

PRESIDENT  
*Pasha Majdi*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Mike Mood*

COMMISSIONER  
*Steve Stolipher*

MEETING AGENDA  
JEFFERSON COUNTY COMMISSION

Thursday, December 4, 2025

Commission meeting: 9:30 a.m.

County Commission Meeting Room

393 N. Lawrence Street, Charles Town, WV—please use East Entrance

**Zoom Broadcast (live):**

<https://us06web.zoom.us/j/86386828386?pwd=eYzsN6ylC0YcsQ8xMs7xP4K4QxKZQ6.1>

Meeting ID: 863 8682 8386

Passcode: 424077

The Commission will accept public comments for fifteen minutes at the beginning of each meeting. Should public comment exceed the fifteen-minute threshold, the Commission will hear the remaining public comments after the final agenda item.

Public comments is accepted in person or via email- [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

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**I. Call to Order**

**II. Prayer** – Moment of silence

**III. Pledge of Allegiance**

**IV. Pledge of Allegiance to the West Virginia 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.*

**V. Consent Agenda**

1. Approval of Minutes

- a. November 6, 2025 Regular Meeting DRAFT Minutes (pgs. 5-16)
- b. November 20, 2025 Regular Meeting DRAFT Minutes (pgs. 16-42)

2. Approval of Accounts Payable:

- a. November 20, 2025                   \$ 591,266.92
- b. November 26, 2025                   \$ 704,081.79

3. Approval of Manual Checks:

- a. November 20, 2025 \$ 1,348,428.84
- b. November 26, 2025 \$ 1,085.10

4. Approval of Payroll:

- a. November 21, 2025 \$ 509,236.01

5. Approval of Requisitions: (pg. 43)

- a. December 4, 2025 \$ 163,317.70

6. Approval of Hire: (pgs. 44-45)

- a. Approval of Employee Change in Status – Full-time to Part-time – Jefferson County Department of Emergency Communications

**VI. Announcements**

*Please note:*

- Draft minutes are included in the meeting packet. Draft meeting minutes are often also available separately online. See both here:  
<https://www.jeffersoncountywv.org/find-it-fast/agendas-minutes-and-webcasts>
- Jefferson County Commission spending syncs with West Virginia Checkbook (<https://www.wvcheckbook.gov/>) daily. A complete list of publicly available information, and tutorials on using the site, are available online.

Report if there are changes in the agenda if applicable.

**VII. Public Comment**

To participate in public comment in person, please sign the public comment sign-in sheet located on the table in the entrance of the room. Please note the agenda item for which you are speaking and your home address.

Please feel free to submit comments via email to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org). Your name and any written comments submitted for the record will be included in the minutes.

**VIII. Regular Agenda- It is expected that all items will include discussion and possible action**

**New Business**

- 1. 9:40 am Years of Service Awards
- 2. 9:45 am Jobs & Hope WV Graduation (pgs.46-47)
- 3. 10:00 pm WV Code 7-3-3, Sale of county or district property (Majdi) (pgs. 48-

54)

4. 10:30 am Nikki Painter, Jefferson County Clerk's Office (pgs. 55-59)
  - 4.1 List of estates opened, accountings, and waivers of final settlement received since November 2025
  
5. 10:35 am Tom Hansen, Jefferson County Sheriff and Treasurer (pgs. 60-61)
  - 5.1 Home incarceration program update/ decision
  - 5.2 Administrative assistant new hire
  - 5.3 Part-time Trip Guard Hire request
  
6. 10:45 am Boards and Commissions (pgs. 63-64)
  - 6.1 Consider appointments, membership, and make up of Jefferson County Civil Service Commission
  - 6.2 Consider appointments, membership, and make up of Jefferson County Audit RFP Review Committee
  - 6.3 Agri-Tourism Task Force
  
7. 11:00 am Laura Kuhn, director Jefferson County Fleet and Facilities (pgs. 65-66)
  - 7.1 Request for approval to proceed with purchase of 2010 KME LFD Predator Pumper
  
8. 11:05 am Jessica James, chief human resources officer (pgs. 67-73)
  - 8.1 Approval of Memorandum of Understanding (MOU) with Blue Ridge Community and Technical College (BRCTC) – Learn and Earn Apprenticeship Partnership
  
9. 11:10 am Roger Goodwin, director of Engineering, Planning, and Zoning (pgs. 74-124)
  - 9.1 Report on 55+ Age Restricted Communities- Exemption from School Impact Fees
  - 9.2 Public hearing regarding the proposed Historic Resources text amendment to the Subdivision Regulations
  - 9.3 Historic Resources text amendment to the Subdivision Regulations
  
10. 11:30 am David Bound, chief financial officer (pgs. 125-134)
  - 10.1 Commission Ambulance Fee exonerations
  - 10.2 Request for Proposals (RFP) for Annual Jefferson County Commission Audit for FY 25
  - 10.3 CDAR Renewal
  - 10.4 Grants
    - 9.4.1 T-Mobile Hometown Grant
    - 9.4.2 CSX Pride in Service Grant
    - 9.4.3 Request for Proposals (RFP) for America250 Mural
  
11. 11:50 am Edwina Benites-LM, county administrator (pgs. 135-145)

- 11.1 To set the annual public hearing on the operations of the Jefferson County Emergency Services Agency within Jefferson County
- 11.2 2026 Meeting Schedule
- 11.3 2026 Holiday Schedule
- 11.4 Annual review- county administrator

**IX. Additional public comment.**

**CORRESPONDENCE** (pgs. 146-148)

Dr. Manual Gomez email

# Minutes

## Jefferson County Commission

Thursday, November 6, 2025

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A meeting of the Jefferson County Commission was held on Thursday, November 6, 2025, during the fourth quarterly session at 393 N. Lawrence Street, Charles Town, WV at 9:00 am. The meeting was held via Zoom and in-person. Present were President Pasha Majdi, Vice President Mike Mood, Commissioner Steve Stolipher, Commissioner Cara Keys, and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; and Nathan Cochran, Assistant Prosecuting Attorney. The archived meeting of the Thursday, November 6, 2025, meeting is available on the Jefferson County Commission website.

### Moment of Silence

### Pledge of Allegiance

### Pledge of allegiance to the West Virginia flag

### V. Consent agenda

#### 1. APPROVAL OF MINUTES

The following item was approved without objection:

- October 16, 2025 Regular Meeting Minutes DRAFT
- October 24, 2025 Special Meeting Minutes DRAFT

#### 2. APPROVAL OF ACCOUNTS PAYABLE

The following items were approved without objection:

- Accounts payable for October 16, 2025 \$277,154.53

CHECK NUMBER		VENDOR NAME	UNCLEARED
93299		ATLANTIC EMERGENCY SOLUTIONS, INC.	1,945.62
93300		BAKERTON VOLUNTEER FIRE DEPARTMENT	917.24
93301		BEGIN COUNSELING PLLC	1,911.42
93302		BERKELEY CLUB BEVERAGES	139.41
93303		BOLAND TRANE SERVICES INC	1,837.00

93304		CHANCE BOEHNING	360.00
93305		CHIEF TECHNOLOGIES	2,068.00
93306		COX HOLLIDA YOUNG PLLC	10,000.00
93307		DIGITAL DOCUMENT SOLUTIONS INC	752.88
93308		FRONTIER	13,602.54
93309		GUTTMAN OIL CO	11,928.29
93310		J.C. EHRLICH	979.32
93311		JAMIE GREEN	1,192.83
93312		JEFFERSON COUNTY SOLID WASTE AUTHORITY	24.38
93313		JEFF CO PARKS & RECREATION COMMISSION	20,627.77
93314		JOSEPH BURWELL	488.77
93315		KAREN OLDEN	2,126.71
93316		KIDWELLS PLUMBING & HEATING	1,700.00
93317		KONE BROOKLYN	1,809.75
93318		LORI BROWN	4,402.15
93319		MCA, INC	12,781.18
93320		MILLENIUUM INSURANCE GROUP	250.00
93321		MILLENIUUM INSURANCE GROUP	900.00
93322		MOBILE WIRELESS LLC	1,960.00
93323		MORRIS & DICKSON CO	2,184.40
93324		NAPA AUTO PARTS	3,839.33
93325		POTOMAC EDISON	10,227.70
93326		R.E. MICHEL CO. LLC	38.90
93327		RETIREE HEALTH BENEFIT TRUST	8,689.00
93328		RICE TIRES CO	1,528.92
93329		RICOH USA INC	576.63
93330		ROBERTS OXYGEN COMPANY, INC	2,180.91
93331		SHERRIE FARMER	360.00
93332		SOFTWARE SYSTEMS INC	1,469.95
93333		SPIRIT OF JEFFERSON	4,317.12
93334		STAPLES	3,446.25
93335		UNIFIRST	449.66
93336		VALLEY HEALTH EMPLOYER HEALTH	35.00
93337		WV BUREAU OF EMPLOYMENT UNEMPLOYMENT COMP. DIV.	14,916.75
93338		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	91,453.61
93339		GENERAL COUNTY FUND - J FEE	14,856.26
93340		WV STATE AUDITOR	17,480.00
93341		SHERIFF OF JEFFERSON COUNTY	2,100.95
93342		PAYMENTUS CORP	120.45
93343		SHERIFF OF JEFFERSON COUNTY	2,177.48
<b>TOTAL</b>			<b>277,154.53</b>

- Accounts payable for October 23, 2025 \$726,003.39

CHECK NUMBER		VENDOR NAME	UNCLEARED
93345		ADKINS AUTOMOTIVE LLC	135.00

93346		AT&T	2,462.64
93347		ATLANTIC EMERGENCY SOLUTIONS, INC.	5,266.55
93348		AUTOZONE	44.07
93349		BEST BEST & KRIEGER LLP	1,072.50
93350		BOUND TREE MEDICAL LLC	1,214.50
93351		BRYAN PERKINS	5,164.86
93352		BUREAU OF CHILD SUPPORT	943.43
93353		CHERI VEST	568.30
93354		COMPTROLLER OF MARYLAND	1,826.06
93355		EFTPS IRS TAXES	181,805.65
93356		EMPOWER RETIREMENT	8,257.26
93357		ENTERPRISE FM TRUST	55,574.24
93358		HIGHMARK WV	50,808.03
93359		IRON MOUNTAIN	246.97
93360		JEFFERSON CO CONVENTION AND VISITORS BUREAU	51,211.09
93361		JEFFERSON SECURITY BANK	3,448.00
93362		JOHN LINDSTROM	225.40
93363		KATHRYN KING	2,739.60
93364		LORI BROWN	420.00
93365		MAZZITTI & SULLIVAN EAP	1,305.00
93366		MCA, INC	6,139.40
93367		MCKESSON MEDICAL-SURGICAL GOVERMENT SOLUTIONS LLC	1,172.49
93368		MICHAEL JOSEPH BERNA	450.00
93369		MORRIS & DICKSON CO	47.38
93370		NATIONWIDE RETIREMENT SOLUTIONS	865.00
93371		PA SCDU	320.00
93372		PRIORITY DISPATCH	25,600.00
93373		REBECCA F BURNS	520.14
93374		ROACH OIL COMPANY	760.75
93375		ROBERTS OXYGEN COMPANY, INC	236.52
93376		SCOTT BILLER	1,560.61
93377		SOFTWARE SYSTEMS INC	94.00
93378		SPIRIT OF JEFFERSON	102.62
93379		STATE TAX DEPARTMENT	250.00
93380		US BANK	79,395.40
93381		WITMER PUBLIC SAFETY GROUP INC	391.00
93382		WV DEPUTY SHERIFF RETIREMENT SYSTEM	34,332.53
93383		WV EMERGENCY MEDICAL SERVICES RETIREMENT SYSTEM	83,275.03
93384		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	50,647.41
93385		WV STATE TAX DEPARTMENT	47,360.02
93386	FG/009	BERKELEY CO SHERIFF OFFICE	2,006.86
93387	FG/009	MARTINSBURG POLCE DEPARTMENT	7,225.91
93388	FG/009	RANSON POLICE DEPARTMENT	737.07
93389	FG/009	SHERIFF OF GRANT COUNTY	564.20
93390	AM/053	AXIOM STAFFING GROUP	3,210.35
93391	AM/053	GLOBAL SCIENCE & TECHNOLOGY INC.	1,800.00
93392	AM/053	PAYMENTUS CORP	98.55

93393	AM/053	SHERIFF OF JEFFERSON COUNTY	2,101.00
<b>TOTAL</b>			<b>726,003.39</b>

- Accounts payable for October 30, 2025 \$124,245.17

CHECK NUMBER		VENDOR NAME	UNCLEARED
93394		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	1,719.90
93395		AT&T BILL PAYMENT	1.33
93396		AUTOZONE	21.77
93397		BERKELEY CLUB BEVERAGES	70.00
93398		BOLAND TRANE SERVICES INC	298.00
93399		CARRIE ORR	3,112.75
93400		DIGITAL DOCUMENT SOLUTIONS INC	1,143.08
93401		EPTA-EASTERN PANHANDLE TRANSIT AUTHORITY	33,008.72
93402		FEDEX	228.74
93403		FRIENDSHIP VOLUNTEER FIRE DEPARTMENT	1,800.00
93404		GRANICUS INC.	14,139.26
93405		GUTTMAN OIL CO	11,692.16
93406		INDEPENDENT VOLUNTEER FIRE DEPARTMENT	2,400.00
93407		IRON MOUNTAIN	244.41
93408		KAYLA WHETSTONE	28.55
93409		LANGUAGE LINE SERVICES	44.00
93410		MARNEY TREESE	650.00
93411		MICHAEL MONAGHAN	135.00
93412		MIDDLEWAY VOLUNTEER FIRE DEPARTMENT	8,401.29
93413		POTOMAC EDISON	32,745.92
93414		R.E. MICHEL CO. LLC	87.49
93415		RICE TIRES CO	3,014.50
93416		DR. ROBERT E. JONES III	1,000.00
93417		SHANNON BURLETT	1,551.50
93418		SHEPHERDSTOWN VOLUNTEER FIRE DEPARTMENT	1,600.00
93419		SPIRIT OF JEFFERSON	1,742.62
93420		STEPHEN PFORR	135.00
93421		TEK ADVISORS LLC	3,004.35
93422		UNIFIRST	224.83
<b>TOTAL</b>			<b>124,245.17</b>

### **3. APPROVAL OF MANUAL CHECKS**

The following items were approved without objection:

- Manual checks for October 16, 2025 \$197,931.13

October 16, 2025			
OTHER FUNDS			
Check #	Fund	Vendor	Amount
355	DG/003	SHERIFF OF JEFFERSON COUNTY	\$ 393.80
982	HD/008	ALLIED UNIVERSAL ELECTRONIC MONITORING US	\$ 3,641.60
983	HD/008	D-TRAX, LLC	\$ 544.00
1270	AV/056	GLOBAL SCIENCE & TECHNOLOGY INC.	\$ 12,996.00
391	FP/057	JEFFERSON CO FARMLAND PROTECTION BOARD	\$ 179,225.73
13	TC/077	UNTIED WAY- EASTERN PANHANDLDE INC	\$ 25.00
430	WV/369	SHERIFF OF JEFFERSON COUNTY	\$ 1,105.00
<b>TOTAL</b>			<b>\$ 197,931.13</b>

- Manual checks for October 23, 2025 \$26,212.37

October 23, 2025			
OTHER FUNDS			
Check #	Fund	Vendor	Amount
984	HD/008	US BANK	\$ 92.16
1271	AV/056	SEGRA	\$ 463.74
1272	AV/056	US BANK	\$ 990.19
1953	CO/246	ATLANTIC EMERGENCY SOLUTIONS INC	\$ 6,309.49
1954	CO/246	US BANK	\$ 18,356.79
<b>TOTAL</b>			<b>\$ 26,212.37</b>

- Manual checks for October 30, 2025 \$740,367.65

October 30, 2025			
OTHER FUNDS			

Check #	Fund	Vendor	Amount
629	CS/008	EASTERN PANHANDLE MENTAL HEALTH CENTER	\$ 600.00
1955	CO/246	BIG SKY CONSTRUCTION	\$ 37,250.00
1956	CO/246	SOUTHERN AIR INC	\$ 4,302.70
1542	IP/249	SHERIFF OF JEFFERSON COUNTY- SCHOOL IMPACT	\$ 504,928.36
1543	IP/249	SHERIFF OF JEFFERSON COUNTY- LAW ENFORCEMENT IMPACT	\$ 8,440.95
1544	IP/249	SHERIFF OF JEFFERSON COUNTY- PARK & REC IMPACT	\$ 95,848.29
1545	IP/249	SHERIFF OF JEFFERSON COUNTY- EMS IMPACT	\$ 38,793.70
1546	IP/249	SHERIFF OF JEFFERSON COUNTY- ADMIN IMPACT	\$ 50,203.65
<b>TOTAL</b>			<b>\$ 740,367.65</b>

#### 4. APPROVAL OF PAYROLL

The following item was approved without objection:

- Approval of payroll for October 24, 2025 \$512,247.45

#### 5. APPROVAL OF REQUISITIONS

- Requisitions for November 6, 2025 \$1,160,013.13

DEPARTMENT	REQUISITION NO.	PURCHASE ORDER NO.	AMOUNT	VENDOR	DESCRIPTION
JCESA					
FLEETS AND MAINTENANCE	26078		\$ 750,750.00	ZMM ARCHITECTS & ENGINEER	INV # 2025070-1 Professional s
	26077		225,000.00	ZMM ARCHITECTS & ENGINEER	INV # 2025069-1 Prof services
	26091		10,372.42	SOUTHERN AIR	HVAC 393 LAWRENCE
COMMS CENTER	26079		11,489.00	PRIORITY DISPATCH	PRIORITY DISPATCH ANNUAL MAINT
IT	26086		6,290.00	TEK ADVISORS LLC	Wi-fi Build for VLAN 215
	26089		12,083.96	JACKSON CONCRETE	POLE BARN SLAB
	26090		66,402.50	ALLSTATE TOWER INC	50% DEPOSIT SHEPHERDSTOWN TOWER
COMMISSION	26084		28,642.25	WVCORP WV COUNTIES SELF INSURANCE RISK	WV 019 202 502 5864 MOUNTAIN P
	26080		14,983.00	TARGETSOLUTIONS LEARNING, LLC	ANNUAL MAINTENANCE TRAINING MA
	26075		34,000.00	COX HOLLIDA YOUNG PLLC	PROFESSIONAL FEES FINANCIAL
GRAND TOTAL			\$ 1,160,013.13		

## **6. APPROVAL OF HIRE**

The following item was approved without objection.

- Approval of Kevin Culihan as Building Inspector I for the Jefferson County Department of Engineering, Planning and Zoning at a Grade 5, full-time, 70-hour position, with an annual salary of \$51,105.60, effective Sunday, November 9, 2025.

### **PUBLIC COMMENT:**

#### **Public comment was received by:**

Jacquelyn Milliron

Amanda Stroud

David Tabb

Colin Stine

#### **Points of information to be entered into the record:**

- (1) Jacquelyn Milliron stated that ambulance service across the county has been downgraded. That is inaccurate. (Majdi)
- (2) David Tabb stated that he is a taxpayer. He has not paid his ambulance fee in 6 years. (Majdi)
- (3) David Tabb has been barred from suing the County Commission by the court system because he has filed so many frivolous lawsuits that the courts found it appropriate to bar him from filing any more frivolous lawsuits. This is yet another example in frivolity. (Majdi)
- (4) It was stated during public comment that the JCESA has no facility. That is false. The JCESA does have a facility. (Majdi)
- (5) It was stated during public comment that none of the ambulances are staffed. That is false. (Majdi)
- (6) Jacquelyn Milliron stated that the Commission plans to close down Bakerton Fire Hall. This is false. The Commission does not have the authority to close down Bakerton Fire hall. It is a privately owned company. (Stolipher)
- (7) \*amended\* David Tabb falsely stated that Commissioner Hefestay was in attendance at a JCESA meeting making comments about the county budget and prevented a citizen from making a comment. Commissioner Hefestay attests that he has never attended a JCESA meeting nor has he ever told a citizen that they were unable to comment. Commissioner Hefestay asserts that the meeting Mr. Tabb is referring to was an LEPC meeting not a JCESA meeting. (Hefestay)
- (8) There is a statutory requirement in code that the agenda be posted at the county courthouse on the bulletin board. This has been done faithfully. (Hefestay)

### **PRESENTATIONS**

1. Angela Banks, Jefferson County Assessor

#### **Exonerations:**

Commissioner Stolipher motioned to approve the tax exoneration as presented. The motion was seconded by Commissioner Keys and approved unanimously.

2. Presentations: Years of Service Awards

- Cara Keys –Jefferson County Commissioner, 1 year of service
- Jack Hefestay – Jefferson County Commissioner, 1 year of service
- Tara Vann – Emergency Services Communication, 1 year of service

3. Nikki Painter, Jefferson County Clerk’s Office

***Commissioner Stolipher motioned to convene as a Fiduciary Review Board. The motion was seconded by Commissioner Mood and approved without objection.***

Monthly Review of New Estates, Accountings and Waivers of Final Settlements

Commissioner Stolipher motioned to approve the list of estates opened since October 2025 and closure of the estates that have met all statutory requirements. The motion was seconded by Commissioner Keys and approved unanimously.

Set Fiduciary Commissioner Fee Schedule

Commissioner Stolipher motioned to approve the Fiduciary Commissioner fee schedule as presented. The motion was seconded by Commissioner Hefestay and approved unanimously.

***Commissioner Mood motioned to reconvene in regular session. The motion was seconded by Commissioner Stolipher and approved without objection.***

4. Jennifer Myers, director Jefferson County Parks and Recreation

Informational presentation on 2025 Summer Programming and current park project updates

***The agenda item was informational only. No action was taken.***

5. Roger Goodwin, Director of Engineering, Planning, and Zoning

Sheetz, INC-Sheetz Augustine Avenue file #21-4-SP request for complete bond release

Commissioner Keys motioned to authorize the complete release of the above referenced Performance Bond 30163406 issued in the amount of \$2,010,345.00. The motion was seconded by Commissioner Hefestay and approved by a vote of (4-0). ***Commissioner Stolipher recused himself from voting on this agenda item.***

A-Zone Environmental Services, LLC-Burr Business Park Lot 31 file#22-13-SP request for complete bond release

Commissioner Mood motioned to authorize the complete release of the above referenced Performance Bond GM218175 issued in the amount of \$315,182.00. The motion was seconded by Commissioner Stolipher and approved unanimously.

Request Approval to amend Administrative Facilities Impact Fees-FY 2026 Capital Improvement Plan

Commissioner Majdi motioned to approve the Administrative Facilities-FY 2026 Capital Improvement Plan-Amendment No. 1 as presented. The motion was seconded by Commissioner Hefestay and approved unanimously.

Request Approval to amend Parks and Recreation Impact Fees – FY 2026 Capital Improvement Plan

Commissioner Keys motioned to approve the Parks and Recreation-FY 2026 Capital Improvement Plan-Parks and Recreation No. 1, as presented. The motion was seconded by Commissioner Hefestay and approved unanimously.

6. Consideration of Residential Impact Fee Adjustments for 55+ Communities

*No formal action was taken regarding this agenda item.*


7. Jack Hefestay, county commissioner

Review public comment policy and consider options for future use

Commissioner Majdi motioned to amend the Agenda Policy by incorporating the unofficial public comment policy and to include the following changes: (1) Public comments should be tied to an agenda item, and commenters should state what agenda item is being referenced. (2) There will be a 15 minute overall time limit for public comment at the beginning of the meeting. The remainder of public comments, and public comments not directly tied to an agenda item will be heard at the end of regular business. (3) A town hall like format will be held 30 minutes before Thursday evening meetings. (4) Participants in public comment must note their home address. The motion was seconded by Commissioner Hefestay. The motion was approved unanimously.

8. Jefferson County Health Department (Hefestay)

Rule change to the Jefferson County Board of Health Rules, Policies and Procedures to exempt temporary food establishments regarding a certified Food Protection Manager

 Commissioner Hefestay motioned to approve the change the amendment of Section 4.2 Food Workers would change the first line of section 4.2 from “FOOD PROTECTION

MANAGERS-EFFECTIVE AUGUST 30, 2019, WHENEVER FOOD IS BEING PREPARED OR SERVED IN FOOD ESTABLISHMENTS (INCLUDING TEMPORARY FOOD ESTABLISHMENTS), THE “PERSON IN CHARGE” ON THE PREMISIS SHALL BE A CURRENTLY CERTIFIED FOOD PROTECTION MANAGER THROUGH ONE OF THE WV APPROVED ANSI/CFP-ACCREDITED FOOD PROTECTION MANAGER CERTIFICATION PROGRAMS. A WAIVER OF THIS REQUIREMENT MAY BE MADE FOR TEMPORARY FOOD VENDORS SERVING ONLY PREPACKAGED FOODS IF THEY POSSESS A CURRET JEFFERSON COUNTY OR WEST VIRGINIA STATEWIDE *FOOD HANDLER CARD.*” TO “*FOOD PROTECTION MANAGERS-EFFECTIVE DECEMBER 1, 2025, WHENEVER FOOD IS BEING PREPARED OR SERVED IN FOOD ESTABLISHMENTS (EXCEPT TEMPORARY FOOD ESTABLISHMENTS PER WV 64CSR17), THE “PERSON IN CHARGE” ON THE PREMISIS SHALL BE A CURRENTLY CERTIFIED FOOD PROTECTION MANAGER THROUGH ONE OF THE WV APPROVED ANSI-CFP-ACCREDITED FOOD PROTECTION MANAGER CERTIFICATION PROGRAMS.*” This amendment is to keep Jefferson County Health Department in line with WV64CSR17. The motion was seconded by Commissioner Mood and approved unanimously.

9. CASA Eastern Panhandle, Michelle Sudduth (Majdi)

Jefferson County Update

***The agenda item was informational only. No action was taken.***

10. WVU Extension (Stolipher)

***Presentation was rescheduled for a later date TBD.***

11. Jessica James, chief human resources officer

Appointment of Acting Director, Acting Deputy Director-Jefferson County Emergency Services Agency

Commissioner Keys motioned to approve the appointment of John Lyons as acting director of the Jefferson County Emergency Services Agency, effective Thursday, October 23, 2025, and per Administrative policy 212: Compensation During Temporary Assignment, approve a temporary increase in salary to \$93,782 effective Sunday, November 2, 2025 until the position of Director has been filled. The motion was seconded by Commissioner Hefestay and approved unanimously.

Commissioner Keys motioned to approve the appointment of Craig Horn as acting deputy director of the Jefferson County Emergency Services Agency, effective Thursday, October 23, 2025. The motion was seconded by Commissioner Mood and approved unanimously.

Review/Approval of Job Description-Director-Jefferson County Emergency Services Agency

Commissioner Keys motioned to approve the revised job description for the position of Director of the Jefferson County Emergency Services Agency as presented. The motion was seconded by Commissioner Mood and approved unanimously.

Repeal of “Referral Bonus” from October 2022 – Jefferson County Emergency Communications/Approval of Salary Increase Request

Commissioner Majdi motioned to rescind the October 2022 action authorizing a \$200 employee referral bonus for Jefferson County Emergency Communications employees and approve a \$0.05 per hour wage adjustment for the three employees who were recently eligible for the referral bonus, to include: Lisa Dutko, James Hayden and Carrie Orr. The motion was seconded by Commissioner Hefestay and approved unanimously.

12. Gabriel Areizaga, chief technology officer

Jefferson County Microsoft 365, Migration to jefcowv.gov and Multifactor Authentication RFP

Commissioner Stolipher motioned to authorize the release of an RFP for Jefferson County’s IT modernization initiative. This included domain consolidation under jefcowv.gov, migration to Microsoft 365 (primarily E1 licensing), Azure AD deployment, and implementation of a FIPS 201-compliant PIV smart card system. Vendors will be required to propose both cloud and on-prem options for Certificate Authority, DNS, and DHCP, and provide lifecycle cost modeling, training and support. The motion was seconded by Commissioner Keys and approved unanimously.

13. David Bound, chief financial officer

Ambulance fee Exonerations

Commissioner Majdi motioned to approve the Commission Ambulance Fee adjustments and exonerations as presented. The motion was seconded by Commissioner Stolipher and approved unanimously.

14. Edwina Benites-LM, county administrator

Letter of Support-CASA WV First

***The agenda item was informational only. No action was taken.***

Washington Street Properties Update-City of Charles Town

Commissioner Stolipher motioned to approve an RFP for a surveyor as a next step for the Washington Street properties. The motion was seconded by Commissioner Keys and approved unanimously.

Newsletter Alert Update

*The agenda item was informational only. No action was taken.*

Future of Fire Service: Next Steps

*The agenda item was informational only. No action was taken.*

15. Nathan Cochran, Prosecuting Attorney's Office

Report by legal counsel on minor boundary issue between Berkeley and Jefferson County (Berkeley County Circuit Court Case No. CC-02-2025-P-423)

*The agenda item was informational only. No action was taken.*

**Adjourn**

Having no further business, Commissioner Majdi motioned to adjourn the meeting. The motion was seconded and unanimously approved. The Commission adjourned at 1:30 p.m.

