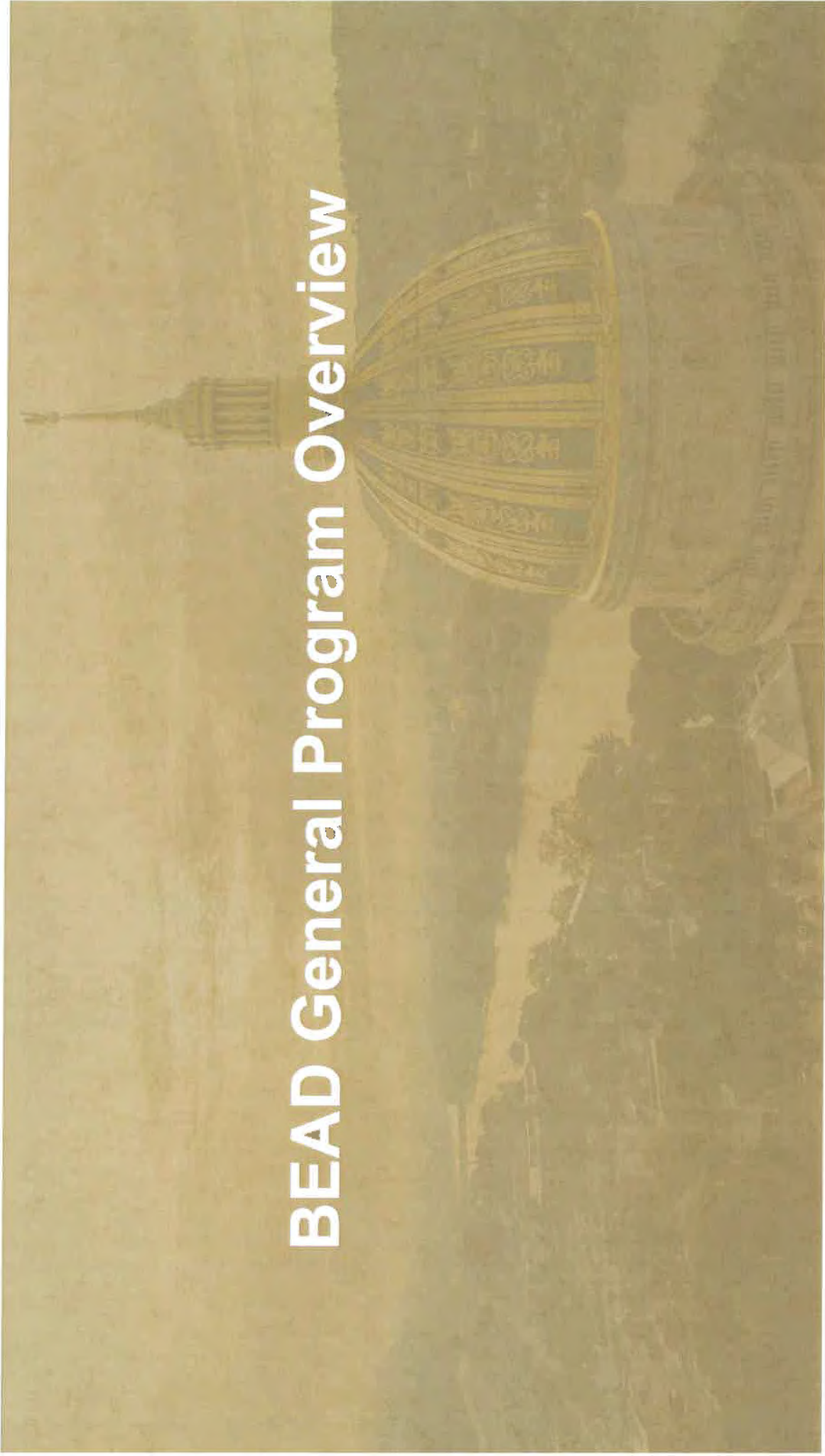
**WEST
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Economic Development

Important Training and Application Dates

Topic	Location	Date
Pre-Application	Webinar	Mar 14, 2024
Pre-Application	Portal Opens	March 18, 2024
Pre-Application	Onsite Workshop – North	March 28, 2024
Pre-Application	Online Workshop	April 10, 2024
Full Application	Webinar	May 8, 2024
Pre-Application	Online Office Hours	May 3, 2024
Pre-Application	Portal Closes	May 31, 2024
Full Application	Portal Opens	June 3, 2024
Full Application	Onsite Workshop – South	May 23, 2024
Full Application	Onsite Workshop – North	June 6, 2024
Full Application	Online Workshop	June 12, 2024
Full Application	Portal Closes	August 2024
	Review and Final Proposal	Late 2024

*Final dates subject to change

BEAD General Program Overview



Deployment Program Fundamentals

Funding

Funding comes from the BEAD program managed by NTIA.

Timeline

Projects must be completed within four years of award.

Eligible Entities

Entities in good standing that pass the review process; these can include private entities, cooperatives, and local governments.

Network Req.

Minimum requirements:

- 100/20 Mbps with 100 ms of latency;
- 1/1 Gbps for Community Anchor Institutions

Preference for end-to-end fiber

Program Phases

Pre-Application Phase
Portal Open: March 18 –
May 31, 2024*



Full Application
Portal Open: June - August 2024

**Potential Award Pro Forma
Review and Award Process**



*As currently proposed, subject to change.

Pre-Application System

ZoomGrants

1. Applicant Information
2. Short and Narrative Responses
 - Applicant History
 - Workforce and Labor Standards
 - Hazard Mitigation
 - Diverse Supplier Inclusion Plan
 - Pro Forma Considerations
3. Workbooks
 - Construction Cost Schedule
 - Pro Formas
4. Documents and Supporting Material

ZOOMGRANTS

Target Locations

Target Locations are the unserved and underserved homes and businesses, or community anchor institutions (CAIs), that are eligible through this program.

WVDED is developing the final list of Target Locations through the Challenge Process and deduplication efforts. WVDED encourages potential applicants to participate.

The current draft list of Target Locations is available here*.
Reminder, it is subject to change.



<https://tinyurl.com/mt9fnv8e>

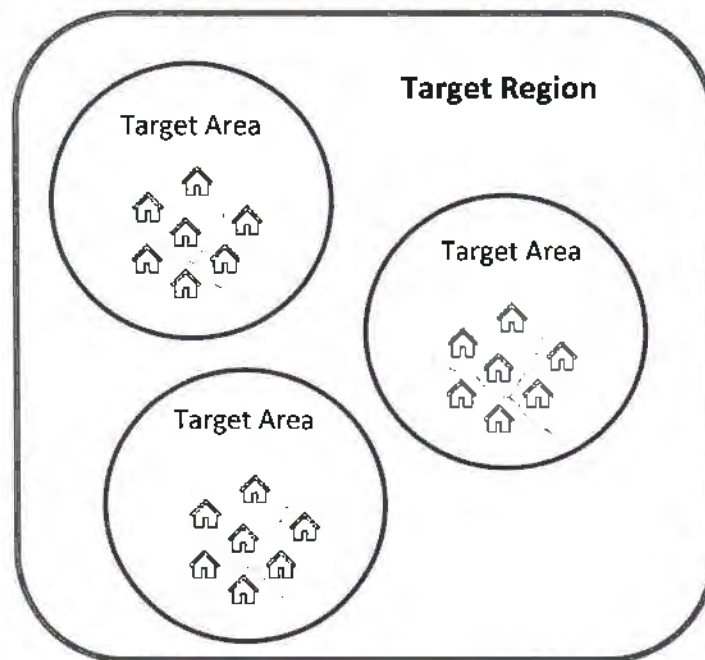
All applicants must obtain a CostQuest Tier D license. Use the Dec. 31, 2022, Jun. 13, 2023, update.



<https://tinyurl.com/3ndjmhce>

Proposed Projects: Target Areas and Regions

To enable applicants to create Proposed Projects, WVDED has created Target Areas and Regions



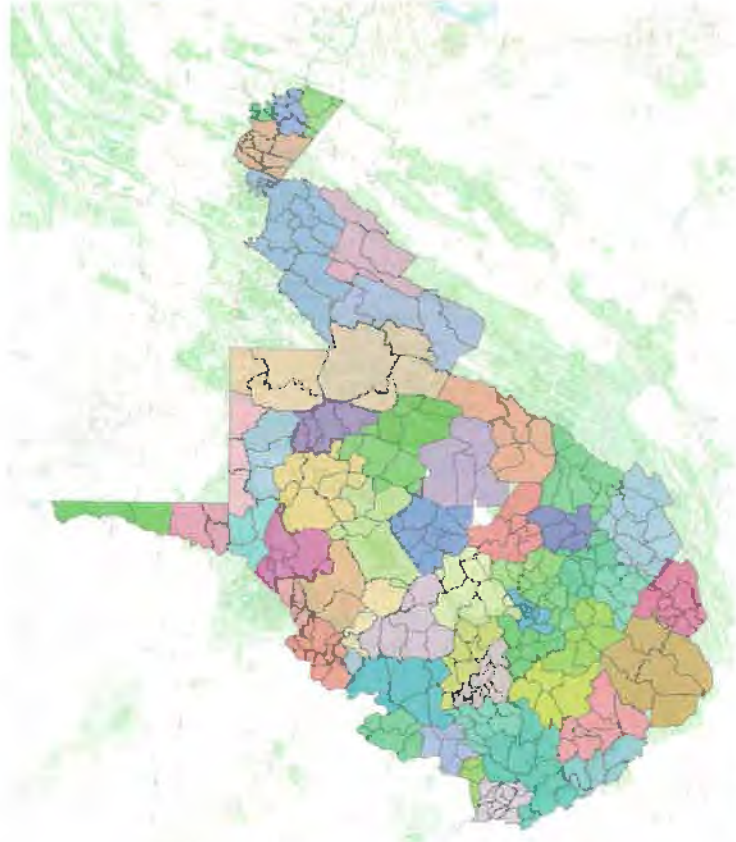
Target Region:
Groups of Target Areas

Target Area:
Groups of Target Locations

Target Location:
Individual unserved and underserved homes and businesses, or eligible CAI

Proposed Projects: Map

A draft Target Region and Area map is available for public comment



Draft Target Area and Region map
available for public comment



<https://tinyurl.com/2ujjypse>

Project Area Rules

1. If an applicant proposes a project that includes one Target Area in a region, it must propose one or more projects that include all Target Areas in a Target Region.
2. Proposed Projects from the same applicant may not overlap one another.
3. Dependent proposals are not allowed.
4. Proposed Projects may not include Target Areas from more than one Target Region.
5. Target Areas containing only CAI Target Locations must not be in a Proposed Project with any Target Areas containing unserved or underserved Target Locations

Creating Proposed Projects

Proposed Projects Rule #1:

If an applicant proposes any Proposed Project in a region, it **must create Proposed Projects that include all Target Areas in the region.**

However, it does not necessarily need to include all Target Areas in one Proposed Project.



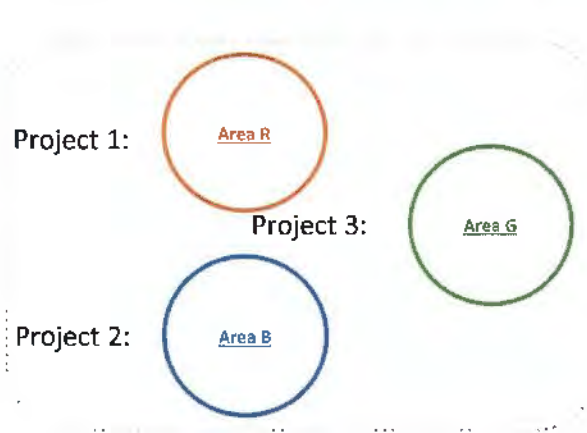
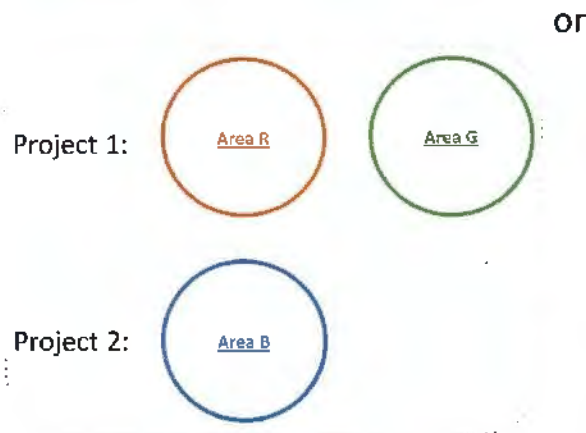
Creating Proposed Projects

Correct examples

Project Area:

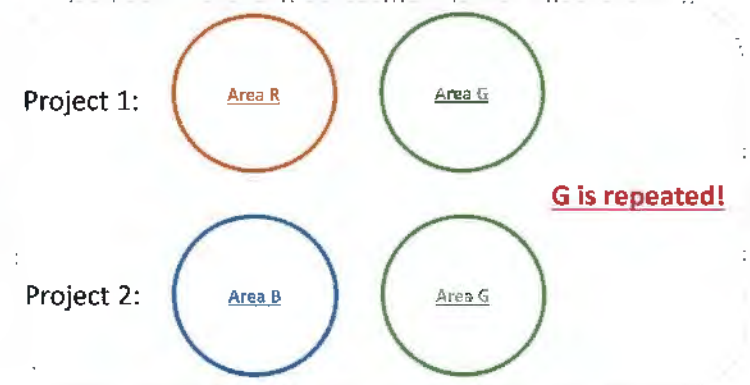
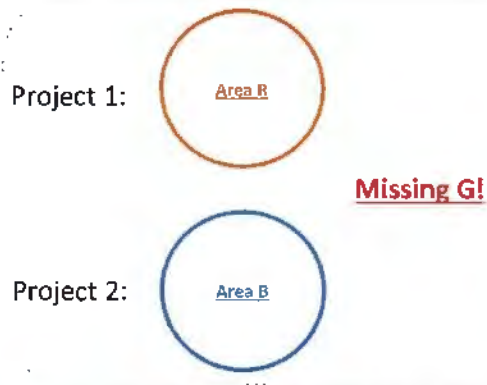
Applicants may group Target Areas within a single region together into Proposed Projects in **any way** they see fit.

Example (part 1):



Creating Proposed Projects

Incorrect examples

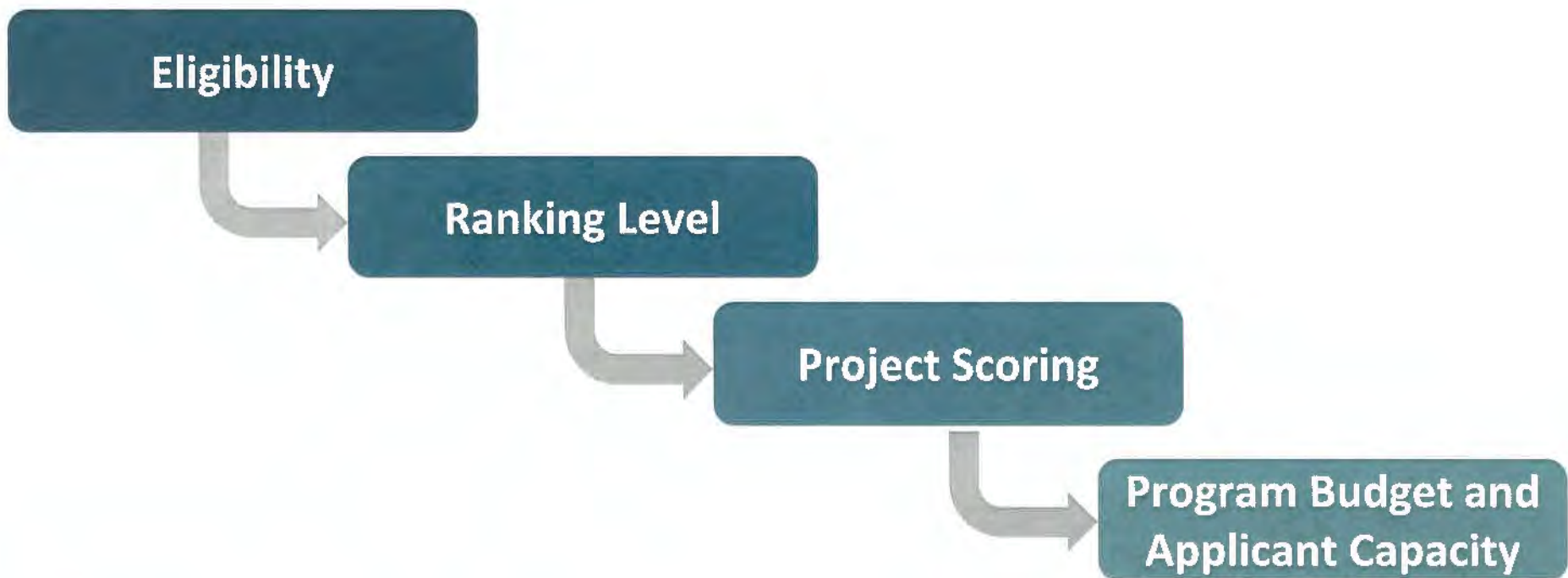




BEAD Overview: Project Prioritization and Selection

Prioritization: Basics

Selecting projects for award proceeds step-by-step



Prioritization: Ranking Level Based on Technology

In order of highest priority to least

1 Priority Projects--those that will use end-to-end fiber technology*

2 Non-Priority Projects that use Reliable Broadband Service Technologies other than end-to-end fiber*

3 Non-Priority Projects that will not use a Reliable Broadband Service Technology, but otherwise meet the program technical parameters

*Except projects exceeding the Extremely High-Cost Threshold

Reliable Service Technologies

Service provided via:

- fiber-optic technology;
- cable modem/hybrid fiber-coaxial technology
- DSL technology
- terrestrial fixed wireless using licensed spectrum or hybrid licensed and unlicensed



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Economic Development

Program Budget and Applicant Capacity

“Circuit breakers” on the total award amounts across potentially awarded projects

Program Budget


- The total cost of awarded projects cannot exceed the total program budget
- Limits on expensive projects exceeding an Extremely High-Cost Threshold
- If necessary, cuts to projects that serve Community Anchor Institutions and underserved

Financial Capacity

- The total awarded projects to an applicant cannot exceed its ability to provide match and a Letter of Credit or performance bond
- Projects that would cause an applicant to exceed its Financial Capacity are ineligible for award

Relative Capacity

- The total level of awarded projects to an applicant should not be excessively risky
- Limits on the total % of program awards that an applicant can receive
- Limits on the total cost of projects that an applicant may be awarded
- Evaluated based on the applicant’s risk and demonstrated ability to develop and operate networks at scale



**Program Overview:
Key Requirements which may
challenge some applicants**

Eligible Expenses

This is a reimbursement program

Costs must be directly related to the upfront investment associated with installing and/or upgrading existing broadband facilities on the Proposed Project on a one-time, capital improvement basis.

Additionally, only costs directly associated with reaching Target Locations.

Carefully review the draft program procedures for a detailed list

Match

- For each Proposed Project, applicants must provide a match of at least 25%
- No in-kind match
- Target Locations in areas identified by NTIA as high cost will not require match
 - These are based on NTIA's published high-cost areas, the data for which is included as a layer in the draft maps published by WVDED
 - "NTIA defined 'high cost' using a cost model that incorporates an area's remoteness, population density, topography, and poverty levels, and measures costs over the life of the network. NTIA defined "area" to mean census block groups."

NTIA's Methodology for High-Cost
Areas can be Found Here



<https://tinyurl.com/4dx6n5p5>

Letter of Credit or Performance Bond

Applicants must obtain one of:

Letter of Credit

Performance Bond

≥ 10% of award amount

Pre-Application Phase

- Obtain a *commitment* to provide the Letter of Credit or Performance Bond, up to a specified dollar amount



Prior to Award

- Obtain the Letter of Credit or Performance Bond, based on the amount to be awarded

The applicant must commit to maintain a letter of credit or performance bond of at least 10% of the award amount until it has completed buildout and/or the performance period ends.

Cybersecurity

Prior to allocating grant funds, WVDED will require the prospective subgrantee to attest that:

- 1.) Subgrantee has a cybersecurity risk management plan in place that is EITHER:
 - a.) **Operational** (if subgrantee is providing service prior to the grant award); or
 - b.) **Ready to be operationalized** upon providing service (if subgrantee is not yet providing service);
- 2.) Subgrantee's plan reflects the latest National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity and Executive Order 14028 and specifies the security and privacy controls being implemented;
- 3.) Subgrantee's plan will be reevaluated and updated on a periodic basis and as events warrant; and
- 4.) Subgrantee's plan will be submitted to WVDED prior to allocation of funds. Any changes to the plan must be submitted to WVDED within 30 days.

Deployment Benchmarks

Compliance with Industry Standards and Guidelines

Applicants must demonstrate a plan for network resiliency, network hardening and risk mitigation addressing at a minimum:

- flood-prone areas;
- landslide mitigation; and
- snowstorm and ice mitigation.

To address these, applicants will be required to meet, at a minimum, the following standards, as applicable:

- Telcordia Blue Book – Manual of Construction Procedures – SR-1421
- FEMA Building Resource Library
 - FEMA P-348 – Protecting Building Utility Systems from Flood Damage
 - FEMA P-2181 – Flood Mitigation Handbook for Public Facilities
 - FEMA 182, Landslide Loss Reduction: A Guide for State and Local Government Planning
- West Virginia State and Regional Planning & Development Council Hazard Mitigation Plans.

Prior to operating their networks built as a part of the Program, applicants must produce and receive WVDED approval on a **disaster recovery plan** and **preventative maintenance plan**.

Subgrantee Service Obligations

Affordability and Low Cost Plans

- Affordable Connectivity Program – Subgrantees must allow subscribers to utilize ACP subsidy or any successor program
- Each Subgrantee must offer at least one low-cost broadband service option

Consumer Protections

- Subgrantees must not impose data usage caps on any plans offered over a Funded Network
- Subgrantees must also not impose unjust or unreasonable network management practices (Subgrantee shall certify through semiannual reporting requirements)

Access to Service

- Operators of funded networks shall provide access to broadband service to each customer served by the Project on reasonable and non-discriminatory terms.

Public Notice

- Subgrantees will carry out public awareness campaigns of the value/benefits of broadband in their service areas in order to increase awareness and adoption of broadband service

Scenario: Target Regions with No Proposed Projects

Line extensions

Applicants with existing or previously funded fiber or cable networks in West Virginia with must accept up to 20% more grant funding to build line extensions, provided they do not exceed their financial and technical capacity

WVDED will prioritize assigning line extensions to eligible applicants with adjacent existing, awarded, or otherwise previously funded networks.

WVDED will ask that applicants use the same cost factors provided during the pre-application stage.

Grantee Post-Award Rigorous Compliance

Grantees will be required to comply with the following State and Federal requirements, as applicable:

- Audit Requirements (State and Federal)

- Procurement Requirements

- Federal Property Requirements

- Regular Reporting Requirements

- Record Retention

- Transparency and Accountability

These post-award requirements will be covered in Grantee's grant agreement with WVDED, as well as a series of webinars and post award compliance guidance to be provided by WVDED and partners.

Post-award Physical Reporting and Monitoring

Project Oversight – Grantee Monitoring

- Submission of network designs and as-builts
- Review of expenses and requests for reimbursement
- Progress reporting to meet state and federal obligations
- Field audits to verify constructed plant completeness and quality
- Participation in state broadband mapping



Note: The requirements in this compliance section follow the NTIA's BEAD NOFO:
<https://broadbandusa.ntia.doc.gov/sites/default/files/2022-05/BEAD%20NOFO.pdf>

Record Retention/Closeout

Subgrantees must:

- **Retain** records (financials, supporting docs.) related to grant agreement for **five years** from payment of final invoice/final expenditure report; and
- **Allow Access** to records and personnel to WVDED, Office of Inspector General, State Auditors

Closeout of Award: WVDED may condition closeout on receipt of final reports, confirmation that any monitoring/audit findings have been resolved. All outstanding reports due to WVDED within 90 days after end of period of performance.

Enforcement - Clawback/Recoupment of Funds

If subgrantees fail to comply with Grant Agreement requirements, WVDED may:

- Deduct or withhold payments invoiced by subgrantees.
- WVDED may also disallow costs and recover funds disbursed on the basis of audit/review following closeout.
- Failure of subgrantee to substantially meet performance measures may result in suspension of reimbursement payments, termination of Grant Agreement, and or prohibition from future allocations until failures are resolved.
- WVDED further retains right to recapture funds due to cost underruns.



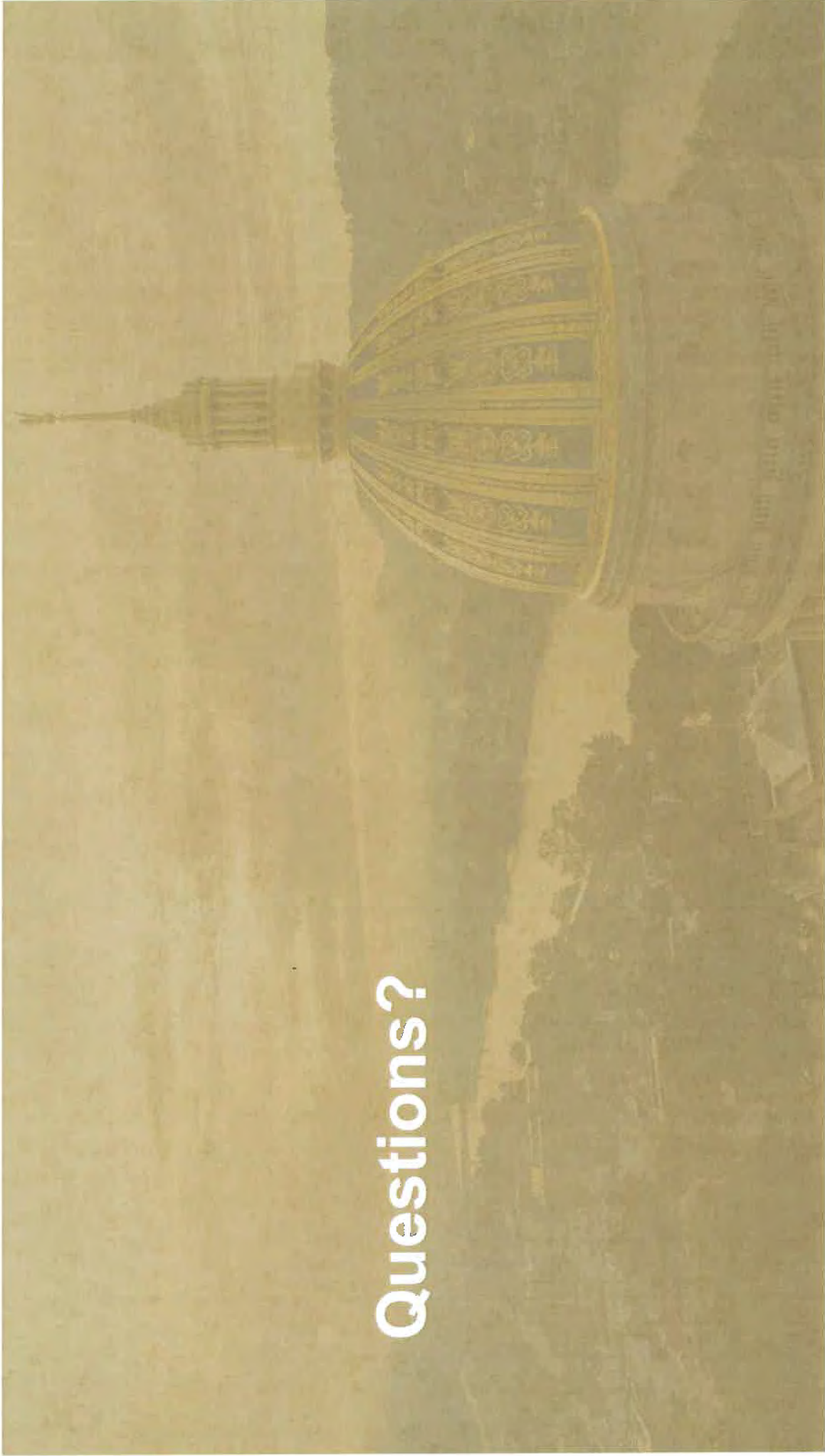
BEAD Non-Deployment Activities

Beyond Deployment

- ❖ **WVDED will determine BEAD funding levels for its non-deployment program after selecting projects through the deployment grant program.**
- ❖ **Proposed budget is \$50 million.**

- ❖ **The 3 non-deployment BEAD programs will be:**
 - Workforce Development Grant Program**
 - Digital Skills and Navigator Program**
 - Affordable Device Distribution Program**

Questions?



2024 Broadband Summit



Oct. 22-23, 2024

Embassy Suites
Charleston, West Virginia

Agenda and registration details to follow.





**WEST
VIRGINIA**
Economic Development

West Virginia Office of Broadband
State Capitol Complex
1900 Kanawha Boulevard East
Building 3, Suite 600
Charleston, WV 25303

(304) 558-2234

broadband.wv.gov

Stephen Ey 1

April 5, 2024

West Virginia Ethics Commission
210 Brooks Street, Suite 300
Charleston, WV 25301

Re: Complaint Against Stephen Stolipher, Jefferson
County Commissioner

To the Commission:

Enclosed is my Complaint and Exhibits against the above individual. I request that the Commission issue Notice of Investigation and proceed with the investigation of the breathtaking level of corruption he has visited upon Jefferson County through the Jefferson County Development Authority, Jefferson County Republican Executive Committee, our County Commission and Planning Commission, on all of which he only "serves" his own financial interests and that of his family. Please let me know if you need any further information prior to the Commission's initial review of this complaint.

Upon information and belief, Commissioner Terry L. Walker has a close association with Respondent Stolipher and should be disqualified from all levels of decision and investigation in this matter.

Sincerely,



Robert D. Aitcheson
P.O. Box 188
Rippon, WV 25441
304-582-1997
hob.aitch46@gmail.com

Enclosures

For office use only:
VCRB # _____
Date filed: _____

West Virginia Ethics Commission
210 Brooks Street, Suite 300, Charleston WV 25301
(304)558-0664 or (866)558-0664

CONTACT INFORMATION

The Ethics Commission does not have the authority to
enforce the Open Governmental Meetings Act.
Complaints which allege only violations of that Act will be dismissed.

I. Person bringing Complaint ("Complainant")

Name: Robert D. Aitchison Telephone: 304-582-1997(c)
Email: bob.aitch46@gmail.com Alternate telephone: 304-725-7639(c)
Address: PO Box 188
City: Rippon County: Jefferson State: WV Zip: 25441

II. Person against whom Complaint is brought ("Respondent")

Current or former public official; public employee; "public servant volunteer" or lobbyist.
Only one Respondent may be listed on each Complaint form.

Name: Stephen Stolipher Position or title: Jefferson Co. Commissioner
(e.g., Mayor of Smallville, Potomac Co. Commissioner)
Email: stolipherjoe@gmail.com
Telephone: 304-728-3284 Alternate telephone: 304-724-8425
Home Address: 53 STAR SIGN Lane
City: Charles Town County: Jefferson State: WV Zip: 25414

For office use only:
VCRB # _____
Date filed: _____

**West Virginia Ethics Commission
210 Brooks Street, Suite 300, Charleston WV 25301
(304)558-0664 or (866)558-0664**

ETHICS COMPLAINT

Robert D. Atcheson
Name of Complainant

v.
Stephen Stolypher
Name of Respondent

I hereby allege that the Respondent violated the West Virginia Ethics Act as follows:

(Provide a full and detailed statement of the facts, specifically Respondent's actions. Include all relevant dates and the names and contact information of any person who may have witnessed the Respondent's actions. Attach additional sheets of paper if necessary.)

See Attached.

For office use only:
VCRB # _____
Date filed: _____

Date or dates of alleged violations: See Attached.

Name(s) and contact information of any witness(es) to the alleged misconduct:
See Attached.

Attach documents which support your allegations: (Attach photocopies; retain the originals for your own records.)
See Attached.

Verification of Complaint

State of West Virginia County of Jefferson

I, Robert D. Atcheson, the Complainant named in the attached Complaint,
(name of person filing the Complaint)

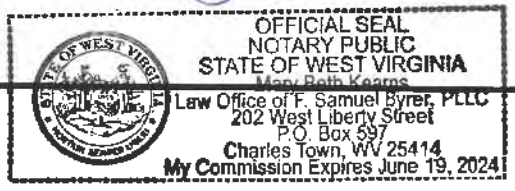
being duly sworn, says that the facts and allegations contained herein are true, except so far as they are stated to be on information and belief. If they are on information and belief, I believe them to be true.

Complainant's signature [Signature] Date: 4/5/2024

Taken, sworn to and subscribed before me this 5th day of April, 2024

My Commission Expires: June 19, 2024

[Signature]
Notary Public's Signature



Statement of Facts

Respondent, I believe, has violated, at the least, W.Va. Code 6B-2-5(b) by using his public office for private gain and W.Va. Code 6B-2-5(j) by violating the prohibition against voting as a compensated agent of solar developers seeking to do business in Jefferson County and/or a handful of local landowners, as proscribed in subparagraph (A) thereof. Attached hereto are a List of Exhibits with additional brief narrative and copies of all exhibits in support of this Complaint.

On December 21, 2023 at a County Commission meeting, Respondent failed to recuse himself from a vote to reinstate the Solar Text Amendment (STA) that had been repealed by the County Commission on September 7, 2023 (after he did recuse himself). Thus, he helped pave the way for his brother's and first cousin's Franklinton Farm project.

On September 26, 2023 at a Planning Commission meeting, Respondent failed to recuse himself and participated in an executive session to receive legal advice from the County Attorney regarding the September 7, 2023 meeting regarding the repeal of the STA.

On May 5, 2020 at a Planning Commission meeting, Respondent failed to recuse himself from participating in matters related to the STA. Also, at that meeting, Respondent claimed the "Ethics Commission" said "no conflict" and he didn't need to recuse himself in matters related to solar facilities and the STA.

On September 8, 2020, fellow Commissioner Lorenzetti requested that Respondent produce the letter from the "Ethics Commission", Respondent said he would do so, but to the best of Complainant's knowledge he failed to do so. Complainant's opinion is that it would not be possible for Respondent to obtain authorization from the Ethics Commission to participate in matters before the Planning Commission regarding solar facilities, especially if the Commission understood (1) that he may gain sizeable commissions for the sale or lease of property to the solar developer(s) and (2) that he may have been working on amassing land for the Wild Hill project and probably other solar projects at or about the same time by soliciting farmers and others to hire him to act as their agent in committing their land to these solar developers.

And such other violations as are reflected in the attached records and as may be revealed in the Commissioners' investigation of these matters.

The Respondent's alleged violations have been brought to light by his efforts over the last three to four years, at the least, to profit from changes to our Comprehensive Plan and Zoning Ordinance to allow, without restriction or condition, the wholesale destruction of the most productive cropland in our County and State (according to the 2022 USDA Soils Map) by turning ultimately 8-10,000 acres of it into utility scale solar facilities ostensibly to service a new data center in Northern Virginia and to eventually bestow local tax breaks on many of those projects in the form of PILOT (Payment in Lieu of Taxes) Agreements. See Exhibits I (3 pp) and II (2 pp) attached hereto.

Statement of Facts - page 2

As shown by the attached exhibits, Respondent does not recuse himself from participation when it's inconvenient to his personal interests. All the while, he and his family continue to profit from his abuse of his public office. In my opinion, the only way to solve this problem is for this Commission to terminate Respondent's involvement in local government, which, as I understand it, this Commission has the authority to do.

Witnesses

Jefferson County Clerk
Jefferson County Circuit Clerk
Jefferson County Courthouse
Charles Town, WV

Jefferson County Commissioners (other 4)
County Offices
Charles Town, WV

Mark Everhart
Jefferson County Perspective
Middleway, WV

Christy Lynn
Harpers Ferry, WV

Numerous others as evidenced by the attached exhibits

Documents

See attached. In addition, in my opinion, Respondent's tax returns and attached W-2's, 1099's, etc., will likely reveal profits from his abuse of office if this Commission is able to obtain them.

Solar Energy Facility Projects

Below is a list of Solar Energy Facility Projects which have obtained approvals from the Planning Commission and/or the Board of Zoning Appeals. The next steps for each project are noted in the table below. **A map has been created to show the locations of approved solar projects in Jefferson County. You can view the map online [click here].**




*Click on File Numbers to review approved permit



**Click on Public Hearing / Public Workshop Date to review application & staff report within meeting agenda packet


Please contact the Office of Planning and Zoning with any questions related to the projects listed below: 304-728-3228 / planningdepartment@jeffersoncountywv.org.


The Public Research Portal includes a link to an interactive GIS Map. In addition to parcel data and zoning district information, viewers are able to "turn on" a solar facilities layer to see where solar projects have been approved in the County. [[Click Here](#)] to review a "How To Guide" on using the Public Research Map.

Project Name & General Location <i>*Shaded areas indicate parcels included in project.</i>	Conditional Use Permit	Concept Plan	Zoning Certificate	Stormwater Management Report	Building Permit
<p>Blake Solar Energy Facility</p> <p><u>Project Size = 516 Acres</u></p> 	<p>File #22-4-CUP - Issued 08/08/22</p> <p>BZA Public Hearing: 07/28/22</p>	<p>File #22-7-SP</p> <p>PC Public Workshop: 08/09/22</p>	<p>File #23-3-ZC Issued: 01/18/23</p>	<p>File #22-7-SP Approved on: 02/01/23</p>	<p>File #s:</p> <p>23-170 (Temporary Construction Trailer)</p> <p>23-171 Temporary Office Trailer)</p> <p>23-593 (7' Tall Fence)</p> <p>23-82 (Control Building)</p> <p>23-75 (Solar Panels)</p>
<p>Wild Hill Solar Energy Facility</p>	<p>File #22-5-CUP - Issued 09/30/22</p>	<p>File #22-9-SP</p> <p>PC Public</p>	<p>File #22-56-ZC Issued: 10/24/22</p>	<p>Pending Submission</p>	<p>Pending Submission</p>

Ex. I (3pp)

<p>Project Size = 841.74 Acres</p> 	<p>BZA Approved on: 08/25/22</p>	<p>Workshop: 09/13/22</p>			
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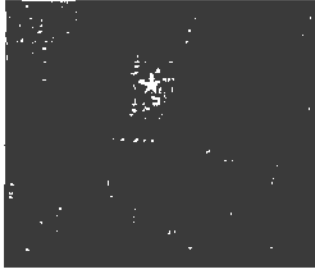
<p>Rippon Energy Facility</p> <p>Project Size = 878 Acres</p> 	<p>File #22-9-CUP - Issued 12/07/22</p> <p>BZA Approved on: 10/27/22</p>	<p>File #22-15- SP</p> <p>PC Public Workshop: 11/15/22</p>	<p>File #23-50-ZC Issued: 11/01/23</p>	<p>Pending Submission</p>	<p>Pending Submission</p>
---	--	--	--	-------------------------------	-------------------------------

<p>Flowing Springs Farm Solar Energy Facility</p> <p>Project Size = 660 Acres</p> 	<p>N/A - Principal Permitted Use Project located entirely within delineated growth areas.</p>	<p>File #23-4- SP</p> <p>PC Public Workshop: 05/09/23</p>	<p>Pending Submission</p>	<p>Pending Submission</p>	<p>Pending Submission</p>
--	---	---	-------------------------------	-------------------------------	-------------------------------

	<p>File #24-4-CUP</p>	<p>File #24-2- SP -</p>	<p>Pending Submission</p>	<p>Pending Submission</p>	<p>Pending Submission</p>
--	-----------------------	-----------------------------	-------------------------------	-------------------------------	-------------------------------

**Franklinton Farm
Solar Project**

Project Size = 502 Acres



BZA Public
Hearing: **Postponed**
to
04/25/2024 (original
date = 03/28/2024)

Concept
Plan
File #24-3-
SP-
Narrative

PC Public
Workshop:
05/07/2024

*Landowners: Respondent's Brother
and First Cousin*



Wild Hill Solar
Payment in Lieu of Tax Proposal
Jefferson County, WV

EX II (3pp)



Project: Wild Hill Solar

System Type: Passive, photovoltaic solar

System Capacity: 92.5 MWac

Location: Jefferson County

Delivery Point: Double Toll Gate – Millville 138kV t-line
(First Energy T-line)

Size: ~ 841 acres

Construction Start: est. 2024

Anticipated Project Operation: ~39yrs

Exhibits

Stolipher & Family and Solar Compounds

Exhibit

1. Application - Franklinton Farm Solar Project - Landowners: Mark Stolipher, brother; Mike Chapman, first cousin, filed 03/01/24 (4 pp)
2. "Another Solar Facility Proposed in Jefferson County" - Spirit of Jefferson article quoting Stephen Stolipher (SS) and Mark Stolipher (MS) but with first cousin Chapman conspicuously missing; also noting the outlandish claim that SS knew nothing about the above before the application was filed. (2 pp)
3. 5/20/20 MLS Listings by SS of Jefferson County properties that became part of the Blake Project (now mostly completed) upon which SS has or will receive commissions and possibly other income. (4 pp)
4. RDA Motion to (Disqualify) Recuse Stephen Stolipher, Planning Commission member (3 pp); this intermingling of personal and county business by SS has been going on for a long time!
5. RDA Motion for Removal Proceedings Against Planning Commission member Stephen Stolipher (2 pp) (previously marked Ex. A) and including Ex. B (2 pp) Supplement to Motion and Ex. C (5 pp) of documents retrieved by RDA from the Jefferson County Development Authority Solar File re: Wild Hill Solar Energy Facility (construction has not yet begun) believed to have been submitted by SS, also listing the properties of his now deceased parents, see items 6 and 2 (below) on p. 2 of 5.

Planning Commission Minutes

6. 05/05/20 (4 pp) Page 1, Item 2, paragraph 3, RDA addresses Motion to Recuse SS; Page 3, Item 5, paragraph 2, SS says Ethics Commission says "no conflict" and "he would not recuse himself".
7. 09/08/20 (5 pp) page 5, item 14, references letter from RDA re: recusal of SS and his claim of a letter from the Ethics Commission; Commissioner Lorenzetti asked SS to produce it and he agreed to do so, but to RDA's knowledge never did.
8. 02/09/21 (5 pp) Item 8, page 3, SS recused from ZTA19-03 public hearing.
9. 09/28/21 (3 pp) page 1, County Commission reason SS not present for public hearing on Solar Text Amendment (STA) to 2035 Comprehensive Plan.

Exhibits - page 2

10. 10/12/21 (5 pp) page 4, item 7, paragraph 2, SS recused self on STA discussion.
11. 12/7/21 (2 pp) SS recused self from public hearing on STA.
12. 12/14/21 (4 pp) Items 9 (page 2) and 10 (page 4) Re: STA (ZTA19-03) and Litigation Regarding Same; SS did NOT participate.
13. 06/14/22 (7 pp) page 6, Item 15, SS recused self from ZTA19-03 executive session.
14. 09/26/23 (2 pp) RDA present at this meeting and requested to know if SS was going to continue recusal and not participate in executive session. SS declined and called on bailiff to eject RDA from meeting.

County Commission Minutes

- A. 04/12/21 (2 pp) SS not present for public hearing and vote most likely because of recusal.
- B. 10/21/21 (10 pp) Item 11, pages 8 and 9, SS participates in executive session Re: STA and attendant litigation but abstains from vote to refer back to Planning Commission ignoring the requirement that recusal is recusal from all participation.
- C. 03/30/22 (2 pp) page 1, note at bottom, SS recuses self from executive session "discussion concerning the solar text amendment".
- D. 06/16/22 (10 pp) Item 7, page 8 and Item 10, page 9, SS recused self from discussion of Solar Energy Facilities Supplemental Use Regulations.
- E. 09/07/23 (14 pp) Item 8, pg. 12, SS recused self from discussion and vote to repeal the STA, which passed 2-1.
- F. 12/21/23 (11 pp) Item 16, page 10, SS FAILED TO RECUSE HIMSELF FROM CONSIDERATION AND REVERSAL OF REPEAL OF SOLAR TEXT AMENDMENT, his ethical duty notwithstanding which duty is wholly independent of what the other Commissioners did on the vote.



JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 East Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 24-4-CUP
 R'cvd Date: 03/01/24
 Mtg. Date: 03/28/24
 Fee Paid: \$ 25,350.00
 Staff Int.: jth

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

Email: zoning@jeffersoncountywv.org

Application for a Conditional Use Permit

Project Name

Franklinton Farm Solar Project

Property Owner Information

Name: Multiple Owners (See attached)
 Business Name: _____
 Mailing Address: _____ Mail Yes
 Phone Number: _____ Email Response: _____ Response: No

Applicant Information

Name: Sam Judd
 Business Name: Franklinton Farm, LLC
 Mailing Address: 100 Brickstone Square, Suite 300, Andover, Massachusetts 01810 Mail Yes
 Phone Number: (978) 806-1138 Email Response: sam.judd@enel.com Response: No

Engineer(s), Surveyor(s), or Consultant(s) Information

Name: Joe Knechtel, P.E.
 Business Name: Potesta & Associates, Inc.
 Mailing Address: 15 South Braddock Street, Winchester Virginia 22601 Mail Yes
 Phone Number: (540) 450-0180 Email Response: kjknechtel@potesta.com Response: No

Physical Property Details

Physical Address: Multiple Addresses (See attached)
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____

Zoning District (please check one)

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

* For properties in the Rural Zoning District: Yes No
 Is property located on a primary or secondary road?

Name of Road and/or Route Number: _____

Ex 1 (4pp)

State the proposed land use as listed in Appendix C and provide a description of the proposed use.

Solar Energy Facility (per Draft Amendment Section 8.2 dated May 17, 2022). Proposed land use will consist of the construction of a Solar Energy Facility on approximately 502 acres of leased land on four parcels in the Kabletown Magisterial district, connecting to the existing 138kV overhead electric transmission line.

Please provide any information or known history regarding this property.

Zoned Rural. The subject properties have been historically used as agricultural land.

Please respond in detail to the following questions to show how the proposed project complies with the criteria located in Section 6.3 of the Zoning Ordinance:

1. How is the proposed use compatible with the goals of the adopted Comprehensive Plan? Section 6.3A.1

See Attached

2. How is the proposed use compatible in intensity and scale with the existing and potential land uses on surrounding properties? How will the proposed project mitigate potential threat to public health, safety, and welfare? Sec. 6.3A.2

See Attached

3. Describe how the proposed site development will be designed such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings. Section 6.3A.3

See Attached

4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance. Section 6.3A.4

I am aware of the landscaping buffer requirements and will adhere to them.

I am aware of the landscaping buffer requirements; however, I may be seeking a variance to modify them.

5. For properties in the Rural zoning district, roadway adequacy shall be assessed by the Comprehensive Plan's Highway Road Classification Map. If a rural parcel is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour trips, for the Board of Zoning Appeals to review in conjunction with the Highway Problem Areas Map when determining roadway adequacy for the proposed use. Section 6.3A.6

Applicable (Trip Generation Data attached)

Not Applicable

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


Property Owner

2-27-24
Date

Property Owner Date

State the proposed land use as listed in Appendix C and provide a description of the proposed use.

Solar Energy Facility (per Draft Amendment Section 8.2 dated May 17, 2022). Proposed land use will consist of the construction of a Solar Energy Facility on approximately 502 acres of leased land on four parcels in the Kabletown Magisterial district, connecting to the existing 138kV overhead electric transmission line.

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Applicable (Trip Generation Data attached)

Not Applicable

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



Property Owner

2/28/24

Date

Property Owner

Date

PHYSICAL PROPERTY DETAILS

Property Owner	Mark D. Stolipher	Mark D. Stolipher	Mark D. Stolipher	Micheal Paul Chapman, Trustees
Physical Address	261 Berry Hill Farm Ln, Summit Point, WV 25446	2998 Withers Larue Rd. Summit Point, WV 25446	322 Scooter Ln. Charles Town, WV 25414	651 & 653 Franklinton Rd. Summit Point, WV 25446
Deed Book	1129	944	913	1249
Page	746	45	678	214
Parcel ID	District 6, TM#19, Parcel 7	District 6, TM#19, Parcel 8.4	District 6, TM#19, Parcel 16	District 6, TM#19, Parcel 6
Zoning District	Rural	Rural	Rural	Rural
Total Parcel Size	150.31 Acres	146.84 Acres	50.0 Acres	154.16 Acres
Project Area	150.31 Acres	146.84 Acres	50.0 Acres	154.16 Acres

WES
DOUGLAS ROCKWELL
PO BOX 727
CHARLES TOWN WV 25414-0727

1844

SOME OF WHAT'S INSIDE THIS WEEK

GOVERNMENT, Page 3 | COMMUNITY HAPPENINGS, Page 7 | COMMENTARY, P

Spirit

of JEFFERSON
AND FARMER'S ADVOCATE

Wednesday,
March 20, 2024

95¢ (+ tax)



MOVIE COMES TO TOWN, PAGE 4



JEFFERSON FALLS IN PLAYOFFS,

Another solar farm facility proposed in Jefferson C

Franklinton project involves Commissioner Stolipher's family members

BY TIM COOK
Spirit editor and reporter

A fifth industrial solar energy facility in the county is proposed for construction on 502 acres of farmland in the Franklinton area north of Rippon.

Called the Franklinton Farm Solar Project, the facility would cover four adjoining properties owned separately by the older brother and the cousin of Jefferson County Commissioner Steve Stolipher.

