

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, AUGUST 15, 2013**  
**9:30 A.M.**

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- Regular Meeting - August 1, 2013

**APPROVAL OF PURCHASE ORDERS**

- August 15, 2013

**APPROVAL OF ACCOUNTS PAYABLE**

- August 8, 2013
- August 15, 2013

**PUBLIC COMMENT**

**PRESENTATIONS:**

1. 9:45 a.m. Angie Banks, Assessor  
- Exonerations - Discussion/Action
2. 10:00 a.m. Steve Rawlings, West Virginia Risk Pool  
- Update on the WV Risk Pool Customer Satisfaction - Discussion/Action
3. 10:15 a.m. John Reisenweber, on behalf of the Jefferson County Development Authority Board of Directors  
- Introduce new Program Manager, Amy Allen  
- Approval of changes to Burr/Bardane Covenants - Discussion/Action
4. 10:30 a.m. Jennifer Brockman, Director Planning & Zoning  
- Request by the Planning Commission that the County Commission reconsider their Motion of October 25, 2012 regarding the Proposed Zoning Ordinance Text Amendment related to New Commercial and Industrial Zoning Categories - Discussion/Action

5. 10: 45 a.m. Pete Dougherty, Sheriff  
- Present the 2012-2013 report on the Jefferson County Sheriff's Office  
- Discussion/Action
6. 11:05 a.m. Lynn Fields, Deputy Probate Clerk  
- Special Session to approve and close estates - Discussion/Action  
- Set a date and time for a Special Session for Probate matters  
- Discussion/Action
7. 11:15 a.m. BREAK
8. 11:25 a.m. Roger Goodwin, Chief Engineer  
- Bond Release Barleywood Subdivision - Complete release of the Construction Bond security for Dan Ryan Builders, LLC - The Preserve at Barleywood Subdivision, Lots 1-55 & 3 Residue Lots (File #-4-16) - Letter of Credit #3078760 with Bank of America, Rockville, MD - Discussion/Action
9. 11:30 a.m. Barbara Miller, Director of Homeland Security and Emergency Management  
- Memorandum of Agreement between Jefferson County and the Federal Emergency Management Agency Integrated Public Alert and Warning System (IPAWS) Program Management Office - Discussion/Action  
- Contract with NIXLE for NIXLE Engage Annual License - Discussion/Action
10. 11:40 a.m. Unfinished Business/New Business/Financial Director Report  
- Discussion/Action
11. 12:30 p.m. LUNCH BREAK

**UNFINISHED BUSINESS:**

12. Discussion regarding contracting the position of the Chief Financial Officer for the Jefferson County Commission, follow-up discussion - Discussion/Action (*Executive Session*) (PN)

**NEW BUSINESS:**

13. Discussion regarding renewing membership with the County Commission Association of West Virginia - Discussion/Action (PN)
14. Eastern Panhandle Regional Planning & Development Council - Region 9 - Annual Consolidated Project Listing Update - Discussion/Action (PN)
15. Set date for briefing from Region 9 staff on Broadband Study and provide opportunity for community comment - Discussion/Action (LW)

16. Approval to move forward with hiring of Finance Director as advertised - Discussion/Action (LW )
17. Approval of Resolution - Community Participation Grant Program for the Saint Andrews Mountain Community Center in the amount of \$2,000 - Discussion/Action
18. Approval of Resolution - Community Participation Grant Program for the African American Community Association - Fisherman's Hall in the amount of \$2,000 - Discussion/Action

**FINANCIAL DIRECTOR REPORT:**

Internal Budget Revision #2 - Group Health Insurance budget adjustments  
- Discussion/Action

**COUNTY ADMINISTRATOR REPORT:**

- Jefferson County Meeting Schedule - meeting the third Thursday of the month (August 29, 2013) - before Labor Day Weekend - Discussion/Action
- IT Update/IT Position - Discussion/Action
- Debbie Keyser/Sandy McDonald - Continuation of presentation of further Financial Analysis Financial Director Report - Discussion/Action