\_\_\_\_\_  
Jacqueline Shadle, County Clerk

## **Minutes**

### **Jefferson County Commission**

**Thursday, November 20, 2025**

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A town hall and meeting of the Jefferson County Commission was held on Thursday, November 20, 2025, during the fourth quarterly session at 393 N. Lawrence Street, Charles Town, WV at 5:30 pm. The meeting was held via Zoom and in-person. Present were President Pasha Majdi, Vice President Mike Mood, Commissioner Steve Stolipher, Commissioner Cara Keys, and Commissioner Jack Hefestay. Also present were Edwina Benites-LM, County Administrator; and Nathan Cochran, Assistant Prosecuting Attorney. The archived town hall and meeting of the Thursday, November 20, 2025, meeting is available on the Jefferson County Commission website.

#### **Moment of Silence**

#### **Pledge of Allegiance**

#### **Pledge of allegiance to the West Virginia flag**

#### **V. Consent agenda**

##### **1. APPROVAL OF MINUTES**

The following item will be considered for approval at a future meeting.

- November 6, 2025 Regular Meeting Minutes DRAFT

##### **2. APPROVAL OF ACCOUNTS PAYABLE**

The following items were approved without objection:

- Accounts payable for November 6, 2025                   \$ 771,610.54
- Accounts payable for November 13, 2025               \$ 114,649.14

##### **3. APPROVAL OF MANUAL CHECKS**

The following items were approved without objection:

- Manual checks for November 6, 2025 \$ 960,931.50
- Manual checks for November 13, 2025 \$ 199.50

**4. APPROVAL OF PAYROLL**

The following item was approved without objection:

- Approval of payroll for November 7, 2025 \$ 497,402.54

**5. APPROVAL OF REQUISITIONS**

- Requisitions for November 20, 2025 \$ 118,038.82

**6. APPROVAL OF HIRE**

The following item was approved without objection.

- Approval to hire Shaun Pacetti as a Deputy Clerk with the Jefferson County Clerk’s office with a starting salary of \$49,000. Her start date would be December 8, 2025, and she will be an 80-hour employee. This expense is within budget.
- Approval to amend the motion to hire Kevin Culihan as Building Inspector I for the Jefferson County Department of Engineering, Planning, and Zoning, which is a Grade 5, full-time, 80 hour position, with an annual salary of \$51,105.60, effective Sunday, November 9, 2025.
- Approval to hire Chris Wood as a Facilities Helper for the Jefferson County Department of Fleet and Facilities Management, which is a Grade-4, full-time, 80-hour position with an annual salary of \$45,000, effective Sunday, November 30, 2025.

**PUBLIC COMMENT:**

**Public comment was received by:**

Jacquelyn Milliron

Christine Wimer

David Tabb

Amanda Stroud

Jeff Johnson

**POINTS OF INFORMATION:**

- David Tabb stated that the commission is violating his constitutional rights. Those claims are frivolous as Mr. Tabb has been barred by the courts of Jefferson County from bringing lawsuits against the commission based on spurious claims. (Majdi)
- Jacquelyn Milliron stated that the county commission is raising water rates. The county commission has no control over water rates. The Charles Town Utility board sets the water rates, and we have among the highest in the country. (Majdi)
- It was also claimed that the commission is withholding information. The commission asserts that we are the most transparent county commission in history as partially evidenced by our town halls. (Majdi)
- Christine Wimer stated that most towns do not have a time limit for public comment. According to the current sitting mayors in Jefferson county, there are time limits for public comment. (Majdi)
- David Tabb also stated that the commission has always wanted to remove public comment. Commissioner Stolipher asserts that is false, and that there has been public comment as long as he has been a commissioner. (Stolipher)

## PRESENTATIONS

1. Angela Banks, Jefferson County Assessor

### Exonerations:

Commissioner Majdi motioned to approve the tax exoneration as presented. The motion was seconded by Commissioner Mood and approved unanimously.

### Assessor's additional duty money

Commissioner Stolipher motioned to acknowledge the assessor's additional duty money. The motion was seconded by Commissioner Mood and approved unanimously.

2. Thomas Hansen, Jefferson County Sheriff and Treasurer

### Approval of Hire-Bailiff-Jefferson County Sheriff's Office

Commissioner Stolipher motioned to approve the hire of Russell Dorsey as a part-time Bailiff beginning November 24, 2025 with a starting salary of 19.50 per hour. The motion was seconded by Commissioner Keys and approved unanimously.

### Auction Update

***The agenda item was informational only. No action was taken.***

### Home Incarceration Program Update/Decision

Commissioner Stolipher motioned to table the agenda item until the next meeting. The motion was seconded by Commissioner Hefestay and approved unanimously.

Approval of Hire-Administrative Assistant-Jefferson County Sheriff's Office

Commissioner Hefestay motioned to approve the advertisement of the deputy clerk position. The motion was seconded by Commissioner Mood and approved unanimously.

3. CTUB Expansion Plans (Majdi)

***Commissioner Stolipher motioned to enter into executive session to receive legal advice. The motion was seconded by Commissioner Mood and approved unanimously.***

***Commissioner Stolipher motioned to return to regular session. The motion was seconded by Commissioner Keys and approved unanimously.***

***No formal action was taken regarding this agenda item.***

4. Discussion on the Summit Point Motorsports Complex package water/sewer plant with CTUB (Mood)

***No formal action was taken regarding this agenda item.***

5. Discussion/Action with JCDA on possible grant opportunity for Summit Point Motorsports Complex package water/sewer plant and possible PPP (public private partnership) (Mood)

Commissioner Mood motioned to instruct the JCDA to explore the grant opportunity at Summit Point water/sewer plant and a possible public/private partnership. The motion was seconded by Commissioner Majdi and approved unanimously.

6. Boards and Commissions

Consider appointments, membership, and make-up of the Jefferson County Civil Service Commission

The following applicant was interviewed:

- Willard Liston (Mood)

***Appointment to the Jefferson County Civil Service Commission was deferred to the next meeting.***

7. Laura Kuhn, director Jefferson County Fleet and Facilities

Request for approval of a partial floor plan and permission to proceed with associated renovations at 393 North Lawrence Street

Commissioner Mood motioned to approve the partial floor plan that includes the County Clerk and the Fleet & Facilities area at 393 North Lawrence Street, with the IT department relocating to the building as soon as possible to work on the necessary IT infrastructure and with the Fleet & Facilities Department completing the required construction work. The motion was seconded by Commissioner Hefestay and approved unanimously.

8. Roger Goodwin, director of Engineering, Planning and Zoning

Request to schedule a Public Hearing regarding the proposed (1) amendment to the Office of Commercial Zoning District text of the Zoning Ordinance, (2) Residential Commercial Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations, and (3) Rural Residential Zoning District text amendment to the Zoning Ordinance and Subdivision Regulations

Commissioner Stolipher motioned to schedule a Public Hearing on January 22, 2026, regarding the (1) Office Commercial Zoning District text amendment to the Zoning Ordinance File: ZTA25-05, (2) Residential Commercial Zoning District text amendment to the Subdivision Regulations and Zoning Ordinance File: STA25-04 and ZTA25-04, and (3) Rural Residential Zoning District text amendment to the Subdivision Regulations and Zoning Ordinance File: STA25-03 and ZTA25-03. The motion was seconded by Commissioner Keys and approved unanimously.

9. Edwina Benites-LM, county administrator

Dry Hydrants

Commissioner Majdi motioned to pursue a collaboration with Region 9 regarding dry hydrant grants. The motion was seconded by Commissioner Hefestay and approved unanimously.

***The agenda item was informational only. No action was taken.***

Updated Agenda Policy

***The agenda item was informational only. The commission sought no additional changes. No action was taken.***

Coffee Carts/Jefferson County Development Authority

Commissioner Majdi motioned to direct the county administrator to contact the JCDA to determine their interest in acquiring the carts. If interest exists, the JCDA should submit a plan outlining proposed purchase, ownership, and ongoing management of the carts for the Commission's consideration. The motion was seconded by Commissioner Mood and approved unanimously.

Hospice Proclamation

Commissioner Majdi motioned to adopt the proclamation as presented. The motion was seconded by Commissioner Hefestay and approved unanimously.

**ADDITIONAL PUBLIC COMMENT:**

**Additional public comment was received by:**

Tanawah M. Downing

Jessica Saxton

**Adjourn**

Having no further business, Commissioner Majdi motioned to adjourn the meeting. The motion was seconded and unanimously approved. The Commission adjourned at 8:34 p.m.

\_\_\_\_\_  
Jacqueline Shadle, County Clerk

## Jefferson County Commission November 20, 2025 Meeting Public Comment

--offered by Jacquelyn Milliron

1. **Item 8.3:** Doubling the dwelling count on rural residential parcels and decreasing important setbacks on rural lots is an invitation for urban sprawl. The doubling of plats has precipitated the need for the ordinance to include utility scale water and sewer infrastructure with the addition of quadplexes where single family homes were designed to be clustered with space on well and septic. The community explains its desire to sustain its rural character within the 2045 Comprehensive Plan. Is it the desire of this commission to assist in leveraging monopoly private utilities to produce the highest water and sewer rates in the universe all on the backs of the Jefferson ratepayers. If so, then this is the little seed that could. Let's face it, this change isn't going to be middle ground for a developer. If developers want to maximize profit, they aren't likely going to mess around with 16 quadplexes on 20 acres. They are going to rezone and replat to put up townhomes and sell them for \$300,000+ each—words from a licensed contractor. This will create disorderly development within the rural residential zone. It will be the final blow turning Jefferson into the cesspool that some of you ran away from in a different life.
2. **FOIA:** I want to thank the County Clerk's office for a timely response to a FOIA submitted October 2025. It was completed in less than 5 days per West Virginia Code 29B.

Apparently, this commission has decided to put my FOIA for EMS response times in the same hopper that still holds a 511-day FOIA request from last year. Is withholding this government information requested by citizens so important that you must break the law? Is violating code a special privilege you possess? You can spare us the moral outrage the next time you recite Jerry McGuire movie lines at a townhall meeting.

We are reminded at the national level of the what the weaponization of withholding information looks like—and the why part seems to be self-evident. I think the people of Jefferson deserve to see a little sunshine on the history of the ordinance rewrite committee which unethically met behind closed doors to change the face of the county. This commission spent a good sum of tax dollars on that information and it perhaps relates to the items on your agenda today. Whether you agree or not. Whether there is something to hide. It doesn't matter. We the people are entitled to that transparency. You made a campaign promise and it is your duty. Peace for all in this county has become more important than prosperity for some at the expense of others.

## Public Comment for Jefferson County Commission for November 20, 2025

I, **David Tabb**, a lifelong resident/taxpayer make the following comments on Agenda Item V. (1) Approval of Minutes:

I, David Tabb would like to thank this County Commission for reading the entire rules related to “Public Comment Policy” (for your records: draft minutes dated 11-6-25, item #7). Within the text, it was clearly stated that public comment is to be directed to the County Commission, as a whole. It’s also clear, the County Commission cannot address any speaker during the proceedings and must address the public as a whole, not any one individual.

“Public Comment Policy”<sup>1</sup> *does not* limit the scope of what one can voice their concerns as long as the subject matter pertains to the County Commission’s handling of business and use of the taxpayer’s money or redirection of funds from their intended use.

The public has the “Constitutional Right” to address the Jefferson County Commission on any matter that their direction has affected the public.

The Jefferson County Commission has attempted for many years to remove the “Public Comment Policy” and once again, without the proper posting/notice.

The full scope of what was going to be reviewed/amended, within the by-laws of any county, state commission and or agency, must first post the proposed text amendments and have a hearing before any changes. This County Commission is not following the by-laws that were created by the people of this county and state.

The Jefferson County Commission has once again, prematurely adopted text changes to policies without first posting and holding a hearing prior to any text amendments/change or approving the minutes.

***Mr. Tabb encourages everyone to read the italicized statement below:***

*“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 Government is 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.*

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<sup>1</sup> Public Comment is a policy that is written within the by-laws.

Have a nice day!


**AFFIDAVIT:**

David C. Tabb came and appeared before me, the undersigned notary, Amanda S. Bennett, resident of Berkeley Co., in the State of West Virginia made his statement and affidavit upon affirmation of belief that the facts set forth are true and correct to the best of his knowledge.

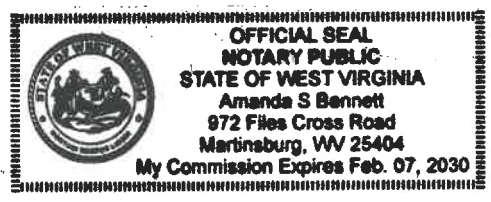
DATED this 20th day of November, 2025

  
\_\_\_\_\_  
David C. Tabb

Sworn and subscribed before me this 20th day of November, 2025

  
\_\_\_\_\_  
Notary

My commission expires: 2/7/2030



# Town Hall & Discussion



## BALANCING GROWTH

Deeper Dive into understanding residential growth in Jefferson County





# SOME COMMON MISCONCEPTIONS OR COMMON FEEDBACK

DENSITY RELATED ISSUES

WHERE IS THE GROWTH & WHY?

CAPTURING IMPACT FEES

RESIDENTIAL GROWTH IS OUT OF CONTROL

“WE NEED TO DOWNZONE THESE PROPERTIES”

ZONING LAWS SURROUNDING WHO APPROVES & TIMELINES

# 2008 RECESSION

The 2008 recession, also known as the Great Recession, had a significant and lasting impact on the real estate market, including leaving behind empty or abandoned developments.

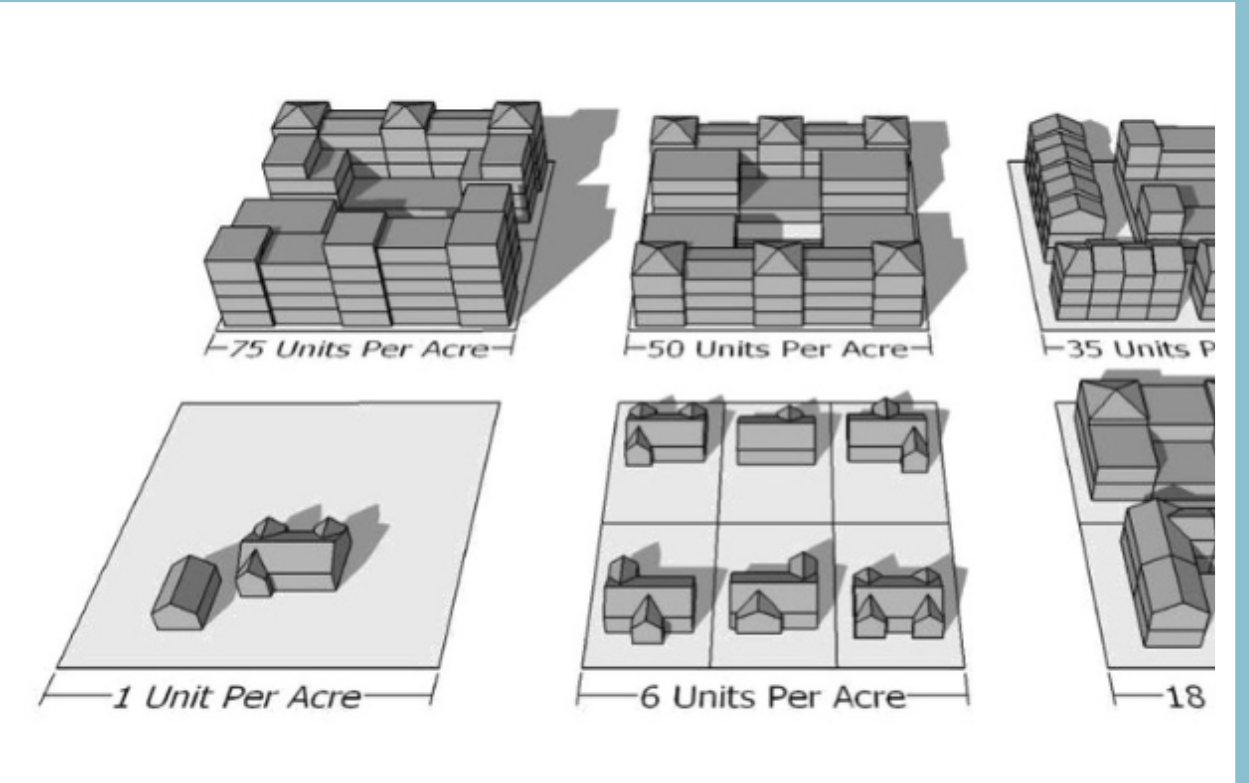
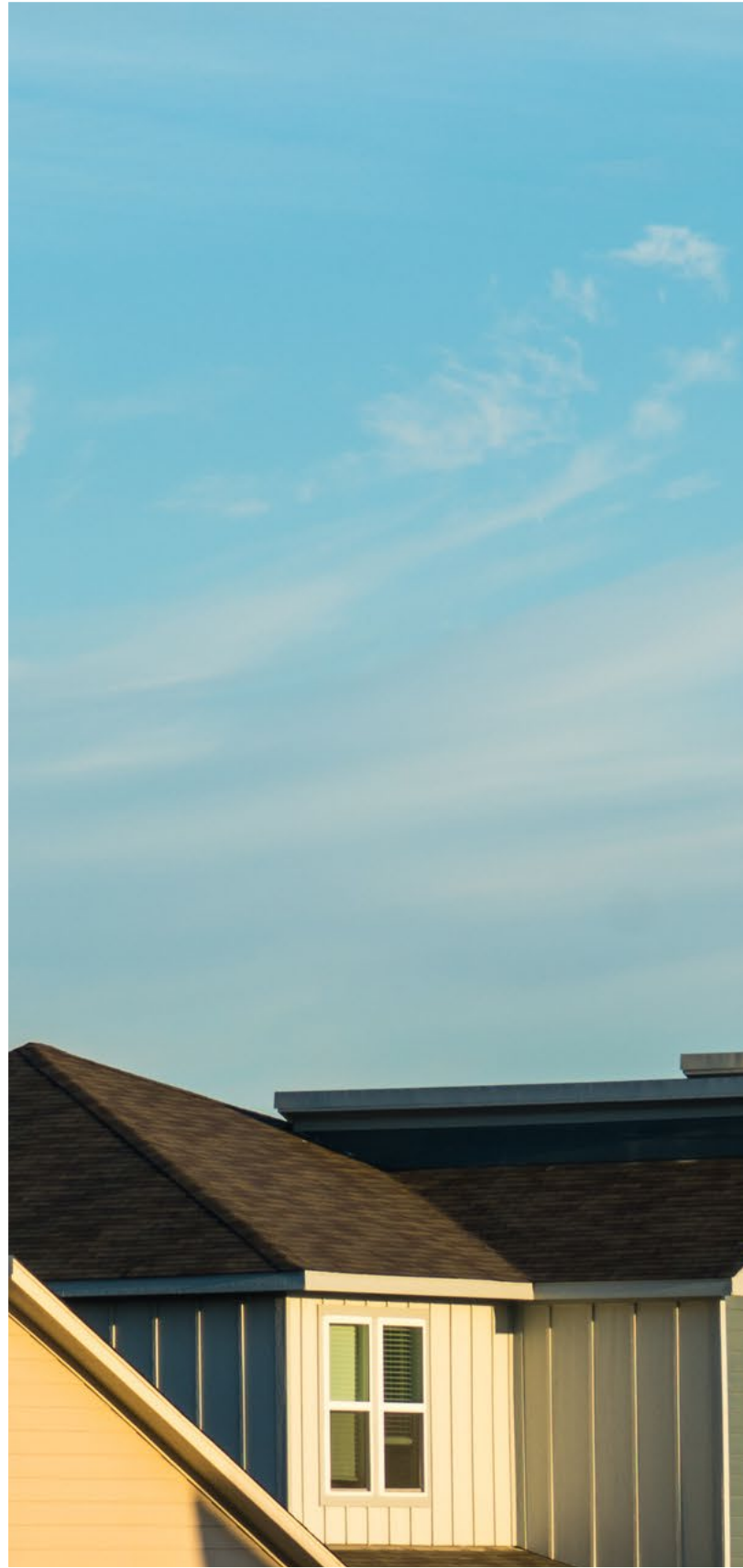
## *Case Studies*

- *Large Subdivisions in Charles Town and Ranson: Prior to the 2008 crisis, major subdivisions within the city boundaries of Charles Town or Ranson, including Huntfield, Norborne Glebe, or Fairfax Crossing, received approvals. While approvals were in place, construction on many of these projects was halted or never started due to the economic downturn.*

# ZONING LAWS

● DENSITY

● LEGAL ISSUES WITH VESTED OR EXISTING PROPERTY RIGHTS



The number of dwellings or units within a specific area, typically measured per acre or per square mile. It essentially quantifies the intensity of development in a particular location. Density is a crucial factor in urban planning and development, impacting various aspects of a community, including housing availability, infrastructure needs, and overall livability.

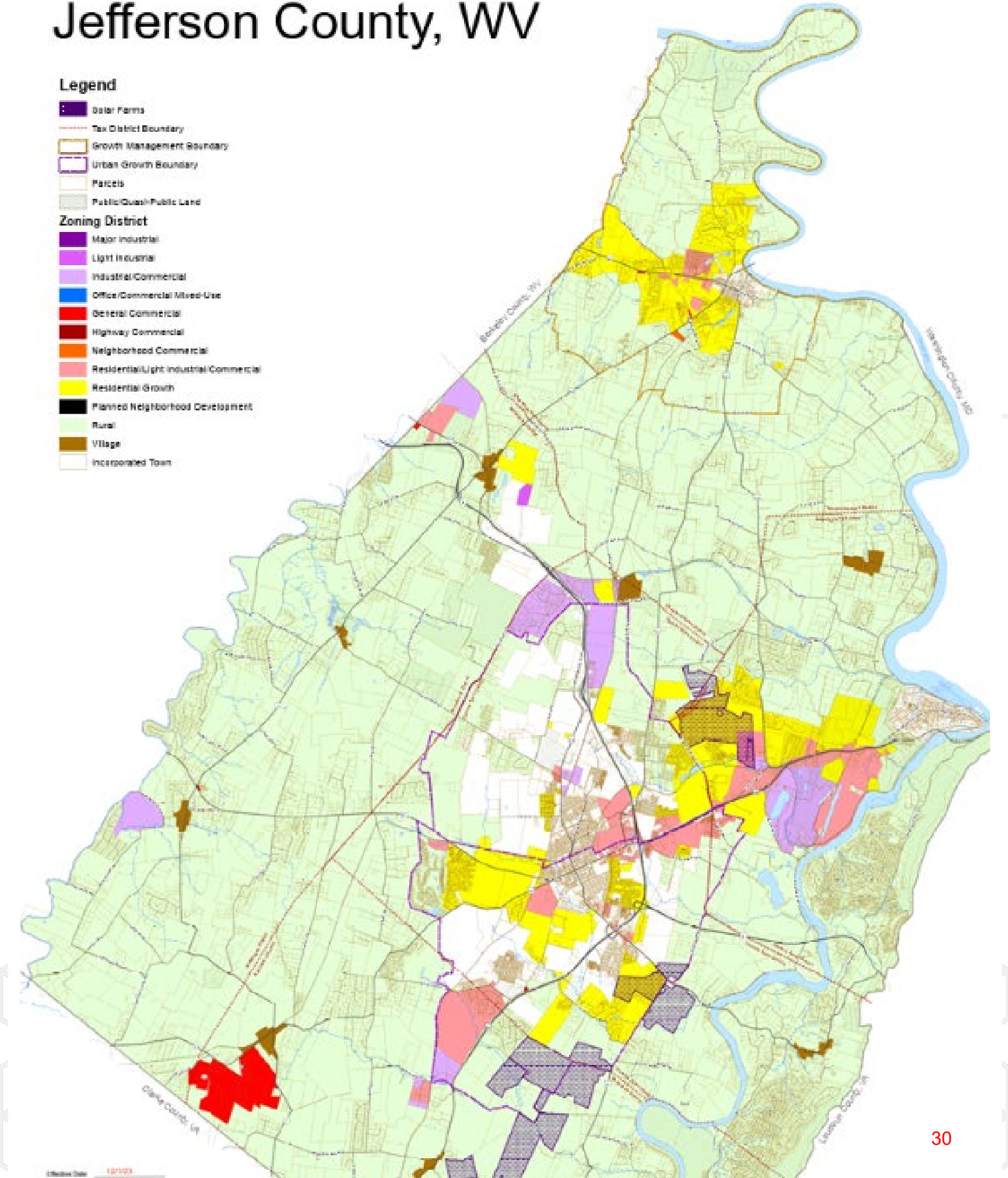
# 2023 Zoning Map Jefferson County, WV

## SOME NOTEWORTHY JEFFERSON COUNTY ZONING CLASSIFICATIONS



### Legend

- Dark Purple: Data Farms
- Red Dashed Line: Tax District Boundary
- Orange Dashed Line: Growth Management Boundary
- Purple Dashed Line: Urban Growth Boundary
- White: Parcels
- Grey: Public/Quasi-Public Land
- Zoning District**
- Dark Purple: Major Industrial
- Purple: Light Industrial
- Light Purple: Industrial/Commercial
- Blue: Office/Commercial Mixed-Use
- Red: General Commercial
- Dark Red: Highway Commercial
- Orange: Neighborhood Commercial
- Pink: Residential/Light Industrial Commercial
- Yellow: Residential Growth
- Black: Planned Neighborhood Development
- Light Green: Rural
- Brown: Village
- White: Incorporated Town



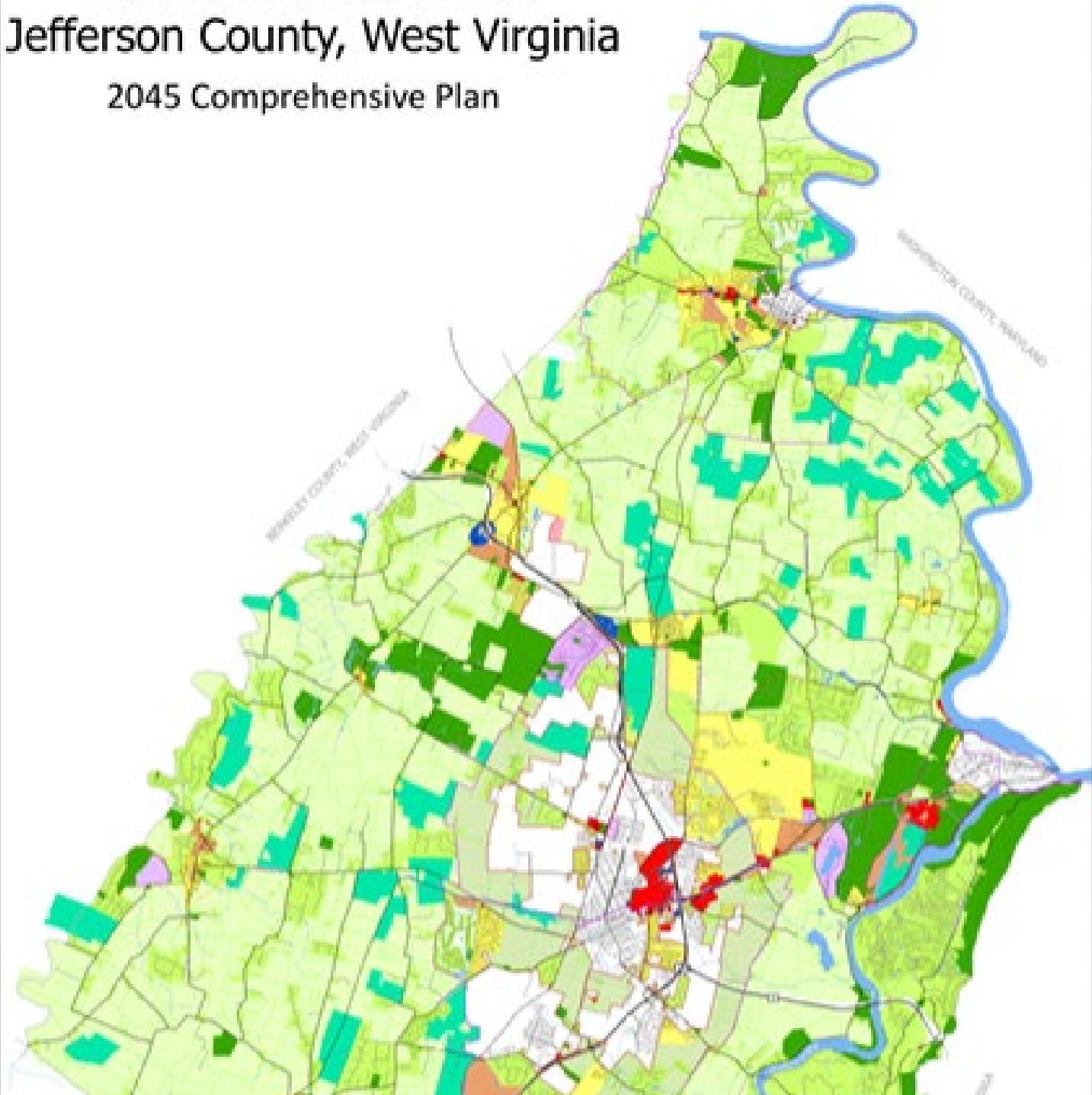
RESIDENTIAL  
LIGHT INDUSTRIAL  
COMMERCIAL  
OR "RLIC"

RESIDENTIAL  
GROWTH  
OR "RG"

TYPICALLY 3- 10 UNITS PER ACRE  
DEPENDENT ON STORMWATER,  
OPEN SPACE, CONNECTION TO  
PUBLIC UTILITIES, ETC.