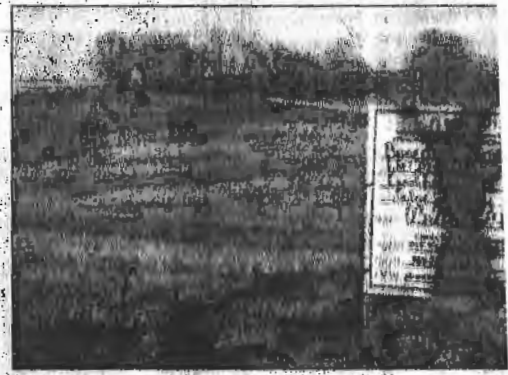
Stolipher's older brother is Mark Stolipher, a farmer, and Mike Chapman, a businessman who ran for county sheriff in 2020. Mark Stolipher owns about 347 acres associated with the proposed solar project along Berry Hill Farm Road and Franklinton Road. Chapman owns about 150 acres that are part of the project west of Franklinton Road.

A substation would be built on the project's land to upload electricity into electrical transmission lines crossing the property.

The Jefferson County Board of Zoning Appeals received a concept plan for the solar project on Feb. 29. The zoning appeals board will hold a public hearing on April 25 at 2 p.m. to discuss a conditional use permit for the project. A May 7 workshop will consider the concept plan.

Reached by phone, Stolipher said he has a close personal relationship with his older brother but hasn't talked to him about the solar project. Stolipher said he

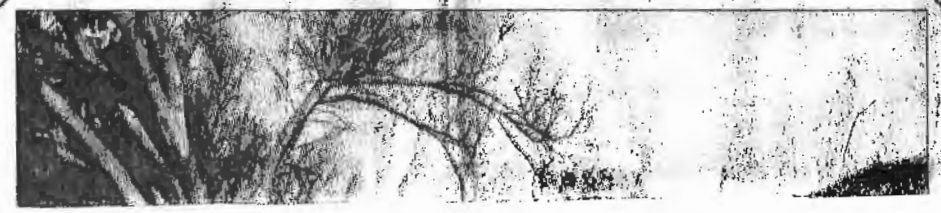
(See SOLAR Page 14)



A sign posted on Mark Stolipher's farmland provides a notice about a 502-acre solar farm for the property.

Election 2024

Four members of the House of Delegates represent Jefferson County residents. Those are delegates serve House Districts 97, 98, 99, 100. Two candidates, S. Chris Anders of Martinsburg and Pam Brush of Martinsburg, are competing in the May 14 primary for the Republican nomination for the House District 97 state of May 14th.



COUNTY BUDGET
Commission
through conf

Ex 2 (2 pp)

HOUSE OF DELEGATES

97TH DISTRICT
(AT)
THE FAMILIES'

LEARN MORE ABOUT
LUCIA VALENTINE
■ Website:
Valentineforwv.com

working to protect the health of West Virginia's people and resources. I have built a solid reputation as someone who can work with delegates and senators of both parties. As a Democrat, I will work across the aisle as the only way to get things done, which is what voters expect.

Politics has become volatile, oftentimes turning folks away from wanting to get involved. My election effort is focused on positive campaigning to help foster trust among citizens in our political system. I want the voters to understand that my campaign is about the people, the workers and the families of District 97.

ABOUT THE CANDIDATE:
S. Chris Anders lives outside of Martinsburg with his wife and two step daughters. He has worked for several congressional and Senate campaigns, as well as for Young Americans for Liberty. Over his two decades of conservative efforts, he has worked with Students for Life, with the National Association for Gun Rights, with the Right to Work Committee, and with the Campaign for Liberty. He is also an instructor with the Foundation for Applied Conservative Leadership.

LEARN MORE ABOUT
S. CHRIS ANDERS
■ Website: anders4wv.com
■ Facebook: S. Chris Anders for State Delegate

to creating one of the most restrictive laws protecting the rights of the unborn in the

Solar

FROM PAGE 1

knew there was a possibility his brother might develop his portion of the Stolipher family's legacy farmland as a solar energy project. But he said he learned that his brother would pursue the solar project after an application was filed with the county's planning office.

Also reached by phone, Mark Stolipher said he didn't talk to his younger brother about the solar project. He said he signed an agreement with a solar project developer 3 1/2 years ago before his brother was elected to the county commission in November 2020.

"We kept it extremely quiet," he said of the project's plans. "The way they've been dragging their feet, I didn't expect it to happen," he said, referring to the solar developer involved.

Mark Stolipher, 52, said he hopes to sell his farmland to the developer rather than engage in a long-term lease of the land with the developer for the project. During public discussions before the county commission amended the county's zoning ordinance to permit solar energy facilities to operate in the county, solar industry representatives said most solar projects would involve long-term leases for farmland owners.

The first solar project approved in the county and now under construction, the Blake Solar Project at Charles Town and Kabletown roads, involves selling the 516 acres to an international renewable energy developer, Opdenery.

Based in Madrid, Spain, Opdenery is also the developer of the proposed Franklinton Farm project.

Mark Stolipher, pointing to the economic challenges and uncertainty of farming, said the solar project will help

"Everybody's complaining about their view, their view. You don't own your view. Your view is in your own property line."

Mark Stolipher, Franklinton farmer pursuing an industrial solar energy project

provide a measure of financial security for his family. "This is my 401(k)," he said. "This is something that will help me get out of debt."

Meanwhile, addressing the long-term prospects of farming in Jefferson County, he said finding employees who want to work on a farm next to many higher-paying jobs in Virginia and Maryland is difficult. "It's hard to find good full-time employees," he said. "Nobody wants to work [in agriculture] anymore."

Mark Stolipher said he currently farms about 2,000 acres of owned and leased land. He said he will continue to own 163 acres of farmland near the project if it goes forward.

He said he's observed the recent controversy about solar farms. But he said allowing farmers to develop their land with solar projects amounts to a fundamental property rights issue.

"Everybody's complaining about their view, their view," he said. "You don't own your view. Your view is in your own property line."

Chapman didn't respond to a phone message. The Spirit left on Tuesday seeking information and inviting comment.

The Stolipher family has farmed in Jefferson County for several generations. Steve Stolipher, a commercial real estate broker and auctioneer, owns and operates a farm next to Berryville Pike in Charles Town, across from Washington High School.

As a real estate broker,

Steve Stolipher said he has assisted the transactions to receive a commission related to solar projects in the county. He hasn't publicly said what those projects are, but the Blake Solar Project is at least one of them.

Stolipher served eight years as a voting member of the county planning commission before he was elected to the county commission in 2020. He is serving his fourth consecutive year as a county commission liaison to the planning commission.

After he began serving on the county commission, he decided to participate in discussions and vote on solar farms. He did not participate in the June 16, 2022, 4-0 county commission vote that adopted the zoning ordinance amendment allowing solar farms to operate in the county.

Before the vote, in 2021 and 2022, Stolipher traveled to Charleston and talked with state lawmakers to support legislation to allow for solar farms to operate in Jefferson County and five other counties in the state. The state law, which never was adopted, would have overridden the zoning authorities of those counties.

Stolipher said he went to Charleston to talk to lawmakers to fulfill a campaign commitment he made to several local farmers supporting his election to the county commission. He said his brother Mark was not one of those farmers.

Stolipher said his trip to Charleston and the legislation he supported was to help farmers avoid legal gray areas that lawsuits filed by solar farm opponents have used to hinder those projects.

"There's a bunch of farmers who supported me during my election that are trying to put solar on their property," he told the Spirit two years ago, "and they're very frustrated that, obviously, it's tied up in these frivolous lawsuits."

Sign up to get new listings emailed daily! JOIN OR SIGN IN

(304) 283-0614



Steve Stolipher
REALTOR®
Senior Advisor



EX 3 (4 pp)

CALL SAVE PRINT SHARE EMAIL

ACTIVE

Rt. 115, Charles Town, WV 25414 • \$3,500,000 / Monthly

Lot Size: 123.000 acres / Days on Site: 847 / MLS#: JF10077304



Schedule a tour...
or ask questions!



Listing REALTOR®
Steve Stolipher
Call: (304) 283-0614
Text: (304) 283-0614

All fields labeled with an asterisk(*) are required.

First Name *

Last Name *

Email *

2 Total Photos [Click to View All]

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123 Acres located in the City of Charles Town between Rt. 115 and Rt. 9 (the new bypass). The property is currently zoned for 30 acres of commercial and the remaining is high density residential. Please call for more details.

DETAILS

Property Type: Residential - Single Family

Lot Size: 123 Acres

Lot Dimensions:

Zoning: Commercial/Residential

LISTED BY / SHOWN BY

Listed By

Agency Name: OakCrest Commercial Real Estate



Shown By

Agent Name: Steve Stolipher

Agent Phone: (304) 283-0614

Preferred Communication Method:

Email

Your questions or comments...

I want to see this property...



I'm not a robot

reCAPTCHA
Privacy - Terms

CONTINUE

Mortgage Payment Calculation for Rt. 115, Charles Town, WV 25414

Price	\$3,500,000	
Down Payment	\$700,000	20 %
Interest Rate	4.800	
Loan Term	30	years/fixed
Taxes	\$0	yearly
Insurance	\$12,250	yearly (estimated)

Est. Payment: \$15,711.46 / per month

(Payments are an estimate and may vary by lender)

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(304) 283-0614



Steve Stolipher
REALTOR®
Senior Advisor



CALL SAVE PRINT SHARE EMAIL

ACTIVE

0 Kabletown Road, Charles Town, WV 25414 • \$2,700,000

Lot Size: 172.000 acres / Days on Site: 849 / MLS#: 120260849



Schedule a tour...
or ask questions!



Listing REALTOR®
Steve Stolipher
Call: (304) 283-0614
Text: (304) 283-0614

All fields labeled with an asterisk(*) are required.

First Name *
Last Name *
Email *

1 Total Photos [\[Click to View All\]](#)

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Comments for 0 Kabletown Road, Charles Town, WV 25414

Thorn Hill subdivision consists of 172 acres and is platted for 179 Residential Lots. The property is located at the corner of Rt. 115 and Kabletown Road. Please call for more details.

DETAILS

Property Type: Residential - Single Family

Nearest Interchange: Rt. 115

Lot Dimensions:

Topography: Level

Lot Size: 172 Acres

LISTED BY / SHOWN BY

Listed By

Agency Name: OakCrest Commercial Real Estate



Shown By

Agent Name: Steve Stolipher

Agent Phone: (304) 283-0614

Preferred Communication Method:

Email

Your questions or comments...

I want to see this property...



I'm not a robot

reCAPTCHA
Privacy - Terms

CONTINUE

Mortgage Payment Calculation for 0 Kabletown Road, Charles Town, WV 25414

Price	\$2,700,000
Down Payment	\$540,000 20 %
Interest Rate	4.800
Loan Term	30 years/fixd
Taxes	\$0 yearly
Insurance	\$9,450 yearly (estimated)

Est. Payment: \$12,120.27 / per month

(Payments are an estimate and may vary by lender)

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BEFORE THE PLANNING COMMISSION OF JEFFERSON COUNTY,
WEST VIRGINIA

In re: ZTA 19-03, Solar Energy Facilities

ROBERT D. AITCHESON'S MOTION TO RECUSE STEPHEN STOLIPHER,
PLANNING COMMISSION MEMBER

COMES NOW, Robert D. Aitcheson, a resident and citizen of the Rural Zoning District, Jefferson County, West Virginia, and moves the Planning Commission to disqualify and recuse Stephen Stolipher, Planning Commission member, from ANY vote, discussion, participation or other activity regarding the above-referenced ZTA 19-03, Solar Energy Facilities, for the following reasons:

1. Movant is reliably informed and therefore states upon information and belief that Mr. Stolipher is pecuniarily interested, directly and/or indirectly, in the subject matter of ZTA 19-03 and the approval by this Commission of the draft text amendment prepared at the request of the Subcommittee of this Commission and representatives of one or more solar facilities developers.
2. Upon information and belief, Mr. Stolipher is a commercial real estate agent and has several contracts pending in Jefferson County, West Virginia, for one or more renewable energy developers that stand to also benefit pecuniarily from the approval by this Commission of said draft text amendment.
3. W.Va. Code Section 8A-2-4(e) states in part that:

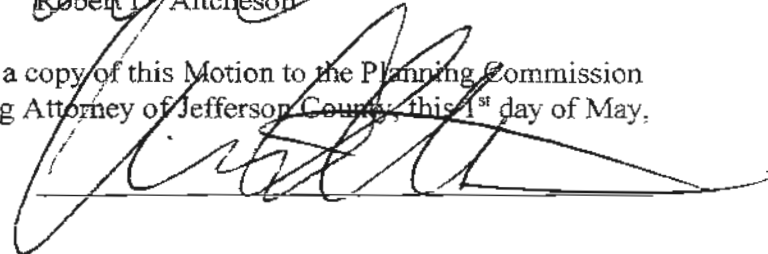
“...This member must recuse himself or herself from ANY vote, discussion, participation or other activity regarding the conflicting issue.” (emphasis added)

And this provision requires his said disqualification should he fail to do so. In that it appears Mr. Stolipher has, upon information and belief, failed to timely recuse himself in this matter, he must be required to disclose, on the record and under oath, all of his activities, directly or indirectly, to influence the votes of other members of this Commission on the proposed text amendment in ZTA 19-03.

Dated this 1st day of May, 2020.


Robert D. Aitcheson

I certify that I have hand delivered a copy of this Motion to the Planning Commission and Nathan Cochran, Assistant Prosecuting Attorney of Jefferson County, this 1st day of May, 2020.



Ex 4 (3pp)

May 27, 2020

From: Robert D. Aitcheson, WWSB #90 (inactive)

To: Jefferson County WV Planning Commission

Re: Member Stephen Stolipher; Failure to Recuse Himself from Solar Facility
Text Amendment Discussion, Vote, etc.

The Planning Commission must REQUIRE Stephen Stolipher to recuse and disqualify himself from ANY vote, discussion, participation or other activity regarding the proposed solar facility text amendment because W.Va. Code 6B-2-5(b)(1) and separately W.Va. Code 8A-2-4(e) & (f) mandate such recusal and because the “class exception” under W.Va. Code 6B-2-5(j)(2)(A) of the Ethics Act is NOT available to Mr. Stolipher as a defense to his disqualification, more particularly as follows:

1. W. Va. Code 8A-2-4(e) & (f) require that a Planning Commission (hereinafter “PC”) member recuse himself or herself from any vote, discussion or other activity regarding “the conflicting issue” if the member is pecuniarily interested in the matter.

2. Separately, the W. Va. Code 6B-2-5(b)(1) of the Ethics Act PROHIBITS a PC member from “knowingly and intentionally” using “his or her office or the prestige of his or her office for his or her own private gain...”.

3. FACTS:

(a) Mr. Stolipher is a commercial real estate agent with Oakcrest Realty. As such, he is believed to have contracts pending for the sale or lease of land in Jefferson County, WV with HORUS Renewables Corp. of Sacramento, California as prospective purchaser or lessor. At least three of those contracts are believed to be for Thorn Hill Subdivision (172 acres) at the corner of Route 115 and Kabletown Road, Highland Farm (123 acres) and another separate 100+ acre parcel.

(b) If said contracts are closed, Mr. Stolipher stands to receive a monetary commission or finder’s fee from each such transaction.

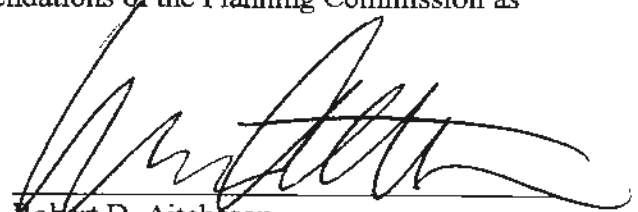
(c) The contracts with Horus Renewables Corp. are believed to be for the purpose of establishing solar facilities on said properties and are believed to be in some way dependent on the actions of this PC and the County Commission on the subject text amendment.

4. The class exception under W. Va. Code 6B-2-5(j)(2)(A) incorrectly relied upon by Mr. Stolipher as a defense to his recusal, is not available to him in this circumstance because:

(a) The essential requirement to relieve a member of the requirement of recusal is that the member not be uniquely affected, but be “a member of and to no greater extent than any other member of a profession,...consisting of not fewer than five similarly situated persons or businesses;...”

“If, on some occasion, a Planning Commission member would be uniquely affected, he or she must fully recuse him or herself from the matters before the Planning Commission and the subcommittee in accordance with W. Va. Code 6B-2-5(j)(3)”....(emphasis in original) Advisory Opinion 2017-19 (West Virginia Ethics Commission); see attached.

5. Mr. Stolipher is “uniquely affected” and “pecuniarily interested” because he stands to benefit directly and financially in specific, unique transactions depending upon the actions of this Commission and the County Commission thereafter. And it is well known that the County Commission generally accepts the recommendations of the Planning Commission as presented.



Robert D. Aitchison
Resident and Citizen of Jefferson County,
W. Va. since April, 1979

MOTION

From: Robert D. Aitcheson

To: County Commission, Jefferson County, WV

Re: Removal Proceedings Against Planning Commission Member Stephen Stolipher

Pursuant to W.Va. Code 6-6-7(b)(1)(A); 8A-2-4(e)&(f) and County Ordinance 2007-1, Section 3 thereof, the County Commission should REVOKE Stephen Stolipher's appointment to the Jefferson County Planning Commission for his wrongful failure to recuse himself from ANY vote, discussion, participation or other activity regarding the proposed solar facility text amendment [ZTA 19-03] because W.Va. Code 8A-2-4(e) & (f) mandates such recusal. Robert D. Aitcheson moves that this Commission INITIATE REMOVAL PROCEEDINGS AND REMOVE MR. STOLIPHER FROM THAT OFFICE, more particularly as follows:

1. W.Va. Code 8A-2-4(e) & (f) require that a Planning Commission member recuse himself or herself from any vote, discussion or other activity "regarding the conflicting issue" if the member is **pecuniarily interested** in the matter. See also, Planning Commission Bylaws, Section 5.2-Recusal.

2. FACTS:

(a) At the time he was acting officially as a Planning Commissioner in ZTA19-03, Mr. Stolipher was a commercial real estate agent with Oakcrest Realty. As such, he is believed to have had contracts pending for the sale or lease of land in Jefferson County, WV with Horus Renewables Corp. of Sacramento, California as prospective purchaser or lessor. At least three of those contracts are believed to have been for Thorn Hill Subdivision (172 acres) at the corner of Route 115 and Kabletown Road, Highland Farm (123 acres) and another separate 100+ acre parcel along Rte. 115 near Charles Town, Jefferson County, WV.

(b) At closing, Mr. Stolipher stood to receive a monetary commission or finder's fee from each such transaction.

(c) The contracts with Horus Renewables Corp. are believed to be for the purpose of establishing solar facilities on said properties and are believed to be dependent upon the actions of the Planning Commission and, subsequently, this Commission on the subject text amendment.

3. Mr. Stolipher was **pecuniarily interested** because he stood to benefit directly and financially in specific, unique transactions dependent upon the actions of the Planning Commission and this County Commission. His wrongful participation in the discussion, vote and any other activity regarding industrial/commercial solar facilities on our rural, agricultural land and his wrongful failure to disqualify and recuse himself has so tainted and poisoned the actions and

Ex 5 (app.)

~~Ex A of 1 of 2~~

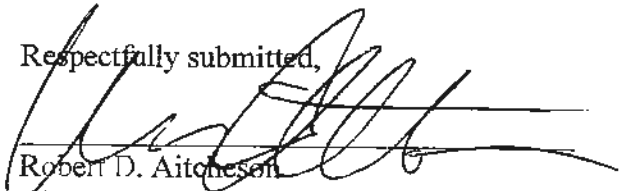
recommendations of the Planning Commission as to bring into serious question the legitimacy of the recommended text amendment. Said proposed text amendment fails to protect the citizens of Jefferson County to the substantial financial benefit of the solar developers and Mr. Stolipher.

4. The proposed text amendment fails to require a conditional use permit which would allow public input for each project application (rather designating the activity as a principal permitted use in the Rural Zoning District); fails to establish standards for a Board of Zoning Appeals review of each such project application; fails to establish adequate bonding requirements for both maintenance and decommissioning **with sufficient financial security** to protect the taxpaying citizens of this county from contamination of ground water and toxic runoff and the cost of disposal of toxic waste materials when government money and tax credits dry up and projects are abandoned by the shell companies of the out-of-state investors; fails to limit the portion (percentage) of any parcel of rural, agricultural land that may be used for installation of solar panels; fails to restrict such projects to non-tillable land and fails to require proximity to an existing transfer station and transmission lines.

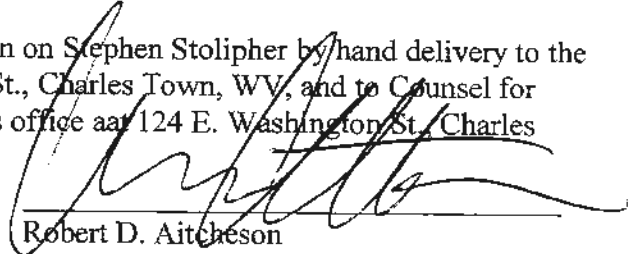
5. Mr. Stolipher has violated his oath of office in that he has failed to discharge his duties as Planning Commission member to act "faithfully...to the best of his skill and judgment" when judged by this objective, Constitutional standard. See West Virginia Constitution, Article IV, Section 5. His aggressive promotion of the foregoing, contrary to the interest of the citizens of this county but to his own substantial monetary benefit, exhibits a stunning and faithless unwillingness to comply with the law which renders him unfit to continue to hold the official position to which this Commission appointed him.

ROBERT D. AITCHESON REQUESTS THAT THIS MOTION BE SET FOR HEARING ON THE AGENDA OF THE NEXT MEETING OF THIS COMMISSION AND THAT MOVANT BE GIVEN SUFFICIENT TIME TO FULLY ADDRESS THE ISSUES ARISING HEREIN.

Respectfully submitted,


Robert D. Aitcheson
Citizen of Jefferson County, WV
Since April, 1979

I have served a true copy of this corrected Motion on Stephen Stolipher by hand delivery to the Planning Commission office, 104 E. Washington St., Charles Town, WV, and to Counsel for said Planning Commission, Nathan Cochran, at his office at 124 E. Washington St., Charles Town, WV, this 28th day of August, 2020.


Robert D. Aitcheson



Supplement to my Motion for the County Commission to Initiate proceedings to Remove Planning Commission Member Stolipher

From: Robert Aitcheson (bob.aitch46@gmail.com)

To: sandy@jeffersoncountywv.org

Bcc: waitcheson@yahoo.com

Date: Thursday, September 3, 2020, 09:45 AM EDT

Sandy,

Thank you for the information yesterday. It was great to talk with you!

Realizing that 3 minutes is not adequate to fully discuss this matter with the Commission, I submit the following supplementation. Please confirm your receipt of this email and that it has been conveyed to the Commissioners.

To the Jefferson County Commission:

1) The W Va Code 8A-2-4(e) & (f) allow persons to serve on the Planning Commission with business regularly before that commission or with regular interaction with commission staff, PROVIDED THAT the member recuses himself or herself from any vote, discussion or other activity regarding "the conflicting issue". While Stanley Dunn is purported to be a lawful petitioner [and this is not in any way conceded] he is also a straw party for the many properties and pending sales Mr Stolipher has lined up once this grossly inadequate industrial/commercial solar text amendment is, he hopes, rammed through this Commission. It's Mr Stolipher's own financial gain that hangs in the balance, not just Mr Dunn's.

2) Facts which form the basis of this Motion are set forth in paragraph 2 thereof. There are several things I should add, however.

a) I have photocopies from Mr Stolipher's website with Oakcrest Realty of his listings of two of the properties that I am reliably informed he, as agent, has under contract to Horus Renewables Corp of Sacramento, CA.

b) In addition, I have spoken with personnel in his Oakcrest office and have reliably confirmed the existence of those contracts.

c) Further, I have just learned from the Jefferson County Development Authority website that Mr Stolipher, apparently trading as Belmont West Properties [according to the Secretary of State's website, the LLC by the same name's charter was last revoked 11/1/16] has listed for sale a large number of contiguous farm properties in Kabetown Magisterial District totaling 1,805 ACRES awaiting the passage of the pending version of the text amendment, undoubtedly with much more substantial monetary rewards to Mr Stolipher. See also the Revised Generation Interconnection System Impact Study Report For PJM Generation Interconnection Request Queue Position AD2-158 "Old Chapel-Millville 138 KJV" 46.5 MW Capacity/ 77.5 MW Energy (February 2020, Revision 2) previously provided to this Commission by Mr Rockwell.

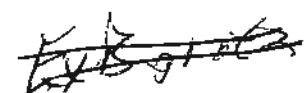
d) As stated in my Motion, Mr Stolipher has aggressively promoted this text amendment, including voting, seconding motions, etc. He has violated his oath of office. This text amendment proposal does nothing to protect the citizens of this County who are taxpayers & those nearby that would become a massive industrial/commercial solar complex on prime agricultural land in this county.

3) I have made two motions to the Planning Commission during the pendency of the matter below, for Mr Stolipher to be recused from participating in matters pertaining to ZTA 19-03. Both Mr Stolipher & the Commission refused these motions.

a) Mr Stolipher says that he secured a letter from the State Ethics Commission that he could participate in ZTA 19-03, yet he's NEVER produced such an alleged letter so the alleged assessment & the purported facts given to the Commission could be determined to be accurate & complete. Moreover, there is no Advisory Opinion on the Commission's website on this subject matter that appears to have been generated by him.

b) More importantly and as confirmed by a staff attorney at the Commission, the Legislature has NEVER given the Ethics Commission jurisdiction for enforcement of W Va Code 8A-2-4(e) & (f). Thus, any alleged letter Mr Stolipher claims to have received from the Ethics Commission bears no relevance to this Motion.

c) Finally, letter or no letter, Mr Stolipher's stunning lack of integrity in failing to disqualify himself voluntarily when he clearly has a substantial financial interest in the subject matter & the outcome, is appalling. His conduct in this matter requires further investigation by this Commission & his removal from the Planning Commission.



4) Under County Ordinance 2007-1, there are two methods to initiate removal proceedings against a public official, one by a petition of at least 50 citizens and one by this Commission [see County Ordinance 2007-1, Section 3]. Consistent with this Commission's DUTY to prevent the abuse by a public official of their position for monetary gain, this Commission should IMMEDIATELY initiate an investigation and proceedings for removal of Mr Stolipher.

Respectfully,
Robert D. Aitcheson

~~Ex B part 2/0~~

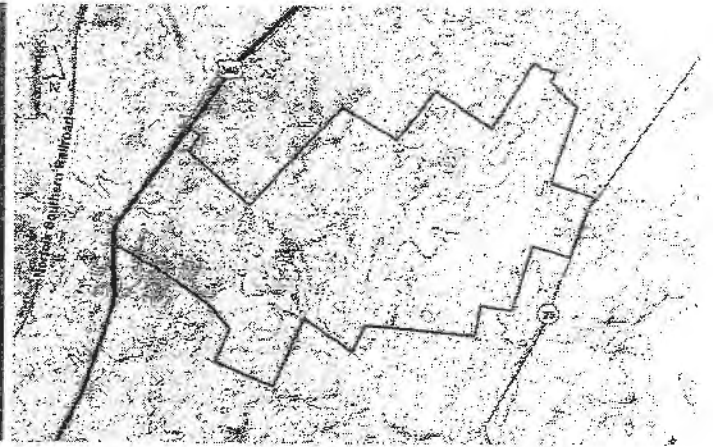
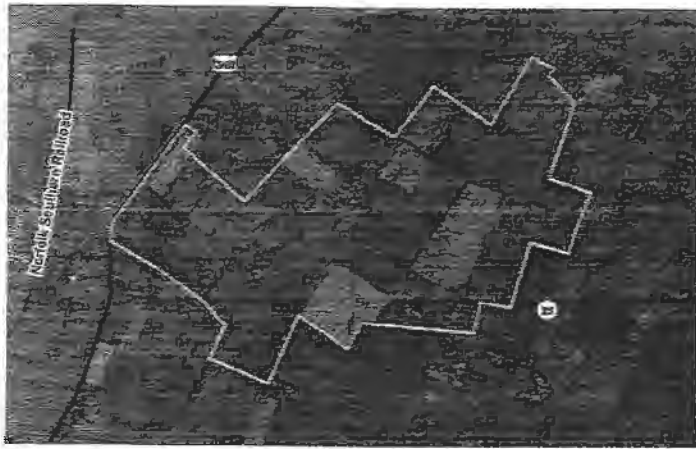


Charles Town Properties Site

Charles Town, West Virginia 25414 - View Charles Town Profile

 PDF	 Print	 Share	 Documents
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 Virtual Tour	 Map View	 Street View	 3D Rotation
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Property Details

Street Address: Route 340 and Roper Rd S

City: Charles Town (View City Profile)

County: Jefferson County (View County Profile)

Zip Code: 25414

Type of space: Vacant Land

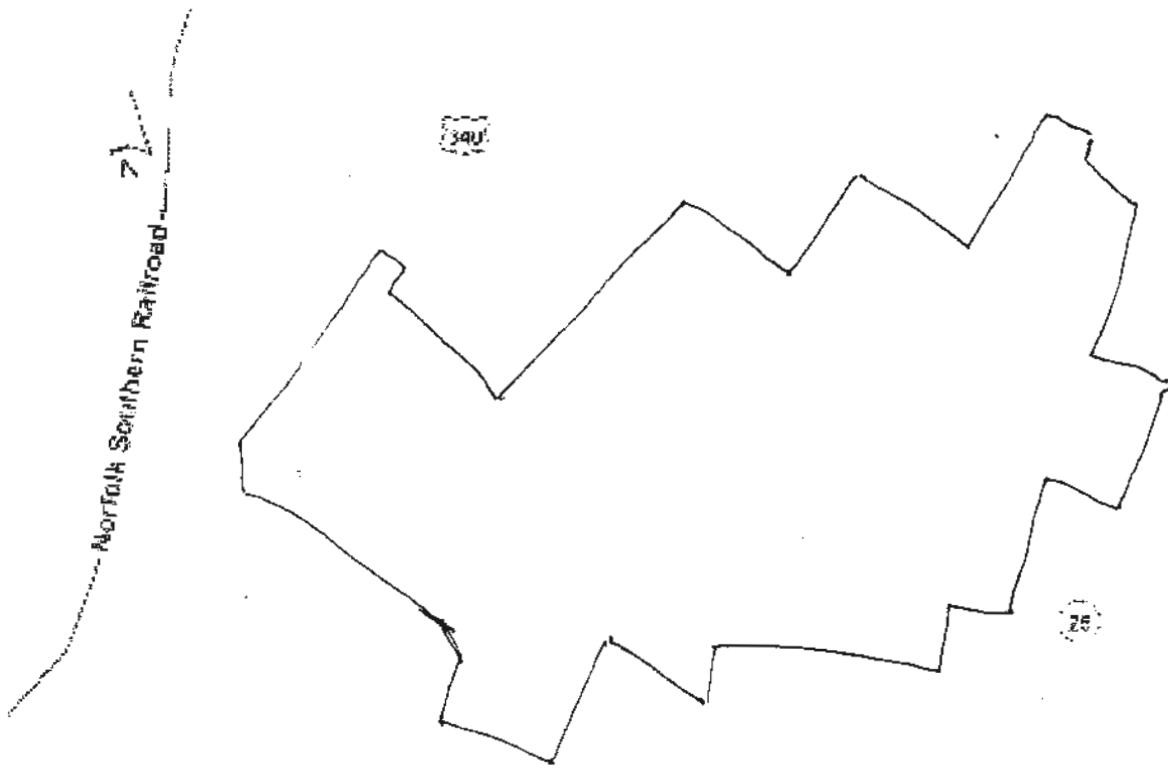
Min Size: 1 acres

Max Size: 1,805 acres

Last Updated: 6/2/2020

Saved	Map	Contact
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EXC pt of 51



1. Mickey Reva N & G Warren	06 400030000000	111.15 acres w/ house	} only 100 acres
2. " "	06 4000300010000	79.2 acres w/ house	
3. Carl Sarah F Family Partnership	06 110006	115.79 ac	
4. " "	06 1100060001	25.14 ac	
5. Zigler Inc	06 110007	57.28 ac w/ house	
6. Stolipker Douglas & Nancy C	06 1100050001	5 ac w/ house	
7. Zigler Inc	06 40009	349.90 ac w/ house	
8. Hough T Todd & Susan B TR	06 50001	204.58 ac w/ house	
9. Rissler Marjories	06 50006	45.12 ac	
10. Rissler William G	06 50005	47.52 ac w/ house	
11. Nemeec Michael A & Wilma J	06 500050002	27. ac w/ house 2010	
12. Rissler Dorothy D	06 500050001	24 ac	
13. Hough Charles Ed & Marie S-Life	06 110008	118 ac w/ house 2014	
14. Hough Clarence & Donna S	06 1100070001	107.16 ac	
15. Bulls Skin LLC	06 110009	133.3/4 ac w/ house	
16. Casey Family Land Trust	06 50002	144.72 ac w/ house 2002	
17. Boyer James A	06 500070003	32.1/2 ac	
18. Hough T Todd & Susan B	06 500070001	76.2/5 ac	
19. Bulls Skin LLC	06 10007	11.07 ac	
20. " "	06 100006	236. ac w/ house	
1. Dunn Stanley W Jr & Katherine B	06 100005	366.62 ac w/ house 1965	
2. Stolipher Nancy C	06 110005	155 ac	

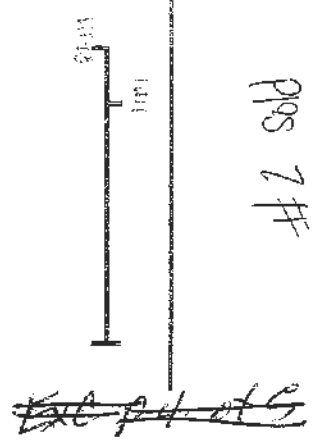
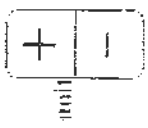
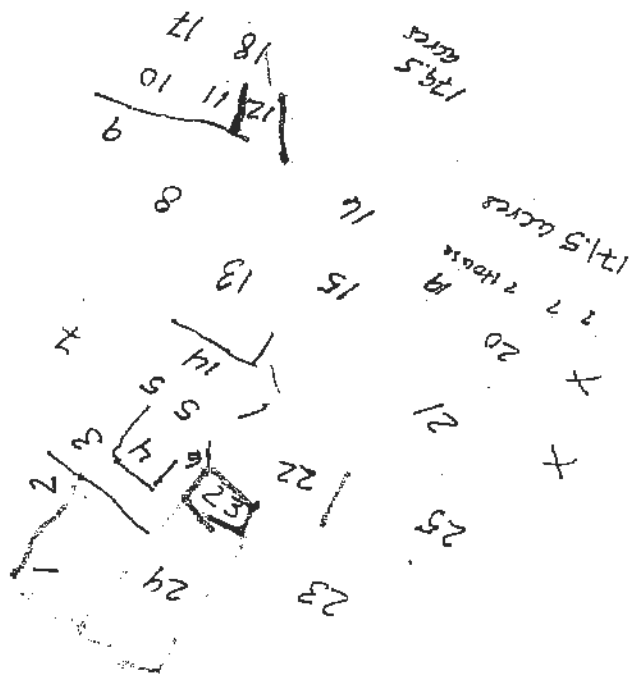
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Land Owners numbered by map.

	District	Map #	Parcel#	Acreage
1. Zigler	2	16	12.8	58
2. Crawford (sold)	2	16	12.9	38.2
3. Rissler	2	16	18	235
4. Zigler	6	4	9	349.9
5. Hough	6	5	1	204.57
6. Metz	6	11	6	115.79
7. Zigler	6	11	7	57.3
8. Metz	6	11	6.1	25.14
9. Mickey	6	4	3	100
10. Stolipher	6	11	2.2	160
11. Stolipher	6	11	5.1	5
12A. Hough	6	11	7.1	95
12B. Hough	6	11	7.1	133
13. Stolipher	6	11	5	112
14. Rissler	6	5	6	45
15. _____				
16. Zigler	6	4	9	1
17. Rissler	6	5	5	30
18. Burns Farm Limited Partnership	6	-	-	36

total 1,801

Exhibit



pos 7#

Meeting Minutes
Jefferson County Planning Commission
May 05, 2020

The Jefferson County Planning Commission met on May 05, 2020 with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Jack Hefestay, Steve Stolipher, J Ware, and Ray Bruning. Staff members present included: Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; Rachael Burke, Planning Clerk.

Mr. Ralph Lorenzetti, County Commission Liaison and Ron Thomas were absent without prior notification.

Meeting was held via ZOOM Meeting Room and the public was invited to join via the agenda, posted to the County site. Sign-ups for Citizen Communication and Public Hearing were done via the chat function.

Mr. Mike Shepp called the meeting to order at 7:05 pm.

1. Approval of the April 14, 2020 meeting minutes, approved as submitted.
2. Citizen Communications

Doug Rockwell and Bob Aitcheson both asked Rachael Burke to sign them up for Citizens Communication, they both spoke regarding the Solar Facility Amendment – Item #5.

Mr. Rockwell wanted to propose edits to the amendment and written communication was provided prior to the meeting, some of which was included in the packet and other provided as a handout (via e-mail) prior to the Planning Commission Meeting to the members.

Mr. Aitcheson asked Mr. Stolipher about his letter of request regarding recusing himself from the Text Amendment regarding Solar Facility. He also reviewed the comments he sent as non-actionable correspondence, also sent via e-mail to Planning Commission members, which he reviewed during his speaking time.

3. Request for postponement. None.
4. **Public Hearing:** Application by Michael C. Wilson (File #20-2-PCW), requesting a waiver from Section 20.201A(2) of the 2008 Subdivision Regulations, as amended, which requires all lots in minor residential subdivisions to have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots. Applicant is requesting to utilize an existing 30' easement (Amnesty Way) to access a proposed two additional lots for a total of 6 lots. The property is designated as Tax District: Shepherdstown (09); Tax Map: 4, Parcel: 5; Zoned: Rural; Size: 22.276 acres. (Resubmission of File # 20-1-PCW).

Mr. Mike Shepp recused himself due to a potential conflict of interest and Vice President, Donnie Fisher ran this agenda item.

Ms. Jennifer Brockman provided an overview of the applicant's request, which encompasses two components: The use of the 30-foot right-of-way and to create lots 5 & 6 – for a total of 5 lots on Mr. Wilson's property. She reviewed the photographs of the site and explained the history and previous requests made by the applicant. She pointed out that Shepherd Grade Road, like many state roads, is within a 30' right-of-way and that minor subdivisions do not require engineering plans or the improvement of the road.

Ex 6 (4 pp)

Applicant, Michael Wilson spoke about improvements made to Amnesty Way since the March 10, 2020 Meeting. He submitted a written statement April 22, 2020 to the PC Members, which was included in the packet and referenced in his overview.

Mr. Donnie Fisher opened the floor to Public Comment. The following people signed up to speak. Their comments included concerns with road width for emergency access and increased traffic to a paved portion at the entrance of Shepherd Wood, which is only maintained by residents of the Subdivision. A video was provided prior to the meeting and reviewed during the meeting by the members individually.

Jason Dom
Casey Reese
Mike Zagarella
David Glenn
Suzanne Offit

James Munis, added later from chat function, after public comment was closed. Mr. Fisher allowed him to speak.

Mr. Donnie Fisher gave the applicant an opportunity to respond to the comments made.

Mr. Mike Wilson stated he was not aware this area was to be intended to remain a farm. He also addressed the 11-foot width of the road and explained that it could be widened and has access in the event of an emergency. He also addressed the comment about trash pickup.

Mr. Fisher asked who uses this road presently, Ms. Brockman explained there is one person that uses this Amnesty Way, currently. She reiterated a Minor Subdivision does not have a road standard.

Mr. Donnie Fisher closed Public Comment.

Planning Commission members and staff discussed length of the road and other inquiries about trash pickup and turn around areas.

Mr. Steve Stolipher made a motion to approve the request as submitted by the applicant. Mr. Ray Bruning seconded the motion. Donnie Fisher, Steve Stolipher, Ray Bruning, Jay Ware and Wade Louthan voted yes. Jack Hefestay voted no, which carried (5 to 1).

5. **Discussion and Action:** ZTA19-03 Proposed Solar Energy Facility Text Amendment developed at the direction of the Planning Commission including proposed revisions related to the processing of solar energy facilities. The proposed text amendment includes revisions to Article 2, Section 2.2, "Definitions"; Article 8, Supplemental Use Requirements (proposed new Section 8.20 Solar Energy Facilities); and Appendix C, Principal Permitted and Conditional Uses Table. The purpose of the meeting is to review the proposed text amendment and to schedule a Public Hearing to receive input on the proposed text amendment.

Mr. Nathan Cochran, attorney, reminded Mr. Mike Shepp about the written request for Mr. Stolipher to recuse himself, submitted by Mr. Bob Aitchison. Mr. Stolipher spoke to this and stated that he checked with the West Virginia ethics commission to make sure there was no conflict and noted that based on their response, he would not recuse himself.

Ms. Alexandra Beaulieu provided an overview of the proposed text amendment that was drafted by the Planning Commission appointed subcommittee. She outlined the next steps required as part of the text amendment process. Ms. Beaulieu also pointed out that Sec. 8.20.B.3.c, which pertains to buffer requirements for Accessory Components, was intended to include similar language found in the previous subsection 3.a, that the buffer was not required to be installed along the entire length of the common property line. She requested that the Planning Commission consider this item as part of their recommendation when considering scheduling a public hearing.

The Planning Commission asked a couple questions regarding the buffer standards and also requested that Mr. Goodwin provide an overview of his memo, specifically addressing the 30-year decommissioning bond.

Mr. Roger Goodwin provided a summary of his research pertaining a 30 year decommissioning bond and concluded that based on his research, he did not believe State Code enabled the County to require a 30 year decommissioning bond and requested Mr. Cochran's legal advice.

Mr. Nathan Cochran stated his initial thoughts were that he agreed with Mr. Goodwin's assessment.

Mr. Mike Shepp asked about the land owner's role in this.

Mr. Roger Goodwin stated that his recommendation was that the decommissioning plan should be the property owner's responsibility and that a property owner could include decommissioning requirements in the lease agreement with the solar company. He stated that the Ordinance could have a requirement to allow the County to enforce decommission as an alternative to requiring a decommissioning bond.

Ms. Beaulieu stated that this requirement was included at the bottom of page 109 (Sec. 8.20.B.5.c), which requires that an affidavit be submitted from the Property Owner acknowledging that the Solar Facility Decommissioning Plan is the Property Owner's responsibility.

Mr. Mike Shepp referenced the buffering requirements noted by Ms. Beaulieu and stated that he believed it was an oversight during the review and that the intent was to keep the requirements in Sec. 8.20.B.3.a and 3.c the same.

Mr. Stolipher motioned to accept the correction pertaining to the buffer requirements as noted by Staff and motioned to schedule a Public Hearing on June 2, 2020. Mr. Fisher seconded the motion, which carried unanimously.

10. Reports from Legal Counsel. None.

11. Planners Memo:

- Ms. Jennifer Brockman reviewed Department of Engineering, Planning and Zoning operations at this time during the COVID-19 restrictions which are in place until 5-23-20. Planning and Zoning are still working remotely and the County Commission will meet again on 5-22-20 to discuss this further.

- We have returned the Greenway draft reorganization of the Subdivision Regulations.
- The next Planning Commission Meeting will be, Tuesday, June 2, 2020 due to the June 9, 2020 Primary Election date.

12. **President's Report:** Mr. Mike Shepp does not have a report but thanked the staff for their hard work during this stressful time.

13. **Actionable Correspondence:** None.

14. **Non-Actionable Correspondence:**

- Letter from Doug Rockwell: Re Solar Energy

Mr. Shepp closed the meeting at 8:40pm.

Meeting Minutes
Jefferson County Planning Commission
September 08, 2020

The Jefferson County Planning Commission met on September 08, 2020 with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Jack Hefestay, Steve Stolipher, Ron Thomas and Shane Roper. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; Alexandra Beaulieu, Zoning Administrator; and Rachael Burke Planning Clerk.

J Ware was absent without prior notification.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:04 pm. Mr. Shepp verified we had a quorum at the start of the meeting.

1. Introduction of new Planning Commission member, Shane Roper. Welcome!
2. **Minutes:** Approval of the August 11, 2020 meeting minutes. Approved as submitted.
3. **Citizen Communications:** Citizens were able to sign up for this item utilizing the chat function in ZOOM prior to the commencement of the meeting. There were no citizens signed up to speak.
4. **Request for postponement.** None.
5. **Public Hearing:** Smartlink, LLC. submitted a Concept Plan for AT&T to build a 199 ft. monopole Cell Tower (195' monopole with a 4' lighting rod) which will include 6 antennas and a 3,600 sq. ft. fenced compound on a vacant parcel located on the corner of South Childs Road and Leetown Road. The property is designated as Tax District: Middleway (07); Tax Map: 25; Parcel: 11.2; Zoned: Rural; Size: 17 acres (File #: 20-4-SP).

Ms. Brockman asked who was present for the project. Christopher Burns, AT&T introduced himself and fellow staff and Engineers representing the project.

Ms. Brockman did an overview of the applicants' request, including items from the Concept Plan submission: Coverage area comparison map, balloon tests/photo simulation and she reviewed the itemized requirements for Concept Plan. She also explained Historic Landmarks submitted a letter and NEPA report, which stated there was not any significant structures within the area of impact. She brought up that the Planning Commission should discuss the required fall radius and landscape buffer along the fencing.

Mr. Christopher Burns, applicant and AT&T representative, explained that three other wireless carriers could co-locate on this monopole. This location was chosen for multiple reasons. He reviewed the coverage gaps to the West of Charles Town and stated this pole would remedy that gap, including improving E911 services and First Net coverage, which is intended to prevent communication problems in the event of a disaster. He stated that the NEPA Report (over 200 pages) Exhibit J was done to ensure this project would not affect historic or environmental items within the area. He emphasized the need for emergency and non-emergency coverage.

Mr. Shepp opened the floor to public comment. No one was signed up to speak. Mr. Shepp asked if the Planning Commission had any questions about the request.

Ex. 7 (5 pp.)

Mr. Hefestay asked about the 100' height maximum vs the requested height. Mr. Burns offered to provide further maps at the other heights. He explained the best coverage is obtained at this height and also touched on FAA guidelines.

Mr. Shepp explained that a variance from the 100' requirement in Rural zoning was approved by the Board of Zoning Appeals. Ms. Brockman stated that in the Industrial Commercial Zone, towers can be 199' and that this language was drafted in 2012. She also mentioned not a lot of towers have processed under this new language. There are other 199' towers in the County that pre-date the current Ordinance.

Mr. Hefestay asked about the buffer/landscape.

Mr. Burns explained that they didn't propose landscaping but are willing to install it. He also mentioned that they are within the required setbacks and reviewed the fall radius technology and how the tower is designed to break at break points and for it to fall onto itself; Thus, the fall zone is could be reduced by more than half.

Ms. Brockman also mentioned a written comment that was received after the packet deadline, but was e-mailed to the members on the date of the meeting as a hand out (from Rob Aitcheson), which stated that the tower location is within a Civil War study area.

Ms. Brockman stated that the required fall zone is 110% of the Tower height and generally an easement is provided to ensure that the owner does not put something within the radius.

Mr. Burns clarified a shovel study was conducted for 17 locations on the site, less than 10 ft apart that analyzed the dirt as far back as the Mesozoic era; and that no historic artifacts were found.

Mr. Thomas asked about what the landscaping preference is. Ms. Brockman stated it was at the commissions discretion. He also asked Mr. Burns about their willingness to adhere a landscape buffer along the two roads.

Mr. Burns advised they would be willing to implement that.

Mr. Thomas made a motion to accept the Concept Plan as submitted, to include a landscape buffer 10' wide and 6' tall along the sides that face S. Childs Road and Leetown Road. He also requested that the easement be established for the fall zone of the monopole tower. Mr. Louthan seconded the motion. A vote was taken: 6 in favor; 2 opposed (Jack Hefestay and Ralph Lorenzetti).

- 6. Public Hearing:** Request by applicant, Townhomes Rental, LLC., for a waiver (File #20-5-PCW) from Appendix B Section 2.5I, which requires parking area access driveways and entrances leading from the public road or subdivision street, and the parking area internal access drives connecting physically separated parking bays, to not exceed an 8% grade. The applicant is requesting, just under 12% grade. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential-Light Industrial-Commercial; Size: 7 and 16.62 acres.

Ms. Brockman provided an overview of her staff report.

Mr. Paul Raco presented the request for a waiver for the slope on a small portion of the driveway in the commercial portion. He also clarified that this area is not owned by Hoy Shingleton Trustee; but is owned by Townhouse Rental, LLC. He explained this slope is within the gated portion serving the commercial mini storages. The builder is working with the topo of the property and that these are 2 story mini storages, including a walk out bottom level. There will be no parking in this area and plenty of room, the slope will not exceed 12%.

Mr. Thomas made a motion to approve the waiver to be kept under a 12% grade. Mr. Fisher seconded the motion, which carried unanimously.

7. **Public Hearing:** Request by the applicant, Townhomes Rental, LLC, to approve the Preliminary Plat for Rocky Ridge Subdivision (File # 19-7-SD) in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential-Light Industrial-Commercial; Size: 7 and 16.62 acres.

Ms. Brockman provided an overview of the Rocky Ridge Preliminary Plat. She explained the Stormwater, water and sanitary sewer is being provided by Berkeley County and that they have approved the design of these facilities. She explained a buffer was asked for by Hospice at the Concept Plan stage, but it is not a requirement. Whether the proposed landscaping satisfies this request will be up to the commission. The Final Plat will be administratively approved; therefore, this is the last time this project comes before the Commission.

Mr. Shepp opened the floor to public comment.

Mr. DeWalt, CFO for Hospice, explained that a letter was sent prior to the meeting to the Planning Office (included in the packet) and he is reiterating the importance of road access and that its unencumbered use is critical. They requested a construction entrance and a dense natural border.