**COUNTY COMMISSIONERS REPORTS:**

~~~~~ AFTERNOON SESSION ~~~~~

19. 1:30 p.m. Continuation of Unfinished Business/New Business/Financial Director Report - Discussion/Action
20. 2:15 p.m. Jennifer Myers, Director - Jefferson County Parks and Recreation  
- The JCPR will update the Commission on the progress of James Hite Park and requests the release of funds from the land acquisition fund to provide an excavator and operator to perform explanatory trenching in the areas of cut for phase 1 - Discussion/Action
21. 2:25 p.m. Mr. Bob Aitcheson & Mr. Doug Rockwell, residents  
- Discussion regarding the desirability of the Commission to enact the proposed Ambulance Fee - Discussion/Action  
- Discussion regarding the JCESA - Discussion/Action

**Public Comment:**

*The period for Public Comment will be open at this time to allow the public to address item #22, JCESA Fees.*

22. 2:40 p.m. Doug Pittinger/Ed Hannon - Jefferson County Emergency Services Agency  
- Reading/Review/Edits of the Jefferson County Emergency Service Agency  
Fee Ordinance - Discussion/Action

**CORRESPONDENCE:**

Invitation from the Jefferson County Deputy Sheriff Reserve Academy, Saturday, August 17, 2013 at Wright Denny Intermediate School.

Flyer announcing the 61<sup>st</sup> Jefferson County Fair dates and Schedule of Events - August 18-24, 2013.

Invitation to the dedication of the Lewis County Judicial Annex, August 20, 2013 - Weston WV.

Invitation from the Division of Juvenile Services, Youth Reporting Center - Parents/Community Appreciation Day, August 21, 2013 from 11:30 am - 4 pm.

Notice - County Offices closed Monday, September 2, 2013 in observance of Labor Day.

Invitation from MADD and the Governor's Highway Safety Office to the Annual Law Enforcement Appreciation Breakfast - September 7, 2013.

Notice from County Commissioners' Association of West Virginia regarding membership dues in the amount of \$419.50.

Letter from Summer Wyatt, WV State Director of the Humane Society regarding the new commercial dog breeding operation law.

Request for funding from Shepherdstown Public Library for "First Books For Babies" program.

Jefferson County Public Service District Regular Board Meeting - July 1, 2013 and July 23, 2013 and Emergency Special Meeting, July 31, 2013.

West Virginia University Extension Service, Jefferson County - Vol. 2 #4, August 2013.

West Virginia Ethics Reporter - July 2013.

Country Roads & City Streets, Summer 2013 Vol. 28 No. 2.

West Virginia Lottery Weekly Settlement for Charles Town week ending July 27, 2013.

West Virginia Lottery Weekly Settlement for Charles Town week ending August 3, 2013

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

# Minutes

## Jefferson County Commission

Thursday, August 1, 2013

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A meeting of the Jefferson County Commission was held on Thursday, August 1, 2013 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Dale Manuel, Patsy Noland, Walter Pellish, Jane Tabb and Lyn Widmyer. Also present were Debbie Keyser, County Administrator, Cynthia Schott, Executive Administrative Assistant and Jimmy Eddie, Bailiff. (An audio tape of the August 1, 2013 meeting is available through the Jefferson County Commission Office.)

### PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

### APPROVAL OF MINUTES

**Motion by Ms. Widmyer to approve the Minutes of the July 18, 2013 County Commission Meeting. Motion seconded and unanimously approved, with Ms. Noland abstaining.**

**Motion by Ms. Tabb to approve the Minutes of the July 18, 2013 Joint meeting of the Envision 2035 Steering Committee and the County Commission. Motion seconded and unanimously approved, with Ms. Noland abstaining.**

### APPROVAL OF PURCHASE ORDERS

**Motion by Mr. Pellish to approve Purchase Orders in the amount of \$33,368.45 to include P.O. Nos., 50368, 51503, 51777, 51778, 51781, 51783, 51435, 51441, 51442, 51444, 51702, 71789, 51776, 51780, 51784, 50012, 51772, 51773, 51774, 51785, 51779, 51641, 51643, 51498, 51499, 51500, 51501, 51502, 51504, 51505, 51506, and 51508.**

### APPROVAL OF ACCOUNTS PAYABLE

| CHKNO  | DEPT | VENDOR               | PONUM | POAMT       | NOAMT     | CHECK AMOUNT |
|--------|------|----------------------|-------|-------------|-----------|--------------|
| 070359 | 424  | ACCURATE SYSTEMS INC | 51766 | \$ 1,802.50 | \$ -      | \$ 1,802.50  |
| 070359 | 425  | ACCURATE SYSTEMS INC | 51766 | \$ 4,919.97 | \$ -      | \$ 4,919.97  |
| 070360 | 412  | COMCAST              |       | \$ -        | \$ 80.50  | \$ 80.50     |
| 070360 | 425  | COMCAST              |       | \$ -        | \$ 559.97 | \$ 559.97    |
| 070361 | 700  | AUTOZONE             |       | \$ -        | \$ 106.23 | \$ 106.23    |
| 070361 | 717  | AUTOZONE             |       | \$ -        | \$ 98.93  | \$ 98.93     |

|        |     |                             |       |              |              |              |
|--------|-----|-----------------------------|-------|--------------|--------------|--------------|
| 070362 | 425 | ALLIANCE ELECTRIC LLC       | 51752 | \$ 292.50    | \$ -         | \$ 292.50    |
| 070363 | 413 | APPLE VALLEY OFF.PRODUCT    | 51630 | \$ 74.70     | \$ -         | \$ 74.70     |
| 070364 | 425 | B-K OFFICE SUPPLY INC       | 51753 | \$ 1,012.00  | \$ -         | \$ 1,012.00  |
| 070364 | 425 | B-K OFFICE SUPPLY INC       | 51767 | \$ 515.25    | \$ -         | \$ 515.25    |
| 070365 | 424 | BOLAND SERVICES             | 51763 | \$ 270.00    | \$ -         | \$ 270.00    |
| 070365 | 425 | BOLAND SERVICES             | 51764 | \$ 991.01    | \$ -         | \$ 991.01    |
| 070366 | 712 | FRONTIER WV, INC            |       | \$ -         | \$ 380.00    | \$ 380.00    |
| 070367 | 425 | CONTROL SYSTEMS             | 51770 | \$ 300.50    | \$ -         | \$ 300.50    |
| 070367 | 425 | CONTROL SYSTEMS             | 51771 | \$ 83.00     | \$ -         | \$ 83.00     |
| 070368 | 717 | DONALD B. RICE TIRE CO.     | 51756 | \$ 405.32    | \$ -         | \$ 405.32    |
| 070369 | 712 | FEDEX                       |       | \$ -         | \$ 11.91     | \$ 11.91     |
| 070370 | 717 | GUTTMAN OIL CO              |       | \$ -         | \$ 19,010.62 | \$ 19,010.62 |
| 070371 | 712 | THE JOURNAL                 | 51703 | \$ 38.27     | \$ -         | \$ 38.27     |
| 070372 | 712 | DR ROBERT JONES             |       | \$ -         | \$ 1,000.00  | \$ 1,000.00  |
| 070373 | 424 | KONE INC.                   | 50177 | \$ 327.75    | \$ -         | \$ 327.75    |
| 070373 | 425 | KONE INC.                   | 50177 | \$ 1,154.25  | \$ -         | \$ 1,154.25  |
| 070374 | 712 | LANGUAGE LINE SERVICES      |       | \$ -         | \$ 59.41     | \$ 59.41     |
| 070375 | 402 | LEXISNEXIS/MATTHEW<br>BENDE | 51635 | \$ 108.99    | \$ -         | \$ 108.99    |
| 070376 | 712 | NAEMD                       | 51602 | \$ 100.00    | \$ -         | \$ 100.00    |
| 070377 | 424 | NEOPOST USA INC.            | 51762 | \$ 330.00    | \$ -         | \$ 330.00    |
| 070378 | 402 | PIFER OFFICE SUPPLY, INC    | 43619 | \$ 26.35     | \$ -         | \$ 26.35     |
| 070378 | 404 | PIFER OFFICE SUPPLY, INC    | 52108 | \$ 131.53    | \$ -         | \$ 131.53    |
| 070378 | 406 | PIFER OFFICE SUPPLY, INC    | 51408 | \$ 510.75    | \$ -         | \$ 510.75    |
| 070379 | 712 | PSYCHOLOGICAL HEALTH<br>ASS | 51705 | \$ 800.00    | \$ -         | \$ 800.00    |
| 070380 | 424 | RCS SECURITY                | 51755 | \$ 297.30    | \$ -         | \$ 297.30    |
| 070380 | 425 | RCS SECURITY                | 51755 | \$ 1,948.08  | \$ -         | \$ 1,948.08  |
| 070380 | 425 | RCS SECURITY                |       | \$ -         | \$ 348.00    | \$ 348.00    |
| 070381 | 403 | SOFTWARE SYSTEMS, INC       | 49897 | \$ 228.52    | \$ -         | \$ 228.52    |
| 070381 | 403 | SOFTWARE SYSTEMS, INC       | 51439 | \$ 166.36    | \$ -         | \$ 166.36    |
| 070381 | 424 | SOFTWARE SYSTEMS, INC       | 49897 | \$ 450.00    | \$ -         | \$ 450.00    |
| 070382 | 704 | ST/WV REGIONAL JAIL &       | 51828 | \$ 88,376.80 | \$ -         | \$ 88,376.80 |
| 070383 | 413 | SECRETARY OF STATE'S OFF    | 51788 | \$ 660.00    | \$ -         | \$ 660.00    |
| 070384 | 717 | THOMASSEN FORD<br>MERCURY   | 51768 | \$ 52.26     | \$ -         | \$ 52.26     |
| 070385 | 425 | TML COPIERS & DIGITAL       | 51765 | \$ 567.48    | \$ -         | \$ 567.48    |
| 070386 | 425 | T-N-T HAULING               | 51760 | \$ 1,217.73  | \$ -         | \$ 1,217.73  |
| 070387 | 712 | TELTRONIC                   | 49832 | \$ 5,686.24  | \$ -         | \$ 5,686.24  |
| 070388 | 424 | TRENARY SERVICE CO          | 51757 | \$ 432.50    | \$ -         | \$ 432.50    |
| 070388 | 424 | TRENARY SERVICE CO          | 51775 | \$ 89.00     | \$ -         | \$ 89.00     |
| 070389 | 425 | VITAL SIGNS                 | 51754 | \$ 225.00    | \$ -         | \$ 225.00    |

|              |     |                            |       |                      |                     |                      |
|--------------|-----|----------------------------|-------|----------------------|---------------------|----------------------|
| 070390       | 424 | WINCHESTER EQUIPMENT<br>CO | 51759 | \$ 626.79            | \$ -                | \$ 626.79            |
| 070391       | 425 | WV DIVISION OF LABOR       | 51758 | \$ 150.00            | \$ -                | \$ 150.00            |
| 070392       | 402 | XEROX CORPORATION          | 49705 | \$ 1,469.22          | \$ -                | \$ 1,469.22          |
| 070392       | 439 | XEROX CORPORATION          | 50339 | \$ 550.81            | \$ -                | \$ 550.81            |
|              |     |                            |       |                      |                     |                      |
| <b>TOTAL</b> |     |                            |       |                      |                     | <b>\$ 139,044.30</b> |
| <b>TOTAL</b> |     |                            |       | <b>\$ 117,388.73</b> | <b>\$ 21,655.57</b> | <b>\$ 139,044.30</b> |

**Motion by Mr. Manuel to approve the accounts payable for July 25, 2013 in the amount of \$139,044.30. Motion seconded and unanimously approved.**

| CHCKNO | DEPT    | VENDOR                   | PONUM | POAMT    | NOAMT         | CHECK AMOUNT  |
|--------|---------|--------------------------|-------|----------|---------------|---------------|
| 070395 | 712     | AT&T/GA                  |       | \$ -     | \$ 215.69     | \$ 215.69     |
| 070396 | 413     | APPLE VALLEY OFF.PRODUCT | 51630 | \$ 55.50 | \$ -          | \$ 55.50      |
| 070397 | 412     | BARDANE PUBLIC HEALTH CT |       | \$ -     | \$ 383.00     | \$ 383.00     |
| 070398 | PAYROLL | BUREAU F/CHILD SUPPORT   |       | \$ -     | \$ 49.85      | \$ 49.85      |
| 070399 | PAYROLL | BUREAU F/CHILD SPRT ENF  |       | \$ -     | \$ 212.31     | \$ 212.31     |
| 070400 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -     | \$ 461.54     | \$ 461.54     |
| 070401 | 401     | 201 N. GEORGE ST LLC     |       | \$ -     | \$ 9,638.92   | \$ 9,638.92   |
| 070402 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -     | \$ 23.08      | \$ 23.08      |
| 070403 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -     | \$ 290.31     | \$ 290.31     |
| 070404 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -     | \$ 598.23     | \$ 598.23     |
| 070405 | 425     | OLD CHARLES TOWN LIBRARY |       | \$ -     | \$ 1,500.00   | \$ 1,500.00   |
| 070406 | PAYROLL | CHILD SUPPORT ENFORCE AG |       | \$ -     | \$ 27.69      | \$ 27.69      |
| 070407 | PAYROLL | DIVERSIFIED COLLECTION   |       | \$ -     | \$ 154.83     | \$ 154.83     |
| 070408 | PAYROLL | DELTA DENTAL OF WV       |       | \$ -     | \$ 5,887.10   | \$ 5,887.10   |
| 070409 | 712     | KAREN ECHEMENT           |       | \$ -     | \$ 7.46       | \$ 7.46       |
| 070410 | 717     | FLEETPRIDE               | 51782 | \$ -     | \$ 21.40      | \$ 21.40      |
| 070411 | PAYROLL | GUARDIAN - APPLETON      |       | \$ -     | \$ 1,952.69   | \$ 1,952.69   |
| 070411 | PAYROLL | GUARDIAN - APPLETON      |       | \$ -     | \$ 1,679.60   | \$ 1,679.60   |
| 070412 | PAYROLL | ING NATIONAL TRUST       |       | \$ -     | \$ 2,910.00   | \$ 2,910.00   |
| 070413 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -     | \$ 4,843.00   | \$ 4,843.00   |
| 070413 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -     | \$ 40.00      | \$ 40.00      |
| 070414 | PAYROLL | HIGHMARK WV              |       | \$ -     | \$ 185,744.94 | \$ 185,744.94 |
| 070415 | PAYROLL | HELEN M. MORRIS, TRUSTEE |       | \$ -     | \$ 150.00     | \$ 150.00     |
| 070416 | PAYROLL | NATIONWIDE RETIREMENT    |       | \$ -     | \$ 749.00     | \$ 749.00     |
| 070417 | 406     | PIFER OFFICE SUPPLY, INC | 51413 | \$ 51.78 | \$ -          | \$ 51.78      |
| 070418 | 401     | PSTC                     |       | \$ -     | \$ 298.00     | \$ 298.00     |
| 070419 | GRANT   | RCS SECURITY             |       | \$ -     | \$ 703.20     | \$ 703.20     |

|              |         |                         |  |                  |                      |                      |
|--------------|---------|-------------------------|--|------------------|----------------------|----------------------|
| 070420       | PAYROLL | SHERIFF OF JEFFERSON CO |  | \$ -             | \$ 10,307.56         | \$ 10,307.56         |
| 070420       | PAYROLL | SHERIFF OF JEFFERSON CO |  | \$ -             | \$ 44,072.92         | \$ 44,072.92         |
| 070420       | PAYROLL | SHERIFF OF JEFFERSON CO |  | \$ -             | \$ 25.98             | \$ 25.98             |
| 070420       | PAYROLL | SHERIFF OF JEFFERSON CO |  | \$ -             | \$ 111.10            | \$ 111.10            |
| 070420       | PAYROLL | SHERIFF OF JEFFERSON CO |  | \$ -             | \$ 42,243.54         | \$ 42,243.54         |
| 070420       | PAYROLL | SHERIFF OF JEFFERSON CO |  | \$ -             | \$ 129.54            | \$ 129.54            |
| 070421       | 975     | SUMMIT COMMUNITY BANK   |  | \$ -             | \$ 2,441.41          | \$ 2,441.41          |
| 070422       | 412     | WVU                     |  | \$ -             | \$ 5,500.00          | \$ 5,500.00          |
| <b>TOTAL</b> |         |                         |  |                  |                      | <b>\$ 323,481.17</b> |
| <b>TOTAL</b> |         |                         |  | <b>\$ 107.28</b> | <b>\$ 323,373.89</b> | <b>\$ 323,481.17</b> |

**Motion by Ms. Tabb to approve the accounts payable for August 1, 2013 in the amount of \$323,481.17. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Mr. Ralph Lorenzetti, Prosecuting Attorney informed the Commission due to the loss of an attorney, he will need to fill the position.

Mr. Doug Rockwell, resident – spoke regarding his concern in obtaining information from the Jefferson County Emergency Services Agency.

Mr. Bob Aitcheson, resident – spoke regarding his concern in obtaining information from the Jefferson County Emergency Services Agency.

Eleanor Finn, League of Women Voters, thanked the Commissioners for holding the Meet and Greet. Ms. Finn also requested if a meeting is not to be held, please post for the public. Ms. Finn also expressed concern about the loss of internet service in the County.

Mr. Carson Bise, Consultant for the Department of Engineering, Impact Fees – explained he has a flight out this afternoon, but is in the audience should there be any questions.

**PRESENTATIONS:**

1. The Honorable Tiffany Lawrence, West Virginia House of Delegates, presented three (3) Community Participation Program Grants to the Ranson Police Department in the amount of \$7,000, Jefferson County Homeland Security in the amount of \$3,000 the Black History Preservation Society in the amount of \$3,000 and \$2,000 for the Historic Fisherman’s Hall. Lawrence presented the grants at the County Commission meeting, as the County is the fiscal agent for the Community Participation Grants.
2. Angie Banks, Assessor - Exonerations

| NAME              | DISTRICT  | TYPE              | TICKET NO. | AMOUNT  |
|-------------------|-----------|-------------------|------------|---------|
| Sandra K. Nichols | Middleway | Personal Property | 312157     | \$79.44 |

- **Motion by Ms. Tabb to approve the Exoneration for Sandra K. Nichols as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME                 | DISTRICT  | TYPE              | TICKET NO. | AMOUNT  |
|----------------------|-----------|-------------------|------------|---------|
| William M. Shifflett | Middleway | Personal Property | 312834     | \$21.04 |

- **Motion Ms. Noland to approve the Exoneration for William M. Shifflett as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME              | DISTRICT     | TYPE              | TICKET NO. | AMOUNT  |
|-------------------|--------------|-------------------|------------|---------|
| Rebecca J. Fritts | Charles Town | Personal Property | 301843     | \$67.76 |

- **Motion by Ms. Tabb to approve the Exoneration for Rebecca J. Fritts as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME         | DISTRICT     | TYPE              | TICKET NO. | AMOUNT |
|--------------|--------------|-------------------|------------|--------|
| Carl D. Long | Charles Town | Personal Property | 302895     | 184.58 |

- **Motion by Ms. Widmyer to approve the Exoneration for Carl D. Long as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME                | DISTRICT      | TYPE              | TICKET NO. | AMOUNT   |
|---------------------|---------------|-------------------|------------|----------|
| James W. Nicewarner | Harpers Ferry | Personal Property | 308178     | \$200.94 |

- **Motion by Ms. Widmyer to approve the Exoneration for James W. Nicewarner as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME       | DISTRICT      | TYPE              | TICKET NO. | AMOUNT  |
|------------|---------------|-------------------|------------|---------|
| Gary Walsh | Shepherdstown | Personal Property | 316813     | \$11.68 |

- **Motion by Ms. Noland to approve the Exoneration for James W. Nicewarner as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME                      | DISTRICT      | TYPE              | TICKET NO. | AMOUNT  |
|---------------------------|---------------|-------------------|------------|---------|
| Phillip & Dorothy Newkirk | Shepherdstown | Personal Property | 316174     | \$35.05 |
|                           |               |                   |            |         |

- **Motion by Ms. Widmyer to approve the Exoneration for James W. Nicewarner as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME                  | DISTRICT  | TYPE              | TICKET NO. | AMOUNT  |
|-----------------------|-----------|-------------------|------------|---------|
| Ronald & Paige Phifer | Kabletown | Personal Property | 310504     | \$25.70 |
|                       |           |                   |            |         |

- **Motion by Ms. Tabb to approve the Exoneration for Ronald & Paige Phifer as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME                | DISTRICT                  | TYPE              | TICKET NO. | AMOUNT   |
|---------------------|---------------------------|-------------------|------------|----------|
| Vickie L. Robinette | Charles Town Municipality | Personal Property | 306297     | \$183.12 |
|                     |                           |                   |            |          |

- **Motion by Ms. Tabb to approve the Exoneration for Ronald & Paige Phifer as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME                       | DISTRICT     | TYPE              | TICKET NO. | AMOUNT   |
|----------------------------|--------------|-------------------|------------|----------|
| Chris M. & Frances A. Kief | Charles Town | Personal Property | 302660     | \$121.50 |
|                            |              |                   |            |          |

- **Motion by Ms. Tabb to approve the Exoneration for Chris & Frances A. Kief as presented by the Assessor. Motion seconded and unanimously approved.**

**NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES**

**WEST VIRGINIA CODE § 11-5-14** **PTD 11/99**

**STATE OF WEST VIRGINIA** **COUNTY OF JEFFERSON**

I, **Angela L. Banks**, Assessor of **Jefferson County**, having been presented with a certified copy of a final divorce order entered under provisions of section fifteen, article two,

chapter forty-eight of the West Virginia Code, do hereby apportion the assessment of the taxes for Tax year \_\_\_\_\_ owned on jointly owned motor vehicles involved in the divorce order and awarded exclusively to be titled, one or more in the name of the husband and one or more in the name of the wife as follows:

**SECTION I:**

Ticket Number: 307708 District: Harpers Ferry District Ticket Total: \$322.42

**NAME 1: Charlenc E. Jarvis**

| <i>Make</i> | <i>Model</i> | <i>Year</i> | <i>Vehicle Identification</i> | <i>Assessed Value</i> | <i>Class</i> | <i>Rate</i> | <i>Taxes Due</i> |
|-------------|--------------|-------------|-------------------------------|-----------------------|--------------|-------------|------------------|
| Dodge       | Nitro        | 2007        | ID8GU28K37W601819             | 5800                  | 3            | 2.3364      | \$135.51         |

**NAME 2: Richard K. Jarvis**

| <i>Make</i> | <i>Model</i> | <i>Year</i> | <i>Vehicle Identification</i> | <i>Assessed Value</i> | <i>Class</i> | <i>Rate</i> | <i>Taxes Due</i> |
|-------------|--------------|-------------|-------------------------------|-----------------------|--------------|-------------|------------------|
| Dodge       | Ram          | 2007        | ID7HU18P57S182359             | 8000                  | 3            | 2.3364      | \$186.91         |

**SECTION II:**

Filed with the County Commission this 1<sup>st</sup> day of August 2013.

- **Motion by Ms. Tabb to order the apportionment of the assessment of taxes as determined and set forth by the County Assessor. Motion seconded and unanimously approved.**
3. Marie Galazzi, Partnership for Affordable Housing – requesting permission for The Partnership for Affordable Housing, a non-profit organization, to use the Library Meeting room the third Saturday of every month to hold a home buyer education class from 8:30-4:30. These classes are open to the public.
    - **Motion by Ms. Noland to approve the use of the Library Meeting room the third Saturday of the month from 8:30 am – 4:30 pm, if not needed for County Business, by The Partnership for Affordable Housing for home buyer education classes. Motion seconded and unanimously approved.**
  4. Annette Gavin, Director of the Jefferson County Convention and Visitor’s Bureau appeared before the Commission at their request to update the Commission on the return on investment from the County Commission in the amount of \$150,000. A condition of this allocation of funds was for tracking of the spending. Ms. Gavin introduced herself as the new Director of the Jefferson County Convention and Visitor’s Bureau. Ms. Gavin spoke about CVB funding sources, such as Hotel Motel Funds and the Mapp program, (Matching Advertising Partnership Program). Ms. Gavin stated the only money spent from the \$150,000 has been a deposit with Paramore for website strategy, design and development, media planning and buying and strategy.

The CVB is working on branding the County and the Board is cautious to spend money until a clear message and branding campaign has been decided on.

5. **The Commission recessed for break at 10:40.  
The Commission reconvened from break at 10:50.**

6. David Hammer, Esq. representing the Charles Town Horsemen Benevolent Protective Agency (HBPA) appeared before the Commission to update them on the legislative activities of the HBPA. Mr. Hammer reviewed for the Commission what the mission of the HBPA is. Mr. Hammer spoke about the restructuring of PNGI Racetrack. PNGI is going to split into two companies, the Licensee (Operation) Company the second a Property Company. This could affect the income of the State, County and Municipalities will see a dramatic reduction in the base we receive money. Mr. Hammer requested the County write to the Attorney General, Patrick Morsey, Governor Tomlin, Cabinet Secretary Robert Kiss, House Finance Chairman, Brent Boggs and the Senate Finance Chairman, Roman Prezioso and ask the question "will there be any reduction of net terminal revenue of the payments made from the operating company to the property company".

- **Motion by Ms. Widmyer to place this item on a subsequent agenda. Motion seconded and unanimously approved.**

7. Daniel Lutz, Feagan's Mill – Mr. Lutz came before the Commission to express concern over the inability to get information and direction as how to comply with regulations to move forward with Feagan's Mill from the Engineering Department. Mr. Lutz requests the County Commission direct the Department of Engineering to be open, forth coming and specific with the requirements that they are making of people trying to operate in Jefferson County. Mr. Goodwin, Chief Engineer explained the process his department has taken to help Mr. Lutz with his complicated project. The Commissioners encouraged Mr. Lutz to meet with Mr. Goodwin to move forward with his project.

8. Bill Polk, Director of Maintenance updated the Commission on the Courthouse as requested by Commissioner Widmyer. Mr. Polk stated new flag poles have arrived. The flag poles were purchased with grant money. The Commission must now decide where to place them at the Courthouse along with a decision regarding landscaping. Ms. Widmyer requested the Historic Landmarks Commission provide recommendations for the landscaping. It was the desire of the Commission to move forward with the flag poles and landscaping at the Courthouse.

- **It was the unanimous consent of the Commission to set a time frame of 60 days for the recommendation to be brought back before the Commission.**

Mr. Polk reported that paint samples have sent to a variety of manufactures to determine what type of paint will adhere to the existing paint. Mr. Polk informed the Commission a grant is being prepared to the painting and window sills at the Courthouse, further work on the grant is on hold as we are waiting for reports from architects with their recommendations.

## **NEW BUSINESS:**

9. Approval of Contract and Resolution – Community Participation Grant Program for the Jefferson County Animal Welfare Society in the amount of \$20,000.

- **Motion by Ms. Noland to approve the Community Participation Grant Program Resolution for the Jefferson County Animal Welfare Society in the amount of \$20,000 and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**

10. Approval of Contract and Resolution – Community Participation Grant Program for the Jefferson County Homeland Security to purchase equipment in the amount of \$3,000.

- **Motion by Ms. Tabb to approve the Community Participation Grant Program Resolution for the Jefferson County Homeland Security in the amount of \$3,000 and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**

11. Approval of Contract and Resolution – Community Participation Grant Program Resolution for the Jefferson County Black History Preservation Society – Webb/Blessing House in the amount of \$3,000.

- **Motion by Ms. Widmyer to approve the Community Participation Grant Program Resolution for the Jefferson County Black History Preservation Society in the amount of \$3,000 and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**

12. Commissioner Noland expressed concern over the difficulties with the budget this year. She would like to propose contracting with an individual to come in and work with the finances. Due to the confidentiality of contract negotiations, Ms. Noland requested the Commission enter into Executive Session.

- **Motion by Ms. Noland to enter in Executive Session stating WV Code §6-9A-4(2)(A), Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting. Motion seconded and unanimously.**
- **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**

## **COUNTY ADMINISTRATOR REPORT**

Ms. Keyser requested the revised PCard Policy which was approved July 18, 2013 be ratified today.

- **Motion by Ms. Noland to ratify the vote from July 18, 2013 with regard to the policy and procedures related to the PCard. Motion seconded and unanimously approved.**

Ms. Keyser requested permission to schedule three events this year, at no cost to the County. They include 1) wear your favorite sport team jersey and chili day, 2) the Christmas breakfast and 3) a soup day near the end of winter to welcome Spring. It was the consensus of the Commission to move forward with the proposed events.

Ms. Keyser informed the Commission they will be invited to an Executive CAD presentation. The date to be announced soon.

Ms. Keyser inquired if the Commission would like a letter to East Ridge Health Systems in support of a facility for pregnant women and mental health issues. Mr. Manuel recommended a letter be written and the Commissioners have the ability to sign it, if they so choose.

Ms. Manuel requested having a "Meet Your Commissioner" gathering on the Blue Ridge Mountain. The Commissioners were in agreement.

### **FINANCE DIRECTOR**

13. General County Budget Revision # 1 and Resolution – This budget revision requests a correction to line item #808 – Solid Waste Authority. This budget adjustment is to correct the amount that was supposed to be budgeted in that line item. The correction removes the \$36,750 from line item #801- Mental Health and will place it in the Solid Waste Authority line item where it is supposed to be.

- **Motion by Ms. Noland to approve State Budget Revision #1 General County Fund and Resolution and to authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**

14. Approval of Internal Budget Revision #1 – Central Garage – withdrawn.

15. Approval of Internal Budget Revision #2 – Group Health Insurance – removed until a future agenda.

### **Budget Workshop:**

Future Financial Analysis – Debbie Keyser and Sandy McDonald presented a power point presentation (along with a printed copy) outlining three (3) areas of concern in regard to the budget along with recommendations for elevating short term budget constraints. Ms. Keyser and Ms. McDonald presented recommendations for moving forward with budgeting issues by looking at a history of how the County is allocating funds. Due to time constraints, Ms. Keyser and Ms. McDonald were unable to complete the entire presentation and will come back before the Commission at the August 15, 2013 meeting.

**The Commission broke for lunch at 12:35**  
**The Commission reconvened at 1:35**

16. Interviews and Appointments to the Jefferson County Planning Commission for one-unexpired term ending March 31, 2014 – applicants were Mr. William McLeod, Mr. Howard Feldstein and Mr. Matthew Knott. Mr. Feldstein and Mr. Knott were not in attendance. Mr. McLeod read a brief statement expressing his desire to serve on the Planning Commission and highlighting his experience. Mr. Manuel opened the floor for nominations.

- Mr. Manuel nominated Mr. William McLeod
- Mr. Pellish nominated Mr. Matthew Knott.

|              | Mr. William McLeod | Mr. Matthew |
|--------------|--------------------|-------------|
| Dale Manuel  | Yes                |             |
| Patsy Noland |                    | Yes         |
| Walt Pellish |                    | Yes         |
| Jane Tabb    | Yes                |             |
| Lyn Widmyer  | Yes                |             |

Mr. McLeod was appointed to the Planning Commission on a vote of 3-2 with Mr. Manuel, Ms. Tabb and Ms. Widmyer voting in favor and Ms. Noland and Mr. Pellish voting for Mr. Knott.

17. Roger Goodwin – Impact Fee Recalculation and Fee Schedule Proposal – After the presentation of the FY 2013-2014 Impact Fees Capital Improvement Plan to the County Commission on March 7, 2013, the County Commission directed the Chief County Engineer to draft a Request for Proposals (RFP) to hire a consultant to recalculate the impact fees for the four impact fee entities and to update the fee schedules. A request for proposals was advertised with a proposal submission date of June 18, 2013. Under the RFP, proposals are valid until September 18, 2013. Tischler-Bise was the only proposal received in response to the RFP. The four (4) Impact Fee entities are: School, Parks & Recreation, Law Enforcement, and Fire & EMS. The bid amounts submitted by Tischler-Bise to perform the recalculation for each of the impact fee entities are as follows:

- i. Schools - \$19,500
- ii. Parks & Recreation - \$12,440
- iii. Law Enforcement - \$9,340
- iv. Fire & EMS - \$11,440
  1. Total Bid being - \$52,720

- **Motion by Mr. Manuel to employ Tishler-Bise as the County’s vendor to complete the recalculation of the Impact Fees. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to ask the School Board to pay \$19,500 to recalculate the School Impact Fee. Motion seconded and unanimously approved.**

Roger Goodwin - Memorandum of Understanding between the Town of Harpers Ferry and Jefferson County Engineering Department for help in meeting the requirements of West Virginia State Code §15-5-20a for Floodplain Manager Training - Harpers Ferry doesn't have the technical expertise or the people to meet the requirement of the State Code. State Code allows for transfer of jurisdiction management to another jurisdiction for flood plain management. Only 10 parcels are involved in the flood plain.

- **Motion by Ms. Tabb to approve the memorandum of Understanding, effective August 1, 2013, between the town of Harpers Ferry and the Jefferson County Commission and authorize the County Commission President to execute the agreement. Motion seconded and unanimously approved.**

Roger Goodwin – Mission Ridge Subdivision (street paving & old Route 9 turn lanes at entrance) payment for work in accordance with the contract documents. The Jefferson County Engineering Department coordinated the bidding and managed the construction of the remaining site improvements at the Mission Ridge Subdivision (JCP File no. 03-03) due to the developer defaulting on their obligation to complete the work. The contractor executed an agreement with the owner, the Mission Ridge Property Owner's Association, to complete the work. The bond funds are held by the Jefferson County Commission in an escrow account at the Bank of Charles Town (account no. 3211568), which has a balance of \$177,454.91. Jefferson Asphalt Products Company, Inc.'s final invoice amount for the work is \$176,922.85.

- **Motion by Ms. Noland to approve full and final payment to the Jefferson Asphalt Products Company, Inc. in the amount of \$176,922.85 from the escrowed bond funds. Motion seconded and unanimously approved.**

Roger Goodwin - 2013 Building Code Enforcement Ordinance – The West Virginia State legislature updated the state building code requirements effective July 1, 2013. Therefore, Jefferson County needs to amend the existing Building Code Enforcement Ordinance to adopt the versions of the building codes required by the State Fire Marshal's Office. Updates usually occur on a 3-year cycle.

- **Motion by Mr. Manuel to adopt the Resolution and the 2013 Building Code Enforcement Ordinance. Motion seconded and unanimously approved.**

### COUNTY COMMISSIONERS REPORTS

Dale Manuel:

- Attended the joint meeting of the County Commission and the Envision 2035 Steering Committee.
- Attended a Teen Court meeting.
- Attended a Property Safety meeting.
- Attended "Meet Your Commissioners" at Morgan's Grove Park.
- Attended the Envision 2035 meeting at St. Michael's Park.
- Attended the Marc Ridership Commuter meeting with Senator Snyder.
- Attended the Middleway Fire Company Pig Roast.
- Attended the Shepherdstown Envision 2035 meeting.
- Announced the Governor will be attending the dedication of the Hite Rd. Park.

Patsy Noland:

- Attended "Meet Your Commissioners" at Morgan's Grove Park.
- Attended a Jefferson County Convention and Visitor's Bureau Executive Committee meeting.
- Was involved in fair activities for the 2013 Fair.

Walt Pellish:

- Attended the Planning Commission Meeting.
- Attended "Meet Your Commissioners" at Morgan's Grove Park.
- Appeared on the John Casey Radio Show.
- Meet with Mr. Reisenweber and an existing business at Burr Industrial Park to discuss possible future expansion.
- Attended the joint meeting of the County Commission and the Envision 2035 Steering Committee.

Jane Tabb:

- Attended the Homeland Partnership Luncheon.
- Visited with the staff of the Jefferson County Emergency Services Agency.
- Attended "Meet Your Commissioners" at Morgan's Grove Park.
- Attended the Envision 2035 Public Input meeting at Sam Michael's Park.
- Hosted the Farm Day Dinner.
- Attended two Fair Meetings.
- Attended the joint meeting of the County Commission and the Envision 2035 Steering Committee.

Lyn Widmyer:

- Distributed flyers regarding the MARC Commuter Rail meeting at the train station.
- Attended "Meet Your Commissioners" at Morgan's Grove Park.
- Attended a vendor presentation for the Content Management System.
- Attended the Marc Ridership Commuter meeting with Senator Snyder.
- Attended the State Rail Commission meeting.
- Attended the auction of the Old Standard Quarry.
- Attended the joint meeting of the County Commission and the Envision 2035 Steering Committee.

- The Commission meeting was adjourned at 3:25 p.m. on a motion by Ms. Tabb. Motion was seconded and unanimously approved.

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DALE MANUEL, PRESIDENT

Respectfully submitted  
Cynthia C. Schott  
Administrative Assistant

**PURCHASE ORDERS TO BE APPROVED**

**August 15,**

**2013**

| DEPARTMENT          | PURCHASE ORDER | AMOUNT      | VENDOR                      | DESCRIPTION                      |
|---------------------|----------------|-------------|-----------------------------|----------------------------------|
| CENTRAL GARAGE      | 51851          | \$ 179.26   | Jerrys Ford Lincoln Mrcury  | Air vent                         |
|                     | 51857          | \$ 999.00   | Snap On                     | Tools                            |
| CIRCUIT CLERK       | 51445          | \$ 758.89   | Matthew Bender & Co., Inc.  | WV Code 13 Supp Pkg              |
| COMMUNICATION       | 51699          | \$ 163.80   | The Journal                 | 52 Week Subscription             |
|                     | 51700          | \$ 323.40   | BK Office Supply            | Dispatch Chairs Repair           |
| COUNTY CLERK        | 51790          | 158.38      | Spirit                      | Notice of Admin                  |
| COURTHOUSE          | 51848          | \$ 952.00   | BK Office Supply            | Copy Paper                       |
| EXTENSION OFFICE    | 50025          | \$ 186.91   | W.P.S. Inc.                 | Savin 9080 - Contracted Services |
| OTHER BULIDINGS     | 51787          | \$ 462.50   | RCS Security                | Installation                     |
|                     | 51845          | \$ 2,816.36 | Grainger                    | Water Heater/Rags                |
|                     | 51847          | \$ 262.00   | Boland                      | Service Sall/Repair              |
|                     | 51852          | \$ 260.00   | Dodson Septic Tank Cleaning | Pump Tank - Sheriffs Sub Station |
|                     | 51853          | \$ 161.97   | CT Carpet One Floor & Home  | Vinyl Tile - Sheriff's Office    |
|                     | 51854          | \$ 180.00   | City of Charles Town        | Alarm Calls                      |
|                     | 51855          | \$ 120.00   | Apple Valley Tire           | Service Call - Lift              |
|                     | 51859          | \$ 155.99   | Grainger                    | Materials/Supplies               |
|                     | 51860          | \$ 390.00   | A. F. McCormick             | Structural Inspection            |
|                     | 51861          | \$ 218.50   | Trenary Service Co.         | Service Call                     |
| PROSECUTOR'S OFFICE | 51642          | \$ 321.01   | Matthew Bender & Co., Inc.  | WV Legislative Review Service    |

|                     |       |                     |                        |                                |
|---------------------|-------|---------------------|------------------------|--------------------------------|
|                     | 51644 | \$ 3,948.00         | Stonewall Resort       | Summer Meeting                 |
|                     | 51645 | \$ 500.00           | Crashteam Mid Atlantic | Collision Analysis - Johnson   |
|                     | 51647 | \$ 3,725.15         | Lexis Nexis            | WV Code Updates                |
|                     | 51648 | \$ 2,000.00         | WV State Bar           | WV Annual Bar Dues             |
| SHERIFF'S TAX       | 52110 | \$ 4,000.00         | Joyce A. Johns         | Sheriff's Settlement           |
|                     | 52111 | \$ 3,078.59         | SSI                    | Postage & Printing - Mailing   |
| VARIOUS DEPARTMENTS | 51846 | \$ 4,228.00         | Trenary                | HVAC Service Calls             |
|                     | 51856 | \$ 3,103.75         | Accurate Systems       | Intern Program/Network Service |
| <b>GRAND TOTAL</b>  |       | <b>\$ 33,653.46</b> |                        |                                |

**AGENDA REQUEST FORM**

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



Name: Angie Banks, Assessor

Department or Organization: Assessor's Office

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject (Wording to be placed on agenda): Exonerations

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

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

Are documents attachments? Yes      No  
If not, explain:

Is a projector needed? Yes      No

Contact information:  
Email address: \_\_\_\_\_  
Phone number: \_\_\_\_\_

## AGENDA REQUEST FORM

Name: Steve Rawlings

Department or Entity: West Virginia Risk Pool

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject: Update on the West Virginia Risk Pool Customer Satisfaction

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

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

Are documents attached? No

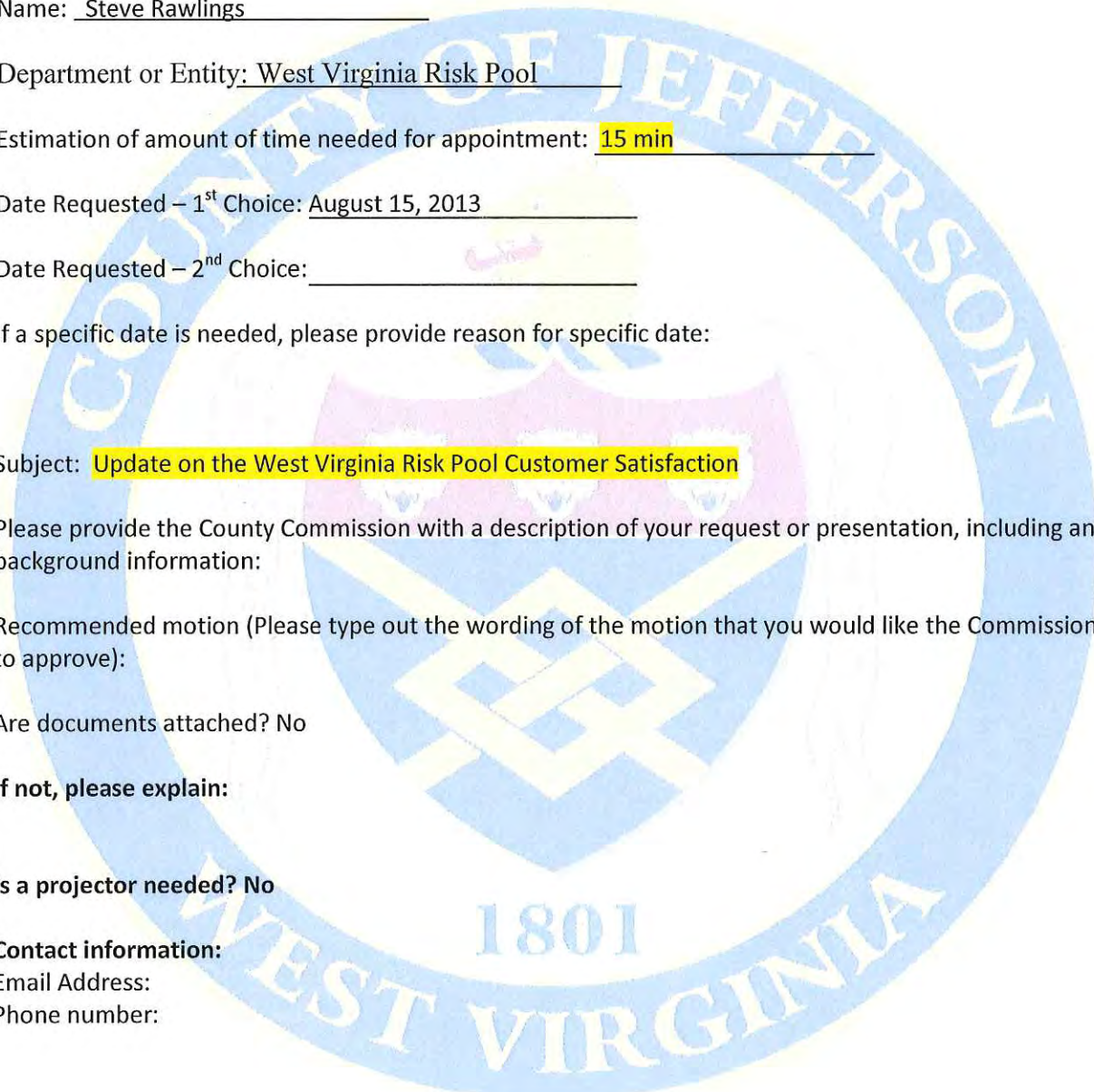
If not, please explain:

Is a projector needed? No

Contact information:

Email Address:

Phone number:



**AGENDA REQUEST FORM**

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



Name: **John Reisenweber on behalf of JCDA Board of Directors**

Department or Organization: **Jefferson County Development Authority**

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

Date Requested – 1<sup>st</sup> Choice: **August 15**

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

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

Subject (Wording to be placed on agenda): **1. Introduce Amy Allen, new Program Manager; and 2. Approval of changes to Burr/Bardane Covenants**

Please provide the County Commission with a description of your request or presentation, including any background information: **1. Amy Allen was hired to fill Whitney Barrett's position. 2. The JCDA wishes to amend the covenants to restrict adult use in the business park.**

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

Are documents attachments? Yes

If not, explain:

Is a projector needed? No

Contact information:

Email address: john@jcda.net

Phone number: 304-728-3255

## Covenants and Restrictions for the Bardane Industrial Park

The following covenants and restrictions shall run with the land and be binding on all grantees, their heirs and assigns:

1. The Bardane Industrial Park is a subdivision exclusively for light industries which have characteristics that will not be offensive to other industries in the Park or to land uses on neighboring properties and no other use is permitted.
2. Any industry seeking location in the Park must submit a Site Development Plan to JEDECO for review and approval. The Site Development Plan must indicate, as a minimum:
  - a. Location and dimensions of all buildings
  - b. Location and dimensions of parking and loading areas
  - c. Location and dimensions of outdoor storage areas
  - d. Location and dimensions of areas to be landscaped or left open
  - e. Traffic flow, including entrance and exit points from the site

A sample Site Development Plan may be obtained from JEDECO.

3. JEDECO will review the Site Development Plan and also the performance characteristics of the industry according to fire hazard, smoke or atmospheric emission, glare, noise, odor, dust, vehicular or traffic requirements, liquid and solid waste, visibility, vibration, heat, electrical static and radioactivity. A decision to accept or reject the industry and Site Development Plan as submitted will be transmitted in writing to the industry.
4. By accepting ownership of any tract, the owner agrees to accept automatic membership in the Bardane Industrial Park Owner's Association and agrees to endorse and accept the obligations established by these covenants.
5. The general powers and duties of the Bardane Industrial Park Owner's Association will be to enforce these covenants, own and control any rights of way received by deed as successor to the developer, provide for road and drainage maintenance, determine and collect assessments from members required for the purpose of maintaining roads and drainage, enforce collection of assessments and have such other powers and by-laws as its members shall determine by majority vote. Representation in the Bardane Industrial Park Owner's Association shall be according to acreage owned with one vote to be granted for every three acres owned.
6. At such time as three or more tracts are conveyed by JEDECO from the industrial park, JEDECO will convey title to all road rights of way to the Bardane Industrial Park Owner's Association.
7. The sewage treatment system serving the Bardane Industrial Park has certain limitations as to the quantity and quality of waste it can handle. Therefore, specific agreements will be made with each owner as to the amount and type of waste matter it will put into the system.
8. Water and sewer service lines are tapped and extended to tract boundaries as indicated on the final plat. Any tract owner requiring a different tap location must bear the cost of construction and must conform to construction specification of JEDECO and the public utility corporation serving the industrial park.
9. Construction and maintenance of water and sewer lines within the boundaries of a tract shall be the responsibility of the tract owner.
10. The public utility corporation serving the industrial park shall be responsible for billing and collecting water and sewer user fees as approved by the West Virginia Public Service Commission.
11. All areas of a tract not improved for vehicular use or covered by a building or structure shall be landscaped and attractively maintained by the tract owner.

12. Tract entrances and exits, as well as on-site parking, driving and loading surfaces, shall be dust free and maintained in an attractive, useful condition without potholes, mud areas or broken pavement. Construction and maintenance of such surfaces shall be the responsibility of the tract owner.
13. All landscaping and earthwork must be complete within 18 months after commencement of building construction.
14. No building or structure may remain incomplete and unfinished on the exterior for more than one year after commencement of building construction.
15. Outdoor material or supply storage areas shall be located no closer to the front boundary of a tract than the principal building constructed on the tract without the prior approval of JEDECO.
16. No building, structure or storage area shall be located closer than 20 ft. to the rear or side boundary of a tract nor closer than 50 ft. (except a sign) to the front boundary of a tract.
17. All buildings must be constructed on a masonry foundation. No temporary buildings are permitted except those associated with construction, and only during the construction period.
18. Entrance and exit locations for individual tracts may not be more than 100 ft. wide total and must be clearly marked.
19. Signs shall contain only the name and nature of the business or the principal businesses conducted on the premises. Signs shall not project above the principal roof of a building, except that a sign may be attached flat against or painted on a parapet wall not exceeding 3 ft. above such roof line. Signs shall not exceed, in aggregate, 100 square feet. When a sign is intended to be free-standing, such sign may be no closer than 30 ft. to the nearest tract boundary. Free-standing signs may be no higher than 10 ft. above ground level. Illumination of signs shall be non-pulsating and uncolored or diffused.

(retyped 11/30/12 from copy found in Plat Book #4 page #85 (March 23, 1978).

**AMENDMENT TO THE  
COVENANTS AND RESTRICTIONS  
FOR THE BARDANE INDUSTRIAL PARK**

On September 26, 2013, the members of the Bardane Industrial Park Owner's Association, being the owners of one or more tracts in the Bardane Industrial Park and entitled to vote pursuant to paragraph 5 of the Covenants and Restrictions for the Bardane Industrial Park ("Covenants and Restrictions"), adopted the following amendment to the Covenants and Restrictions:

Paragraph 1 of the Covenants and Restrictions shall be deleted in its entirety and replaced with the following paragraph:

1. The Bardane Industrial Park is a subdivision exclusively for light industries which have characteristics that will not be offensive to other industries in the Park or to land uses on neighboring properties and no other use is permitted.

Notwithstanding the foregoing, the following uses are not permitted in the Bardane Industrial Park: (i) No gambling or casino type games of chance (video or mechanical) that provide any type of payoff or remuneration; (ii) no Adult Uses. For purposes of this paragraph 1, "Adult Uses" shall mean any business, activity, entertainment or service that has an emphasis on, or is distinguished or characterized by an emphasis on sexual activities or sexual anatomical areas, such as, without limitation, an adult arcade, adult bookstore, adult cabaret, adult motion picture theatre, adult sauna, adult theater, and sexual paraphernalia stores.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_