# STEWARDS FOR OUR NEXT GENERATION

Future Land Use Guide  
Jefferson County, West Virginia  
2045 Comprehensive Plan



**COMMON SENSE  
GROWTH**

**COMPREHENSIVE  
PLAN**

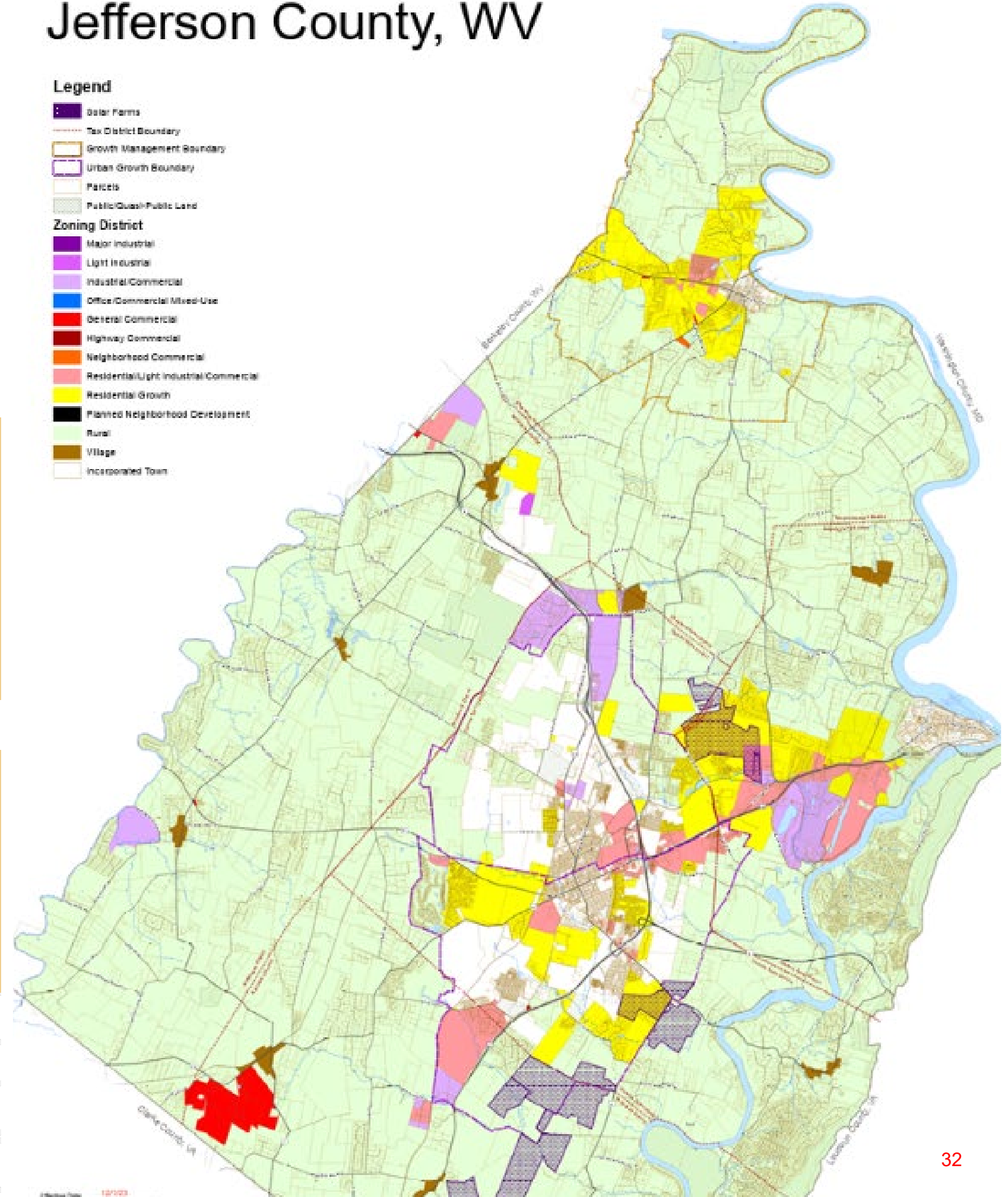
**MINDFUL OF  
UPZONING DECISIONS**

**IMPACT FEES**

# 2023 Zoning Map Jefferson County, WV

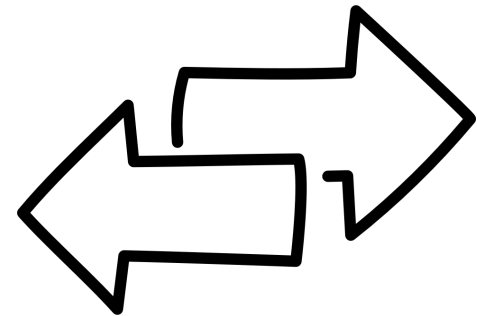
## Legend

-  Data Farms
-  Tax District Boundary
-  Growth Management Boundary
-  Urban Growth Boundary
-  Parcels
-  Public/Quasi-Public Land
- Zoning District**
-  Major Industrial
-  Light Industrial
-  Industrial/Commercial
-  Office/Commercial Mixed-Use
-  General Commercial
-  Highway Commercial
-  Neighborhood Commercial
-  Residential/Light Industrial Commercial
-  Residential Growth
-  Planned Neighborhood Development
-  Rural
-  Village
-  Incorporated Town



## RELATED UPCOMING PROPOSED TEXT AMMENDMENTS

RESIDENTIAL  
LIGHT INDUSTRIAL  
COMMERCIAL  
OR "RLIC"



RESIDENTIAL  
COMMERCIAL

ADDING LOWER  
DENSITY ZONE  
BETWEEN  
MUNICIPALITIES  
AND RURAL



RURAL  
RESIDENTIAL

# COUNTY & MUNICIPALITY ZONING



Residential Fees per Unit						
Development Type	County Admin	EMS	Law Enforcement	Parks and Recreation	School	Total
Single Family	\$668	\$509	\$394	\$1,179	\$6,772	\$9,522
Multi-Family	\$472	\$359	\$278	\$832	\$1,198	\$3,139

Nonresidential Fees per 1,000 Square Feet						
Development Type	County Admin	EMS	Law Enforcement	Parks and Recreation	School	Total
Light Industrial	\$295	\$119	\$119	\$0	\$0	\$532
Business Park	\$577	\$304	\$303	\$0	\$0	\$1,183
Manufacturing	\$355	\$116	\$116	\$0	\$0	\$587
Warehousing	\$63	\$42	\$42	\$0	\$0	\$146
Comm./Shopping Center	\$398	\$596	\$595	\$0	\$0	\$1,589
Office/Institutional	\$610	\$265	\$264	\$0	\$0	\$1,138
Hotel (per room)	\$25	\$82	\$82	\$0	\$0	\$188
Nursing Home (per bed)	\$173	\$75	\$74	\$0	\$0	\$322

➔ RANSON, CHARLES TOWN, BOLIVAR, SHEPHERDSTOWN, & HARPERS FERRY HAVE OWN ZONING

➔ MOST OF THE DEVELOPMENT IS WITHIN CHARLES TOWN AND RANSON

➔ NEWLY ENACTED IMPACT FEES; GROWTH PAY FOR GROWTH

# *Talk to your commissioners!*



Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Steve  
Stolipher  
Commissioner Mike Mood  
Commissioner Cara Keys



Jefferson County Sheriff's Office  
Home Confinement Cost Analysis

Item 2, 3

Current Rental Costs: 50 Inmates*		Per Year	
40 @ GPS Daily Rate	\$ 3.20	\$	46,720.00
9 @ Alcohol Daily Rate	\$ 4.10	\$	13,468.50 *some duplicate monitoring
3 @ Blow and Gos	\$ 8.00	\$	8,760.00
Phone	\$ 45.70	\$	1,096.80
Earl	\$ 43,680.00	\$	43,680.00
Kat	\$ 40,560.00	\$	40,560.00
		\$	154,285.30 Annual Program Costs
		\$	8.45 Daily Rate

**If in Jail:**  
Daily Rate \$ 53.82 \$ 982,215.00 Annual Cost

**\$ 827,929.70 SAVINGS FROM HOME CONFINEMENT**

**Rental**

Proposed Costs: 50 Inmates*		Per Year	
40 @ GPS Daily Rate	\$ 2.55	\$	37,230.00
9 @ Alcohol Daily Rate	\$ 6.35	\$	20,859.75 *some duplicate monitoring
3 @ Blow and Gos	\$ 6.35	\$	6,953.25
Phone	\$ 45.70	\$	1,096.80
Earl	\$ 43,680.00	\$	43,680.00
Kat	\$ 40,560.00	\$	40,560.00
		\$	150,379.80 Annual Program Costs
		\$	8.24 Daily Rate
		\$	3,905.50 savings over current program

**If in Jail:**  
Daily Rate \$ 53.82 \$ 982,215.00 Annual Cost

**\$ 831,835.20 SAVINGS FROM HOME CONFINEMENT**

**Purchase Year 1**

Proposed Costs: 50 Inmates*		Per Year	
40 @ GPS Purchase	\$ 550.00	\$ 22,000.00	\$ 37,400.00
40 @ Daily Rate	\$ 2.00	\$ 29,200.00	
9 @ Alcohol Purchase	\$ 1,200.00	\$ 10,800.00	*some duplicate monitoring
9 @ Daily Rate	\$ 4.40	\$ 14,454.00	
3 @ Blow and Go Purchase	\$ 1,200.00	\$ 3,600.00	
3 @ Daily Rate	\$ 4.40	\$ 4,818.00	
Phone	\$ 45.70	\$ 1,096.80	
Earl	\$ 43,680.00	\$ 43,680.00	
Kat	\$ 40,560.00	\$ 40,560.00	
		\$ 170,208.80	Annual Program Costs
		\$ 9.33	Daily Rate
		\$ 19,829.00	more than rental rate
		\$ 15,923.50	more than current program
<b>If in Jail:</b>			
Daily Rate	\$ 53.82	\$ 982,215.00	Annual Cost
		<b>\$ 812,006.20</b>	<b>SAVINGS FROM HOME CONFINEMENT</b>

**Purchase Year 2**

Proposed Costs: 50 Inmates*		Per Year	
40 @ GPS Daily Rate	\$ 2.00	\$ 29,200.00	
9 @ Alcohol Daily Rate	\$ 4.40	\$ 14,454.00	
3 @ Blow and Gos	\$ 4.40	\$ 4,818.00	
Phone	\$ 45.70	\$ 1,096.80	
Earl	\$ 43,680.00	\$ 43,680.00	
Kat	\$ 40,560.00	\$ 40,560.00	
		\$ 133,808.80	
		\$ 7.33	Daily Rate
		\$ 16,571.00	less than rental rate
		\$ 20,476.50	less than current program
		<b>\$ 848,406.20</b>	<b>SAVINGS FROM HOME CONFINEMENT</b>

*Current prog  
Allied  
21900 \$ 7,300.00  
Savings for  
Purchase  
over SCRAN*



**TANAWAH M. DOWNING**

CIVIL RIGHTS LITIGATOR & ADVOCATE

*Subject: Notice of Constitutional Non-Conformance and Action Item request*

Honorable Commissioner or Councilman,

I'm writing to you today to inform you of a situation that is of the utmost urgency and asking that you immediately take action to investigate the non-conformance of Constitutional obligations that I have outlined below. Be advised that this dispute has been submitted to the United States Supreme Court and Article III has been invoked by a United States Citizen demanding that the Court fulfill the obligation of Original Jurisdiction, as codified within the United States Constitution. As a Constitutional obligation, when Article III is invoked, because a State is named a Party, the obligation is not discretionary and non-delegatable and must be performed. Failure to do so would be a breach of Constitutional obligation resulting in a public wronging. Unfortunately, the Clerk of Court is obstructing the administration of Justice by refusing to docket the case, which is of course a crime and intentional refusal to enforce the body of laws governing this nation, by an agent obligated to do so as a result of the Oath or Affirmation taken upon entry into their Office. The intent of this letter is to bring to your attention crimes being committed by the Agents whom you pay. It is unlawful to pay someone to commit a crime and as a result, continuing to pay these public officials to abridge their Constitutional obligations after having been provided with this notice, can result in criminal sanctions brought against the members of this legislative body.

As an Advocate for the People, I hereby submit this Action Item request to you asking that you immediately take action to address these direct, willful deprivation of rights secured by and enumerated in, the Constitution for the United States of America, by states subjected to the jurisdiction thereof.

Let me be clear, I am not trying to change the laws, rather I am pointing out what the laws state and that the ways in which they are being enforced directly contradict with what is specified. Therefore, I am not trying to change the laws, rather, I am asking that we enforce them. If the laws state that something will be done, in a certain way, then we must follow that way. Laws do not change arbitrarily, that is tyranny. Constitutionalism demands that the laws evolve only through suffrage therefore, it is up to the People to decide whether or not the Constitution applies to them and not a judge or a State. If in the opinion of the People of the United States, any of the provisions or guarantees of the United States Constitution be in any particular way wrong, then let it be corrected by an amendment in the way in which the Constitution so designates. Until, if and when that time comes, every single United States Citizen is entitled to every single right secured by and enumerated in the United States Constitution, regardless of where they choose to reside within the jurisdictional United States of America.

## **NOTICE OF CONSTITUTIONAL NON- CONFORMANCE**

The Constitution for the United States of America provides the overarching requirements that every state must follow. States cannot enact their own alternative legislation, substitute it for the guarantees of the Constitution and then go out and enforce that as though it is Constitutional.

Clause 1 of Amendment 5 to the United States Constitution states, "No person shall be held to answer for a capital or otherwise infamous crime unless on presentment or indictment by a Grand Jury." That is clear, no person can be arrested and held to answer for a capital or infamous crime unless upon a presentment or indictment by a grand jury. Title 18 USC §4083 defines an infamous crime as, "Any crime punishable by more than 1 year imprisonment in a penitentiary." However, your state has enacted its own alternative legislation that permits prosecuting attorneys or police officers to charge by way of "Information" and not by Indictment, as required by law. This is unconstitutional.

An "Emolument Violation" is when you pay someone to break the law. There are 2 areas of the Constitution that reinforces this. The first is Article I. Section 10. where it states, "No State shall create any law that shall impair the obligation of contracts." Police officers, prosecuting attorneys, judges, are all under a contract, that is a contract to perform, based upon the Oath or Affirmation that they took to support and defend the Constitution. The terms or obligations of the contract can be found within the Contract itself, which is the Constitution. When a State creates a law that directs its agents to disobey the Constitution, that would obviously be a violation of Article I. Section 10.

The second place that you find the reinforcement of this issue is within the Fourteenth Amendment, where it states, "No State shall create or enforce any law which shall abridge the privileges or immunities of United States Citizens." The privileges and immunities of United States Citizens are, at a minimum, those enumerated within the Bill of Rights (first 10 Amendments). These limitations of power placed upon the State by the Constitution cannot be impaired and as a result, there are tens of thousands of people currently imprisoned within your State illegally and unconstitutionally.

Currently, there are more than 700,000 people across the United States of America who are imprisoned on direct, facial Constitutional violations, because their judgements derive from breaches of Constitutional obligations by numerous states that are acting in direct, willful defiance of the procedures and processes codified within the Constitution for the United States of America for the adjudication of crimes. Unfortunately, any judgement rendered as a result of a breach of Constitutional obligation is unconstitutional because such judgements are tainted by the illegality of the way in which they were obtained. No judgement can be Constitutional if they derive from an unconstitutional act.

There are 13 states that outright do not conduct a Grand Jury proceeding at all, including the State of Washington. These states are choosing to charge persons for infamous crimes by information and not by indictment, as Constitutionally required, however, according to Title 18 USC §555, "Information can only be used for other than infamous crimes (misdemeanors)." As a result, millions of United States Citizens have been deprived of Due Process and are now unlawfully imprisoned because the states failed to adhere to the procedures and processes required for the adjudication of crimes, resulting in judgements that are void and completely without force or effect under Civil Rule 60.

This systemic failure of the Justice System to adhere to the agreed upon code of conduct established by the majority goes far beyond those 13 states that are acting in direct, willful defiance of the Constitution because most other states permit the Prosecuting Attorney to charge by Indictment or Information, as required by law, such as the State of Oklahoma or the State of Florida. Unfortunately, states do not have the power to substitute their own alternative legislation for the provisions and guarantees of the United States Constitution and if they do, then the "Judges in every state are bound thereby to anything in the Constitution" (Article VI). According to the Rules of Civil Procedure, "Rules must not conflict with statutes, nor impair the rights of the parties involved in the dispute, thus a court has no power to create a rule which would constitute a waiver of a Constitutional right." Or as stated by the United States Supreme Court in the case *Miranda v. Arizona*, "Where rights secured by the Constitution are involved, there can be no legislation created nor rule made which would abrogate them." Furthermore, sedition is defined as, "The speaking or writing of words, such as law established, to cause disaffection to the Constitution in order to procure its alteration in an other than lawful manner." Our Constitution is a rigid Constitution that can only be altered in accordance with the Special Amending Procedures found within Article V. Any attempt to alter it in any other manner, such as by legislation enacted by a State, or by a judicial ruling from any court, would be an act of sedition committed by a body of men attempting to procure the alteration of the Constitution in an other than lawful manner. There is only one way to change the Constitution and that is through an authentic and explicit act of the People and until that happens, the Constitution is wholly with force and effect on all persons, both individually and collectively.

I have in my possession over 500,000 criminal affidavits from actual victims, in every single State, who have been charged by way of information and not indictment, as Constitutionally required. These affidavits identify two particular crimes committed by government officials, who, this legislative body, pay for the work that they perform.

The first crime is Title 18 USC §242, Deprivation of Rights under Color of Law. That statute states, "Any person who, under color of any statute, ordinance, custom or regulation, deprives any person of any right guaranteed by the United States Constitution," commits that crime. This statute provides the enforcement function against government depriving any persons of rights guaranteed by the Constitution for the United States of America and it applies to police, judges, prosecutors, or any other agent of government invested with law. When a Prosecuting Attorney chooses to rely upon a state statute to deprive a person of a right secured by and enumerated in the Constitution for the United States of America, that prosecuting attorney has committed the crime of Deprivation of Rights under Color of Law (Title 18 USC §242).

The second crime is Title 18 USC §241, Conspiracy to Deprive of Rights. That statute states, "When two or more persons conspire with the purpose of depriving any person of any right guaranteed by the United States Constitution," commits that crime. When a state judge chooses to hold a person over for trial without having the proper charging instrument, as Constitutionally required, that judge has entered into a Conspiracy to Deprive of Rights (Title 18 USC §241) by and between himself and the prosecuting attorney. When that judge then orders law enforcement or the Sheriff's Department to perform an arrest on that individual without the proper charging instrument, as Constitutionally required, those performing the arrest are complicit in the criminal conspiracy, have also deprived of rights under color of law and the crime of kidnapping has then occurred (Title 18 USC §1401).

Anytime that the crime of Deprivation of Rights under Color of Law occurs in conjunction with a kidnapping, the penalty is death, as prescribed by law. This is a very serious matter that happens in every single state across the nation, every single day affecting millions of United States Citizens and it is imperative that the Legislative Branch immediately take action to correct the criminal acts of those enforcing and administering the laws of our nation.

Understanding that you will consult your attorney upon receipt of this notice and that attorney will point to a case from 1884 called *Hurtado v. California* from the United States Supreme Court, I would be remiss if I do not remind you that the Constitution for the United States of America is the foundation and not a judge made ruling. The Supreme Court has no Constituted authority to alter, amend or destroy any of the provisions or guarantees of the Constitution, because that must be done by an explicit and authentic act of the People, in accordance with the Special Amending Procedure of Article V. Furthermore, judges cannot legislate (create or amend law), we know this because of Clause 1. Article I. of the Constitution states, "All legislative power is vested in a Congress of the United States consisting of a Senate and House of Representatives." Do not make the foolish mistake of relying upon a judge's ruling or inferior state statute, as though it is Law in deciding how you will proceed in this matter. The Constitution for the United States of America is the object of which your fidelity is bound, by the Oath or Affirmation that you took upon entering your Office. I understand that this is a tough decision that you will have to make, but the difficulty of the decision does not remove your obligation to make it. You must decide whether to follow a judge's ruling, or the Constitution for the United States of America, the object of which your fidelity is bound. I pray that you will make the right decision, because the alternative is that I will have to convert these criminal affidavits into criminal complaints and I do not want to have to do that, as I am sure that you don't want me to do that either.

The last point that I would like to make is, the United States Circuit Court has identified a two-part test used to determine if an "abuse of discretion" by a public official has occurred. The second part of that test states, "Any erroneous view of the Law is an automatic abuse of discretion." An erroneous view of the law would be that in your legal contemplation in considering this matter, that the lowest form of law, a judge made ruling, is in your opinion superior to the clear limitations of power contained within the Constitution for the United States of America. That would be an obvious erroneous view of the law. Therefore, if you continue to pay these public officials to commit these crimes, after having been served this notice publicly on the record, an automatic abuse of discretion will have occurred and according to Blackstone, "Any public official who abuses any discretionary authority with which they are invested in law, are guilty of the crimes of perjury, extortion and oppression." You are now obligated by law to report these crimes to the proper authorities, failure to do so, willfully or negligently, will result in your complicity in the criminal conspiracy, as well as other crimes, such as Misprision of Felony and official misconduct.

In light of the evidence raised, as well as the supporting evidence that I can provide, upon request, for the deprivation of Constitutional rights for millions of United States Citizens, I again implore you and appeal to your honorable nature to immediately initiate a public investigation of these criminal acts to ensure that those tasked with administering and enforcing the laws of this nation are doing it in compliance with the authority with which they are invested by law and when it is determined that there was an abuse of delegated authority, that any and all liberties be immediately restored to all affected parties without delay or obstruction. Any person who pays any public official to act unlawfully, are subject to criminal sanctions, which carry a possible punishment of death, as prescribed by law. I would

advise this commission to immediately cease any further payment, benefits, or programs which allow any public official to act contrary to the Supreme Law of the Land.

While it is not the duty of a servant to question the motives of his superior, if he has reason to believe that his acts are unjust, he should obey his conscience and refuse to comply. Ultimately, the servant of a tyrant cannot take refuge in the excuse that he was just "following orders". Therefore, in the wise words of President Abraham Lincoln, "I do suppose that it will be much safer for all, both in private and public stations to abide by and conform to, all those acts which stand un-repealed, than to violate any of them trusting to find impunity in their absolute immunity." Absolute immunity only covers civil liability and not criminal liability, so any deprivation of Constitutional rights under the authority of an inferior law or ruling is a crime that no public official can avoid liability for violating and the punishment, as required by law, is one which none of them want to be enforced. The United States Supreme Court ruled in the case *Imbler v. Pachtman* (1978), "Even judges cloaked with absolute civil immunity for centuries, can still be held criminally liable for willful deprivations of Constitutional rights." Absolute immunity provides no protection from criminal liability resulting from breaches of Constitutional obligations.

I am available for discussion, should this governmental body desire my professional guidance in further understanding or addressing this matter, as I am currently actively engaged in bringing this matter to the attention of the public and preparing to present this debate to the United States Supreme Court. Your timely response to this matter is in the best interests of your constituents and this nation.

Respectfully and Peacefully a Servant of Justice,

**Tanawah M. Downing CPP, PSP, PMP, CPO**

Advocate, Sui Juris

Chief Legal Strategist

The We Shall be Free Tour

~~(843) 834-8964~~ cell

202-941-2828

[tanawahdowning@gmail.com](mailto:tanawahdowning@gmail.com)

[www.tanawah.com](http://www.tanawah.com)

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



## TANAWAH M. DOWNING

CIVIL RIGHTS LITIGATOR & ADVOCATE

### **Introducing the We Shall Be Free Tour: Embrace Equality and Empowerment**

Justice is not just a product; it is a movement. With a focus on equality, this exceptional series of events empowers individuals to stand up for what is right. By promoting fairness and inclusiveness, the We Shall be Free Tour fosters a society where everyone's voice is heard and respected.

Many along the way can experience the greatness of the Tour as it breaks down barriers and continues to pave the way for a better world. The Tour notified media of its intent to hold 37 press conferences at 37 state capitals and numerous major cities over its length, leading up to the presentation of oral arguments to the United States Supreme Court for what will be the most significant civil rights decision in American history, effecting every single Citizen of the United States of America. Join the movement and be a catalyst for change. Together, let us create a world where freedom truly knows no bounds.

If you are interested in joining or learning more about the tour, please contact:

Tanawah M. Downing, Advocate, Sui Juris

Chief Legal Strategist

We Shall be Free Tour

~~(843) 834-8964~~ cell

202-941-2828

[tanawahdowning@gmail.com](mailto:tanawahdowning@gmail.com)

[www.tanawah.com](http://www.tanawah.com)

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[www.YouTube.com/tanawahdowning](https://www.YouTube.com/tanawahdowning)

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

**REQUISITIONS TO BE APPROVED**

**December 04, 2025**

DEPARTMENT	REQUISITION NO.	PURCHASE ORDER NO.	AMOUNT	VENDOR	DESCRIPTION
COMMISSION	26097		5,840.50	BEST BEST & KRIEGER LLP	INVOICE 1045631
	26096		16,370.00	WV STATE TAX DEPARTMENT	INVOICE Q4FY25 JEFERSON
	26095		20,000.00	WVCORP WV COUNTIES SELF INSURANCE RISK POOL	CLAIM WV0192025025864 POLICY N
	26094		106,102.00	WVCORP WV COUNTIES SELF INSURANCE RISK POOL	WV-JE-019H-25 INVOICE 116191
SHERIFF	26099		6,808.00	WRAP TECHNOLOGIES	Body Cam Contract
	26098		8,197.20	MOTOROLA SOLUTIONS INC	Body Cam Contract
<b>GRAND TOTAL</b>			\$ 163,317.70		

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



Name: **Jessica James, Chief Human Resource Officer**

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 2 minutes

Date Requested – 1<sup>st</sup> Choice: **December 4, 2025**

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

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

**1. Approval of Employee Change in Status – Full-time to Part-time – Jefferson County Department of Emergency Communications**

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

1. JCECC Director, Tara Vann, is requesting approval of an employee change in status for Public Safety Dispatcher, Amanda Jackson. The employee is requesting to transition from full-time employment to part-time employment.

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*):

**Requests for Jefferson County Emergency Communications Department**

- I move to approve the employee change in status request from full-time employment to part-time employment with the Jefferson County Department of Emergency Communications, for employee Amanda Jackson, effective December 4, 2025.**

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: Jessica James

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

Phone Number: 304-728-3282

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

PRESIDENT  
*Pasha Majdi*

VICE PRESIDENT  
*Mike Mood*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Steve Stolipher*

To: Commissioner Pasha Majdi  
Commissioner Steve Stolipher  
Commissioner Mike Mood  
Commissioner Cara Keys  
Commissioner Jack Hefestay

From: Edwina Benites-LM, county administrator

Re: Jobs & Hope- Katie Blunt Graduation

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*Recognition of Peer Recovery Support Specialist Katie Blunt*

Jefferson County acknowledges Peer Recovery Support Specialist Katie Blunt for two key milestones:

- Six years in recovery, and
- Graduation from Jobs & Hope WV, representing a meaningful achievement in professional development and commitment to supporting others in recovery.

Since July 2023, Katie has been employed full time as Quick Response Team Peer Recovery Coach. She holds a WV Peer Recovery Support Specialist certification and is currently pursuing a Bachelor of Social Work. She is a person in long-term recovery, since April 2019, and is a mom of two.

Her success demonstrates that with the right supports, individuals in recovery can rebuild their lives, contribute meaningfully to their communities, and help others along similar paths.

*Jobs & Hope West Virginia*

Jobs & Hope West Virginia is a statewide program established by the West Virginia Legislature to address substance use disorder by connecting participants with education, training, and employment services. The program helps individuals overcome common barriers to work—such as transportation issues, unmet educational requirements, and access to recovery support—through coordinated assistance from transition agents and case managers.

Jobs & Hope WV has supported over 10,500 participants in securing employment, helped reinstate more than 3,000 driver's licenses, completed expungements, and assisted thousands in reducing reliance on public assistance.

*Why Graduation Is a Milestone Worth Celebrating*

Graduation from Jobs & Hope WV is significant because participants often navigate substantial challenges on the path to stable employment. National research shows that

individuals resolving a substance use disorder face lower rates of long-term employment compared to the general population, making structured support especially important. Programs like Jobs & Hope WV increase the likelihood of sustained employment by pairing participants with individualized support, skill development, and barrier-removal services. Completing the program reflects the participant's persistence and marks a meaningful step toward long-term stability and self-sufficiency.

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



Name: Pasha Majdi

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 15-30 minutes

Date Requested – 1<sup>st</sup> Choice: **December 4, 2025**

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

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

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

**WV Code 76-3-3, Sale of county or district property**

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



Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



# WEST VIRGINIA CODE

≡ MENU

CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

## CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.

Article 2

All Articles

Article 4

ARTICLE 3. COUNTY PROPERTY.

### §7-3-3. Sale of county or district property.



(a) Except as may be prohibited by law or otherwise, the county commission of a county is authorized by law to sell or dispose of any property, either real or personal, belonging to the county or held by it for the use of any district thereof. The property shall be sold either at an on-site public auction or by utilizing an Internet-based public auction service, and the sale shall be conducted by the president of the county commission, but before making the sale, notice of the time, terms, manner and either the location of the sale or the Internet-based public auction service to be utilized, together with a brief description of the property to be sold, shall be published as a Class II legal advertisement in compliance with the provisions of §59-3-1 *et seq.* of this code, and the publication area for the publication is the county: *Provided*, That this section does not apply to the sale of any one item of property of less value than \$1,000.