Mr. Lorenzetti asked for clarity about the buffer. Mr. DeWalt asked for a natural vegetative barrier and to not see the townhouses at all.

Mr. Raco explained that they accommodated the request by adding a buffer down the boundary line and normally the commercial use is required to input the buffer rather than the residential use. The applicant does not want to commit to the county landscape design standard. If commercial was buffering to them, the commercial would have had to do 3 rows of plantings. The applicant removed 12-14 townhouses to incorporate rain gardens and shortened the top and bottom rows of townhouses to minimize the impact on the Hospice property. The applicant also worked with the WV Division of Highways regarding Hospice's other request, but were not able to receive approval of the full commercial construction entrance. They offered to bring in construction via the first entrance along Hospice Lane and to provide the local builders contact information in case of the rare event of a road blockage.

Mr. Lorenzetti asked about the school bus stop and Mr. Raco mentioned that it would come in off of the first entrance. For clarification on buffering, they have committed to planting, not a grass or juniper. It will be bushes and trees – just not a completely screened buffer.

Mr. Stolipher moved to approve the Preliminary Plat as submitted. Mr. Fisher seconded the motion. Mr. Lorenzetti made a motion to amend the motion to include the landscape buffer. Mr. Hefestay seconded the amended motion. Mr. Shepp asked if there is any discussion about the amendment. Mr. Fisher asked for clarity of the motion. The developer has been asked to provide the buffer as shown, not the one requested by Hospice. A vote was taken on the amendment, which carried unanimously. A vote was taken on the original motion, as amended, which carried unanimously.

8. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning Ordinance to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use in the Residential-Light Industrial-Commercial and Industrial

Commercial zoning districts. The text amendment, in accordance with WV Code Chapter 8A and Article 12 of the Zoning Ordinance, proposes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C, Principal Permitted and Conditional Uses Table. PC File #ZTA20-01.

Ms. Beaulieu provided an overview of the proposed text amendment, noting that the amendment includes provisions to allow commercial cemeteries to process by right in the RLIC and IC zoning districts, utilizing the commercial site development standards in Appendix B; and as a conditional use in the Rural zoning district with specific site development criteria including buffer requirements and setbacks.

Mr. Shepp opened the floor to Public Comment. The following person was signed up to speak: Christine Marshall.

Ms. Marshall spoke about concerns with water run-off and leaching from decomposing bodies contaminating the ground water.

Mr. Louthan asked if there were any state regulations to address stormwater management concerns.

Ms. Beaulieu stated that she had previously reached out to the Health Department to inquire about permitting requirements for cemeteries. She stated that the Health Department did not have an approval process for cemeteries. Ms. Beaulieu also spoke with representatives from the Department of Environmental Protection (DEP), who stated that a ground water permit was not required for cemeteries, and that a typical stormwater construction permit would be required for disturbed land.

Mr. Lorenzetti asked about the natural cemetery details and perpetual care for the cemetery if it were to go under.

Ms. Beaulieu stated that there are no embalming fluids or casings used in natural and green burials. The standard is 4-6' depth for burial, which is nowhere near the water table.

Ms. Jane Denison and Mr. Michael Judd, applicants, were present to address questions from the Commission. Mr. Judd explained that West Virginia has a cemetery association to oversee the long term care and maintenance of cemeteries. He also noted that they require a \$10,000 deposit to help with upkeep of the grounds.

Planning Commissioners explained that they wanted additional time to research the land use. Mr. Stolipher suggested that Public Comment period remain open for two weeks.

Mr. Lorenzetti made a motion to extend public comment for two weeks and put it on the October 13, 2020 Planning Commission Meeting, to allow time for research. Mr. Stolipher seconded the motion, which carried unanimously.

9. **Discussion and Possible Action:** Request from Gordon for the Planning Commission to consider within its work plan a proposed text amendment to the Zoning Ordinance to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P).

Ms. Beaulieu provided an overview of the proposed text amendment, noting that in addition to the change in land use classification in Appendix C, the amendment proposes eliminating Section 5.8C.3.

Mr. Wallen, with Gordon, represented the request. He explained there is a reliance on drive-throughs due to the pandemic. He stated that "Gas Station -- Large" is a conditional use in General

Commercial zoning but is permitted in the RLIC zone; however, drive through restaurants require a Conditional Use.

Mr. Stolipher made a motion to accept the request into their work plan and to schedule a public hearing. Mr. Louthan seconded the motion, which passed with a vote of 7 in favor and 1 opposed (Ralph Lorenzetti).

10. **Reports from Legal:** Mr. Cochran has no report.

11. **Planner's Memo:** Ms. Brockman reviewed the status of office availability and the next Planning Commission Meeting is October 13, 2020.

Mr. Shepp asked about any restriction for the number of people in the office. Ms. Brockman stated there is no limit.

12. **President's Report:** None.

13. **Actionable Correspondence:** None.

14. **Non-Actionable Correspondence:** Letter from Robert Aitcheson.

Mr. Lorenzetti mentioned making the letter from the ethics committee available to the County Commission and Mr. Stolipher agreed to do that.

Mr. Hefestay made a motion to adjourn the meeting at 8:33 pm. Mr. Fisher seconded the motion, which carried unanimously.

Mr. Shepp closed the meeting.

Meeting Minutes
Jefferson County Planning Commission
February 9, 2021

The Jefferson County Planning Commission met on February 9, 2021 at 7:01 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison, Shane Roper, Jack Hefestay, J. Ware, and Matt Knott. Ron Thomas was absent with notice.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; William Rhorbaugh, Temporary Legal Counsel; Jennilee Hartman, Zoning Clerk and Alice Johns, Planning Clerk.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:01 p.m. Mr. Shepp verified that there was a quorum at the start of the meeting. Mr. Shepp did a roll call of the members. Mr. Fisher and Mr. Ware joined the meeting after the roll call was completed.

1. Approval of the Meeting Minutes: January 12, 2021. Approved as submitted.
2. Citizen Communication: Citizens were able to sign up for this item utilizing the chat function in ZOOM. There were no members of the public signed up to speak for this item.
3. Request for postponement. None.
4. **Public Hearing:** Request by applicant to lift the single family restriction (Note #2) from Lot 8 of Smith Mountain Estates to allow for the construction of an accessory dwelling unit for a family member. Owner/Applicant: Joel and Shanna McGaughey. Property Location: Smith Mountain Estates, Lot 8, 2138 Smith Rd. Charles Town, WV. Tax District: Kabletown (06); Tax Map: 20A; Parcel: 8; Size: 10 ac; Zoning District: Rural.

Ms. Brockman provided an overview of her staff report to the Commission. Ms. Brockman noted that the plat was approved with a single family restriction, in accordance with the rules in effect at that time. Ms. Brockman noted that subdivisions processing under the current Subdivision Regulations are not required to include this note. Mr. Joel McGaughey, applicant, explained the nature of the request and discussed his proposed 1400 sq. ft. cottage. Mr. McGaughey also stated that there would be no extra driveways installed, as the existing driveway would be shared.

Mr. Shepp opened the public hearing. No one was signed up to speak. Mr. Shepp closed the public hearing. Mr. Jack Hefestay made a motion to approve the waiver with no conditions. The motion passed unanimously.

5. **Public Workshop:** Concept Plan for the Shepherdstown Sheetz (store 160). The project is a Gas Station, Large to consist of a 6,100 sq. ft. Convenience Store with drive-thru, five (5) fueling islands with canopy, car wash, new roadway, upgraded to traffic signal for Martinsburg Pike, open space, stormwater management areas, the construction of associated utilities, plus associated parking spaces and signage. Owner: James W Van Evera III et al. Developer: Bob Franks, Sheetz Inc. Property Location: 7948 Martinsburg Pike, Shepherdstown WV. Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 13, 15.2 and portions of Parcels: 10.2 and 14. Total Project Size: 5.4 acres; Zoning District: Residential-Light Industrial-Commercial. File: 20-10-SP.

Ms. Brockman provided an overview of her staff report to the Commission. Ms. Brockman noted that the property owners would be required to merge the individual lots into a single lot before the Site Plan could be approved.

Ex 8 (5 pp)

Chad Wallen with GORDON briefly explained the nature of the request.

Mr. Shepp opened the public workshop.

Ms. Brockman summarized the outside comments related to the project. She first noted that the Jefferson County Historic Landmarks Commission requested preservation of the historic house on the property and that Sheetz not use their red canopy. Ms. Brockman also noted that the Shepherdstown Water Public Works confirmed that they had the capacity to service the project.

Mr. Shepp opened the public workshop.

Ms. Lois Spreen, a Shepherdstown resident, asked what would happen to the existing Sheetz and expressed concerns that two large gas stations would be located within couple hundred feet of each other.

Ms. Brockman explained that it was a business decision that would be left up to Sheetz to decide whether or not the existing Sheetz would continue operation. Ms. Brockman confirmed that the property was zoned appropriately for the proposed Sheetz.

Mr. Jack Hefestay inquired as to whether or not the existing historic building could be preserved. Mr. Wallen with Gordon indicated that wasn't possible with the layout of the property.

Mr. Shepp closed the public workshop.

Mr. Stolipher made a motion to accept the Concept Plan as it was presented. Mr. Shepp called for a vote, which carried seven (7) in support and one (1) in opposition (Jack Hefestay).

6. **Public Hearing:** Request for a waiver from Section 20.201 to allow four (4) lots and a residue lot (total of five lots) to process as a minor subdivision, as opposed to a major subdivision. Property Owner: William Gaestel, White Oaks Farm. Property Location: 2842 Warm Springs Rd., Shenandoah Junction, WV. Tax District: Shepherdstown (09); Map: 21; Parcel: 1. Size: 99.60 acres. Zoning District: Rural. File: 21-1-PCW

Ms. Brockman provided an overview of her staff report. Mr. Bill Gaestel provided an overview of the request, stating that he would retain a separate entrance for the 20-acre parcel. Mr. Gaestel indicated that the ultimate goal would be to divide the proposed lots to help support continuation of the farm operation on the remaining 55 acres.

Mr. Shepp opened the public hearing. Mr. Tom Trumble, Warm Springs Road, provided public comment. Mr. Trumble provided an overview of the history of the property, noting that Warm Springs Road is the oldest road in the County. Mr. Trumble requested that a 100' buffer be installed between the adjoining properties.

Mr. Steve Stolipher made a motion to approve the waiver as requested, which was seconded by Mr. Jack Hefestay and carried unanimously.

7. **Public Hearing:** Request for a waiver from Appendix B, Section 10.5 to allow the applicant to utilize gravel instead of concrete/asphalt for the proposed drive aisle and parking area; and, to reduce the depth of the gravel from 9" to 6" for the proposed drive aisle and parking areas for RP Performance, Inc. (an automotive repair and service business). Owner/Applicant: Bret de Pedro, RP Performance, Inc. Property Location: Vacant parcel on Summit Point Road across from Hardesty Road. Tax District: Kabletown (06); Map: 16; Parcel: 3. Size: 14.69 acres. Zoning District: Rural. File: 21-2-PCW.

Ms. Brockman provided an overview of the staff report, noting that the Engineer's recommendation stated that if the Planning Commission was inclined to approve the request, that it include a provision that the applicant would agree to not hold Jefferson County liable for any failures of the road or any maintenance required. Mr. Bret DePedro provided an overview of his application. He explained that he wanted maintain the character of the area. Mr. DePedro stated that there would be no heavy trucks coming in or out and that asphalt was not necessary.

Mr. Shepp opened the public hearing. There were no public comments. Mr. Shepp closed the public hearing.

Mr. Matt Knott made the motion to approve the waiver. Mr. Wade Louthan seconded the motion and made an amendment to the motion to include that the applicant would not hold the County responsible for any failures of the road or any maintenance required. Mr. DePedro, applicant, agreed to this condition. Mr. Matt Knott accepted the amendment to his motion. The motion carried unanimously.

8. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

Mr. Shane Roper and Mr. Steve Stolipher both recused themselves.

Ms. Beaulieu provided an overview of the timeline of the text amendment.

Mr. Shepp opened the public hearing.

The following speakers provided public comments:

- Bob Aitcheson, Charles Town, WV
- Christine Marshall, Shepherdstown, WV
- Chris Burke, Charles Town, WV
- Doug Rockwell, Dailey Road Charles Town, WV
- Susan Hough, Charles Town, WV
- Nancy Briscoe, Charles Town, WV
- Delegate Wayne Clarke, Charleston, WV
- Rodney Rice, Martinsburg, WV, Business Manager for IBW Local Union #307
- Mark Tomlin, Gerrardstown, WV
- Tim Ross, Charles Town, WV
- Stacey Tabb, Shepherdstown, WV

- Donna Van Metre, Martinsburg, WV
- Mike White, Ranson, WV
- Sam Galand, Charlottesville, VA, Development Manager, Touch Clean Energy
- Ken Lowe, Shepherdstown, WV
- Devin Flor, Falling Waters, WV, laborer w/union # 3799
- Tim Sheehey, Charles Town, WV
- Robert Ruckert, Cumberland, MD, Council Representative for Eastern regional Council of Carpenters, represents 241 carpenters.
- Nicola Bastian, Millville, WV
- Lois Spreen, Shepherdstown, WV

Mr. Shepp closed the public hearing.

Mr. Cochran recommended that the Commission go into executive session to receive legal advice because there was potential for litigation on this item. Mr. Cochran noted that Will Rohrbaugh was also available to provide legal advice. Mr. Jack Hefestay motioned to go into Executive Session at 8:24 pm. The motion passed unanimously. Mr. Shepp requested that Ms. Beaulieu also participate in executive session.

Mr. Jack Hefestay motioned to come out of Executive Session at 9:11 pm, and the motion passed unanimously.

Mr. Jack Hefestay made the motion to postpone action on File #ZTA19-03 to consider the public comments received. Mr. Shepp noted that public comment was closed and no additional comments would be considered for this item. Mr. Shepp scheduled a special meeting on February 23, 2021 at 7 pm. The motion passed unanimously.

Mr. Shane Roper and Mr. Steve Stolipher were admitted back into the meeting after this agenda item was complete.

9. Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcel from Residential Growth to Residential-Light Industrial-Commercial is consistent with the 2035 Comprehensive Plan. Owner/Applicant: Chris Livingston, Dead Rock Contractor Services. Property Location: Vacant parcel located immediately north of the intersection of Shipley Road and US Route 340. Tax District: Harpers Ferry (04); Map: 9; Parcels: 23 and 27. Combined acreage: .88 ac. File: 20-2-Z.

Ms. Brockman, provided overview of her staff report, noting that the staff found that the request was not consistent with the Future Land Use Guide.

Mr. Chris Livingston, applicant, pointed out that he applied for a zoning map amendment to General Commercial and not Residential-Light Industrial-Commercial. Mr. Livingston provided an overview of his application.

Mr. Matt Knott made a motion to recommend to the County Commission that the proposed request was consistent with the Comprehensive Plan because much of the area in this vicinity is already commercial in nature and because of the proximity to US 340. The motion carried unanimously.

10. Discussion and possible action related to the format of meeting agendas (Shepp). Mr. Shepp postponed this item until the next regular meeting.
11. Reports from Legal Counsel. None.
12. Planner's Memo. None
13. President's Report. None.
14. Actionable Correspondence. None.
15. Non-Actionable Correspondence. None.

Mr. Matt Knott requested that the zoom meeting notice be sent as an appointment to ensure all information is automatically posted to individual calendars.

Mr. Hefestay motioned to adjourn the meeting at 9:34 pm. Mr. Shepp called for a vote, which carried unanimously.

Meeting Minutes
Jefferson County Planning Commission
September 28, 2021

The Jefferson County Planning Commission met on September 28, 2021 at 7:00 p.m. with the following Commission members present via ZOOM: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan*, Secretary; Jack Hefestay, Ron Thomas, and Matt Knott.

The following Commission members were absent without notice: J Ware, Shane Roper, and Steve Stolipher, County Commission Liaison.

**Mr. Louthan joined the meeting at 7:07 PM, after the meeting had been called to order and was not present during the roll call.*

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; and Will Rohrbaugh, County's legal representative.

By order of the President, the Special Called Planning Commission meeting was held virtually via ZOOM. Virtual meeting access information was made available on the agenda, which was posted to the County website.

Mr. Shepp called the meeting to order at 7:01. Mr. Shepp reviewed meeting protocol. Ms. Brockman conducted a roll call.

Mr. Cochran noted that both the Planning Commission and the County Commission had previously found that the previous solar text amendment as drafted (*ZTA19-03*) was consistent with the Comprehensive Plan and to the extent that it was inconsistent, if any, that there had been changes of an economic, social, or other nature within the meaning of WV Code 8A-7-8 and met the requirements of WV Code 8A-7-8. Mr. Cochran noted that the previous findings from both the Planning Commission and the County Commission had not changed. Mr. Cochran stated that the JCC determined to request that the PC consider an amendment to the Comp Plan since there seems to be some confusion to the public regarding compatibility with the Comp Plan. Mr. Cochran referred to the letter from the County Commission, which provided direction to the Planning Commission, and was the purpose for the meeting.

1. ***Envision Jefferson 2035 Comprehensive Plan*** (approved 1/14/15)

- a. Overview of "Economic Development, Employment and Infrastructure Element" with particular focus on the Alternative Energy subsection under Infrastructure.

Ms. Brockman provided an overview of the purpose behind the meeting and the timeframe of the amendment process. Ms. Brockman reviewed excerpts from the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)*, noting that the Plan had been in effect for about six years.

2. **Round Table/Public Workshop**

Mr. Shepp stated that the County Commission had instructed the Planning Commission to consider revising the Comprehensive Plan to permit solar farms in the rural and the residential growth districts. He stated that the purpose of the meeting was to receive public input about this requested amendment to the *2035 Plan*. Mr. Shepp opened up the meeting to receive public input. Ms. Beaulieu read the names of individuals who had signed up to speak in the order they were listed.

1. Mr. Doug Rockwell, Charles Town, WV. Mr. Rockwell referred to WV Code 8A-3-1 and 8A-3-2 regarding the Comprehensive Plan amendment process. Mr. Rockwell stated he objected to the format of the meeting notice and the limitation to three minutes for public comment. Mr. Rockwell provided an overview of various sections of the *2035 Plan*, emphasizing the Plan's various goals and objectives regarding protection of the County's rural character and viewsheds. Mr. Rockwell suggested a combination of processes to include permitted uses and conditional

Ex 9 (300)

use permits, similar to special event facilities.

[Mr. Rockwell had also submitted a copy of the PAS Memo-2019-09-10 "Planning for Utility Scale Solar Energy Facilities" which was included in the 9/28/21 PC packet.]

2. Chris Sternhagen, Minneapolis, Minnesota, Director for Development with EDF Renewables and acting as the Principal Developer for the proposed Wild Hill Solar Facility sited in Jefferson County. Mr. Sternhagen offered various points to consider solar energy facilities as compatible with agricultural uses and also to be considered a variant of traditional agricultural land uses. Mr. Sternhagen stated that solar facilities help preserve productive soil for future agricultural use. He also noted that solar farms do not require the installation of new utility infrastructure or roads typical to traditional commercial development. Mr. Sternhagen provided an overview of the siting process for solar facilities and noted two limiting factors: 1) Access to available transmission capacity; and 2) Topology and access to land suitable for installation and operation of a solar farm. Mr. Sternhagen concluded with a request to the Planning Commission to consider an amendment that would allow solar facilities as a principal permitted use.
3. Julie Philabaum, Charles Town, WV. Ms. Philabaum stated that she was speaking as a concerned citizen and not as a representative of any group or organization she had been appointed or elected to. Mrs. Philabaum stated that the proposal to allow solar as a permitted use was not consistent with the *2035 Plan*. She stated that the text amendment as drafted would allow more than 80% of the County to be used for solar facilities without significant safeguards. Ms. Philabaum referred to various goals in the *2035 Plan* which include protecting the rural character of the County and implementation of the urban tree canopy plan. Ms. Philabaum concluded by recommending that solar facilities require a Conditional Use Permit and that there be a limitation to the percentage of land that could be used for solar in the County.
4. Anastasya Tabb, Shepherdstown, WV. Ms. Tabb stated that the agenda description was not as direct as it could have been. She stated that she was not opposed to renewable energy but argued that the amendment should be drafting in a way that is compatible with the community.
5. Christine Marshall, Shepherdstown, WV. Ms. Marshall urged the Planning Commission to conduct a study of the impact of utility scale solar on the County, including environmental and economic impact. She stated that following a thorough study, then the County could propose changes to the concept [sic] plan. Ms. Marshall stated that the County should also study the best siting locations for utility scale solar and consider financial incentive for siting on brownfields and landfills.

[Ms. Marshall also submitted an e-mail and copy of the PAS Memo-2019-09-10 "Planning for Utility Scale Solar Energy Facilities" which was included in the 9/28/21 PC packet.]

Ms. Beaulieu confirmed that there were no other members of the public signed up to speak. Mr. Shepp closed public comment.

3. Next Steps

Planning Commission Work Session: October 5, 2021 to finalize proposed language

Planning Commission Public Hearing (tentative): November 16, 2021

4. **Review and Discuss:** Planning Commission discussion and direction to staff regarding proposed Comprehensive Plan text amendment

Mr. Shepp moved to instruct staff to prepare a draft revision of the *Envision Jefferson 2035 Comprehensive Plan* to permit large scale solar facilities in the rural and residential growth districts. Mr. Hefestay seconded the motion, which carried unanimously. Mr. Shepp requested to have the draft by the October 5, 2021 meeting for review and consideration.

Mr. Cochran requested confirmation that the public could continue to submit written comments and information for the Planning Commission's consideration. Mr. Shepp stated that would be acceptable through the public hearing.

Mr. Hefestay motioned to adjourn at 7:27 p.m. Mr. Fisher seconded the motion, which carried unanimously.

These minutes were prepared by Alexandra Beaulieu, Zoning Administrator.

Meeting Minutes
Jefferson County Planning Commission
October 12, 2021

The Jefferson County Planning Commission met on October 12, 2021 at 7:00 pm with the following Planning Commission members present in person: Donnie Fisher, Vice President; Jack Hefestay, Shane Roper, and Matt Knott. The following members were present via ZOOM: Ron Thomas and Steve Stolipher (late arrival 7:05 pm). Wade Louthan, Secretary (late arrival 7:17 pm).

Mike Shepp, President, was absent with notice. J. Ware was absent without notice.

*Note, due to technical difficulties, Mr. Stolipher's connection via ZOOM was intermittent.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; Will Rohrbaugh, County's legal representative; and Jennilee Hartman, Zoning Clerk.

By order of the President, the Planning Commission meeting was held in person for Commissioners and applicants and virtually via ZOOM for the public. ZOOM meeting information was made available on the agenda and packet, which were posted to the County website.

In Mr. Shepp's absence, Mr. Fisher presided over the meeting. Mr. Fisher called the meeting to order at 7:00 pm. Ms. Brockman conducted a roll call.

1. Approval of the following meeting minutes:

Mr. Hefestay moved to approve the September 14, 2021, September 28, 2021, and October 5, 2021 minutes as presented, which carried unanimously.

2. Request for postponement. None.

3. **Public Hearing:** Request for a Final Plat Amendment for Lot 21 of the Sheridan Subdivision, Phase II to allow an in-ground pool and fence to be located within a platted drainage easement (see Note #15 on Final Plat / PC File 05-26). Property Owner: Kara and Matthew Durrschmidt; Property Location: Sheridan Subdivision, Lot 21, 441 Chickamauga Dr., Harpers Ferry, WV. Parcel ID: 04009D00210000; Size: 0.83 ac; Zoning District: Residential Growth; File: 21-19-Q.

Ms. Brockman provided an overview of her staff report and described the topography of the subject parcel. Ms. Brockman noted that on September 23, 2021, the Board of Zoning Appeals had approved a setback variance for the proposed pool. Mr. Matthew Durrschmidt, property owner, briefly explained the nature of the request and answered questions from the Commission regarding drainage. Mr. Durrschmidt agreed to accept liability should the pool negatively affect drainage.

Mr. Fisher opened the public hearing. There were no members of the public signed up to speak. Mr. Fisher closed the public hearing.

Mr. Hefestay moved to approve the request for a final plat amendment with the condition that the homeowner accept liability if any issues arise from the installation of the pool. Mr. Thomas seconded the motion, which carried unanimously.

Ex. 10 (5pp)

- 4. Public Workshop:** Concept Plan for Colonial Hills Subdivision, Phase 3B (Major Residential Subdivision), which will consist of 20 townhome units with associated parking spaces. Owner/Applicant: KE Colonial Hills, LLC; Property Location: Colonial Hills Subdivision, Lots C1 and C2, vacant parcels; eastern side of Potomac Farms Drive approximately 0.25 miles north of the intersection of Rte. 480 and Potomac Farms Dr. Shepherdstown, WV; Parcel ID: 09000800100000; Size: 2.54 ac; Zoning District: Residential Growth; File: 21-26-SD.

Ms. Brockman provided an overview of her staff report noting that the proposed subdivision was a continuation of the existing Colonial Hills Subdivision. Ms. Brockman explained that the property was comprised of two lots that had been previously platted for commercial development and that the current proposal would dissolve the commercial lots.

Mr. Wade Louthan, Planning Commission member, joined the meeting via ZOOM at 7:17 pm.

Mr. Ryan Perks with Integrity Federal Services and Rick Fink with KE Colonial were present to address the Commission. Addressing the Commission inquiry, Mr. Fink stated that he did not have an estimated timeline for the project build-out. Mr. Fink clarified that build-out of the project is dependent on receiving a commitment from a builder/developer. The Commission also discussed the status of using Lowe Drive as a connector road with Staff and the project representatives.

Mr. Fisher opened the public hearing. There were no members of the public signed up to speak. Mr. Fisher closed the public hearing.

Mr. Thomas moved to accept the concept plan as presented noting that the applicant may move forward with processing a preliminary plat. Mr. Knott seconded the motion, which carried unanimously.

- 5. Public Hearing:** Waiver request from Section 20.203B.1 of the Subdivision Regulations, which requires a Site Plan for any building and/or parking lot greater than 1,200 square feet. The applicant is requesting to waive the requirement of a site plan for a 1,500 square foot building, plus a 960 square foot of parking lot. Owner/Applicant: Chris Livingston, Dead Rock Contractor Services. Property Location: Vacant parcels located off Shipley School Road / located between Shipley School and Meadows Farm Nursery, Harpers Ferry, WV. Parcel IDs: 04000900230000 and 04000900270000; Combined Size: .86 ac; Zoning District: General Commercial; File: 21-19-PCW.

Ms. Brockman provided an overview of her staff report noting that the applicant had previously received approval to rezone the property and had obtained approval from the Board of Zoning Appeals to reduce the distance and buffering requirements for the project. Ms. Brockman highlighted some of the basic criteria that a site plan would typically address.

Mr. Chris Livingston, owner of Dead Rock Services, LLC, briefly explained the nature of the request. Mr. Livingston argued that because the proposed parking area was only for staff, that a site plan did not appear necessary. Ms. Brockman clarified that any land use that requires parking spaces in accordance with the Zoning Ordinance is required to process a site plan.

Mr. Fisher opened the public hearing. Ms. Anastasya Tabb, resident, questioned where the entrance to the property would be located. Mr. Livingston addressed Ms. Tabb's question. Mr. Fisher closed the public hearing.

Ms. Brockman clarified that should the Planning Commission grant the request that neither sidewalks or stormwater management would be addressed.

Mr. Thomas moved to approve the waiver request as presented. Mr. Hefestay seconded the motion. Mr. Fisher called for a vote, which carried four (4) in support and two (2) opposed (Mr. Fisher and Mr. Knott). Note: Mr. Stolipher no longer appeared to be connected via ZOOM.

6. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance to create provisions to allow Short Term Rentals to process as a Principal Permitted Use in any zoning district that allows a single family dwelling including the following zoning districts: Planned Neighborhood Development (PND), Rural (R), Residential Growth (RG), Residential-Light Industrial-Commercial (RLIC), and Village (V). The draft text amendment includes revisions to Article 2, Section 2.2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.16 Short Term Rentals); and Appendix C Principal Permitted and Conditional Uses Table. PC File #ZTA21-01.

Ms. Beaulieu provided an overview of the proposed text amendment. Ms. Gillian Beach, sanitarian with the Jefferson County Health Department, briefly explained their process for short term rental facilities.

Mr. Fisher opened the public hearing and noted that members of the public would be allotted three (3) minutes to provide testimony.

The following members of the public provided testimony:

- Lauren McInnes, McShane's Landing, Shepherdstown (ZOOM): requested that the amendment include density caps on number of units permissible in a given area as a means to address affordable housing issues; and recommended adding occupancy limits. Ms. McInnes requested that if there is a clear violation with a short term rental that the County consider creating a clear process for neighbors to express concerns.
- Lynn Pechuekonis, Fillmore Street, Harpers Ferry, (ZOOM): Jefferson County Convention and Visitors Bureau Board member, and recently designated as the bnb representative. Ms. Pechuekonis expressed concerns regarding the potential conflict created between the existing definition of dwelling unit and the proposed definition of Short Term Rental. Ms. Pechuekonis stated that it may be confusing as to how to address parking standards and Health Department approvals when operating a short term rental that provides options between 7-30 consecutive days. Ms. Pechuekonis stated that the definition in state code applies to rentals less than 30 consecutive days. Ms. Pechuekonis also inquired about the office's stance regarding enforcement of the proposed regulations on existing operations (grandfathered properties).

- Chris Rife, Knott Road, Shepherdstown, (in-person): agreed that there should be a grace period for properties to come into compliance. Ms. Rife expressed concerns regarding the County's enforcement provisions and inquired about enforcement of the proposed regulations.

Ms. Beaulieu noted that the following individuals submitted public comment after the packet had been posted (10/08/21): Eddie Love, Josh Nimetz, Robert Blanck, Rockhaven B&B, Jamie Wilkie, and Samantha Nimetz. Copies of these comments were provided to the Commission.

Ms. Beaulieu explained that any land use that legally operated under the current Zoning Ordinance would be considered a legal nonconforming use (grandfathered), and as such, may continue to operate as it had been. Ms. Beaulieu added that any land use that was not operating in conformance with the definition of a *Dwelling Unit* or *Bed and Breakfast* would not be considered a legal nonconforming use and would be considered to be in violation of the County's regulations. Ms. Beaulieu noted that other governing agencies, such as the Health Department, may have different regulations pertaining to grandfathered land uses and that property owners should contact individual governing agencies to ensure compliance.

Mr. Fisher closed the public hearing.

The Commission unanimously agreed to the following revisions to the proposed text amendment:

1. Change Bed and Breakfast in the Planned Neighborhood Development zoning district from Not Permitted to Permitted;
2. Correct a typo in the last paragraph under Section 8.16 (*enforces* to *enforced*);
3. Revise the text to allow parking in other designated parking areas; and
4. To allow properties in the Residential-Light Industrial-Commercial zoning districts to comply with the commercial sign provisions in Article 10.

Mr. Fisher made a motion that the Planning Commission finds that the revised text amendment is in conformance with the *Jefferson County Envision Jefferson 2035 Comprehensive Plan* and recommended forwarding the revised text amendment to the County Commission. Mr. Thomas seconded the motion, which carried unanimously. The Commission agreed that they did not need to see the final revisions before forwarding the text to the County Commission.

7. Discussion and Possible Action: Review and recommendation of proposed text amendment to the *Jefferson County Envision Jefferson 2035 Comprehensive Plan* (Plan) to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts in preparation for the 12/07/21 Public Hearing.

Ms. Brockman provided a brief overview of the proposed text amendment to the Plan and the changes since the October 5th version. The Commission agreed that Ms. Brockman did not have to review the amendment in its entirety. Mr. Fisher noted that Mr. Roper and Mr. Stolipher were not in attendance (via ZOOM) for this item. [Note: Mr. Roper and Mr. Stolipher were not in attendance for the remainder of the meeting.]

Mr. Cochran suggested the Commission go into an executive session to receive counsel concerning the comprehensive plan amendment process.

Mr. Hefestay moved to go into executive session at 8:51 pm. Mr. Fisher seconded the motion and stated that the Planning Commission would go into executive session to receive legal counsel concerning the comprehensive plan amendment process.

Mr. Hefestay moved to come out of executive session at 9:34 pm. Mr. Thomas seconded the motion, which carried unanimously.

Mr. Thomas moved to accept the edits presented by staff and to move forward with the public hearing scheduled for December 7, 2021. Mr. Hefestay seconded the motion, which carried unanimously.

8. Discussion and Approval: Planning and Zoning Quarterly Report for FY 2021-2022 1st Quarter

Mr. Fisher moved to accept the Report as presented and to forward it to the County Commission, which carried unanimously.

9. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including review of Jefferson County Circuit Court Civil Action No. 2021-C-33. Mr. Cochran informed the Commission that his office had filed motion to appeal. The case is still pending.

Mr. Cochran provided an update to the Commission. No additional action was taken.

10. Planner's Memo. Ms. Brockman noted that the next regularly scheduled meeting would be November 9, 2021 and a Special Meeting on December 7, 2021.

11. President's Report. None.

12. Actionable Correspondence. None.

13. Non-Actionable Correspondence . None.

Mr. Hefestay moved to adjourn the meeting at 9:40 pm. Mr. Knott seconded the motion, which carried unanimously.

These minutes were prepared by Jennilee Hartman, Zoning Clerk.

Meeting Minutes
Jefferson County Planning Commission
December 7, 2021

The Jefferson County Planning Commission met on December 7, 2021 at 7:00 p.m. with the following Planning Commission members present via ZOOM: Mike Shepp, President; Wade Louthan, Secretary; Ron Thomas; Jack Hefestay; and J. Ware.

Steve Stolipher, Matt Knott, and Shane Roper were absent with notice. Donnie Fisher was absent without notice.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; and Will Rohrbaugh, County's legal representative.

The Planning Commission meeting was held as a virtual meeting via ZOOM. The information to participate in the ZOOM meeting was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:03 pm. Ms. Brockman conducted a roll call. A quorum was not present until 7:13 p.m. when Mr. Ware joined the meeting and Mr. Thomas resolved technical difficulties.

- EX 11 (3pp)
1. **Public Hearing:** A proposed text amendment to the Jefferson County *Envision Jefferson 2035 Comprehensive Plan* (approved 01/14/15) to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts, in accordance with WV Code 8A-3-11, 8A-3-6, and related statutes.

Ms. Brockman provided an overview of the proposed amendment.

Mr. Shepp provided an overview of the meeting format, noting that each participant would be granted three (3) minutes to speak during the public hearing. Mr. Shepp opened the public hearing. The following members of the public spoke during the public comment period:

- 1) Robert Aitcheson, Charles Town, WV, spoke in opposition to the proposed amendment.
- 2) Doug Rockwell, Charles Town, WV, provided recommendations for the Planning Commission to consider for inclusion in the amendment process.
- 3) Rodney Rice, Martinsburg, WV, spoke in support of the proposed amendment.
- 4) Delegate Wayne Clark spoke in support of the proposed amendment.
- 5) Stanley Dunn, Charles Town, WV, spoke in support of the proposed amendment.
- 6) Lucia Valentine, Shepherdstown, WV, spoke in support of the proposed amendment.
- 7) Ann Smith, Harpers Ferry, WV, spoke in support of the proposed amendment.
- 8) Rob Reckart, Cumberland, Maryland, representative for Eastern Atlantic Regional Council of Carpenters, spoke in support of the proposed amendment.
- 9) Aiman Jalil, Charles Town, WV, spoke in opposition to the proposed amendment.
- 10) Sam Gulland, Charlottesville, VA, spoke in support of the proposed amendment.
- 11) Stacy Tabb, Shepherdstown, WV, spoke in opposition to the proposed amendment and recommended that the Conditional Use Permit process be required for solar facility projects.

- 12) Mark Dyck, Integrity Federal Services, Martinsburg, WV, stated that the Planning Commission had already reviewed the proposed zoning ordinance text amendment for solar and found that it was consistent with the current Comprehensive Plan. He requested that the Planning Commission forward a recommendation to the County Commission that the current zoning text amendment related to solar is supported by the current Comprehensive Plan. He also requested that the Planning Commission recommend to the County Commission that the proposed changes to the Comprehensive Plan currently under consideration be included as an overall update to the Comprehensive Plan pursuant to state code.
- 13) Tim Sheehy, Charles Town, WV, spoke in opposition to the proposed amendment.
- 14) Ty Lawson, White Post, VA, stated he was representing a company that's looking to install solar in Jefferson County, WV. Mr. Lawson stated that the Planning Commission already found that under the existing Comprehensive Plan, solar facilities are principal permitted uses in the rural and residential zoning districts. He requested that the Planning Commission determine that solar facilities are principal permitted uses under the existing Comprehensive Plan and requested that the Planning Commission make that recommendation to the County Commission with a request to adopt the zoning text amendment again.

Ms. Beaulieu confirmed that there were no additional members of the public signed up to speak. Mr. Shepp closed the public hearing at 7:54 pm.

2. **Discussion and Possible Action:** Proposed *Envision Jefferson 2035 Comprehensive Plan* (approved 01/14/15) Text Amendment regarding solar facilities in the rural and residential zoning districts.

Mr. Shepp made a motion to continue this item until their next meeting on December 14, 2021. Mr. Hefestay seconded the motion, which carried unanimously.

Ms. Brockman inquired as to whether additional comments could be submitted until December 14, 2021. Mr. Shepp confirmed that written comments could be submitted through December 14, 2021 for the Planning Commission's consideration.

Mr. Hefestay motioned to adjourn the meeting at 7:59 p.m. Mr. Louthan seconded the motion, which carried unanimously.

These minutes were prepared by Alexandra Beaulieu, Zoning Administrator.

Meeting Minutes
Jefferson County Planning Commission
December 14, 2021

The Jefferson County Planning Commission met on December 14, 2021 at 7:00 pm with the following Planning Commission members present in person: Mike Shepp, President; Jack Hefestay, Matt Knott, and Steve Stolipher, County Commission Liaison.

The following members were present via ZOOM: Wade Louthan, Secretary and J. Ware.

The following members were absent with notice: Donnie Fisher, Vice President, Shane Roper, and Ron Thomas.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator (ZOOM); Jonathan Saunders, County Engineer (ZOOM), Nathan Cochran, Assistant Prosecuting Attorney; and Will Rohrbaugh, County's legal representative.

The Planning Commission meeting was held as a hybrid meeting. The ZOOM meeting information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed that a quorum was present. Mr. Shepp stated that Agenda Item #9 would be heard before Agenda Item #6.

1. Approval of the following meeting minutes:

Hearing no objection, Mr. Shepp approved the November 9, 2021 and December 7, 2021 minutes as presented.

2. Request for postponement. None.

3. **Public Hearing:** Request for a waiver of Section 20.201A.2, to reduce the access width from 50' to approximately 14' for the purpose of creating one additional lot on the existing Hollow Tree Drive. Applicant: Patricia Greenley. Property Owner: Laurice Berry. Property Location: 137 Hollow Tree Drive, Summit Point, WV. Parcel ID: 06019A00010001; Size: 11 acres; Zoning District: Rural. File: 21-20-PCW.

Ms. Brockman provided an overview of her staff report. Ms. Greenley, applicant, stated that she didn't have anything to add to Staff's overview.

Mr. Shepp opened the public hearing.

Mr. Jimmy Palmer, 91 Hollow Tree Drive, spoke in opposition to the request and noted that he thought the public notice sign was not in an appropriate location. Mr. Palmer passed around photos of the property to the Planning Commission members.

No additional members of the public were signed up to speak for this item. Mr. Shepp closed the public hearing.

Ms. Greenley provided a rebuttal stating that the public notice placard had been posted in accordance with posting requirements. She stated that she had spoken with several neighbors who did not object to the request.

Mr. Stolipher made a motion to approve the request as presented. Mr. Hefestay seconded the motion, which carried unanimously.

4. **Public Hearing:** Request for a waiver of Section 20.201 of the Subdivision Regulations, to process the first five (5) lots (out of the maximum of seven (7) lots) of a Cluster Subdivision as a Minor Subdivision. Property Owner/Applicant: Secatello Contracting LLC; Property Location: 4590 Bowers

Ex 12 (4pp)

Road, Kearneysville, WV. Parcel ID: 07000500020000; Size: 48 ± acres; Zone: Rural. File: 21-21-PCW.

Mr. Shepp recused himself from the meeting for this item, stating he had a conflict of interest. Mr. Shepp vacated the room during discussion of this item.

Mr. Knott presided over the meeting in Mr. Shepp's absence.

Ms. Brockman provided an overview of her staff report. Mr. Paul Raco, applicant's representative, was present to represent the request and provided an overview of the request.

Mr. Knott opened the public hearing. There was no public comment. Mr. Knott closed the public hearing.

Mr. Hefestay motioned to approve the request as presented. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp re-entered the room at 7:22 p.m. and presided over the remainder of the meeting.

5. **Public Hearing:** Request for a waiver of Section 20.201A.2.b of the Subdivision Regulations, to allow Lot 10 to use River Bend Road as an entrance to the lot as it was permitted to do so in 1970. Property Owner/Applicant: H and G Catrow Contracting, LLC; Property Location: Vacant Parcel, Lot 10 Hidden River Farm Subdivision, River Bend Road and Wide Horizon Road, Kearneysville, WV. Parcel ID: 07001300440000; Size: 1.18 acre; Zone: Rural. File: 21-22-PCW.

Ms. Brockman provided an overview of her staff report. Mr. Paul Raco, applicant's representative, was present to represent the request and provided an overview of the request. Mr. Raco noted that access to River Bend Road was previously granted when the lot was originally created in 1970. Mr. Raco noted that River Bend Road is a private (not State) road and that an entrance permit from the Division of Highways would not be required.

Mr. Shepp opened the public hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Knott motioned to approve the request as presented. Mr. Hefestay made an amendment to the motion to include Staff's recommended condition that Lot 10 will need to participate in any local road maintenance agreement including the cost and expense of maintaining the private road and easement, including snow removal. Mr. Knott accepted the amendment with the addition that the condition applies only if a road maintenance agreement exists. Mr. Stolipher seconded the amended motion, which carried unanimously.

9. **Discussion and Possible Recommendation:** Recommendation to the County Commission regarding the proposed *Envision Jefferson 2035 Comprehensive Plan* (approved 01/14/15) Text Amendment regarding solar facilities in the rural and residential zoning districts. The Public Hearing was held by the Planning Commission on December 7, 2021.

Mr. Cochran asked Ms. Brockman to confirm that a Public Hearing was held on the subject amendment. Ms. Brockman confirmed that a Public Hearing was held on December 7, 2021. Mr. Cochran asked Mr. Knott if he had an opportunity to review the meeting recording since he was not in attendance on December 7, 2021. Mr. Knott verified that he had listened to the recording prior to the [12/14/21] meeting.

Ms. Brockman provided an overview of the changes included in the proposed amendment to the Comprehensive Plan.

Mr. Shepp made the following motion:

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

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

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

Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Cochran confirmed that Mr. Ware and Mr. Louthan voted in favor of the motion via ZOOM.

- 6. Discussion and Action for a Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Village to General Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: John Morris. Property Location: 16, 30, and 36 Old Leetown Road, Kearneysville, WV. Tax District: Middleway (07), Map: 11; Parcels: 2.1 and 2.2. Combined acreage: 1-acre. Zoning District: Village. File: 21-4-Z.

Ms. Brockman provided an overview of her staff report, noting that the property contained significant floodplain area on the property and that commercial development was not permitted within the floodplain area. Ms. Brockman stated that Staff did not find the request to be rezoned to General Commercial to be consistent with the Comprehensive Plan but advised that it was the Planning Commission’s role was to make a recommendation to the County Commission.

Mr. Shepp inquired as to whether the property owner was present. The applicant was not present. Mr. Stolipher said that the applicant indicated that the Planning Commission could call him if additional information was required.

Mr. Shepp made a motion that the Planning Commission finds that the request is not compatible with the Comprehensive Plan and requested that the County Commission or applicant consider requesting a different zoning district and return the request to the Planning Commission. Mr. Hefestay seconded the motion, which carried unanimously.

- 7. Discussion and Action:** For the Planning Commission to vote to approve or deny the Milton’s Landing Preliminary Plat Application as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. Property Owner: Lutman Land Development. Property Location: Parcel ID: 02001100300002; Size: ~65 acre; Zone: Residential Growth. File: 21-22-SD.

Ms. Brockman provided an overview of her staff report, noting that there were several outstanding comments that needed to be addressed before the plans could be deemed complete. Mr. Gerhart, applicant's representative, provided an overview of the request, noting that he believed the items could be addressed prior to the Public Hearing. It was noted that the Public Hearing could be postponed if the outstanding comments were not addressed.

Mr. Stolipher motioned to deem the application as complete for the purpose of scheduling a public hearing on January 11, 2022. Mr. Knott seconded the motion, which carried unanimously.

- 8. Planning Commission Budget Discussion:** The Director of Engineering, Planning and Zoning, Roger Goodwin, has to prepare the Department's draft FY2022-2023 Budget by the end of December 2021. This is the opportunity for the Planning Commission to provide input into this budget, including the upcoming update to the Comprehensive Plan, which should be initiated in early 2023. Any budget request needs to include the item, purpose or justification, if it is an item that is needed due to state code (if so, the section of state code), and the budget amount requested.

Mr. Shepp stated that Mr. Knott and Mr. Hefestay agreed to serve on a budget committee with him. Mr. Shepp requested that Staff schedule a meeting with Mr. Goodwin and requested that a copy of the draft budget be sent to the committee. Ms. Brockman stated that the Planning Commission should consider what else may need to be included in the budget since the current budget is primarily for staff, materials and supplies, and legal notice expenditures.

10. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
- c. Report by counsel regarding Comprehensive Plan Amendment and related issues.

Mr. Shepp made a motion to go into executive session for the purpose of receiving legal counsel on Civil Action No. 2021-C-109 and review of a Supreme Court case and a possible proposed settlement, and to receive legal advice on those items. Mr. Stolipher seconded the motion, which carried unanimously (8:14 p.m.).

Mr. Shepp made a motion to come out of executive session at 8:54 p.m. Mr. Hefestay seconded the motion, which carried unanimously.

11. Planner's Memo. None.

12. President's Report. None.

13. Actionable Correspondence. None.

14. Non-Actionable Correspondence. None.

Mr. Hefestay motioned to adjourn the meeting at 8:55 p.m. Mr. Knott seconded the motion, which carried unanimously.

These minutes were prepared by Alexandra Beaulieu, Zoning Administrator.

Meeting Minutes
Jefferson County Planning Commission
June 14, 2022

The Jefferson County Planning Commission met on May 17, 2022 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Wade Louthan, Secretary; Steve Stolipher County Commission Liaison; Jack Hefestay; Ron Thomas (via ZOOM) and Shane Roper (via ZOOM). Donnie Fisher and J. Ware were absent with notice.

Staff members present included Alexandra Beaulieu, Deputy Director and Zoning Administrator; Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; and Tanya Lyons, Planning Clerk.

The Planning Commission meeting was held as a hybrid meeting. The hybrid meeting information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed that a quorum was present.

1. Approval of the meeting minutes:

Hearing no objection, Mr. Shepp approved the May 17, 2022 and May 26, 2022 minutes as presented.

2. Request for postponement. Item # 6 Public Hearing Rock Ferry Station Lot 32 Final Plat Amendment was postponed at the request of the applicant for an unspecified future meeting

3. Public Workshop: Concept Plan for Stonecrest (FKA Green Hill) Major Residential Subdivision consisting of 320 Single Family Lots on Flowing Springs Rd. Applicant: DR Horton-Bill Sudeck; Property Owner: Flowing Springs Road, LLC.; Property Location: Flowing Springs Rd, east of Daniels Road, Charles Town, WV; Parcel ID: 02000300090000; Size: 104.98 acres; Zoning District: Residential Growth; File: 22-11-SD.

Mr. Jason Gerhart with IFS, consultant for the applicant, presented an overview of the proposed Major Residential Subdivision.

Ms. Brockman provided an overview of the staff report and presented the staff recommendations.

Mike Shepp opened the Public Workshop.

- Julia Lam, 408 Shade Tree Lane, spoke in opposition to the Stonecrest Subdivision Concept Plan with concerns of noise, traffic and contamination of the ground water because her house and her neighbors are on well and septic.

Mr. Gerhart responded that the Stonecrest development would be on public water and sewer and that the County stormwater requirements are substantial and will control the run off. Berms and landscaping are proposed along the eastern property line between the existing subdivision and proposed new construction.

Mr. Shepp proposed to close the Public Workshop. Mr. Louthan said that there was someone else requesting to speak.

- Matt Staubs, also of Shade Tree Lane expressed concern because he owns the last lot and is the lowest point on Shade Tree Lane. He is concerned that the stormwater drainage from the proposed subdivision will negatively affect his property.

Mr. Shepp closed the Public Workshop.

Ex 13 (9pp)

Mr. Louthan asked Mr. Saunders for any input he might have about the neighbors' stormwater concerns. Mr. Saunders stated that because this stage is just the concept plan, no detailed engineering plans have been submitted or finalized yet. The full engineered design will be submitted as a part of the Preliminary Subdivision Plat and will reflect what is proposed on the Concept Plan and the requirements of the Regulations.

Mr. Gerhart responded that they will meet all requirements of the County's Subdivision and Stormwater Regulations and will also have the proposed entrances approved by the WV Division of Highways (WV DOH) which will include required drainage plans, pipes and culverts.

Mr. Hefestay asked what the plans for green space in the subdivision included.

Mr. Gerhart responded by noting a large central open space area which will include space for open fields, tot lots etc. He also noted that the open space on the east side of the property will be a grass stormwater pond with an embankment and is not planned for active recreation.