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

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

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_

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

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

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

**COVENANTS AND RESTRICTIONS FOR THE BURR BUSINESS PARK**  
**Lots 1-44**

The following covenants and restrictions shall run with the land, be binding on all grantees, their heirs and assigns:

1. The Burr Business Park is a subdivision exclusively for industries, commercial establishments and office facilities which have characteristics that will not be offensive to other occupants in the Park or to land uses on neighboring properties. Land uses must comply with the Jefferson County Zoning Ordinance governing industrial and commercial land use.

2. Any industry seeking location in the Park must submit a Site Application to the Jefferson County Development Authority for review and approval. The Site Application must include at a minimum:

A narrative description of the project, including the product to be produced or the nature of the business; size of lot required; approximate size and type of construction of building; and projected employment.

3. Jefferson County Development Authority will review the Site Application and also the performance characteristics of the industry according to fire hazard, smoke or atmospheric emission, glare, noise, odor, dust, vehicular or traffic requirements, liquid, solid or hazardous waste, visibility, vibration, heat, and electrical static. A decision to accept or reject the industry and Site Application as submitted will be transmitted in writing to the industry.

4. Each industry or company must submit a site plan to the Jefferson County Planning Commission and fulfill all other requirements of the Planning Commission necessary to obtain an Improvement Location Permit. Said site plan must also be submitted to the Jefferson County Development Authority staff as part of the Site Application.

5. By accepting ownership of any tract, the owner agrees to accept automatic membership in the Burr Business Park Owner's Association and agrees to endorse and accept the obligations established by the se covenants, if such an association is formed.

6. The general powers and duties of the Burr Business Park Owner's Association will be to enforce these covenants, own and control any rights-of-way received by deed as successor to the developer, provide for road and drainage maintenance, and snow removal, determine and collect assessments from members required for the purpose of maintaining roads and drainage, enforce collection of assessments and have such other powers and bylaws as it's members shall determine by majority vote. Representation in the Burr Business Park Owner's Association shall be according to acreage owned with one (1) vote to be granted for every five (5) acres or

less owned, and an additional vote for every additional five (5) acres owned. Assessments shall vary based upon the use of the property, i.e. commercial, office or industrial, from highest to lowest respectively.

7. At such time as seventy-five percent (75%) of the saleable tracts are conveyed by the Jefferson County Development Authority from the business park, the Jefferson County Development Authority will convey title to all road rights-of-way to the Burr Business Park Owner's Association unless, at such time, the roads have been conveyed to the West Virginia Department of Transportation, Division of Highways.

8. The sewage treatment system serving the Bardane Industrial Park and the Burr Business Park is designed to serve only the requirements of employees and customers of companies within the Parks. No industrial waste will be accepted into the system. Any industrial waste generated by an industry must be physically removed from the industrial and business parks at the expense of the industry and properly disposed of elsewhere.

9. Water and sewer service lines are tapped and extended to tract boundaries as indicated on the final plat. Any tract owner requiring a different tap location must bear the cost of construction and must conform to construction specifications of the Jefferson County Development Authority and the public utility corporation serving the industrial and business parks. Each tract owner is responsible for the cost of installation and maintenance of the necessary size water meter.

10. Construction and maintenance of water and sewer lines within the boundaries of a tract shall be the responsibility of the tract owner.

11. The public utility corporation serving the industrial and business parks shall be responsible for billing and collecting water and sewer fees as approved by the West Virginia Public Service Commission.

12. All areas of a tract not improved for vehicular use or covered by a building or structure shall be landscaped and attractively maintained by the tract owner.

13. Tract entrances and exits, as well as on-site parking, driving and loading surfaces, shall be dust free and maintained in an attractive, useful condition without potholes, mud areas or broken pavement. Construction and maintenance of such surfaces shall be the responsibility of the tract owner.

14. All landscaping and earthwork must be complete within eighteen (18) months after commencement of building construction.

15. No building or structure may remain incomplete and unfinished on the exterior for more than one (1) year after commencement of building construction.

16. All buildings must be constructed on a masonry foundation. No

temporary buildings are permitted except those associated with construction, and only during the construction period.

17. Signs shall contain only the name of the business or the principal businesses conducted on the premises and shall comply in all other ways with the ordinances of the Jefferson County Planning Commission.

18. Amendments to these covenants may be made upon the written approval of such an amendment by two-thirds of the property owners within the park.

19. The area of land covered by buildings, structures, storage areas, parking and loading facilities and driveways shall not exceed sixty percent (60%) of the total trace area for industrial lots and ninety percent (90%) of tract area for commercial and office lots.

20. Building construction shall begin within one (1) year from the date the property is purchased. If this performance standard is not met by the purchaser, the Jefferson County Development Authority has the option of purchasing the property back at the original sales price.

21. A utility easement twenty (20) feet in width shall be reserved by the Jefferson County Development Authority for water, sewer, gas, electric, telephone and all other utilities along all lot lines.

22. If the grantee or its successors or assigns or any lessee or occupant of any part of such real estate or any other person should violate any of the covenants, conditions and restrictions contained herein, it shall be lawful and permissible for the Jefferson County Development Authority any owner adjacent to that real estate on which such violation occurring or contemplated, or the owner or occupant of any other real estate in said Burr Business Park, regardless of whether adjacent thereto, or any one or more of such persons, to prosecute any proceedings at law or in equity against the person or persons violating any of these restrictions for any remedies that are available including, but not limited to, actions for injunctive relief and damages. The Jefferson County Development Authority shall be entitled to recover from any person or persons violating or attempting to violate any of these covenants, conditions and restrictions all attorney fees, costs and expenses, incurred by said Jefferson County Development Authority with respect to securing the enforcement of or the compliance with these covenants, conditions and restrictions or with respect to any actions, either of law or in equity, commenced by it for such purpose or purposes.

23. No materials, inventory, goods in process, semi-manufactured items, finished products, plan equipment, parts, rubbish, waste materials, or other personal property shall be kept, stored, maintained or accumulated or any part of said real estate outside of buildings erected thereon, except where prior written approval of the Jefferson County Development Authority or its successor is secured after adequate screen planting,

fencing, setbacks and compliance with any other conditions required therefore by the Jefferson County Development Authority Board of Directors.

William H. Chesley PRESIDENT

1/30/08

William H. Chesley, President  
Jefferson County Development Authority

Date

Jane K. Peters

1/30/08

Prepared by: Jane K. Peters, Executive Director

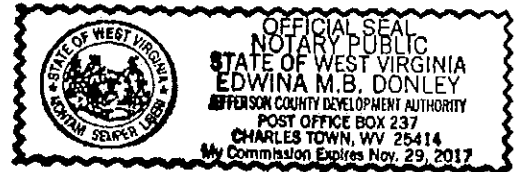
Date

STATE OF WEST VIRGINIA  
COUNTY OF Jefferson

I, Edwina M.B. Donley, a notary public in and for said state, do hereby certify that William H. Chesley & Jane K. Peters whose names are signed to the writing above, have this day acknowledged the same before me.

Given under my hand this 30th day of January, 2008.  
My commission expires Nov 29, 2017.

Edwina M.B. Donley  
Notary Public



JEFFERSON COUNTY, WV  
FILED  
February 01, 2008 13:27:12  
JENNIFER S. MAGHAN  
COUNTY CLERK  
TRANSACTION NO: 2008002043  
BOOK OF DEEDS  
Book: 1046 Page: 00355



**AMENDMENT TO THE  
COVENANTS AND RESTRICTIONS  
FOR THE BURR PARK, Lots 1-44  
("Burr Business Park")**

On September 26, 2013, the members of the Burr Business Park Owner's Association, being the owners of one or more tracts in the Burr Business Park and entitled to vote pursuant to paragraph 6 of the Covenants and Restrictions for the Burr Business Park, Lots 1-44 ("Covenants and Restrictions"), adopted the following amendment to the Covenants and Restrictions:

Paragraph 1 of the Covenants and Restrictions shall be deleted in its entirety and replaced with the following paragraph:

1. The Burr Business Park is a subdivision exclusively for industries, commercial establishments and office facilities which have characteristics that will not be offensive to other occupants in the Park or to land uses on neighboring properties. Land uses must comply with the Jefferson County Zoning Ordinance governing industrial and commercial land use.

Notwithstanding the foregoing, the following uses are not permitted in the Burr Business Park: (i) No gambling or casino type games of chance (video or mechanical) that provide any type of payoff or remuneration; (ii) no Adult Uses. For purposes of this paragraph 1, "Adult Uses" shall mean any business, activity, entertainment or service that has an emphasis on, or is distinguished or characterized by an emphasis on sexual activities or sexual anatomical areas, such as, without limitation, an adult arcade, adult bookstore, adult cabaret, adult motion picture theatre, adult sauna, adult theater, and sexual paraphernalia stores.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_

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

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

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_

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

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

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Lot Owner: \_\_\_\_\_  
By: \_\_\_\_\_  
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By: \_\_\_\_\_  
Title: \_\_\_\_\_

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Lot Owner: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

# COVENANTS AND RESTRICTIONS FOR THE BURR PARK

## Phase I

The following covenants and restrictions shall run with the land, be binding on all grantees, their heirs and assigns:

1. The Burr Industrial Park is a subdivision exclusively for industries, commercial establishments and office facilities which have characteristics that will not be offensive to other occupants in the Park or to land uses on neighboring properties. Land uses must comply with the Jefferson County Zoning Ordinance governing industrial and commercial land use.
2. Any industry seeking location in the Park must submit a Site Application to the Jefferson County Development Authority for review and approval. The Site Application must include at a minimum:

A narrative description of the project, including the product to be produced or the nature of the business; size of lot required; approximate size and type of construction of building; and projected employment.

3. JCDA will review the Site Application and also the performance characteristics of the industry according to fire hazard, smoke or atmospheric emission, glare, noise, odor, dust, vehicular or traffic requirements, liquid, solid or hazardous waste, visibility, vibration, heat, and electrical static. A decision to accept or reject the industry and Site Application as submitted will be transmitted in writing to the industry.
4. Each industry or company must submit a site plan to the Jefferson County Planning Commission and fulfill all other requirements of the Planning Commission necessary to obtain an Improvement Location Permit. Said site plan must also be submitted to the JCDA staff as part of the site Application.
5. By accepting ownership of any tract, the owner agrees to accept automatic membership in the Burr Industrial Park Owner's Association and agrees to endorse and accept the obligations established by these covenants.
6. The general powers and duties of the Burr Industrial Park Owner's Association will be to enforce these covenants, own and control any rights of way received by deed as successor to the developer, provide for road and drainage maintenance, and snow removal, determine and collect assessments from members required for the purpose of maintaining roads and drainage, enforce collection of assessments and have such other powers and bylaws as its members shall determine by majority vote. Representation in the Burr Industrial Park Owner's Association shall be according to acreage owned with one vote to be granted for every five acres or less owned, and an additional vote for every additional five acres owned. Assessments shall vary based upon the use of the property, i.e. commercial, office or industrial, from highest to lowest respectively.

7. At such time as seventy-five percent (75%) of the saleable tracts are conveyed by the Building Commission from the industrial park, the Building Commission will convey title to all road rights of way to the Burr Industrial Park Owner's Association unless, at such time, the roads have been conveyed to the West Virginia Department of Transportation, Division of Highways.
8. The sewage treatment system serving the Burr and Bardane Industrial Parks are designed to serve only the requirements of employees and customers of companies within the Park. All industrial waste generated by an industry must be physically removed from the industrial park at the expense of the industry and properly disposed of elsewhere.
9. Water and sewer service lines are tapped and extended to tract boundaries as indicated on the final plat. Any tract owner requiring a different tap location must bear the cost of construction and must conform to construction specifications of JCDA and the public utility corporation serving the industrial park. Each tract owner is responsible for the cost of installation and maintenance of the necessary size water meter.
10. Construction and maintenance of water and sewer lines within the boundaries of a tract shall be the responsibility of the tract owner.
11. The public utility corporation serving the industrial park shall be responsible for billing and collecting water and sewer fees as approved by the West Virginia Public Service Commission.
12. All areas of a tract not improved for vehicular use or covered by a building or structure shall be landscaped and attractively maintained by the tract owner.
13. Tract entrances and exits, as well as on-site parking, driving and loading surfaces, shall be dust free and maintained in an attractive, useful condition without potholes, mud areas or broken pavement. Construction and maintenance of such surfaces shall be the responsibility of the tract owner.
14. All landscaping and earthwork must be complete within 18 months after commencement of building construction.
15. No building or structure may remain incomplete and unfinished on the exterior for more than one year after commencement of building construction.
16. All buildings must be constructed on a masonry foundation. No temporary buildings are permitted except those associated with construction, and only during the construction period.
17. Signs shall contain only the name of the business or the principal businesses conducted on the premises and shall comply in all other ways with the ordinances of the Jefferson County Planning Commission.

18. Amendments to these covenants may be made upon the written approval of such an amendment by two-thirds of the property owners within the park.
19. The area of land covered by buildings, structures, storage areas, parking and loading facilities and driveways shall not exceed 60% of the total tract area for industrial lots and 90% of tract area for commercial and office lots.
20. Building construction shall begin within one year from the date the property is purchased. If the purchaser does not meet this performance standard, the Jefferson County Building Commission or the Jefferson County Development Authority has the option of purchasing the property back at the original sales price.
21. If the grantee or its successors or assigns or any lessee or occupant of any part of such real estate or any other person should violate any of the covenants, conditions and restrictions contained herein, it shall be lawful and permissible for the Jefferson County Development Authority any owner adjacent to that real estate on which such violation occurring or contemplated or the owner or occupant of any other real estate in said Burr Industrial Park, regardless of whether adjacent thereto, or any one or more of such persons, to or persons violating any of these restrictions for any remedies that are available including, but not limited to, actions for injunctive relief and damages. The Jefferson County Development Authority shall be entitled to recover from any person or persons violating or attempting to violate any of these covenants, conditions and restrictions all attorneys fees, costs and expenses, incurred by said Jefferson County Development Authority with respect to securing the enforcement of or the compliance with these covenants, conditions and restrictions or with respect to any actions, either of law or in equity, commenced by it for such purpose or purposes.
22. No materials, inventory, goods in process, semi-manufactured items, finished products, plant equipment, parts, rubbish, waste materials, or other personal property shall be kept, stored, maintained or accumulated or any part of said real estate outside of buildings erected thereon, except where prior written approval of the Jefferson County Development Authority or its successor is secured after adequate screen planting, fencing, setbacks and compliance with any other conditions required therefore by the Approval Committee.

**AMENDMENT TO THE  
COVENANTS AND RESTRICTIONS  
FOR THE BURR PARK, Phase I  
("Burr Industrial Park")**

On September 26, 2013, the members of the Burr Industrial Park Owner's Association, being the owners of one or more tracts in the Burr Industrial Park and entitled to vote pursuant to paragraph 6 of the Covenants and Restrictions for the Burr Park, Phase I ("Covenants and Restrictions"), adopted the following amendment to the Covenants and Restrictions:

Paragraph 1 of the Covenants and Restrictions shall be deleted in its entirety and replaced with the following paragraph:

1. The Burr Industrial Park is a subdivision exclusively for industries, commercial establishments and office facilities which have characteristics that will not be offensive to other occupants in the Park or to land uses on neighboring properties. Land uses must comply with the Jefferson County Zoning Ordinance governing industrial and commercial land use.

Notwithstanding the foregoing, the following uses are not permitted in the Burr Industrial Park: (i) No gambling or casino type games of chance (video or mechanical) that provide any type of payoff or remuneration; (ii) no Adult Uses. For purposes of this paragraph 1, "Adult Uses" shall mean any business, activity, entertainment or service that has an emphasis on, or is distinguished or characterized by an emphasis on sexual activities or sexual anatomical areas, such as, without limitation, an adult arcade, adult bookstore, adult cabaret, adult motion picture theatre, adult sauna, adult theater, and sexual paraphernalia stores.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Lot Owner: \_\_\_\_\_

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

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

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Lot Owner: \_\_\_\_\_

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Lot Owner: \_\_\_\_\_  
By: \_\_\_\_\_  
Title: \_\_\_\_\_

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject:

**Request by the Planning Commission that the County Commission Reconsider their Motion of 10/25/12 Regarding the Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories**

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

**On September 6, 2012, the County Commission held a public hearing to receive public input and comments on the proposed new Commercial and Industrial Zoning Categories:**

**Public Hearing on a proposed Zoning Ordinance Text Amendment to establish additional commercial and industrial zoning district categories, and related changes to the ordinance. The amendment includes changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17 - Discussion**

**Public comment was left open for written comments until September 20, 2012.**

**At that time, Staff summarized all verbal and written comments received in the attached matrix and provided staff response to the comments. Staff met with the County Commission on October 18, 2012 and October 25, 2012 to discuss the comments received and request direction regarding incorporation of the comments into the draft Amended Ordinance.**

**On October 25, 2012, the County Commission approved the following motion:**

**“To postpone approving the new Commercial and Industrial Zoning categories until the work on the Comprehensive Plan begins and to incorporate them into the Comprehensive Plan. (Motion passed on a vote of 3-2 with Ms. Noland and Mr. Pellish opposing the motion.)**

**At their July 9, 2013 meeting, the Planning Commission requested that the County Commission revisit their motion of October 25, 2012 and take up the Zoning Text amendment at the point in the process where it was suspended, for approval of the County Commission. Staff has discussed this with the**

Commission's legal counsel, who agreed that the item could be revisited at this time without another public hearing as long as the amendments under consideration were all a part of the 9/6/12 Public Hearing held by the County Commission.

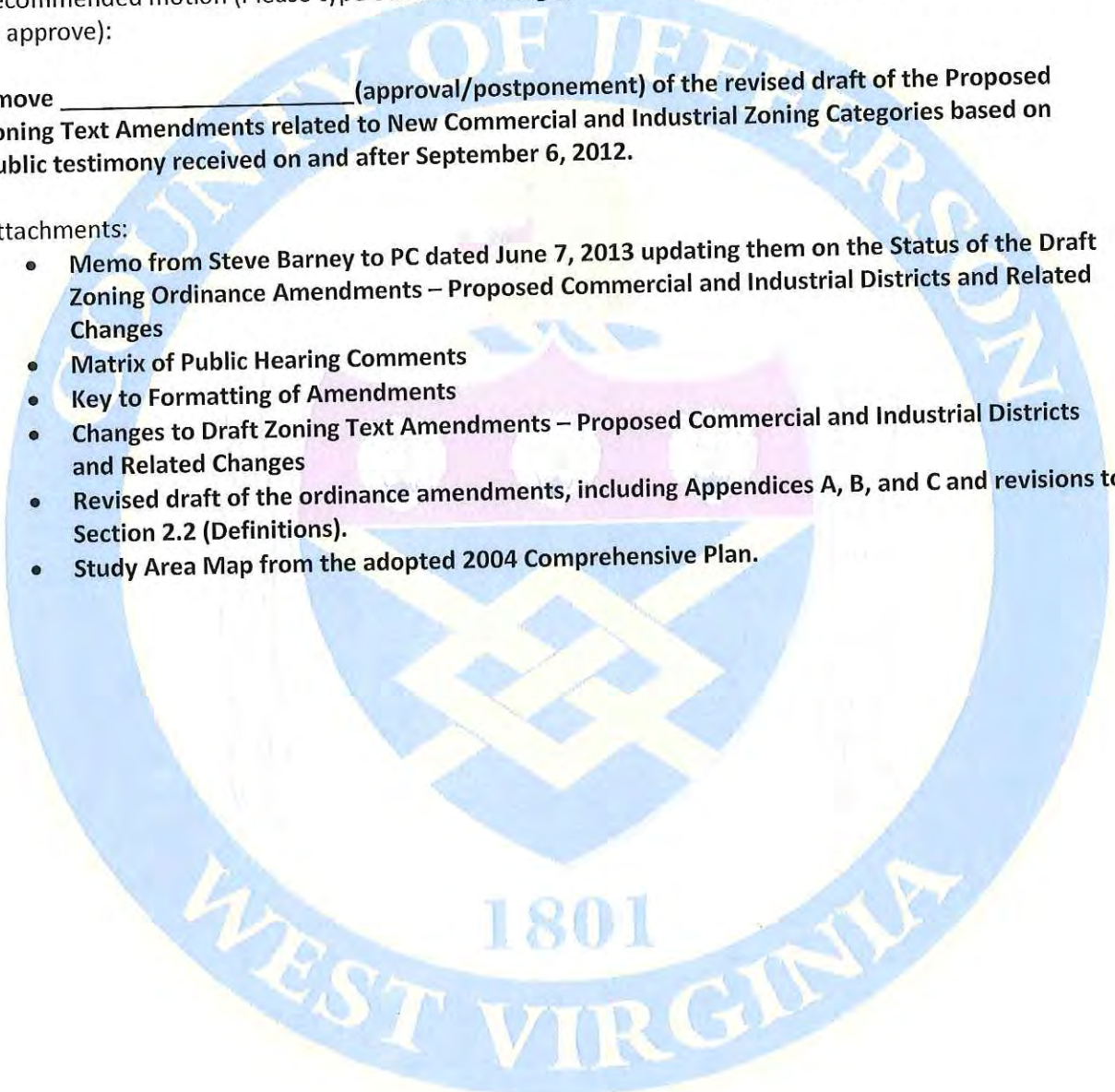
Attached is the matrix provided at the October 25, 2012 CC meeting and the revised Zoning Ordinance incorporating all the proposed revisions.

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

I move \_\_\_\_\_ (approval/postponement) of the revised draft of the Proposed Zoning Text Amendments related to New Commercial and Industrial Zoning Categories based on public testimony received on and after September 6, 2012.

Attachments:

- Memo from Steve Barney to PC dated June 7, 2013 updating them on the Status of the Draft Zoning Ordinance Amendments – Proposed Commercial and Industrial Districts and Related Changes
- Matrix of Public Hearing Comments
- Key to Formatting of Amendments
- Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes
- Revised draft of the ordinance amendments, including Appendices A, B, and C and revisions to Section 2.2 (Definitions).
- Study Area Map from the adopted 2004 Comprehensive Plan.



**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department of Planning & Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 338  
Charles Town, West Virginia 25414

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

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

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**MEMO**

**TO:** Jefferson County Planning Commission  
**FROM:** Steve Barney, Zoning Administrator  
**DATE:** June 7, 2013  
**RE:** Draft Zoning Ordinance Amendments – Proposed Commercial and Industrial Districts and Related Changes

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**Background**

In 2011 and 2012, the Planning Commission and County Commission both identified as a high priority the expansion of the number and variety of commercial zoning districts in the Zoning Ordinance.

The ordinance currently has only two commercial districts: the Residential-Light Industrial-Commercial and Industrial - Commercial District. The overly broad nature of these districts has led to concern by members of the public when property owners have proposed to rezone land to these districts in new locations throughout the County.

Accordingly, at the direction of the County Commission, staff undertook a year-long effort to develop additional commercial and industrial zoning categories, including districts that would allow appropriate limited commercial ventures in suitable locations.

**Status of Draft Amendments**

The Planning Commission has reviewed the draft recommendations during five of its meetings, solicited public input during a February 14, 2012 workshop, and conducted a public hearing that spanned two meetings in April 2012. Following the public hearing, the Planning Commission directed staff to develop recommendations regarding possible changes to the ordinance amendments as a result of the comments received at the public hearing.

At its June 12, 2012 meeting, the Planning Commission voted to recommend the draft ordinance amendments to the County Commission for adoption, including proposed changes as a result of public comment.

Staff briefed the County Commission on the amendments in August, 2012. The County Commission conducted a public hearing in September, 2012, and extended the time period for public comment for two additional weeks after the meeting.

On October 11, 2012, staff briefed the County Commission on public comments received, and recommended changes to the amendments to address the comments. On October 25, 2012, the County

Commission voted 3-2 to postpone consideration of the amendments until after the adoption of the Comprehensive Plan.

At the May 14, 2013 Planning Commission meeting, in response to comments by Commissioner Pellish, the Planning Commission directed staff to brief the Commission regarding the draft amendments at its June 11, 2013 meeting.

### **Proposed New Zoning Districts**

Recommended additional zoning categories are as follows:

1. Neighborhood Commercial (NC) – Neighborhood serving shops and services, compatible with adjacent residential areas.
2. General Commercial (GC) – Retail stores, shopping centers, gas stations, and other general-purpose commercial uses.
3. Highway Commercial (HC) – Land uses appropriate for major highways, including larger retail stores and large gas stations.
4. Light Industrial (LI) – Warehousing, light manufacturing and other land uses that do not produce significant externalities (noise, odors, etc).
5. Major Industrial (MI) – Uses of a more intense nature than would otherwise be permitted in the Light Industrial district.
6. Planned Neighborhood Development (PND) – A district that allows customization of standards in order to provide a better fit for a particular development or piece of property. This district would allow implementation of conditions or restrictions offered by a property owner or developer.
7. Office/Commercial Mixed Use (OC) – A district intended to allow for well-designed employment centers that may also include residential uses.

### **Proposed New Land Use Categories**

Together with the establishment of new districts, the list of permitted, conditional, and prohibited land uses in the ordinance should also be revised in order to effectively make distinctions between the new districts. As such, several new land uses are proposed. These new uses are predominantly commercial. Definitions are proposed for several of these new land uses whose meaning may be debatable.

In the draft amendments, the proposed new land uses are also reflected in the County's five existing zoning districts, as shown in Appendix C, Permitted Uses Table. In recommending the permitted use status of the proposed new uses in the existing districts, staff has made every effort to reflect the character of the existing zoning districts. For example, new land uses of an overall commercial character are shown as permitted in the Residential - Light Industrial - Commercial district, but not permitted in the Rural, Residential Growth, or Village Districts, consistent with the intent of these districts.

### **Other Associated Amendments**

In addition to the proposed new districts, staff has recommended other associated amendments to the Zoning Ordinance. These amendments are described in the attached document entitled "List of Related Zoning Ordinance Amendments." All amendments are reflected in the body of the Zoning Ordinance text included with this memo, as well as Appendices A, B, and C and the list of definitions (Section 2.2).

### **Changes Following Planning Commission Action**

Based on comments received from members of the public as well as County Commission members at the County Commission public hearing (or submitted in writing), staff has recommended several changes to the draft ordinance since the Planning Commission last reviewed it in June 2012. The revised version of the ordinance in the current Planning Commission packet reflects these recommend changes.

One of the most significant changes is to the proposed location criteria – i.e. the language specifying where in the County each district would be appropriate. As a result of feedback that the intended use of the districts should be clearly linked to the Comprehensive Plan, staff recommends deleting the detailed location criteria (proposed previously) and replacing it with language that specifies that each of the new zoning categories is intended for use on properties:

- in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
- in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

This language defers to the existing Comprehensive Plan, and also provides that a future land use map in a subsequent Comprehensive Plan will guide the appropriate locations of the land use categories that correspond to the zoning districts.

A document included in the agenda packet for this meeting provides a list of the significant changes, including those changes based on the input received at the County Commission hearing (in addition to written comments), as well staff recommendations for edits to refine the draft ordinance. These changes are also highlighted in yellow in the draft ordinance.

Amendments to some sections will be addressed by the smaller set of amendments for which the Planning Commission will conduct a public hearing on June 11<sup>th</sup>, and have been so noted in the new draft of the New Commercial and Zoning Districts amendments.

### **Attached Information**

In addition to this memo, the agenda packet for this item includes the following components:

1. A list of amendments related to the proposed new commercial zoning districts, including additional recommended changes following the County Commission public hearing.
2. A revised draft of the ordinance amendments, including Appendices A, B, and C and revisions to Section 2.2 (Definitions).
3. A memo providing staff recommendations regarding consistency of the proposed amendments with the Comprehensive Plan.
4. Study Area Map from the adopted 2004 Comprehensive Plan.

### **Next Steps**

The amendments have been reviewed at a Planning Commission public hearing, as well as at a County Commission public hearing. If the Planning Commission finds it appropriate for the amendment to proceed, the Commission can recommend that the County Commission review the current version of the draft ordinance for possible action.

If the Planning Commission finds that there have been significant changes to the ordinance following the Commission's June 2012 affirmative vote to recommend the ordinance, it may choose to conduct an additional public hearing prior to making a new recommendation to the County Commission.

For more information, please contact me at [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

Att: Summary descriptions of each proposed zoning district  
Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes  
Revised draft of the ordinance amendments, including Appendices A, B, and C and revisions to Section 2.2 (Definitions).  
Study Area Map from the adopted 2004 Comprehensive Plan.

**Proposed Zoning Text Amendment regarding Agricultural Uses and Related Amendments - Zoning and Land Development Ordinance**

**Public Comments Received at 06/11/13 Planning Commission Public Hearing**

(includes comments from 05/14/13 Planning Commission meeting and 05/16/13 Board of Zoning Appeals meeting, in addition to written comments received before and after the public hearing)

| Section or Topic                                                    | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                          | Request                                                                                                                                                                | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|---------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Farm Breweries, Wineries, and Distilleries<br><br>Sec 2.2, 5.7, 8.5 | All structures associated with the operation of a farm brewery, farm winery, or farm distillery may not exceed <del>10,000</del> 20,000 square feet.                                                                                                                                                                                                                                         | Farm Brewery: eliminate square footage limits for building area. (See email from Jesse Morgan.)<br><br>Exempt greenhouses from square footage requirement.             | Staff is proposing to double the square footage limit currently in the ordinance. Staff recommends continuing to have a square footage limit. However, staff recommends clarifying that structures exceeding this square footage limit are permitted, provided that they actual area being used for the brewery does not exceed 20,000 square feet.<br><br>Staff recommends clarifying that greenhouses and similar structures are exempt.<br><br>Add language to Section 8.5A stating:<br><br>Buildings located on the premises may exceed this square footage limit provided that the total building area dedicated to the use does not exceed total permitted square footage. This limit applies to the use of space for distilling, bottling, sales, administrative offices, and customer area, and does not apply to a barn, greenhouse or similar structure that is directly related to agricultural production. |
| Farm Breweries, Wineries, and Distilleries<br><br>Sec 2.2           | ... meeting the requirements for a "Farm winery" in §60-1 of the West Virginia Code as amended.                                                                                                                                                                                                                                                                                              | Reference to West Virginia Code should be more specific.                                                                                                               | Amend Section 2.2, new definitions for farm brewery, farm winery, and farm distillery to read:<br>... meeting the requirements for a "Farm winery" in §60-1-1 et seq of the West Virginia Code as amended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Farm Breweries, Wineries, and Distilleries<br><br>Sec 2.2, 5.7, 8.5 | Section 8.5E<br><br>E. Twenty-five percent of the raw products for an product containing alcohol that is produced by a farm brewery, farm winery, or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm brewery, farm winery, or farm distillery, with no more than twenty-five percent of such produce originating from any source outside this state. | For breweries, eliminate or reduce requirement for 25% of raw products to be produced on the farm, and no more than 25% of ingredients originating from outside state. | Additional information is needed from local farm brewing practitioners regarding this issue. While no change is recommended currently, this percentage can be refined as the amendment moves forward.<br><br>In order for a brewery to actually be a farm brewery (rather than an industrial operation), there must be some significant connection to crops grown on the farm.<br><br>Staff concurs that out-of-state requirement is not necessary. While this standard is a state requirement for wineries and distilleries, it is not a state requirement for breweries. For wineries and distilleries, enforcement of the standard should be at the state level.                                                                                                                                                                                                                                                    |

| Section or Topic                                     | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                          | Request                                                                                                                                          | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |
|------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Deck Setbacks for Townhome Developments<br>Sec. 9.5C | In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.                                                                               | Allow in Residential Growth District as well, where applicable.                                                                                  | Amend Section 9.5C to read:<br><br>In the Residential - Light Industrial - Commercial District and Residential Growth District, on townhouse lots with a lot depth of 110 linear feet...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Deck Setbacks for Townhome Developments<br>Sec. 9.5  | (See above)                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | The amendment should clarify that reduced setbacks are also permitted for stairs associated with decks, as well as concrete slabs (i.e. patios). | Amend Section 9.5C to read:<br><br>... the rear setback of a deck for a townhouse (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to 10' if the adjacent property located...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| Receptions and events in Rural areas<br>Sec. 10.5B   | B. The following uses may be approved as a Special Exception:<br><br>c. Use of existing structures and outdoor areas as facilities for weddings and similar events. Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. | Establish criteria to allow some events administratively                                                                                         | Staff recommends establishing 2 categories of Reception/Event facilities:<br><br>1. Reception/Event Facility (allow by Special Exception)<br>2. Reception/Event Facility, Small (allow administratively)<br><br>Staff recommends amending Section 2.2 by creating the following definitions:<br><br>Rural Reception/Event Facility, Small –<br>A facility for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month.<br><br>Rural Reception/Event Facility<br>A facility for the hosting of events such as weddings.<br><br>Amend Appendix C to show Rural Reception/Event Facility, Small as permitted administratively in all districts, subject to the standards in Section 8.14.<br><br>Add new Section 8.14, Rural Reception/Event Facility, Small. A Rural Reception/Event Facility, Small may be used for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. This land use is subject to the requirements for a |

| Section or Topic                                       | Current Language in Draft Ordinance | Request                                                                                         | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------|-------------------------------------|-------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                        |                                     |                                                                                                 | <p>Cottage Industry in this ordinance, with the exception of limitations on trips per day and the number of nonresident employees permitted.</p> <p>(Comment: Assuming 1-2 persons per vehicle, the traffic impact for a 100-person event would be similar to the weekly trip limit for a Cottage Industry.)</p> <p>Amend Appendix C to show Rural Reception/Event Facility as a Special Exception Use in the Rural District, Village District, and Residential Growth District; Not Permitted in the Major Industrial District; and Permitted in all other districts.</p> |
| Receptions and events in Rural areas<br><br>Sec. 10.5B | N/A                                 | It may be appropriate to require traffic control for these types of temporary uses              | For events exceeding 300 persons, require applicant to provide traffic control plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Receptions and events in Rural areas<br><br>Sec. 10.5B | N/A                                 | WVDOH entrance permit for site may be required                                                  | <p>Staff defers to the Engineering Department for a recommendation on this issue.</p> <p>It should be noted that, for proposed land use changes that do not require a site plan, past departmental practice has been to require the applicant to submit an application to the WVDOH for a highway entrance permit, but not to require evidence that such a permit has been issued.</p>                                                                                                                                                                                     |
| Receptions and events in Rural areas<br><br>Sec. 10.5B | N/A                                 | Use of structures should be contingent on compliance with applicable building code requirements | <p>No change proposed. The Zoning Ordinance is not the appropriate tool for enforcement of the Building Code.</p> <p>However, applicants should be notified that improvements may be required. Historic buildings may be able to meet a lesser standard.</p> <p>Staff acknowledges the potential expense associated with Building Code compliance. However, many potential reception structures were not designed or constructed for occupancy by large crowds. There are legitimate safety and liability concerns associated with such a change of building use.</p>      |

| Section or Topic                                                | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                             | Request                                                                    | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-----------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Secondary Dwelling Units for Agricultural Purposes<br>Sec. 10.5 | b. Detached accessory dwelling units for agricultural purposes, such as units for occupancy by farmworkers or caretakers. Such units may be approved based on the Board's evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. | Consider allowing administratively if under a certain size limit.          | Add to list of permitted uses in Section 5.7 and Appendix C a new land use entitled "Accessory Agricultural Dwelling Unit, Small". In Appendix C, show the use as permitted in the Rural District and not permitted in all other districts.<br><br>Add to Section 2.2 the following definitions:<br><br>Accessory Agricultural Dwelling Unit:<br>A dwelling unit that meets all of the following criteria: (a) is limited in size to 1,000 square feet in area or less; (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance; (c) is located on a property of at least 10 acres in area; and (d) is limited to use by a person (and family) who performs agricultural work on the property.<br><br>Accessory Agricultural Dwelling Unit, Small:<br>A dwelling unit meeting the definition of Accessory Agricultural Dwelling Unit and that is limited in size to 1,000 square feet of gross floor area or less. |
|                                                                 | N/A                                                                                                                                                                                                                                                                                                                                             | Consider a requirement of a minimum acreage for a property to be eligible. | Staff recommends requiring a lot area of at least 10 acres.<br><br>See recommended minimum lot area in proposed definition for Accessory Agricultural Dwelling Unit, above.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                 | N/A                                                                                                                                                                                                                                                                                                                                             | Impact fees should not apply to this type of structure.                    | Per advice from legal counsel, this issue appears to be beyond the scope of the Zoning Ordinance amendments.<br><br>The issue may be addressed by an amendment to the impact fee ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Parking for Seasonal or Temporary Uses<br>Sec. 11.1             | Upon request, on a case by case basis, the Zoning Administrator may administratively waive parking requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis...                                                                                             | Clarify what standard of the ordinance is being waived.                    | Amend language as follows:<br><br>Upon request, on a case by case basis, the Zoning Administrator may administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis...                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

| Section or Topic | Current Language in Draft Ordinance | Request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|------------------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| N/A              | N/A                                 | <p>"I would like to request that the Planning Commission and the Planning Dept. staff look at how these other counties [Fayette, Hardy, Greenbrier, Putnam, and Monongalia] support agri-business, micro- breweries, small batch distilleries, cottage industries and similar micro-businesses. Can we not find out how these other counties in WV allow hard working, creative, tax-paying people to thrive at their work?</p> <p>We now know that Jefferson County's planning and zoning can have unintended consequences for micro-breweries, small distilleries, craft studios, potteries, blacksmith shops, and similar artisan workshops.</p> <p>A major stumbling block to the success of micro businesses is the enforcement by county's engineering dept. of the Universal Building Code. This code is inappropriate for small artisan businesses. What do other counties in WV do to support these truly small business that employ one, two, or several people?" (See email from Pam Parziale, 06/14/13)</p> | <p>Staff agrees that much can be learned by reviewing the standards of other local governments, both in West Virginia and elsewhere in the region.</p> <p>This would represent a broader undertaking and will require a significant investment of time, both on the part of the staff as well as the Planning Commission.</p> <p>For the purposes of the currently proposed amendments, staff recommends proceeding with the amendments (including changes as recommend in response to public comment.)</p> <p>Following the adoption of the Comprehensive Plan, it may be appropriate to undertake a broader set of amendments to both the Zoning Ordinance and the Subdivision and Land Development Regulations regarding agricultural / rural uses.</p> |



## **Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes**

At its June 12, 2012 meeting, the Jefferson County Planning Commission voted to recommend to the County Commission for adoption a set of Zoning Ordinance amendments regarding proposed commercial and industrial districts and related amendments. The draft of the ordinance recommended by the Planning Commission included proposed changes as a result of public comment associated with a public hearing that the Planning Commission conducted in April 2012.

The County Commission also conducted a public hearing, in addition to accepting written comments. Staff has recommended changes to the ordinance in response to these comments, as well as edits to refine the draft ordinance.

Significant proposed changes are listed below. Please see the draft ordinance (available in the Planning Commission agenda packet) for all changes, which are highlighted in yellow in the draft ordinance.