(b) The provisions of subsection (a) of this section concerning sale at public auction do not apply to a county commission selling or disposing of its property for a public use to:

(1) The United States of America, its instrumentalities, agencies or political subdivisions;

(2) The State of West Virginia, or its political subdivisions, including county boards of education, volunteer fire departments, and volunteer ambulance services; or

(3) Any community center organization already in existence on the effective date of the amendments to this section made during the 2020 Regular Session of the Legislature or nonprofit senior center organization, or any authority, commission, instrumentality, or agency established by act of the State of West Virginia or any of its political subdivisions.

(4) For all sales made pursuant to this subsection, county commissions are not required to exclusively consider the present commercial or market value of the property; and

(5) A sale under the provisions of this subsection may not be for less than \$1.

(c) For all real property conveyed or sold by a county commission to a volunteer fire department, volunteer ambulance service, or any nonprofit community center organization or nonprofit senior center organization or any other authority, commission, instrumentality or agency, under the provisions of subsection (b) of this section, the real property shall revert back to the county commission if the volunteer fire department, volunteer ambulance service, nonprofit community center organization or nonprofit senior center organization, authority, commission, instrumentality or agency proposes to dispose of the property, unless the county commission explicitly disclaims this reversionary right in writing in the deed of conveyance.

Previous [§7-3-2a. County commissions to purchase and display flags.](#)

**§7-3-3. Sale of county or district property.**

Next [§7-3-3a. Sale of county or district property; local option election; petition, election procedure; form of ballot; effect of such election.](#)



**Search**

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Search in all Chapters

Type search terms here...

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Chapter...	Article...	Section...
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Searches are case insensitive.

Search for phrases with double quotes around the phrase like this: "claims commission"

Use a + symbol in front of a word to include it and use a – in front of a word to exclude it from searches like this: +railroad -sign

If you type multiple words without quotes or +/- symbols, the search will look for all results containing any of the words

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## Signed Bills For §7-3-3

[2020 REGULAR SESSION](#)

[Enrolled Committee Substitute for House Bill 4633](#)

[2018 REGULAR SESSION](#)

[Enrolled Committee Substitute for House Bill 2654](#)

[2016 REGULAR SESSION](#)

[Enrolled Senate Bill 306](#)

[1994 REGULAR SESSION](#)

[Enrolled House Bill 4472](#)

[1994 REGULAR SESSION](#)

[Enrolled House Bill 4472](#)

[1989 REGULAR SESSION](#)

[Enrolled Committee Substitute for Senate Bill 1](#)

[1989 REGULAR SESSION](#)

[Enrolled Committee Substitute for Senate Bill 1](#)

[1967 REGULAR SESSION](#)

[Enrolled Senate Bill 270](#)

[1967 REGULAR SESSION](#)

[Enrolled Senate Bill 270](#)

[1962 REGULAR SESSION](#)

[Enrolled House Bill 69](#)

[1962 REGULAR SESSION](#)

[Enrolled House Bill 69](#)

[1947 REGULAR SESSION](#)

[Enrolled House Bill 11](#)

Via Delegate Joe Funkhouser's officer

## **Legal Memorandum: Requirements for County Commission Property Sales to Private Developers Under West Virginia Code 7-3-3**

### **Introduction**

This memorandum analyzes the statutory requirements governing the sale of property by county commissions to private developers under West Virginia law. The analysis focuses on the mandatory procedures, notice requirements, and applicable exceptions under the relevant statutory framework. Based on the statutory provisions, county commissions must generally follow public auction procedures when selling property to private developers, with limited exceptions that do not apply to private commercial transactions.

### **Statement of Facts**

The inquiry concerns the legal requirements that West Virginia county commissions must follow when selling property to private developers.

### **Legal Standards/Rules**

West Virginia law grants county commissions broad authority to sell county property but imposes specific procedural requirements. County commissions are authorized to sell or dispose of any property, either real or personal, belonging to the county or held by it for the use of any district thereof. [W. Va. Code § 7-3-3](#). However, this authority is subject to statutory limitations and procedural requirements. [W. Va. Code § 7-3-3](#).

The general rule requires that county property be sold either at an on-site public auction or by utilizing an Internet-based public auction service, with the sale conducted by the president of the county commission. [W. Va. Code § 7-3-3](#). Before making any sale, the county commission must publish notice as a Class II legal advertisement in compliance with the provisions of §59-3-1 et seq. [Administrative Determination Document, 1974 Op. Atty Gen. W.Va. 121, \[NO NUMBER IN ORIGINAL\], \[NO NUMBER IN ORIGINAL\]](#). , with the publication area being the county. [W. Va. Code § 7-3-3](#). The notice must include the time, terms, manner and either the location of the sale or the Internet-based public auction service to be utilized, together with a brief description of the property to be sold. [W. Va. Code § 7-3-3](#).

The statute provides a de minimis exception for property valued at less than \$1,000, stating that the public auction requirements do not apply to the sale of any one item of property of less value than \$1,000 [W. Va. Code § 7-3-3](#).

The statute also creates exceptions to the public auction requirement for sales to specific governmental and quasi-governmental entities. The public auction provisions do not apply to county commission sales for public use to: The United States of America, its instrumentalities, agencies or political subdivisions; The State of West Virginia, or its political subdivisions, including county boards of education, volunteer fire departments, and volunteer ambulance services; or any community center organization already in existence on the effective date of the amendments made during the 2020 Regular Session of the Legislature or nonprofit senior center

organization, or any authority, commission, instrumentality, or agency established by act of the State of West Virginia or any of its political subdivisions. [W. Va. Code § 7-3-3](#). For sales made under these exceptions, county commissions are not required to exclusively consider the present commercial or market value of the property, and such sales may not be for less than \$1 [W. Va. Code § 7-3-3](#).

### **Analysis**

When selling property to private developers, county commissions must comply with the public auction requirements established by statute. Private developers do not fall within any of the statutory exceptions to the public auction requirement, which are limited to governmental entities, their instrumentalities, and specific nonprofit organizations.

The statutory framework establishes a clear distinction between sales to governmental/quasi-governmental entities and sales to private parties. The exceptions to public auction requirements are narrowly drawn and specifically enumerate the types of entities eligible for direct sales without public auction. Private developers are not included in this enumerated list and therefore cannot qualify for the exceptions.

Consequently, when a county commission seeks to sell property to a private developer, it must follow the full public auction process unless the property has a value of less than \$1,000. This means the county commission must conduct either an on-site public auction or utilize an Internet-based public auction service, with the sale conducted by the president of the county commission.

The notice requirements are mandatory and must be strictly followed. The county commission must publish a Class II legal advertisement that includes all required information about the sale, including timing, terms, manner of sale, location or Internet service details, and a description of the property. This notice requirement ensures public transparency and provides opportunity for competitive bidding.

The statutory scheme does not permit county commissions to negotiate private sales directly with developers outside of the public auction process, except in the very limited circumstances where the property value is less than \$1,000. Even if a county commission wishes to sell to a particular developer, it must do so through the public auction process, allowing other potential buyers to participate.

### **Conclusion**

Under West Virginia law, county commissions must generally sell property to private developers through public auction procedures with proper notice requirements. Private developers do not qualify for the statutory exceptions to public auction requirements, which are reserved for governmental entities and specific nonprofit organizations. The only exception that might apply to sales involving private developers is the de minimis exception for property valued at less than \$1,000. County commissions cannot bypass these requirements through direct negotiation or private sale arrangements with developers.

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



Name: **Nikki Painter**  
Department or Organization: **County Clerk - Probate**  
Estimation of amount of time needed for appointment: **5 minutes**  
Date Requested – 1<sup>st</sup> Choice: **December 4, 2025**  
*If a specific date is needed, please provide reason for specific date:*  
Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Monthly Review of New Estates, Accountings and Waivers of Final Settlements**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**1. List of Estates opened Accountings and Waivers of Final Settlement received since November 2025.**

Is this a funding request? **Y/N**  
If so, how much?  
Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
**To approve the list of estates opened since November 2025 and closure of the estates that have met all statutory requirements.**

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

<u>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION</u>

Regular Term

December 2025

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

At a regular Term of the County Commission of said County and State, begun and held at the County Commission Meeting Room thereof, on Thursday, December 4, 2025 at 9:30AM.

PRESENT: County Commissioners: Pasha Majdi, Mike Mood, Jack Hefestay, Cara Keys, and Steve Stolipher

***The following Accountings and Waivers of Final Settlement were this day examined by the Commission and there being no exceptions thereto, and none appearing on the face thereof, same are ordered approved and recorded as follows:***

***Waivers of Final Settlement***

Estate of Robert George Gerard, deceased, Diana F. Gerard, Administratrix

Estate of Raymond F. King, deceased, Scott King, Administrator

Estate of Rosalind Margaret Kriss, deceased, Aaron Kriss, Administrator

Estate of Margaret VanDyke Mayer, deceased, Peter Knoll, Administrator DBN

Estate of Robert Lewis Miller, deceased, Katherine Susan Miller, Administratrix

Estate of Doris Jean Mumaw, deceased, Keith L. Mumaw, Executor

Estate of Edgar William Thomas Jr, deceased, Mary Greene, Administratrix

Estate of Martha Louise Wilcox, deceased, Kelly Hixon, Administratrix

## **Accountings**

Estate of Calvin Atlee Grams Jr, deceased, First and Final Accounting, Calvin Atlee Grams III, Executor

Estate of Alma Lee Hardy, deceased, First and Final Accounting, Jason P. Hardy and Jennifer Williams, Co-Administrators

Estate of Patricia Shade McCoy, deceased, First and Final Accounting, Dennis Barron, Executor

Estate of Gary Dale Sumpter, deceased, First and Final Accounting, Henry W. Morrow Jr, Administrator

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President of the County Commission

# United States of America

State of West Virginia



County of Jefferson, ss:

## Appointment List

Notice is hereby given that the following estate(s) have been opened for probate from 10/29/2025 thru 11/21/2025 in the Jefferson County Clerk's Office at PO Box 208, Charles Town, WV 25414-0208.

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ESTATE NUMBER: **5400**  
APPOINT DATE: 10/30/2025  
ESTATE NAME: **MILTON THOMPSON SKINNER**  
ADMINISTRATRIX IMOGENE TOMLIN SKINNER

---

ESTATE NUMBER: **5412**  
APPOINT DATE: 10/29/2025  
ESTATE NAME: **ANTHONY SEABURY LINCOLN**  
EXECUTRIX ALISON LINCOLN

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ESTATE NUMBER: **5414**  
APPOINT DATE: 10/30/2025  
ESTATE NAME: **GRETCHEN W VAN CAMP**  
EXECUTOR KENNETH LEE VAN CAMP  
ATTORNEY BRAUN HAMSTEAD  
507 S. FAIRFAX BLVD  
CHARLES TOWN, WV 25414-1479

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ESTATE NUMBER: **5417**  
APPOINT DATE: 10/30/2025  
ESTATE NAME: **KATHY ANN WEBBER**  
ADMINISTRATRIX KENSEI DAWN BESAW

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ESTATE NUMBER: **5420**  
APPOINT DATE: 10/31/2025  
ESTATE NAME: **LEONARD EDWARD HOUSDEN JR**  
ADMINISTRATRIX KELLY HOUSDEN

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ESTATE NUMBER: **5422**  
APPOINT DATE: 11/03/2025  
ESTATE NAME: **MARGARET ANN WILSON**  
EXECUTOR JERRY WAYNE WILSON SR

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ESTATE NUMBER: **5423**  
APPOINT DATE: 11/03/2025  
ESTATE NAME: **RUBY DOLORES WILT**  
EXECUTOR MARVIN KEITH OTT

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ESTATE NUMBER: **5424**  
APPOINT DATE: 11/04/2025  
ESTATE NAME: **JAMES STEWART SCOTT JR**  
EXECUTRIX JEAN K SCOTT

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ESTATE NUMBER: **5425**  
APPOINT DATE: 11/04/2025  
ESTATE NAME: **MARY KATHRYN RAYGOR**  
ADMINISTRATRIX HEATHER LEE GARCIA

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ESTATE NUMBER: **5426**  
APPOINT DATE: 11/05/2025  
ESTATE NAME: **JAMES M SMITH**  
EXECUTRIX KAREN WILLIAMS

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ESTATE NUMBER: **5428**  
APPOINT DATE: 11/07/2025  
ESTATE NAME: **JAMES DUTTON GODLOVE**  
ADMINISTRATRIX AMANDA GODLOVE

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ESTATE NUMBER: **5429**  
APPOINT DATE: 11/10/2025  
ESTATE NAME: **DIANE MARIE SEAY**  
ADMINISTRATOR THEODORE W RYAN  
ATTORNEY AMY R LAMP LEONARD  
9627 TUSCARORA PIKE  
MARTINSBURG, WV 25403-1131

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ESTATE NUMBER: **5431**  
APPOINT DATE: 11/13/2025  
ESTATE NAME: **ROBERT RANDOLPH UTTERBACK JR**  
EXECUTRIX KENDRA BENNETT

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ESTATE NUMBER: **5433**  
APPOINT DATE: 11/17/2025  
ESTATE NAME: **LESLIE MITCHELL PRESCOTT**  
ADMINISTRATRIX WENDY SUE NEWLIN

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ESTATE NUMBER: **5434**  
APPOINT DATE: 11/17/2025  
ESTATE NAME: **EUGENE MORISON DAWSON**  
EXECUTOR ERIC EUGENE DAWSON

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ESTATE NUMBER: **5435**  
APPOINT DATE: 11/17/2025  
ESTATE NAME: **CAROLYN JEANNE SCHULTZ**  
ADMINISTRATRIX CAROLYN SCHULTZ  
ATTORNEY LARRY SCHULTZ  
85 AIKENS CENTER SUITE A  
MARTINSBURG, WV 25404-5708

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ESTATE NUMBER: **5436**  
APPOINT DATE: 11/18/2025  
ESTATE NAME: **RUBY ISABELLE BAGENT**  
ADMINISTRATOR RICHARD BAGENT

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ESTATE NUMBER: **5441**  
APPOINT DATE: 11/20/2025  
ESTATE NAME: **SARA SUTTON FADOUL**  
ADMINISTRATRIX CTA DIANE MARGARET NOVINGER

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ESTATE NUMBER: **5443**  
APPOINT DATE: 11/21/2025  
ESTATE NAME: **LEROY MILLER JOHNSON**  
ADMINISTRATRIX YVETTE JOHNSON

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ESTATE NUMBER: **5444**  
APPOINT DATE: 11/21/2025  
ESTATE NAME: **MARIE ELAINE PEINE**  
EXECUTRIX MARY ANNE HITT

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ESTATE NUMBER: **5445**  
APPOINT DATE: 11/21/2025  
ESTATE NAME: **ANGUS WHEELER MCDONALD**  
EXECUTRIX MARY ANN MCDONALD HETZER  
EXECUTOR PAUL YATES MCDONALD

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TOTAL ESTATES: 21

Subscribed and sworn to before me on 11/24/2025

\_\_\_\_\_  
President of the County Commission

*Jacqueline C. Shadle*  
\_\_\_\_\_

Jacqueline C Shadle  
Clerk of Jefferson County

By \_\_\_\_\_

GIORDANA BAKER  
ASSISTANT CLERK

**JEFFERSON COUNTY COMMISSION  
AGENDA REQUEST FORM**

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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):

Home Incarceration Program Update/Decision      Administrative Assistant New Hire

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

-Home Incarceration updates and decisions on new monitoring program

-Hire Administrative Assistant to replace an employee who resigned

**Hire part time trip guard**

Type of Request: (Funding/Hiring): hiring

Funding/Salary/Hourly Amount: see below

Name of Hire (if Applicable): see below

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period): see below

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 move to SCRAM with the option of renting/purchasing (choose option) equipment.

-I move to approve the hire of \_\_\_ as a fulltime 80 hour employee beginning \_\_\_ at a salary of 42,000.00 annually

**I move to approve the hire of \_\_\_ as a part-time trip guard beginning \_\_\_ with a salary of \_\_\_.**

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

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

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

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

PRESIDENT

*Pasha Majdi*

COMMISSIONER

*Jack Hefestay*

COMMISSIONER

*Cara Keys*

COMMISSIONER

*Steve Stolipher*

COMMISSIONER

*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: Sept 4, 2025

Re: Fiscal Note: Sheriff Office SCRAM Monitoring

---

The Jefferson County Sheriff's Office is requesting to purchase or rent a monitoring system for Jefferson County residents in home confinement. The product provides data to determine if a person requires a visit thereby increasing the efficiency and productivity of the sheriff's resources.

Monitoring equipment purchase price	\$36,400.00
Home Confinement Fund cash	\$24,375.16
SCRAM Rental savings	\$ 3,905.50
<u>Purchasing costs over renting</u>	<u>\$19,829.00</u>
If Purchased - Next year's savings from program	\$20,476.50

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



Name: Edwina Benites-LM, county administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 15-30 minutes

Date Requested – 1<sup>st</sup> Choice: **December 4, 2025**

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

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

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

**Boards and Commissions**

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

- Consider appointments, membership, and make up of Jefferson County Civil Service Commission
- Consider appointments, membership and make up of Jefferson County Audit RFP Review Committee

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

PRESIDENT  
*Pasha Majdi*

VICE PRESIDENT  
*Mike Mood*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Steve Stolipher*

To: Commissioner Pasha Majdi  
Commissioner Steve Stolipher  
Commissioner Mike Mood  
Commissioner Cara Keys  
Commissioner Jack Hefestay

From: Edwina Benites-LM, county administrator

Re: Boards and Commissions, November 20, 2025

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Consider the appointments, membership, and make up of the following boards:

1. Jefferson County Deputy Sheriffs Civil Service Commission
2. Jefferson County Audit RFP Review Committee

The Commission will consider appointments, membership, and make up of Jefferson County Civil Service Commission:

Applicants nominated for interview:

- James Crawford (Stolipher)
- Willard Liston (Mood)
- Alissa Meeks (Hefestay)

Guidance:

- No more than two commissioners, at any one time, shall be members of the same political party.
- Four-year terms.
- No commissioner may hold any other office (other than the office of notary public) under the United States, this state or any municipality, county or other political subdivision thereof; nor may any commissioner serve on any political party committee or take any active part in the management of any political campaign.

Suggested Motions:

- Motion to appoint \_\_\_\_\_ to the Jefferson County Civil Service for a four-year term ending November 20, 2029.

*Jefferson County Audit RFP Review Committee- Interviews and Possible Appointments*

No citizen applied

Suggested motion: Motion to appoint \_\_\_\_\_, \_\_\_\_\_, and \_\_\_\_\_ to the Audit RFP Review Committee until such time as an auditor has been selected to audit Jefferson County's FY2025 finances.

*\*\* Needed: one citizen representative with an accounting or finance background, a County representative with finance experience, and another County representative as deemed appropriate by the County Commission: terms ending at the conclusion of reviewing RFPs. The citizen representative may also be an employee.*

Because no one applied, staff recommends appointing:

- Jacki Shadle, County Clerk
- Mike Mood, County Commissioner
- David Bound, chief finance officer

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



Name: Laura Kuhn  
John Lyons

Department or Organization: Fleet & Facilities Management  
Emergency Services Agency

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1<sup>st</sup> Choice: **December 4, 2025**

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

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

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

**Request for approval to proceed with purchase of 2010 KME LFD Predator Pumper**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**After an inspection by Fleet & Facilities and Jefferson County Emergency Services Agency staff on November 20, 2025, we are requesting approval to purchase a 2010 KME LFD Predator Pumper Fire Truck for \$240,000, plus an additional \$5,500 to replace the truck's tires.**

**The funds are already budgeted, with \$150,000 approved for capital outlay and an additional \$200,000 allocated from ARPA funds.**

**Upon approval by the County Commission for the purchase, the seller will agree to pump testing and ladder testing at the seller's cost with proof of satisfactory completion of both tests.**

Is this a funding request? Y/N YES

If so, how much? \$245,500

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 purchase of the 2010 KME LFD Predator Pumper fire truck in the amount of \$240,000 with an additional \$5,500 to replace the tires..

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: [laura.l.kuhn@jeffcowv.gov](mailto:laura.l.kuhn@jeffcowv.gov)

Phone Number: 304-728-3355

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

not applicable

PRESIDENT  
*Pasha Majdi*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Steve Stolipher*

COMMISSIONER  
*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: Dec. 4, 2025

Re: Fiscal Note: Fleets & Facilities Fire Truck Purchase Request

---

Fleet & Facilities are requesting approval to purchase a 2010 KME LFD Predator Pumper Fire Truck for \$240,000, plus an additional \$5,500 to replace the truck's tires.

Truck & Tires	\$245,500
Capital Outlay (246996.445900)	\$150,000
ARPA-48 (207996.445900)	\$200,000
Sale of the 1990 Grumman fire engine being replaced (246.385MO0)	\$ 3,000
Savings to stay in ARPA-48	\$107,500

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



Name: **Jessica James, Chief Human Resource Officer**

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 2 minutes

Date Requested – 1<sup>st</sup> Choice: **December 4, 2025 (regular agenda)**

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

Subject (*Wording to be placed on agenda*): **Approval of Memorandum of Understanding (MOU) with Blue Ridge Community and Technical College (BRCTC) – Learn and Earn Apprenticeship Partnership**

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

*Learn and Earn* is a state-funded grant program offered through Blue Ridge Community and Technical College (BRCTC) that partners with local employers to support interns and employees enrolled in approved BRCTC certificate and degree-seeking programs.

Under this MOU, the Jefferson County Commission would become an official employer-partner, enabling eligible County employees to participate in the program while completing job-relevant coursework at BRCTC.

Notably, the Learn and Earn grant reimburses the County for up to 50% of the participating employee's wages during the period of enrollment. Jefferson County Grants and Social Services Coordinator, Kayla Whetstone, will be the County's inaugural participant and has been accepted into the BRCTC Bookkeeping Certificate Program beginning January 2026. Ms. Whetstone's participation in this program will enhance her financial and record-keeping skillsets – core competencies directly related the position's duties and the County's operational needs.

Finally, the Learn and Earn grant and partnership with BRCTC creates a budget-savvy pathway for the County to invest in employee development while offsetting payroll expenses and supporting several strategic goals, including:

- Strengthening County workforce skills and professional capacity
- Supporting employees in pursuing education and advancement
- Reducing training costs through grant reimbursement
- Building internal talent pipelines for hard-to-fill or evolving roles
- Enhancing retention by demonstrating a commitment to employee growth

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

If so, how much? \$

Provide exact financial impact/request:

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

**I move to approve the Memorandum of Understanding with Blue Ridge Community and Technical College for participation in the Learn and Earn Cooperative Work Apprenticeship Program, to become effective upon full execution and remain in effect throughout the designated HB3009 Learn and Earn Cooperative Program project period from January 1, 2026 – January 1, 2027.**

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: [Jessica James](#)

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

Phone Number:    304-728-3282

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

**MEMORANDUM OF UNDERSTANDING  
Between**

**Blue Ridge Community and Technical College (College)**

**And**

**Jefferson CO Commission (Company)  
(aka Jefferson County Commission)**

This agreement is to establish a partnership for the delivery of a Learn & Earn Cooperative Work Experience/ Apprenticeship.

Date of Agreement **November 19, 2025**

This agreement is made by and between **Blue Ridge Community and Technical College** (“the College”), and **Jefferson CO Commission**, its successors and assigns (“the Company”). Both the College and the Company are parties (“the Parties”) to this Agreement.

**I. Scope of Work**

Whereas the College, through collaboration and support from the Company has established a cooperative Program whereby credit is given for work students perform as part of the cooperative towards a credential, Certificate or Associates Degree, as a training initiative within its service region; and

Whereas, the College is interested in establishing a long-term relationship with the Company to meet the regional demand for workforce training, by providing training programs, cooperative education opportunities; and

Whereas, the College has the facilities, physical space and other support services necessary to partner with the Company and thereby facilitate educational instruction, training courses and related curricula; and

Whereas, this Understanding has been prepared by the College and the Company as written indication of their mutual intention to work effectively toward the achievement of quality education and training under the terms and conditions of affiliation compatible with both Parties and designed to enhance the opportunities and provide educational programs by the College and the Company.

Now, therefore, in consideration of the foregoing, the Parties hereby agree to the following:

**II. Responsibilities of the College**

- A. The College shall develop, implement and maintain the training and educational coursework firmly based on the tasks required and high-performance standards of the industry.
- B. The College shall secure and prepare facilities to deliver both cognitive (classroom and/or online) and psychomotor (hands-on and/or laboratory) learning activities

that supports the instruction in the knowledge, skills and abilities required for career success in this industry.

- C. The College shall secure and manage the appropriate staff to deliver the instructional components of the Program.
- D. The College will reimburse the company 50% of the student's base wage per the terms of the approved WV HB3009 Learn & Earn Workforce Initiative funding.
- E. The College shall lead student recruitment and enrollment efforts.
- F. The College shall handle all inquiries and processing of financial aid requests from prospective students.
- G. The College shall issue academic credit to students who successfully complete the cooperative Program and shall maintain a permanent transcript of such activity.

**III. Responsibilities of the Company**

- A. The Company shall provide technical expertise on curricula, equipment, facilities, instruction, student proficiency requirements, cooperative education experience design, and other related issues relevant to developing and maintaining the cooperative Program.
- B. The Company shall assist the College in the recruitment of students into cooperative Program by attending recruitment events and disseminating information about the Program.
- C. The Company shall assist the College in recruiting suitable staff to deliver instruction and mentorship within the Program.
- D. The Company shall determine, through its budget and workforce planning requirements, the extent of cooperative educational opportunities it will make available for students enrolled in the Program. These positions will be offered on a competitive basis, with participation determined by criteria mutually agreed upon and established by the Parties. Criteria for participation may include successful passage of drug screen and background check, passing scores on other specific entrance examination instruments, and student's attendance and performance within the program.
- E. The Company shall hire student interns either as a full-time employee, part time employee or contract worker, observing all local and federal employment laws.
- F. The Company shall provide varied work experience and adequate supervision based upon the learning objectives for the duration of the cooperative education work assignment. The Company shall assist the College in evaluating the performance of the students by periodically reporting student work performance results and providing a final assessment of student achievement within the on-the-job training portion of the Program.
- G. The Company shall monitor and supervise student conduct during work activities and shall report any conduct considered inappropriate or dangerous immediately to the College. The Company shall notify the Cooperative Education Director in the event termination of employment becomes necessary.
- H. The Company shall provide a safe and healthful working environment for students and shall clearly establish standards for safe work practices and ensure that these standards are communicated and enforced during student work activities.
- I. The Company will provide employment under this agreement as follows:

No. of Student Apprentices: **ONE**

Hourly Wage: Student will earn between \$28.20 and \$30.45

No. of Work Hours Expected 40

The student will work a total of 2,080 project hours between January 1, 2026 to January 1, 2027 earning between \$28.20 and \$30.45

2,080 hours x \$30.45 per hour equals \$63,336

Total wage match = \$31,668

#### Agreement Term

This original Agreement shall become effective upon full execution (all signatures) and remain in effect throughout the designated HB3009 Learn & Earn Cooperative Program project period from January 1, 2026 to January 1, 2027

#### IV. Termination

If either Party, in their sole opinion or discretion, believes the other Party is in default of its obligations under this Agreement, then the non-defaulting party shall provide a written notice to the other Party requesting corrective action. If satisfactory corrective action is not taken or is not initiated and diligently pursued within thirty (30) days from receipt of the written notice, the Party not in default may terminate this Agreement upon thirty (30) days prior written notice.

#### V. Additional Responsibilities and Conditions

- A. In order to facilitate communication, each party shall identify a liaison for the duration of the agreement. The liaison will be the principal contact for issues that may arise related to student accountability and performance, or other communication that may be necessary and critical for operational success.
- B. It is expressly understood that the termination of the Agreement is without obligation or penalty to other party, and that nothing contained herein shall in any way be construed to create an agency, partnership, or joint venture relationship between the Parties, and each party will have no power to obligate or bind the other in any manner whatsoever.

#### Invoicing:

The company will invoice on July 7 for the previous fiscal year ending on June 30.

The company will provide documents to support the invoice that shows a time sheet with the hours worked each day including time in/ time out and total work hours.

The company will submit a spreadsheet with each invoice to keep a total of the hours worked.

*The Parties acknowledge their acceptance below.*

**Company:**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

**College:**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_



# JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT  
*Pasha Majdi*

COMMISSIONER  
*Jack Hefestay*

COMMISSIONER  
*Cara Keys*

COMMISSIONER  
*Steve Stolipher*

COMMISSIONER  
*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: Dec 4, 2025

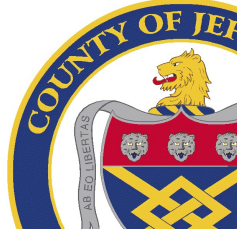
Re: Fiscal Note: HR Matters MOU Request

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The Chief Human Resource officer is requesting a Memo of Understanding (MOU) with Blue Ridge Community College and the Jefferson County Commission. The MOU will provide a tuition grant of 50% of the student's salary.