Ms. Brockman presented staff responsibilities and recommendations. She also noted that the applicant has met the County requirements and staff will ensure all requirements are met during the plat review.

Ms. Anastasia Tabb asked to speak thru the Zoom portion of the meeting, but the public workshop had already been closed.

Mr. Stolipher stated that since the Concept Plan meets the County's requirements and that the preliminary plat will be reviewed for compliance with the engineering requirements when it is submitted, he moved to approve the plan as submitted. Mr. Hefestay seconded the motion, which carried unanimously.

4. **Public Workshop:** Concept Plan for Berryville Pike Telecommunications Tower consisting of 179' Monopole Telecommunications Tower (AT&T). Applicant: New Cingular Wireless (dba AT&T Mobility); Property Owner: 340 Rainbow LLC; Property Location: 3511 Berryville Pike; Parcel ID: 06001100010002; Size: 9.31 acres; Zoning District: Industrial-Commercial; File: 21-8-SP.

Ms. Brockman provided an overview of the staff report and explained the role of the Concept Plan and purpose of the Public Workshop. Ms. Brockman presented the requirements of the Regulations and stated that the applicant has met all the criteria.

Mr. Doug Sampson, representing the applicant, AT&T, provided an overview of the purpose of locating the cell tower at this location. He explained that the applicant wants to bring "First Net" to the area, which was created by Congress following the 9/11 attacks. It is a dedicated for first responders only.

- Mr. Donahue spoke for SBA who owns the existing cell tower located off Wheatland Road within a half mile of the proposed new site. He stated that this tower has the room on the tower for co-location for the First Net antennas. He stated that AT&T has not contacted them regarding the use of the current tower.

Mr. Doug Sampson responded to that the existing cell tower is not sufficient enough to manage all the new equipment that First Net need to run efficiently.

Mr. Shepp closed the Public Workshop.

Mr. Thomas asked the applicant about the use of the existing vegetation as the proposed buffer and asked if a fence will also be put up.

Mr. Sampson responded and said that the mature trees will stay and they would be happy to put a fence up and shrubs which will be included on the site plan submission stage.

Mr. Stolipher moved to approve the plan as submitted. Mr. Louthan seconded the motion and it was approved unanimously.

5. **Public Workshop:** Concept Plan for The Church of The Ascension site development which consists of 4 phases: Phase 1: a 10,338 sq. ft. church and 3,600 sq. ft. ancillary building for church related functions, required parking spaces, Stormwater Management facility and necessary utilities; Phase 2 (approximately 2 years): additional parking area; Phase 3 (approximately 5 years): cemetery area; Phase 4 (approximately 7-10 years): housing accommodations for church staff and/or missionaries. Applicant/Owner: Church Of The Ascension Property; Property Location: corner of Border Road and Bunkhouse Rd Kearneysville WV; Parcel ID: 07000400090000; Size: 20.49 acres; Zoning District: Rural; File: 22-3-SP.

Mr. Chris Waddell, Engineer with JHA Company, spoke on behalf of the Church of the Ascension. He discussed the proposed phased build out of the church property. He stated that the property will be served by public water and private on-site sewer services. The Church anticipates Phases 1 and 2 to be completed in the near future and Phases 3 & 4 to be constructed at a later date.

Ms. Brockman provided an overview of the staff report and explained the role of the Concept Plan and purpose of the Public Workshop. Ms. Brockman presented the requirements of the Regulations and stated that the applicant has met all the criteria. Ms. Brockman also noted that no comments had been received from the WV Division of Highways (WV DOH) at this time and that they may require entrances to be moved at that time.

Mr. Shepp opened the Public Workshop and the following members of the public spoke.

- Mr. Robert Cameron, Mr. Mike Dove and Ms. Sandra Armstrong all own houses and property that access Farm House Lane along the east side of this property. They expressed concerns about the potential stormwater impact on this private road and their properties.

Mr. Chris Waddell responded that all the stormwater drainage facilities will be on the Bunkhouse Rd side of the property and Farm House Lane should not be impacted. .

Mr. Shepp closed the public bearing.

Mr. Knott motioned to approve the Concept Plan as submitted. Mr. Hefestay seconded the motion, which was approve unanimously.

6. **POSTPONED- Public Hearing:** Rock Ferry Station Lot 32 Final Plat Amendment. This proposal is to modify the 300' conservation buffer area on Lot 32. Applicant: Clint Curtis; Property Owner Clint Curtis & Cassaundra Maximin; Property Location: Vacant Parcel on Eagle Landing Rd Harpers Ferry, WV; Parcel ID: 06002200140032; Size: 3.26 acres; Zoning District: Rural; File: 22-4-FPA.

Mr. Shepp Item #6 has been postponed

7. **Public Hearing:** Request for waiver from Section 20.201B2 of the Subdivision Regulations, pertaining to the 5-year Family Transfer requirement. Applicant- Jeanine Jalil; Owner Airman Jalil; Property Location: 229 Bethany Lane, Charles Town, WV; Parcel ID: 06002100070005; Size: 4.53 ac; Zoning District: Rural; File: 22-12-PCW.

Ms. Brockman provided an overview of the applicant's request and presented the staff's recommendation.

Ms. Jalil, the applicant, had no additional comments on the application.

Mr. Shepp opened the Public Hearing.

No one spoke regarding this application.

Mr. Shepp closed the Public Hearing.

Mr. Stolipher motion to approve as submitted. Mr. Louthan seconded the motion, which was carried unanimously.

8. **Public Hearing:** Request for waiver from Section 20.201 of the Subdivision Regulations, requesting to process a 6-Lot Subdivision as a minor subdivision instead of as a Major Cluster Subdivision development. Applicant/Owner: Wilbert & Sharon Kidwiler; Property Location: 1044 Kidwiler Rd, Harpers Ferry, WV; Parcel ID: 04000400270000; Size: 29.93 ac; Zoning District: Rural; File: 22-13-PCW.

Ms. Brockman provided an overview of the application and staff report, and presented the staff recommendations related to processing as a minor subdivision instead of a major subdivision

Mr. Ed Johnson, surveyor, represented the owner, Mr. Kidwiler (present), and stated that the request is for the approval of the 6th lot to be included in the minor process.

Mr. Shepp opened the Public Hearing. No one was signed up to speak.

Mr. Shepp closed the public hearing

Mr. Shepp reopened the public hearing at the request of a speaker.

- Ms. Carol Wood, Harpers Ferry, WV, asked about the impact that the approval of this request would have on the environment and asked if the existing habitat will be taken into consideration during this subdivision development.

Mr. Reese Clabaugh, realtor, spoke on behalf of the Kidwilers and the potential home builders. He stated that the builders are proposing four 2 – 2.5 acre lots and are going to work with the existing terrain. He also noted that the builders construct custom homes.

Mr. Louthan spoke and said noted that because they are building under the Cluster provisions of the Zoning Ordinance, there will also be 14 acres of green space required as well.

Mr. Shepp reclosed the public hearing.

Mr. Hefestay motioned to approve the waiver as submitted; Mr. Louthan seconded the motion.

Mr. Thomas asked the motion to be amended to include the requirement that the plat include notes that it is processing as a subdivision cluster requiring the 14.69 acres of greenspace and notes regarding the transfer of developmental rights.

Mr. Hefestay agreed to the proposed amendment; Mr. Louthan also agreed to the proposed amendment; and the motion was carried unanimously.

9. **Reconsideration of Waiver Request 22-7-PCW based on additional information provided by the applicant:** Request for waiver of Section 20.201A.3 to waive the requirement related to the extension of off-site utilities to allow for a proposed two lot minor subdivision. Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine Ave. Intersection, Charles Town, WV; Parcel ID: 02001600010000; Size: 4.42 ac; Zoning District: Highway Commercial (3.02ac) Rural (1.4 ac);File: 22-7-PCW.

Mr. Stolipher recused himself from Items #9, 10 and 11 due to a conflict of interest.

Ms. Brockman provided an overview of the staff report explaining why the applicant requested reconsideration of a previously heard waiver and the additional information submitted for the Commission's consideration. She stated that it was previously not clear regarding the ability to connect to water and sewer in a manner that does not require the extension offsite. The applicant submitted additional information regarding the ability to connect to utilities.

Mr. Gerhart, IFS, representing the applicant, stated that it was not conveyed correctly in the previous

Planning Commission Public Hearing but, that the applicant will be connecting to water and sewer utilities on the site once the site plan is approved and Sheetz can purchase the property. Sheetz is ready to move forward as they feel they have met the requirements.

Mr. Shepp opened the public hearing. No members of the public spoke.

Mr. Shepp closed the public hearing.

Mr. Shepp made a motion to approve the waiver request as submitted; Mr. Knott seconded the motion and it was approved unanimously.

Based on that action, Mr. Gerhart requested that items #10 and #11 be withdrawn from the agenda.

Mr. Stolipher returned to the meeting.

10. **WITHDRAWN: Public Hearing:** Request for waiver of Section 24.113.B.10 to waive the requirement requiring an Archaeological Study for all Major Subdivision Preliminary Plats. Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine Ave. Intersection, Charles Town, WV; Parcel ID: 02001600010000; Size: 4.42 ac; Zoning District: Highway Commercial (3.02ac) Rural (1.4 ac); File: 22-14-PCW.
11. **WITHDRAWN: Public Hearing:** Request for waiver of Appendix B, Section 2.2.C.1 related to the geometric and pavement design requirements of Table 2.2-1 Roadway Design Standards for inter-parcel subdivision roads. Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine Ave. Intersection, Charles Town, WV; Parcel ID: 02001600010000; Size: 4.42 ac; Zoning District: Highway Commercial (3.02ac) Rural (1.4 ac); File: 22-15-PCW
12. **Public Hearing:** Request for a waiver of Section 20.102.B of the Subdivision Regulations, which requires subdivision plats to be approved by the Planning Commission, recorded, and surety posted for required improvements in accordance with these Regulations and the Comprehensive Plan, before development of the land is commenced. Applicant/Property Owner: DR Acquisitions LLC. (Kings Crossing) Property Location: West of Charles Town Road, South of St James Catholic Church; Parcel ID: 0200170022; Size: 86+ acres; Zoning District: Residential Growth. File 22-16-PCW.

Ms. Brockman provided an overview of the early grading waiver application and staff report.

Mr. Gerhart, IFS, representing the applicant, explained that the request for early grading is to allow the applicant to start over lot grading which will also allow the applicant to start receiving construction supplies on-site because of the wait and delivery schedules/times. The applicant intends to post the full Bond for the first phase to insure for both the developer and the county that this will be developed.

Mr. Saunders mentioned that the County does not have a specific guidelines for to allow early grading; however because the applicant is willing to put up the full bond to be able to start the early grading, staff is more comfortable with the request..

Mr. Shepp opened the public hearing. No public comment was received.

Mr. Shepp closed the public hearing.

Mr. Saunders stated that this is the first major residential subdivision to request early grading and that because the applicant is willing to post a full bond, the public and the county will be safe. Approval of this request will only allow erosion and sedimentation control/early grading. The staff recommendation was going to be denial, but because we have now received the DOH letter regarding approval of entrances, staff recommends to approval with the conditions in the staff report.

Mr. Stolipher made a motion to approve the waiver with the engineering staff's recommended conditions. Mr. Stolipher seconded the motion to approve the waiver with the conditions that Mr. Saunders, County Engineer presented. The motion was approved unanimously.

13. Discussion and Action: For the Planning Commission to vote to approve or deny either:

- a. The Augustine Avenue Sheetz Preliminary Plat Application as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulations for the purpose of scheduling a Public Hearing. File: 22-17-SD (Subdivision); **OR**
- b. The Augustine Avenue Sheetz Major Site Plan Application as complete in accordance with Sections 24.122 and 24.123 of the Subdivision Regulations for the purpose of scheduling a Public Hearing. File: 21-4-SP (Site Plan).

Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine Ave. Intersection, Charles Town, WV Parcel ID: 02001600010000; Size: 4.41 ac; Zoning District: Highway Commercial/Rural.

Mr. Stolipher recused himself due to a conflict of interest.

Ms. Brockman reminded the Planning Commission that state law requires that the Planning Commission to deem either the Major Subdivision or Major Site Plan as complete for the purpose of scheduling a public hearing. Action by the Planning Commission at tonight's meeting will allow it to be placed on the July meeting with the required public notice.

Mr. Knott made a motion to deem the Major Site Plan application as complete for the purpose of scheduling a Public Hearing at the Planning Commission's July 12th meeting. Mr. Hefestay seconded the motion and it was approved unanimously

Mr. Stolipher returned to the meeting.

14. Update on Zoning Ordinance text amendment File# ZTA22-01 related to Solar Energy Facilities.

Ms. Beaulieu provided the Planning Commission with an overview of the status of the Solar Energy Facility text amendment. The County Commission Public Hearing was held on June 8, 2022 and action is expected to occur on June 16, 2022.

15. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.

Mr. Cochran recommended to go into Executive Session for legal counsel.

Mr. Shepp moved to go into Executive Session for the purpose of receiving legal advice from counsel regarding items a and b under Item #15 "Reports from Legal Counsel".

Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Stolipher and Mr. Roper recused themselves due to a potential conflict of interest.

Mr. Shepp requested a motion to come out of executive session. Mr. Louthan made the motion; Mr. Knott seconded the motion, which carried unanimously

16. Planner's Memo- Next meeting July 12, 2022

Matt Knott stated that he would not be present at this meeting.

17. President's Report - None

18. Actionable Correspondence - None

19. Non-Actionable Correspondence - None

Mr. Shepp motioned to adjourn the meeting; Mr. Hefestay seconded the motion, which carried unanimously. The meeting was adjourned at 8:30pm.

These minutes were prepared by Tanya Lyons, Planning Clerk.

Meeting Minutes
Jefferson County Planning Commission
September 26, 2023

The Jefferson County Planning Commission met on September 26, 2023 at 6:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commission Liaison; Wade Louthan, Secretary; Jack Hefestay; Aaron Howell; and Tim Smith.

Donnie Fisher and J. Ware were absent without notice.

Staff members present included Alexandra Beaulieu, Deputy Director and Zoning Administrator; Luke Seigfried, County Planner; Nathan Cochran, Prosecuting Attorney; and Michelle Evers, Planning Clerk.

Mr. Shepp called the meeting to order at 6:00 pm. and confirmed a quorum was present.

There is no public comment for the following items.

1. **Legal Advice, Discussion and Action:** Discussion of VB BTS, LLC v. JEFFERSON COUNTY, WEST VIRGINIA, & THE JEFFERSON COUNTY PLANNING COMMISSION (United States District Court, Northern District Case No. 3:23-CV-171) including potential resolution/settlement offer presented by Plaintiff and Plaintiff's response to Planning Commission's counter offer.

Mr. Howell of the Planning Commission recused himself from this agenda item.

Mr. Cochran requested to go into executive session to discuss Item #1 on the agenda.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Item #1 at 6:03 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp moved to go back into regular session at 6:25 pm. Mr. Louthan seconded the motion, which carried unanimously.

Mr. Cochran read into the record the response from Vertical Bridge with the public regarding the Planning Commission's counter offer stating that they were in agreement with the terms requested. *A copy of the letter was submitted for the record and posted to the website for public review the following business day.*

Mr. Hefestay requested that the new settlement include the exact location and visuals to reflect the changes in the settlement.

Mr. Knott made a motion to accept the terms of the settlement which met the conditions of the concept plan with the condition that Vertical Bridge provide a sketch reflecting the coordinates of the new location of the monopole with the original proposed location. Mr. Stolipher seconded the motion, the motion passed with the vote 5 to 1 (Mr. Hefestay opposed).

Mr. Cochran asked Mr. Shepp for the approval to work with the VB BTS, LLC attorney to draft the final settlement agreement. Mr. Shepp confirmed that was the direction.

Mr. Howell of the Planning Commission rejoined the meeting.

EX. 14 (2 pp)

- 2. Discussion and Action:** Discussion of Section 8.20 of the Zoning Ordinance regarding Solar Energy Facilities and legal advice regarding current and future projects.

Mr. Cochran requested to go into executive session to discuss Item #2 on the agenda.

Mr. Shepp moved to go into executive session for the purpose of receiving legal advice on Item #2 at 6:42 pm. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Shepp moved to go back into regular session at 7:01 pm. Mr. Louthan seconded the motion, which carried unanimously.

Mr. Stolipher made a motion to adjourn the meeting at 7:02 pm. Mr. Knott seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held virtually via GoTo Webinar on Monday, April 12, 2021 beginning at 6:00 o'clock p.m.

PRESENT:

Josh Compton, President
Caleb Hudson, Commissioner
Tricia Jackson, Commissioner
Jane Tabb, Commissioner
Stephanie Grove, County Administrator
Nathan Cochran, Asst. Prosecuting Attorney
Alex Beaulieu, Zoning Administrator
Jessica Carroll, Administrative Assistant

In re: Special Called meeting for public hearing to receive input on the Planning Commission's recommended text amendment to the Zoning and Land Development Ordinance to allow Solar Energy Facilities to process in Jefferson County

The meeting was called to order by President Compton at 6:02 pm. President Compton stated the purpose of this meeting was to hear comments regarding Zoning Text Amendment 19-03 concerning the allowance of solar energy facilities to function as a Principal Permitted Use. Ms. Beaulieu provided the Commission and the audience with a history of the text amendment and stated the Planning Commission had found the text amendment to be consistent with the Comprehensive Plan.

Mr. Compton then opened the floor for public comment, which was received by the following: Christine Marshall, Tim Ross, Michael Reegan, Anastasia Tabb, Rodney Rice, Bob Aitcheson, Ty Lawson, and Doug Rockwell.

- **Motion by Mr. Compton to approve Zoning Text Amendment 19-03 to allow Solar Energy Facilities to process as a Principal Permitted Use (by right) in the following zoning districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. Motion seconded but tabled by Mr. Compton.**
- **Motion by Mr. Compton to enter into Executive Session to receive legal advice from Counsel. Motion seconded and unanimously approved.**
- **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**

Ex. A (2pp)

- **Motion by Mr. Compton to rescind his original motion and add the requirement of a 50 ft. setback with vegetation screen to Zoning Text Amendment 19-03. Motion seconded and passes on a vote of 3-1 with Commissioner Tabb opposing.**
- **Motion by Mr. Compton to approve Zoning Text Amendment 19-03 to allow Solar Energy Facilities to process as a Principal Permitted Use (by right) in the following zoning districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial, with the additional requirement of a 50ft. setback and vegetation screen to serve as a buffer for adjoining properties to be maintained by the project owners with a landscaping plan to be submitted to the Planning Commission and find the amendment consistent with the adopted Comprehensive Plan, and to the extent the amendment is inconsistent with the Comprehensive Plan, we find that there have been major changes in the economic, physical and social nature of the area involved that were not anticipated when the Comprehensive Plan was adopted and those changes have substantially altered the basic characteristics of the area, effective April 13, 2021. Motion seconded and passes on a vote of 3-1 with Commissioner Tabb opposing.**

There being no further business, the special session was adjourned at 7:18 pm.

Minutes

Jefferson County Commission

Thursday, October 21, 2021

A meeting of the Jefferson County Commission was held on Thursday, October 21, 2021 during the fourth quarterly session at 6:00 p.m. The meeting was held via GoToWebinar and in-person. Present were, Steve Stolipher, President, Tricia Jackson, Vice President, Clare Ath, Caleb Hudson, and Jane Tabb. Also present were Stephanie Grove, County Administrator; Sandy McDonald, Deputy County Administrator, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, October 21, 2021 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Stolipher led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Stolipher to approve the October 7, 2021 Regular Meeting Minutes as presented. Motion seconded and unanimously approved.

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

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

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
85366	ADAM WARD	616.16
85367	AMERIFLEX	120.80
85368	BERKELEY GLASS INC	1,048.00
85369	BIDDLE CONSULTING GROUP	599.00
85370	BOLAND TRANE SERVICES INC	1,931.00
85371	BUREAU OF CHILD SUPPORT	492.93

Ex. B (10pp)

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

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

CHECK#		VENDOR NAME	AMOUNT
85390		CROCK-HAMRICK REPORTING SERVICES LLC	\$ 247.50
85391		GUTTMAN OIL CO	\$ 4,305.98
85392		JENNIFER M BROCKMAN	\$ 6,500.00
85393		JUSTTECH LLC	\$ 111.48
85394		KONE BROOKLYN	\$ 1,809.75
85395		MATTHEW ARMEL	\$ 364.50
85396		MILLENIUUM INSURANCE GROUP	\$ 900.00
85397		MILLENIUUM INSURANCE GROUP	\$ 250.00
85398		POTOMAC EDISON	\$ 2,802.98
85399		RICE TIRES CO	\$ 522.96
85400		SHENTEL	\$ 1,807.00
85401		SOFTWARE SYSTEMS INC	\$ 36.00
85402	SG/010	JEFFERSON DAY REPORT CENTER	\$ 2,089.50
TOTAL			\$ 21,747.65

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

APPROVAL OF MANUAL CHECKS

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

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

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
928	AV/56	GLOBAL SCIENCE & TECH		\$ 407.98
125	SCH-IP/249	LUTMAN LAND DEVELP.		\$ 5,991.00
126	SCH-IP/249	DONALD PINE		\$ 5,991.00
127	SCH-IP/249	TIMOTHY PAULIN		\$ 5,991.00
140	PARK-IP/249	LUTMAN LAND DEVELP.		\$ 481.00
141	PARK-IP/249	DONALD PINE		\$ 481.00
142	PARK-IP/249	TIMOTHY PAULIN		\$ 481.00
117	LEO-IP/249	LUTMAN LAND DEVELP.		\$ 176.00
118	LEO-IP/249	DONALD PINE		\$ 176.00
119	LEO-IP/249	TIMOTHY PAULIN		\$ 176.00
148	EMS-IP/249	LUTMAN LAND DEVELP.		\$ 52.00
149	EMS-IP/249	DONALD PINE		\$ 52.00
150	EMS-IP/249	TIMOTHY PAULIN		\$ 52.00
TOTAL				\$ 20,507.98

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

PAYROLL APPROVAL

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

PRESENTATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. Michelle Gordon, Finance Director

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

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

- Redistricting Overview
- Publication Requirements – possible action for order and publication
- Timeline including the need for quick action by the GIS Office and County Commission with the possible impact of residency requirements for candidates

4. Patricia Rucker, Citizen – requested a waiver of ambulance fee late fees.

- **Motion by Mr. Stolipher to waive the ambulance fee late fees accrued for Patricia Rucker for \$45.00 for the following years: 2019, 2020, 2021. Motion seconded and unanimously approved.**

5. Steve Cox, Jefferson County Sheriff Deputy's Civil Service Commissioner – Civil Service Training Request

- **Motion by Mr. Stolipher to approve the training request by Civil Service Commissioner Steve Cox for a Civil Service Training Seminar (between 4 and 8 hours) that will be held for the benefit of the Jefferson County Civil Service Commissioners, County Commissioners, County Clerk, Sheriff, Civil Service Investigators and any other necessary county or government employees, to include the use of Jefferson County facilities/classroom use during the day of training and a \$500.00 payment to instructor John Teare, from the Coal Severance Fund, and to permit Steve Cox to administer the Training Seminar to its completion. Motion seconded and unanimously approved.**

6. Roger Goodwin, Chief County Engineer – requested the approval to advertise to fill the vacant Planning Clerk position.

- **Motion by Mr. Stolipher to approve advertising to fill the position of the Planning Clerk in the Department of Engineering, Planning & Zoning at a not to exceed salary of \$33,000 – 35,000 per year. Motion seconded and unanimously approved.**

7. Board of Assessment Appeals

- **Motion by Mr. Stolipher to convene as a Board of Assessment Appeals. Motion seconded and unanimously approved.**

○ David Tabb

- Commissioner Tabb recused herself from this hearing and did not participate in the vote.

- **Motion by Mr. Stolipher to uphold the assessment provided to Mr. Tabb by the Assessor's Office. Motion seconded and unanimously approved.**

○ Joyce Edwards

- **After sworn testimony and presentation of exhibits, motion by Mr. Stolipher to uphold the assessment provided to Ms. Edwards by the Assessor's Office. Motion seconded and unanimously approved.**

- **There being no further requests for assessment appeals, motion by Mr. Hudson to reconvene in regular session. Motion seconded and unanimously approved.**
8. Dennis Jarvis, II, Jefferson County Development Authority – request that the Jefferson County Commission assist the Jefferson County Development Authority in the final payment of the agreed legal fees – Jefferson County Vision, Inc. v. Jefferson County Development Authority CC-19-2018-157
- **Motion by Ms. Jackson to assist the Jefferson County Development Authority with the payout of legal fees up to \$20,000 to Jefferson County Vision, Inc. from the Coal Severance Fund. Motion seconded and unanimously approved.**
9. Emily Morrow and Amanda Johnson, WVU Extension Service – requested the use of vacant office space.
- **Motion by Mr. Stolipher to approve the use of additional office space for the Jefferson County WVU Extension Service in the Public Service Building. Motion seconded and unanimously approved.**
10. Public Comment: Joyce Smith, Michael Tolbert, Christine Marshall, Patricia Noland.
11. Nathan Cochran, Assistant Prosecuting Attorney
- a. Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto.
 - b. Discussion of legal issues regarding proposed solar text amendment including bonding, comprehensive plan, and related matters, including Jefferson County Civil Action No.'s 2021-C-33 through 37 and Jefferson County Civil Action No.'s 2021-C-46 through 50
 - c. Report by counsel regarding County Commission's assignment of drafting new solar text amendment and presentation of draft amendment. Discussion and potential action by County Commission, including potential referral to Planning Commission, and/or other action required by law.
 - d. Consider matters involving or affecting the construction, planning or purchase, sale or lease of property.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice regarding items b, c, and d as listed above, including the discussion of contractual matters as it relates to item d, and to discuss personnel matters concerning the positions of County Administrator and County Finance Director. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Jackson to refer the new solar facilities text amendment to the Planning Commission for review. Motion seconded and passes on a vote of 3-1 with Commissioner Tabb opposing and Commissioner Stolipher abstaining.**

UNFINISHED BUSINESS

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

NEW BUSINESS

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

COUNTY ADMINISTRATOR REPORTS

- Transfer part-time employee Christopher Cross from E-911 to Information Technology
 - **Motion by Mr. Stolipher to approve the transfer of employee Christopher Cross from E-911 to Information Technology. Motion seconded and unanimously approved.**

- Approve contract for positions for CAD Response Plan Data Entry and CAD Response Plan Data Administration with the Information Technology Department
 - **Motion by Mr. Stolipher to approve the contract position for CAD Response Plan Data Administration with the Jefferson County IT Department up to \$35,000. Motion seconded and unanimously approved.**

- Determine if EMS will be included in the Response Plan Method of Dispatch
 - **Motion by Ms. Jackson to support Captain Burner of the Jefferson County Emergency Services Agency in his decision to pull out of the Response Plan Method of Dispatch and keep participating in Quickest Route. Motion seconded and unanimously approved.**

14. The Commission adjourned at 9:57 p.m. on a motion by Mr. Stolipher. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held virtually via GoToWebinar on March 30, 2022, beginning at 9:30 o'clock a.m.

PRESENT: Caleb Hudson, President
Steve Stolipher, Vice President
Clare Ath, Commissioner
Tricia Jackson, Commissioner
Jane Tabb, Commissioner
John Nissel, County Administrator
Nathan Cochran, Assistant Prosecutor
Sandy McDonald, Deputy
Administrator
Jessica Carroll, Administrative Assistant

In re: Special Session - Personnel Matters & Discussion of Solar Text Amendment and Related Issues

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

- EX C (2pp)
1. Discussion of legal issues regarding solar text amendment including bonding, comprehensive plan, including progress in amending comprehensive plan, and discussion and possible resolution of Jefferson County Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Civil Action No. CC-19-2022-C-6 and WV Supreme Court No's 21-0727, and 21-0721, and related matters
 2. Approval to advertise both the Deputy County Administrator and Finance Director positions
 3. Approval to retain Michelle Gordon under contract until new Finance Director is hired
 4. Approval to retain Sandy McDonald under contract until a new Deputy is hired
- **Motion by Ms. Tabb to enter into Executive Session to receive legal advice concerning the solar text amendment including bonding, comprehensive plan, including progress in amending comprehensive plan, and discussion and possible resolution of Jefferson County Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Civil Action No. CC-19-2022-C-6 and WV Supreme Court No's 21-0727, and 21-0721, and related matters and to discuss Commission Office personnel matters. Motion seconded and unanimously approved.**

Please note Mr. Stolipher recused himself from the Executive Session discussion concerning the solar text amendment.

- **Motion by Mr. Hudson to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to agree to the terms of settlement discussed in Executive Session in reference to Civil Action No. CC-19-2022-C-6 and that the document become public once it's been finalized. Motion seconded and passes 3-1 with Mr. Hudson opposing and Mr. Stolipher abstaining.**
- **Motion by Mr. Stolipher to approve the edits suggested by Commissioner Tabb to the job descriptions of the Finance Director and the Deputy Administrator positions and to advertise for the vacancies. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to amend the current contract with Michelle Gordon to retain her services until a new Finance Director is hired, not to exceed \$40,000.00. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolipher to allow Mr. Nissel to retain Sandy McDonald under contract until a new deputy administrator is hired, with the contract to be reviewed at the next regularly scheduled Commission meeting. Motion seconded and unanimously approved.**

There being no further business, the meeting adjourned at 10:23 am.

Caleb Hudson, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

Minutes

Jefferson County Commission

Thursday, June 16, 2022

A meeting of the Jefferson County Commission was held on Thursday, June 16, 2022 during the second quarterly session at 6:00 p.m. The meeting was held via GoToWebinar and in-person. Present were Caleb Hudson, President, Steve Stolipher, Vice President, and Commissioners Tricia Jackson, Clare Ath, and Jane Tabb. Also present were John Nissel, County Administrator, Sorayda Pitts, Administrative Assistant, and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, June 16, 2022 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Hudson led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Hudson to approve the June 2, 2022 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.

Motion by Mr. Hudson to approve the June 9, 2022 #ZTA22-01 Solar Facilities Text Amendment Public Hearing Minutes as presented/amended. Motion seconded and unanimously approved.

Motion by Mr. Hudson to approve the June 9, 2022 Special Session Minutes as presented/amended. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Hudson to approve the Payroll for June 9, 2022 in the amount of \$261,975.14. Motion seconded and unanimously approved.

Ex 10 (10pp)

APPROVAL OF REQUISITIONS

Motion by Mr. Hudson to approve the Requisitions for June 16, 2022 in the amount of \$127,720.00. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
86363	ALLAN THOMAS	3,250.00
86364	AMANDA MASTERS	42.71
86365	AMERIFLEX	120.80
86366	APRIL BLAKER	27.50
86367	AT&T	858.78
86368	BENJAMIN S WILLIAMS	1,743.74
86369	BOLAND TRANE SERVICES INC	1,931.00
86370	BRIAN LONG	97.11
86371	BUREAU OF CHILD SUPPORT	492.93
86372	CAPITAL ELECTRIC	428.73
86373	CASTO & HARRIS INC	793.29
86374	CIOX HEALTH	407.98
86375	CITY OF CHARLES TOWN	80.00
86376	COMPTROLLER OF MARYLAND	790.51
86377	DOING BETTER BUSINES	790.89
86378	EFTPS IRS TAXES	90,452.30
86379	EMILY MORROW	87.75
86380	EMPOWER RETIREMENT	5,830.49
86381	ESS ELECTION SYSTEMS & SOFTWARE	4,975.00
86382	GUTTMAN OIL CO	10,132.88
86383	JEFFERSON COUNTY SOLID WASTE AUTHORITY	14.63
86384	JEFFERSON SECURITY BANK	4,285.00
86385	JEFFERSON CO SCHOOLS	909.00
86386	JOSEPH MURPHY	337.04
86387	LANGUAGE LINE SERVICES	31.50
86388	MARION A. HAZEL	593.78
86389	MICHELLE GORDON	4,900.00
86390	MILLENIUM INSURANCE GROUP	900.00
86391	ALAN MCCLINTOCK	12,765.60
86392	NATIONWIDE RETIREMENT SOLUTIONS	834.00
86393	PATRIOT FIRE AND SECURITY LLC	250.00

86394		POTOMAC EDISON	24,681.33
86395		R.E. MICHEL CO. LLC	634.25
86396		RETIREE HEALTH BENEFIT TRUST	7,732.00
86397		RICE TIRES CO	530.72
86398		SANDRA SLUSHER MCDONALD	1,680.00
86399		SEN COMMUNICATIONS LLC	25.00
86400		SHAUN PACETTI	117.53
86401		SHERIFF OF JEFFERSON COUNTY	3,191.40
86402		SOFTWARE SYSTEMS INC	93.00
86403		SPIRIT OF JEFFERSON	57.18
86404		WV STATE FIRE MARSHAL'S OFFICE	75.00
86405		STATE TAX DEPARTMENT	150.00
86406		TAMMY YOKLEY	2,020.48
86407		THE HARTFORD	3,502.00
86408		THE HARTFORD	2,317.75
86409		VINCENT TIONG	246.00
86410		WV DEPUTY SHERIFF RETIREMENT SYSTEM	16,209.95
86411		WV DIVISION OF LABOR	90.00
86412		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	45,509.25
86413		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	166.49
86414		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	76,428.00
86415		XEROX CORPORATION	1,166.13
86416		XEROX FINANCIAL SERVICES	249.81
86417	FG/009	SHERIFF OF JEFFERSON COUNTY	4,364.05
86418	SG/010	JEFFERSON DAY REPORT	2,208.90
86419	BS/011	SHERIFF OF JEFFERSON COUNTY	7,133.40
86420	AM/053	JEFFERSON CO ESA	228,840.00
86421	AM/053	MONROE	423.60
86422	AM/053	SHERIFF OF JEFFERSON COUNTY	1,619.02
TOTAL			580,617.18

Motion by Mr. Hudson to approve the Accounts Payable for June 9, 2022 in the amount of \$580,617.18. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME	AMOUNT
86423		AMERITEL CORP	\$ 225.81
86424		ASHTYN REYNOLDS	\$ 62.46
86425		DAVID BOOBER	\$ 315.10
86426		DEANNA DAVIS	\$ 41.64

86427		EDITH COOPER	\$	62.46
86428		FIDELITY POWER SYSTEMS	\$	1,033.00
86429		FIFTH THIRD BANK	\$	69,650.29
86430		FRANKLIN & PROKOPIK P.C.	\$	1,417.50
86431		GLOBAL SCIENCE & TECHNOLOGY INC.	\$	960.00
86432		GUTTMAN OIL CO	\$	5,044.61
86433		HOSPICE OF THE PANHANDLE	\$	250.00
86434		JACQUELINE SHADLE	\$	292.50
86435		JAMIE WOLFE	\$	62.46
86436		JEFFERSON COUNTY SOLID WASTE AUTHORITY	\$	143.81
86437		JUSTTECH LLC	\$	397.14
86438		LAURA STORM	\$	17.90
86439		LAURA STORM	\$	32.98
86440		LISA WALTERS	\$	41.64
86441		MEGAN FARIAS	\$	299.58
86442		MID ATLANTIC ENTRY MD LLC	\$	475.00
86443		MIDDLEWAY FIRE COMPANY	\$	34,369.14
86444		NAPA AUTO PARTS	\$	379.88
86445		PANHANDLE PRINTING & DESIGN	\$	464.28
86446		REBECCA CHALK	\$	62.46
86447		RONALD DANTZIC	\$	39.66
86448		SAMANTHA COMBS	\$	83.28
86449		SANDRA APONICK	\$	41.64
86450		SHERIFF OF JEFFERSON COUNTY	\$	23.80
86451		SHERIFF OF JEFFERSON COUNTY	\$	3,126,948.00
86452		SHERWIN-WILLIAMS	\$	9.59
86453		SOFTWARE SYSTEMS INC	\$	1,104.00
86454		TAMMY YOKLEY	\$	104.10
86455		TRACY HERRON-RICE RPR	\$	223.30
86456		VITAL SIGNS	\$	444.00
86457		W B MASON CO. INC	\$	317.34
86458		WV ASSOCIATION OF COUNTIES	\$	550.00
86459	GS004	GENERAL CO - 004	\$	11,104.65
86460	AM053	AXIOM	\$	2,627.60
86461	AM053	FIFTH THIRD BANK	\$	212.00
86462	AM053	W.B MASON	\$	122.08
TOTAL			\$	3,260,056.68

Motion by Mr. Hudson to approve the Accounts Payable for June 16, 2022 in the amount of \$3,260,056.68. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
551	CS/2	HINKLE CONSELING		\$ 149.70
798	HD/8	SHERIFF OF JEFFERSON CO		\$ 2,560.14
799	HD/8	ATTENTI US INC		\$ 3,433.60
983	AV/56	JUST TECH		\$ 173.03
984	AV/56	SEGRA		\$ 622.27
1777	CO/246	INSIGHT PUBLIC SECTOR		\$ 6,650.84
1778	CO/246	STORAGE NETWORK		\$ 88,470.00
1342	IP/249	SHERIFF JEFFERSON CO -SCHOOL		\$ 66.00
1343	IP/249	SHERIFF JEFFERSON CO - LAW		\$ 14,547.39
1344	IP/249	SHERIFF JEFFERSON CO - PARKS		\$ 62,830.56
1345	IP/249	SHERIFF JEFFERSON CO - EMS		\$ 6,641.95
1346	IP/249	SHERIFF JEFFERSON CO - ADMIN		\$ 2,921.48
TOTAL				\$ 189,066.96

Motion by Mr. Hudson to approve the Manual Checks for June 10, 2022 in the amount of \$189,066.96. Motion seconded and unanimously approved.

JUNE 17,2022				
MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
552	CS/002	BENDA HINKLE		\$ 783.90
553	CS/002	JEFFERSON CO COUNCIL ON AGING		\$ 13,687.72
554	CS/002	JEFFERSON CO HISTORIC LANDMARKS		\$ 5,059.69
314	DK/003	SHERIFF OF JEFFERSON CO		\$ 27,235.88
348	MC/005	SHERIFF OF JEFFERSON CO		\$ 27,427.58
800	HD/008	FIFTH THIRD BANK		\$ 90.92
985	AV/056	FIFTH THIRD BANK		\$ 1,112.23
986	AV/056	SHERIFF OF JEFFERSON CO		\$ 567,494.93
350	FP/057	JEFFERSON CO FARMLAND PROT.		\$ 151,727.61
935	CW/059	WASHINGTON FORD INC		\$ 1,958.05

936	CW/O59	THE HOME DEPOT	\$ 1,815.28
221	VRO63	SECRETARY OF STATE'S OFFICE	\$ 150.24
1779	CO/246	FIFTH THIRD BANK	\$ 610.28
TOTAL			\$ 799,154.31

Motion by Mr. Hudson to approve the Manual Checks for June 17, 2022 in the amount of \$799,154.31. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was provided by the following: David Tabb.

PRESENTATIONS

1. Angela Banks, Assessor – requested approval and Commissioners’ signatures for the Certificates of Oaths for the Real Estate and Personal Property Books
 - **Motion by Mrs. Tabb to approve the Certificates of Oaths for the Real Estate and Personal Property Books and affix the Commissioners’ signatures to the documents. Motion seconded and unanimously approved.**
2. Chief Deputy Lupis, Jefferson County Sheriff’s Office
 - a. Administrative Assistant Hire
 - **Motion by Mr. Stolipher to approve the hire hire Monica Anderson at the Sheriff’s Business Office at a Grade II, 80 hr position with a salary of \$32,000, effective June 21, 2022. Motion seconded and unanimously approved.**
 - b. Deputy Hires
 - **Motion by Mr. Stolipher to approve the hire Tristan Lutman and Hunter Ray as deputies for the Jefferson County Sheriff’s Department at a salary of \$49,626.00, effective 06/26/2022 . Motion seconded and unanimously approved.**
 - c. Grant Application
 - **Motion by Mr. Stolipher to approve the application for the JAG grant that supports placement of a PRO in Jefferson County High School and authorize**

the president to sign the associated documents. Motion seconded and unanimously approved.

3. Kelly Franklin, Director, Jefferson Day Report Center – requested approval of the FY2023 West Virginia Community Corrections Grant.
 - **Motion by Mrs. Tabb to approve the grant contract and resolution for the FY2023 West Virginia Community Corrections Grant Contract. Motion seconded and unanimously approved.**

4. Matthew Harvey, Prosecuting Attorney’s Office, Victim Assistance Program – requested approval to hire a part-time victim advocate, Melissa Segura.
 - **Motion by Mr. Stolipher to approve the hire of Melissa Segura as a part-time victim advocate in the Prosecuting Attorney’s Office at a salary of \$18.50 hr, effective June 21, 2022. Motion seconded and unanimously approved.**

5. Joe Kent, Jefferson County Department of Engineering, Planning, and Zoning – requested a partial construction bond release for Lutman Land Development, LLC – Milton’s Landing Subdivision, Lots 1-16, Lots 18-50 & SWM Lot 17 (File #22-21-SD)
 - **Motion by Mr. Stolipher to approve the partial construction bond release of \$715,484.00 from the construction bond for Lutman Land Development, LLC – Milton’s Landing Subdivision, Lots 1-16, Lots 18-50 & SWM Lot 17 (File #22-21-SD). Motion seconded and unanimously approved.**

6. Michelle Gordon, Finance Director
 - a. Review and Approval of FY2022 State Budget Revision 7 for the General Fund
 - **Motion by Mr. Stolipher to accept FY22 State Budget Revision 7 for the General Fund as presented. Motion seconded and unanimously approved.**

 - b. Set date for next ARPA meeting
 - It was the consensus of the Commission to meet on Thursday, June 30, 2022 at 9:30 am to discuss ARPA grant submissions.

 - c. Review and Approval of Revised FY23 Grade Scale with 2.5% COLA, effective 7/1/22

- **Motion by Mrs. Tabb to approve the revised FY23 grade scale with a 2.5% COLA over FY22, effective July 1, 2022.**
- d. Review and Approval of Ambulance, Equipment, and Supplies purchase
- **Motion by Mr. Stolipher to approve Requisition No. 22067 for the purchase of an ambulance, equipment, and supplies in the amount of \$220,000 funded by ARPA Grand funds. Motion seconded and unanimously approved.**

7. Nathan Cochran, Assistant Prosecuting Attorney

- a. Discussion of legal issues regarding proposed solar text amendment including amendment text, bonding, Comprehensive Plan and related matters and discussion of public hearing on proposed text amendment and discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6 and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
 - b. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.
 - c. Report by counsel on opioid case. (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1:17-OP-45170).
- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice and discuss contractual matters related to the opioid case Jefferson County Commission v. Purdue Pharmaceutical, et. al. Motion seconded and unanimously approved.**
 - **Motion by Mr. Hudson to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to accept the release of the settlement agreement concerning the opioid case and authorize the President of the Commission to affix his signature on the appropriate document. Motion seconded and unanimously approved.**

OLD BUSINESS

- 8. Discussion of Policy 319 – Financial System Access & Approval Policy, in relation to Comprehensive Audit – Mr. Nissel stated he would work with County Clerk Jacqueline

Shadle concerning Policy 319 in relation to her statutory duties. It was the consensus of the Commission to continue the discussion of this item at a later date.

9. Discussion of Ambulance Services, including potential action regarding composition, organization, and structure of county EMS services and the Jefferson County Emergency Services Agency, including the utilization, scheduling, and compensation of employees, the utilization of volunteers, acquisition and distribution of ambulance resources, acquisition and distribution of ambulance resources, implementation of Fitch recommendations and review and implementation of issues related to the Commission's approved motion in its May 19, 2022 meeting to develop a potential plan to create a County Ambulance Services – no updates provided.
10. Reconsider the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, to allow Solar Energy Facilities to process as a Principal Permitted Use in areas located inside the Urban Growth Boundary and Preferred Growth Area as delineated on the Future Land Use Guide in the County's Comprehensive Plan; and as a Conditional Use in areas outside of the Urban Growth Boundary and Preferred Growth Area. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

(Please note Commissioner Stolipher recused himself from the discussion of this topic.)

- Motion by Ms. Jackson to accept proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01 from the Planning Commission to allow Solar Energy Facilities to process as a Principal Permitted Use in areas located inside the Urban Growth Boundary and Preferred Growth Area as delineated on the Future Land Use Guide in the County's Comprehensive Plan; and as a Conditional Use in areas outside of the Urban Growth Boundary and Preferred Growth Area. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table; and to find the amendment in conformance with the Jefferson 2035 Comprehensive Plan. Motion seconded and passes 4-0 with Commissioner Stolipher abstaining.
11. Discussion and review of issues regarding potential action of Charles Town Utility Board before the Public Service Commission concerning distressed utilities and matters related thereto – no updates provided.

NEW BUSINESS

12. Discussion of July 7, 2022 Regularly Scheduled Meeting

- **Motion by Mr. Stolipher to cancel the July 7, 2022 Regularly Scheduled County Commission Meeting. Motion seconded and unanimously approved.**

13. Discussion of Jefferson County Roads Summit (CH) – it was the consensus of the Commission to tentatively plan to hold a Roads Summit in the fall and potentially invite other stakeholders such as representatives from the Hagerstown –Eastern Panhandle Metropolitan Planning Organization and the local municipalities.

COUNTY ADMINISTRATOR REPORTS

- Discussion of Policy 216-A-COVID-19 Expanded FMLA Policy

- **Motion by Mr. Stolipher to maintain the sunset date of June 30, 2022 for County Policy 216-A and revisit in September if necessary. Motion seconded and unanimously approved.**

ADJOURN

14. The Commission adjourned at 08:25 p.m. on a motion by Mr. Hudson. Motion was seconded and unanimously approved.

Caleb Hudson, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant

Minutes

Jefferson County Commission

Thursday, September 7, 2023

A meeting of the Jefferson County Commission was held on Thursday, September 7, 2023 during the third quarterly session at 9:30 am. The meeting was held via GoTo Webinar and in-person. Present were Commissioners Steve Stolipher, Tricia Jackson, Jennifer Krouse, and Jane Tabb. Also present were Makayla Zonfrilli, County Administrator and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, September 7, 2023 meeting is available on the Jefferson County Commission website.

PRAYER- Pastor Adam Johnson

PLEDGE OF ALLEGIANCE

Commissioner Stolipher led the Pledge of Allegiance

APPROVAL OF MINUTES

Motion by Mr. Stolipher to approve the August 17, 2023 Minutes as presented. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Stolipher to approve the Payroll for September 1, 2023 in the amount of \$341,074.45. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Stolipher to approve the requisition for September 7, 2023 in the amount of \$49,471.93. Motion seconded and unanimously approved.

Ex. E (14pp)

APPROVAL OF ACCOUNTS PAYABLE

CHECK REGISTER			
August 23, 2023			
CHECK #		VENDOR NAME	AMOUNT
88406		AHA-ARTS & HUMANITIES ALLIANCE	\$ 1,478.71
88407		AMERIFLEX	\$ 321.65
88408		AT&T	\$ 236.70
88409		AT&T MOBILITY - CC	\$ 1,720.03
88410		BERKELEY GLASS INC	\$ 405.00
88411		CAROLINA RECORDING SYSTEMS LLC	\$ 8,730.00
88412		EMA CHRYSLER DODGE JEEP	\$ 322.00
88413		DIGITAL DOCUMENT SOLUTIONS INC	\$ 804.52
88414		EASTERN PANHANDLE REGIONAL PLANNING & DEVELOPMENT	\$ 47,964.48
88415		FIRE SAFETY EQUIP	\$ 575.00
88416		GFOA GOVERNMENT FINANCE OFFICERS ASSOCIATION	\$ 595.00
88417		GUTTMAN OIL CO	\$ 6,261.71
88418		JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	\$ 2,189.58
88419		JEFFERSON CO CONVENTION AND VISITORS BUREAU	\$ 36,967.46
88420		JEFF CO PARKS & RECREATION COMMISSION	\$ 33,299.19
88421		LANGUAGE LINE SERVICES	\$ 50.25
88422		MILLENIUM INSURANCE GROUP	\$ 900.00
88423		MILLERS SUPPLIES AT WORK	\$ 752.00
88424		POTOMAC EDISON	\$ 354.98
88425		RICE TIRES CO	\$ 133.90
88426		ROBIN MULLIKIN	\$ 77.57
88427		SPIRIT OF JEFFERSON	\$ 22.22
88428		ZACH HOLLER	\$ 83.31
88429	GS/004	GENERAL COUNTY FUND- J FEE	\$ 14,028.35
			\$ 158,273.61

- Motion by Mr. Stolipher to approve the Accounts Payable for August 24, 2023 in the amount of \$158,273.61. Motion seconded and unanimously approved.