### **Section 2.2**

- Changes to definitions, such as: Retail Food Store, Limited; School, College or University; Restaurant; Retail Store, Large; and Shooting Range, Outdoor
- New definitions, such as: Gross Floor Area; Horse Racing Facility; School, Vocational or Professional; and Shopping Center.

### **Section 4.6**

- Clarify what is meant by a “residential district”.
- Clarify that parking is not subject to the distance setback for industrial and commercial uses.
- Relocation of sentence regarding applicability of section.

### **Section 4.11**

- Additional text is added to this section to match the requirements shown in Table 4.11, such as the requirement of buffer yards for multi-family development and 20’ screened buffers for industrial development.
- Table 4.11: In response to public comments, staff is proposing to relocate to Appendix A and Appendix B all the requirements shown in Table 4.11. This move will consolidate setbacks, buffers, distance requirements and other site development standards into the same table.

### **Section 5.6**

- Relocation of the yard requirements of Section 5.6D to Appendix A and B.

### **Sections 5.11 – 5.17**

- The location criteria for each district has been deleted and replaced with language that specifies that each of the new zoning categories is intended for use on properties:
  - in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  - in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

### **Section 5.11 (Neighborhood Commercial District)**

- Purpose (5.11A) – amend language to better reflect the intent of the district.
- 5.11C - In order to clarify that a commercial building in the NC District may include residential units, add the following text: “3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.” (Please note that this district no longer allows standalone multi-family or townhouse uses.)
- 5.11E – add language to clarify that a landscaped buffer yard in the NC district need not screen the view of the development from the adjacent street(s).

### **Section 5.12 (General Commercial District)**

- Purpose (5.12A) – amend language to state that the district allows retail stores of up to 100,000 square feet for an individual building.

### **Section 5.13 (Highway Commercial District)**

- Purpose (5.13A) – amend language to state that the district allows retail stores that exceed 100,000 square feet for an individual building.

### **Section 5.14 (Light Industrial District)**

- Purpose (5.14A) – amend language to remove specific references to road classifications.

### **Section 5.15 (Major Industrial District)**

- Purpose (5.15A) – amend language to remove specific references to road classifications.

### **Section 5.16 (Planned Neighborhood Development District)**

- 5.16A.8 – Amend to clarify the intent of “critical environmental features” and “scenic features”.
- Add language to Section 5.16D.1 to clarify that development standards in the PND District may be modified.
- Amend 5.16E.1 to define high, medium, and low densities.

- Amend open space requirements of Section 5.16E.2 to allow for inclusion of acreage of critical environmental features.
- Amend Section 5.16E.3 to clarify requirements for pedestrian and vehicular connections.
- Add new subsection 5.16E.6 to require dedication of a trail easement under certain circumstances.
- In order to clarify public notice requirements for a rezoning request for the PND District, amend Sections 5.16F.3.b and 5.16F.3.d to add, “In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.”

### **Section 5.17 (Office/Commercial Mixed Use District)**

- Amend Section 5.17E.1 to require a percentage of office uses.

### **Section 6.3**

- Add language to be more specific regarding the proposed exemption from the soils component of a LESA score for CUP developments that would entail little or no disturbed area.

### **Appendix A**

- Add footnote to establish a more flexible rear setback for some small lots in townhome communities.
- Addition of Parking / Drive Aisle Setbacks and Screened Buffers to table (from Table 4.11-1).
- Addition of note stating that the requirements in this table are in addition to any other applicable requirements in the text of the Ordinance, and referring users to Article 8 for site development standards for certain land uses.
- Adds an allowance for reduced rear setbacks for decks in townhome developments with small lots in the Residential - Light Industrial - Commercial district. *[Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review].*

### **Appendix B**

- Addition of Parking / Drive Aisle Setbacks, Screened Buffers, and Distance Requirements to table (from Table 4.11-1) in order to consolidate setback requirements into one table.
- Clarifies buffer requirements by adding (U) for “unscreened” and (S) for “screened”.
- Various changes to footnotes, including:
  - Addition of note stating that the requirements in this table are in addition to any other applicable requirements in the text of the Ordinance, and referring users to Article 8 for site development standards for certain land uses.
  - Clarification of applicability of standards to churches
  - New or amended footnotes that reflect ordinance standards for uses in the Village District, Neighborhood Commercial District and Office/Commercial Mixed Use District.

## Appendix C

- For NC district, show Multi-family, Townhouse, and Heliport as “NP” (not permitted).
- Show the land use “Gambling Facilities” as “C” (a conditional use) in the Industrial - Commercial District and the Major Industrial District, and “NP” (not permitted) in the Light Industrial District.
- Amend permitted status of Heavy Equipment Repair in the Industrial - Commercial District from “PC” to “P”
- Show Retail Sales and Services, General as “NP” (changed from “P”) in the Neighborhood Commercial District.
- Amend permitted status of Restaurant, Fast Food in the RLIC District from “P” to “PC” to accurately reflect existing requirements.
- Consolidation of General Standards column into Additional Standards column; addition of several ordinance section numbers.
- Continue to show the use “Commercial Uses” as a permitted use in the Residential - Light Industrial – Commercial district and the Industrial - Commercial District.
- Amend list of land uses to add land uses “School, College or University”; “School, Vocational or Professional”; “Horse Racing Facility”; and “Custom Manufacturing”; and indicate in which districts the uses are permitted.
- Changes to notes:
  - Deletion of statement that table is for reference purposes only, and that the ordinance will prevail in the event of a conflict with the ordinance.
  - Amendment of header notes regarding conditional uses, limited permitted uses, and accessory uses to a planned residential community.
  - Addition of two footnotes regarding the PND District and the approval process for a Salvage Yard.

## Other

In addition, staff has recommended additional minor changes to address formatting, grammar, consistency, numbering, typographical errors, and similar changes.

## Key to Formatting of Amendments:

Black text = Existing, unchanged ordinance text

Blue Text = Text proposed to be added

~~Red text~~ = Text proposed to be deleted

Highlighted text / ~~highlighted text~~ = Text changed following the most recent version of the draft ordinance amendments available to the public (in the 8/16/12 County Commission agenda packet)

[text in brackets] = Comments for the purpose of clarifying proposed amendments. These comments are not intended as changes to the ordinance and will not appear in the final version of the ordinance.



## Draft Zoning and Land Development Ordinance Amendments

1. Ordinance Language
2. Appendices A, B, and C
3. Section 2.2 (Definitions)

|                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Residential <sup>1</sup>                             | Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Residential Care Home <sup>23</sup>                  | The use of a site for the provision of a family-based facility in a single-family dwelling unit providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from mobility, orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, autism, emotional illness, or similar conditions.                                                           |
| Restaurant, Fast Food, Limited <sup>23</sup>         | Takeout pizza/sandwich shops not exceeding 600 square feet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Restaurant, Limited <sup>23</sup>                    | A food service establishment not exceeding 2000 square feet and where the primary mode of food distribution is by server.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Retail Food Convenience Store, Limited <sup>23</sup> | A <u>retail convenience food</u> store not exceeding 1500 square feet of retail floor space, <u>with hours of operation limited to the period between 6:00 AM and 11:00 PM.</u>                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Right-of-Way                                         | A right which grants passage across or through a property. A right-of-way is also the (usually dimensioned) path along which the right of passage is granted.                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Road                                                 | A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| School, Elementary or Secondary <sup>23</sup>        | A public or private school meeting all requirements of the compulsory education laws of the state and providing instruction to students in kindergarten through grade twelve. Secondary schools consist of middle schools and high schools, generally grades six through twelve.                                                                                                                                                                                                                                                                                                                        |
| School, University or College <sup>23</sup>          | An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining lots. <u>The land use School, Vocational or Professional is not included within this definition.</u> |

#### Section 4.4 Prohibited Uses

[Note: Proposed changes in this Section are for the purpose of clarifying the permitted / conditional / not permitted status of various land uses in the new zoning districts.]

- A. Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of Jefferson County or law or regulation of the State of West Virginia or other governmental agency shall be prohibited even though such use may be allowed under the terms of this ordinance.
- B. No land use shall be conducted that creates any injurious, noxious, or otherwise objectionable fire, explosive heat, or other hazard; noise, or vibration; smoke, dust, odor, gases, or other form of air pollution; or emit dangerous radioactivity in such a manner that if permitted would adversely affect the uses of an adjacent property or contaminate the ground water or surface waterways of the County. All land uses generating such conditions shall comply with the appropriate State and Federal Codes. Such compliance with applicable State and Federal laws shall be deemed as compliance with this Ordinance.
- C. Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.
- D. No materials or waste should be stored on a property in a form that could be transported to adjacent property by wind or water or other natural causes or forces.
- E. All methods of industrial waste or sewage treatment and disposal shall be in accordance with County, State and Federal Codes.
- F. Jails, prisons and/or penal institutions shall be prohibited in all ~~zones-zoning districts~~ except the Industrial/-e-Commercial-Zone District and the Major Industrial District. The Development Review System does not supersede this prohibition.<sup>5</sup>
- G. No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Provided, however, that such use shall only be permitted in the Industrial/-Commercial Zone-District and the Major Industrial District and shall be processed through the Development Review System (Article 6 and 7).<sup>6,23</sup>

This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Furthermore, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. The Development Review System shall not supersede this prohibition in any zoning district other than the Industrial - Commercial District or the Major Industrial District. ~~the Residential-Growth-Zone, the Rural-Agricultural-Zone, the Village-Zone, or the Residential/Light-Industrial/Commercial-Zone.~~<sup>23</sup>
- H. For parcels located east of the Shenandoah River or which are in a natural, undisturbed condition within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek, no use shall be permitted without adherence to the requirements for retention of land in a natural, undisturbed area as spelled out in Section 22.504 of the Jefferson County Subdivision and Land Development Regulations.<sup>5,23</sup>

- I. No sales of fireworks are permitted outside ~~the commercial zones of the Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts~~, and are subject to the requirements of for such use in Article 8.<sup>8, 23</sup>
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.<sup>12</sup>
- K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District and the Major Industrial District~~not be permitted in the Rural, Village, Residential Growth and Residential-Light Industrial-Commercial Districts.~~<sup>23</sup>  
 No conditional use permit shall be approved for any of these adult uses in a zoning district other than the Industrial - Commercial District or the Major Industrial District. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.<sup>15, 16</sup>
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.<sup>23</sup>
- M. Heavy industrial uses listed in Section 5.6(B) of this Ordinance are permitted only in the Industrial - Commercial District and the Major Industrial District and require approval via the Development Review System.<sup>23</sup>

**Section 4.5 Agricultural Uses Permitted Generally**

Except for compliance with distance requirements for a building set forth in Section 4.6, nothing in this ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes.

**Section 4.6 Distance Requirements**

- A. Industrial uses are subject to this subsection, unless otherwise specified in this ordinance. Any uses (not including parking) or buildings subject to compliance with this section shall be located at least 200 feet from:
  1. Any lot in ~~a the R~~Residential Growth district;
  2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;<sup>1</sup>
  3. Any lot which is part of a recorded subdivision; and
  4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.~~4.5. Industrial uses are subject to this section, unless otherwise specified in this ordinance.~~

B. Commercial uses are subject to this subsection, unless otherwise specified in this ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this section shall be located at least 75 feet from:<sup>7</sup>

1. Any lot in the Residential Growth District;
2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.<sup>23</sup>

~~3.~~

C. A commercial use (not including parking) located in the Neighborhood Commercial district or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6.B.1-3.

#### **Section 4.7 Essential Utility Equipment**

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.<sup>7, 22</sup>

#### **Section 4.8 Buildable Lot**

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this ordinance.

#### **Section 4.9 Traffic Visibility Across Corner Lots**

On any corner in all districts, there shall be no obstruction to traffic visibility within thirty-five (35) feet of the intersection of the two (2) street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.<sup>23</sup>

#### **Section 4.10 Site Plan Requirements**

- A. ~~A site plan shall be s~~ubmittal and approval of a site plan is requireded for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23</sup> [Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review]

- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.<sup>23</sup>
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

#### Section 4.11 Landscaping, Screening and Buffer Yard Requirements

Buffer yard requirements are as shown in Appendix A and B of this ordinance, and are summarized in this section.

##### A. Commercial development.

- 1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
- +2. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.<sup>5</sup>

##### B. Industrial development.

- 1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have an unscreened buffer yard of no less than two hundred (200) feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.

A screened buffer yard with a minimum width of fifteen (15) feet, which may be included within the 200-foot buffer required in this subsection; and

- 2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.<sup>5,7</sup>
- 3. All industrial development adjacent to any use shall have 20' screened side and rear landscape buffers.

##### C. Multi-family development.

- 1. All multi-family adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have, along common property lines, screened green space buffers as follows:

a. Front and rear: a minimum of 15'

b. Side: a minimum of 12'

**Table 4.11 - 1 Setbacks, Buffers and Distance Requirements for Non-Residential Uses**<sup>23</sup>

**[Note: Buffer standards in Table 4.11-1 relocated to Appendix A and Appendix B]**

**\*15' screened buffer may be included within required 200' unscreened buffer.**

*Note: When Table 4.11-1 is in conflict with another section of the Zoning & Development Review Ordinance, this table shall prevail. See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.*<sup>23</sup> **[2<sup>nd</sup> sentence relocated to Appendix A and Appendix B]**

**B.D.** In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.

**C.E.** All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.

1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least four (4) feet in height.<sup>7, 23</sup>
2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.

**D.F.** In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.<sup>23</sup>

**E.G.** All buffer yards shall be maintained by the property owner.

**F.H.** All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9(A), 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 - ~~2~~ **1** below:<sup>23</sup>

**Table 4.11 - ~~2~~ **1** Wetland Size in Acres**<sup>5, 8, 23</sup>

| Greater Than | Less Than | Buffer Width in Feet |
|--------------|-----------|----------------------|
| 0.05         | 0.10      | 30                   |
| 0.10         | 0.16      | 35                   |
| 0.15         | 0.21      | 40                   |
| 0.20         | 0.26      | 50                   |

|      |      |     |
|------|------|-----|
| 0.25 | 0.31 | 55  |
| 0.30 | 0.36 | 60  |
| 0.35 | 0.41 | 65  |
| 0.40 | 0.46 | 70  |
| 0.45 | 0.51 | 75  |
| 0.50 | 0.66 | 80  |
| 0.65 | 0.81 | 85  |
| 0.80 | 0.96 | 90  |
| 0.95 | 1.21 | 95  |
| 1.20 | --   | 100 |

**G.I.** All required landscape plans shall contain the following elements:<sup>7</sup>

1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:<sup>23</sup>
  - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
  - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
2. Evergreen buffer planting, as required, for full screening.
3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
4. Structure plants for aesthetics and limited shade.
5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.

**J.** Required landscape buffers for a non-residential use are indicated in Table 4.11-1 Appendix B.

**Section 4.12 Design Standards for Multi-Family Developments<sup>23</sup>**

- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.
- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed fifty (50) percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least twenty-five (25) feet from any street right-of-way.

**Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers<sup>23</sup>**

## **ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES; DISTRICT REGULATIONS**

### **Section 5.1 Establishment of Districts<sup>1</sup>**

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

- R-G Residential/Growth District
- I-C Industrial/Commercial District
- R-A Rural/Agricultural District
- R-L-C Residential/Light Industrial/Commercial District
- V Village District<sup>23</sup>
- NC Neighborhood Commercial
- GC General Commercial
- HC Highway Commercial
- LI Light Industrial
- MI Major Industrial
- PND Planned Neighborhood Development
- OC Office / Commercial Mixed-Use

### **Section 5.2 Boundaries of Districts**

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

### **Section 5.3 District Maps**

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.<sup>23</sup>

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date

base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.<sup>23</sup>

#### Section 5.4 Residential-Growth District

The Residential-Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages commercial growth provided that such growth is deemed to be appropriate and compatible by the Development Review System.

The following regulations govern development within the Residential-Growth District.

##### A. Principal Permitted Uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.

2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Dwelling, Single Family~~

~~2. Dwelling, Duplex~~

~~3. Dwelling, Two-Family~~

~~4. Dwelling, Townhouse~~

~~5. Dwelling, Multi-Family~~

~~6. Mobile Home Parks (Subject to the Jefferson County Subdivision and Land Development Regulations)~~

~~7. Elementary or Secondary school~~

~~8. Hospital~~

~~9. Vocational and/or Training Facility for Adults<sup>12</sup>~~

~~10. Church~~

~~11. Day-Care Center, Small~~

~~12. Day-Care Center, Large~~

~~13. Essential Utility Equipment~~

~~14. Public Safety Facility~~

~~15. Publicly Owned Facility<sup>23</sup>~~

~~16. Accessory Uses~~

- ~~17. Group Residential Facility~~
- ~~18. Home Occupation, Level 1<sup>8</sup>~~
- ~~19. Home Occupation, Level 2<sup>8</sup>~~
- ~~20. Nursing or Retirement Home~~
- ~~21. Model Homes/Sales Office<sup>12</sup>~~
- ~~22. Preschool~~
- ~~23.1. Wireless Telecommunication Facilities pursuant to Article 4B~~

B. Minimum Lot Area, Height, and Yard Requirements

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~Minimum Lot Area, Height, and Yard Requirements are as shown in Table 5.4—1 below.~~ The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.<sup>23</sup>
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.<sup>5,23</sup>
- 2.3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.

~~Table 5.4—1—Residential Growth District—Height and Yard Requirements<sup>5, 19, 23</sup>~~  
[Note: The standards in this table are relocated to Appendix A and B.]

| Development Type                 | Minimum Lot Area (MLA)       | Required Yards (ft) |      |             |      | Maximum Building Height (ft) <sup>*</sup> |
|----------------------------------|------------------------------|---------------------|------|-------------|------|-------------------------------------------|
|                                  | Area per Dwelling Unit (ADU) | Front               | Side | Street-Side | Rear |                                           |
| 1 Single-Family Dwelling         | 6,000 sq. ft. MLA**          | 25                  | 12   | 15          | 20   | 40                                        |
| Public-Central water and sewer   | 10,000 sq. ft. ADU           | "                   | "    | "           | "    | "                                         |
| Public-Central water or sewer    | 20,000 sq. ft. MLA           | "                   | "    | "           | "    | "                                         |
| No Public-Central water or sewer | 40,000 sq. ft. MLA           | "                   | "    | "           | "    | "                                         |
| 2 Duplex Dwelling                |                              | 25                  | 15   | 15          | 20   | 40                                        |
| Public-Central water and sewer   | 3,200 sq. ft. MLA            | "                   | "    | "           | "    | "                                         |
| Public-Central water and sewer   | 7,500 sq. ft. ADU            | "                   | "    | "           | "    | "                                         |
| Public-Central water or sewer    | 10,000 sq. ft. ADU           | "                   | "    | "           | "    | "                                         |
| 3 Townhouse Dwelling             |                              | 25                  | 12   | 15          | 20   | 40                                        |
| Public-Central water and sewer   | 1,400 sq. ft. MLA            | "                   | "    | "           | "    | "                                         |
|                                  | 3,500 sq. ft. ADU            | "                   | "    | "           | "    | "                                         |
|                                  |                              | "                   | "    | "           | "    | "                                         |
| 4 Multi-Family Dwelling          | 20,000 sq. ft. MLA           | 25                  | 12   | 15          | 30   | 40                                        |
| Public-Central water and sewer   | 2,000 sq. ft. ADU            | "                   | "    | "           | "    | "                                         |

\*Subject to Section 9.2

~~NOTE: ALL detached accessory structures under 144 square feet in size 6' setback.~~ [Note: Deleted text moved to 5.4.B.3]

~~\*\*The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.~~ <sup>5</sup> [Note: Deleted text moved to 5.4.B.2]

### C. Commercial Services in Residential Developments<sup>23</sup>

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Compatibility Assessment Meeting process as outlined in Article 7 of this Ordinance. Any proposed commercial use that is

served from a road that is located on the perimeter of the project or on a State Road shall be subject to the entire Development Review Process.<sup>5</sup>

D. Standards for Commercial or Light Industrial Uses<sup>23</sup>

1. Commercial or Light Industrial uses are subject to the following access requirements:
  - a. Such uses will not use adjacent residential roads for through traffic; and
  - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5</sup>
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

**Section 5.5 Reserved<sup>23</sup>**

**Section 5.6 Industrial - Commercial District<sup>23</sup>**

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

A. Principal Permitted Uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table and this section.

2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject the requirements of this section and to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Light Industrial Uses~~

~~2. Heavy Industrial Uses~~

~~3. Commercial Uses~~

~~4. Day Care Center, Small~~

~~5. Day Care Center, Large~~

~~6. Home Occupation, Level 1~~

~~7. Home Occupation, Level 2~~

~~8. Cottage Industry~~

~~9. Medical/Dental/Optical Office, Small~~

~~10. Barber/Beauty Shop, Limited~~

- ~~11. Antique Shop~~
- ~~12. ATM~~
- ~~13. Branch Bank~~
- ~~14. Kennel (subject to the requirements for such use in Article 8)~~
- ~~15. Dry Cleaner~~
- ~~16. Florist~~
- ~~17. Restaurant, Limited~~
- ~~18. Restaurant, Fast Food, Limited~~
- ~~19. Retail Food Store, Limited~~
- ~~20. Veterinary Services~~
- ~~21. Video Rental Store~~
- ~~22. Country Inn~~
- ~~23. Non/Not for Profit Commercial Uses~~
- ~~24. Non-profit Community Centers~~
- ~~25. Publicly Owned Facility~~
- ~~26. Public Safety Facility~~
- ~~27. Essential Utility Equipment~~
- ~~28. Wireless Telecommunications Facilities pursuant to Article 4B~~
- ~~29. Private or Public Shooting Ranges~~
- ~~30. Cultural Facility~~
- ~~31. Industrial related accessory uses including residential dwellings including a mobile home on site for a caretaker or watch keeper.~~
- ~~32.1. Adult Uses, subject to requirements set forth for such uses in Article 8.~~

- B. The following uses shall be evaluated by the Development Review System and shall not be located less than 1000 feet from any Residential property line or property listed on the National and State Historic Register/Survey.
- 1. Bituminous concrete mixing and recycling plants
  - 2. Concrete and ceramic products manufacture, including ready mixed concrete plants
  - 3. Petroleum products refining or storage (subject to the requirements for such standards in Article 8)<sup>23</sup>
  - 4. Commercial sawmills
  - 5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
  - 6. Garbage or dead animal reduction or processing
  - 7. Slaughterhouses, Stockyards

8. Acid or heavy chemical manufacturer, processing or storage
9. Cement or lime manufacture
10. Explosive manufacture or storage
11. Foundries and/or casting facilities
12. Mineral extraction, mineral processing
13. Jails and Prisons (subject to requirements for this use in Article 8)<sup>23</sup>

C. Height Regulations

No structure shall exceed seventy-five (75) feet in height except as provided in Section 9.2.

D. Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. Yard Requirements as follows: (These requirements are also for an approved commercial or industrial use proposed for any other zone.)<sup>5, 23</sup>

|                                                                                  |         |
|----------------------------------------------------------------------------------|---------|
| <del>1.</del> Front yard building setback                                        |         |
| Commercial sites                                                                 | 25 feet |
| Industrial sites                                                                 | 50 feet |
| <del>2.</del> Side yard building setback                                         |         |
| Commercial sites greater than 1.5 acres                                          | 50 feet |
| Commercial sites 1.5 acres and smaller                                           | 25 feet |
| Industrial sites                                                                 | 50 feet |
| <del>3.</del> Rear yard building setback                                         |         |
| Commercial sites greater than 1.5 acres                                          | 50 feet |
| Commercial sites 1.5 acres and smaller                                           | 25 feet |
| Industrial sites                                                                 | 50 feet |
| <del>4.</del> Parking, Driveway and Internal Access Drive Front Setbacks         |         |
| Commercial sites greater than 1.5 acres                                          | 15 feet |
| Commercial sites 1.5 acres and smaller                                           | 15 feet |
| Industrial sites                                                                 | 25 feet |
| <del>5.</del> Parking, Driveway and Internal Access Drive Side and Rear Setbacks |         |
| Commercial sites greater than 1.5 acres                                          | 10 feet |
| Commercial sites 1.5 acres and smaller                                           | 4 feet  |
| Industrial sites*                                                                | 25 feet |

*\*Driveways and Internal Access Drives Only. Parking must abide by buffer requirements.  
[Note: Setbacks and footnote relocated to Appendix B]*

2. ~~6-Compliance with Sections 4.11 and 8.9(A)(1-9)~~<sup>7, 23</sup>

### 3. ~~7~~ Distance Requirements

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

#### ~~D.E.~~ Lot Area

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

#### ~~E.F.~~ Additional Commercial and Industrial Design Standards

##### 1. Commercial Design Standards<sup>23</sup>

- a. ~~Landscaping, screening, buffer yards, and setbacks for commercial development are subject to Section 4.11.~~

Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.

- b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11 ~~E.~~
- c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
- d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.

##### 2. Industrial Design Standards

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

## Section 5.7 Rural District<sup>23</sup>

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7d. The Development Review System does allow for higher density by issuance of a Conditional Use Permit.<sup>8, 23</sup>

### A. Principal Permitted Uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.

2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~1. Agricultural uses as defined in Article 2<sup>7</sup>~~

~~2. Church~~

~~3. Elementary or Secondary School~~

~~4. Vocational and/or Training Facility for Adults<sup>12, 20</sup>~~

~~5. Dwelling, Single Family~~

~~6. Mobile Home (subject to the Jefferson County Subdivision and Land Development Regulations)~~

~~7. Dwelling, Two Family<sup>8</sup>~~

~~8. Cottage Industry<sup>8</sup>~~

~~9. Home Occupation, Level 1<sup>8</sup>~~

~~10. Home Occupation, Level 2<sup>8</sup>~~

~~11. Day Care Center, Small<sup>12, 11, 15</sup>~~

~~12. Public Safety Facility~~

~~13. Cultural Facility~~

~~14. Farm Market (subject to the requirements for such a use in Article 8)<sup>8</sup>~~

~~15. Horticultural nurseries and commercial greenhouses~~

~~16. Hospital~~

- ~~17. Essential Utility Equipment~~
- ~~18. Accessory uses~~
- ~~19. Group Residential Facility~~
- ~~20. Bed and Breakfast (subject to the requirements for such a use in Article 8)<sup>7,15</sup>~~
- ~~21. Publicly Owned Facility<sup>8</sup>~~
- ~~22. Wireless Telecommunications Facilities pursuant to Article 4B.<sup>10</sup>~~
- ~~23. Model Homes/Sales Office (subject to the requirements for such a use in Article 8)<sup>12</sup>~~
- ~~24. Non-profit Community Centers<sup>15</sup>~~
- ~~25. Landscaping business outside of Planning Commission approved subdivisions<sup>15</sup>~~
- ~~26. Veterinary services outside of Planning Commission approved subdivisions<sup>15</sup>~~
- ~~27. Feed and/or Farm Supply Center~~
- ~~28. Agricultural Repair Center<sup>15</sup>~~
- ~~29. Kennels (subject to the requirements for such a use in Article 8)<sup>15</sup>~~
- ~~30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)<sup>20</sup>~~
- ~~31. Agricultural Tourism~~
- ~~32. Farm Vacation Enterprise~~
- ~~33. Farm Brewery or Winery~~
- ~~34. Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)~~

~~35.1. Preschool~~

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

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.
2. ~~For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.<sup>5</sup>~~

*Table 5.7-1—Lot Area, Width, and Yard Requirements for Principal Permitted Uses in the Rural District*

| Land Use  | Lot Area       | Lot Width | Front Yard Depth | Side Yard Depth | Rear Yard Depth |
|-----------|----------------|-----------|------------------|-----------------|-----------------|
| Dwellings | 40,000 sq. ft. | 100       | 40               | 15              | 50              |

|                      |                |     |     |     |     |
|----------------------|----------------|-----|-----|-----|-----|
| Churches             | 2-acres        | 200 | 25  | 50  | 50  |
| Schools, Grades K-4  | 10-acres+      | 500 | 100 | 100 | 100 |
| Schools, Grades 5-8  | 20-acres+      | 500 | 100 | 100 | 100 |
| Schools, Grades 9-12 | 30-acres+      | 500 | 100 | 100 | 100 |
| Hospitals            | 10-acres       | 500 | 100 | 100 | 100 |
| Other permitted uses | 40,000-sq. ft. | 100 | 40  | 50  | 50  |

~~3. Lot area for schools (K-12) as shown in Table 5.7-1 shall be increased by one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewage treatment plant and retention ponds are required, acreage shall be increased accordingly.~~<sup>1,23</sup>

~~4.2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.~~<sup>23</sup>

~~5.3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6(a).~~<sup>23</sup>

#### C. Height Regulations

No structure shall exceed thirty five (35) feet in height as provided in Section 9.2.

#### D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7(d)1, 5.7(d)2 or 5.7(d)3 below. A property owner may use a combination of these subsections, provided that the number of lots are prorated by density.<sup>8</sup>

1. A property owner may create one (1) lot for every fifteen (15) acres with a minimum lot size of three (3) acres.<sup>17,21</sup>
  - a. Acreage shall be computed using existing acreage at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.
  - b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17,21</sup>
2. Clustering
  - a. Purpose and Intent
    - i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract.
    - ii. To provide for a well planned development while minimizing the use of prime agricultural land.
  - b. Requirements

- i. One (1) lot may be subdivided for every ten (10) acres.<sup>17, 21, 23</sup>
  - (a) Acreage shall be computed using existing acreage at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.
- ii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.<sup>17, 21</sup>
  - (a) Setbacks shall be 25' front, 12' sides and 20' rear.
  - (b) All clusters of three (3) or more lots shall be served by an internal road.<sup>23</sup>
  - (c) Clusters of three (3) or more lots shall not be along an existing public road.
  - (d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17, 21</sup>
  - (e) Maximum lot size shall be 3 acres.<sup>17, 21</sup>
- iii. Procedures<sup>23</sup>
  - (a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.<sup>17, 21, 23</sup>
  - (b) The Staff will have final approval over the location layout of the proposed clustering of lots. The Staff shall consider the following when reviewing concept plans:
    - (1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.
    - (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - (c) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating "The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation".<sup>23</sup>

3. Not in addition to subsections 5.7(d)1 and 5.7(d)2 above, any property that was a lot of record as of October 5, 1988 may create 3 total lots (including the residue) during any five year period. Applications which exceed this number during any five year period shall be processed utilizing the Development Review System. Subdivisions involving transfers of land between parent and child shall not be subject to this section. All lots that qualify under this section must meet subdivision requirements. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. Parent to child or child to parent lots are not entitled to further subdivide except as another parent to child or child to parent transfer.
4. Once the maximum number of lots are created under 5.7(d), the property cannot be further subdivided unless the Ordinance is amended to allow such.

### **Section 5.8 Residential/Light Industrial/Commercial District<sup>1</sup>**

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

#### **A. Principal Permitted Uses<sup>23</sup>**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.
- ~~1. Light Industrial Uses~~
- ~~2. Commercial Uses~~
- ~~3. Medical/Dental/Optical Office, Small~~
- ~~4. Barber/Beauty Shop, Limited~~
- ~~5. Antique Shop~~
- ~~6. ATM~~
- ~~7. Branch Bank~~
- ~~8. Kennel (subject to the requirements for such use in Article 8)~~
- ~~9. Dry Cleaner~~
- ~~10. Florist~~
- ~~11. Restaurant, Limited~~
- ~~12. Restaurant, Fast Food, Limited~~
- ~~13. Veterinary Services~~

- ~~14. Video Rental Store~~
- ~~15. Country Inn~~
- ~~16. Dwelling, Single Family~~
- ~~17. Dwelling, Two Family~~
- ~~18. Dwelling, Duplex~~
- ~~19. Dwelling, Townhouse~~
- ~~20. Dwelling, Multi-Family~~
- ~~21. Mobile Home Parks~~
- ~~22. Home Occupation, Level 1~~
- ~~23. Home Occupation, Level 2~~
- ~~24. Cottage Industry~~
- ~~25. Elementary or Secondary School~~
- ~~26. Hospital~~
- ~~27. Vocational and/or Training Facility for Adults<sup>12</sup>~~
- ~~28. Church~~
- ~~29. Cultural Facility~~
- ~~30. Day Care Center, Small~~
- ~~31. Day Care Center, Large~~
- ~~32. Essential Utility Equipment~~
- ~~33. Publicly Owned Facility~~
- ~~34. Public Safety Facility~~
- ~~35. Accessory Uses~~
- ~~36. Group Residential Facility~~
- ~~37. Nursing or Retirement Home~~
- ~~38. Model Home/Sales Office (subject to requirements for this use in Article 8)<sup>12</sup>~~
- ~~39. Non-Profit Community Center~~
- ~~40. Non/Not for Profit Commercial Uses<sup>12</sup>~~
- ~~41. Preschool~~
- ~~42.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

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

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.

2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23</sup>

~~2.3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.~~

C. Site Development Standards ~~Other Regulations~~<sup>23</sup>

1. All sections of this ordinance applying to the ~~R~~Residential ~~G~~Growth district with the exception of Section 5.4(a) will apply to residential uses in this District.

2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. ~~All commercial uses must conform with the commercial design standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(b). All industrial uses must conform with the Industrial Design Standards and yard requirements cited in Sections 5.6(d) 1-6 and 4.6(a).~~ All commercial or industrial uses ~~Either use~~ must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5,7,23</sup>

3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.<sup>23</sup> This requirement shall not apply to a building located within a shopping center shown on an approved site plan. [Note: the amendment to this section is also under consideration in Agricultural Uses and Related Amendments currently under review]

4. Proposed uses in this zone ~~do not have to comply with~~ are exempt from the distance requirements in Sections 4.6 (a-b) if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7</sup>

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

**Section 5.10 Village District**<sup>8,23</sup>

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries.

A. Principal permitted uses<sup>23</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.

~~1. Dwelling, Single-Family~~

~~2. Dwelling, Duplex~~

- ~~3. Dwelling, Two-Family~~
- ~~4. Home Occupation, Level 1~~
- ~~5. Home Occupation, Level 2~~
- ~~6. Cottage Industry~~
- ~~7. Public Safety Facility<sup>12</sup>~~
- ~~8. Essential Utility Equipment~~
- ~~9. Medical/Dental/Optical Office, Small<sup>12</sup>~~
- ~~10. Group Residential Facility~~
- ~~11. Cultural Facility<sup>12</sup>~~
- ~~12.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

**B. Conditional Uses<sup>23</sup>**

1. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

~~The following uses may be approved after being evaluated by the Development Review System (Article 7). The LESA point system would not apply.~~

- ~~1. Barber/Beauty Shop, Limited~~
- ~~2. Dry Cleaners~~
- ~~3. Video Rental Stores~~
- ~~4. Retail Food Store, Limited~~
- ~~5. Church~~
- ~~6. Day Care Center, Large~~
- ~~7. Country Inn~~
- ~~8. Bed and Breakfast (subject to the requirements for such a use in Article 8)~~
- ~~9. Restaurant, Limited~~
- ~~10. ATM~~
- ~~11. Branch Bank~~
- ~~12. Antique Shop~~
- ~~13. Florist~~
- ~~14.1. Restaurant, Fast Food, Limited<sup>12</sup>~~

**C. Setbacks**

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-

Residential Site Development Standards, except as provided elsewhere in this ordinance.~~Residential~~

~~a. Section 9.7, Residential Growth standards<sup>23</sup>~~

~~2. Commercial~~

~~a. 25' front, 10' side and 40' rear~~

[combine sentence with 1. above:] Setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood.<sup>23</sup>

3.2. Existing Structures

a. ~~As exists not less than 6' on~~The sides and rear yard setbacks are 6' for an existing structure to be used for a land use as provided in this article.

D. Commercial uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line.

E. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.<sup>23</sup>

F. There will be no outdoor storage of equipment, materials or other stock.

G. Parking requirements may be modified as a result of a compatibility meeting.<sup>23</sup>

H. Other Requirements<sup>23</sup>

1. With the exception of setback requirements as specified in this section, Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

### Section 5.11 Neighborhood Commercial (NC) District

A. Purpose. The purpose of this district is to permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the GC District (and not otherwise permitted in the NC District) is not appropriate. which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the commercial use. Developments in the NC district should be appropriate in scale, designed, landscaped and buffered so as to be compatible with neighboring land uses development. Uses should be appropriate in scale to the residential character of their context.

B. Location. This zoning category is intended for use in the following locations on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties located on Primary or Secondary roads as shown on the Highway Classification map in the Jefferson County Comprehensive Plan
2. Locations within ¼ mile of an existing residential subdivision or development of at least 20 dwelling units
3. Locations adjacent to existing non-residential development
4. Locations with safe vehicular access on roads that function as collector roads
5. Properties currently zoned Residential Light Industrial Commercial or Industrial-Commercial.

#### C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.
3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.

#### D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
  - a. No side yard building setback is required, unless required by Building Code or other law or regulation
  - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
  - a. A rear yard building setback may be reduced to 10 feet
  - b. Section 4.11A-B does not apply to the rear property line
4. Section 4.11A-C does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this ordinance.

6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this ordinance.

E. Additional Requirements

1. Any off-street parking shall be located in the rear or on the side of a building and may not be located between a street and the front facade of a building.
2. Each building shall be limited to a maximum building footprint of 3,500 square feet.
3. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of buildings from the adjacent street(s). The landscaping requirements in this subsection are in addition to any other applicable landscaping requirements of this ordinance. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail meeting any applicable county requirements may be installed.
4. One bicycle parking space shall be provided for each ten vehicular parking spaces.
5. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
6. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Section 5.12 General Commercial (GC) District

A. Purpose. The purpose of this district is to provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 ~~50,000~~ square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.

B. Location. This zoning category is intended for use in the following locations on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

~~1. Properties located on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.~~

~~2. Properties currently zoned Residential-Light Industrial-Commercial or Industrial-Commercial.~~

#### C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

#### D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.
2. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D(2-6) and the front setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.

#### E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

### Section 5.13 Highway Commercial District

A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large including buildings that exceed 50,000 100,000 square feet of gross floor area for

an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.

B. Location. This zoning category is intended for use in the following locations on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties located within 1000' feet of major intersections on four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan.

2. Properties designated for Highway Commercial uses in the Comprehensive Plan.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

## Section 5.14 Light Industrial District

A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. Properties with this designation are generally located within 1,000 feet of four-lane Primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan. In this district, most manufacturing is composed of processing or assembly of previously processed materials.

B. Location. This zoning category is intended for use in the following locations on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties located in Industrial Parks
2. Properties with Industrial Commercial zoning
3. Properties designated as appropriate for either Light or Major Industrial land uses in the Comprehensive Plan

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

## Section 5.15 Major Industrial District

A. Purpose. This district is intended to provide sufficient space in appropriate locations for a wide variety of industrial activities, generally located within 1,000 feet of four-lane primary roads as shown on the Roadway Classification map in the Jefferson County Comprehensive Plan. The uses in this district can be served with adequate public or community water and sewerage service, and may be characterized by extensive warehousing, frequent heavy trucking activity, and broader manufacturing activity than would be permitted in the Light Industrial district.