Student's starting salary	\$63,336
50% Wage grant match	\$31,668

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



Name: **Roger Goodwin, Director & Chief County Engineer**  
**Michelle Mason, Impact Fees Program Specialist**

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

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

Date Requested – 1<sup>st</sup> Choice: **December 4, 2025**

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

Subject (*Wording to be placed on agenda*): **Report on 55+ Age Restricted Communities – Exemption from School Impact Fees**

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

**At the November 6, 2025, county commission meeting, the county commission directed that the County Attorney and the Chief County Engineer provide a report considering the exemption of 55+ age restricted communities from paying school impact fees. The report is to be presented at the county commission’s December 4<sup>th</sup> meeting. The report is attached.**

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

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

**Move to amend the Impact Fees Procedures Ordinance to exempt 55+ age restricted communities from paying school impact fees.**

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

If not attached, explain: **See Attached Memorandum Report**

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](mailto:engineering@jeffersoncountywv.org) Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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



Name: Roger Goodwin

Department or Organization: Department of Engineering, Planning, and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **December 4th**

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

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

Subject (*Wording to be placed on agenda*): **Public Hearing regarding the proposed Historic Resources text amendment to the Subdivision Regulations.**

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

Planning Commission has recommended a text amendment to the Subdivision and Land Development Regulations regarding Historic Resource. The draft amendment proposes changes to Section 24.113, Section 24.122, and Division 26.200 of the Subdivision and Land Development Regulations to further elaborate on establishing the necessary criteria regarding Historical Resource Protection. The attached staff report contains the text of the proposed amendment.

Prior to adopting an amendment to the Subdivision and Land Development Ordinance, the County Commission must hold a public hearing with notice.

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

I move to adopt the text amendment to Section 24.113, Section 24.122, and Division 26.200 of the Subdivision and Land Development Regulations File: STA25-01.

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: Luke Seigfried

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

Phone Number: (304) 728-3228

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

not applicable



# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor; P.O. Box 716

Charles Town, WV 25414

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

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

Phone: (304) 728-3228

### MEMO

**TO:** County Commission of Jefferson County  
**FROM:** Planning Commission of Jefferson County  
Luke Seigfried, Chief County Planner  
**DATE:** December 4, 2025  
**RE:** Proposed Amendment to Section 24.113.B.10, Section 24.122, and Division 26.200 of the Subdivision & Land Development Regulations.

At their September 23, 2025 meeting, Planning Commission held a Public Hearing on the proposed text amendment to the Subdivision Regulations regarding Historic Resource Preservation requirements for Major Subdivisions and Major Site Plans. At the October 2, 2025 meeting, the County Commission scheduled a Public Hearing on the text amendment for December 4, 2025.

The proposed amendments clarifies the existing requirement for a Phase I Archaeological Study in relation to the West Virginia Historical State Historical Preservation Organization guidelines. Subsurface studies are specifically noted as not a requirement for the required Phase I Archaeological study requirements. The text amendment also adds the requirement to Major Site Plans and adds the definition of a Phase I Archaeological Study to the Definition of Terms.

#### **Note that Subdivision & Land Development Regulations Section 24.113.B.10 currently states:**

“(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

#### **Staff Reports and Comments**

A Phase I archaeological study is not defined in the Subdivision Regulations but the West Virginia State Historic Preservation Office (SHPO) has Guidelines for preparing the *Phase I, II, III Archaeological Investigations and Technical Report Preparation*. These *Guidelines* are for ensuring a project's compliance with Section 106 of the National Historic Preservation Act (NHPA). SHPO reviews state and federal projects for compliance with NHPA.

A historic resources impact study is not defined in the Subdivision Regulations and was added to the Subdivision Regulations in 2010.

The 2045 Comprehensive Plan does not speculate specifically on this requirement for Preliminary Plats. Objective 4.1 (see attached) “*Encourages the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.*” The requirement is not included for Minor or Major Site Plans. Staff has proposed changing the requirement for Major Subdivisions, adding the requirement for Major Site Plans, and adding a definition to the Subdivision Regulations.

## “Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The **staff Department** shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the **staff Department** shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
  3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.<sup>6</sup>
  5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
  6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
  7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
  8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer’s engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
  9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.

10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
  11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, phasing, and development option selected if the development is residential.
  12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.<sup>4</sup>
  13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
  14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
  15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
  16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
  2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

**Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

#### “Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
  3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
  5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
  6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
  7. **Water and Sewer Services.** This shall include a declaration of Public Service District’s approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
  8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.

9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
  10. **Historic Resource Preservation.** Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
  11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
  12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.<sup>4</sup>
  13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
  14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
  15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
  16. **Additional Information.** The Department shall:
    - a. Review and approve all matters under its jurisdiction.
    - b. Issue a zoning compliance letter.
    - c. Certify that all proffers have been satisfied.
- C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:
1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
  2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
  3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.
- D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.
- E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

## **Division 26.200 Definitions of Terms**

**Phase I Archaeological Study.** A study designed to identify and document historical and cultural resources within the entirety of the project area. The study is performed by a principal investigator who meets or exceeds the minimum requirements in accordance with the Secretary of Interior's Professional Qualifications, 36 CFR Part 61 and includes a pedestrian survey. *(Source West Virginia State Historic Preservation Office)*

Prior to taking action on the proposed text amendment, a Public Hearing will be required before County Commission. The County Commission Public Hearing has met notice requirements.

### **Attachments**

- 2045 Comprehensive Plan Historical Preservation Excerpt
- West Virginia State Historic Preservation Office Guidelines for Phase I, II, III Archaeological Investigations and Technical Report Preparation(Appendices removed)

## Objective 4.1

Encourage the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.

1. Create a public art program working with municipalities that would encourage the installation of locally produced art in publicly owned facilities and sites.

CVB • Arts Council | Ongoing

2. Educate county residents and visitors about historic preservation efforts and current projects in Jefferson County.

HLC • CVB | Ongoing

3. Expand upon the existing interconnected marketing of the County's multiple historic resources and the National Historical Park to encourage visitation to multiple locations in the County.

HLC • CVB | Yearly

4. Encourage the ongoing documentation of Category 1 and 2 historic sites in the County.

HLC | Ongoing

## Objective 4.2

Encourage the adaptive reuse of existing structures.

1. Encourage the state legislature to include adaptive reuses of historic structures in the state code.

EO | Yearly

2. Develop and maintain a public catalog of existing non-residential structures that are adaptable for reconfiguration as housing or other uses.

P&Z • JCDA | Yearly

3. Revise existing Jefferson County land use requirements and site plan standards to promote adaptive reuse.

P&Z | 3-5 years

## Objective 4.3

Identify and implement feasible strategies to ensure short term rental compliance with local ordinances.

1. Perform a yearly review of short term rental offerings in the county and cross check adherence to local ordinances then work to bring offenders into compliance.

P&Z | Yearly

Please note this is not the full Guidelines for Phase I, II, III Archaeological Investigations and Technical Report Preparation, the appendices has not been included to reduce page count. The full document can be found at the West Virginia State Historic Preservation Office website.

**Guidelines for Phase I, II, and III Archaeological Investigations  
and Technical Report Preparation**

**Prepared by the West Virginia State Historic Preservation Office  
Written by Patrick Trader  
Edited by Joanna Wilson**

## Preface

The completion of Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation is due in large part to the efforts of two former Historic Preservation Office archaeologists. Development of the guidelines was initiated by Eric Voigt, author of the original WVSHPO survey and curation regulations. Working from this foundation, Patrick Trader composed the text and compiled the appendices for the current edition, developing a comprehensive and useful document.

The WVSHPO would like to recognize the many individuals that contributed to this process. Under the guidance of Susan Pierce, Director, several past and present members of the WVSHPO staff assisted in the development of these guidelines. They include Dr. Jeanne Day Binning, Jeff Davis, Andrea Keller, Lora Lamarre, Dr. Fred McEvoy, J.T. Sutton, Mark Whitby and Joanna Wilson. West Virginia Division of Highways staff members Rodney DeMott, Matt Wilkerson and Roger Wise provided comments and guidance. C. Michael Anslinger of Cultural Resource Analysts, Inc. reviewed an early draft and supplied many editorial comments.

These guidelines have been revised to allow consultants greater diversity in their approach to archaeological investigation in West Virginia. The WVSHPO hopes that this document serves to clarify its expectations, as well as to assist the consultant in developing survey and excavation strategies.

## I. Introduction

The following guidelines for archaeological and historical studies reviewed by the West Virginia State Historic Preservation Office (WVSHPO) were developed to assist researchers in conforming to the standards for cultural resource projects currently accepted by regulatory agencies and the professional archaeological community. These guidelines represent minimum standards and do not preclude innovative strategies. Alternative approaches or variations to approved scopes of work, however, **must be reviewed and approved by the State Historic Preservation Office prior to fieldwork**, and be justified by references to recognized literature regarding archaeological methods and techniques.

Included in these guidelines are professional qualifications for principal investigators, a guide for conducting literature reviews and site-file searches, current curation regulations, and provisions for encountering human skeletal remains. Also included are current state guidelines for conducting independent archaeological research and excavations.

The WVSHPO reviews projects to determine what effects, if any, they may have upon significant cultural resources as outlined within Federal and State laws and regulations. These include Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties", the National Environmental Policy Act of 1969, The Archaeological and Historic Preservation Act of 1974, and West Virginia State Code 29-1-8, and its implementing regulations, Title 82, Series 2: "Standards and Procedures for Administering State Historic Preservation Programs". Other mandatory regulations include State Code 29-1-8a, "Protection of human skeletal remains, grave artifacts and grave markers; permits for excavation and removal; penalties", and its implementing regulations, Title 82, Series 3: "Standards and Procedures for Granting Permits to Excavate Archaeological Sites and Unmarked Graves". The WVSHPO also assists federal and state agencies in the review of and compliance with their cultural resource regulations, including the implementation of Programmatic Agreements, Memoranda of Agreement and Memoranda of Understanding.

As part of the review process, the WVSHPO may recommend archaeological investigations within a given project area or Area of Potential Effect (APE). The necessity for an archaeological investigation is based on the proximity of known archaeological sites within or near the project area, and the probability that archaeological sites might be found within a specific landform. Review of existing land conditions also contributes to this process of determination. If there is a moderate or high probability that archaeological sites may be found within a defined APE, then an archaeological investigation is recommended. The following guidelines have been developed to aid archaeologists in conducting such investigations in the State of West Virginia.

## II. Professional Qualifications

All consultants currently conducting archaeological investigations in the State of West Virginia are included in an approved list of consultants. To be included in this list, consultants must meet a series of minimum requirements in accordance with the Secretary of Interior's Professional Qualifications, 36 CFR Part 61. In order to be considered as Principal Investigator for archaeological investigations, a person must satisfy the following requirements:

MA/MS or Ph.D. in Archaeology or Anthropology  
or closely related field <sup>1</sup>

plus

At least 1 year full-time professional experience or  
equivalent specialized training in archaeological  
administration or management.

plus

At least 4 months of supervised field and analytic  
experience in general North American archaeology.

plus

Demonstrated ability to carry research to completion.

plus

At least one year of full-time experience  
at a supervisory level in the study of  
archaeological resources of the prehistoric  
or historic periods.

\_\_\_\_\_To request consideration for placement on the West Virginia State Historic Preservation Office consultants list, please submit current and detailed curriculum vitae for all principal investigators and field directors to the Senior Archaeologist at the West Virginia Division of Culture and History. Corporate or abbreviated vitae will not be accepted. All archaeological investigations must be conducted under the supervision of an archaeologist who meets the above

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<sup>1</sup> What constitutes a closely related field will be established on a case-by-case basis. Persons without degrees in anthropology or archaeology must submit additional documentation to certify the extent of their archaeological background. This may include demonstration of the amount of graduate level coursework in archaeology that has been completed.

qualifications.

### III. Archaeological Site File Searches

As of August 1, 1996, all consultants conducting archaeological investigations in review and compliance-related cultural resource inventory projects must conduct a literature review and site file search **prior** to initiating fieldwork. In the event of emergency situations, the conduct of a literature review prior to fieldwork may be waived. The consultant must still conduct the literature review after completion of fieldwork. The consultant must also bear in mind that additional archaeological investigations may be necessary following the literature review.

Literature reviews and site file searches must be conducted at the West Virginia Division of Culture and History/State Historic Preservation Office, located in the Cultural Center in Charleston, West Virginia. Consultants must contact the Survey Archaeologist and/or National Register Survey Coordinator at least 48 hours before scheduling a file search. This is necessary to ensure that appropriate WVSHPO staff are available to assist consultants. Office hours are Monday through Friday, 9 am to 12 pm and 1 pm to 4:30 pm. Walk-ins will not be permitted access to the files. The office is closed between 12 and 1 pm for lunch. There will be no exceptions.

All documents and site files must be removed and returned to the shelves by SHPO staff. Consultants will not be allowed access to these materials unless SHPO personnel are present. Documents may be copied upon approval of SHPO staff at a cost of \$0.25 per page. Copies will be free of charge to representatives of state and federal agencies, Historic Landmark Commissions, and Certified Local Governments.

In accordance with the Memorandum of Understanding between the West Virginia SHPO and the United States Forest Service - Monongahela National Forest, all consultants requesting information concerning archaeological sites on the National Forest property must contact the Forest Service Archaeologist in Elkins, West Virginia at 304/636-1800. This information will not be made available by the WVSHPO.

In order to monitor literature reviews and file searches, the WVSHPO has developed a form (see Appendix G) that **must** be filed with all technical reports generated for projects in compliance with Section 106 of NHPA. All file search requests will be assigned the individual WVSHPO File Reference (FR) number, if known. This form must be submitted by the Principal Investigator of each project as an appendix to each technical report. Failure to conduct the literature review and site file search, or to submit the form, will result in the rejection of the project report.

#### **IV. Section 106 and Cultural Resource Investigations**

Cultural Resource Investigations are conducted in stages commonly referred to as Phase I, II and III. A discussion of each phase follows.

##### **Phase I Investigation**

Phase I investigation consists of a combination of background research and fieldwork designed to identify resources and define site boundaries within a given project area or Area of Potential Effect (APE). During the Phase I investigation, the entirety of the project area must be studied. Locations not surveyed or only partially examined during a Phase I investigation will require additional work. For extensive projects, such as reservoirs or highway corridors, a sampling strategy (i.e. predictive model) may be employed at this stage **only** after consultation with the WVSHPO staff and with WVSHPO approval.

\_\_\_\_\_Phase I fieldwork consists of a number of methods including pedestrian survey, excavation of shovel test probes, remote sensing, and deep testing of appropriate landscapes. The use of specific field methods and techniques is dependent upon the type of ground cover present, the topographic setting, and the amount of observed disturbance in a given situation.

##### **Phase II Investigation**

Phase II archaeological investigation is conducted in order to test or evaluate an archaeological site's eligibility for inclusion in the National Register of Historic Places (NRHP). In order to facilitate the evaluation process, specific information should be recovered during a Phase II investigation. This information may include, but is not limited to: evaluating areas of moderate and high artifact densities, determining the vertical limits of the site, the presence of intact, sub-surface, and/or stratified deposits, site structure, and site formation processes. One of the more traditional and standard means of recovering this information is through the excavation of test units.

Following the completion of Phase II investigations, a consultant should be able to make a Determination of Eligibility (DOE) for all resources evaluated. The Criteria for Evaluation are outlined in the Department of Interior's regulations, 36 CFR Part 60: "National Register of Historic Places". Specific references to Criteria for Evaluation are found in 36 CFR 60.4. Additionally, the National Park Service has a series of publications regarding the evaluation of particular cultural resources, including archaeological sites, historic mining properties, and cemeteries (see Appendix A). Consultants should be aware that the determination of eligibility must also take into account "data gaps", or lapses in our understanding of area history and prehistory.

Phase II investigations consist of additional background research and fieldwork. Prior to the initiation of fieldwork, a detailed and concise scope of work must be submitted to WVSHPO for approval. The Phase II scope of work may be submitted as an appendix or addendum to the completed Phase I technical report. If, during the course of fieldwork, Phase II methods are

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found to be inadequate, the scope of work may be modified upon consultation with WVSHPO staff. In order to facilitate a DOE for an archaeological site, a member of WVSHPO staff may conduct an on-site evaluation to consult with the project sponsor and archaeological consultant.

\_\_\_\_\_Field investigations at the Phase II level are conducted to determine the horizontal and vertical limits of an archaeological site, and to retrieve spatial, temporal, and subsistence information about the site. Field investigations should be designed to retrieve the information necessary to determine the eligibility of a site without seriously impacting the contextual integrity of the resource. Therefore, a limited testing regimen should be developed upon consultation with the WVSHPO staff.

A number of field methods and techniques may be implemented during Phase II investigations. These include systematic, controlled surface collection, additional shovel tests, mechanical augering, hand-excavated test units, deep testing, mechanical removal of the plowzone, and use of remote sensing techniques.

### **Phase III Investigation**

\_\_\_\_\_Once an archaeological site is determined to be eligible for inclusion in the National Register, the effect a project may have on the property must be assessed. Avoidance of the property results in a determination of no effect. If the property cannot be avoided, and if any damage or disruption of the resource will result from implementation of the project, a determination of adverse effect is made. Phase III investigation, also known as data recovery, is one response to such a determination. Data recovery efforts are undertaken to mitigate the adverse effect by recovering significant data or information prior to disturbance or destruction.

When Phase III investigations are necessary, the lead federal agency must submit a detailed data recovery plan to the WVSHPO for review and comment. If the Phase III is to be undertaken in completion of Section 106 responsibilities, the Advisory Council on Historic Preservation (ACHP) must also be contacted. Briefly, the data recovery plan must include an overview of previous investigations that were conducted for the archaeological resource(s). The data recovery plan must include a brief description of the Phase II finding and justification for the determination of eligibility, and should guide the level and effort of fieldwork to be conducted.

A number of field methods and techniques may be implemented during Phase III investigations, including hand excavated test units, deep testing, and mechanical removal of the plowzone and other sediments.

## V. Background Research

Background research is a necessary component to fieldwork and allows the researcher to form a basic understanding of the environmental, geological and cultural history of the region and project area. Preliminary background searches also serve as the basis for developing archaeological and historical contexts for the region under study. A thorough knowledge of previously recorded cultural resources and environmental characteristics of a region or project area allows the researcher to formulate predictions for the types of archaeological sites that might be encountered during fieldwork. Through a synthesis of this information, strategies for conducting fieldwork may be developed and implemented.

Background research **must** be conducted prior to the initiation of any fieldwork for this to be successful. Documents available at the WVSHPO include United States Geological Survey (USGS) quadrangle maps containing the location of known archaeological sites and previously surveyed project areas, and corresponding archaeological site form files. WVSHPO also maintains a library of cultural resource management technical reports produced for Section 106 projects conducted in the state, as well as county-wide historical survey files, National Register Files and Coal Heritage Survey files. There are a number of other research facilities available for use including the West Virginia State Archives in Charleston, the Institute for the History of Technology and Industrial Archaeology and the Geological and Economic Survey at West Virginia University in Morgantown, and the Eastern Coal Fields Archives in Bluefield. The West Virginia Archeological Society maintains a substantial collection of documents at the South Charleston Library as well. Researchers should contact local historical societies, libraries and courthouses for project-specific information, and should examine artifact collections held privately or in museums when possible.

Prior to initiating Phase II fieldwork, the consultant must conduct additional background research concerning the environmental, archaeological and historical background of the region. The consultant should conduct limited, comparative research on a regional level to identify potential data gaps in the area. A research design should be developed to serve as a guide to fieldwork. The research design should formulate specific questions to be addressed during fieldwork. Research questions should facilitate the determination of eligibility for the resource.

During Phase III investigations, the background research should be inclusive and concentrate on those aspects stipulated in the research design. For historic sites, the background research should include extensive document searches from such sources as local histories, deeds, diaries, correspondence, and journals. Again, the research design should formulate specific questions that can be addressed during fieldwork. Potential research questions may include, but

are not limited to, the following:

- How does the site fit into known regional settlement patterns?
- How did its inhabitants exploit locally available plant, animal and mineral resources?
- What resources were available?
- What are the temporal and/or cultural affiliations of the site?
- What is the research potential of this site?

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## **VI. Field Methods**

### **Pedestrian Survey**

A pedestrian survey is conducted over the entirety of the project area in order to determine the locations of above-ground resources (i.e. cemeteries, rockshelters, petroglyphs, pictographs, earthworks and foundation remnants) and to determine the nature of physical and environmental aspects of the project area. This method is most useful in situations where slopes exceed 20%. Pedestrian survey transects shall be spaced at 10-15m intervals to ensure proper ground surveillance. As survey is conducted, photographs of the survey area should be taken, and any above ground resources should be mapped.

### **Plow Stripping**

In project areas which have been previously cultivated, plow-stripping may be used in combination with shovel test probes. Plow-strips should be at least 2m wide and be placed at 15m intervals across the entirety of the project area.

### **Controlled Surface Collection**

A systematic, controlled surface collection may be conducted in areas with surface visibility greater than 75% (100% visibility is preferred). Areas which have been previously cultivated may be disked and/or plowed to create greater surface exposure.

The controlled surface collection should be conducted within a metric, grid-coordinate system superimposed upon the area to be evaluated. Collection units may be 1x1 m, 2x2 m or 5x5 m on a side, but one unit size must be used consistently. All collection units and artifact concentrations must be placed on a map accompanying the technical report. Alternatively, the investigator may map the x, y and z coordinates for diagnostic and other artifact classes, and map artifact concentrations using a total station theodolite or other surveying instrument.

Surface collection should be conducted to define the horizontal limits of a site, to increase the sample size of artifacts (particularly temporally diagnostic artifacts) and to facilitate the identification of moderate and high artifact densities across the site. The identification of these areas should guide the placement of hand-excavated units.

## Shovel Test Probes

When ground cover exceeds 25%, shovel test probes (STPs), must be used to locate cultural resources. Shovel tests are used to define areas of low, moderate and high artifact densities in order to guide the placement of excavation units. At a minimum, shovel test transects should:

a). adequately cover project corridors (e.g. follow a project centerline and both right-of-way limits for corridors); and

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b). be placed systematically on a metric grid or in transects on land parcels.

Shovel test transects should be placed at 10-15 m intervals over the entirety of the project area. Shovel test pits must be a minimum of .50 x .50 m in diameter and excavated into subsoil or at least 10 cm into archaeologically sterile sediments. All excavated soils must be passed through 1/4-inch mesh hardware cloth. Representative profiles and/or photographs of STPs, including Munsell descriptions, must be included in technical reports.

If an archaeological site is identified, a detailed plan map indicating the location of both positive and negative shovel test probes must accompany the report. For surveys with large APEs, the map should indicate locations where shovel testing occurred. These areas may be outlined with cross-hatching.

When slope gradients exceed 20%, the ground surface is flooded or waterlogged, or landscapes are extensively altered or disturbed, STPs will not be necessary. All areas not shovel tested must be fully documented by photographs and indicated on maps in the technical report.

When a positive STP occurs, subsequent shovel tests must be placed at 5 m intervals in all cardinal directions (radials) until two negative shovel tests in a row are encountered. Testing of positive radials is not necessary if site boundaries have been adequately defined through other methods.

When historic structures greater than 50 years of age are encountered, shovel tests must be placed around the perimeter of each structure in order to determine if historic archaeological deposits are present.

A distinction should be made between a *rock overhang* and *rockshelter*. A rock overhang is used to define absence of human occupation, while the term “rockshelter” is used when evidence of human occupation is identified. When rock overhangs are encountered during pedestrian survey, the floor should be inspected to determine the presence/absence of cultural materials. If cultural material is not evident on the floor, then a shovel test probe must be excavated to determine the presence of cultural materials.

## Remote-Sensing Techniques

Remote-sensing techniques are non-invasive means of identifying archaeological sites. They may include (but are not limited to) aerial photography, metal-detecting, magnetometry, electrical resistivity, electromagnetic conductivity surveying, and ground-penetrating radar.

False-color infrared aerial photographs have been used to detect village patterns, earthworks, foundation remnants and mounds. The use of metal detectors has also been successful in identifying and examining archaeological sites, particularly historic and military sites. The use of a metal detector or any other remote sensing technique should supplement rather than replace shovel testing, and must be coordinated with WVSHPO staff.

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The implementation of remote-sensing methods should be conducted by persons versed in their use and interpretation. Not every project area and/or site has the potential to produce results worth the expenditure of time and funding to conduct remote sensing. Consult with WVSHPO staff prior to implementing any such methods.

### **Deep Testing**

Deep testing is often necessary to determine if certain landscapes or topographic settings contain deeply buried archaeological deposits. Deep testing is also used to determine if deeply buried cultural deposits exist and to collect information on site structure and site formation processes. Appropriate landscapes include but are not limited to flood plains, terraces, and colluvial/alluvial fans.

During Phase I and II investigations, deep testing is conducted to determine the presence, absence, and nature of buried archaeological deposits. A variety of deep testing methods and techniques may be used, including backhoe trenching, hand-augering, truck-mounted borings to remove intact soil cores, and the examination of cut-bank profiles. The methods used depend upon the topographic setting, the size of the project area, and consultation with WVSHPO staff. Representative photographs and soil profiles, as well as detailed illustrations and descriptions of soil strata and composition, must be included in the technical report for any method chosen. Deep testing methods are used to supplement archaeological investigations, and are not a substitute for STPs or test units. The WVSHPO staff recommends that a professional geomorphologist be consulted during Phase II investigation to develop a geomorphological history and to define site formation processes within the project area. This information must be included in the final report.

The number and placement of backhoe trenches is dependent upon the landscape and should be determined in consultation with WVSHPO staff. Backhoe trenches should be excavated until Pleistocene or channel lag deposits are reached, if possible. Trenches should be excavated in such a way that soil strata may be examined, profiled, recorded, photographed and sampled safely. A complete and detailed profile of any trench must be included in the technical report, including the depth, length, and width of the trench. Additionally, the location of each backhoe trench must be mapped and included in the technical report. Photographs of profiles

must be taken with a photo board and vertical scale. The ground surface of the trench must be clearly visible in the photograph. It is the consultant's responsibility to ensure that all deep testing is performed in compliance with OSHA standards while attaining the necessary soils and resource information.

In order to correlate cultural and geomorphological data on landform and site formation processes, a .50 x .50 m test unit must be excavated along one wall of each backhoe trench. Units must be excavated in 10 cm arbitrary levels within artificial or natural soil strata. All excavated soils must be passed through a 1/4-inch mesh hardware cloth. Test units are not necessary for each backhoe trench, if soil columns are also being gathered.

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During Phase III investigations, deep testing is often conducted to facilitate and guide data recovery efforts. Identification of archaeological and geological strata in backhoe trenches can coordinate excavations of deeply buried deposits. Understanding the geomorphological development of the area is as significant as understanding the cultural development of the site. Again, the WVSHPO staff recommends that a professional geomorphologist be consulted.

### **Excavation Units**

#### Phase II Investigations

During a Phase II investigation, the placement of excavation units should be based on data gathered during the Phase I. Excavation units should also be placed so that the optimum amount of information is gathered without destroying the integrity of the site. Excavation units should be placed within a grid-coordinate system to ensure continuity. Units must be hand-excavated and at least 1x1 m on a side. Units may also be 1x2 m, or 2x2 m, but the unit size that is selected must be used consistently. Hand-excavated units should be excavated in 10 cm arbitrary levels within cultural or natural soil stratigraphy. In situations where soil strata are compacted or difficult to discern, an investigator may also use 5 cm arbitrary levels. All units must be excavated at least two levels (20 cm) below cultural deposits. All excavated sediments must be passed through 1/4-inch mesh hardware cloth. Two contiguous walls of each test unit must be troweled, profiled and photographed.

If cultural features or stratified cultural deposits are encountered during testing, an appropriate sampling strategy must be used. A detailed discussion concerning feature excavation and sampling strategies is found in the sections on **Feature Identification** and **Sampling Procedures**.

Test units placed near standing structures or foundation remnants may be excavated in the English System of measurement in accordance with current and acceptable historic archaeological excavation techniques. If structures and foundations are not evident, however, excavations should follow metric excavation techniques.

When rockshelters are evaluated, excavation strategy should take into consideration the types of site formation processes that developed these resources. Rockshelters represent a delicate and fragile archaeological resource, and contain sensitive environmental information. Because of the nature of deposition found in rockshelters, cultural deposits may be quite shallow, and may contain multiple occupation levels. The number and placement of test units within a rockshelter is dependent upon the size of the shelter to be tested. If possible, rockshelter deposits should be excavated in 5 cm arbitrary levels within cultural or naturally deposited sediments. If 5 cm levels are not possible, the investigator may wish to increase vertical control by obtaining x, y and z coordinates for diagnostic artifacts. If activity loci are defined, this method of vertical control may be used for other artifact classes. All soils should be passed through hardware cloth with mesh no larger than 1/4-inch, although mesh as fine as 1/8-inch may be used if necessary. At least one test unit should be placed outside the drip line of the shelter. Appropriate excavation of features and sampling strategies should follow those outlined below.

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### Phase III Investigations

During Phase III investigation, test units should be placed in order to optimize data recovery. Phase II investigations and the data recovery plan should guide the placement of test units at the site. For example, the use of block excavations may facilitate access to deeply buried archaeological deposits. Test units should be used where the use of heavy machinery (such as belly pan scrapers) would negatively impact archaeological deposits. The data recovery effort should include testing of both high and low density areas.

### **Mechanical Removal of Plowzone and Other Sediments**

The mechanical removal of plowzone may be implemented only upon consultation and with the approval of WVSHPO staff, and should be stipulated in any scope of work or data recovery plan. Plowzone removal may be conducted in areas that were subject to previous cultivation practices and that exhibit a **definable** plowzone.

Plowzone removal may be used in previously cultivated areas to facilitate the identification of subsurface features. The degree of plowzone removal shall be determined by the intensity of the investigation effort. Plowzone removal during Phase II investigation should be as non-invasive as possible in order to protect the integrity of the site. Removal during data recovery efforts may be as extensive as necessary to identify subsurface features. It is also acceptable to mechanically remove sediments in order to reach buried archaeological deposits, if buried deposits are **known** to be overlain by culturally sterile soils (i.e. fill).