CHECK REGISTER			
September 1, 2023			
CHECK #	VENDOR NAME		AMOUNT
88431	ADAM WARD		\$ 202.34
88432	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU		\$ 2,269.38
88433	AT&T BILL PAYMENT		\$ 2.58
88434	BERKELEY GLASS INC		\$ 125.00
88435	BIEDLERS ELEC MOTOR REP		\$ 751.35
88436	BUREAU OF CHILD SUPPORT		\$ 439.85
88437	CASTO & HARRIS INC		\$ 1,054.50
88438	CHARLES TOWN PRESBYTERIAN CHURCH		\$ 30.00
88439	COLONIAL LIFE		\$ 95.68
88440	COMPTROLLER OF MARYLAND		\$ 1,171.59
88441	DAVID EVERETT BOOBER		\$ 178.10
88442	DIANN BROWN		\$ 56.00
88443	EFTPS IRS TAXES		\$ 118,235.73
88444	EMPOWER RETIREMENT		\$ 6,862.57
88445	FEDEX		\$ 123.15
88446	FIDELITY POWER SYSTEMS		\$ 865.00
88447	GUTTMAN OIL CO		\$ 6,270.96
88448	HIGHMARK WV		\$ 207,215.49
88449	JEFFERSON SECURITY BANK		\$ 3,925.00
88450	JEFFERSON CO FIRE & RESCUE ASSOCIATION, INC.		\$ 14,712.00
88451	JENNIFER KROUSE		\$ 77.85
88452	LANGUAGE LINE SERVICES		\$ 48.50
88453	MAKAYLA ZONERILLI		\$ 113.78
88454	MICHAEL MONAGHAN		\$ 305.82
88455	NATIONAL VISION ADMIN.		\$ 1,653.36
88456	NATIONWIDE RETIREMENT SOLUTIONS		\$ 1,065.00
88457	DR. ROBERT E. JONES III		\$ 1,000.00
88458	RONALD FLETCHER		\$ 3,250.00
88459	SOFTWARE SYSTEMS INC		\$ 55.00
88460	SOFTWARE SYSTEMS INC		\$ 1,151.90
88461	SPIRIT OF JEFFERSON		\$ 305.48
88462	STATE TAX DEPARTMENT		\$ 150.00
88463	TERESA HENDRICKS		\$ 56.00
88464	THOMAS HANSEN		\$ 97.00
88465	TRICIA JACKSON		\$ 52.32

88495		MAZZITTI & SULLIVAN EAP	1,422.00
88496		MONICA BENNETT	90.25
88497		PROGRESSIVE PRINTING	5,737.28
88498		THE HARTFORD	2,374.90
88499		THE HARTFORD	3,403.34
88500		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	50,596.38
88501		WV CORP WV COUNTIES SELF INSURANCE RISK POOL	182,737.00
88502		FIRST CITIZENS BANK & TRUST CO	2,225.17
88503	SG/010	JEFFERSON COUNTY PARKS & RECREATION COMMISSION	\$ 27,220.62
TOTAL			\$ 418,283.03

- Motion by Mr. Stolipher to approve the Accounts Payable for September 7, 2023 in the amount of \$418,283.03. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

August 23, 2023			
OTHER FUNDS			
Check #.	Fund	Vendor	Amount
235	AR/207	GS IMAGES	\$ 37,460.00
1093	AV/056	DLT SOLUTIONS, LLC	\$ 707.26
1847	CO/246	MOTOROLA SOLUTIONS, INC.	\$ 937.02
582	CS/002	BRENDA HINKLE	\$ 578.42
583	CS/002	JEFF. CO COMMUNITY MINISTRIES	\$ 25,000.00
1412	IP/249	SHERIFF OF JEFFERSON CO - SCHOOL	\$ 26.00
1413	IP/249	SHERIFF OF JEFFERSON CO - LAW	\$ 12,631.16
1414	IP/249	SHERIFF OF JEFFERSON CO - PARKS	\$ 26,517.26
1415	IP/249	SHERIFF OF JEFFERSON CO - EMS	\$ 2,793.89
1416	IP/249	SHERIFF OF JEFFERSON CO - ADMIN	\$ 1,239.27
TOTAL			\$107,890.28

TOTAL	\$ 105,054.46
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- Motion by Mr. Stolipher to approve the Manual Checks for September 8, 2023, in the amount of \$105,054.46. Motion seconded and unanimously approved.

ANNOUNCEMENTS:

PUBLIC COMMENT: Jacquelin Milliron, Tom Melbourne, David Tabb and Adam McDowell.

PRESENTATIONS

1. Angie Banks-Assessor- Requested approval of Exonerations

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Angie Leclair	PP	ST	\$187.81	315921

- Motion by Mr. Stolipher to approve the Exoneration for ticket No. 315921 as presented by Ms. Banks. Motion seconded and unanimously approved.

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
John Dangler & Melanie Johnston	PP	HF	\$492.66	306983

- Motion by Mr. Stolipher to approve the Exoneration for ticket No. 306983 as presented by Ms. Banks. Motion seconded and unanimously approved.

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
John & Dorothy Miles	PP	KT	\$260.00	310255

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 310255 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Thomas Jr. & Angie Jones	PP	HF	\$27.61	307598

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 307598 as presented by Ms. Banks. Motion seconded and unanimously approved.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
William & JoAnn Campbell	PP	RC	\$30.63	313318

- **Motion by Mr. Stolipher to approve the Exoneration for ticket No. 313318 as presented by Ms. Banks. Motion seconded and unanimously approved.**

2. **Tom Hansen-Sheriff- Requested**

- a. **Approval of application for the JAG grant continuation of the PRO and JHS, the GHSP grant for the continuation of the Eastern Panhandle Traffic Safety program and accept the awarded funding for the Court Security Grant.**
 - **Motion by Mr. Stolipher to approve the application for the JAG grant for the continuation of the PRO program and authorize the president to sign any associated documents. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to approve the application for the GHSP grant and authorize the president to sign any associated documents. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to accept the awarded funding from the Court Security grant in the amount of \$21,800.00 and authorize the president to sign any associated documents. Motion seconded and unanimously approved.**

b. Animal Control New Hires

- **Motion by Mr. Stolpher to approve the hire of Stephanie Dana as Animal Control Kennel Tech as a 40 hour employee with a starting salary of \$33,965.00, with a start date of September 11, 2023. Motion seconded and unanimously approved.**
- **Motion by Mr. Stolpher to approve the hire of Chance Boehning as Animal Control Officer as a 40 hour employee with a starting salary of \$40,628.00, with a start date of September 11, 2023. Motion seconded and unanimously approved.**

c. Create a New Full-Time Bailiff

- **Motion by Mr. Stolpher to approve the creation of a new full-time bailiff position using part-time funds. Motion by Mr. Stolpher to approve the hire of David Wampler for the full-time position with a salary of \$35,360 and a start date of September 11, 2023. Motion seconded and unanimously approved.**

3. Laura Kuhn- Director of Fleet & Facilities- Requested approval of Custodial Contractor for cleaning downtown campus buildings- Patton Building Services.

- **Motion by Mr. Stolpher to approve Patton Building Services for custodial services as recommended and to transfer funds from the Fleet & Facilities Salary line to Contracted Services. Motion seconded and unanimously approved.**

4. Liz Cook- City of Charles Town- Requested funds to purchase the garland for the columns on the courthouse.

- **Motion by Mr. Stolpher to approve the funding for the purchase of the Courthouse columns garland with the City of Charles Town paying 15% of the total amount of \$9,363. Motion seconded and unanimously approved.**

5. Nikki Painter- Probate Office- Requested special hearing for the Estate of Richard Walter Accurso-deceased, and Ellen Sherry Hoffmann, deceased. Respondent and Administrator CTA, CBN: William H. Judy, III.

Motion by Mrs. Tabb to convene as a Fiduciary Review Board. Motion Seconded and unanimously approved.

Motion by Mrs. Tabb to adjourn as a Fiduciary Board and reconvene in regular session.

- **Motion by Mr. Stolipher to move this matter to the October 5, 2023 Commission meeting and to direct staff to release notices regarding this case. Motion seconded and unanimously approved.**

6. Roger Goodwin-Chief County Engineer- Requested

- a. **Complete Release of Performance Bond PR2712364 for SAB Real Estate Group 2, LLC-Martinsburg Pike ROCS (File #S18-06/18-6-S)**

- **Motion by Mr. Stolipher to authorize a complete release of Performance Bond PR2712364 with Platte River Insurance Company in the amount of \$749,908.00 for SAB Real Estate Group 2, LLC-Martinsburg Pike ROCS (File#S18-06/18-6-S). Motion seconded and unanimously approved.**

- b. **Complete release of Performance Bond 41422966 with Platte River Insurance Company, Glastonbury, CT for SAB Real Estate Insurance Group 2, LLC-Early Grading Permit for Martinsburg Pike ROCS (File#S18-06/18-6-S)**

- **Motion by Mr. Stolipher to authorize a complete release of Performance Bond 41422966 with Platte River Insurance Company, Glastonbury, CT in the amount of \$117,484.00 SAB Real Estate Insurance Group 2, LLC-Early Grading Permit for Martinsburg Pike ROCS (File#S18-06/18-6-S). Motion seconded and unanimously approved.**

7. Mike Sine- Director- Jefferson County Emergency Services Agency-Requested

- a. **Pay rate adjustments for two employees-2 Years of Service and newly acquired certifications.**

- Motion by Mr. Stolipher to approve the hourly pay increase and promotion for Corey Walsh as a result of a new acquire certification from FF/EMT II to FF/AEMT II. In accordance with AP1192 he has submitted the proper documentation to receive 7 years of service steps. His current hourly pay rate is \$20.16/hour and will increase to \$24.87 effective August 27, 2023. Motion seconded and unanimously approved.
- Motion by Mr. Stolipher to approve the hourly pay rate increase for Todd Turner. In accordance with AP1192 he has submitted the proper documentation to receive 5 years of service steps. His current hourly pay rate is \$20.67/hour and will increase to \$22.69 effective August 27, 2023. Motion seconded and unanimously approved.

b. JC Fair Standby Report

INFORMATIONAL ONLY

c. Potential purchase of SFD A31

DISCOUSION ONLY- NO ACTION

8. 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. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103, 2022-C-14 and 2023-C-112, WV Supreme Court No.'s 21-0727, 21-

0728, and 21-0731 and WV Intermediate Court of Appeals No. to be assigned (appeal of Jefferson County Circuit Court Civil Action No. 2022-C-141).

c. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.

d. Discussion of wage issue regarding Deputy Sheriffs.

e. Report by counsel on United States District Court Case No. 3:23-CV-171.

f. Report and discussion by counsel on Jefferson County Circuit Court Case No. CC-19-2023-P-112.

g. Report by counsel on Jefferson County Circuit Court Case No.'s CC-19-2023-C-141, -143, -145, -151, -152 and -153

- **Motion by Mrs. Krouse to repeal the Solar Text Amendment. Motion passed on a 2-1 vote with Commissioner Krouse, Commissioner Jackson voting for and Commissioner Tabb opposing.**

Commissioner Stolpfer recused himself from the discussion and vote.

UNFINISHED BUSINESS

- **Charles Town District Commissioner Vacancy**
Moved to the next Commission Meeting
- **Public Hearing: Hill Top TIF Application**
 - **Motion by Mr. Stolpfer to have County Administrator hire TIF Expert legal counsel and have them review the Hill Top TIF contract. Motion seconded and unanimously approved.**

NEW BUSINESS

- **County Museum Commission**
NO ACTION NEEDED

COUNTY ADMINISTRATOR REPORT

- Title 64 Legislative Rule Dept. of Health Bureau for Public Health: Series 116: Distribution of Funds From Emergency Medical Services Salary Enhancement Fund Survey.

INFORMATIONAL ONLY

- State Budget Revisions FY2023-2024

- **Motion by Mr. Stolipher to approve the State Budget Revision #2742024 and adopt the associated resolution to correct the administrative error during the initial budget submission process. Motion seconded and unanimously approved.**

- Emergency Services Health Care Renewals

- **Motion by Mr. Stolipher to approve the Emergency Services Health Care renewals as presented. Motion seconded and unanimously approved.**

- Potential Public Safety Concern: Blue Ridge Mountain Temporary ambulance services station on the Blue Ridge Mountain during Rt. 340 Closure

DISCUSSION ONLY- NO ACTION

- Free small business classes announced for FY24

INFORMATIONAL ONLY

- **Staff Hiring**

- **Motion by Mr. Stolipher to approve the hire of Taylor Sisk as a project specialist with a salary of \$42,000 and a start date of October 2, 2023. Motion seconded and unanimously approved.**

- **Jefferson County Growm/Jefferson County Made announcement**

INFORMATIONAL ONLY

The Commission adjourned at 12:00 pm on a motion by Mr. Stolipher. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant

Minutes

Jefferson County Commission

Thursday, December 21, 2023

A meeting of the Jefferson County Commission was held on Thursday, December 21, 2023, during the third quarterly session at 6:00 pm. The meeting was held via GoToWebinar and in-person. Present were President Steve Stolipher, Commissioner Tricia Jackson, Commissioner Jennifer Krouse, Commissioner Pasha Majdi and Commissioner Jane Tabb. Also present were Nathan Cochran, assistant prosecuting attorney, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, December 21, 2023, meeting is available on the Jefferson County Commission website.

PRAYER- Pastor Craig Bush- Grace Baptist Church

APPROVAL OF MINUTES

Motion by Mr. Stolipher to approve the December 7, 2023, regular Minutes. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the December 11, 2023, Special Session Minutes. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Stolipher to approve the Payroll for December 9, 2023, in the amount of \$314,904.91. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK NUMBER	VENDOR NAME	UNCLEARED
88940	AMANDA MILLER	139.20
88941	AMERIFLEX	126.65
88942	CAMPBELL FLANNERY PC	17,937.75
88943	FRONTIER	55.00
88944	FRONTIER	2.25

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88945		FRONTIER	7,263.14
88946		FRONTIER	162.78
88947		FRONTIER	979.97
88948		FRONTIER	120.99
88949		FRONTIER	209.29
88950		GUTTMAN OIL CO	5,036.73
88951		J.C. EHRlich	795.47
88952		JOHN DEERE FINANCIAL	503.37
88953		MICHAEL MONAGHAN	119.50
88954		ROBIN KENNEDY	139.20
88955		SANDRA KELLEY	42.35
88956		UNIFIRST	99.97
88957		US BANK	64,226.44
88958		US POSTAL SERVICE	226.00
88959		W B MASON CO. INC	127.34
88960		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	49,071.08
88961	AM/053	AXIOM STAFFING GROUP	1,001.20
TOTAL			148,385.67

- Motion by Mr. Stolpfer to approve the Accounts Payable for December 14, 2023, in the amount of \$148,385.67. Motion seconded and unanimously approved.

CHECK NUMBER	VENDOR NAME	UNCLEARED
88963	BUREAU OF CHILD SUPPORT	373.39
88964	COMPTROLLER OF MARYLAND	841.71
88965	CORMAC QUINN	5.40
88966	DARYLL WIMER	11.11
88967	DAVID EVERETT BOOBER	411.00
88968	DAVID WAMPLER	37.73
88969	EFTPS IRS TAXES	105,634.51
88970	EMPOWER RETIREMENT	6,557.47
88971	FEDEX	68.02
88972	GUTTMAN OIL CO	5,033.51
88973	JEFFERSON SECURITY BANK	4,085.00
88974	JOSEPH FORMAN	18.01
88975	LUKE SEIGFRIED	1,995.91
88976	MONICA ANDERSON	4,634.86
88977	NAT. ASSOC. OF EXT. 4-H YOUTH DEVELOP PROFESSIONAL	95.00
88978	NATIONWIDE RETIREMENT SOLUTIONS	1,065.00

88979		PRIORITY DISPATCH	11,114.00
88980		SOFTWARE SYSTEMS INC	1,396.70
88981		SPIRIT OF JEFFERSON	349.74
88982		STATE TAX DEPARTMENT	150.00
88983		STEVEN HOLZ	19.07
88984		UNIFIRST	199.76
88985		VA DEPT OF TAXATION	3,319.48
88986		WV DEPUTY SHERIFF RETIREMENT SYSTEM	24,462.30
88987		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	3,472.73
88988		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	46,675.45
88989		WV STATE TAX DEPARTMENT	29,893.77
88990		WVU WEST VIRGINIA UNIVERSITY	1,950.00
88991	FG/009	SHERIFF OF JEFFERSON COUNTY	8,424.52
88992	BS/011	SHERIFF OF JEFFERSON COUNTY	8,207.89
88993	AM/053	AXIOM STAFFING GROUP	1,001.20
TOTAL			271,504.34

- Motion by Mr. Stolipher to approve the Accounts Payable for December 21, 2023, in the amount of \$271,504.34. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

			14-Dec-23
			OTHER FUNDS
Check #	Fund	Vendor	Amount
886	HD/008	ALLIED UNIVERSAL ELECTRONIC MONITORING US INC	2,614.40
887	HD/008	D-TRAX, LLC	712.00
888	H008	SHERIFF OF JEFFERSON CO	91.36
1121	AV/056	GLOBAL SCIENCE & TECHNOLOGY INC	221.99
1122	AV/056	SHERIFF OF JEFFERSON COUNTY	2,330.48
279	AR/207	CITIZENS VOLUNTEER FIRE COMPANY	3,400.00
280	AR/207	INDEPENDENT VOLUNTEER FIRE COMPANY	2,400.00
281	AR/207	SHEPHERDSTOWN VOLUNTEER FIRE COMPANY	1,600.00
282	AR/207	SHERIFF OF JEFFERSON CO	898.64
1432	SI/249	SHERIFF OF JEFFERSON COUNTY	47.00
1433	LI/249	SHERIFF OF JEFFERSON COUNTY	5,089.84
1434	PI/249	SHERIFF OF JEFFERSON COUNTY	45,036.50
1435	EI/249	SHERIFF OF JEFFERSON COUNTY	4,746.30
1436	AI/249	SHERIFF OF JEFFERSON COUNTY	2,099.15
980	CW/059	HUNTZMAN ENTERPRISES	822.00
TOTAL			\$72,109.66

- **Motion by Mr. Stollpher to approve the Manual Checks for December 15, 2023, in the amount of \$72,109.66. Motion seconded and unanimously approved.**

			21-Dec-23
OTHER FUNDS			
Check #	Fund	Vendor	Amount
332	DG/003	SHERIFF OF JEFFERSON COUNTY	73.37
889	HD/008	SHERIFF OF JEFFERSON COUNTY	1,469.79
369	FP/057	JEFFERSON CO FARMLAND PROTECTION BOARD	101,871.29
283	AR/207	SHERIFF OF JEFFERSON COUNTY	13,247.12
1865	CO/246	MOTOROLA SOLUTIONS INC	61,593.42
157	IP/249	MINGHINI'S	2,850.00
133	IS/249	JEFFERSON COUNTY BOARD OF EDUCATION	1,276,081.00
134	IS/249	JEFFERSON COUNTY BOARD OF EDUCATION	2,166,204.20
1123	AV/056	SEGRA	653.14
TOTAL			\$3,624,043.33

- **Motion by Mr. Stollpher to approve the Manual Checks for December 22, 2023, in the amount of \$3,624,043.33. Motion seconded and unanimously approved.**

PUBLIC COMMENT: Marilyn White, Denise Nick, Jacquelyn Milliron, Gale Bard, David Tabb, Doug Rockwell, Bob Aitchison, Richard Zigler.

PRESENTATIONS

2. Angie Banks- Assessor- Requested -Promotion/ Job Reclassification
 - **Motion by Mrs. Tabb to approve the promotion of Victoria Myers from a Grade 7 to Grade 8 as a mapping specialist, IT and Archivist with a \$10,000 pay increase. Motion seconded and unanimously approved.**
2. Tom Hansen, Sheriff -Tax Deputy – Requested
 - a. Tax Deputy-Hire

- **Motion by Mr. Stolipher to approve the hire of Brittnei Fletcher as an 80 hour Tax Deputy beginning December 26, 2023, with a starting salary of 35,000.00. Motion seconded and unanimously approved.**

b. **New Hire -Part-time Bailiff -New Hire**

- **Motion by Mr. Stolipher to approve the hire of Kathleen O'Connor as a part-time Bailiff beginning January 2, 2024, at a rate of \$17 per hour. Motion seconded and unanimously approved.**

3. **Jackie Shadle-County Clerk- Requested**

- a. **Clarification on Benefit Package for Ambulance Fee Position.**

Motion Mr. Stolipher to make Pam Eddy a county employee and be eligible for the county benefits. Motion seconded and unanimously approved.

- b. **New Hire approval for part-time Finance Clerk**

- **Motion by Mr. Stolipher to approve the hire of Kelly Campbell as a part-time finance clerk with a pay rate of \$20.00 per hour with a start date of January 22, 2024. Motion seconded and unanimously approved.**

4. **Bryan Sutherland & Greg Sager- Jefferson County Little League- Requested**

- **Motion by Mr. Stolipher to provide Jefferson County Little League with \$113,000.00 to help fund the replacement of the lights on the Little League baseball field, to come out of ARPA funds. Motion seconded and unanimously approved.**

5. **Nathan Cochran- Prosecuting Attorney's Office- Presentation of Briefs in the Estates of Sherry Ellen Hoffman and Richard Walter Accurso, deceased.**

Motion by Mrs. Tabb to convene as a Fiduciary Review Board. Motion Seconded and unanimously approved.

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

- **Motion by Mr. Majdi to refer the case back to Frank Hill-Fiduciary Commissioner and to report back to the commission. Motion Seconded and unanimously approved.**

6. James B Crawford, III, Esquire, Crawford Law Group, PLLC- Requested to receive Petition of ROW/Easement Abandonment and schedule Public Hearing pursuant to Section 7-1-3, Code of West Virginia, 1931, as amended.

- **Motion by Mr. Stolpher to accept the Petition filed on behalf of RAI Properties, LLC and G&S Properties, LLC and to Schedule a Public Hearing for January 18, 2023. Motion seconded and unanimously approved.**

7. Jefferson County Civil Service-

- a. Interview/Appointment to the Jefferson County Deputy Sheriff Civil Service Commission -one unexpired term ending September 29, 2025.

Will Liston

James Crawford

- **Motion by Mr. Stolpher to appoint James Crawford as the citizen representative for the Jefferson County Deputy Sheriff Civil Service Commission for one unexpired term ending September 29, 2025. Motion seconded and unanimously approved.**

8. Roger Goodwin- Engineering, Planning & Zoning- Requested

- a. Beallair Homes, LLC-Beallair Subdivision, Phase 2 (File #05-41) complete bond release re-securing with a new performance bond provider.

- **Motion by Mr. Stolpher to authorize a complete release of Performance Bond #BRIFSU0613433 with International Fidelity Insurance Company,**

Hunt Valley, MD, in the amount of \$272,333.55 for Beallair Homes, LLC-Beallair Subdivision, Phase 2 (File 05-41). Motion seconded and unanimously approved.

- b. **Beallair Homes, LLC -Beallair Subdivision, Phase 3 (Ale #21-31-SD) complete bond release re-securing with a new performance bond provider.**
 - **Motion by Mrs. Tabb to authorize a complete release of Performance Bond #1092062 with The Hanover Insurance Company, Worcester, MA, in the amount of \$1,948,535.00 for Beallair Homes, LLC-Beallair Subdivision, Phase 3 (File 21-31-SD). Motion seconded and unanimously approved.**
- c. **Beallair Homes, LLC -Beallair Subdivision, Phase 4A (File #19-16-SD) complete bond release re-securing with a new performance bond provider.**
 - **Motion by Mrs. Tabb to authorize a complete release of Performance Bond #1086065 with The Hanover Insurance Company, Worcester, MA, in the amount of \$905,157.00 for Beallair Homes, LLC -Beallair Subdivision, Phase 4A3 (File 19-16-SD). Motion seconded and unanimously approved.**

9. Mike Sine-Director of Jefferson County Emergency Services Agency Requested- 4 Promotions w/Salary adjustments

- **Motion by Mrs. Tabb to approve Ronnie Shutts FF/EMT III an increase in hourly rate for 10 years of previous career work experience in accordance with AP1192. His new rate will be \$24.92 per hour effective December 17, 2023. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve Matthew Minnick a promotion from FF/AEMT Technician to FF/Paramedic III. His new pay rate will be \$25.45 per hour effective December 17, 2023. Motion seconded and unanimously approved.**
- **Motion by Mrs. Tabb to approve Brice Billings a promotion from FF/AEMT Technician to FF/Paramedic III. His new pay rate will be \$25.00 per hour effective December 17, 2023. Motion seconded and unanimously approved.**

- **Motion by Mrs. Tabb to approve McKenzie Pattison a promotion from FF/AEMT I to FF/Paramedic I. Her new pay rate will be \$25.00 per hour effective December 17, 2023. Upon completion of her probationary period and meeting the requirements of AP1060 she will now receive the corresponding promotion to FF/Paramedic II. Motion seconded and unanimously approved.**

10. Selection of Interim County Administrator-

Commissioner Jackson and Commissioner Krouse voiced concern about the workload and responsibility of holding two, executive-level offices. Additionally Commissioner Jackson and Commissioner Krouse voiced desire to nominate additional applicants.

- **Motion by Mr. Majdi to appoint Edwina Benites as the Interim County Administrator. Motion passed on a 3-2 vote with Commissioner Majda, Commissioner Stollpher and Commissioner Tabb voting for and Commissioner Jackson and Commissioner Krouse voting against.**

11. Nathan Cochran- Prosecuting Attorney's Office-

- 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 #1:17OP-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. Discussion of legal issues and potential action regarding proposed Solar Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01. Discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C-33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021-C-46 through 50, Jefferson County Circuit Court Civil Action No. CC-19-2022-C-6, Jefferson County Circuit Court Civil Action No. 2022-C-81, Jefferson County Circuit Court Civil Action No. 2022-C-103, 2022-C-14 and 2023-C-112, WV Supreme Court No.'s 210727, 21-0728, and 21-0731 and WV Intermediate

Court of Appeals No. to be assigned (appeal of Jefferson County Circuit Court Civil Action No. 2022-C-141).

- c. Consider matters involving or affecting the construction planning, or purchase, sale or lease of property.
- d. Discussion of wage issue regarding Deputy Sheriffs.
- e. Preliminary Report by Council as directed by the Commission on December 7, 2023 regarding Fire Levy.
 - It was advised by legal counsel that the Fire Levy was not ready to move forward and additional time was needed to review it thoroughly and to consider holding multiple workshops between now and leading into the General elections.

NEW BUSINESS

12. Approval of 2024 Holiday Schedule

- **Motion by Mr. Majdi to approve the 2024 Holiday Schedule. Motion seconded and unanimously approved.**

13. Approval of 2024 Jefferson County Commission Regular Meeting Schedule & selection of date and time for the first Regular Meeting of 2024

- **Motion by Mr. Stolipher to approve the 2024 Jefferson County Commission Regular Meeting Schedule & with Commissioner Stolipher stating the next regular meeting will be held on January 4, 2024. Motion seconded and unanimously approved.**

14. Approval of Shepherdstown Fire Department and Friendship Fire Company \$85k Annual Allocation.

- **Motion by Mr. Majdi to approve the yearly allocations for Shepherdstown Fire Department and Friendship Fire Company in the amount of \$85,000. Motion seconded and unanimously approved.**

15. Discussion/Action by County Commission to seek an advisory opinion from the Ethics Commission on subunits of the Planning Commission abiding by the Open Meetings Act to include an agenda and meeting minutes (TJ).

- **Motion by Ms. Jackson for the county commission to seek an advisory opinion from the ethics commission if subunits created by the Jefferson County Planning Commission, including but not limited to the Ordinance Rewrite, Solar Facilities, and Budget committees are subject to abiding by the open meetings act to include a published agenda and meeting minutes. Motion seconded and unanimously approved**

16. Review/Consider the request from counsel at Bowles Rice & Jackson Kelly PLLC to reinstate the June 2022 Solar Text Amendment by annulling its action of September 7, 2023.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice and status updates on item 16. Motion passed on 3-0 with Commissioner Majdi, Commissioner Tabb and Commissioner Stolipher voting for. Commissioner Jackson and Commissioner Krouse recused themselves.**
- **Motion by Mr. Stolipher to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**
- **Motion by Mr. Majdi to move to rescind action of the County Commission meeting on September 7, 2023 regarding the Solar Text Amendment, Further more to request the Planning Commission to review Section 8.20 in the Zoning Ordinance and provide recommended edits based on projects submitted thus far. Motion passed on 3-0 with Commissioner Majdi, Commissioner Tabb and Commissioner Stolipher voting for. Commissioner Jackson and Commissioner Krouse recused themselves.**

***Commissioner Majdi asked Roger Goodwin-Director-Chief County Engineer three questions:**

1) What Article 12 procedures follow?

- a. **No- it is my understanding that the procedures of Article 12 were not followed.**

2) Have you or your staff amended the Zoning Ordinance that resulted in the Commission to take action at the September 7, 2023 meeting?

- a. No, it is my understanding that the staff was not directed to amend the zoning ordinance and no further direction was provide as we lost the County Administrator and the Commission was not meeting. The process to amending an ordinance is to present the new amended change to the Commission that is to be adopted, along with an order directing staff to record the amended ordinance at the county clerk's office. This did not happen.

3) Is there any difference in the language in the current Solar Text amendment since it was first written?

- a. Attorney William F. Rohrbaugh Stated that there has been no changes to the Solar Text Amendment that was adopted back in June of 2022.

Adjourn

The Commission adjourned at 8:46 pm a motion by Commissioner Stolipher. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant

Stephen Ex 2

April 15, 2024

Theresa M. Kirk
General Counsel
West Virginia Ethics Commission
210 Brooks Street, Suite 300
Charleston, WV 25301-1804

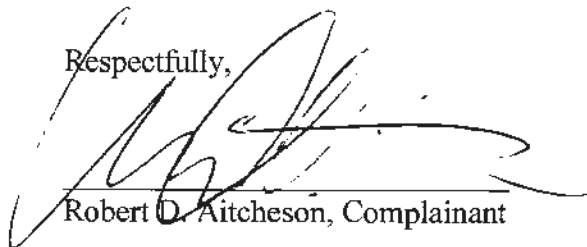
Re: Aitcheson v. Stolipher
VCRB 2024-44

Dear Ms. Kirk:

Thank you for your letter of April 9, 2024. Please direct me to any statutory provision that requires confidentiality with respect to my Complaint.

Also, I enclose a duly verified list of Supplemental Exhibits and copies of those exhibits also for the Commission's consideration.

Respectfully,



Robert D. Aitcheson, Complainant

Enclosures

Supplemental Exhibits

Planning Commission Minutes

15. 12/10/19 (3 pp) Page 2, Item 6, SS fails to recuse himself from discussions of a proposed 500+ acre utility scale solar facility in the Rural Zoning District of Jefferson County and in fact seconds a motion to accept Dunn's petition and include it "within the Planning Commission's work plan to consider developing provisions to allow solar energy facilities...". All the while, SS is believed to be soliciting other farmers to commit their land to the out-of-state solar companies and in at least one case, trying to exact a fee from them for him to "represent" them in that process.
16. 02/11/20 (5 pp) Page 1, Item 2, SS participates in discussion regarding 12/10/19 meeting minutes on allowing solar facilities. Page 4-5, Item 6, SS fails to recuse himself from a Work Session on allowing utility scale solar facilities in the Rural Zoning District. SS in fact suggests "creating a subcommittee...to work on drafting a text amendment to allow solar facilities to process as an essential utility and not as a conditional use..." which would exempt them from local zoning ordinances and give them the power of eminent domain, all to the profit of SS and/or his family.
17. 06/02/20 (5 pp) Pages 2-3, Item 4, SS fails to recuse himself from participation in a public hearing on a Proposed Solar Text Amendment to the Zoning Ordinance.

Note from Complainant: If SS is disqualified because of personal and/or family financial interests, it is not just from voting. It is from all participation, including discussion, public hearings, lobbying others on the Planning Commission and, of course, voting, because it is the subject matter from which he is disqualified.
18. 06/23/20 (3 pp) Pages 2-3, Item 3, SS again fails to recuse himself, despite a direct financial interest, in discussions concerning the proposed STA, even making motion to move the STA forward to the County Commission for approval, allowing such facilities in the Rural Zoning District as a Principal Permitted Use (an essentially automatic approval provision).
19. 01/12/21 (4 pp) Pages 3-4, Item 8, SS fails to recuse himself again from discussion, executive session (the abuse of the Open Meetings Act is flagrant and persistent in Jefferson County) even making a motion to move the STA process forward again by setting a public hearing as a result of the success by Plaintiffs in litigation challenging the validity of the prior STA proposal.

Verification of
Supplemental Exhibit List

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

I, Robert D. Aitcheson, the Complainant named in Ethics Commission docket no. VCRB 2024-44, being first duly sworn, says that the facts and allegations contained in the attached Supplemental Exhibit List are true, except insofar as they are stated to be on information and belief. Insofar as they are stated to be upon information and belief, I believe them to be true.

Complainant's Signature

Date

Taken, sworn and subscribed before me this _____ day of April, 2024.

Notary Public

Affix
Notarial
Seal

My commission expires:_____.

Meeting Minutes
Jefferson County Planning Commission
December 10, 2019

The Jefferson County Planning Commission met on December 10, 2019 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; J Ware, Jack Hefestay, Ron Thomas, Mike Shepp and Ray Bruning. Staff members present included: Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alex Beaulieu, Zoning Administrator and Jennilee Hartman, Zoning Clerk.

Mr. Fisher called the meeting to order at 7:00 pm.

1. Approval of the November 12, 2019 meeting minutes: The meeting minutes with the staff edits provided to the Commission were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. **Public Hearing:** Request by Rahil Nawaz, II. (File #: 19-17-PCW). Applicant is requesting a waiver from Section 20.201 and 20.202(C) of the 2008 Subdivision Regulations, adopted 10/9/08. Applicant is requesting to change the existing entrance to this property from a platted 50' ROW to a direct access to Hite Road due to the location of the septic reserve. The property is designated as Tax District: Middleway (07); Tax Map: 10; Parcel: 15.4; Zoned: Rural; Size: 3.78 acres.

Mr. Rahil Nawaz, property owner, was present to address the Commission. Ms. Brockman provided an overview of the location of the property. Mr. Nawaz explained the nature of the request stating that the existing septic reserve area would require him to install and maintain an unnecessarily long driveway as opposed to having direct access to Hite Road. Mr. Nawaz added that as a firefighter it was imperative that in the event of an emergency he have the ability to leave his home in an expedient manner during inclement weather.

Ms. Brockman presented her staff report to the Commission noting that of the two other lots required to use the subject easement that one lot was vacant and the other already has two other entrances onto Hite Road. Ms. Brockman added that should the Commission deny the request; the applicant has the option to process a minor plat change to relocate the septic reserve area to allow for the installation of a shorter driveway. Ms. Brockman informed the Commission that a minor plat change would require a new survey plat of the property to be submitted and approval from the Health Department.

Mr. Steve Stolipher motioned to approve the waiver as requested. Mr. Jack Hefestay seconded the motion, which carried unanimously.

5. **Public Hearing:** Request by Townhomes Rental, LLC. (File #: 19-18-PCW). Applicant is requesting a waiver from Section 24.113B.10 that requires a Phase I Archaeological Study. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential/ Light Industrial/Commercial; Size: 7 and 16.62 acres.

Mr. Paul Raco with P.J. Raco Consulting was present to represent the request on behalf of the property owner. Ms. Brockman provided an overview of the location of the property. Mr. Raco explained the nature of the request to the Commission in detail noting that a Phase I Archaeological Study was an unnecessary requirement for this project. Mr. Raco explained that this is an extensive study that does not have a corresponding end result based on any

Exhibit 15 (3 pgs)

Findings. He stated that the County Commission has already determined that this property is appropriate for development through its location in a Preferred Growth Area in the Envision Jefferson 2035 Comprehensive Plan. Additionally, Mr. Raco noted that while the Zoning Ordinance does not require any buffering from the Category II structure, the applicant is proposing to set the proposed development back from the category II historic structure and will adaptively reuse the structure.

Ms. Brockman provided an overview of her staff report and noted that while there are two Category II historic resources adjacent to the subject parcel, that the current regulations do not require any special protections for them at this time.

Mr. Mike Shepp motioned to approve the waiver as requested. Mr. Wade Louthan seconded the motion, which carried unanimously.

6. **Discussion and Possible Action:** Petition from landowner Stanley Dunn, represented by Torch Clean Energy, to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural zoning district.

Mr. Sam Gulland with Torch Clean Energy was present to represent the petition. Mr. Gulland provided an overview of the petition and requested that the Commission adopt the proposed text amendment into their work plan. Some members of the Commission questioned why Solar Farms did not fall under the current definition of an essential utility, which would then allow for the proposed land use to be exempt from processing through the office. Ms. Beaulieu briefly explained that it had been her interpretation in the past that the proposed land use did not fit this definition and that this determination has not been questioned to date. The Commission questioned if the definition could be amended. Ms. Beaulieu stated that should the Commission wish to adopt the proposed text amendment into their work plan, then they may amend the text as they deemed necessary. Other members of the Commission cautioned against allowing this land use to be exempt from processing, including concerns related to setbacks, huffering, and decommissioning solar farms. Ms. Beaulieu explained that additional research on the topic would be conducted if the Commission chose to move forward with the proposed text amendment.

Mr. Mike Shepp motioned to accept the petition to include within the Planning Commission's work plan to consider developing provisions to allow solar energy facilities and to schedule a work session to discuss solar energy facilities and essential utilities at their January 14, 2020 meeting; Mr. Steve Stolipher seconded the motion. Mr. Fisher called for a vote, which carried unanimously.

7. **Discussion and Possible Action:** Review pending Zoning Ordinance text amendment file #ZTA14-02 pertaining to Mass Event Regulations.

Referring to the memorandum provided in the Commission's packet, Ms. Beaulieu explained that on November 21, 2019, the County Commission made additional revisions to ZTA19-01, Special Event Facilities, which included the Planning Commission's recommendation to remove the sentence prohibiting music festivals and concerts from the definition of Special Event. As part of the Planning Commission's recommendation to remove this sentence, the Planning Commission also requested that the County Commission send the Mass Event text amendment (ZTA14-02) back to them to reevaluate and take formal action. After a limited

discussion regarding the text, the Commission agreed that this text amendment should be evaluated along with the comprehensive rewrite of the Zoning Ordinance being conducted by Greenway Engineering.

Mr. Mike Shepp motioned to forward ZTA14-02, Mass Event Regulations, to Greenway Engineering to incorporate into Phase 2 of the contract, depending on the cost; Steve Stolipher seconded the motion. Mr. Fisher called for a vote, which carried unanimously.

8. **Discussion and Possible Action:** 2020 Meeting Dates and Deadlines review.

The Commission agreed to change May's regularly scheduled meeting date to May 5, 2020 in observance of the Election Day.

Mr. Steve Stolipher motioned to approve the proposed meeting schedule with the revised meeting date; Mr. Donnie Fisher seconded the motion and called for a vote, which carried unanimously.

9. **Reports from Legal Counsel:** None.

10. **Planners Memo:**

Mrs. Brockman provided an update from Greenway Engineering (memo distributed) and discussed the decision made by the Committee and staff regarding separating the reorganization phase from the amendment phase in the update efforts. The reorganized draft will be presented to staff and the committee on January 10th and distributes at the January PC meeting.

It has been determined that there will need to be a separate Public Hearing for the reorganization prior to the proposed text amendments. Greenway has requested a joint Public Workshop in early February and Public Hearings by the PC and CC in late February.

President Donnie Fisher called for a special meeting of the PC on February 25th for the purpose of holding a Public Hearing. Staff will be attending the 12/19/19 CC meeting to discuss the proposed joint work session and required Public Hearing with them.

11. **Actionable Correspondence:** None.

12. **Non-Actionable Correspondence:** None.

Mr. Fisher closed the meeting at 8:25 PM.

Meeting Minutes
Jefferson County Planning Commission
February 11, 2020

The Jefferson County Planning Commission met on February 11, 2020 with the following Commission members present: Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; J Ware, Jack Hefestay, Ron Thomas and Mike Shepp. Staff members present included: Jonathan Saunders, County Engineer and Alex Beaulieu, Zoning Administrator.

Mr. Donnie Fisher was planning to be late with prior notification and ended up not attending.

Mr. Ray Bruning, Mr. Nathan Cochran, County Attorney and Ms. Jennifer Brockman, County Planner were absent with prior notification.

Mr. Stolipher called the meeting to order at 7:00 pm.

1. Election of Planning Commission Officers. Mr. Steve Stolipher nominated Mr. Mike Shepp to be the Planning Commission President. Mr. Wade Louthan seconded the nomination. Mr. Steve Stolipher nominated Mr. Donnie Fisher to be the Vice President. Mr. J Ware seconded the nomination. Mr. Mike Shepp nominated Wade Louthan to continue as Secretary and Mr. J Ware seconded the nomination. A vote was taken for all of these combined nominations, which carried unanimously.
2. Approval of the December 10, 2019 meeting minutes: Mr. Mike Shepp noted a discrepancy to the meeting minutes for item number six. He reviewed his motion regarding the agenda item and clarified that he was not supporting the proposed amendment drafted by Torch specifically, but supporting the discussion of an amendment related to solar farms. Ms. Beaulieu clarified that the motion was to accept the petition to include within the Planning Commission's work plan to develop provisions to allow solar energy facilities to process in the County. She noted that the motion included scheduling a work session to continue discussion on solar energy facilities and essential utilities at their January meeting. Mr. Shepp agreed with the clarification.

Mr. Steve Stolipher made a motion to accept the amended minutes as discussed. Mr. Wade Louthan seconded the motion, which carried unanimously.

Ms. Alex Beaulieu also had a correction to item # 5. She stated that the applicant's representative asked we revise the top of page 2, paragraph 1, 3rd sentence. Ms. Beaulieu read the revised sentence as follows, "Additionally, Mr. Raco noted that while the Zoning Ordinance does not require any buffering from the Category II structure, the applicant is proposing to set the proposed development back from the category II historic structure and will adaptively reuse the structure".

Mr. Stolipher motioned to accept the proposed change. Mr. Shepp seconded the motion, which carried unanimously.

3. Citizen Communications. None.
4. Request for postponement. None.
5. **Public Workshop:** Concept Plan for Country Club Commons (File #19-17-SD), formerly known as Breckenridge Commercial Subdivision. A proposed Non Residential Major Subdivision, the owner intends to create 4 lots and a public street for future commercial pad-users. In addition, the developer proposes 2 access points: one right in/out from US340 and one full-access onto Old Country Club Rd (WV Rt. 24). The property is designated as Tax

Ex 16 (5pp)

District: Harpers Ferry (04); Tax Map: 11, Parcel: 11; Zoned: Residential Light Industrial Commercial; Size: 9.54 acres.

Ms. Alex Beaulieu reviewed the Major Non Residential Subdivision. She explained that the proposal included the creation of four non-residential lots with a proposed access onto Country Club Road and a right-in / right-out access onto Route 340. Mr. Beaulieu noted that water and sewer would be provided by Charles Town Utility Board and that the WV Division of Highways would require a Traffic Impact Study.

Mr. Lorenzetti inquired about which surrounding properties had been annexed into the City. Staff explained that the properties across Route 340, where Aldi's is located, had been annexed but that the properties surrounding the subject parcel were within the County's jurisdiction.

Mr. Paul Raco, applicant representative, Mr. Dan Snyder and Mr. Bob Barrack with B.C. Partners were present for the request. Mr. Raco provided an overview of the proposed project and noted that the request was to create up to four non-residential lots, but that the applicant could opt to create less lots, depending on what businesses want to locate there. He noted that the Concept Plan was the first step in the Major Non-Residential Subdivision and that once each of the lots are created, a site plan would process for each individual lot. Mr. Raco explained that the property is zoned Residential-Light Industrial-Commercial which allows most commercial uses by right, with a few exceptions which would require a conditional use permit, subject to review and approval by the Board of Zoning Appeals. Mr. Raco discussed the US 340 East Preferred Growth Area (PGA) and stated that the proposed non-residential subdivision is in compliance with the zoning and consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Raco provided an overview of the WV Division of Highways (DOH) approval process at state and federal level, noting that it is a lengthy process. He also explained that because Route 340 is a federal road, the District, State and Federal transportation offices would review the proposed access.

Mr. Raco provided an overview of the design requirements for the subdivision. He noted that the proposed commercial road is shown as a 50' right of way, which would require a waiver to reduce the required width from 60'. Mr. Raco also noted that the developer did not intend to provide vehicular connectivity through the adjacent residential subdivision, Sleepy Hollow, and that they did not object to providing pedestrian connectivity as long as the residents understood this would require a break in the buffer.

Mr. Ralph Lorenzetti asked about the possibilities for turning lanes and Mr. Raco explained that this will all be determined by DOH.

Mr. J Ware asked about the 20' buffer not extending. Mr. Paul Raco and Ms. Alex Beaulieu explained the requirements about the buffers and distances.

Mr. Mike Shepp asked about the probability of using access as a bypass to Country Club Road to avoid the traffic light.

Mr. Raco explained that motorists could use that the proposed access as a bypass but noted that it may not a bad thing for traffic to drive through a commercial development.

Mr. Mike Shepp opened the floor for public comment.

Ms. Anne Strider, located at 4 Fairway Drive, stated that she is not opposed to a commercial development. She noted that the Sleepy Hollow subdivision predates zoning and wanted to bring attention to potential drainage issues, explaining that water flows from the subdivision, through her lot, and onto the subject parcel. She also stated that her septic is located on the side toward the subject property. Ms. Strider requested that the site be developed in such a way that would not result in stormwater backing up onto her property. She also requested that the developer lessen the impact of noise and light from the site on immediate residential neighbors. Ms. Strider stated for the record that she was not representing the Homeowners Association (HOA), but was personally not in favor of connectivity.

Dr. James Field, located at 40 Fairway Drive, stated that the project would be beneficial and contribute to the betterment of the County. He stated that he serves as the HOA Treasurer and Secretary and requested that the developers be respectful of the residential neighborhood. Mr. Fields stated he was not in support of connectivity because the Sleepy Hollow roads could not support an increase in traffic. He expressed concerns pertaining to noise and light from future businesses and stated that he would prefer there was not a 24-hour business. Mr. Field also stated he was not in support of pedestrian connectivity, noting that if a bar were to locate to one of the parcel, he would not want people to wander into his development. He suggested the developer install fencing and shrubbery.

Mr. Steve Stolipher made a motion to close public comment. The vote carried unanimously.

Mr. Dan Snyder, B.C. Partners, along with Mr. Raco addressed some of the concerns about the stormwater and design associated with this site and the adjacent property. Mr. Raco outlined the Stormwater Management parcels specifically on the plans. He stated the developer does not want to provide vehicular connectivity, and agreed that it was not appropriate for this location. He stated pedestrian connectivity could be discussed further at a later date. Mr. Raco addressed concerns pertaining to noise and light from the site and provided an overview of the landscaping and buffer requirements.

Mr. Raco addressed the DOH e-mail attached to the staff report which incorrectly referenced that the applicant was proposing a 300,000 square feet of retail space and clarified that individual sites could potentially be 30,000 – 35,000 square feet of retail space. He said that even if the site is developed as a single lot, the project would not be 300,000 square feet of space. He concluded that the error in building size listed in the letter would not impact the requirement for a Traffic Impact Study (TIS).

Mr. Dan Snyder, B.C. Partners, addressed concerns pertaining to Stormwater Management and stated that they will convey any water coming from Sleepy Hollow and will retain as required in the regulations. He also noted that with regard to future business, they anticipate uses to be commiserate with residential development.

Mr. Ron Thomas asked about light pollution. Mr. Raco explained that the lights will be lower lights, non-glare, facing downward and that signage will be within the standards of US 340. Mr. Dan Snyder referenced Brunswick Crossing as example of another project developed by B.C. Partners and stated that the builder plans to exceed the ordinance in terms of design.

Mr. Steve Stolipher made a motion to accept the Country Club Commons Concept Plan, with the recommendation that they are not to connect a road to Sleepy Hollow Estates, but a Pedestrian walkway could be considered. Mr. Paul Raco made a statement that a design and

vote would need to come from the HOA, regarding their desires for the walkway. Mr. Ron Thomas seconded the motion, which carried unanimously.

*Mr. Mike Shepp, President, stated that the Planning Commission would hear agenda item #7 before agenda item #6 and would consider the Martinsburg Pike ROCS Site Plan first.

7. **Discussion and Action:** For the Planning Commission to vote to approve or deny the Martinsburg Pike ROCS Site Plan Application (#18-06-S) as complete in accordance with Sections (24.122 and 24.123) of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. The property is designated as Tax District: Shepherdstown (09); Tax Map: 8A; Parcels: 19, 21 and 23. Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 3.56 acres.

Ms. Beaulieu explained this agenda item is required by the Subdivision Regulations. The Planning Commission has to vote to deem the site plan complete for the purpose of scheduling a public hearing. Staff has found it to be complete at this time.

Mr. Ryan Perks stated that Staff's comments had been received and a revised version of the Site Plan would be submitted for the final review.

Mr. Stolipher made a motion that the site plan is complete for the purpose of scheduling a public hearing for the March Planning Commission Meeting. Mr. Wade Louthan seconded the motion, which carried unanimously.

6. **Work Session:** Petition from landowner Stanley Dunn, represented by Torch Clean Energy, to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural zoning district.

Ms. Beaulieu stated that Sam Gulland, with Torch Clean Energy, was absent due to a scheduling conflict but that he had requested the Planning Commission continue their discussion without him.

Mr. Shepp stated the Planning Commission had a couple of options including creating a subcommittee to continue working on drafting text.

Mr. Stolipher suggested creating a subcommittee to work with the consultants [Sam Gulland and Paul Raco] to work on drafting a text amendment to allow solar facilities to process as an essential utility and not as a conditional use and to create provisions to address some of the Planning Commission's concerns including fencing, screening, and decommissioning.

Mr. Wade Louthan expressed concerns with regard to designating large scale solar facilities as an essential utility.

Ms. Beaulieu stated that the definition of essential utility came out of State code and that she would discuss with Nathan Cochran whether or not it was appropriate to amend the definition. She proposed an alternative option to create a definition for solar energy facilities and if the Planning Commission prefers that such projects be exempt from processing a site plan, they could draft text to explicating state that such projects would be exempt. She also noted that based on concerns expressed by the Commission during their December meeting,

solar facilities could be listed as Principal Permitted Uses as opposed to Conditional Uses, and text could be drafted to requirements for decommissioning and minimum design standards such as setbacks and buffer requirements.

Mr. Jonathan Saunders, County Engineer, brought up concerns about creating impervious area and stormwater runoff and stated that exempting such projects from processing complying with stormwater management could create future problems with erosion.

Mr. Stolipher nominated Mr. Wade Louthan, Mr. Shepp nominated Mr. Ron Thomas and volunteered to serve as well. Mr. Shepp confirmed that the subcommittee would be comprised of Wade Louthan, Ron Thomas, and Mike Shepp and that they would work with the consultants and Staff on drafting a text amendment.