B. Location. This zoning category is intended for use in the following locations on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties located in Industrial Parks
2. Properties with Industrial-Commercial zoning
3. Properties designated as appropriate for Major Industrial land uses in the Comprehensive Plan

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.

E. Additional Requirements

1. Heavy industrial land uses shall not be located less than 1000 feet from an adjacent property with a dwelling, school, church or institution for human care or a residential zoning district.
2. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

### Section 5.16 Planned Neighborhood Development District

#### A. Purpose. The purpose of the PND District is to:

1. Encourage flexibility in the development of land in order to promote its most appropriate use;
2. Improve the design, character and quality of new developments;
3. Provide and promote redevelopment and reuse opportunities;
4. Encourage a harmonious and appropriate mixture of uses and/or housing types;
5. Facilitate the adequate and economic provision of streets, utilities and services;
6. Promote safe and convenient travel for pedestrians, bicyclists, transit users, and motorists;
7. Promote connections to adjacent properties, developments, and transportation routes;
8. Preserve critical natural environmental features of the site (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourses, and karst topography) and scenic features of the site (including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes);
9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
10. Mitigate the problems which may be presented by specific site conditions.

#### B. Location. This zoning category is intended for use in the following location(s) on properties:

1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties identified as being located in the Growth Area in the Comprehensive Plan.

#### C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. The Planning Commission may restrict land uses shown as permitted or conditional uses in Appendix C, Principal Permitted Uses Table, as part of the approval of a Preliminary PND Plan.
3. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

#### D. Site Development Standards

1. If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.
2. Modification of Development Standards Allowed
  - a. The Planning Commission may approve modification of the development standards of this ordinance and the Jefferson County Subdivision and Land Development Regulations may as part of the approval of a Preliminary PND Plan.
  - b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.
3. The minimum site area for a PND development is three acres.

#### E. Additional Requirements

1. A PND development shall include the following mix of uses, as measured in gross floor area:
  - a. 10-30% commercial
  - b. 10-30% high density residential (7+ dwelling units per acre)
  - c. 20-40% medium density residential (4-6 dwelling units per acre)
  - d. 0-60% low density residential (1-3 dwelling units per acre)
2. Open Space Requirements
  - a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural

environmental features (as defined in this article), may constitute up to 25% 50% of the required common and open space area.

b. At least 20% of the total of the site's existing tree canopy area shall remain undisturbed and shall be so noted on any site plan or subdivision approval associated with the development.

3. Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision. If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection.

4. Street Network. An interconnecting network of internal streets shall be designed to accommodate the various uses found within a PND development. Where possible, all access to sites shall be from these internal streets.

5. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

6. For a PND development proposed to be located on a lot where a trail is shown on a plan adopted by Jefferson County, establishment of a trail easement shall be required prior to site plan approval.

#### F. Review and Approval Process

The review and approval of a development in the PND district includes the following steps:

1. Pre-Application Conference. Prior to filing a formal application for a Zoning Map Amendment for a PND district, the applicant shall schedule and attend a Pre-Application Conference with staff of the Planning, Zoning, and Engineering Departments. The purpose of the conference is for the applicant to present a general concept for the development, and for staff to inform the applicant of relevant policies, requirements, adopted plans, planning principles, and recommendations. This conference is informal and has no binding effect.
2. Preliminary PND Plan. Submittal of a Preliminary PND Plan is required prior to submittal of a petition for a map amendment to change the zoning designation of a property to the Planned Neighborhood Development district.
  - a. The format and content requirements for a Preliminary PND Plan shall be the same as the Submission and Completeness Review requirements for a Major Site Plan Concept Plan as described in the Jefferson County Subdivision and Land

Development Regulations, with the exception of the public workshop and advertising requirements. Additionally, a Preliminary PND Plan shall include the following:

- i. Graphic illustration of locations of proposed land uses; landscaping areas; pedestrian amenities; interconnectivity of roads, trails, sidewalks, and adjacent parcels; open space areas and areas of undisturbed tree canopy; passive or active recreational areas; setbacks for buildings, parking, drive aisles, and other features associated with the proposed development.
- ii. Proposed square footages of development by type and proposed residential densities
- iii. Proposed building heights
- iv. Any requested modifications to the standards of the Zoning Ordinance or the Subdivision and Land Development Regulations.

b. Following a staff determination that the Preliminary PND Plan is sufficient, the applicant may present a petition for a zoning map amendment to the Planning Commission. The Preliminary PND Plan is a required component of the petition submission.

3. Zoning Map Amendment. The procedure for processing a map amendment petition shall be in accordance with the requirements of Article 12 and this Article.

a. Presentation of petition for map amendment. The applicant shall present the petition for map amendment to the Planning Commission. As part of the petition, the applicant shall provide a Preliminary PND Plan to the Planning Commission, as described in this article.

b. Planning Commission review and public hearing. The Planning Commission shall conduct a public hearing on the proposed zoning map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements. The Preliminary PND Plan shall be considered during the public hearing. In addition to the review criteria for a Concept Plan as required by the Subdivision and Land Development Regulations, the Planning Commission shall utilize the following criteria in its consideration of a Preliminary PND Plan and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations:

- i. Consistency with the purpose of the PND district as described in this Article;
- ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards;
- iii. Consistency with the Comprehensive Plan

- c. As part of its recommendation to the County Commission regarding approval or disapproval of a zoning map amendment as described in Article 12, the Planning Commission shall make a recommendation to the County Commission regarding the Preliminary PND Plan, including any changes proposed by the Planning Commission.
  - d. County Commission review and public hearing. The County Commission shall conduct a public hearing on the proposed map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.
  - e. In its deliberation of a proposed map amendment to change a zoning designation to a PND district and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations, the County Commission shall consider:
    - i. Consistency with the purpose of the PND district as described in this Article
    - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards
    - iii. Consistency with the Comprehensive Plan
  - f. The County Commission shall approve, amend, or deny the Preliminary PND Plan and the zoning map amendment request; and may apply conditions to the approval of a zoning map amendment to a PND district.
  - g. County Commission approval of a zoning map amendment to change the zoning designation of a property to a PND district shall have the following effect:
    - i. Approval of the change in zoning designation;
    - ii. Approval of the Preliminary PND Plan;
    - iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
    - iv. Establishment of any conditions of approval applied by the County Commission.
4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
- a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other

County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.

- b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.
- c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.

5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the Planning and Zoning Department determines that such changes are consistent with the purpose and general character of the Preliminary PND Plan. An applicant's request for revisions determined substantive by the Planning and Zoning Department shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but not are limited to changes that would exceed one or more of the percentages noted in a-c below.
- a. A change in total square footage of the development by  $\pm 10\%$
  - b. A change in the area of any land use by  $\pm 10\%$
  - c. A change in the residential density by  $\pm 5\%$

### **Section 5.17 Office / Commercial Mixed-Use District**

A. Purpose. The purpose of the OC district is to allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.

B. Location. This zoning category is intended for use in the following location(s) on properties:

- 1. in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
- 2. in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

1. Properties designated by the Comprehensive Plan as appropriate for Office/Commercial development.

### C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted Uses Table.
2. Uses shown as conditional uses for this district in Appendix C, Principal Permitted Uses Table shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.

### D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
  - a. No side yard building setback is required, unless required by the Building Code or other law or regulation
  - b. Section 4.11.A-B does not apply to the side property line that abuts a commercial or industrial use
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
  - a. A rear yard building setback may be reduced to 10 feet
  - b. Section 4.11.A-B does not apply to the rear property line
4. Section 4.11.A-C does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this ordinance.
6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this ordinance.

### E. Additional Requirements

1. At least 75% Of the gross floor area of land uses in a development in this district, at least 75% shall be non-residential uses, and at least 50% shall be office uses.
2. Buildings fronting a principal street must be at least 2 stories in height.
3. A minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space
4. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.
5. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent

street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.

6. One bicycle parking space shall be provided for each ten vehicular parking spaces.
7. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
8. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

## ARTICLE 6: DEVELOPMENT REVIEW SYSTEM

### Section 6.1 Development Review System (DRS)

The purpose of the Development Review System (also referred to as DRS) is to assess a particular site's development potential based on criteria which determine the agricultural longevity of the parcel in combination with the presence of and compatibility with public services adjacent to and in close proximity to the site. The DRS is a numerical rating system designed to function within the framework of the traditional zoning districts referenced in this ordinance. All commercial uses and those uses which are not permitted in zoning districts shall be governed by the procedures set forth in Article 7 and all sections that reference requirements to obtain a conditional use permit. It shall be unlawful to commence construction of any commercial uses or uses which are not permitted uses in a zoning district without obtaining conditional use permit approval.

### Section 6.2 Issuance of a Conditional Use Permit

Application for a conditional use permit shall be made before construction of any uses not listed as permitted uses within the appropriate zoning district. Upon receipt of an application, the site will be evaluated by the Departments of Planning and Zoning Staff using the Development Review System. The two major components of the System, the Soils Assessment and the Amenities Assessment, consist of criterion which each possess a numerical value that is weighted relative to its importance as an indicator of a parcel's agricultural significance or its development potential. The total numerical value of the combined criteria is 100 points: the Soil Assessment contributes 25 points and the Amenities Assessment contributes 75 points. The highest total numerical value of the combined criteria indicates that a parcel is more suitable for agriculture, whereas, the lowest numerical value indicates that development is more appropriate for the site. A score of 60 points or less advances the application to the Compatibility Assessment as provided in Section 7.6.<sup>14, 17, 21, 23</sup>

### Section 6.3 The Soils Assessment

- A. The Soils Assessment evaluates a particular parcel for development based on the soil types it possesses.
- B. The Soils Assessment of a proposed development is not applied applicable when one or more of the following circumstances applies:
  - 1. the development proposal is located within the Residential/Growth District or the Industrial/Commercial District; or [note: Moved from Section 6.5D]
  - 2. the proposed land use will be development is proposed to be completely contained:
    - i. located in an existing building, and/or
    - ii. on an existing paved or disturbed area installed prior to the effective date of this Ordinance, and/or
    - iii. on an existing paved area installed at any time, for a non-residential purpose, in compliance with County regulations in existence at the time of the installation; or

3. a land use that complies with Sec. 6.3B.2 with the exception of entails an a one-time expansion of an existing paved area that meets the criteria described in Sec. 6.3B.2 and/or a one-time expansion of an existing building footprint by the lesser of either:
  - i. less than up to 1,000 square feet total, or
  - ii. up to 50% of the building footprint of an existing building and/or an existing paved area that meets the criteria described in Sec. 6.3B.2

A.C. \_\_\_\_ The following soils types will be combined into soil groups.

G. Emergency Service Availability

The purpose of this criterion is to assess the distance of potential site development to emergency services: fire department (4.5 points) and ambulance service (4.5 points).

Distance to Emergency Services

| Distance to Fire  | Points     | Distance to Ambulance | Points     |
|-------------------|------------|-----------------------|------------|
| Less than 2 miles | 0 points   | Less than 2 miles     | 0 points   |
| 2 to 5 miles      | 2.5 points | 2 to 5 miles          | 2.5 points |
| Over 5 miles      | 4.5 points | Over 5 miles          | 4.5 points |

Distances for Fire and Ambulance will be measured by vehicular miles from a subdivision entrance by the most direct route to the closest entrance of the appropriate fire or ambulance station.

**Section 6.5 Computation of Soils/Amenities Assessment**

- A. At the completion of evaluation of a site with the Soils and Amenities Assessment Criteria, there should be a total number of points awarded to each Assessment. Since the Soils Assessment utilized was based on a 100 points relative point value in itself, a minor conversion must be made to the total relative value. The Development Review System allots a maximum of 25 points to the Soils Assessment therefore the conversion to be made is expressed as follows:  $100 \times .25 = 25$  pts. (For example, if a parcel receives the maximum point value of 100 points, in actuality only 25 points will be awarded for the Soils Component of the Development Review System.)
- B. The Amenities Assessment has a 75 point maximum point value.
- C. The combined maximum total for both Assessments is 100 points. The most agriculturally significant parcel would rate 100; the most developable parcel would rate 0. A total of 60 points or less advances the application to the Compatibility Assessment Meeting.<sup>14, 17, 21</sup>

~~D. The Soils Assessment of a proposed development is not applied when the development proposal is located within the Residential/Growth District or the Industrial/Commercial District. [Note: moved to Section 6.3]~~

~~E.D.~~ Any land in the Rural District that is located on a primary or secondary road, as defined in the Comprehensive Plan, shall not have to process through the LESA points process for a commercial or industrial project and shall be advanced directly to the Compatibility Assessment Meeting.<sup>17, 21</sup>

6. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

7. Toxic Matter

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists. Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

8. Fire Hazards

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

| <u>CAPACITY</u> | <u>STORAGE</u> |
|-----------------|----------------|
| Liquids         | 60,000 gallons |
| Gasses          |                |
| - Above ground  | 150,000 SCF    |
| - Below ground  | 300,000 SCF    |

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.<sup>1</sup>

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

| Water Capacity per Container (Gallons) | Containers         |                                | Between Above Ground Containers (Feet)        |
|----------------------------------------|--------------------|--------------------------------|-----------------------------------------------|
|                                        | Underground (Feet) | Above Ground Containers (Feet) |                                               |
| 0 to 2,000                             | 25                 | 25                             | 3                                             |
| 2,000 to 30,000                        | 50                 | 50                             | 5                                             |
| 30,000 to 60,000                       | 50                 | 75                             |                                               |
| In excess of 60,000                    | 75                 | 100                            | ¼ the sum of diameters of adjacent containers |

9. Frontage Road

Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this ordinance.

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)

ROW LIMITS OF CONTROLLED ACCESS HIGHWAY



- \* Maximum 60' easement or dedication for frontage road
- \*\* 50' landscaped buffer strip
- \*\*\* Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.<sup>5</sup>

### **Section 8.10 Model Homes/Sales Offices<sup>23</sup>**

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.<sup>17,21</sup>

Model homes without staffed sales offices are permitted internally within the subdivision.<sup>12</sup>

### **Section 8.11 Petroleum Products Refining or Storage<sup>23</sup>**

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

### **Section 8.12 West Virginia Legal Fireworks<sup>23</sup>**

Sales of fireworks are ~~only~~ permitted in the ~~commercial~~-Industrial - Commercial, Residential - Light Industrial - Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts~~zones~~ provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.<sup>8</sup>

### **Section 8.13 Dormitory<sup>23</sup>**

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

## ARTICLE 12: MAP AND TEXT AMENDMENTS

### Section 12.1 Purpose

- A. These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- B. The County Commission shall refer any amendment or alteration of this Ordinance to the Planning Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.<sup>17, 21, 23, 25</sup>

### Section 12.2 Procedure for Amendment by County Commission<sup>1, 25</sup>

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.<sup>17, 21</sup>
- B. Before amending the Zoning Ordinance text or map, the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.<sup>17, 21, 25</sup>
- C. All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
  - 1. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
    - a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;  
*[Note: the amendment to the following subsections is also under consideration in Agricultural Uses and Related Amendments currently under review]*
    - a.b. Any property affected by the proposed zoning map amendment shall be posted ~~at least 30~~ not less than 20 and not more than 28 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and
    - b.c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail not less than 20 and not more than 28 ~~at least 30~~ days prior to the Public Hearing. The adjoining letters shall be mailed by the Department staff and shall state the time, date, and location of such hearing, as

well as, what new zone is being requested on this particular property. The letter shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.

2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.
- D. All amendments to the Zoning Ordinance Text require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended text amendments require a Public Hearing before the County Commission prior to a final determination.
1. Public Notice of the Public Hearing for a Zoning Text Amendment before the Planning Commission requires the following:
    - a. A legal advertisement describing the Sections of the Ordinance proposed to be revised, with a summary of the revision(s), and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.
  2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.

### **Section 12.3 Procedure for Map Amendment by Petition<sup>25</sup>**

#### **A. Map Amendments by Landowners**

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

[The procedure for processing a map amendment petition to change the zoning map designation of a property to the Planned Neighborhood Development district shall also include the applicable requirements of Article 5.](#)

Petitions for a map amendment initiated by landowners shall be submitted to the Planning Commission and shall contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
  - a. Comprehensive Plan compatibility of the proposed change.
  - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.<sup>17, 21</sup>

7. A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development (PND) district shall include a Preliminary PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this ordinance.

Planning Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission meeting. A complete petition, and related fees, shall be submitted to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, the Departments of Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

Notice of the Planning's Public Hearing shall be in accordance with Section 12.2 of this Ordinance. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forward to the County Commission within four weeks of final Planning Commission action.

**B. Map Amendments by the Planning Commission**

The procedure for processing a formal map amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. On such petitions a map amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
  - a. Comprehensive Plan compatibility of the proposed change.
  - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.<sup>17, 21</sup>

The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of the meeting at which the petition is presented to the County Commission. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least

Appendix A, Residential Site Development Standards Table [DRAFT 6/5/13]

| Zoning District                             | Land use                                                                              | Land Use Subtype                    | Minimum Lot Area (MLA) in sq. ft.** | Area per Dwelling Unit (ADU) in sq. ft. | Min. Lot Width | Maximum Building Height (feet)* | Setbacks (feet) |      |             |      | Parking / Drive Aisle Setbacks | Screened buffers (Sec. 4.11) |                            |                            |
|---------------------------------------------|---------------------------------------------------------------------------------------|-------------------------------------|-------------------------------------|-----------------------------------------|----------------|---------------------------------|-----------------|------|-------------|------|--------------------------------|------------------------------|----------------------------|----------------------------|
|                                             |                                                                                       |                                     |                                     |                                         |                |                                 | Front           | Side | Street Side | Rear |                                |                              |                            |                            |
| Residential Growth                          | Single family detached dwelling                                                       | Public/Central water and sewer      | 6,000                               | 10,000                                  | N/A            | 40                              | 25              | 12   | 15          | 20   | N/A                            | N/A                          |                            |                            |
|                                             |                                                                                       | Public/Central water or sewer       | 20,000                              | N/A                                     | N/A            | "                               | "               | "    | "           | "    |                                |                              |                            |                            |
|                                             |                                                                                       | No Public/Central water or sewer    | 40,000                              | N/A                                     | N/A            | "                               | "               | "    | "           | "    |                                |                              |                            |                            |
|                                             | Small lot single-family detached dwelling                                             | Public/Central water and sewer      | 3,200                               | 7,500                                   | 35             | 40                              | 20****          | 5    | 10          | 20   |                                |                              |                            |                            |
|                                             |                                                                                       | Public/Central water or sewer       | 3,200                               | 7,500                                   | N/A            | 40                              | 25              | 15** | 15          | 20   |                                |                              |                            |                            |
|                                             | Duplex dwelling unit                                                                  | Public/Central water and sewer      | N/A                                 | 10,000                                  | N/A            | "                               | "               | "    | "           | "    |                                |                              |                            |                            |
|                                             |                                                                                       | Public/Central water or sewer       | 1,400                               | 3,500                                   | N/A            | 40                              | 25              | 12** | 15          | 20   |                                |                              |                            |                            |
|                                             | Townhouse                                                                             | Public/Central water and sewer      | 1,400                               | 3,500                                   | N/A            | 40                              | 25              | 12** | 15          | 20   |                                |                              | 12' side, 15' front & rear | 12' side, 15' front & rear |
|                                             | Multi-family dwelling (See also Section 4.12)                                         | Public/Central water and sewer      | 20,000                              | 2,000                                   | N/A            | 40                              | 25              | 12** | 15          | 30   |                                |                              |                            |                            |
|                                             | Single-family dwelling with setbacks not previously stipulated by Planning Commission | Over 40,000 square feet --          | N/A                                 | N/A                                     | N/A            | 40                              | 25              | 12   | ‡           | 12   |                                |                              | N/A                        | N/A                        |
| 30,000 sq. ft. to 40,000 sq. ft.--          |                                                                                       | N/A                                 | N/A                                 | N/A                                     | 40             | 20                              | 10              | ‡    | 12          |      |                                |                              |                            |                            |
| Under 30,000 square feet --                 |                                                                                       | N/A                                 | N/A                                 | N/A                                     | 40             | 20                              | 8               | ‡    | 12          |      |                                |                              |                            |                            |
| Rural (See also Sec. 5.7)                   | Dwellings                                                                             |                                     | 40,000                              | N/A                                     | 100            | 35                              | 40              | 15   | ‡           | 50   | N/A                            | N/A                          |                            |                            |
|                                             | Single-family dwelling with setbacks not previously stipulated by Planning Commission | Over 2 acres --                     | N/A                                 | N/A                                     | N/A            | 35                              | 40              | 15   | ‡           | 50   |                                |                              |                            |                            |
|                                             |                                                                                       | 40,000 sq. ft. to 2 acres --        | N/A                                 | N/A                                     | N/A            | 35                              | 25              | 12   | ‡           | 12   |                                |                              |                            |                            |
|                                             |                                                                                       | 30,000 sq. ft. to 39,999 sq. ft. -- | N/A                                 | N/A                                     | N/A            | 35                              | 20              | 10   | ‡           | 12   |                                |                              |                            |                            |
|                                             |                                                                                       | under 30,000 sq. ft. --             | N/A                                 | N/A                                     | N/A            | 35                              | 20              | 8    | ‡           | 12   |                                |                              |                            |                            |
| See Residential Growth                      |                                                                                       |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Cluster Subdivision                         | Residential use that complies with the Development Review System                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Village                                     | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Residential / Light Industrial / Commercial | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Industrial-Commercial                       | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Neighborhood Commercial                     | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| General Commercial                          | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Highway Commercial                          | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Light Industrial                            | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Major Industrial                            | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Office / Commercial Mixed Use               | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |
| Planned Development                         | Residential uses                                                                      |                                     |                                     |                                         |                |                                 |                 |      |             |      |                                |                              |                            |                            |

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the ordinance for site development standards for certain land uses. This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance this table shall prevail. All dimensions are in feet unless otherwise indicated. \* Maximum height subject to Section 9.2 \*\* Exterior side only \*\*\* The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain. \*\*\*\* The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway. † See setback requirements noted in Sec. 2.2, definition of "Lot, Corner." ‡ For all lots approved prior to Sept. 1, 1989, lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'. NOTE: All detached accessory structures under 144 square feet in size - 6' setback. (Res Growth District) § In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence. [Note: the change to this section is also under consideration in other amendments currently under review]

Appendix B, Non-residential Site Development Standards Table [DRAFT 6/5/13]

| Zoning District                             | Development Type <sup>6</sup>           | Min. Lot Area (MLA)                                                      | Min. Lot Width | Max. Building Height <sup>7</sup> | Imper-vious Surface Limit | Building Setbacks                                                                                                                                |                                            |                 | Parking/Drive Aisle Setbacks <sup>9</sup>                                                                                                        |                                            |      | Distance (if Sec. 4.6 applies) | Buffers (Sec. 4.11) (Screened/Unscreened)                                              |       |       |       |       |       |       |  |  |
|---------------------------------------------|-----------------------------------------|--------------------------------------------------------------------------|----------------|-----------------------------------|---------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------|------|--------------------------------|----------------------------------------------------------------------------------------|-------|-------|-------|-------|-------|-------|--|--|
|                                             |                                         |                                                                          |                |                                   |                           |                                                                                                                                                  |                                            |                 |                                                                                                                                                  |                                            |      |                                | Adjacent lot is:                                                                       |       |       |       |       |       |       |  |  |
|                                             |                                         |                                                                          |                |                                   |                           | a Residential district, or any lot with a residence, school, church, or institution of human care                                                |                                            |                 | Commercial Use                                                                                                                                   |                                            |      |                                | Industrial Use                                                                         |       |       |       |       |       |       |  |  |
|                                             |                                         |                                                                          |                |                                   |                           | Front                                                                                                                                            | Side                                       | Rear            | Front                                                                                                                                            | Side                                       | Rear |                                | Front, Side, Rear                                                                      | Front | Side  | Rear  | Front | Side  | Rear  |  |  |
| Industrial - Commercial <sup>12</sup>       | Commercial sites 1.5 acres and smaller  | N/A                                                                      | N/A            | 75                                | 80%                       | 25'                                                                                                                                              |                                            |                 | 15                                                                                                                                               | 4                                          | 4    | 75                             | 50(U) or 15(S)                                                                         | N/A   | 10(S) | 10(S) | N/A   | 10(S) | 10(S) |  |  |
|                                             | Commercial sites greater than 1.5 acres | N/A                                                                      | N/A            | 75                                | 80%                       | 25'                                                                                                                                              | 50' (or 25' if adjacent to industrial use) |                 | 15                                                                                                                                               | 10                                         | 10   | 75                             | 50(U) or 15(S)                                                                         | N/A   | 10(S) | 10(S) | N/A   | 10(S) | 10(S) |  |  |
|                                             | Industrial                              | 3 acres <sup>13</sup>                                                    | N/A            | 75                                | 90%                       | 50' (or 25' if adjacent to industrial use)                                                                                                       |                                            |                 | 25                                                                                                                                               | 25' (or 20' if adjacent to industrial use) |      | 200                            | 200(U) and 20(S)                                                                       | 25(S) | 20(S) | 20(S) | N/A   | 20(S) | 20(S) |  |  |
| Residential / Light Industrial / Commercial | Commercial or Industrial                | N/A                                                                      | N/A            | 60                                | 80%                       | See Industrial - Commercial District                                                                                                             |                                            |                 |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
| Rural                                       | Churches                                | 2 acres                                                                  | 200            | 35                                | N/A                       | 25                                                                                                                                               | 50                                         | 50              |                                                                                                                                                  |                                            |      | N/A                            | 50(U) or 15(S)                                                                         | N/A   | 10(S) | 10(S) | N/A   | 10(S) | 10(S) |  |  |
|                                             | Schools, Grades K-12                    | Grades K-4: 10 acres+<br>Grades 5-8: 20 acres+<br>Grades 9-12: 30 acres+ | 500            | 35                                | N/A                       | 100                                                                                                                                              |                                            |                 | See Parking/Drive Aisle Setbacks for commercial sites greater or less than 1.5 acres, based on lot size in the Industrial - Commercial District. |                                            |      | N/A                            |                                                                                        |       |       |       |       |       |       |  |  |
|                                             | Hospitals                               | 10 acres                                                                 | 500            | 35                                | N/A                       | 100                                                                                                                                              |                                            |                 |                                                                                                                                                  |                                            |      | N/A                            |                                                                                        |       |       |       |       |       |       |  |  |
|                                             | Other Rural principal permitted uses    | 40,000 sq. ft.                                                           | 100            | 35                                | N/A                       | 40                                                                                                                                               | 50                                         | 50              |                                                                                                                                                  |                                            |      | N/A                            | If a commercial or industrial use, see Industrial - Commercial District; otherwise N/A |       |       |       |       |       |       |  |  |
|                                             | Commercial or Industrial <sup>14</sup>  |                                                                          |                |                                   |                           | See Industrial-Commercial District                                                                                                               |                                            |                 |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
| Village District                            | Commercial <sup>15</sup>                | N/A                                                                      | N/A            | 35                                | N/A                       | 25                                                                                                                                               | 10                                         | 40              | See Industrial-Commercial District                                                                                                               |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
|                                             | Industrial <sup>16</sup>                |                                                                          |                |                                   |                           | See Industrial-Commercial District                                                                                                               |                                            |                 |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
| Residential Growth                          | Commercial or Industrial <sup>17</sup>  |                                                                          |                |                                   |                           | See Industrial-Commercial District                                                                                                               |                                            |                 |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
| Neighborhood Commercial <sup>18</sup>       | Commercial                              | N/A                                                                      | N/A            | 35                                | 70%                       | 15' (min)<br>25' (max)                                                                                                                           | 10 <sup>f</sup>                            | 10 <sup>g</sup> | See Industrial-Commercial District                                                                                                               |                                            |      | 25                             | See Industrial - Commercial District                                                   |       |       |       |       |       |       |  |  |
| General Commercial <sup>19</sup>            | Commercial                              | N/A                                                                      | N/A            | 60                                | 80%                       | 20                                                                                                                                               | 10                                         | 25              |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