### Phase II Investigations

Following the removal of plowzone, the area should be shovel-scraped or trowel-scraped to expose a clean surface for inspection and identification of subsurface features. A detailed

discussion on feature excavation and sampling strategies is found in the sections titled **Feature Identification** and **Sampling Procedures**.

### Phase III Investigation

The mechanical removal of the plowzone may be implemented during Phase III investigations in areas that were subject to previous cultivation practices and that exhibit a **definable** plowzone. During Phase III investigations, plowzone removal may be conducted to expose large, contiguous areas of the surface in order to identify sub-plowzone features.

### **Feature Identification**

Once a subsurface feature has been identified (e.g. postmold, hearth, storage/trash pit, etc.), its location must be mapped according to the site grid-coordinate system. Each feature must be mapped in planview and photographed. Once the planview has been drawn, one-half of the feature must be excavated in order to determine its content and stratigraphic profile. Features may be excavated in halves or quarters along its long axis. If internal stratigraphy is evident,

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features should be excavated in 5-10 cm levels within stratified deposits or depositional episodes. One-half of each feature must be profiled and photographed. All profiles should have a north arrow, scale and key. Once the feature has been completely excavated, the basin should be photographed. All photographs should be taken with a photo board, vertical scale and north arrow.

### **Sampling Procedures**

During the course of Phase II and III excavations, appropriate samples must be taken to aid the investigator in gathering as much information about the archaeological site as possible. Samples gathered from test units and features should be removed below the plowzone level to reduce the risk of contamination. It is especially important to collect samples from enclosed environments such as rockshelters, the interiors of containers and vessels, and burials.

Collected samples should include charcoal (for radiocarbon dating and species identification), flotation, phytolith, pollen, and soil. Flotation samples should be at least 5-10 liters in size and taken from each level below plowzone. Flotation samples gathered from features may be up to 15 liters per excavated half, or the half itself may be taken for a flotation sample. If internal stratigraphy is evident within feature fill, then a flotation sample should be removed from each stratified deposit. The types of samples to be gathered depend upon a number of factors including preservation, funding and processing capabilities. Most samples must be processed and analyzed by specialists.

### **Recovery Methods**

The methods of recovering archaeological materials should be guided by the Phase II workplan or the data recovery plan. Methodology becomes particularly important when attempting to retrieve information on subsistence or settlement patterns. For example, dry and wet screening methods are both acceptable. Wet-screening, however, is less destructive to botanical and faunal materials. The technique chosen also depends upon soil types and conditions. All excavated soils should be screened through 1/4-inch mesh hardware cloth, although 1/8-inch and 1/16-inch mesh hardware cloth is also acceptable if smaller artifacts or ecofacts are expected to be recovered.

## **VII. Recordation and Documentation of Archaeological Sites**

An archaeological site may be defined as a locus of human activity that is manifested by the presence of artifacts. Examples of archaeological sites include isolated finds, petroglyphs, pictographs, rockshelters, village sites, cemeteries, prehistoric earthworks and mounds, historic earthworks and fortifications, farmsteads, industrial sites, foundations, and ephemeral scatters of prehistoric and historic debris.

When an archaeological site is identified, additional steps are necessary to determine its horizontal boundaries. During a pedestrian survey, site boundaries can be defined by reducing survey intervals between observation points (in a plowed field) or by implementing shovel test probes (in wooded or grassy areas). If a previously recorded site is known to be within an area it must be relocated and re-identified.

Proper recordation and documentation of historic or prehistoric archaeological sites requires representative photographs and/or profiles of STPs, and the placement of STPs on the site map. Representative photographs of identified sites must also accompany each site form and technical report.

A West Virginia Archaeological Site Form (see Appendix H) must be prepared for each identified site. A revised archaeological site form must be prepared for each relocated and re-identified site. A West Virginia Isolated Find Site Form (see Appendix I) must be completed for each isolated find, defined as a single artifact find. A West Virginia Cemetery Survey Form (see

Appendix J) must be prepared for each identified cemetery. If standing structures are identified within the boundaries of the project area, then a West Virginia Historic Property Form must be completed (see Appendix K).

Completed West Virginia Archaeological Site forms must include the following: a detailed site plan or sketch map (must include location of STPs), a USGS quadrangle map with site location noted, and representative photographs of the site. The USGS map must include a north arrow, scale, quad name, year and contour interval. Site sketch maps must include a north arrow and scale. The form should also include a discussion of artifact densities or percentages noted, as well as a discussion of all diagnostic artifacts recovered. If structural or foundation remnants are identified, a site plan or sketch map of each foundation must be included. Two copies of each site form must be submitted separately, one for the permanent site records and one as an appendix to the technical report. Site forms must be printed on acid-free paper. Incomplete forms will be returned for revision.

Permanent, trinomial site numbers will be assigned upon receipt of the **original** archaeological site form. Facsimile transmission of site forms is not acceptable. As stated in WVSHPO June 25, 1994 and March 23, 1998 letters, site numbers will **not** be assigned over the telephone. Archaeological site numbers will be assigned within three working days upon receipt of the form. Site numbers are not necessary for report submission.

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If a previously unrecorded site is identified during Phase II investigations, a West Virginia Archaeological Site Form must be prepared. An amended and revised archaeological site form should also be prepared for each site in which Phase II investigations have been completed. The form should include information concerning site size, archaeological components present, diagnostic artifacts recovered, and artifact density. The form should also include a map indicating the location of investigations and site boundaries.

### **VIII. Inclusion of West Virginia Historic Property Inventory Forms**

When historic buildings or structures are located within the area of potential effect or project area, no archaeological report is complete without their identification and evaluation. Although report text may include a description of the resources, the West Virginia Historic Property Inventory Form (see Appendix K) must be completed. Original forms must be submitted separately, and copies may be included in the bound report. If Phase I archaeological results dictate additional research at the Phase II level, evaluation of the standing structure(s) according to National Register Criteria may be postponed until that time. If not, full evaluation of the structure(s) must be submitted with the completed Phase I report. Full evaluation includes, at minimum, the following:

1. Historic Context: an explanation of the relationship of the resource to its setting and historic use. Include dates within which the property was in use;
2. Deed Research: identification of date of construction and property ownership;
3. Oral History: information obtained from local informants regarding ownership, use and significance of the property;

4. Brief Description: information regarding the appearance of the structure and materials used in its construction; and
5. Statement of Significance: in relation to National Register Criteria.

The WV SHPO relies upon National Register (NR) Bulletins for further guidance regarding application of the Criteria of Eligibility. Notable among these are NR Bulletin No. 15 “How to Apply the National Register Criteria for Evaluation”, NR Bulletin No. 24 “Guidelines for Local Survey: A Basis for Preservation Planning”, and NR Bulletin No. 21 “Defining Boundaries for National Register Properties.” The WV SHPO encourages early consultation regarding historic properties, and can provide further guidance upon request.

## **IX. Recommendations**

### **Phase I Investigation**

If data generated during a Phase I investigation clearly document the absence of cultural resources, or if identified cultural resources do not meet the criteria for eligibility to the National Register of Historic Places, then a recommendation of no additional work is appropriate. WVSHPO staff will provide additional recommendations to the lead agency regarding the eligibility of the resource and whether additional investigations are necessary.

In order to reach this conclusion, reasons for the determination of ineligibility must be clearly stated. For example, an isolated find usually does not meet the minimum Criteria for inclusion in the National Register and will require no additional investigation. The recordation and documentation of such a site exhausts its research potential, therefore the project will have no effect on the site.

If the research potential for a particular site has not been exhausted at the Phase I level, further archaeological investigations may be necessary. A number of factors and questions may

be considered at this point, including site integrity, presence/absence of intact stratigraphic deposits, subsurface features and/or ecofactual materials, site location, and topographic setting.

If the eligibility of an archaeological resource cannot be determined upon completion of Phase I investigations, then avoidance or Phase II testing may be recommended. If avoidance is not a viable option, then Phase II investigations must proceed.

### **Phase II Investigation**

At the close of Phase II investigation, the investigator must provide recommendations regarding the eligibility of the resource(s) for inclusion in the National Register of Historic Places. Following these recommendations, the federal agency responsible for the undertaking, in consultation with the WVSHPO, makes a final determination of eligibility. If the WVSHPO disagrees with the report's recommendations, or determines that the report is incomplete or insufficient, further Phase II investigations may be required in order to make an accurate determination.

If the resource is recommended to be not eligible for inclusion in the National Register of Historic Places, and the consulting parties concur, then no further archaeological investigations are considered necessary. Monitoring during construction activities may be recommended to ensure that a qualified archaeologist is on site in the event that archaeological deposits or features are discovered.

If the resource is recommended as eligible to the National Register and the consulting parties concur, the agency responsible must determine what effect the undertaking will have on the resource. In accordance with 36 CFR 800.5, the responsible agency must apply the Criteria of Effect. Once a resource has been determined to be eligible, two options may be exercised:

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- 1). Avoidance  
or
- 2). Mitigation

If a resource can be avoided, then the undertaking will have no effect on the National Register eligibility of the resource (36 CFR 800.4(d) as defined in 800.16(i)). If avoidance is possible, stipulations must be established to ensure that the resource will not be harmed. Avoidance measures may require fencing or monitoring activities.

If avoidance is not an option, then the undertaking will have an adverse effect on the resource in accordance with 36 CFR 800.5(a)(1). A finding of adverse effect requires resolution under 36 CFR 800.6, including involvement of consulting parties and the Advisory Council on Historic Preservation. Consultation results in the development of a Memorandum of Agreement outlining the methods to be used in the resolution of the adverse effect.

Phase III data recovery is usually recommended in response to a determination of adverse effect. Once data recovery efforts have been recommended as a mitigative response, a detailed data recovery plan must be submitted for review and comment to the WVSHPO and the Advisory Council on Historic Preservation. The WVSHPO will respond with written comments within thirty days of receipt of the data recovery plan.

## **X. Determination of Eligibility**

A number of factors must be considered in order to make eligibility recommendations. The investigator must be able to answer the following questions: Does the data recovered answer research questions posed in the scope of work? More importantly, does the site have the potential to address research questions not answered?

The quality of significance is of paramount importance in any determination of eligibility for inclusion in the National Register. There are four Criteria of Eligibility, and a resource must meet at least one of these to be considered eligible (NR Bulletin No. 15). Briefly, these Criteria are:

- A. Association with events that have made significant contributions to broad patterns

- of history;
- B. Association with the lives of persons significant to our past;
- C. Embodiment of distinctive and significant characteristics of a type, period or method of construction;
- D. Having yielded, or having the potential to yield, significant information important to prehistory or history.

Archaeological sites are most often determined eligible under Criterion D, but may qualify under any or all of the Criteria above. For instance, a Civil War battlefield site may be eligible under Criterion A for its association with a pivotal conflict. Archaeological properties may also be classified as individual sites or as historic or prehistoric districts (NR Bulletin No. 36). It is important to keep the overall context of the site in mind when presenting a determination of eligibility.

There are several variables to consider when making recommendations concerning the eligibility of an archaeological site. These include the following:

- 1). Integrity
- 2). Site Type
- 3). Temporal and Cultural Affiliation

Archaeological sites are complex and the variables noted above are interrelated. Generally, an archaeological site is not considered eligible on the merits of one variable alone. In addition to these variables, the researcher should be familiar with the literature covering the area under study. This includes a familiarity with the so-called "gray literature" found in preservation offices and universities. A discussion of each variable follows.

A. Integrity - The integrity of an archaeological site is one of the most important variables to consider when determining the eligibility of a resource. Integrity refers to the level of site preservation as well as to the quality of information recovered from that site. The site must possess relatively intact deposits, even if such deposits lie beneath a plowzone or

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other surface disturbance. As well, the site must provide spatially, temporally, and functionally diagnostic information (NR Bulletin No. 36).

B. Site Type - The type of site under investigation also contributes to the eligibility of a resource. It is important to consider the data that may be retrieved from a site and how that information may contribute to the understanding of similar site types in the state. Sites that address "data gaps", or areas where little or no documented archaeological research exists, are also potentially eligible. For example, little is known about historic grist mills in the western portion of the state, any information that can be gathered from such a site will contribute significantly to our knowledge of the archaeological record.

- C. Temporal or Cultural Affiliation - The age or temporal affiliation of a site is another important factor to consider. Some archaeological investigations have focused on sites from a specific temporal or cultural affiliation, to the exclusion of others. Again, sites that address such “data gaps” must be carefully considered.

## **XI. Data Recovery Plan**

The data recovery plan must include an overview of previous investigations that were conducted for the archaeological resource(s) in question. The data recovery plan must include a brief description of the Phase II finding and justification for the determination of National Register eligibility. The plan must also discuss the research potential of the archaeological site(s) under study. The investigator must develop a research design that is tailored to the specific site type, and formulated to gain optimum information from the archaeological site. The development of research questions or topics may guide the research design. Research

questions may include such topics as placement of the site into regional subsistence and settlement patterns, or development of data regarding raw material procurement and trading networks.

A detailed discussion of field and laboratory methods should follow the introduction and research design. A field methods and technique section should discuss an excavation plan, including the size and number of test units and total square meters to be excavated. This section should indicate whether test units are to be excavated in arbitrary or natural levels, or arbitrary levels within natural or archaeological strata. It should also include unit level depth, in centimeters for prehistoric sites or inches for historic sites. As well, this section should discuss recovery techniques and what size hardware cloth mesh will be used. If large-scale mechanical stripping is to occur, the total area of exposure must be determined and included in this section.

The field methods section should also be concerned with the sampling strategy to be used. Because of the time and funding required, it is not always possible to excavate an entire site. In these instances, the site must be sampled in order to properly mitigate an adverse effect. Phase II investigations should be used to determine areas in which to concentrate data recovery efforts. This section must include the types of samples to be taken (e.g. radiocarbon, flotation, and soil), how they are to be recovered, and sample size. Methods for identification, excavation, and sampling of features must also be discussed.

A laboratory methods section should discuss the types of analysis to be used and how analysis is to be conducted. It should also discuss any special methods that may be used (e.g. residue or use-wear analysis, etc.). The data recovery plan should also contain discussion of the identification and treatment of human skeletal remains. In accordance with 36 CFR 79: "Curation of Federally Owned and Administered Archeological Collections", the data recovery plan must discuss the treatment and disposition of artifactual materials and associated documents.

Finally, the data recovery plan must include information about public access to data generated by the project. This may consist of setting up public displays or providing copies of reports to local public libraries, landmark commissions, historical societies or schools. Other means may include public lectures, videos, web sites, or traveling exhibits. The manner in which public access is provided should be developed in consultation with the sponsor and WVSHPO. Any revisions or amendments to the data recovery plan must be reviewed and approved by the WVSHPO and the ACHP prior to commencement of work.

## **XII. Report Format**

Cultural resource reports for different stages of project development should adequately reflect the level of investigation completed. The following format outline is intended to serve as a guide to the types of information that should be included in each report. Certain sections may not be applicable to Phase I or Phase II investigations. The Society for American Archaeology

style guides should be used in preparing any report. Two copies of the report, one with original photographs and on acid-free paper, must be submitted to WVSHPO for review and comment.

During Phase I, II and III investigations, expedient review is often necessary in order to accommodate various state and federal agency project schedules. To facilitate these reviews, WVSHPO has (on a case by case basis) agreed to accept variations to technical reports, including Management Summaries, Addendum Reports and Letter Reports. For projects where no cultural resources or isolated finds are identified, Abbreviated Reports are acceptable. The formats for Management Summaries, Addendum Reports and Abbreviated Reports are found below. The numbers and letters referenced are defined in the Standard Technical Report Format.

### **Management Summaries**

In order to expedite the review of a project, Management Summaries are acceptable with the understanding that a completed Phase I or Phase II report is still required. At the minimum a Management Summary should include:

- Title Page
- Introduction, 3 a-c (Standard Technical Report Format)
- Environmental Setting, 4 d
- Field Techniques, 7
- Results/Inventory of Resources, 9 a (1,2,4,5,6); and b (1,3,4,5,7)
- Composite Assemblage, 10 c
- Recommendations
- Conclusions
- References Cited
- Signed copy of Cultural Resources Files and Library User Registration and Research Record Form

### **Addendum Reports**

If Phase I investigations are an extension or amendment to a previously submitted and reviewed project, an Addendum to the existing report may be prepared in lieu of a standard Phase I report and should include:

- Title Page
- Introduction, 3 a-c
- Environmental Setting, 4 d
- Field Techniques, 7

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- Results/Inventory of Resources, 9 a (1,2,4,5,6); and b (1,3,4,5,7)
- Composite Assemblage, 10 c
- Recommendations

Conclusions  
References Cited  
Signed copy of Cultural Resources Files and Library User Registration and Research Record Form

### **Abbreviated Technical Reports**

If no cultural resources have been identified during a Phase I Investigation, an Abbreviated Technical Report is acceptable for submission and must include:

Title Page  
Introduction, 3 a-c  
Environmental Setting, 4 c-d  
Field Techniques, 7 a-c, and h  
Results 9 a (1-5)  
Recommendations  
Conclusions  
References Cited  
Signed copy of Cultural Resources Files and Library User Registration and Research Record Form

### **Standard Technical Report (Phase I, II and III Investigations)**

#### **1. Title Page:**

- a. Title of report including name and location of project;
- b. Author(s);
- c. Principal Investigator(s), affiliation, address, phone number and signature (mandatory);
- d. Name, address and phone number of client;
- e. Lead state/federal agency and contract/permit number(s);
- f. Date of report; and
- g. WVSHPO-assigned FR number, if known (should be placed in upper right hand corner of report to facilitate tracking).

2. **Abstract/Management Summary:** Should not exceed two pages, and should include:
  - a. Brief description of the project and purpose of investigation; and
  - b. Precise summation of report's findings, conclusions and recommendations.
3. **Introduction:** Discuss the purpose of the project, results and possible impacts to archaeological sites, including the following information:
  - a. Project sponsor, permit/contract numbers and include statutory regulations under which project is being conducted;
  - b. Detailed description of project area or area of potential effect (APE), specific project location (including county, town, or township), number of acres surveyed, reason for conducting project, how project areas were investigated, and potential impact on cultural resources. Locate the project area geographically on a state or county map, and include the project area on a 7.5' USGS quadrangle. Include the name and date of the USGS map. Construction or project planning maps may also be included. Each map must include a north arrow and key;
  - c. Dates of the investigation and personnel involved in the project; and
  - d. Disposition of field notes, artifacts and other materials.
4. **Environmental Setting:** This should be a detailed description of the project area environment, focusing on its resource utilization potential and factors affecting the preservation of archaeological sites. This should include past and present disturbances within the project area. This section should also discuss the ecological methods and techniques used to model past environments. At a minimum the following information should be included:
  - a. Physiographic province and local features of the landscape, including discussions of drainage, soils, hydrology, geomorphology, and geology;
  - b. Regional/local Pleistocene and Holocene environmental overview (if appropriate);
  - c. Modern environmental setting (historic environment and land use patterns, etc); and
  - d. Current land use pattern in project area.
5. **Previous Archaeological Investigations and Background Overview:** This section should include a statement that a site file search has been conducted at WVSHPO. An overview of previous archaeological investigations should include the names of investigators, institutions, dates of work, research purposes, methods, and results. A USGS 7.5' map indicating the locations of previously recorded archaeological sites

within a one mile radius must be included. Other information to be included:

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- a. Location and nature of any publications, manuscripts, field notes and collected materials;
  - b. Informants and their addresses;
  - c. Listing of all known resources located within a one-mile radius of the project area, including all National Register properties and historic properties within and adjacent to a project area. (All previously identified archaeological sites and historic properties must be located on the appropriate USGS 7.5' quadrangle map, including the current project area); and
  - d. Concise synopsis of the prehistoric and historic cultural record for the project area and the surrounding region.
6. **Research Design:** Include a discussion on the expected archaeological potential for the project area and research objectives. This section should focus on the relation of the investigations to state, regional, and national archaeological, architectural and historical studies. Discuss the hypotheses and implications to be tested, including techniques (field and laboratory) used to test implications. Include discussions on the limitations of the research design.
7. **Field Techniques:** This section should be presented so that reviewers and future researchers may reconstruct what was done and why. Present a detailed discussion and evaluation of field techniques employed, including types of information collected, sampling techniques, artifact retrieval, and provenience recording measures. Include the following information:
- a. Field maps (should include locations of all areas investigated, including pedestrian and subsurface surveys);
  - b. Surface-survey techniques: Describe and justify in detail techniques used in the project area and on specific sites. Document surface conditions, survey intervals, and collection methods;
  - c. Subsurface techniques: Document shovel test and other subsurface methods used, including STP intervals and dimensions, and recovery methods used;
  - d. Remote-sensing techniques: Describe and evaluate;
  - e. Test units: Describe test units, discussing size, depth, types of levels used and screen mesh size. Specific information about individual units should be discussed in the

results section;

- f. Backhoe trenches: Describe backhoe trenches, methods used, discussing length, width depth and location. Specific information about individual backhoe trenches should be discussed in the results section;

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- g. Features: Describe methods used to excavate features. Specific information about individual features should be discussed in the results section; and

- h. Note all constraints on the investigation (e.g. limited access, poor visibility, landowner restrictions and weather conditions).

8. **Laboratory Methods and Artifact Curation:** This section should involve a detailed discussion of laboratory methods used to analyze and curate artifacts, and should include the following:

- a. Describe classificatory or typological schemes used in artifact description and analysis. Give rationale for selection;
- b. Discuss all metric and non-metric techniques used to process and analyze artifacts and other archaeological materials;
- c. Note means of chronological determination for artifact assemblages (e.g. relative or radiometric);
- d. Describe any specialized samples that were recovered and how they were processed and analyzed (e.g. flotation, radiocarbon, faunal, botanical, pollen, soils, residue analysis, lithics, ceramics or skeletal remains). Discuss size of samples taken; and
- e. Include information regarding the future location of the curated artifacts and documents.

9. **Results/Inventory of Resources:**

- a. Results: Discuss the results of fieldwork, including surface and subsurface investigations.
  - 1. Maps should include the location of all STPs, auger probes, backhoe trenches, collection blocks, test units and features. All maps must include a north arrow scale, and legend;
  - 2. Representative profiles of STPs, auger probes, backhoe trenches, and test units

must be in the report. All profiles must include a scale and legend;

feature  
are  
quality  
preferred, but color

3. Representative photographs of the project area, excavation unit profiles, profiles, and backhoe trenches must be included. Photographs must have a photo board, scale, and legend. Photographs of backhoe trenches must include a vertical scale. All captions must include the direction from which photos taken. Original photographs, halftones or their equivalents, and high-scanned images are acceptable. Black-and-white photos are preferred, but color are also acceptable;

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4. Describe the number of STPs, test units, auger probes, and backhoe trenches excavated. Discuss the total area excavated in square meters. If large areas were exposed through plowzone removal, indicate the amount of area in square meters;

5. Describe soils identified in STPs, test units and backhoe trenches, including texture, composition, and Munsell. Include a discussion on geomorphology and site formation processes. Discuss depth or limits of cultural deposits at site;

6. Indicate the depths at which artifacts were encountered within STPs and their overall density across the site;

7. Include planview and profile drawings of identified features with the appropriate scale and legend. Discuss and describe identified feature types (e.g. postmolds, hearths, basin-shaped pits, etc.). Information on length, width, and depth may be presented in table format;

8. Artifact densities per unit and unit level should be presented, as well as distribution of artifact types per unit and unit level. Unit and feature descriptions should include total artifacts and artifact types recovered;

9. Discuss comparisons in the variability between test unit and feature artifact frequencies across the site; and

10. Discuss the occupational history of the site.

b. Inventory of Resources: Discuss all of the cultural resources (i.e. archaeological and architectural) identified during the investigation. Clear, concise descriptions of the resource should include:

1. Maps: Include the location of all identified sites on USGS quadrangle. Sketch or site maps should include the location of all positive/negative STPs, as well as foundations, structures, earthworks, and gravestones;

2. Photographs: Include representative photographs of all resources identified;
3. Site number;
4. Site size and boundaries;
5. Site location, including verbal location description and UTM Coordinates;
6. Site setting, including landform, elevation, soils, and nearest water source;

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collection,  
artifacts

7. Discussion and description of artifacts recovered from STPs, surface test units and backhoe trenches. Discuss the number and types of artifacts recovered from each site, including the overall artifact density across the site; and

8. For historic sites include a discussion on archival research conducted for the site. Include chain of title, deeds, manifests and other inventories.

10. **Composite Assemblage:** This section should present the results of artifact and sample analysis, including:

- a. Definitions of analytical units used (e.g. used flake, shatter, biface, projectile point);
- b. Metric observations on artifacts recovered (i.e. length, width, thickness, weight, etc);
- c. Complete inventory of all artifacts and other materials recovered from field investigations with appropriate provenience information;
- d. Photographs and/or drawings of representative artifact types and diagnostic artifacts, including key and scale;
- e. Description and discussion of specialized analysis conducted (e.g. faunal and botanical);
- f. If variable densities are noted (e.g. define activity areas), discuss the variation in artifact types recovered at the site from one area to the next;
- g. If multiple occupations or components are identified; discuss variability in artifact density and types among and between components; and
- h. Discuss intersite variability, comparing the artifact assemblage between site and

similar sites in the region.

11. **Evaluation of Research:** Discuss and evaluate research goals and questions addressed in the research design, including:

- a. Data reliability;
- b. Relation of analysis to stated goals;
- c. Synthesis and comparison of analytical results;
- d. Integration of ancillary data;

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e. Identification and discussion of the data in terms of regional and local history and prehistory; and

f. Address future research questions.

12. **Recommendations:** This section must be a concise statement concerning the eligibility of identified resource(s). Information must contain adequate information so that proper management decisions can be made. The following recommendations may be made:

A. No cultural resources present - no additional work (Abbreviated Report is acceptable)

B. Cultural resources present:

1. Resource is not eligible to the National Register - No Effect determination

2. Eligibility of resource is indeterminable - Phase II testing recommended

3. Resource is considered eligible to the National Register and project will have Adverse Effect:

- a. Develop Memorandum of Agreement, stipulating mitigative measures; and
- b. Develop data recovery plan to be implemented

4. Resource is considered eligible to the National Register and project will have no effect, through:

- a. Avoidance; or
- b. Preservation in Place

13. **Conclusions:** Succinct summation of project, findings, recommendations and effect determination.
14. **References Cited/Bibliography:** Must conform to the following Society for American Archaeology guidelines: **Editorial Policy, Information For Authors, And Style Guide For American Antiquity and Latin American Antiquity**, revised August 1996.
15. **Appendices**
  - a. Project correspondence;
  - b. Full reports on ancillary studies (may be placed within main body of report);
  - c. Artifact inventories;
  - d. Site forms (must also be submitted separately);
  - e. Current curriculum vitae of principal investigators and field directors; and
  - f. Signed copy of Cultural Resources Files and Library User Registration and Research Record Form.

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# MEMORANDUM

## Jefferson County, West Virginia Engineering, Planning & Zoning Department

TO: Jefferson County Commission

FROM: Roger Goodwin, PE, CFM, MBA  
Deputy County Administrator / Director & Chief County Engineer

DATE: December 12, 2025

SUBJECT: 55+ Age Restricted Communities - Exemption from School Impact Fees

### Introduction:

At the November 6, 2025, county commission meeting, the county commission directed that the County Attorney and the Chief County Engineer provide a report considering the exemption of 55+ age restricted communities from paying school impact fees. The report is to be presented at the county commission's December 4<sup>th</sup> meeting. The following items were considered:

1. Federal Housing Law
2. West Virginia State Code
3. Model Language for 55+ Age Restricted Community – Declaration of Covenants, Conditions, and Restrictions (CCR).
4. Impact Fee Ordinance Amendment to Allow Exemption

### **1. Federal Law Regarding 55+ Age Restricted Communities:**

#### **FEDERAL FAIR HOUSING ACT AND EXEMPTIONS**

The Federal Fair Housing Act (FHA), part of the Civil Rights Act of 1968, prohibits discrimination in housing based on race, color, national origin, religion, sex, disability, and familial status. Notably, age is not included in this list, which is a key point when considering how 55+ communities are legal. The FHA's primary focus is to ensure that people are not excluded from housing opportunities because they belong to a protected class. However, in 1995, the Housing for Older Persons Act (HOPA) was passed, creating an exemption specifically for senior housing.

HOPA amended the Fair Housing Act to allow age-restricted communities to operate legally if they meet certain criteria. For a community to qualify under this exemption, it

must follow specific guidelines, primarily ensuring that at least 80% of the occupied units have at least one person aged 55 or older. This 80/20 rule has become a cornerstone of how age-restricted communities remain in compliance with federal laws while fostering an environment tailored to older adults.

## **THE HOUSING FOR OLDER PERSONS ACT (HOPA)**

HOPA solidified the legal framework that permits 55+ communities to exist without violating anti-discrimination housing laws. So, how are 55+ communities legal within the context of HOPA? The act provides a clear path: as long as the community adheres to the rules that ensure it is intended for older people, it can limit residency based on age. Specifically, the community must:

- Have at least 80% of its units occupied by one resident who is 55 or older.
- Clearly show an intent to provide housing for people aged 55 and above, typically through marketing and community rules.
- Maintain policies and procedures to enforce age restrictions, such as documentation proving the age of residents.

By following these requirements, 55+ communities stay within the bounds of federal law while offering a specialized living environment for seniors.