Ms. Beaulieu stated she could be available to work with the subcommittee and agreed to coordinate a meeting.

- 8. Discussion and Action:** Call a special meeting for the purpose of holding a Public Hearing on 3/24/2020 regarding Greenway's proposed Text Amendments addressing the reorganization of Zoning Ordinance and Subdivision Regulations (Phase I), which requires public notice in the paper.

Ms. Beaulieu informed the Planning Commission that Staff and the subcommittee would be meeting with Greenway Engineering to review the revisions the next day [March 25] and that if the Planning Commission scheduled the public hearing for March 25, the hearing would be contingent upon the outcome of the meeting on March 25. Ms. Beaulieu stated that calling the public hearing would allow sufficient time to run the legal advertisement, should the revised draft be deemed sufficient for a public hearing.

Mr. Stolipher motioned to schedule a special meeting on March 24. Mr. Louthan seconded the motion, which carried unanimously.

- 9. Reports from Legal Counsel.** Not present.

10. Planners Memo:

- a. Quarterly Report Q2 – Mr. Wade Louthan made a motion to move this to the County Commission and Mr. Steve Stolipher seconded, which carried unanimously.

- 11. President's Report:** None.

- 12. Actionable Correspondence:** None.

- 13. Non-Actionable Correspondence:** None.

Mr. Shepp closed the meeting at 8:05 PM.

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

The Jefferson County Planning Commission met on May 05, 2020 with the following Commission members present: Mike Shepp, President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Jack Hefestay, Ron Thomas, Steve Stolipher and J Ware. Ray Bruning was late, with notice. Staff members present included Jennifer Brockman, County Planner; Jonatban Saunders, County Engineer; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; Rachael Burke, Planning Clerk.

Donnie Fisher, Vice President, was absent, with notice.

The June 2, 2020 Planning Commission meeting was held virtually using ZOOM. The public was invited to join via the agenda, posted to the County site; either by calling in or using the link provided within. Sign-ups for Citizen Communication and Public Hearing were done via the chat function and phone call to our office, prior to the meeting.

Mr. Mike Shepp called the meeting to order at 7:00pm and announced the change of order for the public hearings. He stated that Items # 5 and #6 would be heard before the text amendment public hearing.

1. Approval of the May 5, 2020 meeting minutes, approved as submitted.
2. Citizen Communications. None.
3. Request for postponement. None.
5. **Public Hearing:** Application by Roderick Planes, LLC. Maurice Gladhill (File #20-2-PCV), applicant is requesting a variance to allow early grading for Aspen Greens Subdivision Phase IIB. Said variance is from Section 8.2.c. of the 1979 Subdivision Ordinance, "Storm Water Drainage and Erosion Control" that provides for no grading until after Final Plat approval, recording & bonding.

Ms. Brockman presented the request and history of this project, including issues with the stormwater. Mr. Morris Gladhill, applicant, stated that he had no further comments than the staff had made and reiterated they are eager to move forward with grading.

Mr. Shepp opened the Public Hearing. There was no public comment; Mr. Shepp closed the Public Hearing.

Mr. Stolipher made a motion to approve the request as presented and Mr. Louthan seconded the motion, which carried unanimously.

6. **Public Hearing:** Application by Beallair Homes, LLC. (File #20-3-PCV) applicant is requesting a variance from Article 6, Section 6.3 of the 1979 Subdivision Ordinance to extend the date for the required Final Plat Public Hearing for the next Phase from July 1, 2020 to July 1, 2022, due to issues with the sanitary sewer service provider in this area and the recent shut down of county and state offices.

Ms. Brockman provided an overview of the request. She stated that this project is processing under the old requirements and provided a status of the review of the most recent Phase submitted to the Planning Office. She further explained that the County Commission's

Ex 17 (50pp)

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

approval of the Senate Bill 595 extension ends on July 1 2020 and they are requesting to extend for an additional 2 years, until 2022.

Mr. Paul Raco, applicant's consultant, also presented a history of the extension approvals. He stated that the next Phase involves the same builder and that the requested extension is due to the sewer service being held up for the last 4 years. He also noted that this development is located within the Envision Jefferson 2035 Comp Plan "Residential Preferred Growth Area". He noted that the applicant is ready to submit for the second round of comments.

Mr. Shepp opened the Public Hearing. There was no public comment; Mr. Shepp closed the Public Hearing.

Mr. Hefestay made a motion to accept the application as submitted and Mr. Ray Bruning seconded the motion, which carried unanimously.

4. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment includes proposed revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

Ms. Beaulieu provided an overview of the request, including buffering, setbacks, a draft-decommissioning plan submitted with the Concept Plan and a Zoning Certificate. She explained why the Zoning Certificate is needed and touched on the Stormwater Management items.

Mr. Shepp opened the floor to Public Comment. Five 5 people signed up to speak; 2 prior to the meeting and the others within the chat function. The following people spoke regarding the amendment and concerns or edits they proposed:

Doug Rockwell (against)
Robert Aitcheson (against)
Susan Hough (for)
Richard Zigler (for)
David Fish (against)

Staff noted that written public comment was received from Mark Dyck (for); Doug Rockwell (against); Bob Aitcheson (against); Cam Tabb (recommendations for changes to draft); Joyce Rawn (against). All of these Public Comments were distributed to the Planning Commission prior to the meeting.

Mr. Shepp closed the public hearing and reviewed options for how to move forward. He reminded the Planning Commission that their action is to forward the draft as written or as amended based on public comment to the County Commission for their subsequent action. He reminded the Planning Commission that they were meeting at a fourth Tuesday meeting

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

on June 23rd to discuss the Subdivision Regulations revisions and that this discussion and action could be put on that agenda as well.

Mr. Lorenzetti stated he is currently against the proposed text amendment changes and supported discussing it further at the 6-23-20 meeting.

Mr. Louthan asked to hear Legal Counsel's response to some of the public comment regarding the state law affecting this proposed amendment.

Mr. Cochran stated he would prefer to delay discussion until the 6-23-20 meeting in order to further research options related to the decommissioning bond. He agrees with Roger Goodwin regarding the performance bond not applying to decommissioning, but would like the opportunity to look at other sections of state code for direct authority regarding the bond concerns.

Mr. Louthan made a motion to add the Residential Growth District to the solar amendment as well. Mr. Shepp asked staff about the appropriateness of a motion at this time. Ms. Brockman explained that it would be more appropriate to have this discussion and motion at the 6-23-20 meeting if other action is being delayed to that time. Mr. Cochran agreed, action should all be taken at the next meeting. Mr. Louthan agreed to delay his motion until the next meeting.

Mr. Hefestay made a motion to postpone the action for this agenda item to 6-23-20; Mr. Bruning seconded the motion, which carried unanimously (after discussion and the vote below).

Mr. Lorenzetti mentioned keeping the public comment open and there was discussion. Mr. Shepp mentioned that he had already closed the Public Hearing. Mr. Lorenzetti made a motion to keep the public comment open for 10 business days. Mr. Hefestay seconded the motion, which carried unanimously.

Ms. Brockman noted that all public comment received during this period would be provided to the Planning Commission prior to the 6-23-20 meeting so the members could discuss and consider it at that time.

7. **Discussion and Possible Action:** Petition from landowner Hillary Banachowski, represented by ElderBranch, LLC., to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Commercial Cemeteries in the Rural zoning district.

Ms. Beaulieu provided an overview of the request and reminded the Commissioners that if a land use is not listed as a Principal Permitted Use or a Conditional Use, it is treated as if it is prohibited. Therefore, new uses may require text amendments to be permitted. She noted that this request is to allow a commercial cemetery that is not accessory to a church or a funeral home as a Conditional Use.

The Elderbranch representative, Michael Judd, explained the natural cemetery and Hillary Banachowski, the property owner, is willing to sell them approximately 7 acres along Persimmon Lane. There would be no chemicals or metal and is considered a natural burial that would be available to people without a farm. No cremation would be permitted and this would be within small area of the farm. There are also no monuments (which requires

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

certification they will seek) and no visual markers, except flat native stone with possible engraving with the goal of preserving the land that the cemetery is on and retaining the natural landscape.

Mr. Louthan asked if there will be a graveside service. Mr. Judd explained that there will be graveside similar to other public cemeteries.

Mr. Bruning asked if the text amendment could be this specific.

Ms. Beaulieu said that a text amendment could be this specific but they may want to consider other types of cemeteries as well. She also explained in the 1979 Subdivision Ordinance there was an exemption for cemetery lots. Current regulations do not have any provisions related to cemeteries, except that it would be considered a permitted use in the commercial district. This request relates to the Rural district and at this point, the request is for the Planning Commission to accept into their workplan, to incorporate provisions to allow for cemeteries. This could be a work session or public hearing, at the commission's discretion.

Mr. Stolipher moved a motion to accept into their work plan. Mr. Louthan seconded. A vote was taken 7:1 opposed (Ralph Lorenzetti).

8. **Discussion and Possible Action:** Review of the most recent draft of reorganized Subdivision Regulations (with no edits) for the purpose of preparing for a Public Work Session scheduled for a special called Planning Commission meeting on June 23, 2020 at 7:00 pm.

Ms. Brockman explained where the Planning Commission Committee and the consultant are in the process and what has happened to date. She stated that the Committee have scheduled a Public Workshop for 6-23-20. She explained that the reorganization more closely reflects how things are currently processed in Jefferson County. Specifically, Articles III and IV are lengthier but this will be helpful for landowners, surveyors and engineers processing at this time. Additionally, State Code requires that the stand-alone Improvement Location Permit Ordinance be incorporated into the Subdivision Regulations – this will now be Article V. Phase I only reflects these edits. She reviewed the steps remaining within this process, including public meetings.

She also stated that the 6-23-20 meeting is a workshop and not a Public Hearing. It is intended to inform the PC members and the public about the status of the update. The next step will include revision which will require formal Public Hearings for input into the changes.

Mr. Lorenzetti asked for a printed copy to be placed in the office for people to review. Mr. Shepp asked if action is needed on this. Ms. Brockman stated that they do not need to take action but we will add a link to the website and print off copy.

9. Reports from Legal Counsel: None.
10. Planner's Memo: Status of #8 and update on our office functionality during COVID19 Pandemic. Upcoming meeting Agenda for 6-23-20 and next regular meeting 7-14-20.
11. President's Report

Meeting Minutes
Jefferson County Planning Commission
June 02, 2020

12. Actionable Correspondence

13. Non-Actionable Correspondence:

- E-mail from Hartsell Whitacre, Rolling Knolls HOA president; re: Family Transfer provision.

Ms. Brockman stated we are preparing an organized response to this.

Mr. Stolipher made a motion to adjourn and Mr. Bruning seconded the motion, which carried unanimously.

Mr. Shepp closed the meeting at 8:15pm.

Meeting Minutes
Jefferson County Planning Commission
June 23, 2020

The Jefferson County Planning Commission met on June 23, 2020 with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison, Jack Hefestay, Steve Stolipher, J Ware, Ron Thomas and Ray Bruning. Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Alexandra Beaulicu, Zoning Administrator; Nathan Cochran, County Attorney; Rachael Burke, Planning Clerk.

The meeting took place via a ZOOM Meeting Room. Access was made available via the agenda, posted to the County site. Sign-ups for Citizen Communication were done prior to the meeting and via the chat function, prior to the meeting. No one signed up via chat, 2 attendees did sign up via phone, prior to the meeting. They planned to call in and did not have access to the chat. Role was taken verbally.

Mr. Mike Shepp called the meeting to order at 7:02 pm and he verified there was a quorum.

1. **Minutes:** The June 2, 2020 Meeting minutes will be reviewed and voted on at the July 14, 2020 meeting.
2. **Citizen Communications:** Robert Aitcheson and Doug Rockwell signed up prior to the meeting to speak.

Mr. Mike Shepp explained that all citizens speaking should not be commenting on either of the agenda items to be discussed tonight. Public Comment is closed for Item #3, ZTA19-03 (Solar Text Amendment), at this time.

Mr. Robert Aitcheson began speaking about the solar text amendment, Mr. Mike Shepp interrupted and the same happened for Mr. Doug Rockwell. He stated further comment will be received at the County Commission regarding this amendment.

3. **Discussion and Action:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, including review of the public comments submitted through 06-16-20. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance, proposes revisions to allow Solar Energy Facilities to process as a Principal Permitted Use in the following Zoning Districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment includes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

Mr. Mike Shepp stated that he reviewed the public comments received through 06-16-20, the end of the Public Comment period. He asked if Mr. Steve Stolipher wanted to address comments made about a possible conflict of interest. Due to technical difficulties, Mr. Stolipher was unable to respond. Mr. Shepp said he would return to that subject once Mr. Stolipher resolved the technical issues. Mr. Shepp went on to explain that a number of the comments were about requiring a decommissioning bond. Mr. Shepp explained the input that the committee and Planning Commission had received from the Director of Engineering, Planning and Zoning on this topic and asked Mr. Nathan Cochran to address the subject.

Mr. Nathan Cochran, County Attorney, informed the Planning Commission that he had researched the decommissioning bond issue as requested by the Planning Commission and suggested that the Planning Commission may want to go into a short executive session.

EX 18 (3AP)

Mr. Bob Aitcheson objected to the Executive Session because Mr. Cochran had not provided a reason for the Executive Session.

Mr. Cochran noted his objection and stated that he believed there was an attorney-client issue regarding potential liability.

Mr. Shepp requested a motion to go into Executive Session. Mr. Stolipher made a motion to go into Executive Session. Mr. Bruning seconded the motion, which carried unanimously.

Mr. Stolipher made a motion to come out of executive session. Mr. Thomas seconded the motion, which carried unanimously.

Mr. Shepp explained that Mr. Cochran might have a solution for the bond issue.

Mr. Cochran referenced WV Code 7-1-3kk, which provides the County Commission authority to enact ordinances, issue orders, and take other appropriate actions to eliminate hazards to public health and safety, and to abate anything the Commission determines to be a public nuisance. He stated that this section of State Code would allow the Commission to require abandoned solar energy structures to be removed and the land restored to its original condition. Mr. Cochran provided a summary of possible language to incorporate into the decommissioning section of the draft amendment, including surety requirements. Mr. Cochran stated that the County Commission would also need to draft a set of County Solar Decommissioning guidelines to provide a set of actions that a solar company and/or landowner would have to take in order to provide for a decommissioning plan. He advised the Planning Commission that if these provisions were included in the draft Ordinance sent to the County Commission, the guidelines would be drafted by the County Commission.

Mr. Mike Shepp asked Mr. Stolipher if he would like to address public comment regarding a conflict of interest.

Mr. Stolipher explained he spoke with the Ethics Commission and they stated he could participate and that his being a commercial real estate broker would not be a conflict.

Mr. Lorenzetti asked Ms. Angie Banks, County Tax Assessor, questions about the impact of solar facilities on rural properties. Ms. Banks gave a 400-acre farm example. She stated that farm use could be applied on the half of the farm that does not have panels and that the part of the property with solar panels would be taxed as commercial, Class 3 or 4. The person who owns the panels would also be assessed as a public utility and it would be considered industrial.

The Planning Commission discussed their concerns and stated their individual thoughts on the proposed text amendment, including decommissioning concerns once the solar use is discontinued and property tax implications, and alternative revisions that could be proposed. There was some discussion about whether the change in land use or tax classification impacts the property's zoning designation. Ms. Brockman clarified that a change in use does not change the zoning of a property.

Mr. Stolipher made a motion to include Mr. Cochran's guidelines into the document. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Wade Louthan made a motion to add Solar Energy Facilities as a Principal Permitted Use in the Residential Growth Zoning District. Mr. Ray Bruning seconded the motion. The motion passed 7 in favor and 2 opposed (Ron Thomas and Mike Shepp).

Mr. Steve Stolipher made a motion to forward the draft, as amended, to the County Commission with the finding that the proposed text amendment is in conformance with the Comprehensive Plan. Mr. Jack Hefestay seconded the motion. The motion passed with 8 for and 1 against (Ralph Lorenzetti).

4. **Public Workshop:** Regarding the ongoing reorganization and revisions to the Jefferson County Subdivision and Land Development Regulations (to be renamed the Jefferson County Subdivision and Land Development Ordinance) being prepared under contract with Greenway Engineering. The purpose of the Workshop is to provide an overview of the status of Phase 1 of the reorganization of this document. Phase 1 involved reorganization only with no edits or revisions to the text, other than the incorporation of the Improvement Location Permit Ordinance into Article V as required by State Code. The text has been reorganized to better reflect the current review process of both subdivisions (Article III) and site development (Article IV) with all review standards and plan requirements incorporated into the corresponding sections of the ordinance.

Ms. Jennifer Brockman presented the Subdivision and Land Development Reorganization, proposed by Greenway Engineering (Phase I). She did an overview of how to read the edits and review the lengthy document. She also provided an overview of the Phase II plan for revisions and edits, which will include input from surveyors, engineers and staff using this document regularly.

Mr. Shepp verified no action was required on this item.

Mr. Shepp also mentioned that this meeting is Mr. Ray Bruning's last meeting. The Planning Commission wished him the best of luck.

Mr. Ray Bruning motioned to end the meeting and Jack Hefestay seconded the motion, which carried unanimously.

Meeting was closed at 8:00pm.

Meeting Minutes
Jefferson County Planning Commission
January 12, 2021

The Jefferson County Planning Commission met on January 12, 2021 at 7:00 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison; Ron Thomas, Shane Roper, and Jack Hefestay. J. Ware joined the meeting at 7:06 pm.

Staff members present included Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; and, William Rhorbaugh, Temporary Legal Counsel.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website. Due to technical difficulties, a portion of this meeting was not recorded.

Mr. Shepp called the meeting to order at 7:00 p.m. Mr. Shepp verified that there was a quorum at the start of the meeting. Ms. Beaulieu did a roll call of the members.

1. Election of Officers.

Mr. Shepp opened the nominations for President.

Mr. Stolipher nominated Mike Shepp for President.

Mr. Shepp opened the nominations for Vice President.

Mr. Shepp nominated Donnie Fisher for Vice President.

Mr. Stolipher nominated Wade Louthan for Secretary.

Mr. Shepp called for a motion on the nominations, which carried unanimously.

2. Approval of the Meeting Minutes: December 8, 2020. Approved as submitted.

3. Citizens Communication: Citizens were able to sign up for this item utilizing the chat function in ZOOM. Doug Rockwell and Bob Aitcheson provided comments regarding the solar energy text amendment (ZTA19-03).

4. Request for postponement.

Mr. Shepp acknowledged that the request for Brickstreet Homes, Item #5, had been withdrawn.

5. Public Hearing: Postponed from the 11/10/2020 and 12/08/2020 meetings. Request by applicant, Brickstreet Homes, LLC, for a waiver from Section 20.201A.2 to reduce the required 50' wide access easement to 40' for a proposed two lot (one lot and residue parcel) minor subdivision. Brickstreet Homes, LLC. Property Owner: Shaun Alexander. Property Location: Sites Farm, Lot 1B, 10668 Lectown Rd., Kearneysville. Tax District: Middleway (07); Tax Map: 14; Parcel: 20.4 (Parcel ID: 07001400200004); Size: 4.85 acres; Zoning District: Rural; File: 20-9-PCW.

The applicant had withdrawn his request.

6. Public Workshop: Concept Plan for the Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises. The proposal consists of an Agricultural Event Center for up to 800 guests and Farm Vacation Lodging with up to five (5) units (or more, if Ordinance allows) with associated parking and signage. Property Owner: Stanley and Barbara (deceased) Stiles. Property Location: 118 Goshen Arrabon Ln, Charles Town, WV. Tax District: Kabletown (06); Tax Map: 21; Parcel: 4 (Parcel ID: 06002100040000); Size: 17 acres; Zoning District: Rural; File: 20-9-SP.

Mr. Shepp recused himself from this item. Mr. Fisher presided.

Ex 19(4pp)

Mr. Cochran provided the Commissioners with an overview of the contested ownership information pertaining to the subject application. Mr. Cochran advised the Commission that he did not believe it was their role to interpret property ownership/signatory documents and noted that the most current document of record is requesting that the Commission hear the application. Mr. Fisher requested confirmation that Mr. Stanley Stiles is the property owner of record, and that it was his signature on the notarized document that was recently submitted. Ms. Beaulieu confirmed that document submitted on January 12, 2021 was signed by Mr. Stanley Stiles. Mr. Fisher stated he believed the Commission could proceed with the Public Workshop.

Ms. Brockman informed the Commission that unlike other applications, the Zoning Ordinance does not require a site plan to be submitted after approval of the Concept Plan for Agricultural Special Event Facility. Ms. Brockman noted that the only other application required will be the issuance of a Zoning Certificate and any relevant building permits. Ms. Brockman continued presenting her staff report to the Commission and provided a brief overview of the criteria outlined in the Zoning Ordinance.

Mr. Paul Raco with P.J. Raco Consulting briefly explained the nature of the request and discussed how the Concept Plan met the Zoning Ordinance criteria. Mr. Raco stated he had contacted the WV Department of Health and Human Resources to address their concerns regarding a proposed water supply for the events. Mr. Raco confirmed that he had spoken with Mr. Stiles that day and that Mr. Stiles stated that he wished to continue the Concept Plan application process. Mr. Fisher inquired about the status of the existing minor subdivision of the subject parcel. Mr. Raco stated the lots had not been sold and were currently under the farm use status as a single lot. Mr. Raco noted that should any of the lots be sold, that the Concept Plan would have to be modified accordingly.

Mr. Fisher opened the public workshop.

Joyce Stiles-Rawn and Mary Katherine Stiles-Iager, family members, spoke in opposition to the application expressing concerns regarding the notification process and the safety of the property owner. William Kelly Baty and Doug Rockwell, neighboring property owners, spoke in opposition to the application citing concerns regarding water flow/flooding and traffic safety. Lana Witiak, family member, spoke in support of the application noting that it would promote agricultural tourism, which would keep the existing farm active.

Mr. Fisher closed the public workshop.

Addressing Mr. Louthan's inquiry, Ms. Brockman noted that it appeared that a Traffic Impact Study would not be required, as the WV Division of Highways (DOH) did not provide comment on the application. Mr. Saunders informed the Commission that the DOH would typically evaluate the need for a Traffic Impact Study once they receive their own application.

Bob Aitcheson requested to speak noting that he was unable to provide testimony at the appropriate time. Mr. Fisher allowed Mr. Aitcheson to provide comment. Mr. Aitcheson, neighboring property owner, spoke in opposition to the application citing concern regarding traffic safety and questioned the ownership issues.

Mr. Raco provided a rebuttal, addressing some of the concerns made during public comment. Mr. Raco noted that the DOH had responded to a number of Concept Plan applications that he represented previously. Mr. Raco explained how governing agencies are provided notice in accordance with the Subdivision Regulations. Mr. Raco stated the family issues would be addressed outside of the Planning Commission meeting. Mr. Raco elaborated on how the proposed application

met the criteria of the Zoning Ordinance. Mr. Fisher asked about the notification requirements for a Concept Plan. Mr. Raco stated that the mailing address information for adjacent parcels is obtained from the Jefferson County Assessor's Office. Ms. Brockman confirmed Mr. Raco's statement and added that a sign is posted on the property and a legal ad is run in the newspaper.

Mr. Stolipher made a motion to approve the Concept Plan as presented with the condition that should the WV Division of Highways (DOH) require a traffic study that the applicant will comply. Mr. Louthan seconded the motion. Mr. Fisher called for a vote, which carried seven (7) in support and one (1) recusal (Mr. Shepp).

Mr. Shepp resumed his position as President.

7. Public Hearing: Request for a variance from Section 8.1.d from the 1979 Subdivision Ordinance to reopen and extend the date for bonding and recording of the approved Final Plat for Beallair Phase 4A from January 11, 2021 to April 12, 2021. Applicant/Property Owner: Beallair Subdivision, Route 24, Country Club Road and Beallair Manor Drive. Tax District: Harpers Ferry (04); Tax Map: 10A; Parcel: RESA (Parcel ID: 04010ARESA0000); Size 69+; Zoning District: Residential Growth; File: 20-5-PCV.

Ms. Brockman provided an overview of her staff report to the Commission. Ms. Brockman addressed Mr. Shepp's inquiry regarding the Commission's previous approval of the Final Plat. Ms. Brockman explained that the wording of the previous motion was unclear as to when the 90-day period would commence and/or expire.

Mr. Paul Raco with PJ Raco Consulting explained the nature of the request stating that there are a few unresolved issues that would be addressed within the requested timeframe.

Mr. Shepp stated he would be in favor of approving the request noting that the 90-day period would begin from the date all outstanding issues are addressed.

Mr. Fisher made a motion approve the variance with the clarification that the 90-day period would commence from the date the contingencies [conditions] are addressed. Mr. Stolipher seconded the motion, which carried unanimously.

8. Discussion and Possible Action regarding reconsideration of the Planning Commission's previous recommendation to the County Commission that the draft amendment was consistent with the Comprehensive Plan and also regarding the draft text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance may include revisions to allow Solar Energy Facilities to process as a Principal Permitted Use and/or a Conditional Use in the following zoning districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment includes proposed revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.

Mr. Roper recused himself from this item as he was not a member of the Commission during the previous recommendation.

Mr. Cochran briefly outlined the history of the amendment to the Commission and referenced the subsequent litigation that ensued. Mr. Cochran informed the Commission that the litigation resulted in an agreed order that dismissed the case. Mr. Cochran noted that as part of the agreed order, the

amendment would come back to the Planning Commission for further review. Mr. Cochran clarified for the record that the agreed order to dismiss the litigation did not claim that the Planning Commission or the County Commission erred in their actions. Due to the potential for additional litigation, Mr. Cochran advised the Commission to go into executive session to discuss the item further.

Mr. Stolipher motioned to go into executive session at 8:23 pm. Mr. Shepp called for a vote, which carried unanimously.

Mr. Shepp noted for the record that the Commission came out of executive session at 8:51 pm.

Mr. Stolipher motioned to come out of executive session at 8:51 pm. Mr. Shepp called for a vote, which carried unanimously. Mr. Thomas was unable to rejoin the meeting.

Mr. Stolipher made a motion to schedule a public hearing for the solar energy text amendment for the next Planning Commission meeting on February 9, 2021. Mr. Shepp called for a vote, which carried six (6) in support and one (1) recusal (Mr. Roper).

9. Reports from Legal Counsel. None.

10. Planner's Memo

Ms. Brockman provided the Commission an update on the following:

- a) Staff would be reviewing the Greenway Zoning Ordinance and Subdivision Regulation revisions invoices with the County Commission;
- b) The County Commission denied the cemetery text amendment; and,
- c) The County Commission approved the Drive-Through text amendment.

11. President's Report. None.

12. Actionable Correspondence. None.

13. Non-Actionable Correspondence. None.

- Email from Steve Stolipher RE: resignation from Planning Commission as a citizen representative – received 01-04-2021
- Letter from Doug Rockwell RE: Zoning Ordinance Text Amendment File # ZTA19-03 – Solar Energy Facilities – Received 01-05-2021
- Email from Doug Rockwell RE Zoning Ordinance Text Amendment File #ZTA19-03 – Solar Energy Facilities – Received 01-05-2021

Mr. Hefestay motioned to adjourn the meeting at 8:55 pm. Mr. Shepp called for a vote, which carried unanimously.

REQUISITIONS TO BE APPROVED

May 16, 2024

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
OTHER BUILDINGS	24062	\$ 13,136.47	Patriot Fire and Security	fire alarm releasing panel replacement
	24063	\$ 9,658.00	Door Serv Pro, LLC	replace garage door motors -Sheriff
	24064	\$ 6,890.00	Minghini's	repair to soffit/window sills - Gray Bldg
GRAND TOTAL		\$ 29,684.47		

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$466,466.43		\$466,466.43
6.2% Tax Payable OASDI	\$27,788.07		\$27,788.07
1.45% Tax Payable HI	\$6,498.77		\$6,498.77
Fed Withholding	\$37,460.42		\$37,460.42
PA State Tax	\$0.00		\$0.00
WV State Withholding	\$14,946.31		\$14,946.31
VA State Tax	\$521.96		\$521.96
MD State Tax	\$1,062.63		\$1,062.63
PERS I Retirement Deduct 4.5%	\$8,651.40		\$8,651.40
PERS II Retirement Deduct 6%	\$8,516.85		\$8,516.85
DSRS Retirement Deduct 8.5%	\$8,156.57		\$8,156.57
EMS Retirement Deduct 8.5%	\$894.75		\$894.75
Hosp. Pre-Taxed	\$16,342.00		\$16,342.00
D/VF	\$1,630.26		\$1,630.26
AFLAC Pre-Taxed	\$299.37		\$299.37
AFLAC Post-Taxed	\$758.88		\$758.88
Optional Life Post-Taxed	\$1,961.35		\$1,961.35
Wage Attach #1	\$373.39		\$373.39
Wage Attach #2	\$166.49		\$166.49
Wage Attach #3	\$0.00		\$0.00
Wage Attach #4			\$0.00
457 - Nationwide	\$1,065.00		\$1,065.00
457I - Empower	\$4,835.26		\$4,835.26
457R - Roth	\$1,717.81		\$1,717.81
Christmas Club	\$4,085.00		\$4,085.00
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
Total Deductions	\$147,780.38	\$0.00	\$147,780.38
Net Wages Total	\$318,686.05	\$0.00	\$318,686.05
Payroll Date	May 10, 2024		

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Angela Banks

Department or Organization: Assessor

Commission Meeting Date: 16, 2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Exonerations

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

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

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

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

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information: Angela Banks

Phone Number: 304-728-3224

Email Address:

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Angela Banks

Department or Organization: Assessor

Commission Meeting Date: May 16, 2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Employee Promotions

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

Promote Cheri Vest from Clerk to Senior Clerk
Promote Mark Thompson from Appraiser to Senior Appraiser

NO additional funding needed

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

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

I motion to approve the promotion of Cheri Vest from Clerk to Senior Clerk at an hourly rate of \$19.53
I motion to approve the promotion of Mark Thompson from Appraiser to Senior Appraiser at an hourly rate of \$26.23

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

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information: Angela Banks

Phone Number: 304-728-3224

Email Address:

abanks@jeffersoncountywv.org

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:



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
Jane Tabb

COMMISSIONER
Tricia Jackson

COMMISSIONER
Jennifer Krouse

COMMISSIONER
Pasha Majdi

To: Commissioner Pasha Majdi
Commissioner Steve Stolipher
Commissioner Jane Tabb

From: Bessie Nelson

Date: May 16, 2024

Re: Fiscal Note: Assessor's Personnel Requests

Angela Banks, Assessor requests the following:

Promotions

Cheri Vest from Clerk to Senior Clerk	\$19.53/hr	\$40,628.00
- Amount budgeted for this position in FY 24:		\$40,628.00
- Amount budgeted for this position in FY 25:		\$40,628.00
Mark Thompson from Appraiser to Senior Appraiser	\$26.28/hr	\$54,658.64
Amount budgeted for this position in FY 24:		\$49,599.00
Amount budgeted for this position in FY 25:		\$49,599.00

The senior appraiser is paid from the Assessor's Valuation Fund. There is funding available to support this.

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Tom Hansen

Department or Organization: Sheriff and Treasurer

Commission Meeting Date: Next Available

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

New Full-Time Bailiff/Trip Guard
Part-time Bailiff Hire

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

- I am requesting to create a new Full-time Bailiff/Trip Guard position. We are experiencing issues with staffing the courts. We recently lost a full-time Bailiff that was also designated as a trip guard. I do not have any part-time employees who are interested in fulfilling the Trip Guard role; however, being able to fill the vacant full-time spot and advertise for a new Bailiff/Trip Guard would be greatly beneficial to the staffing issues we are experiencing.
- I have also identified another person to fill a part-time position

Type of Request: (Funding/Hiring): funding

Funding/Salary/Hourly Amount: 35,360.00/17.00 per hour

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT): FT

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

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

I move to approve the creation of a new Full-time 40 hour Bailiff/Trip Guard position paid at a rate of \$17.00 per hour.

See attached

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

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information:

Phone Number: 304-728-3205

Email Address:

dlowe@jeffersoncountywv.org

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

If approved -

I move to approve the transfer of Romelda Porter to the vacant full-time 40 hour Bailiff position.

Second item motion:

I move to approve the hire of _____ as a part-time Bailiff beginning June 3 at a rate of \$17.00 per hour.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica James, Assistant Deputy County Administrator

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **May 16, 2024**

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:**

- ⬇ Jefferson County Historic Landmarks Commission – one three-year term ending March 31, 2027
- ⬇ Jefferson County Property Safety Enforcement Agency Board – one two-year term ending February 8, 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*):

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

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, April 4, 2024 or as soon thereafter as the Commission may decide:

Historic Landmarks Commission – three 3-year terms ending March 31, 2027

The Historic Landmarks Committee is specifically seeking Jefferson County residents with education and experience or demonstrated special interest in historic preservation or local history drawn from one of the following professions: history, architecture, archeology, landscape architect, real estate, or law.

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 or via e-mail at info@jeffersoncountywv.org no later than 12:00 p.m. the Monday prior to the proposed date of appointment.

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

THOMAS L. TRUMBLE
SHENANDOAH OAKS FARM
2576 WARM SPRINGS RD.
SHENANDOAH JUNCTION, WV 25442
304-876-2161 (H)
304-582-1679 (C)
yellowmerak@yahoo.com

SUMMARY OF EXPERIENCE, HISTORIC PRESERVATION

Shenandoah Oaks house and barn placed on register of historic places, Jefferson County Landmark Commission, 2024

Preservation Alliance to Save our Heritage 2002-2004, Executive Board.

Montgomery County, MD, Historic Preservation Commission, 1994-99, member.

Ad Hoc Committee to Save Hawkins Lane, Chevy Chase, MD, 1989-93; President. Declared an historic district, Montgomery County (See [www.washingtonpost.com>archive>1992/11/28](http://www.washingtonpost.com/archive/1992/11/28))

Co-recipient of a Special Achievement Award for Creating an Outstanding Educational or Media Project presented by Montgomery County, MD Preservation, Inc, 1992.

Recipient, Community Service Award for promoting historic preservation, *The Chevy Chase Gazette* 1990

SUMMARY OF PROFESSIONAL EXPERIENCE:

I managed science information, policy analysis, and evaluation projects for the National Institutes of Health (NIH), National Science Foundation (NSF), U.S. Department of Education, and U.S. Department of Defense. I taught courses in Political Science.

I am a retired military officer with tours of duty in Việt Nam and Germany.

I was President of a county planning commission, Chair of a county board of zoning appeals, Chair of a county board of health, and a member of a county historic preservation commission.

I served on the boards of local service organizations including the Shepherdstown Rotary Club as President.

I published two books and wrote and produced two plays.

EDUCATION:

UNIVERSITY	DEGREE	FIELD OF STUDY	YEAR
The American University	M.A.	International Relations	1974
Rutgers-The State University	B.A.	Political Science	1966

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 21, 2024 or as soon thereafter as the Commission may decide:

**Jefferson County Property Safety Ordinance Enforcement Agency Board -
two (2) two-year terms ending February 8, 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 or via email at info@jeffersoncountywv.org by 12:00 pm the Monday prior to the proposed date of appointment.

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

Jessica Carroll

From: Jessica James
Sent: Tuesday, February 27, 2024 12:19 PM
To: 'rescuechip@aol.com'
Subject: Notice of Term Expiration - Jefferson County Property Safety Enforcement Agency Board
Attachments: SHunter Hou24022711370.pdf

Ms. Wilt –

Please see attached re: the expiration of your term on the Jefferson County Property Safety Enforcement Agency Board, and please let me know if you have any questions – thanks!

Jessica James
Assistant Deputy County Administrator
Jefferson County Commission
PO BOX 250
Charles Town, WV 25414
(p) – 304-728-3282
(f) – 304-725-7916

From: helpdesk@jeffersoncountywv.org <helpdesk@jeffersoncountywv.org>
Sent: Tuesday, February 27, 2024 11:37 AM
To: Jessica James <jjames@jeffersoncountywv.org>
Subject: Message from Hunter House



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

Jane Tabb

COMMISSIONER

Tricia Jackson

COMMISSIONER

Jennifer Krouse

COMMISSIONER

Pasha Majidi

February 27, 2024

Sharon Wilt
152 Anvil Road
Kearneysville WV 25430

Dear Ms. Wilt:

Please be advised that your term on the Jefferson County Property Safety Enforcement Agency Board expired February 8, 2024. Until the County Commission has acted to appoint someone for another two-year term, you are asked to remain serving.

The County Commission is in the process of advertising for this position as standard procedure. Please contact us in writing at your earliest convenience to let us know whether you are interested in being considered for another term. We will be making the appointments on Thursday, March 21, 2024 or as soon thereafter as the Commission may decide.

If you have any questions, please do not hesitate to contact me.

For the Commission,

Jessica James

Assistant Deputy County Administrator

Interim County Administrator
Edwina Benites

Sharon Wilt contacted me via Facebook messenger.

She would like to be considered for re-
appointment to the Property Safety Board.

She stated that she had no way to fill out
an application (no computer/printer??).

Please include her as a possible appointment
to the Board if possible.

Thanks,
Jane

rcvd by Jessica
April 29th

MICHAEL MOOD

PROFESSIONAL SUMMARY

I have been a member of the Republican party for over 30 years and believe in smaller government and less restriction on peoples rights. I have also been a high achiever in the public and private sector with the goal to always strive to be the best I can be and to provide the best I can to the public and to my customers.

SKILLS

I have spent my career in some form of customer or community relations positions where I have been a problem solver. I have an ability to listen and not judge people to work with them to come up with a solution for their problem if possible without compromising policy or law.

WORK HISTORY

BUSINESS OWNER/OPERATOR 03/2003 to Current

Self, Kearneysville, WV & Charles Town, WV

I am a self motivated individual who has worked in both public safety as well as private industry my entire adult life. In my public safety rolls I have worked as a volunteer fire fighter and progressed thru the ranks to the rank of Chief and am one of the founding members at my current fire company as well as served our nations capitol as a law enforcement officer in a career position followed by moving back to the private business sector in the HVAC industry. In my volunteer fire service roll I served communities in PG County Md then Jefferson County WV. In WV I began at Blue Ridge Fire Company where I worked my way up to the rank of Captain before I moved to the Middleway area. In the Middleway area I looked to join a fire company serving that area and found a large part of the county with less than satisfactory coverage so I led the plan to open a new fire company serving that area. I faced many challenges from local to state level to accomplish this task but never gave up and in just under a year was able to open the Middleway Vol Fire Company where I have served as Chief for 15 years and have also served as President in the past. In my roll there we have continually worked to provide outstanding public safety to the community and the county which has been very successful.

In my Law enforcement roll I served a patrol position where I worked with the community to solve public safety issues, nuisance issues, human trafficking and worked with a representative from a local woman's shelter to aid in getting women off the streets and out of

a life of prostitution, served on a specialized unit to get illegal guns off the street as well as other law enforcement duties where I received several commendations from the community to the US Attorney General for Wash. DC.

Upon returning to work in the private sector I have worked for service companies where I provided customer service as well as sales. I continually worked to provide solutions to my customers home comfort issues from the very basic to the most advanced systems.

Eventually opening my own business serving customers of the eastern panhandle as well as parts of VA. In this position I manage employees and budgeting to help grow the business each year.

In 2015 my wife and I purchased another service business which was on the brink of closure and turned it around to a thriving business which we still operate in Charles Town.

EDUCATION

Northwestern High School, Hyattsville, MD
High School Diploma

Wash DC Police Academy

Multiple Fire Service Training Classes

- Firefighter I
- Firefighter II
- NIMS 100,200,700,800
- NIMS 300
- NIMS 400
- Fire Officer 1
- Fire Officer 2
- Incident Safety Officer
- American Contractors Services business management

AGENDA REQUEST FORM
www.jeffersoncountywv.org



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

Department or Organization: **Engineering Department**

Estimation of amount of time needed for appointment: **5 minutes**

Date Requested – 1st Choice: **May 16, 2024**

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Approval to Advertise for Building Plans Reviewer/Inspector Position.**

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

The Department of Engineering, Planning & Zoning has a new position in the FY 2025 budget for a building plans reviewer/inspector. This is a request for approval to advertise to fill this position. The job description is attached. This start date for the position will be after July 1, 2024 (FY 2025 budget year)

Is this a funding request? **No, the County Commission provided funding in the FY 2025 Department of Engineering, Planning & Zoning budget for this position.**

If so, how much?

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

Move to approve advertising for the position of Building Plans Reviewer/Inspector in the Department of Engineering, Planning & Zoning.

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

If not attached, explain:

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

Contact information:

Email address: engineering@jeffersoncountywv.org

Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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Jefferson County, West Virginia
Job Description
Revised 02/15/2018

Position Title:	Building Plan Reviewer	Grade Level:	IV
Department	Dept. of Engineering, Planning & Zoning – Office of Permits and Inspections	Date:	
Reports to:	Chief County Engineer	FLSA Status:	Non-Exempt

Statement of Duties: Employee is responsible for reviewing plans and specifications as submitted for permitting construction projects to ensure conformance with applicable building codes, ordinances and laws. Employee is required to perform all similar or related duties.

Supervision Required: Under the general supervision of the Chief County Engineer/Building Code Official, the employee is familiar with the work routine and uses initiative in carrying out recurring assignments independently in accordance with specific instructions. The supervisor provides additional, specific instruction for new, difficult, or unusual assignments including suggested work methods as necessary. The employee is expected to recognize instances which are out of the ordinary and which do not fall within existing instructions; the employee is then expected to seek advice and further instructions. Reviews and checks of the employee’s work are applied to an extent sufficient to keep the supervisor aware of progress, and to insure that completed work and methods used are technically accurate and that instructions are being followed. In many cases, the work is self checking, for example, requiring accounts to balance before proceeding.

Supervisory Responsibility: Employee is not regularly required to supervise employees.

Confidentiality: Employee has access to confidential information such as department files.

Accountability: Consequences of errors or poor judgment may include adverse public relations, monetary loss, legal repercussions, personal injury, and/or injury to self or others.

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

Complexity: The work consists of a variety of duties which generally follow standardized practices, procedures, regulations or guidelines. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation.

Work Environment: Work requires some agility and physical strength to move in and about construction work sites, over rough terrain, or standing or walking most of the work period. Employee is exposed to outdoor work, confined spaces and high places, toxins or fumes, equipment and machinery, traffic, electricity, radiation, biohazards, loud noises, emotional stress,

Department of Engineering, Planning & Zoning
Office of Permits and Inspections
Building Plan Reviewer
02/15/2018

Jefferson County, West Virginia
Job Description
Revised 02/15/2018

and risk of personal injury.

Nature and Purpose of Public Contacts: Relationships are primarily with co-workers and the public involving frequent explanation, discussion or interpretation of practices, procedures, regulations or guidelines in order to render service, plan or coordinate work efforts, or resolve operating problems. Other regular contacts are with service recipients and employees of outside organizations such as vendors, banks and/or developers/ contractors. More than ordinary courtesy, tact and diplomacy may be required to resolve complaints or deal with hostile, uncooperative or uninformed persons. Employee may furnish news media with routine information such as meeting agendas or departmental procedures.

Occupational Risks: Essential functions regularly present potential risk of injuries from improper exposure which could result in loss of time from work. Examples of injury include burns from chemicals, steam or fire, severe muscular strains from working with extremely heavy material, falls from heights in excess of three feet and illness from exposure to communicable diseases. Special safety precautions, training, or protective clothing such as gowns, coats, gloves, glasses, hats or boots may be required.

Essential Functions:

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

1. Review building plans for one and two family dwellings and commercial/industrial buildings to ensure that building plans and specifications comply with applicable standards of construction, use appropriate materials and methods, are safe for people and property, comply with code requirements and utilize the proper structure design.
2. Provide quality customer service over the telephone and in person to architects, engineers, builders, contractors, owners and other citizens and members of the public to answer questions and provide information about the permit application and inspection processes and building code requirements.
3. Utilize, maintain and advance the use of the content management system (CMS) to efficiently process permit applications, to communicate with permit applicants, and digitally manage records and information.
4. Provide advice and assistance to field inspectors regarding code interpretations as requested.
5. Fulfill responsibilities of building inspectors in their absence or as workload demands require.

Department of Engineering, Planning & Zoning
Office of Permits and Inspections
Building Plan Reviewer
02/15/2018

Jefferson County, West Virginia
Job Description
Revised 02/15/2018

6. Coordinates efforts with State Fire Marshal and/or third-party certifications.
7. Authorizes commercial building permit Use and Occupancy Certificates.
8. Attends training courses to remain aware of industry regulations, obtains building code certifications and continuing education requirements as required by state law. Obtain and maintain certifications required under West Virginia state code.
9. Performs duties of Building Inspector, Permits Technician, or other related work as assigned by the Chief County Engineer/Building Code Official.
10. Participates in building code round-table discussions held by Engineering, Planning & Zoning for the building industry.

Recommended Minimum Qualifications:

Education and Experience: Certification as an ICC building plans reviewer, or Associates Degree in Architecture, or work experience in Building Code Enforcement with five to seven (5-7) years related work experience in the area of building design or construction; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job. In addition, successful completion of the training and examinations required to be certified as an Inspector and Plans Examiner by the International Code Council and the West Virginia State Fire Marshal (WV State Code, Title 87-7-3).

Special Requirements:

Valid Motor Vehicle Operator's License and Building Code Inspector and Plans Examiner Certifications (W.V. State Fire Marshal, W.V. State Code, Title 87-7).

Knowledge, Abilities and Skill

Knowledge: Knowledge and understanding of building construction trades and terminology, International Building Codes, and building construction processes and methods.

Abilities: Ability to work independently; ability to deal with public tactfully and effectively. Ability to establish and maintain effective working relationships with department staff, contractors doing business for the town as well as state regulatory authorities. Ability to carry out essential functions under hazardous or inclement weather conditions in a safe manner. Ability to establish and maintain a work reporting system and other related records. Ability to deal effectively with disgruntled members of the public. Ability to read and interpret construction drawings and blue prints.

Skill: Basic math skills, computer skills, proficient with AutoCAD type software, proficient

Department of Engineering, Planning & Zoning
Office of Permits and Inspections
Building Plan Reviewer
02/15/2018

Jefferson County, West Virginia
Job Description
Revised 02/15/2018

written and oral communications skills.

Physical and Mental Requirements

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

Physical Skills: Work requires moderate intermittent physical strength and effort daily, such as, lifting heavy objects, carrying the object(s) and stacking them or placing them in a vehicle or storage area. In addition, pulling, pushing, standing or walking for the full work day may also be involved. A great deal of physical effort must be exerted at this level. Travel, particularly during adverse weather conditions and troublesome road conditions and at times during the evening, is required.

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

Visual Skills: Visual demands require the employee to constantly read and interpret documents for general understanding and analytical purposes; employee also routinely reviews non-written materials (e.g. maps and blueprints). Employee is required to distinguish colors.

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 16, 2024**

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Property Safety Enforcement Agency Request for Petition/Compliant Hearing Date on Property Safety Case 23-001 (Duncan)**

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

In accordance with the process outlined in the Jefferson County Property Safety Ordinance, the Property Safety Enforcement Agency is requesting the County Commission set a date for a hearing before the County Commission on the attached Petition/Complaint, for the following case:

**Property Safety Enforcement Agency – Hearing on Case 23-001
(Daniel D. Duncan)
Property located at 105 Link Drive, Middleway, WV 25430
Middleway Tax District, Map 6, Parcel 3
Deed Book 964, Page 35**

Is this a funding request? **No; Not at this time. However, if the County Commission rules in favor of the Property Safety Enforcement Agency at the hearing, funding will be needed to carry out the order.**

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 set the hearing date for Property Safety Enforcement Agency case 23-001 (Duncan) for July 11, 2024.

Attach supporting documents for request, or request may be denied. **See attached job description.**

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

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS</u>

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA
JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY
Petitioner/Complainant

VS

DANIEL D. DUNCAN
Respondent/Owner

PETITION/COMPLAINT

TO: THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

The Jefferson County Property Safety Enforcement Agency would represent unto the County Commission of Jefferson County, West Virginia, as follows:

1. That the Respondent/Owner is the owner of a parcel of property located at 105 Link Drive, Kearneysville, in Jefferson County, West Virginia; which is designated as Deed Book 964, Page 35; and Tax Map 6, Parcel 3, in the Middleway Tax District; and is designated as Property Safety Enforcement Agency case no. 23-001.
2. That on January 25, 2023, the Jefferson County Property Safety Enforcement Agency received a citizen complaint against the property described in paragraph no. 1 herein alleging the following:
 - a. An abandoned and dilapidated dwelling (manufactured home) on the property;
and
 - b. Accumulated Trash, Debris & Refuse on the property; and
 - c. An Unsanitary Condition on the property.
3. That the Jefferson County Property Safety Enforcement Agency, at its January 25, 2023 meeting, agreed to accept and investigate the citizen complaints against the property described in paragraph no. 1 herein.
4. That the Jefferson County Property Safety Enforcement Agency, based on a field inspection on April 13, 2023, found that an abandoned and dilapidated dwelling that appears to be an attractive nuisance, and an unsanitary condition, fire hazard and an accumulation of trash and debris on the property described in paragraph no.1 herein; which is considered to be unsafe due to dilapidation, unsanitary and fire hazard conditions, or a combination of factors, whether the result of natural or manmade force or effect, which would cause the property to be an attractive nuisance that is unsafe and dangerous or detrimental to the public safety or welfare.
5. That Daniel D. Duncan, the Respondent/Owner, was sent a Notice of Violation Letter by certified mail and regular U. S. mail service, dated May 9, 2023, from the Jefferson County Property Safety Enforcement Agency. The letters were sent to

Daniel Duncan, 479 Macbeth Drive, Charles Town, WV, 25414. The certified mail return receipt letter was not claimed by the Respondent/Owner; however, the letter sent via regular USPS mail service was not returned to us and appears to have been received by the Respondent/Owner.