| Highway Commercial                          | Commercial                              | N/A                                                                      | N/A            | 60                                | 80%                       | 25                                                                                                                                               | 25                                         | 25              |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
| Light Industrial                            | Commercial or Industrial                | N/A                                                                      | N/A            | 60                                | 80%                       | 25                                                                                                                                               | 25                                         | 25              |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
| Major Industrial                            | Commercial                              | N/A                                                                      | N/A            | 75                                | 90%                       | 25                                                                                                                                               | 10                                         | 50              |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
|                                             | Industrial                              | 3 acres <sup>13</sup>                                                    | N/A            | 75                                | 90%                       | 25                                                                                                                                               | 50                                         | 50              |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
| Office / Commercial Mixed Use               | Commercial                              | N/A                                                                      | N/A            | 60                                | 80%                       | 15' (min)<br>25' (max)                                                                                                                           | 10 <sup>f</sup>                            | 10 <sup>g</sup> |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |
| Planned Development                         | Commercial                              | 3 acres                                                                  |                |                                   |                           | See General Commercial District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5). |                                            |                 |                                                                                                                                                  |                                            |      |                                |                                                                                        |       |       |       |       |       |       |  |  |

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the ordinance for site development standards for certain land uses.

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All dimensions are in feet unless otherwise indicated.

<sup>6</sup> Maximum building height is subject to Section 9.2. ~~These yard requirements are also for an approved commercial or industrial use proposed for any other zone. [Source: Section 5.6(4)]~~

<sup>7</sup> If land use(s) approved via Neighborhood Compatibility Meeting process or Development Review System process in accordance with the Zoning and Development Review this Ordinance.

<sup>11</sup> MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Section 5.6(e)]

<sup>12</sup> For schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly. [Source: 5.7(b)]

<sup>13</sup> Village Commercial setbacks may be reduced as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood. Side and rear yard setbacks - 6' for an existing structure to be used for a land use as provided in Sec. 5.10 [Source: 5.10a]

<sup>14</sup> Setback may be reduced if adjacent to industrial use.

<sup>15</sup> For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

<sup>16</sup> A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line.

<sup>17</sup> For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

<sup>18</sup> For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

<sup>19</sup> Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) Distance requirements do not apply.

<sup>20</sup> Article 5 also provide supplemental standards for certain development types in this district.

**APPENDIX C: PERMITTED USES TABLE [DRAFT 6/6/13]**

*This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance shall prevail.*

- P = Permitted use
  - NP = Not permitted use
  - PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance
  - \* = Limited permitted or conditional uses listed in Permitted Uses Table.
  - \*\* = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4
- [Note: Blue text indicates proposed new districts and new land use name, or other text changes]  
 [Red text indicates deleted text]

| Land Use                                    | NC             | GC | HC | LI | MI | PND <sup>1</sup> | OC | R  | RG | R-LI-C          | I-C             | V                | Additional Standards |
|---------------------------------------------|----------------|----|----|----|----|------------------|----|----|----|-----------------|-----------------|------------------|----------------------|
| <b>Residential Uses</b>                     |                |    |    |    |    |                  |    |    |    |                 |                 |                  |                      |
| Dwelling, Single Family                     | P              | NP | NP | NP | NP | P                | NP | P  | P  | P               | NP              | P                |                      |
| Dwelling, Single Family, Small Lot          | P              | NP | NP | NP | NP | P                | P  | NP | P  | P               | NP              | NP               |                      |
| Dwelling, Two Family                        | NP             | NP | NP | NP | NP | P                | NP | P  | P  | P               | NP              | P                |                      |
| Dwelling, Duplex                            | NP             | NP | NP | NP | NP | P                | P  | NP | P  | P               | NP              | NP               |                      |
| Dwelling, Townhouse                         | <del>PNP</del> | NP | NP | NP | NP | P                | P  | NP | P  | P               | NP              | NP               |                      |
| Dwelling, Multi-Family                      | <del>PNP</del> | NP | NP | NP | NP | P                | P  | NP | P  | <del>NP</del> P | P               | <del>NP</del> P  |                      |
| Day Care Center, Small                      | P              | NP | NP | NP | NP | P                | NP | P  | P  | NP              | NP              | NP               |                      |
| Mobile Home                                 | NP             | NP | NP | NP | NP | NP               | NP | NP | P  | P               | NP              | NP               |                      |
| Mobile Home Park                            | NP             | NP | NP | NP | NP | NP               | NP | NP | P  | P               | NP              | NP               | Sec. 8.10            |
| Model Homes/Sales Office                    | P              | PC | NP | NP | NP | P                | P  | P  | P  | P               | NP              | NP               |                      |
| <b>Home Uses</b>                            |                |    |    |    |    |                  |    |    |    |                 |                 |                  |                      |
| Home Occupation, Level 1                    | P              | NP | NP | NP | NP | P                | P  | P  | P  | P               | P               | P                | Article 4A           |
| Home Occupation, Level 2                    | P              | NP | NP | NP | NP | P                | P  | P  | P  | P               | P               | P                | Article 4A           |
| Cottage Industry                            | P              | NP | NP | NP | NP | P                | P  | P  | P  | P               | P               | P                | Article 4A           |
| <b>Institutional Uses</b>                   |                |    |    |    |    |                  |    |    |    |                 |                 |                  |                      |
| Airport                                     | NP             | NP | NP | P  | P  | NP               | NP | NP | NP | NP              | PC              | NP               |                      |
| Church                                      | P              | P  | P  | P  | PC | P                | P  | P  | NP | P               | NP              | <del>PC</del> P  |                      |
| Convention Center                           | NP             | P  | P  | P  | PC | P                | P  | NP | NP | P               | PC              | NP               |                      |
| Cultural Facility                           | P              | P  | P  | P  | PC | P                | P  | NP | P  | P               | P               | PC               |                      |
| Day Care Center, Large                      | P              | P  | P  | P  | PC | P                | P  | NP | NP | P               | P               | PC               |                      |
| Electric Vehicle Charging Station           | P              | P  | P  | P  | P  | P                | P  | P  | P  | P               | NP              | NP               |                      |
| Elementary or Secondary School              | P              | P  | P  | P  | P  | P                | P  | P  | P  | P               | P               | P                | Sec. 4.7             |
| Essential Utility Equipment                 | P              | P  | P  | NP | NP | P                | P  | P  | P  | P               | NP              | P                |                      |
| Group Residential Facility                  | P              | P  | P  | NP | NP | P                | P  | P  | P  | P               | NP              | P                |                      |
| Group Residential Home                      | P              | P  | P  | NP | NP | P                | P  | P  | P  | P               | NP              | P                |                      |
| Heliport                                    | <del>ENP</del> | PC | PC | P  | P  | PC               | PC | NP | NP | PC              | PC              | NP               |                      |
| Hospital                                    | NP             | P  | P  | P  | PC | P                | P  | P  | P  | P               | NP              | NP               |                      |
| Nursing or Retirement Home                  | PC             | P  | P  | P  | NP | P                | P  | NP | P  | P               | NP              | NP               |                      |
| Park                                        | P              | P  | P  | P  | NP | P                | P  | P  | P  | P               | NP              | P                |                      |
| Performing Arts Theater                     | P              | P  | P  | P  | P  | P                | P  | NP | NP | P               | P               | PC               |                      |
| Preschool                                   | P              | P  | PC | PC | PC | P                | P  | P  | P  | P               | P               | P                |                      |
| Public Safety Facility                      | P              | P  | P  | P  | P  | P                | P  | P  | P  | P               | P               | <del>NP</del> PC |                      |
| Publicly Owned Facility                     | P              | P  | P  | P  | P  | P                | P  | NP | NP | P               | P               | NP               |                      |
| Recycling Drop-Off Center                   | PC             | P  | P  | P  | P  | P                | P  | NP | NP | P               | P               | NP               |                      |
| Residential Care Home                       | P              | P  | P  | NP | NP | P                | P  | P  | P  | P               | NP              | P                |                      |
| School, College or University               | NP             | P  | P  | P  | NP | P                | P  | NP | NP | P               | NP              | NP               |                      |
| School, Vocational or Professional          | NP             | P  | P  | P  | NP | P                | P  | NP | NP | P               | P               | NP               |                      |
| Vocational and Training Facility for Adults | P              | P  | P  | P  | P  | P                | P  | P  | P  | P               | NP              | NP               | Sec. 8.9             |
| <b>Industrial</b>                           |                |    |    |    |    |                  |    |    |    |                 |                 |                  |                      |
| Heavy Equipment Repair                      | NP             | NP | NP | PC | P  | NP               | NP | NP | NP | NP              | <del>PC</del> P | NP               |                      |
| Heavy Industrial Uses                       | NP             | NP | NP | NP | P  | NP               | NP | NP | NP | NP              | P               | NP               | Sec. 8.9             |

<sup>1</sup> Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance  
<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

**APPENDIX C: PERMITTED USES TABLE [DRAFT 6/6/13]**

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[Note: Blue text indicates proposed new districts and new land use name, or other text changes]

[Red text indicates deleted text]

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

<sup>1</sup> Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

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| Land Use                                                      | NC | GC | HC | LI  | MI  | PND <sup>1</sup> | OC | R  | RG | R-LI-C | I-C | V  | Additional Standards  |
|---------------------------------------------------------------|----|----|----|-----|-----|------------------|----|----|----|--------|-----|----|-----------------------|
| Automobile, light truck and light trailer rentals, outdoor    | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Bail Bond Services                                            | NP | P  | P  | P   | P   | NP               | NP | NP | NP | PC     | P   | NP |                       |
| Branch Bank                                                   | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | PC |                       |
| Bank with drive-through facility                              | PC | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Bar / Nightclub                                               | PC | P  | P  | P   | NP  | P                | P  | NP | NP | P      | P   | PC |                       |
| Barber/Beauty Shop, Limited                                   | P  | P  | P  | P   | NP  | P                | P  | NP | NP | P      | P   | PC | Sec. 8.3              |
| Bed and Breakfast                                             | P  | NP | NP | NP  | NP  | NP               | NP | P  | NP | NP     | NP  | PC |                       |
| Business Equipment Sales and Service                          | PC | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Building Maintenance Services                                 | PC | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Building Materials and Supplies                               | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Campground                                                    | PC | P  | NP | NP  | NP  | P                | P  | NP | NP | P      | P   | NP |                       |
| Commercial Uses <i>[use was formerly shown as deleted]</i>    | *  | *  | *  | *   | *   | *                | *  | *  | ** | P      | P   | *  | Sec. 8.9              |
| Car Wash                                                      | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Commercial Blood Plasma Center                                | NP | P  | P  | P   | P   | PC               | PC | NP | NP | PC     | P   | NP |                       |
| Contractor with no outdoor storage                            | P  | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Contractor with outdoor storage                               | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Retail Food Convenience Store, Limited                        | P  | P  | P  | P   | PC  | P                | P  | NP | NP | PPC    | P   | NP | Sec. 5.8C (RLIC only) |
| Convenience Store                                             | PC | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | PC |                       |
| Country Inn                                                   | P  | P  | P  | P   | NP  | P                | P  | NP | NP | P      | P   | PC |                       |
| Custom Manufacturing                                          | P  | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | PC |                       |
| Dry cleaning and laundry services pick-up-station; laundromat | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | PC |                       |
| Dry cleaning and laundry facility services                    | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Equipment Rental, Sales, or Service                           | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Exterminating Services                                        | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | PC |                       |
| Florist                                                       | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Food Preparation                                              | P  | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Hotel/Motel                                                   | NP | P  | P  | P   | NP  | P                | P  | NP | NP | P      | P   | NP |                       |
| Gambling Facilities                                           | NP | NP | NP | PNP | PPC | NP               | NP | NP | NP | NP     | PPC | NP | Sec. 4.4G             |
| Gas Station, Limited                                          | P  | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Gas Station                                                   | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Gas Station, Large                                            | NP | PC | P  | P   | P   | PC               | PC | NP | NP | P      | P   | NP |                       |
| Golf Course                                                   | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Grocery Store                                                 | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Horse Racing Facility                                         | NP | NP | NP | P   | P   | NP               | NP | NP | NP | P      | P   | NP | Sec. 8.4              |
| Kennel                                                        | NP | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Medical/Dental/Optical Office, Small                          | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Medical/Dental/Optical Office                                 | NP | P  | P  | P   | PC  | P                | P  | NP | NP | PC     | P   | NP |                       |
| Mobile home, boat and trailer sales                           | NP | P  | P  | P   | P   | P                | P  | NP | NP | P      | P   | NP |                       |
| Movie Theater                                                 | NP | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |
| Non/Not for-Profit Commercial Uses                            | P  | P  | P  | P   | PC  | P                | P  | NP | NP | P      | P   | NP |                       |

<sup>1</sup> Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance  
<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

**APPENDIX C: PERMITTED USES TABLE [DRAFT 6/6/13]**

~~This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance shall prevail.~~

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district and/or other requirements of this ordinance

\* = Limited permitted or conditional uses listed in Permitted Uses Table.

\*\* = Accessory use to a planned residential community, if permitted pursuant to Sec. 5.4

[Note: Blue text indicates proposed new districts and new land use name, or other text changes]

[Red text indicates deleted text]

| Land Use                                                                                          | NC             | GC | HC | LI | MI | PND <sup>1</sup> | OC | R  | RG | R-LI-C | I-C | V     | Additional Standards  |
|---------------------------------------------------------------------------------------------------|----------------|----|----|----|----|------------------|----|----|----|--------|-----|-------|-----------------------|
| Non-Profit Community Centers                                                                      | P              | P  | P  | P  | PC | P                | P  | P  | NP | P      | P   | NP    |                       |
| Parking, Commercial Offsite Accessory                                                             | NP             | P  | P  | P  | P  | P                | P  | NP | NP | P      | P   | NP    |                       |
| Pawn Shop Services                                                                                | NP             | P  | P  | P  | P  | P                | P  | NP | NP | P      | P   | NP    |                       |
| Personal Services                                                                                 | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | PC    |                       |
| Professional Office                                                                               | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | PC    |                       |
| Restaurant, Fast Food, Limited                                                                    | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | PC    |                       |
| Restaurant, Fast Food                                                                             | PC             | P  | P  | P  | PC | P                | P  | NP | NP | PPC    | P   | NP    | Sec. 5.8C (RLIC only) |
| Restaurant, Fast Food, Drive-Through                                                              | NP             | P  | P  | P  | PC | PC               | P  | NP | NP | PPC    | P   | NP    | Sec. 5.8C (RLIC only) |
| Restaurant, Limited                                                                               | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | PC    |                       |
| Restaurant                                                                                        | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | NP    |                       |
| Retail Sales Limited                                                                              | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | NP    |                       |
| Retail Store Sales and Services, General                                                          | <del>PNP</del> | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | NP    |                       |
| Retail Store, Large                                                                               | NP             | PC | P  | PC | PC | PC               | PC | NP | NP | PC     | PC  | NP    |                       |
| Shipping and Mailing Services                                                                     | P              | P  | P  | P  | PC | P                | P  | NP | NP | P      | P   | NP    |                       |
| Storage, Commercial                                                                               | NP             | P  | P  | P  | P  | P                | P  | NP | NP | P      | P   | NP    |                       |
| Veterinary Services                                                                               | P              | P  | P  | P  | PC | P                | P  | P  | NP | P      | P   | NP    |                       |
| Wireless telecommunications facilities                                                            | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P     | Article 4B            |
| <b>Agricultural Uses</b>                                                                          |                |    |    |    |    |                  |    |    |    |        |     |       |                       |
| Agricultural Uses as defined in Article 2                                                         | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P     |                       |
| Agricultural Repair Center                                                                        | NP             | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP    |                       |
| Agricultural Tourism                                                                              | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P     | Sec. 8.5              |
| Farm Brewery or Winery                                                                            | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | NP PC | Sec. 8.6              |
| Farm Market                                                                                       | P              | P  | P  | P  | PC | P                | P  | P  | NP | P      | P   | P     |                       |
| Farm Vacation Enterprise                                                                          | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P     |                       |
| Feed and/or Farm Supply Center                                                                    | PC             | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP    |                       |
| Horticultural Nurseries and Commercial Greenhouses                                                | P              | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP    |                       |
| Landscaping Business                                                                              | P              | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP    |                       |
| Rental of Existing Farm Building for Commercial Storage (structure must have existed for 5 years) | NP             | P  | P  | P  | P  | P                | P  | P  | NP | P      | P   | NP    |                       |
| <b>Accessory Uses</b>                                                                             |                |    |    |    |    |                  |    |    |    |        |     |       |                       |
| Accessory Uses                                                                                    | P              | P  | P  | P  | P  | P                | P  | P  | P  | P      | P   | P     |                       |

<sup>1</sup> Note: the Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this ordinance

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

**Proposed New Commercial Zoning Districts and Related Amendments to the Zoning and Land Development Ordinance**

**Section 2.2: Definitions**

Add (or amend) the following definitions:

|                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
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| Airport                                                    | Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities, and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance facilities, aviation instruction facilities, and heliports when part of a larger airport facility. |
| Appliance Sales                                            | Use of a site for indoor sale of nonportable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.                                                                                                                                                                                                                                                                                                                                                                                        |
| Art Gallery or Artist Studio                               | The use of a site for (a) an establishment engaged in the sale or exhibit of art works including but not limited to paintings, sculpture, knitted goods, or pottery; and/or (b) work space for one or more artists, artisans, or craftspersons, who may offer instruction in the creation of art works.                                                                                                                                                                                                                                                       |
| Automobile parts, supplies and tire stores                 | Stores that sell new automobile parts, tires, and accessories. This use includes installation of new tires.                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Automobile repair, sales and service                       | The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.                                                                                                                                                                                                                                                                     |
| Automobile, light truck and light trailer rentals, indoor  | Rental of automobiles, light trucks, light trailers, and vans, including a rental office but not including parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas. <b>This use is conducted indoors with no outdoor storage of vehicles to be rented.</b>                                                                                                                                                                                                                                  |
| Automobile, light truck and light trailer rentals, outdoor | Rental of automobiles, light trucks, light trailers, and vans, including a rental office and incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.                                                                                                                                                                                                                                                                                                                            |
| Bail Bond Services                                         | An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.                                                                                                                                                                                                                                                                                                                                                                            |
| Bank with drive-through facility                           | A bank that includes provisions for the conduct of banking services directly to the occupants of motor vehicles.                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Bar / Nightclub                                            | An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.                                                                                                                                                                                                                                                                           |

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| Bicycle Parking Space                | A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.                                                                                                                                                                                                                                                                                                                              |
| Bank                                 | A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. A bank does not include the Pawn Shop Services land use.                                                                                                                                                                                                                                          |
| Building Maintenance Services        | An establishment primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.                                                                                                                                                                                                                                                                              |
| Building Materials and Supplies      | An establishment which sells goods relating to construction which require a large floor area such as lumber, appliances, electrical supplies and plumbing supplies.                                                                                                                                                                                                                                                                                                                           |
| Business Equipment Sales and Service | An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.                                                                                            |
| Campground                           | An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents, cabins and/or lodges. A camp ground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park as defined in this ordinance.                                                          |
| Car Wash                             | A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.                                                                                                                                                                                                                       |
| Commercial Blood Plasma Center       | The use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. This land use does not include a blood bank.                                                                                                                                                                                                                                                                                       |
| Contractor with no outdoor storage   | Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area other than incidental storage.                                                  |
| Contractor with outdoor storage      | Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers. |

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| Convenience Store                                       | An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.                                                                                                                                                                                        |
| Convention Center                                       | A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.                                                                                                                       |
| Custom Manufacturing                                    | Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking. |
| Dry cleaning and laundry facility                       | A facility at which clothing and other fabrics are dry-cleaned or laundered for customers, utilizing processes which are in compliance with applicable state and federal laws.                                                                                                                                                                                                                                                                     |
| Dry cleaning and laundry pick-up station;<br>laundromat | <del>An establishment or business maintained for the pickup and delivery of dry cleaning and/or laundry, and/or that provides self-service machines for use by customers for the washing or drying of clothes or other fabrics. This use does not include the maintenance or operation of any other types of laundry or dry-cleaning equipment or machinery on the premises. [Note: redundant definition]</del>                                    |
| Dry cleaning and laundry services                       | The use of a site for customer drop-off and pickup of clothing or fabrics, to be laundered or dry-cleaned at an offsite location. This use does not include use of a site as a Dry Cleaning and Laundry Facility.                                                                                                                                                                                                                                  |
| Dwelling, Single Family, Small Lot                      | A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot as required by this ordinance.                                                                                                                                                                                                                                                                                                   |
| Electric Vehicle Charging Station                       | A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle.                                                                                                                                                                                      |
| Equipment Rental, Sales, or Service                     | The use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships and construction equipment dealerships, <del>and mobile home sales establishments.</del>                                                                     |
| Exterminating Services                                  | The use of a site for the eradication or control of rodents, insects, or other pests with incidental storage on sites other than where the service is rendered.                                                                                                                                                                                                                                                                                    |
| Food Preparation                                        | An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. This use includes food preparation for catering.                                                                                                                                                                                                                |
| Gambling Facilities                                     | The operation or conducting of any games played with cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. This definition does not apply to games of chance                                                                            |

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| Gas Station           | operated by charitable organizations licensed under West Virginia state law. Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; a car wash; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a "Gas Station, Large" if it exceeds any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area. |
| Gas Station, Large    | A gas station (as defined in this ordinance) exceeding any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Gas Station, Limited  | A gas station (as defined in this ordinance) limited to two fuel pump islands and a total of two fuel pumps. A Gas Station, Limited land use may include as an accessory use a convenience store with a gross floor area not to exceed 1,000 square feet <del>gross floor area</del> .                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Golf Course           | A facility <del>other than a miniature golf course</del> for the playing of golf. A golf course may include a clubhouse with rest rooms and locker rooms, may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Grocery Store         | An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores. <del>A grocery store may include a pharmacy as an accessory use. [unnecessary]</del>                                                                                                                                                                                                                                                                                                                                                                                     |
| Gross Floor Area      | The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Heavy Industrial Use  | Manufacturing or other enterprises with significant external effects including but not limited to noise, dust, glare, odors or vibrations, or which <del>op</del> pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.                                                                                                                                                                                                                                                                                   |
| Helipad               | A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| Heliport              | An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| Horse Racing Facility | A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals                                                                                                                                                        |

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|                                                    | incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Hotel/Motel                                        | A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn as defined in this ordinance. A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.                                                                                                                                                                                                                                                |
| Kennel (replaces existing definition in ordinance) | The boarding, breeding, raising, grooming, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain or as part of the operations of a not-for-profit organization.                                                                                                                                                                                                                                                                                                                                                                             |
| Manufacturing, Heavy                               | An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use. |
| Manufacturing, Limited                             | The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.                                                                                                                                                                                                                                                                          |
| Medical/Dental/Optical Office                      | A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.                                                                                                                                                                                                                                                                  |
| Mobile home, boat and trailer sales                | Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.                                                                                                                                                                                                                                                                                                                                                                 |
| Movie Theater                                      | A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.                                                                                                                                                                                                                                              |
| Parking, Commercial Offsite Accessory              | Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.                                                                                                                                                                                                                                                                                                                                                                                               |
| Pawn Shop Services                                 | An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.                                                                                                                                                                                                                                                                                                                                                                     |
| Performing Arts                                    | An establishment for the performing arts with seating for audiences. Such establishments may                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

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| Theater                              | include related services such as food and beverage sales and other concessions. Incidental use of a performing arts theater for community events is permitted. This use does not include an adult use or a bar/nightclub.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Personal services                    | Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services (as defined in this ordinance); duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.                                                                                                                                                         |
| Printing and Publishing              | A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and other printed matter.                                                                                                                                                                                                                                                                                                                                                               |
| Professional Office                  | A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a restaurant or coffee shop. This land use does not include a Medical/Dental/Optical Office.                                                                                                                                                                                                                                                                                                                                      |
| Recycling Drop-Off Center            | A building or site used for a drop-off location for temporary storage of recyclable, recoverable or reuseable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. This land use is intended for household or consumer use rather than commercial or industrial use. <del>The area dedicated a Recycling Drop-Off Center is limited to 1,000 square feet.</del>                                                                                                                                                                                                                                                                                                      |
| Restaurant                           | A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building, and where food sales constitute more than 50 percent of the gross sales receipts for food and beverages. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub.                                                                                                                                                                                                                                                                                  |
| Restaurant, Fast Food                | Any establishment whose principal business is the sale of foods and/or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles is classified as a Restaurant, Fast Food, Drive-Through. This use may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the use Bar / Nightclub. |
| Restaurant, Fast Food, Drive Through | A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Retail sales, limited                | Establishments of up to 10,000 square feet or fewer of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |

building materials and/or supplies, sales, or rental; and food sales or markets. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores. This use does not include Convenience Store, and does not include any other use specifically classified in another definition herein.