## **55+ COMMUNITY RULES AND REQUIREMENTS**

When exploring how 55+ communities are legal, it's important to understand the common rules and regulations these communities have in place. While specific rules can vary, the following guidelines are fairly standard when considering who can live in a 55-plus community:

- **Age Requirements:** At least one resident must be 55 or older in every household. This ensures compliance with the 80/20 rule outlined by HOPA.
- **Other Residents:** Most communities allow spouses or partners who are under the age of 55 to live in the home, with the minimum age often set at 40. Children, on the other hand, are generally not permitted to live in these communities full-time, though there are exceptions for short-term visits.
- **Children in 55+ Communities:** Most 55+ communities do not allow children to live in the home permanently. However, they do make allowances for visits from younger family members, including grandchildren. It's common for communities to impose a time limit on how long children can stay—usually anywhere from two weeks to 30 days—depending on the community's specific rules.
- **The 80/20 Rule:** As mentioned earlier, the 80/20 rule requires that 80% of units have at least one resident aged 55 or older. The remaining 20% allows for some flexibility. For instance, if a resident passes away, and their under-55 spouse is left in the home, they are generally allowed to continue living there under this

rule. The intent is to prevent families from being displaced due to unforeseen circumstances.

These rules ensure that the community remains focused on serving seniors while providing a supportive environment where older adults can thrive among their peers.

## **55+ Communities - Age Restrictions Enforcement**

When considering how are 55+ communities legal, it's helpful to look at how they enforce these age-based restrictions as age verification is a key part of the process. Communities often require potential residents to provide documentation proving their age, such as a birth certificate, driver's license, or passport. Some communities may also request annual updates or conduct periodic reviews to ensure compliance.

Additionally, communities can enforce their rules through homeowner associations (HOAs) or property management companies. These entities are responsible for making sure residents comply with all community regulations, including age restrictions. Failure to meet these requirements could result in fines or other penalties.

<https://www.privatecommunities.com/blog/who-can-live-in-55-plus-community.htm>

<https://landlords.equalhousing.org/fair-housing/familial-status-housing-for-older-persons/#:~:text=The%20HOPA%20regulations%20state%20that,fact%20qualifies%20for%20the%20exemption.>

## **2. West Virginia State Code Regarding 55+ Age Restricted Communities:**

There is no specific West Virginia state code for 55+ communities; instead, they are regulated federally under the [Fair Housing Act](#) and the [Housing for Older Persons Act \(HOPA\)](#). West Virginia's general building codes and other state and local regulations would apply, but specific rules for age-restricted communities come from federal law and the communities' own policies, which must follow the federal guidelines (HUD).

### **Federal regulations:**

- **Housing for Older Persons Act (HOPA):** This is the primary federal law that allows for age-restricted communities.
- **[80/20 rule](#):** Under HOPA, 80% of the units in a community must have at least one occupant who is 55 or older.
- **Flexibility:** The remaining 20% of units allow for flexibility, such as when a spouse under 55 remains after the 55-year-old resident passes away.

## West Virginia-specific regulations:

- West Virginia does not have a separate state-level code specifically for 55+ communities.
- Like any other housing development, 55+ communities in West Virginia must comply with the state's general building and safety codes.
- Communities are free to set their own specific rules for residency, such as permitting younger spouses or limiting long-term residency for children, as long as they comply with federal law. Related West Virginia State Code is as follows:

## CHAPTER 16B. INSPECTOR GENERAL.

### Article 18. West Virginia Fair Housing Act.

#### **§16B-18-8. Religious organization or private club exemption.**

(a) **Nothing in this article shall prohibit a religious organization, association or society, or any nonprofit institution or organization operated, supervised or controlled by or in conjunction with a religious organization, association or society, from limiting the sale, rental or occupancy of dwellings which it owns or operates for other than a commercial purpose to persons of the same religion, or from giving preference to such persons, unless membership in such religion is restricted on account of race, color or national origin. Nor shall anything in this article prohibit a private club not in fact open to the public, which as an incident to its primary purpose or purposes provides lodgings which it owns or operates for other than a commercial purpose, from limiting the rental or occupancy of such lodgings to its members or from giving preference to its members.**

(b) (1) **Nothing in this article limits the applicability of any reasonable local, state or federal restrictions regarding the maximum number of occupants permitted to occupy a dwelling. Nor does any provision in this article regarding familial status apply with respect to housing for older persons.**

(2) **As used in this section, "housing for older persons" means housing:**

(A) Provided under any state or federal program that the secretary of the United States Department of Housing and Urban Development determines is specifically designed and operated to assist elderly persons, as defined in the state or federal program; or

(B) Intended for, and solely occupied by, persons 62 years of age or older; or

**(C) Intended and operated for occupancy by at least one person 55 years of age or older per unit.** In determining whether housing qualifies as housing for older persons under this subsection, the commission shall develop regulations which require at least the following factors: (i) **The existence of significant facilities and services specifically designed to meet the physical or social needs of older persons, or if the provision of such facilities and services is not practicable, that such housing is necessary to provide important housing opportunities for older persons;** (ii) **that at least 80 percent of the units are occupied by at least one person 55 years of age or older per unit;** and (iii) **the publication of, and adherence to, policies and procedures which demonstrate an intent by the owner or manager to provide housing for persons 55 years of age or older.**

(3) Housing shall not fail to meet the requirements for housing for older persons by reason of: (A) Persons residing in such housing as of the date of enactment of this article who do not meet the age requirements of subdivision (2)(B) or (C) of this subsection: *Provided*, That new occupants of such housing meet the age requirements of such subdivisions; or (B) unoccupied units: *Provided, however*, That such units are reserved for occupancy by persons who meet the age requirements of subdivision (2)(B) or (C) of this subsection.

(4) Nothing in this article prohibits conduct against a person because such person has been convicted by any court of competent jurisdiction of the illegal manufacture or distribution of a controlled substance as defined in Section 102 of the Controlled Substances Act, Title 21, United States Code, Section 802.

<https://code.wvlegislature.gov/16B-18-8/>

### **3. Model Language for 55+ Community – Covenants, Conditions & Restrictions:**

55+ Age Restricted Communities should be exempt from paying school impact fees if restrictions are placed upon the community to prevent school aged children from residing there and/or attending school (home, private or public)

The following language is borrowed from another 55+ age restricted community as a template for minimum restrictions that can be added as a section to the community's declaration of covenants, conditions and restrictions (CCR), in order to qualify for exemption from school impact fees in Jefferson County:

*Declaration of Covenants, Conditions, Easements, And Restrictions for (name of homeowners association) Homeowners Association, Inc.:*

*Each occupied Dwelling Unit on the Property shall be occupied by at least one person 55 years of age or older (a "Qualified Person"), subject to the permitted*

exceptions specifically set forth in this Section. Each person shall provide the Association with reasonable evidence of proof of age. With respect to occupancy of the Dwelling Units, the following conditions and exceptions apply:

(i) At least 80% of the occupied Dwelling Units must be occupied at all times by at least one Qualified Person (the "80% Rule").

(ii) All other occupants must reside with a Qualified Person and must be at least 19 years of age. Notwithstanding anything to the contrary, a person may be permitted to reside in a Dwelling Unit that is not occupied by a Qualified Person if: (a) (i) such person is providing assistance in "Activities of Daily Living" and/or medical assistance to a Qualified Person or other occupants and is at least 19 years of age, or (ii) such person is at least 45 years of age, and (b) such occupancy does not violate the 80% Rule.

(iii) Guests under the age of 19 are permitted to reside overnight in a Dwelling Unit for a period of time not to exceed 45 days total for each such guest in any consecutive 12-month period.

#### **4. Amendments to the Impact Fees Procedures Ordinance:**

The Impact Fees Procedures Ordinance will need to be amended to provide an exemption from paying school impact fees for 55+ age restricted communities (removing the applicability of school impact fees to 55+ age restricted communities). The following text amendment (shown in red) is proposed for the Jefferson County Impact Fees Procedures Ordinance:

#### **Jefferson County Impact Fee Procedures Ordinance**

##### ***Section 1, (D) General Provisions; Applicability***

##### ***(4) Type of Development Not Affected:***

##### ***(d) Other Uses:***

***(i) No impact fees shall be imposed on a use, development, project structure, building, fence, sign, or other activity, whether or not a building permit is required, which does not result in an increase in the demand for public facilities.***

***(ii) Fifty-five plus (55+) age restricted communities, meeting the requirements of the Federal Housing for Older Persons Act (HOPA), shall be exempt from payment of the school impact fee only. All other impact fees shall apply.***

***The impact fee applicant shall demonstrate that the age restricted***

*community qualifies for the exemption from school impact fees by providing the Jefferson County Impact Fees Specialist, with the County Clerk's certified copy of recordation of the Declaration, Covenants, Conditions and Restrictions containing the 55+ community age restrictions meeting the Federal Housing for Older Persons Act. The restrictions shall also be placed upon and/or referenced on the final plat(s) prior to recordation of the final plat at the County Clerk's office.*

**Summary:**

In summary, Federal Law requires age restricted communities to meet the Housing for Older Persons Act (HOPA) in order to not create an age discrimination violation. This is done via deed restrictions and by following specified rules.

West Virginia does not have a separate state-level code specifically for 55+ communities.

An Impact Fees Procedures Ordinance amendment will need to be approved by the County Commission making school impact fees not applicable to 55+ age restricted communities that meet the requirements of the Housing for Older Persons Act.

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



Name: David Bound

Department or Organization: Administration

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1<sup>st</sup> Choice: **Dec. 04, 2025**

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

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

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

Commission Ambulance Fee exonerations

Request for Proposals (RFP) for Annual Jefferson County Commission Audit for FY 25

CDAR renewal

T-Mobile Hometown Grant

CSX Pride in Service Grant

RFP America250 Mural

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

Discuss and approve Commission Ambulance exonerations as presented.

Approve RFP for external auditing of JC FY25 financial statements.

Determine and approve CDAR renewal actions.

Approve the grant application for the T-Mobile Hometown Grant as presented.

Approve the grant application for the CSX Pride in Service Grant as presented.

Approve RFP for America250 Mural.

Is this a funding request? Y/N Y

If so, how much? \$81,418

Provide exact financial impact/request:

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

Requested motion to approve the Commission Ambulance fee adjustments and exonerations as presented.

Requested motion to approve the request for proposal for JC FY25 audit of financial statements.

Requested motion to approve the determined actions of the CDAR renewal.

Requested motion to approve the grant application for the T-Mobile Hometown Grant as presented.

Requested motion to approve the grant application for the CSX Pride in Service Grant as presented.

Requested motion to approve the request for proposal for the America250 Mural.

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: David Bound

Email address: [DBound@JeffersonCountyWV.org](mailto:DBound@JeffersonCountyWV.org)

Phone Number: 304.728.3284 Ext 1003

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Date	Cust #	Invoice #	Amount	Reason	NOTES
10/31/2025	53443	2616766	\$ 44.00	SOLD 7/1/25 CUSTOMER BILLED ON 7/1/25 FOR FY26	BILL NEW OWNER MCINTOSH CUST #68824 FOR FY26
11/4/2025	55227	2608437	\$ 50.00	INCORRECTLY BILLED ASSESSORS RECORDS DO NOT ASSESS FOR A STRUCTURE	
11/4/2025	55227	2600976	\$ 1,875.00	SOLD 5/6/25 CUSTOMER BILLED ON 7/1/25 FOR FY26	BILL NEW OWNER MAXX REAL ESTATE CUST #67860 FOR FY26
11/5/2025	54757	2612728	\$ 50.00	SOLD 10/10/24 CUSTOMER BILLED ON 7/1/25 FOR FY26	BILL NEW OWNER WANUM LLC CUST #69020 FOR FY26
11/7/2025	41100	2409918	\$ 44.00	DUPLICATE BILL - SOLD 1/22/24 CUSTOMER BILLED ON 7/1/24 FOR FY25 - NEW OWNER ROBERTS (#65549) WAS BILLED FOR FY25	
11/7/2025	41100	2609488	\$ 44.00	DUPLICATE BILL - SOLD 1/22/24 CUSTOMER BILLED ON 7/1/24 FOR FY26 - NEW OWNER ROBERTS (#65549) WAS BILLED FOR FY26	
11/7/2025	35932	2418393	\$ 44.00	DUPLICATE BILL - SOLD 2/02/24 CUSTOMER BILLED ON 7/1/24 FOR FY25 - NEW OWNER KOLBAY (#65520) WAS BILLED FOR FY25	
11/7/2025	35932	2617581	\$ 44.00	DUPLICATE BILL - SOLD 2/02/24 CUSTOMER BILLED ON 7/1/24 FOR FY25 - NEW OWNER KOLBAY (#65520) WAS BILLED FOR FY26	
11/7/2025	43888	2423426	\$ 44.00	DUPLICATE BILL - CUSTOMER BILLED 7/1/24 FOR FY25 THE CORRECT OWNER (STOLIPHER LLC#46172) WAS ALSO BILLED FOR FY25	
11/7/2025	43888	2622458	\$ 44.00	DUPLICATE BILL - CUSTOMER BILLED 7/1/24 FOR FY25 THE CORRECT OWNER (STOLIPHER LLC#46172) WAS ALSO BILLED FOR FY26	
11/7/2025	62338	2618423	\$ 44.00	INCORRECTLY BILLED ASSESSORS RECORDS DO NOT ASSESS FOR A STRUCTURE	
11/7/2025	62338	2419294	\$ 44.00	INCORRECTLY BILLED ASSESSORS RECORDS DO NOT ASSESS FOR A STRUCTURE	
11/7/2025	47153	2406231	\$ 25.00	SOLD 3/5/24 CUSTOMER BILLED ON 7/1/25 FOR FY25	BILL NEW OWNER RAMIREZ CUST #69089 FOR FY25
11/7/2025	47153	2605972	\$ 25.00	SOLD 3/5/24 CUSTOMER BILLED ON 7/1/25 FOR FY26	BILL NEW OWNER RAMIREZ CUST #69089 FOR FY26
11/7/2025	40685	2133956	\$ 54.00	SOLD 5/2/19 CUSTOMER BILLED ON 7/1/20 FOR FY21	
11/7/2025	40685	2155840	\$ 54.00	SOLD 5/2/19 CUSTOMER BILLED ON 7/1/21 FOR FY22	
11/7/2025	40685	2203767	\$ 54.00	SOLD 5/2/19 CUSTOMER BILLED ON 7/1/22 FOR FY23	
11/7/2025	40685	2302717	\$ 54.00	SOLD 5/2/19 CUSTOMER BILLED ON 7/1/23 FOR FY24	
11/7/2025	40685	2403707	\$ 44.00	SOLD 5/2/19 CUSTOMER BILLED ON 7/1/24 FOR FY25	BILL NEW OWNER BORCHERT CUST #69090 FOR FY25
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11/10/2025	64977	72992	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322282	
11/10/2025	64978	72993	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322283	
11/10/2025	64980	72995	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322285	
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11/10/2025	64994	73014	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322302	
11/10/2025	64995	73015	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322303	
11/10/2025	64996	73017	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322304	
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11/10/2025	65012	73036	\$ 55.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322319	
11/10/2025	65017	73043	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322326	
11/10/2025	65021	73048	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322331	
11/10/2025	65024	73053	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322333	
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11/10/2025	65028	73059	\$ 44.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322337	
11/10/2025	63811	73062	\$ 54.00	DUPLICATE BILL - MANUAL BILL -CUST BILLED ON INV #2322338	
11/10/2025	60721	72325	\$ 195.00	DUPLICATE BILL - MANUAL BILL -NEW CUST #61512 WAS BILLED ON INV #2175335	
11/13/2025	34916	2418675	\$ 44.00	DUPLICATE BILL - SOLD 6/13/24 CUSTOMER BILLED ON 7/1/25 FOR FY26 - NEW OWNER CHAINOUROV (#65902) FOR FY25	
11/13/2025	34916	2617844	\$ 44.00	DUPLICATE BILL - SOLD 6/13/24 CUSTOMER BILLED ON 7/1/25 FOR FY26 - NEW OWNER CHAINOUROV (#65902) FOR FY26	
11/13/2025	65902	2623099	\$ 11.00	PER ASSESSORS RECORDS PROPERTY OWNER-OCCUPIED BILLED AS NON-OWNER OCCUPIED	
11/13/2025	61186	2317869	\$ 54.00	SOLD 9/22/20 CUSTOMER BILLED ON 7/1/23 FOR FY24	
11/13/2025	61186	2418158	\$ 44.00	SOLD 9/22/20 CUSTOMER BILLED ON 7/1/24 FOR FY25	BILL NEW OWNER MORALES DE ABREU CUST #69162 FOR FY25
11/13/2025	61186	2617358	\$ 44.00	SOLD 9/22/20 CUSTOMER BILLED ON 7/1/25 FOR FY26	BILL NEW OWNER MORALES DE ABREU CUST #69162 FOR FY26
11/13/2025	55404	2130024	\$ 27.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/13/2025	55404	2173974	\$ 27.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/13/2025	55404	2200159	\$ 27.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/13/2025	55404	2321483	\$ 27.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/13/2025	55404	2600524	\$ 9.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/17/2025	35626	2402446	\$ 44.00	DOUBLE BILLED SOLD 1/18/24 CUSTOMER BILLED ON 7/1/24 FOR FY25 (NEW OWNER WAS ALSO BILLED CUST #65546 FOR FY25)	
11/17/2025	35626	2602368	\$ 44.00	DOUBLE BILLED SOLD 1/18/24 CUSTOMER BILLED ON 7/1/25 FOR FY26 (NEW OWNER WAS ALSO BILLED CUST #65546 FOR FY26)	
11/17/2025	66943	2423803	\$ 44.00	DOUBLE BILLED SOLD 6/7/24 CUSTOMER BILLED ON 7/1/24 FOR FY25 (NEW OWNER WAS ALSO BILLED CUST #66232 FOR FY25)	
11/17/2025	66943	2622827	\$ 44.00	DOUBLE BILLED SOLD 6/7/24 CUSTOMER BILLED ON 7/1/25 FOR FY26 (NEW OWNER WAS ALSO BILLED CUST #66232 FOR FY26)	
11/17/2025	63037	2619117	\$ 11.00	PER ASSESSORS RECORDS PROPERTY OWNER-OCCUPIED BILLED AS NON-OWNER OCCUPIED	
11/17/2025	63037	2420034	\$ 11.00	PER ASSESSORS RECORDS PROPERTY OWNER-OCCUPIED BILLED AS NON-OWNER OCCUPIED	
11/17/2025	63037	2319872	\$ 11.00	PER ASSESSORS RECORDS PROPERTY OWNER-OCCUPIED BILLED AS NON-OWNER OCCUPIED	
11/17/2025	66232	2623149	\$ 11.00	PER ASSESSORS RECORDS PROPERTY OWNER-OCCUPIED BILLED AS NON-OWNER OCCUPIED	
11/17/2025	66232	2424132	\$ 11.00	PER ASSESSORS RECORDS PROPERTY OWNER-OCCUPIED BILLED AS NON-OWNER OCCUPIED	
11/17/2025	64981	72996	\$ 54.00	PP DUPLICATE BILL FOR FY24 CUSTOMER BILLED FOR FY24 INVOICE NUMBER 2322286	
11/17/2025	64981	2322286	\$ 54.00	PP SOLD IN 2023 CUSTOMER BILLED ON 7/1/23 FOR FY24	
11/17/2025	64981	2422098	\$ 44.00	PP SOLD IN 2023 CUSTOMER BILLED ON 7/1/24 FOR FY25	
11/17/2025	64981	2621049	\$ 44.00	PP SOLD IN 2023 CUSTOMER BILLED ON 7/1/25 FOR FY26	
11/17/2025	38306	2137091	\$ 54.00	SOLD 11/8/19 CUSTOMER BILLED ON 7/1/20 FOR FY21	
11/17/2025	38306	2158762	\$ 54.00	SOLD 11/8/19 CUSTOMER BILLED ON 7/1/21 FOR FY22	
11/17/2025	38306	2206444	\$ 54.00	SOLD 11/8/19 CUSTOMER BILLED ON 7/1/22 FOR FY23	
11/17/2025	38306	2305240	\$ 54.00	SOLD 11/8/19 CUSTOMER BILLED ON 7/1/23 FOR FY24	
11/17/2025	38306	2406121	\$ 44.00	SOLD 11/8/19 CUSTOMER BILLED ON 7/1/24 FOR FY25 (NEW OWNER TO BE BILLED BOWMAN CUST #38305 FOR FY25)	
11/17/2025	38306	2605870	\$ 44.00	SOLD 11/8/19 CUSTOMER BILLED ON 7/1/25 FOR FY26 (NEW OWNER TO BE BILLED BOWMAN CUST #38305 FOR FY26)	
11/18/2025	38720	2418849	\$ 44.00	DOUBLE BILLED SOLD 4/17/24 CUSTOMER BILLED ON 7/1/24 FOR FY25 (NEW OWNER WAS ALSO BILLED CUST #65686 FOR FY25)	
11/18/2025	38720	2618009	\$ 44.00	DOUBLE BILLED SOLD 4/17/24 CUSTOMER BILLED ON 7/1/25 FOR FY26 (NEW OWNER WAS ALSO BILLED CUST #65686 FOR FY26)	
11/18/2025	32168	2601486	\$ 25.00	PROPERTY TRANSFERRED TO SON 1/15/25 DECEASED OWNER BILLED 7/1/25 FOR FY26 (NEW OWNER TO BE BILLED CUST #69256 FOR FY26)	
11/19/2025	60000	2406393	\$ 55.00	SOLD 3/30/23 AND SOLD AGAIN 10/29/24 CUSTOMER BILLED ON 7/1/24 FOR FY25	
11/19/2025	60000	2305530	\$ 65.00	SOLD 3/30/23 CUSTOMER BILLED ON 7/1/23 FOR FY24	
11/19/2025	60000	2606126	\$ 55.00	SOLD 3/30/23 CUSTOMER BILLED ON 7/1/25 FOR FY26 (NEW OWNER TO BE BILLED CLEVENGER CUST #67382 FOR FY26)	
11/20/2025	67850	2623880	\$ 44.00	NEVER OWNED PROPERTY BILLED IN ERROR 7/1/25 FOR FY26 (CUSTOMER PAID FY26 INVOICE NUMBER 2610695 FOR THE CORRECT PARCEL)	
11/21/2025	64450	2421661	\$ 5.00	INCORRECT BILLING ADDRESS IN SYSTEM NEVER RECEIVED NOTICES	
11/21/2025	64450	2321005	\$ 15.00	INCORRECT BILLING ADDRESS IN SYSTEM NEVER RECEIVED NOTICES	
11/21/2025	64450	2620640	\$ 5.00	INCORRECT BILLING ADDRESS IN SYSTEM NEVER RECEIVED NOTICES	
11/24/2025	40275	2618006	\$ 39.00	SOLD 5/13/20; NEW CUST (STREET - 60251) HAS BEEN BILLED SINCE 2021; PREV OWNER NEVER TERMINATED	
11/24/2025	54823	2601288	\$ 5.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/24/2025	54823	2601289	\$ 5.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/24/2025	45475	2608941	\$ 5.00	WAIVE LATE FEE; DIDN'T RECEIVE INVOICE/ THOUGHT IT WAS A DUPLICATE BILL	
11/25/2025	67722		\$ 5.00	ERROR - PREPAID AS DEPOSIT ON DIFFERENT ACCOUNT NUMBER; PAYMENT REVERSE AND APPLIED CORRECTLY	
11/25/2025	34977	2302178	\$ 54.00	EXONERATION - PROPERTY GIFTED TO JC PARKS & REC IN 2023	
11/25/2025	34977	2403192	\$ 44.00	EXONERATION - PROPERTY GIFTED TO JC PARKS & REC IN 2023	
11/25/2025	34977	2603079	\$ 44.00	EXONERATION - PROPERTY GIFTED TO JC PARKS & REC IN 2023	
11/25/2025	54709	2308397	\$ 65.00	EXONERATION - PROPERTY SPLIT & PARTIAL SOLD TO WVDOT FOR NEW 340 HWY; REMAINING PIECE IS VACANT LAND	
11/25/2025	54709	2409156	\$ 50.00	EXONERATION - PROPERTY SPLIT & PARTIAL SOLD TO WVDOT FOR NEW 340 HWY; REMAINING PIECE IS VACANT LAND	
11/25/2025	54709	2608759	\$ 50.00	EXONERATION - PROPERTY SPLIT & PARTIAL SOLD TO WVDOT FOR NEW 340 HWY; REMAINING PIECE IS VACANT LAND	
11/25/2025	45696	2616634	\$ 55.00	EXONERATION - SOLD PERSONAL PROPERTY JULY 2024	
11/25/2025	66125	2424111	\$ 55.00	SOLD 7/3/24; NEW OWNER (39158 BILLED FOR FY26 INV #2623204)	
11/25/2025	64966	2422083	\$ 44.00	SOLD MOBILE HOME IN 2023 - PERSONAL PROPERTY	
11/25/2025	64966	2621034	\$ 44.00	SOLD MOBILE HOME IN 2023 - PERSONAL PROPERTY	
11/25/2025	50156	2609514	\$ 5.00	WAIVE LATE FEE - DIDN'T RECEIVE 2ND INVOICE IN AUGUST	
11/25/2025	30534	2609669	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/25/2025	55933	2612976	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/25/2025	55901	2412812	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/25/2025	55901	2412836	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/25/2025	38851	2617939	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/25/2025	32542	2610552	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/25/2025	62531	2221372	\$ 15.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/25/2025	62531	2423231	\$ 5.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/25/2025	62531	2622270	\$ 5.00	WAIVE LATE FEE - WRONG MAILING ADDRESS	
11/25/2025	49950	2604926	\$ 5.00	WAIVE LATE FEE; DIDN'T RECEIVE INVOICE	
11/25/2025	41854	2615018	\$ 5.00	WAIVE LATE FEE; DIDN'T RECEIVE INVOICE/ THOUGHT IT WAS A DUPLICATE BILL	
11/25/2025	47841	2605565	\$ 5.00	WAIVE LATE FEE; DIDN'T RECEIVE INVOICE/ THOUGHT IT WAS A DUPLICATE BILL	
11/25/2025	52500	2313909	\$ 20.00	WAIVE LATE FEES FOR 2023 INVOICE; POSTED IN ERROR; CUST PAID IN 2023	
11/26/2025	65646	2621674	\$ 24.00	PER ASSESSORS RECORDS HOMESTEAD EXEMPTION PROVIDED CLIENT DID NOT RECEIVE CREDIT	
11/26/2025	65646	2422767	\$ 24.00	PER ASSESSORS RECORDS HOMESTEAD EXEMPTION PROVIDED CLIENT DID NOT RECEIVE CREDIT	
11/26/2025	43377	2606179	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/26/2025	35262	2613789	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/26/2025	44591	2602965	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/26/2025	38301	2606360	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/26/2025	50719	2606076	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/26/2025	51930	2608463	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/26/2025	51393	2618578	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/26/2025	30569	2606649	\$ 5.00	WAIVE LATE FEE - THOUGHT 2ND INVOICE WAS A DUPLICATE	
11/26/2025	30				



# JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT

*Pasha Majdi*

COMMISSIONER

*Jack Hefestay*

COMMISSIONER

*Cara Keys*

COMMISSIONER

*Steve Stolipher*

COMMISSIONER

*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: December 4, 2025

Re: Fiscal Note: JC Commission Ambulance Bill Adjustments and Exonerations

---

JC Commission staff has provided a list of adjustments and exonerations totaling \$6,418

The items listed as unlivable, or owner occupied have been confirmed with the Assessor's office records, duplicated billings have been confirmed and corrected by staff, and line items noted as sold will be billed to the owner as of July 1 of the current and prior years.



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*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: December 4, 2025

Re: Fiscal Note: RFP FY25 Single Audit

---

The Chief Financial Officer is requesting an RFP for a required Single Audit of the county's FY25 financial statements.

Prior year's audit expenditure	\$30,000
FY26 Professional Services Budget	\$70,350



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*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Date: December 4, 2025

Re: Fiscal Note: Determine investment strategy for Certificate of Deposit.

---

Maturing CDARS \$2.07M Capital Outlay

The Commission will need to consider options with CDARS funds at or during the December 4th meeting.

The CDARS expires mid-December, and the Commission must instruct the bank on what to do with the funds.

Possible recommendations regarding the expiring CDARS account:

1. *Allocate funds.* Transfer funds to an interest-bearing account (ie. checking account) and establish an application process to allocate the funds in a manner similar to how the Commission allocated ARPA funds.
2. *Reinvest funds.* We can reinvest the funds in a 13/26 week CD at 3.65% to 4.25% rate.
3. *Combination.* A combination of the recommendations detailed above.

Item for consideration:

Earlier this year, the Commission purchased a governmental building.

The invested capital improvement funds in the matured CDARS could be used for renovations.

The CDARS can be reinvested with the following options with noted final payout.

Return on investment 13 weeks 4.0%

Return on investment 26 weeks 4.25%

Return on investment 12 months 3.50%

Insured Cash Sweep (ICS) account 2.79%

I suggest approving the reinvestment of capital outlay funds in a 26-week CD @ 4.25%. The 26 weeks will provide time for Governmental building designers to advise the County of renovation costs thereby providing educated financing options.

Total cost: \$49,872.00

Playground Equipment

Search playground equipment...