6. That the Notice of Violation Letter served upon the Respondent/Owner, required the Respondent/Owner to return the dwelling/property to a safe condition by:
 - A. Securing the dwelling unit (manufactured home) from access by unauthorized persons by boarding up all the doors and boarding up all the windows that cannot be secured by closing and locking them; this includes all windows with broken glass. All to prevent access by unauthorized persons; and
 - B. All outdoor trash and debris is removed and disposed of in a legal manner; and
 - C. All performed to the satisfaction of the Property Safety Enforcement Agency.
7. That the Respondent/Owner was given until July 19, 2023, to bring the property into compliance as noted in paragraph 6, above.
8. That the Notice of Violation Letter advised the Respondent/Owner that "the Jefferson County Property Safety Enforcement Agency is available to answer any questions with regard to bringing the property into compliance, but the Respondent/Owner has not contacted the Chief County Engineer about this matter.
9. That based on a follow-up field inspection on July 19, 2023, it was observed that Respondent/Owner had not complied with the requirements of the Property Safety Enforcement Agency and that as of the date of the filing of this petition, the unsafe condition still exists; and that the Respondent/Owner has failed to eliminate the unsafe condition on the property described in paragraph no. 1 herein.
10. That the Property Safety Enforcement Agency, at their July 26, 2023, meeting, found the property to still be in violation and agreed, in accordance with the Jefferson County Property Safety Ordinance, to petition the County Commission of Jefferson County to order the Respondent/Owner to bring the property into compliance.
11. That accordingly the Jefferson County Property Safety Enforcement Agency has caused this Petition/Complaint to be filed in the Office of the Clerk of the County Commission of Jefferson County, West Virginia et the address of P.O. Box 208,

Jefferson County Courthouse, 100 East Washington Street, Charles Town, West Virginia 25414.

12. That accordingly the Jefferson County Property Safety Enforcement Agency does seek an order of the County Commission of Jefferson County, West Virginia requiring the Respondent/Owner to return the property to a safe condition, as noted in paragraph no. 6 herein, within a reasonable time, and to impose daily civil monetary penalties – accruing from the deadline imposed by the County Commission - upon the Respondent/Owner who fails to obey the order of the County Commission of Jefferson County, West Virginia, and if necessary, to advertise for and seek a contractor to:
 - A. Secure the dwelling unit from access by unauthorized persons by boarding up the doors and windows; and
 - B. Remove all trash and debris and dispose of it in a legal manner; and
 - C. Mow all grass and weeds to allow for safe access by first responders; and
 - D. All performed to the satisfaction of the Property Safety Enforcement Agency; and to institute a civil proceeding in the Circuit Court of Jefferson County, West Virginia to subject this property mentioned and described in paragraph no. 1 to a lien to satisfy the costs of the contractor to make the ordered work of boarding up the structure, removing all trash and debris and disposing of it in a legal manner, mowing all grass and weeds; and to subject the Respondent/Owner to the daily civil monetary penalty imposed, attorney fees, and to order and decree that the contractor and the County and its agents may enter upon said property to perform the ordered work.
13. UNLESS THE RESPONDENT/OWNER SHALL WITHIN TEN (10) DAYS OF BEING SERVED WITH THIS PETITION/COMPLAINT, FILE A WRITTEN REQUEST WITH THE CLERK OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA AT THE ADDRESS OF P.O. BOX 208, JEFFERSON COUNTY COURTHOUSE, 100 EAST WASHINGTON STREET, CHARLES TOWN, WEST VIRGINIA, 25414, AN ORDER WILL BE ISSUED BY THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA IMPLEMENTING THE RECOMMENDATIONS OF THE JEFFERSON COUNTY PROPERTY SAFETY ENFORCEMENT AGENCY.

PRAYER

WHEREFORE the Jefferson County Property Safety Enforcement Agency would pray as follows:

1. That the Clerk of the County Commission of Jefferson County, West Virginia shall cause the Petition/Complaint to be filed and a copy thereof be served upon Daniel D. Duncan, the Respondent/Owner, in accordance with law.
2. That the Clerk of the County Commission of Jefferson County shall, if service was by personal service, note on the original Petition/Complaint, the date such personal service was accomplished and require the person making personal service to certify that personal service was performed on that date.
3. That if the Respondent/Owner shall fail to make a written request for a hearing before the County Commission of Jefferson County, West Virginia within ten (10) days of service upon said Respondent/Owner of this Petition/Complaint, that an order be entered by the County Commission of Jefferson County, West Virginia implementing the recommendations of the Jefferson County Property Safety Enforcement Agency.
4. That if such hearing be requested, that the County Commission of Jefferson County, West Virginia conduct said hearing and make findings of fact, determinations and conclusions of law that the abandoned and dilapidated dwelling on the property is unsafe, an accident hazard and an attractive nuisance due to dilapidation, and the condition of the structure along with the refuse and debris on the property is unsafe and/or unsanitary, whether the result of natural or manmade force or effect, which causes the dwelling and property to be unsafe, unsanitary, dangerous or detrimental to the public safety or welfare.
5. That the County Commission of Jefferson County, West Virginia order the Respondent/Owner to:
 - A. Secure the dwelling unit (manufactured home) from access by unauthorized persons by boarding up all the doors and boarding up all the windows that cannot be secured by closing and locking them; this includes all windows with broken glass. All to prevent access by unauthorized persons; and
 - B. Remove all trash and debris and dispose of it in a legal manner; and
 - C. Mow all grass and weeds to provide safe access by first responders; and
 - D. All performed to the satisfaction of the Property Safety Enforcement Agency; and

that all work be completed within 30 calendar days of receipt of the Order, and if the Respondent/Owner fails to comply with this Order within the time so specified, to impose a \$25.00 daily monetary penalty upon the Respondent/Owner and advertise for a contractor to make the ordered work of boarding up the structure, removing all trash and debris and disposing of it in a legal manner; and that the County Commission of Jefferson County, West Virginia bring a civil action in the Circuit Court of Jefferson County against the Respondent/Owner seeking an order to subject the property in question to a lien to satisfy: the contractor's costs in performing the work, the daily civil monetary penalty, reasonable attorney fees, court costs, and to order the property in question sold to satisfy the lien; and to seek an order of the Court granting the contractor and the County and its agents the right of entry onto the property in question.

6. And for such other relief as permitted by law.

JEFFERSON COUNTY
PROPERTY SAFETY ENFORCEMENT AGENCY

By  Date 4/17/2024
Roger L. Goodwin, P.E., Chief County Engineer
(On behalf of the Property Safety Enforcement Agency)

S:\engineering\Engineering\ENGINEERING\ENFORCEMENT AGENCY\2023 CASE CORRESPONDENCE & RECORDS\23-001
Duncan\2023-11-01 Petition & Complaint\2023-11-01 Petition-Complaint case 23-001.doc

JEFFERSON COUNTY ENGINEERING DEPT

Jefferson County
Jacqueline C Shadle, Clerk
Instrument 20240004373
04/17/2024 @ 03:29:37 PM
PETITION / COMPLAINT
Book 1321 @ Page 75
Pages Recorded 5

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Mike Sine

Department or Organization: ESA

Estimation of amount of time needed for appointment: 20min

Date Requested – 1st Choice: **5/16/2024**



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

Date Requested – 2nd Choice:

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

**EMS Week Proclamation
Employee Recognitions**

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

-  Presentation of Proclamation for EMS Week which is May 19th – 25th, 2024.
-  Recognition of 3 employees for outstanding service.

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*):

Move to approve the EMS Week Proclamation. (see attached)

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

If not attached, explain:

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

Contact information: Mike Sine

Email address: msine@icesa.org

Phone Number: 304-728-3287

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
Jane Tabb

COMMISSIONER
Pasha Majdi

EMS Week Proclamation

To designate the Week of May 19 - 25, 2024, as Emergency Medical Services Week

WHEREAS, emergency medical services is a vital public service; and

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care, including preventative medicine, follow-up care, and access to telemedicine; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating the Emergency Medical Services Week; now

THEREFORE, we, the Commission of Jefferson County, West Virginia, in recognition of this event do hereby proclaim the week of May 19 - 25, 2024, as **EMERGENCY MEDICAL SERVICES WEEK**.

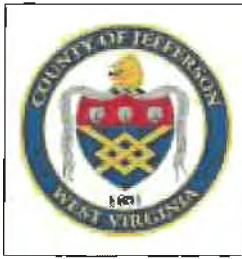
This year we celebrate the 50th Anniversary of EMS Week and the theme is **EMS WEEK: Honoring Our Past. Forging Our Future**. I encourage the community to observe this week with appropriate programs, ceremonies, and activities.

Steve Stolipher, President
Jefferson County Commission

Jane Tabb, Vice President
Jefferson County Commission

Pasha Majdi, Commissioner
Jefferson County Commission

County Administrator
Edwina Benites



Jefferson County Emergency Services Agency



May 16, 2024

Good evening, Commissioners,

The week of May 19th through May 25th of the year 2024 marks the 50th anniversary of Emergency Medical Services (EMS) Week in the United States.

While EMS week is a week to celebrate the dedication and excellence of our EMS providers, it's also about recognizing the good they do for our community.

Jefferson County Emergency Services Agency currently employs 53 full time employees and 36 part time employees. These are some of the finest and most dedicated EMS professionals in the nation. The citizens, visitors, and businesses of Jefferson County benefit from the hard work, dedication, and commitment that these individuals give to our EMS system. It is something that is seen daily but rarely talked about.

We take this time to recognize the accomplishments not only of the ESA employees but of all the members of the Jefferson County EMS system, career and volunteer. While every member of the team deserves recognition, we struggled to narrow it down to just a few individuals for this event. Recently the ESA presented several awards to its employees. This included Stork Pins for several field assisted births, Meritorious Service Awards for going above and beyond not only on emergencies but during their everyday work, and a Life Saving Award for successfully resuscitating an individual who experienced a sudden Cardiac Arrest. This individual made a full recovery.

Tonight, the Jefferson County Emergency Services Agency is bringing three individuals before the commission to recognize them.

First, we introduce Technician Dale Gottschalk. Technician Gottschalk, while off duty, was attending a religious event. During this event, he heard screams for help and without pause, went towards the screams. Technician Gottschalk found a pediatric patient actively choking and immediately acted to successfully dislodge the obstruction. Had he not been in the right place, at the right time, and acted without hesitation the outcome for this patient could have been very different. Technician Gottschalk demonstrated the values and courage of an EMS provider. He further demonstrated that even though he was "off duty" he is always ready and willing to serve. Technician Gottschalk received a Meritorious Service Award for his actions this day.



Jefferson County Emergency Services Agency



Next, we recognize two individuals for their commitment and dedication to community education. Many years ago, the ESA began providing community education courses, such as CPR and First Aid. While the program has been successful since its inception, no one individual had been able to dedicate the true amount of time needed to manage the several classes that were hosted annually. In the last couple of years, the ESA has had two individuals retire from full-time duty after many years of field service. These employees still wanted to be engaged and provide a service to our communities. They both stepped up and took over the Community Education Program. The names of these individuals are Monte Conner and Dave Swan.

In 2023, Monte and Dave instructed and successfully certified a total of 205 community members in CPR and 52 community members in First Aid.

In 2024, Monte and Dave have expanded the ESA Community Education Program to include Child and Babysitting Safety. The first course, hosted in April, had 14 teenagers in attendance. In addition to this course, Monte and Dave have, to date, instructed and successfully certified 189 community members in CPR and 61 community members in first aid. Earlier this year, and with little notice, Monte and Dave were able to set up and successfully deliver a CPR course to 383 Washington High School students.

What these numbers do not reflect are the CPR and First Aid classes that they teach for other County departments, such as Parks and Recreation staff and the Sheriff's Office Deputies and Reserves.

All these classes are provided free of charge to the community.

It is with great honor that we recognize Monte Conner and Dave Swan with the Meritorious Service Award. Their unwavering dedication given to the Community Education Programs does not go unnoticed. Unfortunately, Monte and Dave are unable to attend tonight. Through their continued commitment to this service, they are currently at the ESA office providing CPR training to another group of community members.

Commissioners, in recognition of the dedication of not only these 3 individuals but all of Jefferson County's EMS providers I ask that you to proclaim next week, May 19th through May 25th 2024, EMS Week for Jefferson County, WV.

Sincerely,

Theodore "Mike" Sine

Director/Chief

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Bessie Nelson, Budget Director

Department or Organization: Count Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **May 16, 2024**

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

Date Requested – 2nd Choice:

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

State and Internal Budget Revisions for FY24

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

10 Internal Budget Revisions:

IBR#FY24-015 – Capital Outlay

IBR#FY24-016 – Capital Outlay

IBR#FY24-017 – Engineering

IBR#FY24-018 – Assessor’s Office

IBR#FY24-019 – Assessor’s Valuation Fund

IBR#FY24-020 – ESA

IBR#FY24-021 – JCDA

IBR#FY24-022 – Capital Outlay (Maintenance)

IBR#FY24-023 – ARPA

IBR#FY24-024 – Capital Outlay

IBR#FY24-025 – County Commission

IBR#FY24-026 – County Commission

1 State Budget Revision: 001-004 (General Fund)

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 motion to approve the 10 internal budget revisions and 1 state budget revision as presented for approval.

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: bnelson@jeffersoncountywv.org

Phone Number: 304.724.8425 ext 1008

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Ora Ash, Deputy State Auditor
 West Virginia State Auditor's Office
 200 West Main Street
 Clarksburg, WV 26301
 Phone: 627-2415 ext. 5101 or ext. 5118
 Fax: 304-340-5090
 Email: igs@wvsao.gov

REQUEST FOR REVISION TO APPROVED BUDGET

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

CONTROL NUMBER
 FY: 2024
 Fund: 001
 Rev. No. 4
 Pages: 1

Jefferson County Commission

GOVERNMENT ENTITY

Person To Contact Regarding Request:
 Name: **Bessie Nelson**
 Phone: **304.724.8425**
 Fax:
 Email: bnelson@jeffersoncountywv.org

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

COUNTY
 Government Type

REVENUES: (net each acct.)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
299	Unassigned Fund Balance	6,888,522	248,779		7,137,301
388	Transfers From Other Funds	920,000	175,000		1,095,000
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Revenues (ALL PAGES) 423,779

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

EXPENDITURES: (net each account category)

(WV CODE 7-1-9)

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUSLY APPROVED AMOUNT	(INCREASE)	(DECREASE)	REVISED AMOUNT
401	County Commission	1,800,611	155,000		1,955,611
899	Contingencies	1,978,243	133,779		2,112,022
717	Central Garage	404,066	175,000		579,066
900	Parks & Recreation	1,039,440		40,000	999,440
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				
	#N/A				

NET INCREASE/(DECREASE) Expenditures 423,779

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

AUTHORIZED SIGNATURE
 OF ENTITY

APPROVAL
 DATE

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Nathan Cochran

Department or Organization: Prosecuting Attorney's Office

Commission Meeting Date: May 16, 2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Report by legal counsel

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

See attached

Type of Request: (Funding/Hiring): N/A

Funding/Salary/Hourly Amount: N/A

Name of Hire (if Applicable): N/A

Grade/Step/Hours (PT/FT): N/A

Start Date (beginning of pay period): N/A

Post Probationary Increase (If applicable): N/A

Any Additional Conditions of Employment or Funding Comments:

N/A

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

N/A

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

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information: Jaymee Houser

Phone Number: 304-728-3318

Email Address:

jhouser@jcpawv.org

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

- a. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property.
- b. Report by counsel on Magistrate Court space and related issues.
- c. Discussion of W.Va. Human Rights Comm. Case No. EREP-49-21.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Edwina Benites-LM

Department or Organization: County Administration

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **May 16, 2024**

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

Date Requested – 2nd Choice:

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

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

- A. Article 147 (*See attached*)
- B. American Public University (APU) Memorandum of Understanding (MOU) (*See attached*)
- C. Shepherd University Announcement (*See attached*)
- D. Grant match letter (*See attached*)
- E. Update on Sam Michael's Park HVAC (*See attached*)

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 Internet/Wi Fi Y Telephone for conference call Y

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

nc



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

Jane Tabb

COMMISSIONER

Pasha Majdi

To: Commissioner Pasha Majdi
Commissioner Steve Stolipher
Commissioner Jane Tabb

From: Edwina Benites-LM, county administrator

Date: May 16, 2024

Re: County Administrator Report, May 16, 2024

Summary:

- A. Article 147
- B. American Public University (APU) Memorandum of Understanding (MOU)
- C. Shepherd University Announcement
- D. Grant match letter
- E. Update on Sam Michael's Park HVAC

A. Article 147

At the April 4, 2024, Commission meeting, I reported that the Charles Town City Council has tasked John Nissel with meeting with Todd Wilt (Ranson) and me on possible changes to Article 147. At the same meeting, the Commission tasked me with engaging with our attorney on Article 147 issues.

John Nissel, Todd Wilt, and I met to discuss changes to Article 147. I created a redlined version of Article 147 based upon our conversations and sent it to our legal counsel for review. Our counsel approved it, and I shared it with Mr. Nissel and Mr. Wilt. They are discussing the redlined version with their councils.

Additionally, there is interest in reviewing how the CTUB board chair is selected and there is interest in including language that should someone work for the municipality of Charles Town or the municipality of Ranson but live outside their municipal employer, that they would be eligible to serve either as a municipal or as a County CTUB director.

Please let me know if there is any interest in or opposition to pursuing these changes.

B. American Public University (APU) Memorandum of Understanding (MOU)

American Public University and Jefferson County Commission staff have negotiated a tuition reduction for County staff to take APU classes. This tuition reduction represents the largest tuition reduction APU offers outside of active-duty military.

Suggested motion: Motion to approve the memorandum of agreement with American Public University as presented.

County Administrator
Edwina Benites-LM

- Attachment: APUS_MOU_Exh.A

C. *Shepherd University Tuition Discount Policy*

Jefferson County negotiated a tuition reduction with Shepherd University. Full time employees can receive a 20 percent discount on undergraduate and 10 percent reduction on graduate classes. Shepherd University made this an internal policy change, and it requires no agreement on behalf of the County.

- Attachment: 2024 06 09 Jefferson Co Employee Tuition Discount Policy

D. *Grant match letter*

Fleets and Facilities Management and the IT departments worked with Region 9 to complete a grant application for security upgrades to the Jefferson County Commission campuses. The total grant request is for \$172,277. The County match would be for \$17,278.00.

Suggested motion: Motion to approve and send the grant-match letter for the 2024 Homeland Security Grant Program (HSGP) Jefferson County Commission- County Complex Security Cameras.

Attachments:

- LOS- Jefferson County Commission
- 2024-05-16 – Fiscal Notes – Security Camera Grant Match

E. *Update on Sam Michael's Park HVAC*

At the April 18, 2024, Commission meeting, Parks and Recreation asked for assistance purchasing rooftop HVAC units after a catastrophic failure of their rooftop units. Parks and Recreation shared that replacement of the rooftop units wouldn't occur for roughly six months- September or October.

With temperatures on the rise, and current programming and summer camps in jeopardy, Parks and Recreation looked for stop-gap measures to cool Sam Michael's. A quote to rent HVAC units came in at \$55,000 for the first month alone.

At the May 2, 2024, Commission meeting, the Commission approved the purchase (through reimbursement of Parks and Recreation) of 5-ton HVAC units. These units are readily available and could be installed quickly. Additionally, the Commission regularly replaces these units. Once Sam Michael's rooftop units are replaced, the 5-ton units will replace aging units elsewhere in the County.

Last week, the 5-ton units were installed, Sam Michael's is being cooled, and programs are able to continue uninterrupted as a result of a quick-thinking and collaborative measure by Parks and Fleets and Facilities.

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (“**MOU**”) is made effective as of the date executed by both parties below (the “**Effective Date**”) by and between American Public University System, Inc. (“**APUS**”) and the County Commission of Jefferson County, West Virginia whose administrative office is located at 124 East Washington Street, Charles Town, WV 25414 (“**Partner**”). This MOU supersedes the MOU entered into by and between the Parties on July 11, 2016, which is hereby terminated.

The parties desire to promote educational opportunities to all Partner employees including but not limited to Jefferson County Parks and Recreation Commission, Jefferson County Emergency Services Agency, Jefferson County Board of Health, and Jefferson County Development Authority, Contractors of Jefferson County as well as all extended family members of the before mentioned (collectively, “**Members**”) through APUS’s educational services in accordance with this MOU and the terms set forth in EXHIBIT A (the “**Service Terms**”), which is incorporated herein by reference. In the event of any conflict or inconsistency between the MOU and the Service Terms, the provisions of the MOU shall govern.

For good and valuable consideration, the parties agree as follows:

1. APUS Policies. Members will be admitted and enrolled in APUS in accordance with APUS’s then-current requirements and policies. Except as may be otherwise specifically set forth in the Service Terms, members will be subject to the then-current, usual financial obligations, policies and fees of APUS, as determined by APUS.

2. Term. The term of this MOU shall commence on the Effective Date for one year (“**Initial Term**”) and will auto-renew for subsequent 1-year periods, unless terminated by either party as set forth below. Either party may terminate the MOU, with or without cause, by providing thirty (30) days prior written notice to the other party. In addition, either party may terminate this MOU if the other party materially breaches the MOU and fails to cure such breach within ten (10) business days of written notice thereof. Notwithstanding any provisions herein to the contrary, in the event that APUS, any governmental agency or authority, or any entity that has regulatory authority over APUS determines that any of the Service Terms or provisions of the MOU are in violation of, or conflicts with, applicable laws, regulations or rules, then APUS may immediately cease to comply with such terms/provisions or to provide related services.

3. Effect of Termination. Following any termination or expiration of this MOU, (i) the parties agree to take reasonable efforts to ensure that existing students of APUS are not adversely impacted in completing their programs of study by such expiration or termination, and (ii) upon either party’s request, the other party shall promptly return or destroy all Confidential Information (as defined below) of the other party in its possession and any copies thereof. The provisions of sections 3, 5, 6, 7, 8, 9 and 10 shall survive termination of the MOU.

4. Trademarks. Each party grants to the other a royalty-free, nonexclusive, non-transferable revocable license during the Term to

use its trademarks, name, logos, and other identifying symbols (collectively, the “**Marks**”) for the limited purpose of fulfilling its promotional and marketing obligations set forth in the Service Terms; provided, however, that each such use of the Marks and the content of all such marketing and promotional materials shall (i) be subject to the other party’s prior written approval except as may be set forth in the Service Terms, and (ii) be subject to any trademark usage guidelines provided by a party in writing from time to time. The licenses granted in the foregoing sentence are personal and shall not include the right to grant sublicenses. Each party will retain all goodwill in its respective Marks and all other rights thereto. Upon termination of this MOU, each party will promptly cease and desist its use of the other party’s Marks.

5. Confidential Information. The parties acknowledge that they may receive non-public information (both oral and in writing) belonging to the other party which may be marked as confidential or that should reasonably be understood to be confidential, including, but not limited to, information regarding APUS’s programs, the MOU terms and each party’s business (“**Confidential Information**”). Each party agrees to hold all such Confidential Information in strict confidence and to not disclose Confidential Information to others or use it in any way, except in carrying out its obligations hereunder or in order to comply with applicable law, regulation or rule.

6. Statements: Compensation. Partner shall not make any false, erroneous or misleading statements, representations, warranties or guarantees to its students or any other third parties with respect to APUS or its programs or services. In addition, Partner shall not pay any of its employees, members, students, or agents engaged in any APUS student recruitment or admissions activities or in any decisions regarding awarding student financial assistance to any APUS student, any bonus, commission, or other incentive payment that is based in any part, directly or indirectly, on success in securing enrollments or the award of financial aid where such payment would be a violation of the requirements of 20 U.S.C. § 1094(a)(20) or 34 C.F.R. § 668.14(b)(22) or any other law or accreditation requirements, regardless of whether those requirements apply directly to Partner.

7. Indemnification. Each party (the “**Indemnifying Party**”) agrees to indemnify, defend and hold the other party, including its officers, directors, employees, and other agents (each, an “**Indemnified Party**”) harmless from and against all claims, costs, liabilities, judgments, expenses, and damages incurred by an Indemnified Party as a result of any claim, demand, or action against such Indemnified Party asserted by a third party arising out of or in connection with the Indemnifying Party’s misrepresentation or breach of any covenants, warranties or representations made herein. Notwithstanding the foregoing, APUS’s obligation to indemnify a member is only applicable in such individual’s official capacity as a member and not in his or her capacity as a student enrolled with APUS.

8. Representations. Each party represents, warrants, and covenants that (i) it has the right and authority to enter into this MOU, and (ii) it shall comply with all applicable local, state, and federal laws and

MEMORANDUM OF UNDERSTANDING

regulations governing its business and the subject matter of this MOU. EXCEPT AS OTHERWISE EXPRESSLY STATED HEREIN, APUS MAKES NO WARRANTIES OF ANY KIND, WHETHER EXPRESS OR IMPLIED AND DOES NOT GUARANTEE THAT USE OF ITS PROGRAMS AND SERVICES WILL BE UNINTERRUPTED OR ERROR-FREE. IN NO EVENT SHALL EITHER PARTY BE LIABLE FOR ANY SPECIAL, INCIDENTAL, INDIRECT OR CONSEQUENTIAL DAMAGES OF ANY KIND IN CONNECTION WITH THIS MOU, EVEN IF SUCH PARTY HAS BEEN INFORMED IN ADVANCE OF THE POSSIBILITY OF SUCH DAMAGES. IN NO EVENT SHALL THE TOTAL AGGREGATE LIABILITY OF APUS EXCEED THE AMOUNT OF FEES RECEIVED BY APUS FOR COURSES TAKEN BY MEMBERS DURING THE TWELVE (12) MONTH PERIOD PRECEDING THE EVENT GIVING FIRST RISE TO A CLAIM.

9. Notice. Unless otherwise specified in this MOU, all notices shall be in writing and delivered (i) personally, (ii) by certified mail, (iii) by overnight carrier service, or (iv) delivered by confirmed electronic or digital means, to the persons set forth in the Service Terms. All notices shall be deemed received (1) if personally delivered, on the date personally delivered, (2) if mailed, upon the date specified in the return receipt, (3) if sent by overnight carrier, on the day delivered or (4) if sent electronically or digitally, when electronic or digital confirmation is received.

10. General. This MOU contains the entire and complete understanding and intent of the parties as to its subject matter and supersedes any and all prior or contemporaneous understandings, agreements, discussions or offers, whether written or oral. This MOU may not be modified, altered or amended except by a written instrument signed by both parties. The failure of either Party to partially or fully exercise any right or the waiver by either Party of any breach shall not prevent a subsequent exercise of such right or be deemed a waiver of any subsequent breach of the same or any other term of this MOU. Any provision of this MOU, which is found to be illegal or invalid shall be severed and removed from this MOU and shall not affect the legality or validity of the remaining provisions. This MOU will be construed and interpreted according to the laws of the state of West Virginia, without regard to its conflict of laws provisions. Each party irrevocably consents to the exclusive personal jurisdiction of the federal and state courts located in Jefferson County or Berkeley County, West Virginia, as applicable, for any matter arising out of or relating to this Agreement and agrees that such courts shall be the exclusive forum for resolving any and all disputes regarding this Agreement. Neither party may assign this MOU or any of its rights or obligations under this MOU, whether by operation of law or otherwise, without the prior written consent of the other party, except that APUS may assign this MOU to any of its affiliates. Any attempted assignment or other transfer in violation of the foregoing shall be void and of no force or effect. The relationship established under this MOU shall be that of independent contractors and neither party shall be, nor hold itself out to the public as being an employee, agent, joint venture, or partner of the other. Neither Party shall have authority to contract for or bind the other Party in any manner. Nothing in this MOU shall

be construed as creating rights in favor of or enforceable by any third party. Neither party shall issue any press release or other public statement regarding this Agreement without the express written consent of the other party. The Agreement may be executed in counterparts, which shall constitute one and the same instrument.

AMERICAN PUBLIC UNIVERSITY SYSTEM, INC.


Nuno Fernandes (May 6, 2024 05:58 EDT)

Signature
Name: Nuno Fernandes
Title: President
Date: May 6, 2024

JEFFERSON COUNTY, WEST VIRGINIA

Signature
Name: Steve Stolipher
Title: President
Date: _____

EXHIBIT A
SERVICE TERMS

1. General

- a.) Partner has selected APUS as an education solutions provider to offer academic degree programs to its Members, as that term is defined in the MOU.
- b.) Both parties are committed to work together to facilitate the enrollment of Members in APUS programs without jeopardizing the intended mission and stated goals of either party.
- c.) Each party shall designate an individual to serve as a point of contact for issues related to this MOU. Either party may change its representative upon notice to the other party.
- d.) Notice under the MOU shall be sent as follows:

If to Partner:

Edwina Benites
Executive Director
Jefferson County Development Authority
1948 Wiltshire Road, Suite #4Keameysville,
WV 25430City/State/Zip
ebenites@jcda.net

If to APUS:

Client Service
111 West Congress Street
Charles Town, WV 25414
Email:
APUSClientSvcs@APUS.EDU

with a copy to:
Legal Affairs
111 West Congress Street
Charles Town, WV 25414
Email : Legal@apus.edu

- e.) The Parties agree (i) to develop a partnership promotional plan, which may be further modified from time to time, that identifies promotional activities and materials, and a corresponding schedule, and (ii) to make all commercially reasonable efforts to execute on such plan.

2. APUS Responsibilities

- a.) APUS shall offer eligible Partner members the opportunity to purchase educational services along with a grant, creditable solely against the payment of APUS tuition, equal to 20%, then-current APUS published standard tuition charged to non-military APUS students for courses that are part of an APUS degree or certificate program that is generally available to the public, excluding doctoral programs (such grant program, hereinafter, referred to as the "Partner Grant"). The Partner Grant shall not be offered, and may not be used, in conjunction with any other scholarship, grant, or discount programs that may be made available by APUS or to APUS students.
- b.) APUS shall make the Partner Grant available to any Member who (i) is determined and verified by Partner to be a Member, and (ii) satisfies all of APUS's then current standard policies, rules, procedures, criteria, and requirements for admission and enrollment applicable to such Partner Members
- c.) The anticipated start date for the Partner Grant is 30 days from final signature of the MOU (the "Start Date"). The Parties will make all commercially reasonable efforts to begin offering the Partner Grant by the Start Date. In the event the

parties are unable to meet the target Start Date, the Parties will work together to determine and agree upon a new target date.

- d.) APUS shall create, in cooperation with Partner, a landing page for use by Members.
- e.) APUS shall provide, in cooperation with Partner, a set of materials for promoting the partnership to its members.
- f.) APUS shall collaborate with Partner to develop an announcement about the relationship.
- g.) APUS agrees to use commercially reasonable efforts to work with Partner to create and implement a promotional and messaging plan to promote APUS programs through mutually agreed Partner distribution channels (including, for example, in print, digital, audio and in-person formats) and at mutually agreed times and frequencies.
- h.) APUS shall provide a dedicated account manager for day-to-day support, maintenance and growth of its relationship with Partner, the specific manager of which shall be assigned to Partner within ten business days of the Effective Date of the MOU

3. Partner Responsibilities

- a.) Partner will list American Military University and/or American Public University, as applicable, as one of Partner's premier education providers for the Partner's Members. Partner will promote and allow promotion of APUS's programs as described in the MOU, all corresponding exhibits, and as otherwise mutually agreed upon.
- b.) Partner shall distribute, or assist APUS to distribute, information and materials regarding educational degree program opportunities to its Members.
- c.) Partner will make available to Members information about APUS's programs, as well as general information about APUS. Links to the APUS landing page will be posted on the portion of Partner's website that is accessible to Partner's employees, and in other Partner communications to its Members which are intended to describe and detail the relationship between the Parties. Any such communications to Members by Partner shall be mutually agreed upon by the Parties.
- d.) Partner agrees to the following promotional plan ("Success Plan") which may be further modified from time to time by written agreement between both Parties. Each Party will make a commercially reasonable effort to execute on the Success Plan or make necessary adjustments that are mutually acceptable in writing.







JCDA_APUS_MOU_Exh. A

Final Audit Report

2024-05-06

Created:	2024-05-06
By:	Eric Morris (emorris@apus.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAAf5hNAepxc34uvw8PvD-aYvmofzObBaia

"JCDA_APUS_MOU_Exh. A" History

-  Document created by Eric Morris (emorris@apus.edu)
2024-05-06 - 9:09:03 AM GMT- IP address: 155.190.18.42
-  Document emailed to nfernandes@apus.edu for signature
2024-05-06 - 9:09:30 AM GMT
-  Email viewed by nfernandes@apus.edu
2024-05-06 - 9:58:26 AM GMT- IP address: 146.75.222.0
-  Signer nfernandes@apus.edu entered name at signing as Nuno Fernandes
2024-05-06 - 9:58:42 AM GMT- IP address: 45.74.83.87
-  Document e-signed by Nuno Fernandes (nfernandes@apus.edu)
Signature Date: 2024-05-06 - 9:58:44 AM GMT - Time Source: server- IP address: 45.74.83.87
-  Agreement completed.
2024-05-06 - 9:58:44 AM GMT

Shepherd University
JEFFERSON COUNTY EMPLOYEES'
TUITION DISCOUNT POLICY

1. Definition of County Employee Tuition Discount Benefit:

- (a) A Jefferson County Employee Tuition Discount ("Tuition Discount") is a discount of Tuition that is applicable to all enrolled students at the University.
- (b) Tuition Discounts are applied only to classes that are for undergraduate or graduate degree credit.
- (c) The Tuition Discount shall be from the cost of Tuition, per semester (fall and spring) and for not more than a total of eight regular semesters of enrollment.
- (d) Dual enrollment courses are not eligible for the Tuition Discount application, nor are non-credit courses.
- (e) For an undergraduate, degree seeking student, the Tuition Discount is 20%. For a graduate degree seeking student, the Tuition Discount is 10%.

2. Eligibility of Employee:

- (a) Full Time employees of Jefferson County Government Departments and County agencies are eligible for this Tuition Discount. The employees of county-level elected officials other than the Jefferson County Commission are not included in this Tuition Discount.
- (b) To establish eligibility, the County Employee must have the Application for County Employee Tuition Discount counter-signed by their agency's payroll/ personnel staff confirming full time employment as defined by the agency.
- (c) A new Application for County Employee Tuition Discount must be submitted for each semester.
- (d) All academic requirements for admission, academic good standing, etc., fully apply to all County employees utilizing this Tuition Discount program.
- (e) A County employee who as a Shepherd student is on disciplinary probation due to misconduct is ineligible for a Tuition Discount while in probationary status.
- (f) A County employee must have a completed FAFSA on file with the Office of Financial Aid for the academic year of the Tuition Discount application.

3. Tuition Discount Application Process:

- (a) The completed application for the Tuition Discount must be submitted by the County employee to the Financial Aid Office by December 1 for each Spring Term, and by July 1 for each Fall Term.
- (b) After the application deadline, the Financial Aid Office will verify the eligibility of the County employee for this Tuition Discount and will apply the Tuition Discount to eligible applicants' accounts.
- (c) All federal, state and private grants and scholarships are awarded in advance of Tuition Discount under this policy. Applicants cannot receive a combination of aid over the cost of required tuition through the use of this Tuition Discount.



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

Jane Tabb

COMMISSIONER

Pasha Majidi

David Hoge
Grants/HS State Administrative Agency
WV Emergency Management Division
1124 Smith St
Charleston WV 25311
(304) 558-5380

May 16, 2024

Mr. Hoge:

Security upgrades are extremely import to improving government operations. The Jefferson County Commission will a match \$17,278 toward the 2024 Homeland Security Grant Program (HSGP) Jefferson County Commission- County Complex Security Cameras project. This figure represents 10% of the total project cost of \$172,277 for the purchase of 207 security cameras, equipment, and licenses. The Jefferson County Commission further agrees to provide a 10% match towards any lesser awarded amount.

Terroristic acts, such as active shooter events, are an unfortunate reality that our employees must be adequately prepared for in order to aide law enforcement and medical personnel tasked with responding to and mitigating these tragedies. The new cameras will provide our county employees and emergency responders with the ability to assess ongoing situations, effectively deploy response tactics, and deter would-be threats to our employees.

Thank you for your consideration of this project and its assured ability to further keep our employees safe.

Sincerely,

Stephen Stolipher
President



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PRESIDENT

Steve Stolipher

VICE PRESIDENT

Jane Tabb

COMMISSIONER

Pasha Majdi

COMMISSIONER

Vacant

COMMISSIONER

Vacant

To: Commissioner Pasha Majdi
Commissioner Steve Stolipher
Commissioner Jane Tabb

From: Bessie Nelson

Date: May 16, 2024

Re: Fiscal Note: Security Camera Grant Project

Edwina Benites, County Administrator has submitted a request for \$34,509 which represents 20% match for the \$172,277.

This is a federal grant under FEMA.

The Capital Outlay fund has adequate funding to support this purchase. The Capital Outlay fund current has \$17 million in the unreserved account.

Impact Fee Status Report

April 2024

Office of Impact Fees

Summary

Date Range: Monday 1 through Tuesday 30 April 2024

Report Date: 1 May 2024

Process Number Range: 2400313 - 2400404

Total Applications: 92

Total Non-Exempt: 92

Of which:

Commercial: 1

Residential: 91

Of which:

County: 25

Municipal: 67

Total Exempt: 0

Of which:

Commercial: 0

Residential: 0

Of which:

County: 0

Municipal: 0

Tables 1 through 7 summarize impact fee processing for April 2024. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

Table 1. Form 100 Tallies

	Exempt	Commercial	Residential	Total
1 – 30 April 2024	0	1	91	92
Fees collected		\$0.00	\$131,915.00	\$131,915.00
<i>Of which</i>				
School Impact Fee			\$91.00	\$91.00
Law Enforcement Fee		\$0.00	\$15,403.00	\$15,403.00
Parks & Recreation Fee			\$100,796.00	\$100,796.00
EMS Fee		\$0.00	\$10,608.00	\$10,608.00
Admin. Facilities Fee		\$0.00	\$5,017.00	\$5,017.00

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

Description	Amount
Opening Statement Balance (1 April 2024)	\$157,681.55
April Deposits (1 – 30 April 2024)	\$131,915.00
School March Transactions (withdraws via transfer on 15 April 2024)	(\$112.00)
Law March Transactions (withdraws via transfer on 15 April 2024)	(\$27,698.78)
Parks & Rec March Transactions (withdraws via transfer on 15 April 2024)	(\$112,726.35)
EMS March Transactions (withdraws via transfer on 15 April 2024)	(\$11,878.12)
Admin. Facilities March Trans. (withdraws via transfer on 15 April 2024)	(\$5,266.30)
Interest Earned (30 April 2024)	\$81.97
Ending Statement Balance (30 April 2024)	\$131,996.97
<i>Outstanding Credits (deposits through 1 May 2024)</i>	<i>\$0.00</i>

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

Description	Amount
Opening Balance (1 April 2024)	\$2,008,878.64
March Transactions (deposits via transfer on 15 April 2024)	\$112.00
Interest Earned (30 April 2024)	\$1,238.39
Ending Balance (30 April 2024)	\$2,010,229.03

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

Description	Amount
Opening Balance (1 April 2024)	\$598,579.19
March Transactions (deposits via transfer on 15 April 2024)	\$27,698.78
Interest Earned (30 April 2024)	\$378.09
Ending Balance (30 April 2024)	\$626,656.06

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

Description	Amount
Opening Balance (1 April 2024)	\$1,479,647.05
March Transactions (deposits via transfer on 15 April 2024)	\$112,726.35
Interest Earned (30 April 2024)	\$949.17
Ending Balance (30 April 2024)	\$1,593,322.57

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

Description	Amount
Opening Balance (1 April 2024)	\$34,004.59
March Transactions (deposits via transfer on 15 April 2024)	\$11,878.12
Interest Earned (30 April 2024)	\$24.87
Ending Balance (30 April 2024)	\$45,907.58

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

Description	Amount
Opening Balance (1 April 2024)	\$70,722.53
March Transactions (deposits via transfer on 15 April 2024)	\$5,266.30
Interest Earned (30 April 2024)	\$18.13
Ending Balance (30 April 2024)	\$76,006.96

Table 8. Total Impact Fees as of 1 May 2024/1

Description	Amount
Office of Impact Fees General Account	\$131,996.97
School Impact Fee Account	\$2,010,229.03
Law Enforcement Fee Account	\$626,656.06
Parks & Recreation Impact Fee Account	\$1,593,322.57
EMS Impact Fee Account	\$45,907.58
Administrative Facilities Account	\$76,006.96
Total Impact Fees	\$4,484,119.17

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

Table 9. Pending April 2024 Fee Transfers /1

Account	30 April 2024 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$2,010,229.03	\$91.00	\$2,010,320.03
Law Enforcement Fee Account	\$626,656.06	\$15,412.84	\$642,068.90
Parks & Recreation Impact Fee Account	\$1,593,322.57	\$100,858.30	\$1,694,180.87
EMS Impact Fee Account	\$45,907.58	\$10,614.56	\$56,522.14
Administrative Facilities Account	\$76,006.96	\$5,020.27	\$81,027.23
Total Impact Fees	\$4,352,122.20	\$131,996.97	\$4,484,119.17

/1 This table represents each of the impact fee category account totals as of 30 April 2024 listed in tables 3 – 7. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in April 2024 are listed in table 1 of the General Account (3111776); these transactions will be processed in May 2024. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.

Form 100 Transaction Summary

Jefferson County Government – Office of Impact Fees

Impact Fee Applications Processed between dates Monday 1 through Tuesday 30 April 2024

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
Exempt Applications											

Category Count: 0

Category Total

\$0.00

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
2400313	04/01/2024	Stanley	Martin	08 Ranson Corp	1230	240	8	1	\$1,160.00	04/01/2024	N/A
2400314	04/01/2024	Stanley	Martin	08 Ranson Corp	1230	240	8	1	\$1,160.00	04/01/2024	N/A
2400315	04/01/2024	Stanley	Martin	08 Ranson Corp	1230	240	8	1	\$1,160.00	04/01/2024	N/A
2400316	04/02/2024	Dan	Ryan Builder	03 Charles Town	1263	99	11B	781	\$1,160.00	04/02/2024	N/A
2400317	04/02/2024	Dan	Ryan Builder	03 Charles Town	1263	99	11B	784	\$1,160.00	04/02/2024	N/A
2400318	04/02/2024	Dan	Ryan Builder	02 Charles Town	994	667	17	22	\$1,725.00	04/02/2024	N/A
2400319	04/02/2024	Dan	Ryan Builder	02 Charles Town	994	667	17	22	\$1,725.00	04/02/2024	N/A
2400320	04/02/2024	Dan	Ryan Builder	02 Charles Town	994	667	17	22	\$1,725.00	04/02/2024	N/A
2400321	04/02/2024	Dan	Ryan Builder	02 Charles Town	994	667	17	22	\$1,944.00	04/02/2024	N/A
2400322	04/04/2024	Maronda	Homes	08 Ranson Corp	1297	595	9	8	\$1,160.00	04/04/2024	N/A
2400323	04/05/2024	Wormald, Jr.	Robert	04 Harpers Ferry	975	635	10A	297	\$1,944.00	04/05/2024	N/A
2400324	04/08/2024	Shade	Chad	07 Middleway	1317	418	13	1	\$1,725.00	04/08/2024	N/A
2400325	04/11/2024	Stanley	Martin	08 Ranson Corp	1230	240	8	1	\$1,160.00	04/11/2024	N/A
2400326	04/11/2024	Stanley	Martin	08 Ranson Corp	1230	240	8	1	\$1,160.00	04/11/2024	N/A
2400327	04/11/2024	Stanley	Martin	08 Ranson Corp	1230	240	8	1	\$1,160.00	04/11/2024	N/A
2400328	04/11/2024	Stanley	Martin	08 Ranson Corp	1230	240	8	1	\$1,308.00	04/11/2024	N/A
2400329	04/11/2024	Stanley	Martin	08 Ranson Corp	1230	240	8	1	\$1,160.00	04/11/2024	N/A
2400330	04/11/2024	Stanley	Martin	08 Ranson Corp	1230	240	8	1	\$1,308.00	04/11/2024	N/A
2400331	04/12/2024	Dan	Ryan Builder	02 Charles Town	994	667	17	22	\$1,725.00	04/12/2024	N/A
2400332	04/12/2024	Dan	Ryan Builder	02 Charles Town	994	667	17	22	\$1,725.00	04/12/2024	N/A
2400333	04/12/2024	Dan	Ryan Builder	03 Charles Town	1263	99	11B	782	\$1,308.00	04/12/2024	N/A
2400334	04/12/2024	Dan	Ryan Builder	03 Charles Town	1263	99	11B	785	\$1,308.00	04/12/2024	N/A
2400335	04/12/2024	Dan	Ryan Builder	03 Charles Town	1263	99	11B	786	\$1,308.00	04/12/2024	N/A

2400336	04/12/2024	Dan Ryan Builder	03 Charles Town	1263	99	11C	790	\$1,308.00	04/12/2024	N/A	
2400337	04/12/2024	Maronda Homes	08 Ranson Corp	1297	595	9	8	\$1,308.00	04/12/2024	N/A	
2400338	04/12/2024	Maronda Homes	08 Ranson Corp	1297	595	9	8	\$1,308.00	04/12/2024	N/A	
2400339	04/12/2024	US Home, LLC	08 Ranson Corp	26	643	8	24	\$1,308.00	04/12/2024	N/A	
2400340	04/12/2024	US Home, LLC	08 Ranson Corp	26	643	8	24	\$1,308.00	04/12/2024	N/A	
2400341	04/12/2024	US Home, LLC	08 Ranson Corp	26	643	8	24	\$1,308.00	04/12/2024	N/A	
2400342	04/12/2024	US Home, LLC	08 Ranson Corp	26	643	8	24	\$1,308.00	04/12/2024	N/A	
2400343	04/12/2024	US Home, LLC	08 Ranson Corp	26	643	8	24	\$1,308.00	04/12/2024	N/A	
2400344	04/12/2024	US Home, LLC	08 Ranson Corp	26	643	8	24	\$1,308.00	04/12/2024	N/A	
2400345	04/12/2024	D.R. Horton, Inc.	02 Charles Town	1227	490	10	8	\$1,944.00	04/12/2024	N/A	
2400346	04/12/2024	D.R. Horton, Inc.	02 Charles Town	1227	490	10	8	\$1,944.00	04/12/2024	N/A	
2400347	04/12/2024	D.R. Horton, Inc.	02 Charles Town	1227	490	10	8	\$1,944.00	04/12/2024	N/A	
2400348	04/12/2024	D.R. Horton, Inc.	02 Charles Town	1227	490	10	8	\$1,944.00	04/12/2024	N/A	
2400349	04/12/2024	D.R. Horton, Inc.	02 Charles Town	1227	490	10	8	\$1,944.00	04/12/2024	N/A	
2400350	04/12/2024	D.R. Horton, Inc.	02 Charles Town	127	490	10	8	\$1,944.00	04/12/2024	N/A	
2400351	04/12/2024	D.R. Horton, Inc.	02 Charles Town	1227	490	10	8	\$1,944.00	04/12/2024	N/A	
2400352	04/12/2024	D.R. Horton, Inc.	02 Charles Town	1227	490	10	8	\$1,944.00	04/12/2024	N/A	
2400353	04/12/2024	D.R. Horton, Inc.	02 Charles Town	1227	490	10	8	\$1,944.00	04/12/2024	N/A	
2400354	04/22/2024	Lutman Lan	06 Kabletown	1318	572	23B	2	\$1,944.00	04/22/2024	N/A	
2400355	04/22/2024	Lutman Land	04 Harpers Ferry	1318	565	5	4	\$1,944.00	04/22/2024	N/A	
2400356	04/22/2024	Lutman Land	06 Kabletown	1297	284	29	6	\$1,944.00	04/22/2024	N/A	
2400357	04/22/2024	Lutman Land	06 Kabletown	1317	701	23A	33	\$1,944.00	04/22/2024	N/A	
2400358	04/22/2024	Catrow	Lori	06 Kabletown	1279	350	9F	14	\$1,944.00	04/22/2024	N/A
2400359	04/22/2024	Sandretzky	Thomas	04 Harpers Ferry	1318	132	5	4	\$1,944.00	04/22/2024	N/A
2400360	04/22/2024	Skoglin	Carl	09 Shepherdstown	1302	385	5B	10	\$1,725.00	04/22/2024	N/A
2400361	04/23/2024	Arcadia Land, Inc.	03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A	
2400362	04/23/2024	Arcadia Land, Inc.	03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A	
2400363	04/23/2024	Arcadia Land, Inc.	03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A	
2400364	04/23/2024	Arcadia Land, Inc.	03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A	
2400365	04/23/2024	Arcadia Land, Inc.	03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A	
2400366	04/23/2024	Arcadia Land, Inc.	03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A	

Process Number	Date	Last Name	First Name	Tax District	Deed Book	Deed Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
Non-Exempt Applications											
2400367	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400368	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400369	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400370	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400371	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400372	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400373	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400374	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400375	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400376	04/23/2024	Arcadia Land, Inc.		03 Charles Town	1173	85	12	215	\$1,308.00	04/23/2024	N/A
2400377	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400378	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400379	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400380	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400381	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400382	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400383	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400384	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400386	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400387	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400388	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400389	04/23/2024	US Home, LLC		08 Ranson Corp	26	643	8	24	\$1,308.00	04/23/2024	N/A
2400390	04/23/2024	Maronda Homes		08 Ranson Corp	1297	595	9	8	\$1,308.00	04/23/2024	N/A
2400391	04/23/2024	Maronda Homes		08 Ranson Corp	1297	595	9	8	\$1,308.00	04/23/2024	N/A
2400392	04/23/2024	Neal	Larry	04 Harpers Ferry	1315	336	6K	102	\$1,944.00	04/23/2024	N/A
2400393	04/24/2024	Maronda Homes		08 Ranson Corp	1297	595	9	8	\$1,308.00	04/24/2024	N/A
2400394	04/24/2024	Maronda Homes		08 Ranson Corp	1297	595	9	8	\$1,308.00	04/24/2024	N/A
2400395	04/24/2024	Maronda Homes		08 Ranson Corp	1297	595	9	8	\$1,308.00	04/24/2024	N/A
2400396	04/24/2024	Maronda Homes		08 Ranson Corp	1297	595	9	8	\$1,308.00	04/24/2024	N/A
2400397	04/24/2024	Maronda Homes		08 Ranson Corp	1297	595	9	8	\$1,308.00	04/24/2024	N/A
2400398	04/24/2024	Maronda Homes		08 Ranson Corp	1297	595	9	8	\$1,308.00	04/24/2024	N/A

2400399	04/25/2024	Dan Ryan Builder		03 Charles Town	1263	99	11B	783	\$1,308.00	04/25/2024	N/A
2400400	04/25/2024	Dan Ryan Builder		03 Charles Town	1263	99	11B	787	\$1,308.00	04/25/2024	N/A
2400401	04/25/2024	Dan Ryan Builder		03 Charles Town	1263	99	11C	793	\$1,308.00	04/25/2024	N/A
2400402	04/25/2024	Dan Ryan Builder		03 Charles Town	1263	99	11C	794	\$1,308.00	04/25/2024	N/A
2400403	04/26/2024	LaBombard	Bryan	08 Ranson Corp	1192	665	8B	2	\$0.00	04/26/2024	N/A
2400404	04/30/2024	US Home, LLC		03 Charles Town	1173	85	12	209	\$1,308.00	04/30/2024	N/A

Category Count: 92									Category Total	\$131,915.00
TOTAL APPLICATIONS: 92									Grand Total	\$131,915.00

Bank of Charles Town

05/01/2024 09:31 AM

PUBLIC FDS-FIXED *1776

Current **\$131,996.97**

Available** **\$131,996.97**

Apr 1, 2024 - Apr 30, 2024 Custom

Date	Description	Amount	Balance
04/30/2024	Check #30: INTEREST PAID	\$81.97	
04/30/2024	Deposit: DDA REGULAR DEPOSIT	\$1,308.00	
04/26/2024	Deposit: DDA REGULAR DEPOSIT	\$5,232.00	
04/25/2024	Deposit: DDA REGULAR DEPOSIT	\$7,848.00	
04/24/2024	Deposit: DDA REGULAR DEPOSIT	\$42,492.00	
04/23/2024	Deposit: DDA REGULAR DEPOSIT	\$13,389.00	
04/15/2024	Check #1454: DDA CHECK	-\$112,726.35	
04/15/2024	Check #1453: DDA CHECK	-\$27,698.78	
04/15/2024	Check #1455: DDA CHECK	-\$11,878.12	
04/15/2024	Check #1456: DDA CHECK	-\$5,266.30	
04/15/2024	Check #1452: DDA CHECK	-\$112.00	
04/12/2024	Deposit: DDA REGULAR DEPOSIT	\$36,642.00	
04/12/2024	Deposit: DDA REGULAR DEPOSIT	\$7,256.00	
04/09/2024	Deposit: DDA REGULAR DEPOSIT	\$1,725.00	
04/08/2024	Deposit: DDA REGULAR DEPOSIT	\$1,944.00	
04/05/2024	Deposit: DDA REGULAR DEPOSIT	\$1,160.00	
04/04/2024	Deposit: DDA REGULAR DEPOSIT	\$9,439.00	
04/02/2024	Deposit: DDA REGULAR DEPOSIT	\$3,480.00	

** The Available balance may include pending transactions not yet posted for debit cards, ACH, and teller transactions, pending direct deposits and teller deposits, balance of an account tied by a sweep arrangement, and amounts reduced by a temporary hold on recent deposited funds with delayed availability. The Available balance does not include checks written off account not yet presented for payment, pre-authorized ACH debits not yet presented for payment, and Bounce Protection limit, if applicable. Alternatively, the Current balance shows the ending balance from the previous business day's transaction posting.