Retail Sales and Services, General

A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.

Retail Store, Large

A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 100,000 square feet of gross floor area. In calculating gross floor area, ancillary outdoor storage or merchandise display areas are included. For the purpose of determining the applicability of the 100,000 square feet of floor area, the aggregate square footage is included for all adjacent buildings operated by one company. A Retail Store, Large that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores which would not otherwise be classified as a Retail Store, Large that are connected by common walls as part of a shopping center with shared parking facilities are not included in this definition. If a shopping center includes a store which meets the definition of Retail Store, Large, the entire shopping center shall be treated as a Retail Store, Large for the purposes of applicable ordinances.

School, Vocational or Professional

A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students.

Shipping and Mailing Services

Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. This use does not include major processing of mail or packages or bulk mailing distribution centers, and does not include facilities owned or operated by governmental agencies such as the United States Postal Service.

Shooting Range, Indoor

A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure. The operations and design and design of an outdoor shooting range meet all applicable National Rifle Association standards.

Shooting Range, Outdoor

The use of land for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of target practice, sport shooting, military/law enforcement training, mock war games, or temporary competitions. The operations and design and design of an outdoor shooting range meet all applicable National

Rifle Association standards, and the range must shall the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this ordinance. This land use does not include Hunting, Shooting, Archery and Fishing Clubs and general hunting.

**Shopping Center** A group of retail and/or other commercial establishments that is planned, constructed and managed as a total entity.

**Storage, Commercial** An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.

**Transportation Terminal** The use of a site for the provision of a facility for the loading, unloading, or interchange of passengers, baggage, or incidental freight or shipped materials between modes of transportation, and includes bus terminals, railroad stations, airport terminals, and public transit facilities. This use does not include long-term storage of shipped items.

**Vehicle Storage** The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.

**Warehousing and Distribution, General** Use of a site for the storage of goods, and sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. This use includes major distribution centers, frozen food lockers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities. Facilities may be characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors.

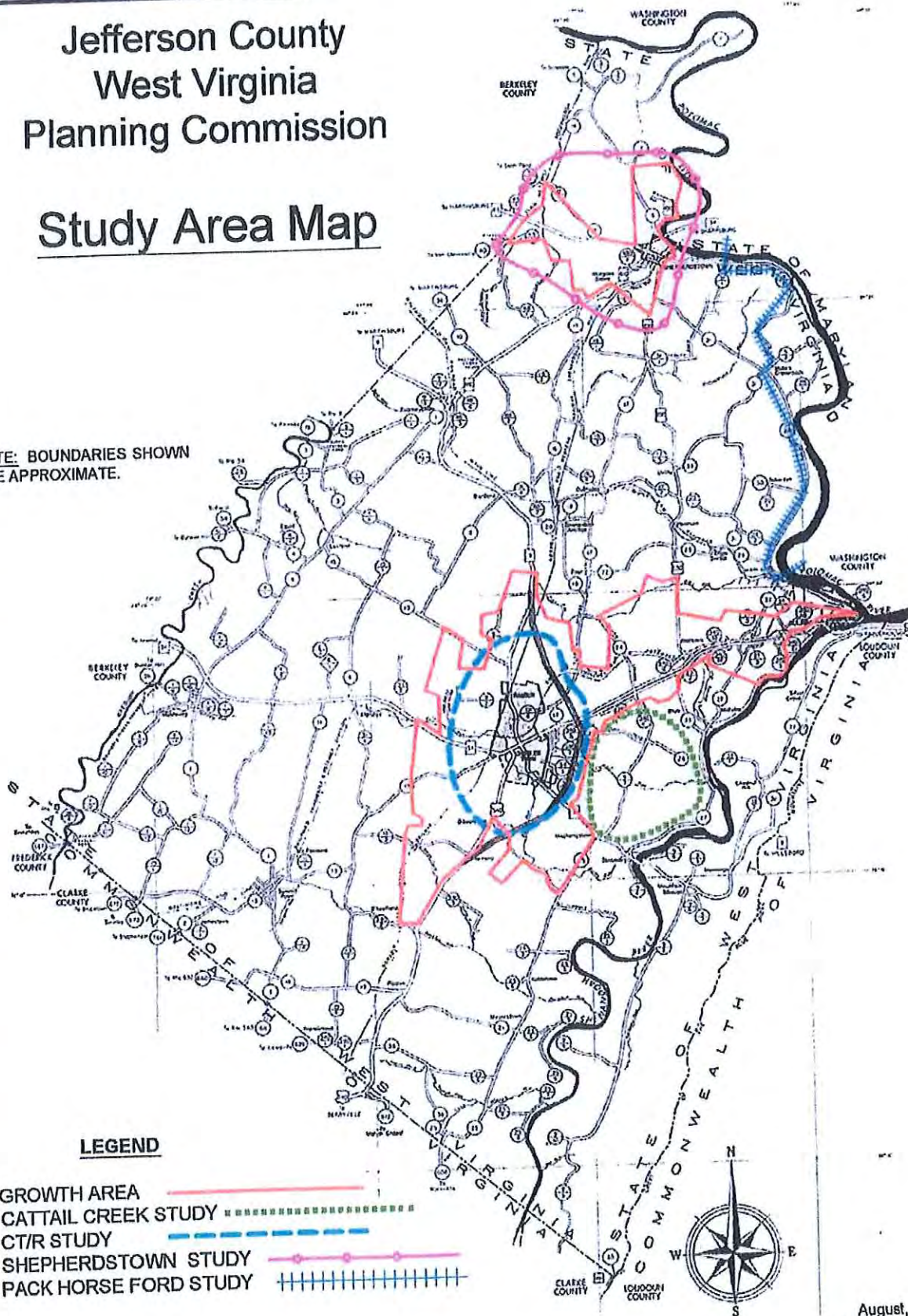
**Warehousing and Distribution, Limited** Use of a site for the small scale storage of goods, and sale of goods to other businesses for resale. Wholesale and warehouse areas are will be no more than 50,000 square feet in area and operate during conventional business hours. Outdoor storage is limited to an area of 1,000 square feet. This use does not include major distribution centers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities, or a use described as a Storage, Commercial facility.

# Jefferson County West Virginia Planning Commission

## Study Area Map

NOTE: BOUNDARIES SHOWN  
ARE APPROXIMATE.

- LEGEND**
- 1. GROWTH AREA ———
  - 2. CATTAIL CREEK STUDY - - - - -
  - 3. CT/R STUDY - - - - -
  - 4. SHEPHERDSTOWN STUDY - - - - -
  - 5. PACK HORSE FORD STUDY +++++



August, 2003  
NOT TO SCALE

# AGENDA REQUEST FORM

Name: Sheriff Dougherty

Department or Entity: Jefferson County Sheriff Dept.

Estimation of amount of time needed for appointment: 20 min.

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject:

Present the 2012-2013 Report of the Jefferson County Sheriff's Office.

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): None at this time

Are documents attached?

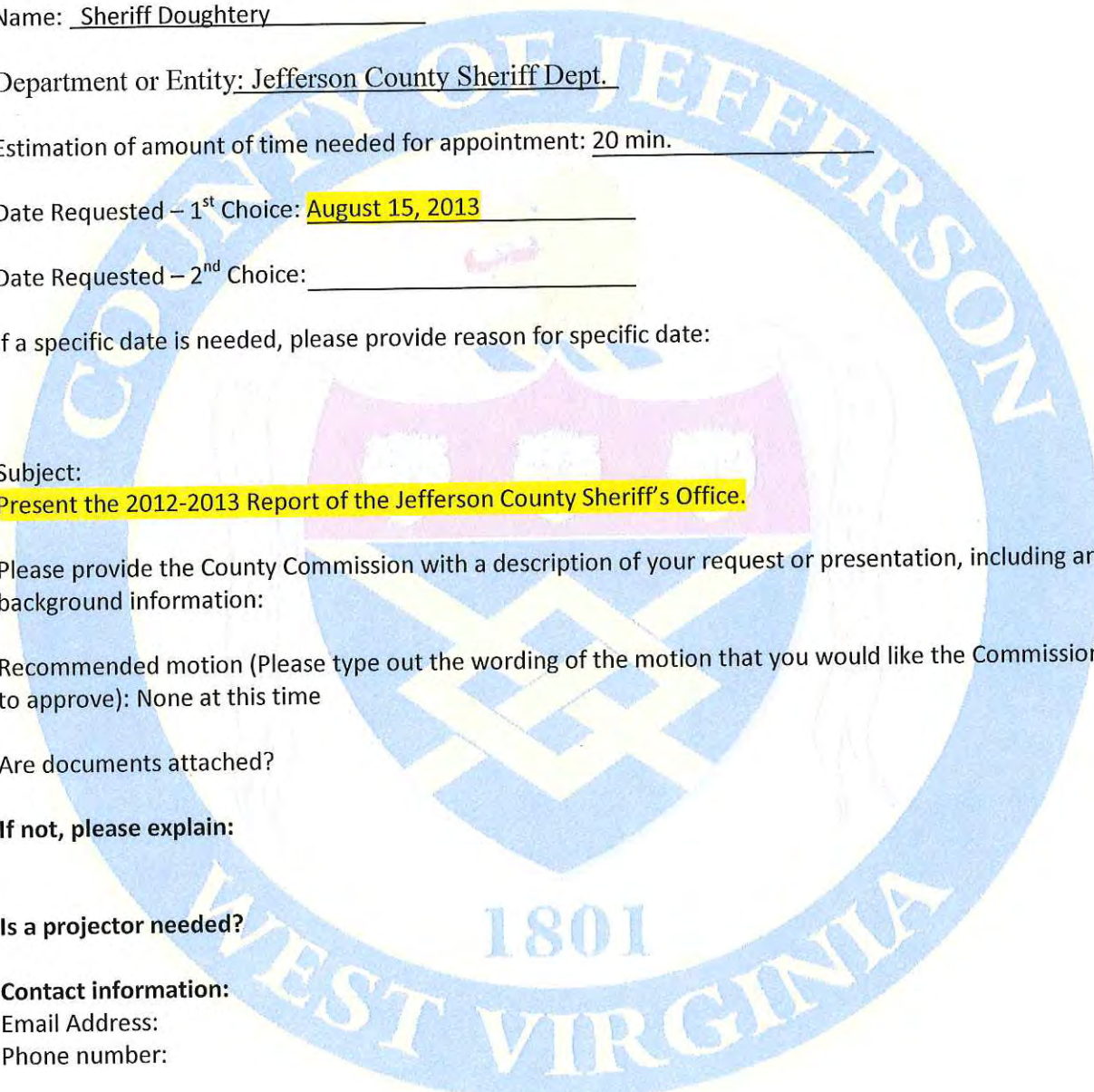
If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



# AGENDA REQUEST FORM

Name: Lynn Fields

Department or Entity: Probate

Estimation of amount of time needed for appointment: 10 min.

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject:

1. Special Session to approve and close estates
2. Set a date for a special session for Probate matters – suggested dates are August 27, or 28, 2013 or a date suggested by the Commission in September.

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

1. The Probate Office is requesting the Commission approve for closure several estates that did not meet the time requirements for the July term.
2. A special session, not on a Commission meeting day, is required to deal with a variety of probate issues. I estimate this will take approximately 3 hours.

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

I move to approve the estates for closure as presented by the Deputy Probate Clerk.

Are documents attached?

**If not, please explain:**

**Is a projector needed?**

**Contact information: Lyn Fields**

Email Address: lfields@jeffersoncountywv.org

Phone number: 304-728-3210

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for Dan Ryan Builders, LLC – The Preserve at Barleywood Subdivision, Lots 1-55 & 3 Residue Lots (File #04-16) – Letter of Credit #3078760 with Bank of America, Rockville, Maryland.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$251,697.00 from the construction bond amount for Dan Ryan Builders, LLC – The Preserve at Barleywood Subdivision, Lots 1-55 & 3 Residue Lots (File #04-16).

Attachments: Construction Bond Release Letter  
Bond Release Request Report  
Site Map



## 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

*Dale Manuel*

VICE PRESIDENT

*Walt Pellish*

August 15, 2013

COMMISSIONER

*Jane Tabb*

Ms. Denita Pjanic

Assistant Vice President

COMMISSIONER

*Patsy Noland*

Bank of America Home Builder Division

FL1-400-06-10

101 E. Kennedy Blvd.

COMMISSIONER

*Lyn Widmyer*

10<sup>th</sup> Floor

Tampa, Florida 33543

RE: Irrevocable Letter of Credit #3078760 dated November 29, 2005 Construction Bond Surety for Dan Ryan Builders - The Preserve at Barleywood, Lots 1-55 & 3 Residues (File #04-16).

Dear Ms. Pjanic:

The Jefferson County Commission authorizes a complete release of the remaining \$251,697.00 construction bond amount for Dan Ryan Builders – The Preserve at Barleywood, Lots 1-55 & 3 Residue. The project is located on the west side of Ambler Road (Route 51/2). The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$1,051,203.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Dale Manuel, President  
Jefferson County Commission

DM:rfb

cc: Mr. Matthew R. Powell,  
Land Development Manager  
Dan Ryan Builders  
60 Thomas Johnson Drive  
Frederick, MD 21702  
Department of Engineering

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*

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

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 07 / 05 / 2013

J.C.P.C. File No. 04 - 16

Consultant/Engineer/Firm Name: DAN RYAN BUILDERS

Mailing Address: 60 THOMAS JOHNSON DRIVE

City: FREDERICK State: MD Zip: 21702

Contact Person: MATTHEW POWELL Phone: 301-696-0200

Project/Subdivision Name: THE PRESERVES OF BARLEYWOOD

Section/Phase: \_\_\_\_\_ Lots: \_\_\_\_\_

Review Comments:

The bond release/reduction is Approved as Submitted. \_\_\_\_\_ The bond release/reduction request is Denied.

\_\_\_\_\_ Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

\_\_\_\_\_ Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

\_\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: ALL REMAINING ITEMS APPEAR COMPLETE, RECOMMEND RELEASE OF BOND

**Approved for:**  
 BOND RELEASE  
 By: [Signature] Date: 07/10/13  
 County Engineer

Original Bond Amt. \$ 914,090 + 15% Cont. \$ 137,114 = Total Original Bond Amt. \$ 1,051,204

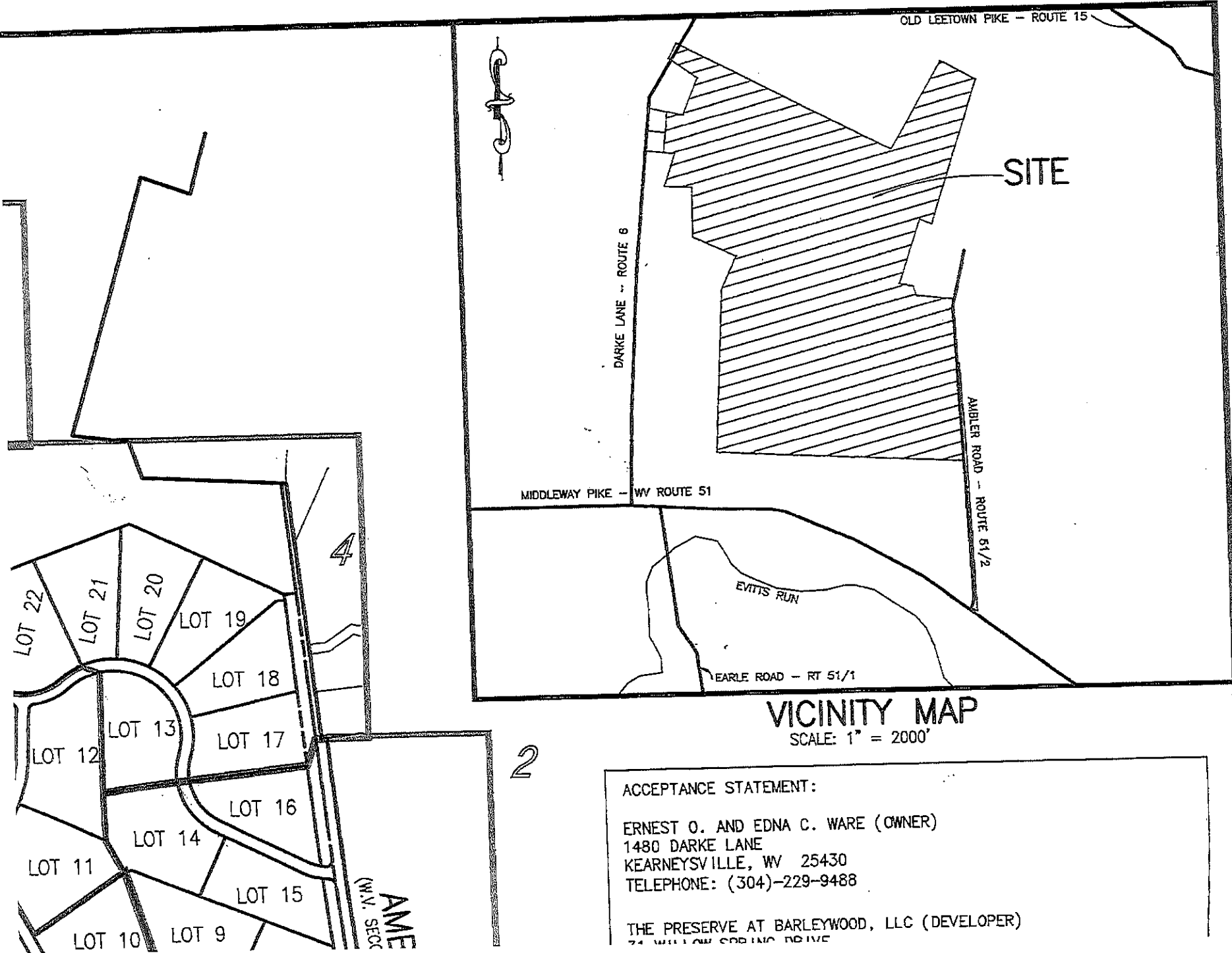
Total Current Bond Amount \$ 251,697.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: JOSEPH W. KENT Title: L.D.I.

Signature: [Signature] Date: 07 / 10 / 2013



OLD LEETOWN PIKE - ROUTE 15

SITE

MIDDLEWAY PIKE - WV ROUTE 51

EVITTS RUN

EARLE ROAD - RT 51/1

AMBLER ROAD - ROUTE 51/2

DARKE LANE - ROUTE 8

VICINITY MAP  
SCALE: 1" = 2000'

ACCEPTANCE STATEMENT:

ERNEST O. AND EDNA C. WARE (OWNER)  
1480 DARKE LANE  
KEARNEYSVILLE, WV 25430  
TELEPHONE: (304)-229-9488

THE PRESERVE AT BARLEYWOOD, LLC (DEVELOPER)  
74 WILLOW SPRING DRIVE

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: Barbara Miller

Department or Entity: Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject:

- 1) Memorandum of Agreement between Jefferson County and the Federal Emergency Management Agency Integrated Public Alert and Warning System (IPAWS) Program Management Office.
- 2) Contract with NIXLE for Nixle Engage Annual License

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

- 1) The WV Division of Homeland Security and Emergency Management Director, Jimmy Gianato is asking all counties in the state to sign this Memorandum of Agreement. To operate within these guidelines, all parties who will access this system must go through an on-line training course and agree to the guidelines outlined within this MOA.
- 2) We have been using the NIXLE free program for a year. This product is an upgrade that will allow us to target specific groups, such as the EOC Activation Group, Media Groups, Emergency Responders, etc. It also allows us unlimited text, email and web notifications and 24 hours support. This expense was approved in the current budget.

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

- 1) I move to approve the Memorandum of Agreement between Jefferson County and the FEMA Integrated Public Alert and Warning System (IPAWS) Program Management Office.

**2) I move to approve the contract with NIXLE, as presented.**

**Attachments:**

- 1. Copy of the MOA with IPAWS**
- 2. Copy of contract with NIXLE**

**NIXLE PRICING INFORMATION**

Quote Valid for 60 Days

|                            |                       |                  |                                                              |
|----------------------------|-----------------------|------------------|--------------------------------------------------------------|
| <b>PREPARED FOR:</b>       | Jefferson County HSEM | Quote Number:    | 305-207                                                      |
|                            | Attn: Barbara Miller  | Quote Date:      | 18-Jul-13                                                    |
|                            |                       | Expiration Date: | 16-Sep-13                                                    |
|                            |                       | Contract Period: | 1 Year                                                       |
|                            |                       | Payment Terms:   | Net 30 or Month to Month CC                                  |
| Nixle Contact Information: |                       |                  | Brian Yim                                                    |
|                            |                       |                  | 877-649-5362 x305                                            |
|                            |                       |                  | <a href="mailto:brian.yim@nixle.com">brian.yim@nixle.com</a> |

| Setup and Implementation |  |             |
|--------------------------|--|-------------|
| Product                  |  | Total Price |
| Nixle Engage Setup Fee   |  | \$500.00    |
|                          |  | waived      |

| Annual Subscription         |                                                                                                                                                                                                                                                     |                   |
|-----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| Product                     | Product Summary                                                                                                                                                                                                                                     | Total Price       |
| Nixle Engage Annual License | Unlimited Text, Email, Web Notifications; Multi-platform integration; Two-way communication; Anonymous Tipping; 25 mobile keywords, Private/Public Groups; Enhanced Geo-targeting; 24 hour phone support; Multi language support; IPAWS publication | \$3,500.00        |
| <b>Grand Total:</b>         |                                                                                                                                                                                                                                                     | <b>\$3,500.00</b> |

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

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

Headquarters:  
594 Howard St., #204  
San Francisco, CA 94105  
877-649-5362  
www.Nixle.com



Nixle, LLC  
Service Agreement

This Service Agreement ("Agreement") is entered into by and between Nixle, LLC ("Nixle"), and \_\_\_\_\_ ("Customer"), on \_\_\_\_\_, 20\_\_\_\_ (the "Effective Date"). Nixle and Customer are each hereinafter sometimes referred to as a "Party" and collectively, the "Parties."

THE PARTIES AGREE TO THE FOLLOWING TERMS AND CONDITIONS GOVERNING THE USE OF NIXLE'S SERVICE:

**1. SERVICE.** Nixle shall provide Customer access to its proprietary interactive communication services (the "Service") subject to the terms and conditions set forth in this Agreement, the Additional Business Terms applicable to such Services in Exhibit A, and the description of Services and pricing attached hereto as Exhibit B (the "Quote"). If applicable, Nixle shall provide training and professional services in accordance with the Pricing (as defined below) set forth in the Quote. Nixle shall provide Customer with login and password information for each User (as defined below) and will configure the Service to contact the maximum number of persons or communication devices (each a "Contact") purchased by Customer as set forth in the Quote. Nixle may from time to time offer Customer new features, enhancements or services which, if accepted by Customer in writing, and subject to Customer's payment of any applicable additional fees, shall become part of the Services and subject to the provisions of this Agreement.

**3. CUSTOMER RESPONSIBILITIES.**

**3.1 Users.** Customer shall in its discretion authorize certain of its employees and contractors to access the Service ("User(s)"). Each User must be bound in writing to confidentiality obligations that are no less restrictive than those set forth herein, and that are sufficient to permit Customer to fully perform its obligations under this Agreement. Customer shall cause Users to undergo initial setup and training in accordance with the Quote. Customer shall be responsible for (i) ensuring that Users maintain the confidentiality of all User login and password information; (ii) ensuring that Users use the Service in accordance with all applicable laws and regulations, including those relating to use of personal information; (iii) any breach of the terms of this Agreement by any User; and (iv) all communications by Users using the Service. Customer shall immediately notify Nixle if it becomes aware of any User action or omission that would constitute a breach or violation of any term of this Agreement.

**3.2 Customer Data.** All electronic data Customer provides to Nixle in connection with the use of the Service ("Customer Data") shall be true, accurate, current and complete, and shall be in a form and format specified by Nixle. Customer shall have sole responsibility for the accuracy, quality, integrity, legality, reliability, and appropriateness of all Customer Data. By purchasing the Service, Customer authorizes Nixle to collect, store and process Customer Data subject to the terms of this Agreement. Customer shall maintain a copy of all Customer Data it provides to Nixle. If Customer or any User provides any Customer Data that is untrue, inaccurate, outdated or incomplete, Customer acknowledges and agrees that any communications sent utilizing the Service may not reach the intended Contact. Customer shall prevent unauthorized access to, or use of, the Service, and shall notify Nixle promptly of any such unauthorized use. Nixle shall have no liability for any losses, damages, claims,

suits or other actions arising out of or in connection with the unauthorized or improper use of the Service on Customer's hardware or networks. Customer acknowledges that Nixle is not responsible for monitoring Customer or Users' use of the Service to examine the content passing through it, and Nixle shall have no liability for such content.

**4. TERM.** This Agreement will commence on the Effective Date and will continue in force for one (1) year, subject to automatic renewal for successive one-year terms (each a "Term Year" and collectively with the initial one (1) year, the "Term") unless terminated in writing not less than ninety (90) days prior to the expiration of the then current Term Year. Any use or accessing of the Service by Customer or a User after the effective date of termination shall, at the option of Nixle, constitute automatic renewal of this Agreement for an additional Term Year.

**5. TERMINATION; SUSPENSION.**

**5.1 Termination by Either Party.** Either Party may terminate this Agreement upon the other Party's material breach of this Agreement, provided that (i) the non-breaching Party sends written notice to the breaching Party describing the breach in reasonable detail; (ii) the breaching Party does not cure the breach within thirty (30) days following its receipt of such notice (the "Notice Period"); and (iii) following the expiration of the Notice Period, the non-breaching Party sends a second written notice to the breaching Party indicating its election to terminate this Agreement.

**6. PROPRIETARY RIGHTS.**

**6.1 Grant of License.** Nixle hereby grants to Customer, during the term of this Agreement, a non-exclusive, non-transferable, non-sublicensable right to use the Service subject to the terms and conditions of this Agreement. Upon suspension of the Service or termination of this Agreement for any reason, the foregoing license shall terminate automatically and Customer shall promptly discontinue all further use of the Service.

**6.2 Restrictions.** Customer shall use the Service solely for its internal business purposes and shall not make the Service available to, or use the Service for the benefit of, any third party except as expressly contemplated by this Agreement. Customer shall not: (i) copy, modify, reverse engineer, de-compile, disassemble or otherwise attempt to discover or replicate the computer source code and object code provided or used by Nixle in connection with delivery of the Service (the "Software") or create derivative works based on the Software, the Service or any portion thereof; (ii) merge any of the foregoing with any third party software or services; (iii) use any Nixle Confidential Information to create a product that competes with the Software; (iv) remove, obscure or alter any proprietary notices or labels on the Software or any portion of the Service; (v) create internet "links" to or from the Service, or "frame" or "mirror" any content forming part of the Service, other than on Customer's own intranets for its own internal business purposes; (vi) use, post, transmit or introduce any device, software or routine which interferes or attempts to interfere with the operation of the Service; or (vii) use the Service in violation of any applicable law or regulation.

**6.3 Reservation of Rights.** Other than as expressly set forth in this Agreement, Nixle grants to Customer no license or other rights in or

to the Service, the Software or any other proprietary technology, material or information made available to Customer through the Service or otherwise in connection with this Agreement (collectively, the "Nixle Technology"), and all such rights are hereby expressly reserved. Nixle (or its licensors where applicable) owns all rights, title and interest in and to the Service, the Software and any Nixle Technology, and all patent, copyright, trade secret and other intellectual property rights ("IP Rights") therein, as well as (i) all feedback and other information (except for the Customer Data) provided to Nixle by Users, Customer and Contacts, (ii) all transactional, performance and derivative data and metadata generated in connection with the Services, and (iii) any De-Identified Data (as defined below).

**6.4 Customer Data.** As between the Parties, Customer retains sole right, title and interest in the Customer Data. Without limiting the foregoing, Nixle shall be permitted to de-identify Customer Data and aggregate it, including with other customers' data (the "De-Identified Data"), for use in its legitimate marketing and research activities.

## 7. CONFIDENTIAL INFORMATION.

**7.1 Definition; Protection.** As used herein, "Confidential Information" means all information of a Party ("Disclosing Party") disclosed to the other Party ("Receiving Party"), whether orally or in writing, that is designated as confidential or that reasonably should be understood to be confidential given the nature of the information and the circumstances of disclosure. Confidential Information includes without limitation, any personally identifiable Customer Data, all Nixle Technology, and either Party's business and marketing plans, technology and technical information, product designs, reports and business processes. Confidential Information (except for Customer Data) shall not include any information that: (i) is or becomes generally known to the public without breach of any obligation owed to the Disclosing Party; (ii) was known to the Receiving Party prior to its disclosure by the Disclosing Party without breach of any obligation owed to the Disclosing Party; (iii) was independently developed by the Receiving Party without breach of any obligation owed to the Disclosing Party; or (iv) is received from a third party without breach of any obligation owed to the Disclosing Party. The Receiving Party shall not disclose or use any Confidential Information of the Disclosing Party for any purpose other than performance or enforcement of this Agreement without the Disclosing Party's prior written consent, unless (but only to the extent) otherwise required by a governmental authority. Each Party agrees to protect the Confidential Information of the other Party with the same level of care that it uses to protect its own confidential information, but in no event less than a reasonable level of care. Without limiting the foregoing, this Agreement and all terms hereof shall be Confidential Information of Nixle, and the Customer Data shall be Confidential Information of Customer.

## 8. WARRANTIES; DISCLAIMER.

**8.1 Nixle Warranty.** Nixle shall use commercially reasonable efforts to provide the Services herein contemplated. To the extent the Quote provides for any professional services, Nixle shall perform them in a professional manner consistent with industry standards. THE FOREGOING REPRESENT THE ONLY WARRANTIES MADE BY NIXLE HEREUNDER AND NIXLE EXPRESSLY DISCLAIMS ALL OTHER WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY, OR OTHERWISE, WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW.

**8.2 Disclaimer.** THE SERVICE IS PROVIDED "AS IS" AND ON AN "AS AVAILABLE" BASIS. NEITHER NIXLE NOR ITS

LICENSORS WARRANT THAT THE SERVICE WILL OPERATE ERROR FREE OR WITHOUT INTERRUPTION, WITHOUT LIMITING THE FOREGOING. IN NO EVENT SHALL NIXLE HAVE ANY LIABILITY TO CUSTOMER, USERS, CONTACTS OR ANY THIRD PARTY FOR PERSONAL INJURY (INCLUDING DEATH) OR PROPERTY DAMAGE ARISING FROM FAILURE OF THE SERVICE TO DELIVER AN ELECTRONIC COMMUNICATION, HOWEVER CAUSED AND UNDER ANY THEORY OF LIABILITY, EVEN IF NIXLE HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGE.

**8.3 Customer Representations and Warranties.** Customer represents and warrants that during use of the Service, Customer shall have (i) a privacy policy that clearly and conspicuously notifies Users of the way in which Customer Data shall be used, and (ii) primary safety and emergency response procedures including, without limitation, notifying 911 or equivalent fire, police, emergency medical and public health officials (collectively, "First Responders"). Customer acknowledges and agrees that Nixle is not a First Responder, and that the Service does not serve as a substitute for Customer's own emergency response plan, which in the event of an actual or potential threat to person or property, shall include contacting a First Responder. Customer represents and warrants that all communications utilizing the Service shall be sent by authorized Users, and that the collection, storage and processing of Customer Data, and the use of the Service, as provided in this Agreement, will at all times comply with (x) Customer's own policies regarding privacy and protection of personal information; and (y) all applicable laws and regulations, including those related to processing, storage, use, disclosure, security, protection and handling of Customer Data.

## 9. INDEMNIFICATION.

**9.1 By Customer.** Customer shall defend, indemnify and hold Nixle harmless against any loss or damage (including reasonable attorneys' fees) incurred in connection with any claims, suits or proceedings ("Claims") arising as a result of a breach of this Agreement.

**9.2 By Nixle.** Nixle shall defend, indemnify and hold Customer harmless from and against any Claim against Customer, but only to the extent it is based on a Claim that the Service directly infringes an issued patent or other IP Right in a country in which the Service is actually provided to Customer. If the Service is held to infringe and the use enjoined, Nixle shall have the option, at its own expense, to: (i) to procure for Customer the right to continue using the Service; (ii) replace same with a non-infringing service; (iii) modify such Service so that it becomes non-infringing; or (iv) refund any fees paid to Nixle and terminate this Agreement without further liability. Nixle shall have no liability for any Claim arising out of (w) Customer Data or other Customer supplied content, (x) use of the Service or Software in combination with other products, equipment, software or data not supplied by Nixle, (y) any use, reproduction, or distribution of any release of the Service or Software other than the most current release made available to Customer, or (z) any modification of the Service or Software by any person other than Nixle.

**10. LIMITATION OF LIABILITY.** In no event shall either Party have any liability to the other Party for any loss of use, interruption of business, lost profits, costs of substitute services, or for any other indirect, special, incidental, punitive, or consequential damages, however caused, under any theory of liability, and whether or not the Party has been advised of the possibility of such damage. Notwithstanding anything in this Agreement to the contrary, in no event shall Nixle's aggregate liability, regardless of theory of liability, exceed amounts actually paid by Customer to Nixle hereunder during the 12-month period prior to the event giving rise to such liability.

**11. PRICING.** As consideration for the Service and subject to the

other terms of this Agreement. Customer shall pay the fees set forth in the Quote ("Pricing"). If Customer exceeds the usage as specified in the Quote, then Nixle reserves the right to annually review the usage and invoice Customer as necessary at the current rates and Customer shall pay within 30 days of invoice. Fees for professional services, if applicable, shall be set forth in a SOW. Notwithstanding anything to the contrary elsewhere in this Agreement, the Pricing shall be automatically increased by five percent (5%) for the first Renewal Term following the Initial Term and for each successive Renewal Term thereafter.

**12. PROFESSIONAL SERVICES.** Nixle may provide professional services to Customer from time to time. Such professional services shall, unless otherwise expressly therein set forth, be provided in accordance with, and subject to, the provisions hereof and any additional terms related thereto which are set forth in a Statement of Work ("SOW").

**13. PAYMENT TERMS; TAXES.**

**13.1 Payment.** Unless otherwise set forth in Exhibit A, Nixle shall invoice Customer in advance for the Initial Term and annually in advance for any Renewal Term. All payments, including, without limitation, fees for professional services, shall be made within thirty (30) days from the date of invoice. If any fee is not paid within thirty (30) days after it is due (in addition to any other rights and remedies that Nixle may have hereunder without limitation), Nixle reserves the right to charge interest at a rate of one and half one percent per month or the highest rate allowed by Applicable Law whichever is lower.

**13.2 Taxes.** Unless otherwise provided for in Exhibit A, or in a SOW, as the case may be, Nixle's Pricing and fees for professional services do not include any local state federal or foreign taxes, levies, or duties of any nature ("Taxes"). Customer is responsible for paying all Taxes, excluding only taxes based on Nixle's income. If Nixle has the legal obligation to pay or collect Taxes for which Customer is responsible under this section, the appropriate amount shall be invoiced to and paid by Customer unless Customer provides Nixle with a valid tax exemption certificate authorized by the appropriate taxing authority.

**14. MISCELLANEOUS.**

**14.1 Non-Solicitation.** As additional protection for Nixle's proprietary information, for so long as this Agreement remains in effect, and for one year thereafter, Customer agrees that it shall not, directly or indirectly, solicit, hire or attempt to solicit any employees of Nixle; provided, that a general solicitation to the public for employment is not prohibited under this section. In the event that Customer hires any such employee (whether as an employee or consultant or otherwise engages the services of such employee) in violation of this section, Customer shall pay to Nixle an amount equal to 100% of the total first-year compensation which Customer pays

such individual as a fee, salary, or other compensation.

**14.2 Force Majeure; Limitations.** Nixle shall not be responsible for performance under this Agreement to the extent precluded by circumstances beyond Nixle's reasonable control, including without limitation acts of God, acts of government, flood, fire, earthquakes, civil unrest, acts of terror, labor problems, computer, telecommunications, Internet service provider or hosting facility failures, or delays involving hardware, software or power systems, and network intrusions or denial of service attacks. The Service delivers information for supported Contact paths to public and private networks and carriers, but cannot guarantee delivery of the information to the recipients. Final delivery of information to recipients is dependent on and is the responsibility of the designated public and private networks or carriers.

**14.3 Waiver; Severability.** The failure of either Party hereto to enforce at any time any of the provisions or terms of this Agreement shall in no way be considered to be a waiver of such provisions. If any provision of this Agreement is found by any court or other authority of competent jurisdiction to be invalid, illegal or unenforceable, that provision shall, to the extent required, be deemed deleted and the remaining provisions shall continue in full force and effect.

**14.4 Assignment.** Neither this Agreement nor any rights granted hereunder may be sold, leased, assigned (including an assignment by operation of law), or otherwise transferred, in whole or in part, by Customer, and any such attempted assignment shall be void and of no effect without the advance written consent of Nixle.

**14.5 Governing Law; Attorney's Fees.** This Agreement shall be governed and construed in accordance with the laws of the State of New Jersey, without regard to its conflicts of laws rules.

**14.6 Marketing.** Customer consents to Nixle referencing Customer's name and logo as a Nixle customer in Nixle publications, its website and in other marketing materials.

**14.7 Survival.** Sections 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14 and applicable provisions of Exhibit A shall survive the expiration or earlier termination of this Agreement.

**14.8 Counterparts.** This Agreement may be executed in one or more counterparts, all of which together shall constitute one original document. A facsimile transmission or copy of the original shall be as effective and enforceable as the original.

**14.9 Export Compliant.** Neither Party shall export, directly or indirectly, any technical data acquired from the other pursuant to this Agreement or any product utilizing any such data to any country for which the U.S. Government or any agency thereof at the time of export requires an export license or other governmental approval without first obtaining such license or approval.

IN WITNESS WHEREOF, the Parties have caused this Agreement to be duly executed as of the date set forth below.

**NIXLE, LLC**

**[CUSTOMER]:** .....

By: .....  
Print Name: .....  
Title: \_\_\_\_\_  
Date: .....

By: .....  
Print Name: .....  
Title: \_\_\_\_\_  
Date: .....

Address:  
594 Howard St, Suite 204  
San Francisco, CA 94105

**[CUSTOMER]'s address for legal notices:**  
.....  
\_\_\_\_\_

Attn: .....

**[CUSTOMER]'s address for billing:**

.....  
.....  
.....

Attn: .....

Email for billing: \_\_\_\_\_

Telephone number: \_\_\_\_\_



374 Howard St, Suite 264, San Francisco, CA 94105 \* call: 877.649.5362 \* fax: 556.802.0245 \* www.nixle.com

## EXHIBIT A SERVICE LEVEL AGREEMENT

### Section I – Availability

Nixle provides a high performance, scalable and reliable Software as a Service solution (the "Service"). The Service will have a monthly broadcast availability<sup>1</sup> of 99.99% or greater, allowing for real-time call prioritization which provides optimal service to customers at all subscribed service levels<sup>2</sup>.

<sup>1</sup>Broadcast Availability – is defined as the ability to access the Service in conjunction with the ability to send a notification to one or more contact paths per member.

<sup>2</sup>Subscribed Service Levels – Nixle uses a proprietary Intelligent Message Service Prioritization (IMSP) algorithm to ensure optimal delivery of emergency messages for all customers at all subscribed service levels.

### Section II – Performance

**Minimum Notification Attempts:** For any given 60 minute period, Nixle will make a minimum number of notification attempts to the 1st contact path for customer broadcasts using the standard configuration (30 second call or 500 character message) per the table below:

*Minimum* number of notification attempts in 60 minutes

| Notification Type | Notification Attempts |
|-------------------|-----------------------|
| Voice             | 100,000               |
| Text              | 100,000               |

Minimum number above does not apply when client uses the broadcast delivery throttling feature.

### Section III – Maintenance

The Service utilizes a geographically redundant architecture to provide the highest levels of reliability while requiring the lowest number of maintenance activities per year compared with other notification solutions on the market. Scheduled maintenance is designed to be non service impacting. Nixle may periodically conduct routine maintenance or implement upgrades to the Service as needed to maintain availability and performance within our agreed upon SLA's.

### Section IV – Support

Nixle has a dedicated team of experienced, patient, and capable support professionals to assist customers with answering questions about the services, customer usage, and to address specific issues. Nixle Support is available 24 hours a day, 7 days a week, 365 days a year.

Support should be contacted for all technical inquiries associated with the Nixle Solutions. The best method for submitting an inquiry is the Nixle Client Portal. To best serve our clients' needs, the following methods are available to obtain technical assistance. Urgent inquiries must be reported by phone or the Nixle Client Portal to ensure the quickest response.

- **Online Support: Client Portal**  
Nixle's Client Portal provides you with convenient, secure access to a growing number of useful resources, including Know on the Go's, knowledgebase content, FAQs, case management, and other product support information. The Client Portal can be accessed at: <http://clientportal.Nixle.com>.
- **Email Support**  
Email support is available at [securedesk@Nixle.com](mailto:securedesk@Nixle.com). E-mails are responded to within one business day in the order received.
- **Phone Support**  
Nixle Support can be reached via phone by dialing toll-free (888) 366-3969 in the US/Canada.

Nixle also provides an emergency hotline for assisting customers in sending notifications.

- **Live Operator Access**  
Customers may access the Nixle Live Operator to send notifications 24 hours a day, 7 days a week, 365 days a year.

# AGENDA REQUEST FORM

Name: Patsy Noland, Commissioner

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject:

Discussion regarding contracting the position of the Chief Financial Officer for the Jefferson County Commission, follow-up discussion.

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

The contract for this position should include conducting a review and making recommendations concerning the FY 2014 current budget as well as training of a permanent Chief Financial Officer at such time as the Commission decides to hire a permanent Chief Financial Officer. Executive session will be necessary to discuss contract negotiations and other possible legal issues.

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

I move that the County Commission enter into contract negotiations with \_\_\_\_\_ as the temporary Chief Financial Officer and that in addition to review and recommendations concerning the 2014 FY Budget, the contract include training of a new CFO at such time as the County Commission decides to hire a permanent full-time CFO.

Are documents attached? No

**Contact information:**

Email Address:

Phone number:

# AGENDA REQUEST FORM

Name: Patsy Noland, Commissioner

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject:

Discussion regarding renewing membership with the County Commission Association of West Virginia for the upcoming year.

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

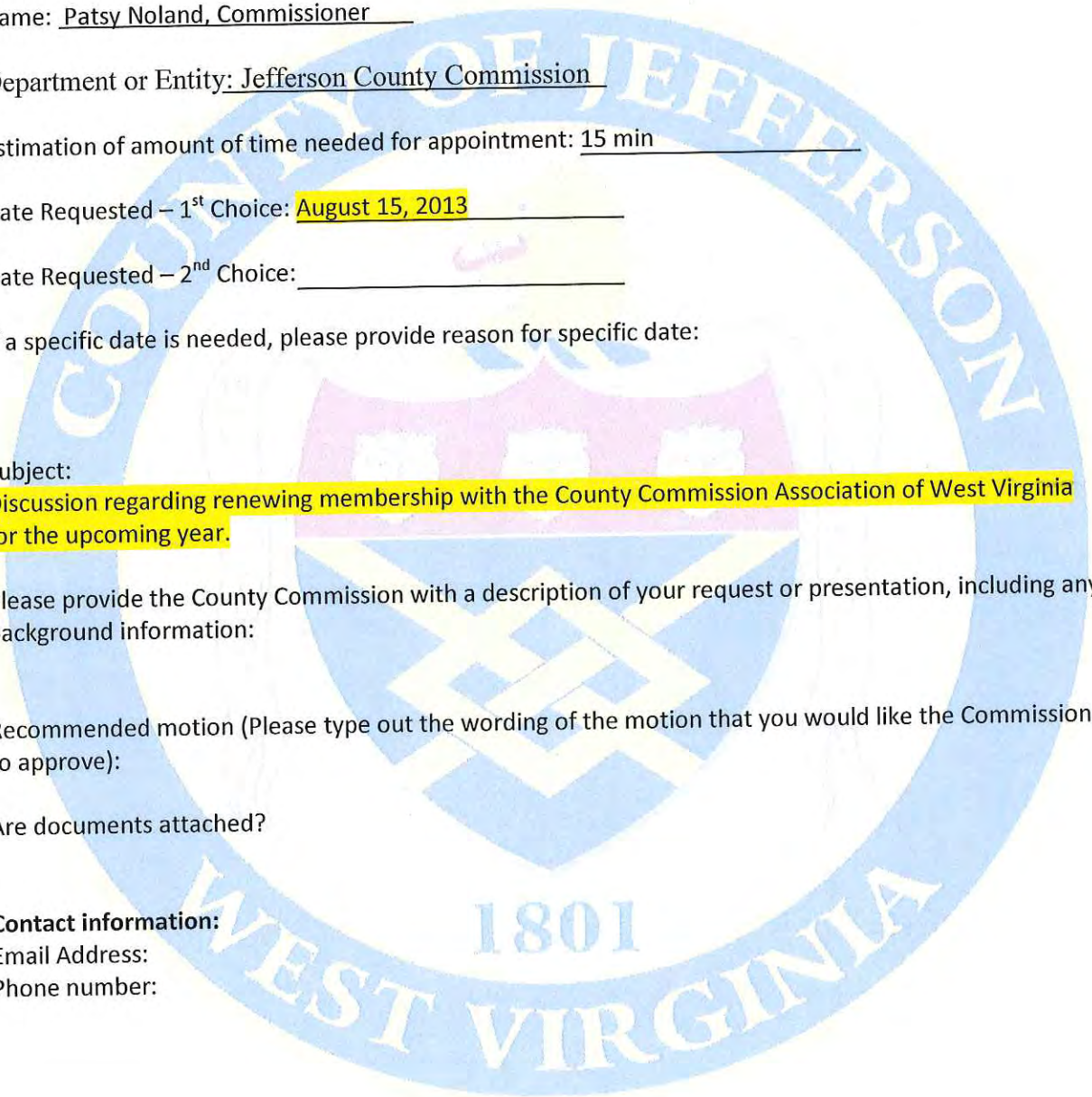
Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Are documents attached?

**Contact information:**

Email Address:

Phone number:



# AGENDA REQUEST FORM

Name: Patsy Noland, Commissioner

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject:

Eastern Panhandle Regional Planning & Development Council - Region 9 - Annual Consolidated Project Listing Update.

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

The Consolidated Project List (CEDs) for the Eastern Panhandle is updated annually and is submitted to the State and to the Economic Development Administration. Should funding become available, the Comprehensive Economic Development Strategy Project List is consulted to identify which projects are eligible for the funding. Region 9 has request the Commission submit any projects they would like to see added to the project list. All new projects submitted will be ranked according to the guidelines on the Ranking Form.

Region 9 is also requesting a brief update on the following three projects – Jefferson County Judicial Center, Route 9 Bike path trail signage and Drinking water tanks for the Mountain Communities.

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

Are documents attached?

If not, please explain:

Is a projector needed?

Contact information:

**From:** Kimberly Keithley [<mailto:kkeithley@region9wv.com>]  
**Sent:** Wednesday, July 24, 2013 2:35 PM  
**To:** [lwidmyer@jeffersoncountywv.org](mailto:lwidmyer@jeffersoncountywv.org)  
**Cc:** Commissioner Patsy Noland; [dkeyser@jeffersoncountywv.org](mailto:dkeyser@jeffersoncountywv.org)  
**Subject:** Region 9 New Projects

Good Afternoon,

I am contacting you regarding Region 9's annual project list update. I have attached the Consolidated Project List (CEDS) for the Eastern Panhandle. This list gets updated annually and submitted to the State and to the Economic Development Administration (EDA). Should funding become available, the Comprehensive Economic Development Strategy Project List is consulted to identify which projects are eligible for the funding.

If you have any projects you would like to see added to the project list please complete one of the new project information forms for each project. A committee will then go through all of the new projects and rank them according to the guidelines on the Ranking Form (attached).

Could you provide me a brief update on the following three projects: Jefferson County Judicial Center, Route 9 Bike path trail signage, and Drinking Water tanks for Mountain Communities?

Please submit new project information forms to the Region 9 office by: August 16, 2013

Thank you for your cooperation.

Have a nice day!

Thanks,

*Kimberly Keithley*

[kkeithley@region9wv.com](mailto:kkeithley@region9wv.com)

Administrative/Financial Assistant

| PROJECT NAME                                                | DEVELOPMENT STAGE                                                               | COST                      | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------|---------------------------------------------------------------------------------|---------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Drinking Water Tanks for Mountain Communities</b></p> | <p><b>Planning</b></p>                                                          |                           | <p>9/6/2011 - Support for public-private partnership application to IJDC seeking funds to provide water tanks along with pumps to provide drinking water to mountain communities. The Westridge HOA would donate the land where test wells have identified water at 150 gallons per minute. THIS IS IN ITS EARLY STAGES OF DISCUSSION.<br/>8/28/2012 - No update</p>                                                                                                                                                                                                                         |
| <p><b>Route 9 Bike path Trail Signage</b></p>               | <p><b>Planning</b></p>                                                          |                           | <p>9/6/2011 - Trail signage along the Rt. 9 bike path. This 9 mile trail has no directional signs, no maps, no mile markers--no nothing! Funds are needed for planning and implementing a signage program. Already talking to SHA about this and pursuing signage with the Eastern Panhandle trailblazers.<br/>8/12/2012 - \$2,000 grant was received by the Eastern Panhandle Trailblazers – Community Participation Grant – two fabricated trains will be purchased – one located at the parking lot on Berkeley County and one in Jefferson County</p>                                    |
| <p><b>Jefferson County Judicial Center</b></p>              | <p><b>Planning/<br/>Preliminary Engineering /<br/>Local Funds Committed</b></p> | <p><b>\$9,650,000</b></p> | <p>9/24/2009 - Designed as a 40,000 square foot steel rigid frame structure with a masonry veneer. The building will have one Circuit Court room, one Family Court room, and general offices for the judges, Tax collection office and Circuit Clerk. The building will have a holding area for the Sheriff Office to maintain security of prisoners awaiting court.<br/>8/19/2010 - In need of funding.<br/>8/11/2011 - Plans have been tabled, but are looking at alternate sites until they have enough money to build. Currently have \$6M in local funds.<br/>8/28/2012 - No Update</p> |

# Region 9 Planning and Development Council New Project Information Form

(Please complete for new projects.)

*Save this fill in form to a new name in your system before completing to retain the information provided. This original form may also be saved and used as often as needed and will "expand" to contain all applicable information. Use the "Tab" key to move through the fields (grey areas). This form contains multiples pages. When finished, print, sign and date and forward the form to Region 9.*

Submitted by: Type your name here

Project Title: Type project title here

Project Category:

- Mandated/Unfunded Infrastructure
- Bridges/Roads Infrastructure
- Water/Sewer/Storm Water Management
- Public/Safety Buildings
- Rail/Trail and Streetscape
- Other: \_\_\_\_\_

Project Location: Type project location here

Project Description: Type description of project here

Project Regional Impact: *Click on all boxes that apply.*

- Project will result in significant improvements to quality of life or support increasing capacity of communities to achieve economic development
- Project is necessary to retain existing local jobs
- Project will increase private sector property values
- Project will eliminate a threat to public health
- Project will eliminate a threat to the environment

Project Readiness: *Click on the drop down button and choose Yes, No or N/A (not applicable).*

- \_\_\_ Planning Stage
- \_\_\_ Preliminary Engineering/ Architecture Completed
- \_\_\_ Final Engineering/ Architecture Completed
- \_\_\_ Cost Estimates Completed .... Please indicate estimated cost: \$0.00
- \_\_\_ Environmental Assessments Completed
- \_\_\_ Permit Process Completed

## Support Status:

Funds needed (non-local revenues): \$0.00

Have local funds been identified and committed? \_\_\_ Funds provided locally: \$0.00

Source of local funds: Describe

Is this a short-term project (next 12 – 18 mo.)? \_\_\_

Is this a long-term project (next 2 – 5 years)? \_\_\_

**Investment Policy Analysis:** *Click on all boxes that apply.*

- Project is market based and proactive in nature and scope
- Project looks beyond the immediate economic horizon, anticipates economic change and diversifies the local and regional economy
- Project will leverage significant private sector investment
- Project has a high probability of success i.e. what is the level of local, state, and matching funds; is there a high degree of commitment of local political "capital" by elected officials; and/or is there a commitment of human resources talent to project outcomes, etc.?
- Project will result in an environment where higher skill and higher wage jobs are created

**Cluster-Based Analysis:** *Click on all boxes that apply.*

- Project will enhance regional competitiveness, support long-term development of the regional economy and encourage Cluster Development
- Project has geographic concentrations of competing, complementary or interdependent firms and industries that do business with each other and/or have common needs for talent, technology, and infrastructure (Industry Cluster)

**Please describe what (if any) assistance that you desire from the Region 9 council:** \_\_\_\_\_

\_\_\_\_\_  
**Print or type name  
of submitting official.**

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**Date submitted**

---

**For Region 9 Office Use Only**

**County Commission or City/Town Council priority for this project is:**

**Project Category** \_\_\_\_\_

**Total Project Score** \_\_\_\_\_ **Ranked Number** \_\_\_\_\_

**Reviewed and ranked by this jurisdiction for the 2013 Region 9 RDP/CEDS project list.**

## V. Regional Development Program

### New Project Ranking Sheet

(Revised September 2009)

#### Category of Project

- Mandated/Unfunded Infrastructure (**No further analysis required- maximum points**) (60 points)\_\_\_\_\_
- Bridges/Roads Infrastructure (30 points)\_\_\_\_\_
- Water/Sewer/Storm Water Management (30 points)\_\_\_\_\_
- Public/Safety Buildings (20 points)\_\_\_\_\_
- Rail/Trail and Streetscape (10 points)\_\_\_\_\_
- Other (30-10 points)\_\_\_\_\_

Total Points \_\_\_\_\_

Maximum 60 points

#### Regional impact: (assign points to all criteria that apply)

- Project will result in significant improvements to quality of life or support increasing capacity of communities to achieve economic development (1 point)\_\_\_\_\_
- Project is necessary to retain existing local jobs (1 point)\_\_\_\_\_
- Project will increase private sector property values (1 point)\_\_\_\_\_
- Project will eliminate a threat to public health (1 point) \_\_\_\_\_
- Project will eliminate a threat to the environment (1 point)\_\_\_\_\_

Total Points \_\_\_\_\_

Maximum 5 points

#### Project readiness: (assign points to all criteria that apply)

- Planning stage (1 point)\_\_\_\_\_
- Preliminary Engineering/Architecture completed (3 points)\_\_\_\_\_
- OR
- Final Engineering/Architecture completed (3 points)\_\_\_\_\_
- Cost estimates completed (2 points)\_\_\_\_\_
- Environmental Assessments completed (2 points)\_\_\_\_\_
- Local funds have been identified and committed (2 points) \_\_\_\_\_

Total Points \_\_\_\_\_

Maximum 10 points

**Investment Policy Analysis: (assign points to all criteria that apply)**

- Project is market based and proactive in nature and scope (1 point)\_\_\_\_\_
- Project looks beyond the immediate economic horizon, anticipates economic changes, and diversifies the local and regional economy (1 point)\_\_\_\_\_
- Project will leverage significant private sector investment (3 points)\_\_\_\_\_