Quote Cart

Playgrounds ▾ In-Stock ▾ Swing ▾ Climb ▾ Slide ▾ Freestanding ▾ Fitness ▾ Park & Shade ▾ Border & Surface ▾

**\$1,296.00**

SELECT YOUR FINISH

Standard Extreme

SELECT YOUR MOUNT

In-Ground Surface Portable

SELECT YOUR OPTIONS

- 4' Length Standard Bench
- 6' Length Standard Bench
- 8' Length Standard Bench

CLICK TO ZOOM IN

$\$1,296 \times 2 = \$2,592$

Playground Equipment

Search playground equipment...

Quote Cart

Playgrounds ▾ In-Stock ▾ Swing ▾ Climb ▾ Slide ▾ Freestanding ▾ Fitness ▾ Park & Shade ▾ Border & Surface ▾

**\$1,335.00**

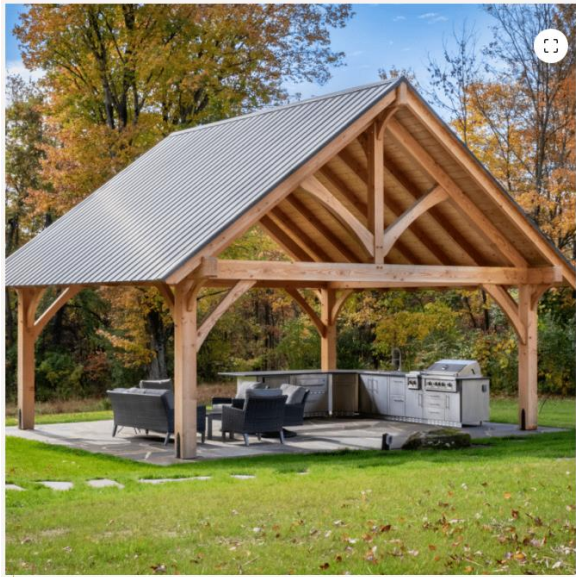
SELECT YOUR FINISH

Standard Extreme

SELECT YOUR OPTIONS

- 4' Length Standard Table
- 6' Length Standard Table
- 8' Length Standard Table
- 8' Length ADA Table (Single Overhang)
- 8' Length ADA Table (Double Overhang)
- 10' Length Standard Table (Two 5' Sections)

$\$1,335 \times 7 = \$9,345$



## THE KINGSTON PRO TIMBER FRAME PAVILION (KIT)

**\$13,195.00 - \$147,652.00**

- Refined & Elegant
- Sizes from 12x12 to 40x80
- #1 Douglas-fir
- 5 Year Limited Warranty

Choose Size

24x30

Clear

**\$37,935.00**

- 1 +

Add to cart

SKU: N/A

CATEGORY: TIMBER FRAME

**\$37,935.00**



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COMMISSIONER

*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound

Kayla Whetstone

Date: December 4, 2025

Re: Fiscal Note: T-Mobile Hometown Grant

---

Parks & Recreation is requesting grant funding for a pavilion, benches, and picnic tables through the T-Mobile Hometown Grant with a December 31, 2025, deadline.

Pavilion, benches, and picnic tables at Bolivar Nature Park	\$47,872
T-Mobile Hometown Grant	\$50,000



# QUOTE

13051 Redwater Drive  
 Chester, VA 23836  
 (800) 442-9700  
 equipmentorders@atlanticemergency.com

Quote NO. 83743  
 Employee NO. 1114  
 CUSTOMER ID 71113  
 DATE 11/24/2025  
 EXPIRATION DATE 12/24/2025

**Bill To** Jefferson County Emergency Services Agency  
 419 16th Street  
 Ranson West Virginia 25438  
 United States

**Ship To** Jefferson County Emergency Services Agency  
 419 16th Ave.  
 Ranson West Virginia 25438  
 US

SALESPERSON	SALESPERSON CONTACT#	DELIVERY CONTACT	DELIVERY CONTACT#	PO#	PAYMENT TERMS	FREIGHT OPTIONS
GT Parsons	(304) 671-8558					Freight Estimated

QTY	ITEM #	NAME / VENDOR / DESCRIPTION	UNIT PRICE	LINE TOTAL
8	GRAY25-ML	GRAY25-ML / INNOTEX / 20% Nomex / 80% Lenzing; int. layer. STEDAIR PREVENT - (M/L) , Gray	\$101.36	\$810.88
4	ENERGY-COAT	ENERGY-COAT / INNOTEX / ENERGY COAT Jefferson Spec	\$2,450.00	\$9,800.00
4	ENERGY-PANT	ENERGY-PANT / INNOTEX / ENERGY PANT Jefferson spec	\$1,625.00	\$6,500.00
4	SO-3285	SO-3285 Leather helmet Front	\$63.45	\$253.80
8	1201420	1201420 / GLOBE MANUF. / SUPREME™ 14" Pull-On	\$545.00	\$4,360.00
8	FC-P5000	FC-P5000 / FireCraft Safety Products / Phoenix Glove, Gauntlet cuff, Regular size	\$92.03	\$736.24
8	100% NX PAC II	100% NX PAC II / MAJESTIC / Structural Firefighting Hood (NFPA 1971, UL Certified), Long Notched Shoulder Bib, 21" length, 100% Nomex, WHITE	\$38.00	\$304.00
7	3752P-4	3752P-4 / VANGUARD / Squad 1 Extrication Glove	\$50.08	\$350.56
4	10247314	10247314 / MSA SAFETY INC / BLACK 1836 HELMET, CLR DEF, STD, 6" SILK SC EAGLE	\$426.00	\$1,704.00
SUBTOTAL				\$24,819.48
TAX				0.00%
FREIGHT ESTIMATE				\$175.00
TOTAL				\$24,994.48

Quote Comments:



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*Steve Stolipher*

COMMISSIONER

*Mike Mood*

To: Commissioner Pasha Majdi  
Commissioner Jack Hefestay  
Commissioner Cara Keys  
Commissioner Steve Stolipher  
Commissioner Mike Mood

From: David Bound  
Kayla Whetstone

Date: December 4, 2025

Re: Fiscal Note: CSX Pride in Service Grant

---

ESA is requesting grant funding for safety equipment from the CSX Pride in Service Grant with a monthly rolling deadline.

Atlantic Emergency Solutions	\$24,994.48
CSX Pride in Service Grant	\$25,000.00

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



Name: Edwina Benites-LM

Department or Organization: County Commission Administration

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: 12-04-2025

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

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

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

1. To set the annual public hearing on the operations of the Jefferson County Emergency Services Agency within Jefferson County
2. 2026 Meeting Schedule
3. 2026 Holiday Schedule
4. Annual review- county administrator

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

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable

**JEFFERSON COUNTY, WEST VIRGINIA  
EMERGENCY AMBULANCE SERVICE FEE ORDINANCE**

**Amendment Effective July 1, 2019**

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### **SECTION 1 – LEGISLATIVE AUTHORITY**

This Ordinance concerns the imposition and collection of a special emergency ambulance service fee and is adopted under the authority of Chapter 7, Article 15, Section 17, of the Code of West Virginia, as amended.

### **SECTION 2 – PURPOSE**

This Ordinance is enacted by the Jefferson County Commission for the purpose of providing career Fire Fighter/Paramedics and Fire Fighter/EMTs to maintain an adequate emergency ambulance system within the geographic boundaries of Jefferson County, West Virginia. An adequate emergency ambulance system is necessary to promote the health and welfare of the citizens of Jefferson County. Emergency ambulance service is a public purpose and a responsibility of government for which public money may be spent.

### **SECTION 3 – DEFINITIONS**

**ACCESSORY STRUCTURE.** Any separate structure associated with a residential unit such as a garage, storage shed, workshop or otherwise located on the same parcel shall be included as part of the residential unit and not subject to a separate fee so long as it is not actually used as a residential or non-residential unit. If a dispute arises with regard to whether or not a structure qualifies as accessory structure not subject to a separate fee, the burden is upon the owner to demonstrate that the structure is not a commercial or residential unit.

**RESIDENTIAL PROPERTY.** Means any place of residence, whether occupied or unoccupied, as classified by the records of the Jefferson County Assessor, including, but not limited to, single-family homes, duplexes, vacation and secondary homes, mobile homes, apartments, and rental units.

**AGRICULTURAL BUILDING.** Means structures which directly contribute to the operation of a farm and shall include any processing plant, milking parlor, farm equipment storage building, barn, silo, grain storage building, swinery, and temporary quarters furnished to farm employees without rent to assist in performance of employment duties as part of the terms of their employment. Agricultural buildings shall be exempt from any fee assessed under this Ordinance. However, the agricultural exemption does not apply to any ordinary residential unit located on a farm, such units shall be subject to the standard residential unit fee. In addition, any structure which conducts a retail commercial enterprise open to the general public, including but not limited to a distillery, butcher shop, winery, bed and breakfast, buildings used in the course business for animal racing, or retail nursery, shall be subject to the standard non-residential fee even if located on a farm. The warehousing, processing, drying, storage, distribution and marketing of agricultural products for the wholesale marketplace when those activities are conducted in conjunction with, but are secondary to, husbandry or production conducted on the farm shall be exempt from the fee. If a dispute arises with regard to whether or not a structure qualifies as an exempt agricultural building, the burden is upon the owner to demonstrate that the structure contributes to the operation of a farm and is not a commercial or residential unit.

**NON-RESIDENTIAL PROPERTY.** Means commercial business, industrial activity or non-residential activity conducted for a profit or non-profit, and any federal, state or local government (except those defined as an "Agricultural" property herein) including, but not limited to, any store, filling station, hotel, motel, warehouse, flea market, amusement park, camp ground, institutional living arrangement with centralized services such as nursing homes, assisted living or similar arrangement, a bed and breakfast, an entertainment venue, a club, bar or restaurants, church, school, courthouse, or federal, state, or municipal government building. In the case of commercial activity that occurs outdoors such as a flea market, camp ground or amusement park, such business shall be assessed a fee as a commercial unit unless a permanent structure associated with the use is already subject to a commercial fee at the same location. In the case of a commercial complex with more than one structure, such as a shopping center or business complex, each separate structure shall be included in total square foot calculations.

**EMERGENCY AMBULANCE SYSTEM.** Any emergency ambulance service provided pursuant to this ordinance.

**HOMESTEAD EXEMPTION** shall mean an owner-occupied residential unit used exclusively for residential purposes and occupied by the owner or one of the owners who is a citizen of this state and who is sixty-five years of age or older or is permanently and totally disabled as that term may be defined by the Legislature, and which granted by, and recognized in the records of, the Assessor of Jefferson County as exempt from a portion of the ad valorem property taxation of Jefferson County as prescribed by general law. The burden shall be upon the owner claiming the exemption to present proof of same at the time the fee is paid. If sufficient proof is not provided, the owner shall pay the normal fee.

**SQUARE-FOOTAGE** shall be determined by the Jefferson County Assessor's Office. All structures located on each property shall be included in the total square-footage calculation, including but not limited to warehouses, retail space, storage areas, and accessory structures. If a dispute arises with regard to whether or not a structure qualifies for inclusion in the total square-footage calculation, the burden is upon the owner to demonstrate that the structure is not a non-residential accessory structure or residential unit.

**OWNER.** Means the person, firm or corporation listed in the Jefferson County land records and/or records of the Assessor of Jefferson County as the owner of the unit or property as of July 1st of a given year.

**RESIDENTIAL UNIT.** Means any habitable structure intended for residential use, whether occupied or unoccupied, including, but not limited to, single-family homes, duplexes, vacation and secondary homes, mobile homes, apartments, condominiums and rental units. In the case of a structure which contains multiple independent addressable dwelling units, such as duplexes and apartments, each addressable unit shall be deemed to be a separate residential unit.

**SPECIAL EMERGENCY AMBULANCE SERVICE FEE.** Means the fee imposed by the Jefferson County Commission through this Ordinance and collected from the users of emergency ambulance service within Jefferson County.

USER. Means any person, firm or corporation to whom emergency ambulance transport service is made available.

**SECTION 4 – RATES**

The Emergency Ambulance Service Fee imposed under this Ordinance shall be for emergency ambulance service provided for a Jefferson County Fiscal Year July 1 to June 30.

- **Residential Unit Fee.** The Emergency Ambulance Service Fee established by this Ordinance shall be thirty-nine dollars (\$39.00) per owner occupied residential unit, and fifty dollars (\$50.00) per non-owner occupied residential unit per Fiscal Year.
- **Other Non-Residential Fees.** The Emergency Ambulance Service Fee for property that is not residential shall be calculated based on total building square footage, and based on one of 6 (six) classifications.

For properties where the Assessor has available building square footage, five (5) rates are applicable. The tiered flat rate fee is determined based on the total building square footage as defined in SQUARE FOOTAGE and is subject to a minimum fee payable of ninety dollars (\$90.00) per non-residential parcel per fiscal year. All properties with a total square footage less than or equal to 10,000 square feet will pay the minimum payable fee of \$90.00.

For properties with a total square footage of 10,001 sf or greater, the flat fee per parcel is determined as follows:

- 10,001 sf to 20,000 sf                      \$200.00
- 20,001 sf to 65,000 sf                      \$512.00
- 65,001 sf to 360,000 sf                      \$1,875.00
- 360,001 sf or greater                      \$33,400.00

For properties where the total building square footage is not available from the Jefferson County Assessor, the flat fee is: \$150.00

**Homestead Exemption.** All those residents who have been granted a property tax Homestead Exemption by the Assessor in the tax year prior to July 1, 2014, and each year thereafter, shall pay a discounted fee of twenty dollars (\$20.00) on their personal residence.

**Responsibility and Due Date.** The Fee imposed under this ordinance shall be the responsibility of the record owner of the unit as of July 1st, each year unless an alternate date is formally approved by a majority of the Commission. The Fee assessed and levied under the provisions of the ordinance shall be a personal obligation of the owner of the unit. The Fee shall be due and payable July 1st of each year for taxable units owned as of July 1st for services to be rendered in the fiscal year. On or before, July 31st of each year, a bill shall be mailed to the owner’s mailing address on record with the Assessor of Jefferson County.

**Late Fee and Dates**

- For each service year, *accounts paid on or after October 1 through December 31* the fee shall increase by \$5 for residential properties or by 10% for non-residential properties.
- For *accounts paid on or after January 1 through March 31* of a given service year, the fee shall increase by an additional \$10 for residential properties or by an additional 20% for non-residential properties, whichever is greater.

**Collections.** Fees delinquent on or after the First day of April the year after they became due and payable shall be forwarded to the County Commission. The County Commission, in its sole discretion, may collect unpaid fees through civil action filed in a court of competent jurisdiction. Such suit need not be brought in the same fiscal year the fee was billed. In any suit for collection of delinquent fees, the Commission is authorized to recover its reasonable costs of collection, including court costs, attorney’s fees, service costs and statutory interest.

**Error Resolution.** If any owner believes he or she was erroneously charged an emergency service fee, the County Commission shall provide, upon the owner’s request, an exoneration form. The form shall be completed and returned to the County Commission no later than September 30 of the Fiscal Year for which the fee applies. The County Commission staff shall, within a reasonable time, investigate any request for exoneration. The County Commission shall, at its next regular meeting after completion of the investigation, consider each written request for exoneration and staff’s recommendation regarding the exoneration request. If good cause for exoneration is found by the County Commission, the Commission shall exonerate or modify the imposed charges, and shall notify the owner in writing of its actions. If the Commission does not exonerate or modify as requested by the applicant, the owner requesting exoneration may appeal to the Circuit Court of Jefferson County. The appeal must be filed within 30 days of the Commission decision upon the exoneration. No prior fiscal year fees will be refunded.

**SECTION 5 – RATE CHANGES**

The service of ambulance protection shall be continued, maintained, and improved by the Jefferson County Emergency Services Agency at the charge and expense of the owners of all residential and commercial units within the county. The fees shall be imposed, assessed and collected as set forth in this Ordinance. In the event the JCESA determines change in the fee imposed by this ordinance is necessary, it shall, by resolution, request the County Commission consider approving the recommended a change. The JCESA shall submit copies of its current budget, the future budget developed under Section 7 and any other documentation supporting the proposed a change in the fee. In conjunction with JCESA’s departmental reviews, a review of 911 Center CAD call data shall be performed regularly at a minimum of every 2 (two) to 3 (three) years. The fee may be adjusted based on this review of CAD call data to ensure that the fee being charged is commensurate with CAD usage data for each property type. The County Commission retains sole discretion in approving, denying or modifying any fee change. Procedures set forth in Article 15, Chapter 7, Section 17 of the Code of West Virginia for the initial levy of such a fee shall be followed by the County Commission in the event an increase is sought.

**SECTION 6 – EFFECTIVE DATE**

The prior Ordinance became effective June 30, 2018 and the Emergency Ambulance Service Fee was originally enacted effective June 30, 2014. This Amended Ordinance shall become effective on July 1, 2019. The fee assessed and levied by this ordinance are for services to be rendered from July 1, 2019 to June 30, 2020, and each fiscal year thereafter.

**SECTION 7 – USE AND MANAGEMENT OF FEE PROCEEDS**

The proceeds from the imposition and collection of the Emergency Ambulance Service Fee shall be deposited in a special fund or specific appropriations shall be exhibited in separate and distinct accounts for the benefit of the JCESA held by the Treasurer of Jefferson County and shall be used only to pay reasonable and necessary expenses actually incurred, including personnel, training, supplies and equipment used in providing emergency ambulance service to residents of Jefferson County. Proceeds not expended in a given Fiscal Year will be maintained in the special fund and may be used in subsequent Fiscal Years as necessary.

**SECTION 8 – BUDGET DEVELOPMENT**

The Jefferson County Emergency Services Agency shall hold an annual public hearing for the purpose of receiving written or oral public comments pertaining to the operations of the JCESA within Jefferson County. This public hearing shall be advertised as a Class II legal advertisement in local newspapers within the County.

The required public hearing shall be held no later than the regular December Board of Directors meeting in order to provide JCESA sufficient time to consider any improvements or changes in services and to account for said changes when submitting the annual budget request to the Jefferson County Commission.

As required by the JCESA Ordinance, JCESA shall prepare a financial statement and budget detailing the upcoming Fiscal Year projections for the special emergency ambulance fund. The Board of Directors shall make recommendations to the County Commission regarding the need to change or maintain the rates charged for the upcoming year.

**SECTION 9 – DATA USED FOR ASSESSMENT OF FEES**

Upon completion of the annual budget for the Fund, County Commission shall request the Assessor to provide it with a list of all residential units and non-residential parcels and square footage within the meaning of this Ordinance within the county to be utilized as the data base for billing the Special Emergency Ambulance Service Fee commencing the following July 1. In addition, GIS shall provide a list of addressable units within each category to assist in the identification and classification of residential units and non-residential buildings and parcels within the county. Each residential or non-residential unit or property shall have an account established in the name of the owner of that unit or property and a bill in the amount of the fee shall be delivered to that property owner by US Postal Service on or after July 31st of the Fiscal Year. The Assessor will further provide monthly updates to County Commission so that the database can be maintained on a current basis.

**SECTION 10 - COLLECTION OF DELINQUENT ACCOUNTS**

On or before November 30 of each year, letters shall be sent to all unpaid accounts as a status reminder including a notice of late fees and charges and a notice that delinquent accounts will be submitted for collection after March 31st. On or about April 1, all delinquent accounts at that point shall be submitted for collection by either internal or external agencies.

**SECTION 11 - INITIAL USE OF FUNDS AND POSITIONS**

Funds will initially be allocated to train, hire and equip Fire Fighter/Paramedics and Fire Fighter/EMTs assigned based on response time to maximize limited resources.

**SECTION 12 - AMENDMENTS AND SEVERABILITY**

This Ordinance may, from time to time, be amended by a majority of the members of the County Commission as they deem it necessary and appropriate.

If a court of competent jurisdiction declares any provision of this Ordinance to be void, invalid or ineffective in whole or in part, the effect of such decisions shall be limited to those provisions which are expressly declared to be void, invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully enforceable and effective.

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This Ordinance shall become effective upon July 1, 2019.

NOW THEREFORE, THIS ORDINANCE IS ENACTED AND ORDAINED BY MAJORITY VOTE OF THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA.

Given under my hand and seal this 2nd day of May, 2019.

  
Patricia Noland, President



Jefferson County, West Virginia  
**County Commission Administration**  
 124 E. Washington Street, P.O. Box 250  
 Charles Town, WV 25414

Emails: [info@jeffcowv.gov](mailto:info@jeffcowv.gov) [agenda@jeffcowv.gov](mailto:agenda@jeffcowv.gov)

Phone: 304-728-3284

**JEFFERSON COUNTY COMMISSION**

**2026 REGULARLY SCHEDULED MEETING CALENDAR**

*Unless otherwise noticed,* County Commission meetings are held in the County Commission Meeting Room located at 393 North Lawrence Street, Charles Town at the East entrance at 9:30 am and 6:00 pm on the first and third Thursdays of each month, respectively.

<u>Meeting Date</u>	<u>Time</u>	<u>Agenda Deadline</u>
Thursday, January 8, 2026	9:30 am	<b>*Wednesday, January 31 - 12:00 pm</b>
Thursday, January 22, 2026	6:00 pm	Thursday, January 15 – 12:00 pm
Thursday, February 5, 2026	9:30 am	Thursday, January 29 – 12:00 pm
Thursday, February 19, 2026	6:00 pm	Thursday, February 12 – 12:00 pm
Thursday, March 5, 2026	9:30 am	Thursday, February 26 – 12:00 pm
Thursday, March 19, 2026	6:00 pm	Thursday, March 12 – 12:00 pm
Thursday, April 2, 2026	9:30 am	Thursday, March 26 – 12:00 pm
Thursday, April 16, 2026	6:00 pm	Thursday, April 9 – 12:00 pm
Thursday, May 7, 2026	9:30 am	Thursday, April 30 – 12:00 pm
Thursday, May 21, 2026	6:00 pm	Thursday, May 14 – 12:00 pm
Thursday, June 4, 2026	9:30 am	Thursday, May 28 – 12:00 pm
Thursday, June 18, 2025	6:00 pm	Thursday, June 11 – 12:00 pm
Thursday, July 2, 2026	9:30 am	Thursday, June 25 – 12:00 pm
Thursday, July 16, 2026	6:00 pm	Thursday, July 9 – 12:00 pm
Thursday, August 6, 2026	9:30 am	Thursday, July 30 – 12:00 pm
Thursday, August 20, 2026	6:00 pm	Thursday, August 13 – 12:00 pm
Thursday, September 3, 2026	9:30 am	Wednesday, August 27 – 12:00 pm
Thursday, September 17, 2026	6:00 pm	Thursday, September 10 – 12:00 pm
Thursday, October 1, 2026	9:30 am	Thursday, September 24 – 12:00 pm
Thursday, October 15, 2026	6:00 pm	Thursday, October 8 – 12:00 pm
Thursday, November 5, 2026	9:30 am	Thursday, October 29 – 12:00 pm
Thursday, November 19, 2026	6:00 pm	Thursday, November 12 – 12:00 pm
Thursday, December 3, 2026	9:30 am	<b>*Wednesday, November 25 – 12:00 pm</b>
Thursday, December 17, 2026	6:00 pm	Thursday, December 10 – 12:00 pm

\* indicates deviation from normal meeting date or agenda deadline.

- ✚ Changes in the time or location of the meeting shall be noticed on the County’s website and on the County Facebook page.
- ✚ If the President of the County Commission determines that weather conditions make travel unsafe for the public, County offices may close and/or the meeting may be cancelled. Please check the County’s website and/or Facebook page for possible meeting updates during inclement weather.
- ✚ Please note that, in addition to the regular meetings listed above, the Commission may call Special Sessions, Emergency Sessions,

Workshops/Work Sessions, Public Hearings, Board of Review & Equalization hearings, Board of Canvassers meetings, etc. as necessary and will be noticed according to the Open Meeting Act.

DRAFT

**JEFFERSON COUNTY COMMISSION**  
**HOLIDAY SCHEDULE 2026**

Holiday	Date
New Year's Day	Thursday, January 1, 2026
Dr. Martin Luther King, Jr. Day	Monday, January 19, 2026
President's Day	Monday, February 16, 2026
Primary Election Day	Tuesday, May 12, 2026
Memorial Day	Monday, May 25, 2026
Juneteenth	Friday, June 19, 2026
West Virginia Day	Saturday, June 20, 2026 *** Observed Friday, June 19th
Independence Day	Saturday, July 4, 2026 *** Observed Friday, July 5th
Labor Day	Monday, September 7, 2026
Columbus Day	Monday, October 12, 2026
General Election Day	Tuesday, November 3, 2046
Veteran's Day	Wednesday, November 11 ,2026
Thanksgiving Day	Thursday, November 26, 2026
Day After Thanksgiving	Friday, November 27, 2026
Christmas Eve (Half Day)	Thursday, December 24, 2026
Christmas Day	Friday, December 25, 2026
New Year's Eve (Half Day)	Wednesday, December 31, 2025

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

Date: December 4, 2025

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PRESIDENT, JEFFERSON COUNTY COMMISSION

## JCCInfo

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**From:** Dr. Manuel A. Gomez <manuelveterinarian@yahoo.com>  
**Sent:** Wednesday, November 26, 2025 6:30 AM  
**To:** JCCInfo  
**Subject:** To our Commissioners Fw: Please Ban the Chemtrails (Geoengineering the weather)

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

Dear Commissioners Steve Stolipher, Jack Hefestay, Cara Keys, Mike Mood, and Pasha Majdi,

Please accept my sincere well wishes. I am writing to express my profound appreciation for your unwavering dedication to enhancing the well-being and prosperity of the citizens across our county. Your tireless efforts and commitment to public service are truly commendable and deeply valued by the community.

I am taking the liberty of forwarding a crucial message that I believe warrants your immediate attention and careful consideration. This communication, which I have included for your review, contains information highly relevant to our collective understanding of the healthy and wellbeing of our community and our lands,. I trust you will find its contents both informative and pertinent to your vital work and decision-making processes. It is my hope that this message will provide valuable context as we all strive towards our shared goals for the county.

Thank you for your valuable time and thoughtful consideration of this matter.

Sincerely,

Dr. Manuel A. Gomez



**RVDoktor**

By RVDoktor

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Begin forwarded message:

On Wednesday, November 26, 2025, 6:18 AM, Dr. Manuel A. Gomez <manuelveterinarian@yahoo.com> wrote:

Dear Delegates Bill Ridenour and Chris Andersen,

Your unwavering dedication and commitment to serving the constituents of West Virginia are deeply valued and consistently recognized. We are particularly grateful for your tireless efforts to represent the interests of "We The People."

I am writing to respectfully bring to your immediate attention a matter of profound importance, which I have also communicated to Governor Morrissey and our esteemed West Virginia Senators. This critical issue, whose resolution demands urgent and collaborative action, presents a multifaceted challenge impacting not only the prosperity and health of our beloved West Virginia communities but also carries significant implications on a broader, international scale.

Specifically, this concern pertains to the critical intersection of sustainable economic development, environmental stewardship, and the long-term well-being of our citizens. It represents a confluence of factors that we believe will profoundly define our state's future and its role in addressing global challenges. We firmly believe that addressing this challenge with the utmost urgency is paramount to safeguarding the future vitality and competitiveness of our state, ensuring a robust legacy for generations to come.

Thank you for your invaluable leadership and for considering this vital appeal.

Sincerely,

Dr. Manuel A. Gomez, D.V.M.

**RVDoktor**

By RVDoktor

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Begin forwarded message:

On Wednesday, November 26, 2025, 6:00 AM, Dr. Manuel A. Gomez  
<manuelveterinarian@yahoo.com> wrote:

Dear Governor Patrik Morrisay,  
Dear WV Senators Tom Willis and Patricia Rucker,

It was truly a pleasure to have the opportunity to walk with you at the recent Martinsburg Apple Festival. We appreciate your engagement with the community and your dedication to the welfare of West Virginia.

I am writing to you today to articulate a matter of profound concern that many in our community, including myself, believe warrants your urgent attention and investigation. There is a growing apprehension regarding observable atmospheric phenomena that we perceive as unusual and potentially detrimental to the health and environment of our state. We have witnessed persistent aerial trails and specific atmospheric patterns that have led to significant public disquiet, often referred to within the community as "chemtrails."

While the terminology may be subject to debate, the underlying concerns are serious: the potential impact of these observed activities on our air quality, the integrity of our natural resources, agricultural productivity, and ultimately, the well-being of every West Virginian. We are deeply worried about the long-term health implications for our citizens and the potential for environmental degradation that could result from unidentified atmospheric interventions.

We respectfully implore your office to initiate a comprehensive and transparent inquiry into these observations. We believe it is critical to address these public anxieties through official channels, perhaps by commissioning independent scientific analysis, enhancing air quality monitoring protocols, or establishing a dedicated task force to examine all aspects of these reported phenomena. Transparency and clear communication from the state government are vital to reassure residents and to uphold public trust. We understand that similar concerns about atmospheric issues and their potential effects are being raised in communities across the nation, underscoring the need for proactive and decisive action at the state level.

Thank you for considering this critical issue. We are hopeful that you will lend your support to our plea for a thorough investigation and a commitment to protecting the health and environment of our beloved West Virginia.

I hope you can help us to ban the Chemtrails, it is real, it's a fact, other states already banned them, they are poisoning us and all of the population worldwide

<https://www.instagram.com/reel/DLhGUYxsoH-/?igsh=MXM2bTZkaGV4c3dtNw==>

<https://www.instagram.com/reel/DRXRVaxDDuP/?igsh=Y3k5M2Z0d20ydjdp>

Sincerely,

Dr. Manuel A. Gomez

**RVDoktor**

By RVDoktor

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