Bank of Charles Town

05/01/2024 09:32 AM

PUBLIC FDS-FIXED *7582

Current **\$2,010,229.03**

Available** **\$2,010,229.03**

Apr 1, 2024 - Apr 30, 2024 Custom

Date	Description	Amount	Balance
04/30/2024	Check #30: INTEREST PAID	\$1,238.39	
04/15/2024	Deposit: DDA REGULAR DEPOSIT	\$112.00	

** The Available balance may include pending transactions not yet posted for debit cards, ACH, and teller transactions, pending direct deposits and teller deposits, balance of an account tied by a sweep arrangement, and amounts reduced by a temporary hold on recent deposited funds with delayed availability. The Available balance does not include checks written off account not yet presented for payment, pre-authorized ACH debits not yet presented for payment, and Bounce Protection limit, if applicable. Alternatively, the Current balance shows the ending balance from the previous business day's transaction posting.

Bank of Charles Town

05/01/2024 09:33 AM

PUBLIC FDS-FIXED *0120

Current **\$626,656.06**

Available** **\$626,656.06**

Apr 1, 2024 - Apr 30, 2024 Custom

Date	Description	Amount	Balance
04/30/2024	Check #30: INTEREST PAID	\$378.09	
04/15/2024	Deposit: DDA REGULAR DEPOSIT	\$27,698.78	

** The Available balance may include pending transactions not yet posted for debit cards, ACH, and teller transactions, pending direct deposits and teller deposits, balance of an account tied by a sweep arrangement, and amounts reduced by a temporary hold on recent deposited funds with delayed availability. The Available balance does not include checks written off account not yet presented for payment, pre-authorized ACH debits not yet presented for payment, and Bounce Protection limit, if applicable. Alternatively, the Current balance shows the ending balance from the previous business day's transaction posting.

Bank of Charles Town

05/01/2024 09:33 AM

PUBLIC FDS-FIXED *2808

Current **\$1,593,322.57**

Available** **\$1,593,322.57**

Apr 1, 2024 - Apr 30, 2024 Custom

Date	Description	Amount	Balance
04/30/2024	Check #30: INTEREST PAID	\$949.17	
04/15/2024	Deposit: DDA REGULAR DEPOSIT	\$112,726.35	

** The Available balance may include pending transactions not yet posted for debit cards, ACH, and teller transactions, pending direct deposits and teller deposits, balance of an account tied by a sweep arrangement, and amounts reduced by a temporary hold on recent deposited funds with delayed availability. The Available balance does not include checks written off account not yet presented for payment, pre-authorized ACH debits not yet presented for payment, and Bounce Protection limit, if applicable. Alternatively, the Current balance shows the ending balance from the previous business day's transaction posting.

Bank of Charles Town

05/01/2024 09:34 AM

PUBLIC FDS-FIXED *2816

Current **\$45,907.58**

Available** **\$45,907.58**

Apr 1, 2024 - Apr 30, 2024 Custom

Date	Description	Amount	Balance
04/30/2024	Check #30: INTEREST PAID	\$24.87	
04/15/2024	Deposit: DDA REGULAR DEPOSIT	\$11,878.12	

** The Available balance may include pending transactions not yet posted for debit cards, ACH, and teller transactions, pending direct deposits and teller deposits, balance of an account tied by a sweep arrangement, and amounts reduced by a temporary hold on recent deposited funds with delayed availability. The Available balance does not include checks written off account not yet presented for payment, pre-authorized ACH debits not yet presented for payment, and Bounce Protection limit, if applicable. Alternatively, the Current balance shows the ending balance from the previous business day's transaction posting.

Bank of Charles Town

05/01/2024 09:34 AM

PUBLIC FDS-INTEREST *2570

Current **\$76,006.96**

Available** **\$76,006.96**

Apr 1, 2024 - Apr 30, 2024 Custom

Date	Description	Amount	Balance
04/30/2024	Check #30: INTEREST PAID	\$18.13	
04/15/2024	Deposit: DDA REGULAR DEPOSIT	\$5,266.30	

** The Available balance may include pending transactions not yet posted for debit cards, ACH, and teller transactions, pending direct deposits and teller deposits, balance of an account tied by a sweep arrangement, and amounts reduced by a temporary hold on recent deposited funds with delayed availability. The Available balance does not include checks written off account not yet presented for payment, pre-authorized ACH debits not yet presented for payment, and Bounce Protection limit, if applicable. Alternatively, the Current balance shows the ending balance from the previous business day's transaction posting.

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

COPY

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Edwina Benites, Tina Branson, and Teresa Hendricks
FROM: Michelle Mason *DM*
DATE: Wednesday, May 1, 2024
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County School Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of April 2024.

This transfer consists of two components:

- Impact Fee Process Numbers **2400313** through **2400404**, inclusive. Within this range there were 91 non-exempt impact fee payments. This amounts to **\$91.00**.
- Interest earned by the Office of Impact Fees General Account in April 2024 amounts to **\$81.97**, of which **\$0.00** is attributed to fees collected for Schools.

As per the attached invoice, the total amount of this transfer is \$91.00.

Check # 1457



Account Withdraws
Office of Impact Fees - Jefferson County Government

Account 3111776

Schools

Check Number 1457

Trace 20240501:58153.14

Date 5/1/2024

Series 1

Recipient Sheriff of Jefferson County

Account 3107582

Amount \$91.00

Signature 1 Steve Stolipher

Signature 2 Sheriff Tom Hansen

Signature 3 Jacqueline C. Shadle

Notes: Transfer of Impact Fees From General Account for School Impact Fees Collected in April 2024.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
4/2/2024	2400313	2003-3	11/24/2005	\$1.00
4/2/2024	2400314	2003-3	11/24/2005	\$1.00
4/2/2024	2400315	2003-3	11/24/2005	\$1.00
4/4/2024	2400316	2003-3	11/24/2005	\$1.00
4/4/2024	2400317	2003-3	11/24/2005	\$1.00
4/4/2024	2400318	2003-3	11/24/2005	\$1.00
4/4/2024	2400319	2003-3	11/24/2005	\$1.00
4/4/2024	2400320	2003-3	11/24/2005	\$1.00
4/4/2024	2400321	2003-3	11/24/2005	\$1.00
4/5/2024	2400322	2003-3	11/24/2005	\$1.00
4/8/2024	2400323	2003-3	11/24/2005	\$1.00
4/9/2024	2400324	2003-3	11/24/2005	\$1.00
4/12/2024	2400325	2003-3	11/24/2005	\$1.00
4/12/2024	2400326	2003-3	11/24/2005	\$1.00
4/12/2024	2400327	2003-3	11/24/2005	\$1.00
4/12/2024	2400328	2003-3	11/24/2005	\$1.00
4/12/2024	2400329	2003-3	11/24/2005	\$1.00
4/12/2024	2400330	2003-3	11/24/2005	\$1.00
4/12/2024	2400331	2003-3	11/24/2005	\$1.00
4/12/2024	2400332	2003-3	11/24/2005	\$1.00
4/12/2024	2400333	2003-3	11/24/2005	\$1.00
4/12/2024	2400334	2003-3	11/24/2005	\$1.00
4/12/2024	2400335	2003-3	11/24/2005	\$1.00
4/12/2024	2400336	2003-3	11/24/2005	\$1.00
4/12/2024	2400337	2003-3	11/24/2005	\$1.00
4/12/2024	2400338	2003-3	11/24/2005	\$1.00
4/12/2024	2400339	2003-3	11/24/2005	\$1.00
4/12/2024	2400340	2003-3	11/24/2005	\$1.00
4/12/2024	2400341	2003-3	11/24/2005	\$1.00
4/12/2024	2400342	2003-3	11/24/2005	\$1.00
4/12/2024	2400343	2003-3	11/24/2005	\$1.00

4/12/2024	2400344	2003-3	11/24/2005	\$1.00
4/12/2024	2400345	2003-3	11/24/2005	\$1.00
4/12/2024	2400346	2003-3	11/24/2005	\$1.00
4/12/2024	2400347	2003-3	11/24/2005	\$1.00
4/12/2024	2400348	2003-3	11/24/2005	\$1.00
4/12/2024	2400349	2003-3	11/24/2005	\$1.00
4/12/2024	2400350	2003-3	11/24/2005	\$1.00
4/12/2024	2400351	2003-3	11/24/2005	\$1.00
4/12/2024	2400352	2003-3	11/24/2005	\$1.00
4/12/2024	2400353	2003-3	11/24/2005	\$1.00
4/23/2024	2400354	2003-3	11/24/2005	\$1.00
4/23/2024	2400355	2003-3	11/24/2005	\$1.00
4/23/2024	2400356	2003-3	11/24/2005	\$1.00
4/23/2024	2400357	2003-3	11/24/2005	\$1.00
4/23/2024	2400358	2003-3	11/24/2005	\$1.00
4/23/2024	2400359	2003-3	11/24/2005	\$1.00
4/23/2024	2400360	2003-3	11/24/2005	\$1.00
4/24/2024	2400361	2003-3	11/24/2005	\$1.00
4/24/2024	2400362	2003-3	11/24/2005	\$1.00
4/24/2024	2400363	2003-3	11/24/2005	\$1.00
4/24/2024	2400364	2003-3	11/24/2005	\$1.00
4/24/2024	2400365	2003-3	11/24/2005	\$1.00
4/24/2024	2400366	2003-3	11/24/2005	\$1.00
4/24/2024	2400367	2003-3	11/24/2005	\$1.00
4/24/2024	2400368	2003-3	11/24/2005	\$1.00
4/24/2024	2400369	2003-3	11/24/2005	\$1.00
4/24/2024	2400370	2003-3	11/24/2005	\$1.00
4/24/2024	2400371	2003-3	11/24/2005	\$1.00
4/24/2024	2400372	2003-3	11/24/2005	\$1.00
4/24/2024	2400373	2003-3	11/24/2005	\$1.00
4/24/2024	2400374	2003-3	11/24/2005	\$1.00
4/24/2024	2400375	2003-3	11/24/2005	\$1.00
4/24/2024	2400376	2003-3	11/24/2005	\$1.00
4/24/2024	2400377	2003-3	11/24/2005	\$1.00
4/24/2024	2400378	2003-3	11/24/2005	\$1.00
4/24/2024	2400379	2003-3	11/24/2005	\$1.00
4/24/2024	2400380	2003-3	11/24/2005	\$1.00
4/24/2024	2400381	2003-3	11/24/2005	\$1.00
4/24/2024	2400382	2003-3	11/24/2005	\$1.00
4/24/2024	2400383	2003-3	11/24/2005	\$1.00
4/24/2024	2400384	2003-3	11/24/2005	\$1.00
4/24/2024	2400385	2003-3	11/24/2005	\$1.00
4/24/2024	2400386	2003-3	11/24/2005	\$1.00
4/24/2024	2400387	2003-3	11/24/2005	\$1.00
4/24/2024	2400388	2003-3	11/24/2005	\$1.00
4/24/2024	2400389	2003-3	11/24/2005	\$1.00
4/24/2024	2400390	2003-3	11/24/2005	\$1.00

4/24/2024	2400391	2003-3	11/24/2005	\$1.00
4/24/2024	2400392	2003-3	11/24/2005	\$1.00
4/25/2024	2400393	2003-3	11/24/2005	\$1.00
4/25/2024	2400394	2003-3	11/24/2005	\$1.00
4/25/2024	2400395	2003-3	11/24/2005	\$1.00
4/25/2024	2400396	2003-3	11/24/2005	\$1.00
4/25/2024	2400397	2003-3	11/24/2005	\$1.00
4/25/2024	2400398	2003-3	11/24/2005	\$1.00
4/26/2024	2400399	2003-3	11/24/2005	\$1.00
4/26/2024	2400400	2003-3	11/24/2005	\$1.00
4/26/2024	2400401	2003-3	11/24/2005	\$1.00
4/26/2024	2400402	2003-3	11/24/2005	\$1.00
4/30/2024	2400404	2003-3	11/24/2005	\$1.00

Total amount for this withdraw \$91.00

Total amount for this account \$91.00

Total amount all accounts \$91.00

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 24021

Date: 5/1/2024

Bill To:

Office of Impact Fees
116 East Washington Street
Suite 100
Charles Town, WV 25414

Pay To:

Sheriff of Jefferson County
P.O. Box 9

Charles Town, WV 25414

P.O. Number

Vendor Number

Description

Amount

Impact Fee payments collected for month of April 2024 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582). \$91.00

Interest earned by the Office of Impact Fees General Account April 2024.

Impact Fee Process Numbers 2400313 through 2400404, inclusive. Within this range, there were 91 non-exempt impact fee payments.

Total: \$91.00

Notes/Comments: Transfer of funds into School Impact Fee Account (3107582).

Check Number: 1457

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

COPY

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Edwina Benites, Tina Branson, and Teresa Hendricks
FROM: Michelle Mason *DM*
DATE: Wednesday, May 1, 2024
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of April 2024.

This transfer consists of two components:

- Impact Fee Process Numbers **2400313** through **2400404**, inclusive. Within this range there were 25 non-exempt impact fee payments. This amounts to **\$15,403.00**.
- Interest earned by the Office of Impact Fees General Account in April 2024 amounts to **\$81.97**, of which **\$9.84** is attributed to fees collected for Law Enforcement.

As per the attached invoice, the total amount of this transfer is \$15,412.84.

Check # 1458



Account Withdraws
Office of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 1458

Trace 20240501:58251.1

Date 5/1/2024

Series 2

Recipient Sheriff of Jefferson County

Amount \$15,403.00

Account 3120120

Signature 1 Steve Stolipher

Signature 2 Sheriff Tom Hansen

Signature 3 Jacqueline C. Shadle

Notes: Transfer of Impact Fees From General Account for Law Enforcement Impact Fees Collected in April 2024.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
4/2/2024	2400313	2005-1	3/22/2005	\$0.00
4/2/2024	2400314	2005-1	3/22/2005	\$0.00
4/2/2024	2400315	2005-1	3/22/2005	\$0.00
4/4/2024	2400316	2005-1	3/22/2005	\$0.00
4/4/2024	2400317	2005-1	3/22/2005	\$0.00
4/4/2024	2400318	2005-1	3/22/2005	\$565.00
4/4/2024	2400319	2005-1	3/22/2005	\$565.00
4/4/2024	2400320	2005-1	3/22/2005	\$565.00
4/4/2024	2400321	2005-1	3/22/2005	\$636.00
4/5/2024	2400322	2005-1	3/22/2005	\$0.00
4/8/2024	2400323	2005-1	3/22/2005	\$636.00
4/9/2024	2400324	2005-1	3/22/2005	\$565.00
4/12/2024	2400325	2005-1	3/22/2005	\$0.00
4/12/2024	2400326	2005-1	3/22/2005	\$0.00
4/12/2024	2400327	2005-1	3/22/2005	\$0.00
4/12/2024	2400328	2005-1	3/22/2005	\$0.00
4/12/2024	2400329	2005-1	3/22/2005	\$0.00
4/12/2024	2400330	2005-1	3/22/2005	\$0.00
4/12/2024	2400331	2005-1	3/22/2005	\$565.00
4/12/2024	2400332	2005-1	3/22/2005	\$565.00
4/12/2024	2400333	2005-1	3/22/2005	\$0.00
4/12/2024	2400334	2005-1	3/22/2005	\$0.00
4/12/2024	2400335	2005-1	3/22/2005	\$0.00
4/12/2024	2400336	2005-1	3/22/2005	\$0.00
4/12/2024	2400337	2005-1	3/22/2005	\$0.00
4/12/2024	2400338	2005-1	3/22/2005	\$0.00
4/12/2024	2400339	2005-1	3/22/2005	\$0.00
4/12/2024	2400340	2005-1	3/22/2005	\$0.00
4/12/2024	2400341	2005-1	3/22/2005	\$0.00
4/12/2024	2400342	2005-1	3/22/2005	\$0.00

4/12/2024	2400343	2005-1	3/22/2005	\$0.00
4/12/2024	2400344	2005-1	3/22/2005	\$0.00
4/12/2024	2400345	2005-1	3/22/2005	\$636.00
4/12/2024	2400346	2005-1	3/22/2005	\$636.00
4/12/2024	2400347	2005-1	3/22/2005	\$636.00
4/12/2024	2400348	2005-1	3/22/2005	\$636.00
4/12/2024	2400349	2005-1	3/22/2005	\$636.00
4/12/2024	2400350	2005-1	3/22/2005	\$636.00
4/12/2024	2400351	2005-1	3/22/2005	\$636.00
4/12/2024	2400352	2005-1	3/22/2005	\$636.00
4/12/2024	2400353	2005-1	3/22/2005	\$636.00
4/23/2024	2400354	2005-1	3/22/2005	\$636.00
4/23/2024	2400355	2005-1	3/22/2005	\$636.00
4/23/2024	2400356	2005-1	3/22/2005	\$636.00
4/23/2024	2400357	2005-1	3/22/2005	\$636.00
4/23/2024	2400358	2005-1	3/22/2005	\$636.00
4/23/2024	2400359	2005-1	3/22/2005	\$636.00
4/23/2024	2400360	2005-1	3/22/2005	\$565.00
4/24/2024	2400361	2005-1	3/22/2005	\$0.00
4/24/2024	2400362	2005-1	3/22/2005	\$0.00
4/24/2024	2400363	2005-1	3/22/2005	\$0.00
4/24/2024	2400364	2005-1	3/22/2005	\$0.00
4/24/2024	2400365	2005-1	3/22/2005	\$0.00
4/24/2024	2400366	2005-1	3/22/2005	\$0.00
4/24/2024	2400367	2005-1	3/22/2005	\$0.00
4/24/2024	2400368	2005-1	3/22/2005	\$0.00
4/24/2024	2400369	2005-1	3/22/2005	\$0.00
4/24/2024	2400370	2005-1	3/22/2005	\$0.00
4/24/2024	2400371	2005-1	3/22/2005	\$0.00
4/24/2024	2400372	2005-1	3/22/2005	\$0.00
4/24/2024	2400373	2005-1	3/22/2005	\$0.00
4/24/2024	2400374	2005-1	3/22/2005	\$0.00
4/24/2024	2400375	2005-1	3/22/2005	\$0.00
4/24/2024	2400376	2005-1	3/22/2005	\$0.00
4/24/2024	2400377	2005-1	3/22/2005	\$0.00
4/24/2024	2400378	2005-1	3/22/2005	\$0.00
4/24/2024	2400379	2005-1	3/22/2005	\$0.00
4/24/2024	2400380	2005-1	3/22/2005	\$0.00
4/24/2024	2400381	2005-1	3/22/2005	\$0.00
4/24/2024	2400382	2005-1	3/22/2005	\$0.00
4/24/2024	2400383	2005-1	3/22/2005	\$0.00
4/24/2024	2400384	2005-1	3/22/2005	\$0.00
4/24/2024	2400385	2005-1	3/22/2005	\$0.00
4/24/2024	2400386	2005-1	3/22/2005	\$0.00
4/24/2024	2400387	2005-1	3/22/2005	\$0.00
4/24/2024	2400388	2005-1	3/22/2005	\$0.00
4/24/2024	2400389	2005-1	3/22/2005	\$0.00

4/24/2024	2400390	2005-1	3/22/2005	\$0.00
4/24/2024	2400391	2005-1	3/22/2005	\$0.00
4/24/2024	2400392	2005-1	3/22/2005	\$636.00
4/25/2024	2400393	2005-1	3/22/2005	\$0.00
4/25/2024	2400394	2005-1	3/22/2005	\$0.00
4/25/2024	2400395	2005-1	3/22/2005	\$0.00
4/25/2024	2400396	2005-1	3/22/2005	\$0.00
4/25/2024	2400397	2005-1	3/22/2005	\$0.00
4/25/2024	2400398	2005-1	3/22/2005	\$0.00
4/26/2024	2400399	2005-1	3/22/2005	\$0.00
4/26/2024	2400400	2005-1	3/22/2005	\$0.00
4/26/2024	2400401	2005-1	3/22/2005	\$0.00
4/26/2024	2400402	2005-1	3/22/2005	\$0.00
4/30/2024	2400404	2005-1	3/22/2005	\$0.00

Total amount for this withdraw \$15,403.00

Total amount for this account \$15,403.00

Total amount all accounts \$15,403.00

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice**Number:** 24022**Date:** 5/1/2024**Bill To:**

Office of Impact Fees
116 East Washington Street
Suite 100
Charles Town, WV 25414

Pay To:

Sheriff of Jefferson County
P.O. Box 9
Charles Town, WV 25414

P.O. Number**Vendor Number****Description****Amount**

Impact Fee payments collected for month of April 2024 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120).

\$15,403.00

Interest earned by the Office of Impact Fees General Account April 2024.

\$9.84

Impact Fee Process Numbers 2400313 through 2400404, inclusive. Within this range, there were 25 non-exempt impact fee payments.

Total: \$15,412.84**Notes/Comments: Transfer of funds into Law Enforcement Impact Fee Account (3120120).****Check Number: 1458**

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

COPY

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Edwina Benites, Tina Branson, and Teresa Hendricks
FROM: Michelle Mason *MM*
DATE: Wednesday, May 1, 2024
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks and Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks and Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of April 2024.

This transfer consists of two components:

- Impact Fee Process Numbers **2400313** through **2400404**, inclusive. Within this range there were 91 non-exempt impact fee payments. This amounts to **\$100,796.00**.
- Interest earned by the Office of Impact Fees General Account in April 2024 amounts to **\$81.97**, of which **\$62.30** is attributed to fees collected for Parks and Recreation.

As per the attached invoice, the total amount of this transfer is \$100,858.30.

Check # 1459



Account Withdraws
Office of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 1459

Trace 20240501:58316.86

Date 5/1/2024

Series 3

Recipient Sheriff of Jefferson County

Amount \$100,796.00

Account 3122808

Signature 1 Steve Stolipher

Signature 2 Sheriff Tom Hansen

Signature 3 Jacqueline C. Shadle

Notes: Transfer of Impact Fees From General Account for Parks and Rec Impact Fees Collected in April 2024.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
4/2/2024	2400313	2005-2	5/12/2005	\$1,006.00
4/2/2024	2400314	2005-2	5/12/2005	\$1,006.00
4/2/2024	2400315	2005-2	5/12/2005	\$1,006.00
4/4/2024	2400316	2005-2	5/12/2005	\$1,006.00
4/4/2024	2400317	2005-2	5/12/2005	\$1,006.00
4/4/2024	2400318	2005-2	5/12/2005	\$1,006.00
4/4/2024	2400319	2005-2	5/12/2005	\$1,006.00
4/4/2024	2400320	2005-2	5/12/2005	\$1,006.00
4/4/2024	2400321	2005-2	5/12/2005	\$1,131.00
4/5/2024	2400322	2005-2	5/12/2005	\$1,006.00
4/8/2024	2400323	2005-2	5/12/2005	\$1,131.00
4/9/2024	2400324	2005-2	5/12/2005	\$1,006.00
4/12/2024	2400325	2005-2	5/12/2005	\$1,006.00
4/12/2024	2400326	2005-2	5/12/2005	\$1,006.00
4/12/2024	2400327	2005-2	5/12/2005	\$1,006.00
4/12/2024	2400328	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400329	2005-2	5/12/2005	\$1,006.00
4/12/2024	2400330	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400331	2005-2	5/12/2005	\$1,006.00
4/12/2024	2400332	2005-2	5/12/2005	\$1,006.00
4/12/2024	2400333	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400334	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400335	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400336	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400337	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400338	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400339	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400340	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400341	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400342	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400343	2005-2	5/12/2005	\$1,131.00

4/12/2024	2400344	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400345	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400346	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400347	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400348	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400349	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400350	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400351	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400352	2005-2	5/12/2005	\$1,131.00
4/12/2024	2400353	2005-2	5/12/2005	\$1,131.00
4/23/2024	2400354	2005-2	5/12/2005	\$1,131.00
4/23/2024	2400355	2005-2	5/12/2005	\$1,131.00
4/23/2024	2400356	2005-2	5/12/2005	\$1,131.00
4/23/2024	2400357	2005-2	5/12/2005	\$1,131.00
4/23/2024	2400358	2005-2	5/12/2005	\$1,131.00
4/23/2024	2400359	2005-2	5/12/2005	\$1,131.00
4/23/2024	2400360	2005-2	5/12/2005	\$1,006.00
4/24/2024	2400361	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400362	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400363	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400364	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400365	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400366	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400367	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400368	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400369	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400370	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400371	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400372	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400373	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400374	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400375	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400376	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400377	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400378	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400379	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400380	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400381	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400382	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400383	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400384	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400385	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400386	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400387	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400388	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400389	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400390	2005-2	5/12/2005	\$1,131.00

4/24/2024	2400391	2005-2	5/12/2005	\$1,131.00
4/24/2024	2400392	2005-2	5/12/2005	\$1,131.00
4/25/2024	2400393	2005-2	5/12/2005	\$1,131.00
4/25/2024	2400394	2005-2	5/12/2005	\$1,131.00
4/25/2024	2400395	2005-2	5/12/2005	\$1,131.00
4/25/2024	2400396	2005-2	5/12/2005	\$1,131.00
4/25/2024	2400397	2005-2	5/12/2005	\$1,131.00
4/25/2024	2400398	2005-2	5/12/2005	\$1,131.00
4/26/2024	2400399	2005-2	5/12/2005	\$1,131.00
4/26/2024	2400400	2005-2	5/12/2005	\$1,131.00
4/26/2024	2400401	2005-2	5/12/2005	\$1,131.00
4/26/2024	2400402	2005-2	5/12/2005	\$1,131.00
4/30/2024	2400404	2005-2	5/12/2005	\$1,131.00

Total amount for this withdraw \$100,796.00

Total amount for this account \$100,796.00

Total amount all accounts \$100,796.00

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 24023

Date: 5/1/2024

Bill To:

Office of Impact Fees
116 East Washington Street
Suite 100
Charles Town, WV 25414

Pay To:

Sheriff of Jefferson County
P.O. Box 9

Charles Town, WV 25414

P.O. Number

Vendor Number

Description

Amount

Impact Fee payments collected for month of April 2024 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). \$100,796.00

Interest earned by the Office of Impact Fees General Account April 2024. \$62.30

Impact Fee Process Numbers 2400313 through 2400404, inclusive. Within this range, there were 91 non-exempt impact fee payments.

Total: \$100,858.30

Notes/Comments: Transfer of funds into Parks & Recreation Impact Fee Account (3122808).

Check Number: 1459

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

COPY

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Edwina Benites, Tina Branson, and Teresa Hendricks
FROM: Michelle Mason *DM*
DATE: Wednesday, May 1, 2024
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Emergency Services Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Emergency Services Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of April 2024.

This transfer consists of two components:

- Impact Fee Process Numbers **2400313** through **2400404**, inclusive. Within this range there were 91 non-exempt impact fee payments. This amounts to **\$10,608.00**.
- Interest earned by the Office of Impact Fees General Account in April 2024 amounts to **\$81.97**, of which **\$6.56** is attributed to fees collected for Emergency Services.

As per the attached invoice, the total amount of this transfer is \$10,614.56.

Check # 1460



Account Withdraws
Office of Impact Fees - Jefferson County Government

Account 3111776

EMS

Check Number 1460

Trace 20240501:58369.01

Date 5/1/2024

Series 4

Recipient Sheriff of Jefferson County

Amount \$10,608.00

Account 3122816

Signature 1 Steve Stolipher

Signature 2 Sheriff Tom Hansen

Signature 3 Jacqueline C. Shadle

Notes: Transfer of Impact Fees From General Account for EMS Impact Fees Collected in April 2024.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
4/2/2024	2400313	2005-3	5/12/2005	\$106.00
4/2/2024	2400314	2005-3	5/12/2005	\$106.00
4/2/2024	2400315	2005-3	5/12/2005	\$106.00
4/4/2024	2400316	2005-3	5/12/2005	\$106.00
4/4/2024	2400317	2005-3	5/12/2005	\$106.00
4/4/2024	2400318	2005-3	5/12/2005	\$106.00
4/4/2024	2400319	2005-3	5/12/2005	\$106.00
4/4/2024	2400320	2005-3	5/12/2005	\$106.00
4/4/2024	2400321	2005-3	5/12/2005	\$119.00
4/5/2024	2400322	2005-3	5/12/2005	\$106.00
4/8/2024	2400323	2005-3	5/12/2005	\$119.00
4/9/2024	2400324	2005-3	5/12/2005	\$106.00
4/12/2024	2400325	2005-3	5/12/2005	\$106.00
4/12/2024	2400326	2005-3	5/12/2005	\$106.00
4/12/2024	2400327	2005-3	5/12/2005	\$106.00
4/12/2024	2400328	2005-3	5/12/2005	\$119.00
4/12/2024	2400329	2005-3	5/12/2005	\$106.00
4/12/2024	2400330	2005-3	5/12/2005	\$119.00
4/12/2024	2400331	2005-3	5/12/2005	\$106.00
4/12/2024	2400332	2005-3	5/12/2005	\$106.00
4/12/2024	2400333	2005-3	5/12/2005	\$119.00
4/12/2024	2400334	2005-3	5/12/2005	\$119.00
4/12/2024	2400335	2005-3	5/12/2005	\$119.00
4/12/2024	2400336	2005-3	5/12/2005	\$119.00
4/12/2024	2400337	2005-3	5/12/2005	\$119.00
4/12/2024	2400338	2005-3	5/12/2005	\$119.00
4/12/2024	2400339	2005-3	5/12/2005	\$119.00
4/12/2024	2400340	2005-3	5/12/2005	\$119.00
4/12/2024	2400341	2005-3	5/12/2005	\$119.00
4/12/2024	2400342	2005-3	5/12/2005	\$119.00
4/12/2024	2400343	2005-3	5/12/2005	\$119.00

4/12/2024	2400344	2005-3	5/12/2005	\$119.00
4/12/2024	2400345	2005-3	5/12/2005	\$119.00
4/12/2024	2400346	2005-3	5/12/2005	\$119.00
4/12/2024	2400347	2005-3	5/12/2005	\$119.00
4/12/2024	2400348	2005-3	5/12/2005	\$119.00
4/12/2024	2400349	2005-3	5/12/2005	\$119.00
4/12/2024	2400350	2005-3	5/12/2005	\$119.00
4/12/2024	2400351	2005-3	5/12/2005	\$119.00
4/12/2024	2400352	2005-3	5/12/2005	\$119.00
4/12/2024	2400353	2005-3	5/12/2005	\$119.00
4/23/2024	2400354	2005-3	5/12/2005	\$119.00
4/23/2024	2400355	2005-3	5/12/2005	\$119.00
4/23/2024	2400356	2005-3	5/12/2005	\$119.00
4/23/2024	2400357	2005-3	5/12/2005	\$119.00
4/23/2024	2400358	2005-3	5/12/2005	\$119.00
4/23/2024	2400359	2005-3	5/12/2005	\$119.00
4/23/2024	2400360	2005-3	5/12/2005	\$106.00
4/24/2024	2400361	2005-3	5/12/2005	\$119.00
4/24/2024	2400362	2005-3	5/12/2005	\$119.00
4/24/2024	2400363	2005-3	5/12/2005	\$119.00
4/24/2024	2400364	2005-3	5/12/2005	\$119.00
4/24/2024	2400365	2005-3	5/12/2005	\$119.00
4/24/2024	2400366	2005-3	5/12/2005	\$119.00
4/24/2024	2400367	2005-3	5/12/2005	\$119.00
4/24/2024	2400368	2005-3	5/12/2005	\$119.00
4/24/2024	2400369	2005-3	5/12/2005	\$119.00
4/24/2024	2400370	2005-3	5/12/2005	\$119.00
4/24/2024	2400371	2005-3	5/12/2005	\$119.00
4/24/2024	2400372	2005-3	5/12/2005	\$119.00
4/24/2024	2400373	2005-3	5/12/2005	\$119.00
4/24/2024	2400374	2005-3	5/12/2005	\$119.00
4/24/2024	2400375	2005-3	5/12/2005	\$119.00
4/24/2024	2400376	2005-3	5/12/2005	\$119.00
4/24/2024	2400377	2005-3	5/12/2005	\$119.00
4/24/2024	2400378	2005-3	5/12/2005	\$119.00
4/24/2024	2400379	2005-3	5/12/2005	\$119.00
4/24/2024	2400380	2005-3	5/12/2005	\$119.00
4/24/2024	2400381	2005-3	5/12/2005	\$119.00
4/24/2024	2400382	2005-3	5/12/2005	\$119.00
4/24/2024	2400383	2005-3	5/12/2005	\$119.00
4/24/2024	2400384	2005-3	5/12/2005	\$119.00
4/24/2024	2400385	2005-3	5/12/2005	\$119.00
4/24/2024	2400386	2005-3	5/12/2005	\$119.00
4/24/2024	2400387	2005-3	5/12/2005	\$119.00
4/24/2024	2400388	2005-3	5/12/2005	\$119.00
4/24/2024	2400389	2005-3	5/12/2005	\$119.00
4/24/2024	2400390	2005-3	5/12/2005	\$119.00

4/24/2024	2400391	2005-3	5/12/2005	\$119.00
4/24/2024	2400392	2005-3	5/12/2005	\$119.00
4/25/2024	2400393	2005-3	5/12/2005	\$119.00
4/25/2024	2400394	2005-3	5/12/2005	\$119.00
4/25/2024	2400395	2005-3	5/12/2005	\$119.00
4/25/2024	2400396	2005-3	5/12/2005	\$119.00
4/25/2024	2400397	2005-3	5/12/2005	\$119.00
4/25/2024	2400398	2005-3	5/12/2005	\$119.00
4/26/2024	2400399	2005-3	5/12/2005	\$119.00
4/26/2024	2400400	2005-3	5/12/2005	\$119.00
4/26/2024	2400401	2005-3	5/12/2005	\$119.00
4/26/2024	2400402	2005-3	5/12/2005	\$119.00
4/30/2024	2400404	2005-3	5/12/2005	\$119.00

Total amount for this withdraw \$10,608.00

Total amount for this account \$10,608.00

Total amount all accounts \$10,608.00

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 24024

Date: 5/1/2024

Bill To:

Office of Impact Fees
116 East Washington Street
Suite 100
Charles Town, WV 25414

Pay To:

Sheriff of Jefferson County
P.O. Box 9

Charles Town, WV 25414

P.O. Number

Vendor Number

Description

Amount

Impact Fee payments collected for month of April 2024 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County EMS Impact Fees Bank Account (3122816). \$10,608.00

Interest earned by the Office of Impact Fees General Account April 2024. \$6.56

Impact Fee Process Numbers 2400313 through 2400404, inclusive. Within this range, there were 91 non-exempt impact fee payments.

Total: \$10,614.56

Notes/Comments: Transfer of funds into EMS Impact Fee Account (3122816).

Check Number: 1460

JEFFERSON COUNTY, WEST VIRGINIA
Engineering Department
Office of Impact Fees
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

COPY

Michelle Mason
Impact Fee Program Specialist

Phone: (304) 728-3331
Fax: (304) 728-3953
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Edwina Benites, Tina Branson, and Teresa Hendricks
FROM: Michelle Mason *MM*
DATE: Wednesday, May 1, 2024
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Administrative Facilities Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Administrative Facilities Impact Fee Account (Bank of Charles Town account 33182570)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of April 2024.

This transfer consists of two components:

- Impact Fee Process Numbers **2400313** through **2400404**, inclusive. Within this range there were 91 non-exempt impact fee payments. This amounts to **\$5,017.00**.
- Interest earned by the Office of Impact Fees General Account in April 2024 amounts to **\$81.97**, of which **\$3.27** is attributed to fees collected for Administrative Facilities.

As per the attached invoice, the total amount of this transfer is \$5,020.27.

Check # 1461



Account Withdraws
Office of Impact Fees - Jefferson County Government

Account 3111776

Admin. Facilities

Check Number 1461

Trace 20240501:58426.79

Date 5/1/2024 Series 5

Recipient Sheriff of Jefferson County
Amount \$5,017.00

Account 33182570
Signature 1 Steve Stolipher
Signature 2 Sheriff Tom Hansen
Signature 3 Jacqueline C. Shadle

Notes: Transfer of Impact Fees From General Account for Admin. Facilities Impact Fees Collected in April 2024.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
4/2/2024	2400313	2021-1	8/5/2021	\$47.00
4/2/2024	2400314	2021-1	8/5/2021	\$47.00
4/2/2024	2400315	2021-1	8/5/2021	\$47.00
4/4/2024	2400316	2021-1	8/5/2021	\$47.00
4/4/2024	2400317	2021-1	8/5/2021	\$47.00
4/4/2024	2400318	2021-1	8/5/2021	\$47.00
4/4/2024	2400319	2021-1	8/5/2021	\$47.00
4/4/2024	2400320	2021-1	8/5/2021	\$47.00
4/4/2024	2400321	2021-1	8/5/2021	\$57.00
4/5/2024	2400322	2021-1	8/5/2021	\$47.00
4/8/2024	2400323	2021-1	8/5/2021	\$57.00
4/9/2024	2400324	2021-1	8/5/2021	\$47.00
4/12/2024	2400325	2021-1	8/5/2021	\$47.00
4/12/2024	2400326	2021-1	8/5/2021	\$47.00
4/12/2024	2400327	2021-1	8/5/2021	\$47.00
4/12/2024	2400328	2021-1	8/5/2021	\$57.00
4/12/2024	2400329	2021-1	8/5/2021	\$47.00
4/12/2024	2400330	2021-1	8/5/2021	\$57.00
4/12/2024	2400331	2021-1	8/5/2021	\$47.00
4/12/2024	2400332	2021-1	8/5/2021	\$47.00
4/12/2024	2400333	2021-1	8/5/2021	\$57.00
4/12/2024	2400334	2021-1	8/5/2021	\$57.00
4/12/2024	2400335	2021-1	8/5/2021	\$57.00
4/12/2024	2400336	2021-1	8/5/2021	\$57.00
4/12/2024	2400337	2021-1	8/5/2021	\$57.00
4/12/2024	2400338	2021-1	8/5/2021	\$57.00
4/12/2024	2400339	2021-1	8/5/2021	\$57.00
4/12/2024	2400340	2021-1	8/5/2021	\$57.00
4/12/2024	2400341	2021-1	8/5/2021	\$57.00
4/12/2024	2400342	2021-1	8/5/2021	\$57.00

4/12/2024	2400343	2021-1	8/5/2021	\$57.00
4/12/2024	2400344	2021-1	8/5/2021	\$57.00
4/12/2024	2400345	2021-1	8/5/2021	\$57.00
4/12/2024	2400346	2021-1	8/5/2021	\$57.00
4/12/2024	2400347	2021-1	8/5/2021	\$57.00
4/12/2024	2400348	2021-1	8/5/2021	\$57.00
4/12/2024	2400349	2021-1	8/5/2021	\$57.00
4/12/2024	2400350	2021-1	8/5/2021	\$57.00
4/12/2024	2400351	2021-1	8/5/2021	\$57.00
4/12/2024	2400352	2021-1	8/5/2021	\$57.00
4/12/2024	2400353	2021-1	8/5/2021	\$57.00
4/23/2024	2400354	2021-1	8/5/2021	\$57.00
4/23/2024	2400355	2021-1	8/5/2021	\$57.00
4/23/2024	2400356	2021-1	8/5/2021	\$57.00
4/23/2024	2400357	2021-1	8/5/2021	\$57.00
4/23/2024	2400358	2021-1	8/5/2021	\$57.00
4/23/2024	2400359	2021-1	8/5/2021	\$57.00
4/23/2024	2400360	2021-1	8/5/2021	\$47.00
4/24/2024	2400361	2021-1	8/5/2021	\$57.00
4/24/2024	2400362	2021-1	8/5/2021	\$57.00
4/24/2024	2400363	2021-1	8/5/2021	\$57.00
4/24/2024	2400364	2021-1	8/5/2021	\$57.00
4/24/2024	2400365	2021-1	8/5/2021	\$57.00
4/24/2024	2400366	2021-1	8/5/2021	\$57.00
4/24/2024	2400367	2021-1	8/5/2021	\$57.00
4/24/2024	2400368	2021-1	8/5/2021	\$57.00
4/24/2024	2400369	2021-1	8/5/2021	\$57.00
4/24/2024	2400370	2021-1	8/5/2021	\$57.00
4/24/2024	2400371	2021-1	8/5/2021	\$57.00
4/24/2024	2400372	2021-1	8/5/2021	\$57.00
4/24/2024	2400373	2021-1	8/5/2021	\$57.00
4/24/2024	2400374	2021-1	8/5/2021	\$57.00
4/24/2024	2400375	2021-1	8/5/2021	\$57.00
4/24/2024	2400376	2021-1	8/5/2021	\$57.00
4/24/2024	2400377	2021-1	8/5/2021	\$57.00
4/24/2024	2400378	2021-1	8/5/2021	\$57.00
4/24/2024	2400379	2021-1	8/5/2021	\$57.00
4/24/2024	2400380	2021-1	8/5/2021	\$57.00
4/24/2024	2400381	2021-1	8/5/2021	\$57.00
4/24/2024	2400382	2021-1	8/5/2021	\$57.00
4/24/2024	2400383	2021-1	8/5/2021	\$57.00
4/24/2024	2400384	2021-1	8/5/2021	\$57.00
4/24/2024	2400385	2021-1	8/5/2021	\$57.00
4/24/2024	2400386	2021-1	8/5/2021	\$57.00
4/24/2024	2400387	2021-1	8/5/2021	\$57.00
4/24/2024	2400388	2021-1	8/5/2021	\$57.00
4/24/2024	2400389	2021-1	8/5/2021	\$57.00

4/24/2024	2400390	2021-1	8/5/2021	\$57.00
4/24/2024	2400391	2021-1	8/5/2021	\$57.00
4/24/2024	2400392	2021-1	8/5/2021	\$57.00
4/25/2024	2400393	2021-1	8/5/2021	\$57.00
4/25/2024	2400394	2021-1	8/5/2021	\$57.00
4/25/2024	2400395	2021-1	8/5/2021	\$57.00
4/25/2024	2400396	2021-1	8/5/2021	\$57.00
4/25/2024	2400397	2021-1	8/5/2021	\$57.00
4/25/2024	2400398	2021-1	8/5/2021	\$57.00
4/26/2024	2400399	2021-1	8/5/2021	\$57.00
4/26/2024	2400400	2021-1	8/5/2021	\$57.00
4/26/2024	2400401	2021-1	8/5/2021	\$57.00
4/26/2024	2400402	2021-1	8/5/2021	\$57.00
4/30/2024	2400404	2021-1	8/5/2021	\$57.00

Total amount for this withdraw \$5,017.00

Total amount for this account \$5,017.00

Total amount all accounts \$5,017.00

Jefferson County Commission

P.O. Box 250
 Charles Town, WV 25414

Invoice

Number: 24025

Date: 5/1/2024

Bill To:

Office of Impact Fees
 116 East Washington Street
 Suite 100
 Charles Town, WV 25414

Pay To:

Sheriff of Jefferson County
 P.O. Box 9

 Charles Town, WV 25414

P.O. Number**Vendor Number****Description****Amount**

Impact Fee payments collected for month of April 2024 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Administrative Facilities Impact Fees Bank Account (33182570).

\$5,017.00

Interest earned by the Office of Impact Fees General Account April 2024.

\$3.27

Impact Fee Process Numbers 2400313 through 2400404, inclusive. Within this range, there were 91 non-exempt impact fee payments.

Total: \$5,020.27

Notes/Comments: Transfer of funds into Administrative Facilities Impact Fee Account (33182570).

Check Number: 1461

Please Run 2 Times:
May 22 and 29, 2024

NOTICE OF PUBLIC HEARING
Thursday, June 6, 2024 at 11:00 am

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the properties designated as Tax District: Kabletown (06), Map: 12, Parcels: 12.6 & 12.7. The properties are part of the Sunnyside Industrial Park on Kanawha Lane, located south of Wheatland Road. The property owner of these two lots is Cochran Mill Road LLC.; the combined Parcel Size is 20.20 acres. The properties are currently zoned Industrial-Commercial (IC) and a petition has been made to the County Commission by the property owner to change the zoning classification from Industrial-Commercial to Residential-Light Industrial-Commercial (RLIC) (Planning Commission File #24-1-Z).

The hearing will be held on **Thursday, June 6, 2024 at 11:00 am** in the County Commission Meeting Room located in the Charles Town Library, 200 E. Washington St, Charles Town. This meeting will also be available live through GoToWebinar. Invites will be posted on Facebook and sent through 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/planningdepartment@jeffersoncountywv.org or visit the County's website: www.jeffersoncountywv.org.

By Order of the Jefferson County Commission
Steve Stolipher, President



IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

Re: Administrative Order Concerning Appointment of Home Confinement Officer

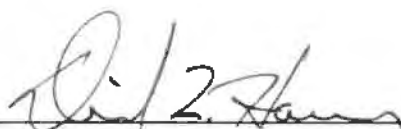
Order No. 24-AD 30

Pursuant to Order No. 18-AD-27 dated September 26, 2018, the Sheriff of Jefferson County is authorized to appoint Special Deputy Kathleen O'Connor as a home confinement officer serving at the will and pleasure of the Sheriff.

The Clerk shall place this Order with the Administrative orders and send true copies to the Sheriff of Jefferson County and the Jefferson County Commission.

It is so ORDERED.

Entered: May 8, 2024


David M. Hammer, Judge of the Circuit Court of Jefferson County, West Virginia

4 CC

- JCSO
- Jefferson Co. Commission (Seraycia Fitts, Admin Asst)
- E.G. II
- K O'Connor

5/9/24
AK