- Project has a high probability of success i.e. what is the level of local, state, and matching funds; is there a high degree of commitment of local political “capital” by elected officials; and/or is there a commitment of human resources talent to project outcomes, etc. (3 points)\_\_\_\_\_
- Project results in an environment where higher skill and higher wage jobs are created (3 points)\_\_\_\_\_

*Total Points* \_\_\_\_\_

*Maximum 11 points*

**Cluster-Based Analysis: (assign points to all criteria that apply)**

- Project will enhance regional competitiveness, support long-term development of the regional economy and encourage Cluster Development (2 points)\_\_\_\_\_
- Project has geographic concentrations of competing, complementary or interdependent firms and industries that do business with each other and/or have common needs for talent, technology and infrastructure (Industry Cluster) (2 points)\_\_\_\_\_

*Total Points* \_\_\_\_\_

*Maximum 4 points*

**Total Project Score** \_\_\_\_\_

**Maximum 60 Points**

| RANK                                    | SCORE | PROJECT NAME                                                                       | APPLICANT                                      | COUNTY | POTENTIAL FUNDING SOURCE(S) | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE                                                                                                       | COST                                    | STATUS   | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | CONTACT                                                                                      |
|-----------------------------------------|-------|------------------------------------------------------------------------------------|------------------------------------------------|--------|-----------------------------|----------------|------------|-------|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------|
| <b>MANDATED UNFUNDED INFRASTRUCTURE</b> |       |                                                                                    |                                                |        |                             |                |            |       |                                                                                                                         |                                         |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                              |
| 1                                       | 60    | Wastewater Treatment Plant Facility Plan                                           | City of Martinsburg                            | B      | IJDC                        | EN,CD          | S/L        | 2     | Planning                                                                                                                | \$45,000,000                            | UPDATE   | 9/3/2009 - Facility plan will outline the capital improvements required to meet our current WVDEP NPDES permit to remove nutrients to meet the Chesapeake Bay requirements. Final estimate to be determined when facility plan is completed within the next 6 months. City of Martinsburg has committed funds for facility plan only.<br>7/22/2010 - Estimated cost increased. In need of funding.<br>3/17/2011 - Facility plan complete; outlines capital improvements required to meet current WVDEP NPDES permit. Application for funding to be submitted by 12/31/2011.<br>3/13/2012 - Facility plan completed and submitted to IJDC and WVDEP 2012; Design loan recommended for \$1.9M by IJDC/WDA, July 2012; Project financing recommended by IJDC/WVDEP for project cost, May 2012; Engineering design commenced May 2012; Construction start estimated July 2013; Project substantial completion December 31, 2015.                                                                                                                                                                                                                                                    | Mark Baldwin, City Manager<br>304-264-2149<br>markbaldwin17@aol.com                          |
| 1                                       | 60    | WWTP Nutrient Removal Upgrades/Improvements                                        | Berkeley County Public Service Sewer District  | B      | IJDC                        | EN,CD          | S/L        | 2     | Planning/Preliminary Engineering/Architecture Completed                                                                 | \$42,000,000                            | UPDATE   | 9/24/2009 - O/H. Baker Heights, Inwood, N. Berkeley, Woods, Forest Heights WWTP. Project involves the construction and installation of needed improvements and equipment to meet new NPDES permit requirements, the Chesapeake Bay Executive Order, and the treatment facilities. Improvements and upgrades will be required to at least six (6) District facilities, which have capacity to treat greater than 50,000 gallons per day.<br>8/2/2010 - Cost estimate at \$45,000,000. In need of funding.<br>8/2/2011 - Testing a pilot project for economical reasons. 40% funding granted by State Senate Bill 245, however may be 06/2012 before funding is realized. Submitting documents and plans for the project; looking for other grants and loans.<br>8/23/2012 - Completed a facility plan for our four major plants that need be upgraded. Selected an engineering firm to complete the design work and have submitted our funding application to the WV IJDC. Design plans will be submitted to WVDEP for review and comment by the end of December 2012 and we expect a determination on funding (including SB 245 grant amount) by December 2012 or January 2013. | Curie Keller, General Manager<br>304-263-8566<br>cbkeller@bcpsdd.com                         |
| 1                                       | 60    | Charles Town Wastewater Main Plant, Phase I                                        | Charles Town Utility Board                     | J      | IJDC                        | EN,CD          | L          | 1,2   | Planning/Preliminary Engineering/Architecture /Final Engineering/Cost Estimates Complete                                | \$7,761,000                             | NEW      | 8/13/2012 - Wastewater Treatment Plant Upgrades to meet Chesapeake Bay requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Jane Arnett, Utilities Manager<br>304-725-2316 x13<br>jarnett@charlestownutilities.us        |
| 1                                       | 60    | Charles Town Wastewater Main Plant, Phase II                                       | Charles Town Utility Board                     | J      | IJDC                        | EN,CD          | L          | 1,2   | Planning/Preliminary Engineering/Architecture /Final Engineering/Cost Estimates Complete                                | \$15,523,000                            | NEW      | 8/13/2012 - Wastewater Treatment Plant Upgrades to meet Chesapeake Bay requirements.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Jane Arnett, Utilities Manager<br>304-725-2316 x13<br>jarnett@charlestownutilities.us        |
| 1                                       | 60    | Wastewater Treatment and Collection System Upgrade Flowing Springs and Tuscanville | Charles Town Utility Board                     | J      | CWSRF, IJDC                 | EN,CD          | L          | 2     | Planning/ Preliminary Engineering/ Architecture Completed                                                               | \$18,050,750 (Inclusive of Engineering) | UPDATE   | 8/27/2009 - Waste Treatment Plant Upgrades to meet Chesapeake Bay requirements. Expand wastewater treatment capacity by 500,000 gallons per day.<br>7/22/2010 - In need of funding.<br>8/17/2011 - Contract has been issued. Starting work 9/1/2011.<br>8/6/2012 - Project is 22.2% Complete. Substantial Completion 9/5/2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Jane Arnett, Utilities Manager<br>304-725-2316 x13<br>jarnett@charlestownutilities.us        |
| <b>BRIDGES/ROAD INFRASTRUCTURE</b>      |       |                                                                                    |                                                |        |                             |                |            |       |                                                                                                                         |                                         |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                              |
| 1                                       | 58    | 1.81 Industrial Park / Corning Way                                                 | Berkeley County Economic Development Authority | B      |                             | BR,ED,TR,E,CD  | S          | 3     | Planning/ Preliminary Engineering/ Architecture Complete/ Environmental Assessment Completed / Cost Estimates Completed | \$1,350,000                             | UPDATE   | 9/7/2011 - Warehousing, distribution and manufacturing centered commercial business park requiring on-site environmental remediation and off-site road infrastructure improvements prior to development.<br>8/7/2012 - Potential economic development opportunities have led the HEPMPPO in discussion with the WV DOT to proceed with construction.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Stephen Christian, Executive Director<br>304-267-4144<br>schristian@developmentauthority.com |
| 2                                       | 57    | Cumbo Yard / Caperton Blvd Upgrade                                                 | Berkeley County Economic Development Authority | B      | IAR                         | BR,ED,TR,E,CD  | S          | 3     | Planning/Final Engineering/ Architecture Complete/ Environmental Assessment Completed / Cost Estimates Completed        | \$400,000                               | COMPLETE | 9/1/2011 - The Development Authority has received \$400,000 in IAR funds to upgrade Caperton Blvd for Macy's. Road needs to be upgraded to accommodate new business in industrial park. Turning lanes added to Caperton Blvd and widen turning lanes into Cumbo Yard.<br>8/7/2012 - Project Complete                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Stephen Christian, Executive Director<br>304-267-4144<br>schristian@developmentauthority.com |
| 3                                       | 54    | Convention Center-Education/Medical/ Business Complex                              | Berkeley County Economic Development Authority | B      | DOT                         | CD, ED,TR,E    | L          | 5,3   | Planning/Final Engineering/ Architecture Complete/ Environmental Assessment Completed / Cost Estimates Completed        | \$14,600,000                            | UPDATE   | 8/26/2009 - The intersections/infrastructure around the City Hospital, including Dry Run Road, Rock Cliff Drive, and adjoining roads need to be redesigned. The traffic flow in this area has out grown the current pattern. To accommodate additional development and growth these intersections are in need of improvements.<br>8/9/2010 - Project is moving forward with County approval process<br>8/17/2011 - The road portion of this project has been put on hold. The convention center itself has received approval for construction, and is waiting for some final funding.<br>8/7/2012 - Project is on hold. Currently using entrance from Rock Cliff Drive                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Stephen Christian, Executive Director<br>304-267-4144<br>schristian@developmentauthority.com |

Region 9 Consolidated Project List

| RANK | SCORE | PROJECT NAME                                                                         | APPLICANT                                      | COUNTY | POTENTIAL FUNDING SOURCE(S)        | PROJECT IMPACT | TIME FRAME | GOALS   | DEVELOPMENT STAGE                                                                                                         | COST         | STATUS   | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | CONTACT                                                                                           |
|------|-------|--------------------------------------------------------------------------------------|------------------------------------------------|--------|------------------------------------|----------------|------------|---------|---------------------------------------------------------------------------------------------------------------------------|--------------|----------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 4    | 53    | US 522 and Fairview Drive Connector Road                                             | Morgan County Commission                       | M      |                                    | BR,ED,TR,E,CD  | S          | 3       | Planning/<br>Preliminary Engineering Completed                                                                            | \$9,000,000  | UPDATE   | 8/24/2011 - New Connector road to connect the new hospital complex to 522. This is a high priority for the County. The new hospital is expected to open April 2012. Currently emergency vehicles and patients will need to travel along narrow roads through residential communities to access the new hospital complex. Valley Health has basic engineering and design work complete. The Hospital would have to donate half the ROW, hope to have remaining ROW donated from US Silica also<br>8/1/2012 - Morgan County and the Town of Bath submitted preliminary TIGER grant application for \$11 million for Streetscape Improvements and the Connector Road. Application was denied. The County is still seeking funding for this project.                                                                                                    | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@morgancountywv.gov |
| 5    | 51    | GM Access Road Bridge Improvements                                                   | Berkeley County Development Authority          | B      | DOT                                | BR,CD,E,ED,TR  | S          | 1,2,3,4 | Planning/Final Engineering                                                                                                | Unknown      | NEW      | 8/13/2012 - Bridge capacity needs improved. Weight limit has been lowered causing problems with logistics for existing businesses in Cumbo Yard Business Park. Scheduled for renovation in FY2013                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Katly Mason, Business Programs Manger<br>304-267-4144 x130<br>kmason@developmentauthority.com     |
| 6    | 46    | Tabler Station Business Park/Infrastructure Improvements                             | Berkeley County Economic Development Authority | B      | DOT                                | CD,TR,ED,E     | L          | 5       | Planning/Final Engineering/<br>Architecture Complete/<br>Environmental Assessment Completed /<br>Cost Estimates Completed | \$7,200,000  | UPDATE   | 8/26/2009 - Roads - \$4,700,000 completion of Technology Dr. and extension of Development Dr., unified storm water management and rail spur - \$7,200,000.<br>8/9/2010 - Received funds to complete Technology Dr. Additional funding needed for project.<br>8/17/2011 - Only Technology Drive has been funded; it will be built before the end of 2011. Construction contracts have been awarded and is currently under construction.<br>8/7/2012 - Technology Drive is complete. Storm water management and rail spur are on hold.                                                                                                                                                                                                                                                                                                                | Stephen Christian, Executive Director<br>304-267-4144<br>schristian@developmentauthority.com      |
| 7    | 45    | West End Traffic Safety Improvement (RT.51 and Summit Point Road RT.13 Intersection) | City of Charles Town                           | J      | DOT, FWHA TEA, Annual Approps. CIP | TR             | L          | 5       | Planning/<br>Preliminary Engineering/<br>Architecture                                                                     | \$2,100,000  | UPDATE   | 10/6/2008 - This project is still in the "idea" phase. We applied for a congressional appropriation through Congresswoman Capito's Office for engineering money, but did not receive the funding.<br>8/27/2009 - The Y-angled intersection of Route 51 and Summit Point Road has been studied by an engineering firm, which has determined that without improvements the intersection will have a Level of Service of D by 2015. The engineering study identified three different design alternatives to be further evaluated as part of the Project Plans, Specifications, and Engineering phase. City of Charles Town has provided \$420,000 from the 5-year Capital Improvements Plan; \$1,680,000 funds needed.<br>7/15/2010 - In need of funding.<br>8/17/2011 - Still in need of funding.<br>8/24/2012 - No funding to date                   | Joe Cosentini, City Manager<br>304-725-2311 x224<br>joe@charlestownwv.us                          |
| 8    | 44    | Ranson-Charles Town Green Corridor Revitalization                                    | City of Ranson                                 | I      | WVDOT                              | CD, TR         | S          | 5       | Funded                                                                                                                    | \$23,000,000 | UPDATE   | 8/30/2010 - Cities of Ranson and Charles Town intend to seek funding to plan and engineer a Green Corridor Revitalization that will link Fairfax Blvd-George St to a new regional Commuter Center.<br>8/29/2011 - \$380,000 awarded by US DOT Tiger II and HUD Challenge Planning grant. Currently underway<br>6/20/12 - \$5,000,000 awarded by US DOT Tiger IV for construction - total project cost of \$23,000,000 is being sourced from local match, State DOH, and local utilities. Project will probably be broken into phases to meet funding availability.                                                                                                                                                                                                                                                                                  | Sarah Klockner, Planning Director<br>304-724-3864<br>sklockner@cityofransonwv.net                 |
| 9    | 43    | Paving of Roads                                                                      | Town of Bath                                   | M      | DOT                                | CD, ED, T,IR   | S          | 2,3,5   | Planning/Final Engineering/<br>Architecture Complete/<br>Environmental Assessment Completed /<br>Cost Estimates Completed | \$14,000     | UPDATE   | 8/28/2009 - The Town's roads are in need of complete paving. This would enhance the sidewalks and the community. Town will provide \$14,000 from the street fee; need \$40,000.<br>8/29/2010 - In need of funding.<br>8/25/2011 - Some paving has occurred still in need of additional funding<br>8/1/2012 - Spent \$25,000 on some paving. Mercer Street wall is deteriorating and lifting the pavement, needs repaired before road can be repaved. Still in need of funding.                                                                                                                                                                                                                                                                                                                                                                      | Susan Webster, Mayor<br>304-258-1102<br>townofbath.wv@net                                         |
| 9    | 43    | Raleigh Street Extension                                                             | City of Martinsburg                            | B      | WVDOT                              | CD,TR          | L          | 5       | Funded                                                                                                                    | \$38,000,000 | UPDATE   | 10/20/2008 - Project is a Federal/State project. Project will extend Raleigh Street 1.2 miles from Race Street to Intersection of US Rt. 11 and WV Rt. 9. Project will allow for a new North/South route that will alleviate traffic congestion on North Queen Street, improve police, fire and EMS service as well as create economic development opportunities. Estimated project cost to date is \$38M. Project funds secured to date is \$38M. Engineering design completed.<br>9/9/2009 - Project is moving forward with Phase I to start winter 2009.<br>7/2/2010 - Permit Process complete. Project is moving forward with Phase I to start summer 2010.<br>8/17/2010 - All three contracts awarded by WVDOT. Completion date is 12/2012.<br>8/13/2012 - Completion date for 2 contracts is Fall 2012 with 3rd contract completion June 2013 | Mark Baldwin, City Manager<br>304-264-2149<br>markbaldwin1@aol.com                                |
| 9    | 43    | Gateway Revitalization Project                                                       | City of Charles Town                           | J      | WVDOT                              | CD, TR         | S          | 5       | Funded                                                                                                                    | \$4,000,000  | COMPLETE | 10/6/2008 - Project bid documents are currently under review by WVDOT. Project scheduled to go to bid early 2009.<br>8/27/2009 - Project funded and went to bid. To close the last easement, ready in 14 days to begin.<br>7/15/2010 - Project is moving forward.<br>8/17/2011 - Utility work should be completed in next two months.<br>8/24/2012 - Project completed in April 2012                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Joe Cosentini, City Manager<br>304-725-2311 x224<br>joe@charlestownwv.us                          |

| RANK                                  | SCORE | PROJECT NAME                                                          | APPLICANT                                      | COUNTY | POTENTIAL FUNDING SOURCE(S) | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE                                                                                                | COST         | STATUS | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | CONTACT                                                                                                                                                                 |
|---------------------------------------|-------|-----------------------------------------------------------------------|------------------------------------------------|--------|-----------------------------|----------------|------------|-------|------------------------------------------------------------------------------------------------------------------|--------------|--------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10                                    | 41    | Old Town Gateway Corridor Revitalization-Mildred St                   | City of Ranson                                 | J      | WVDOT                       | CD, TR         | L          | 5     | Planning                                                                                                         | \$1,500,000  | UPDATE | 8/30/2010 - City of Ranson is seeking funds to design and engineer improvements to Mildred Street corridor from Curry Lane to Leetown Road.<br>8/29/2011 - Grant Application for WV DOT-DOH Transportation Enhancement project for bike path was denied. Additionally, Ranson was informed that improvements to intersection of Mildred Street and Old Leetown Road exceeded scope of Transportation Enhancement projects because of potential need to acquire additional right-of-way. Proposal was conveyed to HEPMPPO as a potential future project.<br>8/22/12 - Project remains a transportation and civic enhancement priority as conveyed in the City's 2012 Comprehensive Plan - no funding is available and no grants are pending                                                                                                   | Sarah Kleckner, Planning Director<br>304-724-3864<br>skleckner@cityofransonwv.net                                                                                       |
| 11                                    | 38    | Route 522 Bypass                                                      | Morgan County Economic Development Authority   | M      | WVDOT                       | TR             | L          | 5     | Planning complete                                                                                                | \$90,000,000 | UPDATE | 10/2/2008 - The Environmental Assessment should be approved in late 2006 and circulated for comments. Another public workshop will then be scheduled shortly thereafter.<br>8/28/2009 - Project could be two lanes. Numbers need to justify.<br>8/19/2010 - In need of funding.<br>8/25/2011 - Still in need of funding<br>8/1/2012 - Still in need of funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net                                                                            |
| 12                                    | 35    | East Burke Street Bridge Renovations                                  | City of Martinsburg                            | B      | WVDOT                       | TR             | S          | 1.5   | Planning/Preliminary Engineering/ Architecture                                                                   | \$500,000    | UPDATE | 9/3/2009 - Repairs to an old stone arched bridge (circa 1900) to include of tie-rod retrofit, repointing of all joints and construction of new wing wall. This bridge has been determined to be the City's ownership by WVDOT, although it is a part of the federal aid urban system which feeds County Route 35 traffic and U.S. 11 in Martinsburg. Project scope and cost will need to be determined in the very near future to make necessary improvements in a timely fashion.<br>7/22/2010 - Project approved by WVDOT. Agreement is in place. City match is 20%.<br>8/2/2011 - WVDOT project; finalizing plans in 2011 for 2012 construction.<br>8/13/2012 - WVDOT project; finalizing plans in 2012 for 2013 construction                                                                                                             | Mark Baldwin, City Manager<br>304-264-2149<br>markbaldwin17@aol.com                                                                                                     |
| 13                                    | 33    | Access from The Commons(Rt.45)-Service Road                           | Berkeley County Economic Development Authority | B      | DOT                         | CD, EN, TR     | L          | 5     | Planning                                                                                                         | \$17,300,000 | UPDATE | 8/26/2009 - The Commons shopping area is in need of a service road. The traffic flow in this area has outgrown the current pattern. To accommodate additional development and growth a service road would be beneficial.<br>8/9/2010 - In need of funding.<br>8/17/2011 - No movement at all on this project. Developers of the adjacent land have not yet moved forward with plans to construct the new Mall.<br>8/7/2012 - Need a second entrance/exit to alleviate traffic congestion at peak times                                                                                                                                                                                                                                                                                                                                       | Stephen Christian, Executive Director<br>304-267-4144<br>schristian@developmentauthority.com                                                                            |
| WATER/SEWER/STORMWATER INFRASTRUCTURE |       |                                                                       |                                                |        |                             |                |            |       |                                                                                                                  |              |        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                                                                         |
| 1                                     | 57    | Inwood Land Drainage and Water Quality Project                        | Berkeley County Public Service Sewer District  | B      | IJDC, Public                | EN, CD, FM     | S/L        | 2     | Planning/Final Engineering/ Architecture Complete/ Environmental Assessment Completed / Cost Estimates Completed | \$32,000,000 | UPDATE | 9/10/2009 - Made request from Senator Byrd's office for project to be taken on by Army Corp of Engineers. Received letter from Senator Byrd's office indicating ACE will schedule a site visit in Oct - Nov. 2009 Phase I cost estimates at 7 million, total project 32 million.<br>8/2/2010 - Phase I - The Green Infrastructure Project (GIP) is a storm water reuse project. The project will alleviate some of the flooding issues in Inwood.<br>8/19/2010 - Met with Army Corp of Engineer. No assistance from Corp since the issue is due to storm water management. Still in planning.<br>8/2/2011 - Plans finalized for Phase IC; estimated cost \$8,759,317. Looking for funding (possibly Brownfield?); would like to purchase other property which may already have usable resources for water handling.<br>8/23/2012 - No update | Curtis Keller, General Manager<br>304-263-8566<br>ckeller@bepssd.com                                                                                                    |
| 2                                     | 47    | Potomac Station Well Pumps, etc. from Well Field to Potomac River WTP | Berkeley County Public Service Water District  | B      | Private Bond Issue Proceeds | EN             | S          | 2     | Planning/Final Engineering/ Architecture Complete/ Environmental Assessment N/A                                  | \$1,751,500  | UPDATE | 8/9/2011 - Potomac Station to 6300 Williamsport Pike. Install pumps, motors and appurtenances at well field and 1.5 miles of 12" and 16" D.I. Raw Water Main. Local funds committed \$34,900.<br>8/10/2012 - Permit process complete; cost adjusted                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Christine Thiel, PE, District Engineer<br>304-267-4600<br>ctiel@berkeleywater.org<br>or<br>Paul Fisher, Executive Director<br>304-267-3855<br>pfisher@berkeleywater.org |
| 2                                     | 47    | Berkeley Station 24" and 30" Water Main                               | Berkeley County Public Service Water District  | B      | IJDC                        | EN, CD         | S          | 2     | Permitted; Engineering Design Complete                                                                           | \$3,900,000  | UPDATE | 9/21/2009 - Williamsport Pike and Berkeley Station Road 2.5 miles of 16", 24" and 30" D.I. Water Main. This will increase the ability to deliver water in areas of Berkeley County north of the City of Martinsburg.<br>7/21/2010 - Local Funds committed \$227,100. Permit Process complete.<br>8/9/2011 - In need of funding; now a short term project.<br>8/10/2012 - No change in status; local funds now committed \$357,600                                                                                                                                                                                                                                                                                                                                                                                                            | Christine Thiel, PE, District Engineer<br>304-267-4600<br>ctiel@berkeleywater.org<br>or<br>Paul Fisher, Executive Director<br>304-267-3855<br>pfisher@berkeleywater.org |
| 3                                     | 45    | S22 Business Park Water and Sewer Systems Improvements                | Morgan County Economic Development Authority   | M      | WVDO Grants/IJDC Loan       | EN, ED, BR     | S          | 2     | Planning/Engineering Complete                                                                                    | \$300,000    | UPDATE | 9/1/2011 - Provide water tank to improve fire service and water reliability to 522 business park. Improve sewer treatment.<br>8/1/2012 - Project could be funded through IJDC forgivable loan                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net                                                                            |

Region 9 Consolidated Project List

| RANK | SCORE | PROJECT NAME                                                                              | APPLICANT                                     | COUNTY | POTENTIAL FUNDING SOURCE(S) | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE                                                                                                 | COST         | STATUS | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | CONTACT                                                                                                                                                                  |
|------|-------|-------------------------------------------------------------------------------------------|-----------------------------------------------|--------|-----------------------------|----------------|------------|-------|-------------------------------------------------------------------------------------------------------------------|--------------|--------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 4    | 43    | Grubb Corner Water Tank                                                                   | Berkeley County Public Service Water District | B      | IJDC                        | EN, CD         | L          | 2     | Final Engineering/Architecture Complete, Environment Assessment Complete                                          | \$2,900,000  | UPDATE | 9/21/2009 - Construction of 2,000,000 gallon elevated water storage tank on Kelly Island Road will increase amount of water available for fire service. Local funds committed of \$140,400.<br>7/21/2010 - Final Engineering/Architecture Complete and environmental assessments complete. Cost adjusted.<br>8/4/2011 - No change in status.<br>8/10/2012 - Project on hold                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Christine Thiel, PE, District Engineer<br>304-267-4600<br>cthiel@berkeleywater.org<br>or<br>Paul Fisher, Executive Director<br>304-267-3855<br>pfisher@berkeleywater.org |
| 4    | 43    | Bine Ridge Mountain Water Project                                                         | Jefferson County Public Service District      | J      | Public/Private/IJDC         | EN, CD         | S          | 2     | Planning Preliminary Engineering                                                                                  | \$16,200,000 | UPDATE | 9/9/2009 - Jefferson Utilities is a private Water Utility. Jefferson County PSD is joining with them so they have access to public funding for replacement of the existing inadequate water distribution systems serving the communities of Koyes Ferry Acres, Harpers Ferry Campsites, Millville and Westridge Hills. Final Engineering to be finished in 60 Days. Local funds not determined.<br>8/13/2010 - Project on hold. It has not been determined if or when project will move forward. Waiting for Jefferson County Commission to complete their well studies on the mountain.<br>8/6/2011 - Project still on hold. Court case pending.<br>8/10/2012 - Project on hold due to court case                                                                                                                                                                                                                                                                                                                                                                                                            | Susanne Lawton, General Manager<br>304-725-4647<br>gm@cpsd.com                                                                                                           |
| 4    | 43    | Sewer Grinding Station Improvements, replace and upgrade lines - Sewer Project: 2005S-888 | Town of Paw Paw                               | M      | IJDC, SCBG                  | CD, EN         | S          | 2     | Planning/Final Engineering/Environmental Assessment Completed / Cost Estimates Completed                          | \$2,000,000  | UPDATE | 9/16/2008 - IJDC recommends apply for SCBG \$1,500,000 and \$500,000 IJDC Loan. Upgrade the sewage collection and treatment facilities with a replacement of the sewage lift station, replace 10,000 linear feet of 8" sewer lines, 40 manholes & 4 aerators. Emergency repairs were completed to the collection lagoon with a loan of \$101,325 from ARC and a Small Cities Block grant application for \$1,500,000 has been submitted to the WV Development Office to complete repairs. Turned in small cities block grant and had a public hearing.<br>8/28/2009 - Governor has awarded SCBG for design. Design phase has begun.<br>8/19/2010 - Design phase done. Submitted SCBG in April 2010 for construction.<br>8/17/2011 - Awarded \$200,000 to complete additional tasks prior to construction. Looking to go to bid Nov/Dec 2011 and start construction in Spring 2012. Expect \$1,000,000 to be released in 2012 for construction.<br>8/1/2012 - \$1,000,000 SCBG awarded Dec 2011, IJDC \$500,000 loan approved. Construction to begin October 2012. Project Completion scheduled for June 2013. | Alton Wolfe Jr, Mayor<br>or<br>Jennifer O'Brien, Grants Coordinator - Region 9<br>304-263-1743<br>jobrien@region9wv.com                                                  |
| 5    | 41    | Water System Project                                                                      | Corporation of Harpers Ferry                  | J      | DHHS                        | EN, CD         | L          | 2     | Planning Preliminary Engineering                                                                                  | \$2,998,000  | UPDATE | 8/27/2009 - Replacement of water lines, renovation and improvements to the water plant and two existing storage tanks. Environmental Assessments complete.<br>8/19/2010 - In need of funding<br>8/11/2011 - Still in need of funding.<br>8/13/2012 - Still in need of funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Joe Anderson, Mayor<br>304-535-2377<br>joewa2@juno.com                                                                                                                   |
| 6    | 40    | Charles Town Water Improvements Project                                                   | Charles Town Utility Board                    | J      | IJDC                        | EN, CD         | L          | 1,2   | Planning/Preliminary Engineering/Architecture /Final Engineering/Cost Estimates Complete/Environmental Assessment | \$1,555,000  | NEW    | 8/13/2012 - Water improvements project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Jane Arnett, Utilities Manager<br>304-725-2316 x13<br>jarnett@charlestownutilities.us                                                                                    |
| 7    | 39    | Upgrade Wastewater Treatment Plant Project #2006S-928                                     | Corporation of Harpers Ferry/Bolivar PSD      | J      | IJDC - CWSRF Loan           | EN, CD         | L          | 2     | Funded                                                                                                            | \$696,412    | UPDATE | 10/2/2008 - Add sludge belt press to replace existing drying beds; repair scum removal equipment and screening system for influent chamber. \$696,412 Clean Water State Revolving Fund Loan recommendation by IJDC. Submitting funding application package to RUS for Farm Bill Funding. CWSRF funding approved in the amount of \$769,479. At present, the Town of Bolivar is in negotiations with the National Park Service over the land acquisition, so state is currently waiting on this to take place.<br>8/28/2009 - Construction has begun.<br>8/19/2010 - Project is 98% completed, should complete the end of 2010.<br>8/11/2011 - Project is 99.99% completed; contractor filed bankruptcy; last item to be completed within the next couple of weeks.<br>8/10/2012 - No change in status. Project is almost complete, contractor bankruptcy and air compressor issue are last items to finalize project                                                                                                                                                                                          | James Williams, Field Superintendent<br>304-535-2390<br>harpersferrypsd.frontier.net                                                                                     |
| 8    | 38    | Washington Street Drainage Improvements(Harpers Ferry)                                    | Corporation of Harpers Ferry                  | J      | USDA, DEP                   | EN             | S          | 2     | Planning/Final Engineering/Architecture Complete                                                                  | \$281,000    | UPDATE | 9/1/2011 - Construct Stormwater drainage system on Washington Street from McDowell to Church Streets. Project is taken from the results of the design work completed last year in the Harpers Ferry - Bolivar Stormwater Management Study.<br>8/7/2012 - Still seeking funding sources for implementation of the Harpers Ferry - Bolivar Stormwater Management Study                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Joe Anderson, Mayor<br>304-535-2377<br>joewa2@juno.com                                                                                                                   |
| 8    | 38    | Washington Street Drainage Improvements(Bolivar)                                          | Corporation of Bolivar                        | J      | USDA, DEP                   | EN             | S          | 2     | Planning/Final Engineering/Architecture Complete                                                                  | \$141,365    | UPDATE | 8/24/2011 - Construct Stormwater drainage system on Washington Street from Fisher Alley to Union Street. Project is taken from the results of the design work completed last year in the Harpers Ferry - Bolivar Stormwater Management Study.<br>8/7/2012 - Still seeking funding sources for implementation of the Harpers Ferry - Bolivar Stormwater Management Study                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Robert C. Hardy, Mayor<br>304-535-2476<br>bolivarh@frontier.net                                                                                                          |
| 9    | 37    | Warm Springs Watershed Manhole Removal Project                                            | Morgan County Commission                      | M      |                             | EN, CD, ED     | L          | 1,2   | Planning                                                                                                          | \$600,000    | NEW    | 8/13/2012 - Need funding for design and engineering for removal and rerouting of sewer piping and manholes that are disrupting the water flow of the Warm Springs Run.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@morgancountyywv.gov                                                                       |

| RANK                           | SCORE | PROJECT NAME                                      | APPLICANT                                                     | COUNTY | POTENTIAL FUNDING SOURCE(S) | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE                                                                                                | COST         | STATUS   | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | CONTACT                                                                                                                                                                 |
|--------------------------------|-------|---------------------------------------------------|---------------------------------------------------------------|--------|-----------------------------|----------------|------------|-------|------------------------------------------------------------------------------------------------------------------|--------------|----------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9                              | 37    | Glen Haven & Cavaland Water System Improvements   | Jefferson County Public Service District                      | J      | WDA & DWTRF/UDC             | EN,CD          | S          | 2     | Have preliminary funding commitments and preparing to submit to DEP & PSC                                        | \$2,115,700  | UPDATE   | 8/24/2011 - Bakerton Rd. between Harpers Ferry & Shepherdstown. Replace water distribution system, well components and source.<br>8/10/2012 - The project now included both the water systems in Cavaland and Glen Haven. We are moving forward with design in hopes of submission by mid September, 2012. Replaces water systems in both developments and now includes about 145 customers.                                                                                                                                                                                                                              | Susanne Lawton, General Manager<br>304-725-4647<br>sm@jpsd.com                                                                                                          |
| 10                             | 36/37 | Alternative Water Source                          | Morgan County Economic Development Authority                  | M      | UDC                         | EN,CD          | S          | 2     | Planning Preliminary Engineering                                                                                 | \$40,000     | UPDATE   | 8/28/2009 - Morgan County is in need of an alternative water source system developed to expand services. A planning study has been completed.<br>8/3/2010 - Follow-up on study needed.<br>8/5/2011 - In need of funding.<br>8/1/2012 - More engineering required and funding is still needed                                                                                                                                                                                                                                                                                                                              | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net                                                                            |
| 11                             | 34    | Route 522 Corridor Sewer Extension                | Warm Springs PSD/Morgan County Economic Development Authority | M      | LA,SCBG                     | EN,CD          | L          | 2     | Planning                                                                                                         | \$1,500,000  | UPDATE   | 9/10/2009 - Area needs to be re-evaluated to determine the best means of serving the remaining corridor and other potential development. Sewer collection system upgrades may be necessary to service a proposed 200 unit housing development plus existing residential, commercial & industrial properties. Two package sewer plants could potentially be taken out of service.<br>8/3/2010 - Still in planning.<br>8/25/2011 - In need of funding for feasibility study<br>8/1/2012 - Funding for income survey and preliminary engineering is needed for possible SCBG and Chesapeake Bay grant funding.               | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net                                                                            |
| 12                             | N/A   | Drinking Water Tanks for Mountain Communities     | Jefferson County Commission                                   | J      |                             | CD             | S          | 2     | Planning                                                                                                         |              | UPDATE   | 9/6/2011 - Support for public-private partnership application to IDDC seeking funds to provide water tanks along with pumps to provide drinking water to mountain communities. The Westridge HOA would donate the land where test wells have identified water at 150 gallons per minute. THIS IS IN ITS EARLY STAGES OF DISCUSSION.<br>8/28/2012 - No update                                                                                                                                                                                                                                                              | Lyn Widmyer, County Commission<br>304-725-3284<br>lwidmyer@jeffersoncountywv.org                                                                                        |
| <b>PUBLIC/SAFETY BUILDINGS</b> |       |                                                   |                                                               |        |                             |                |            |       |                                                                                                                  |              |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                         |
| 1                              | 54    | Ice House Project                                 | Morgan County Commission                                      | M      | LA, NP, USDA                | BR,CD,ED       | S          | 2     | Planning/Final Engineering/ Architecture Complete/ Environmental Assessment Completed / Cost Estimates Completed | \$2,000,000  | UPDATE   | 9/1/2011 - Need funding for development of 10,000 sq. ft. of studio and classroom space on the third floor specifically targeted for adult and higher education.<br>8/1/2012 - Received \$200,000 from US Housing & Development along with private donations and fundraisers.<br>IceHouse will be closing for 4 to 6 months in November 2012 for remodeling. Restrooms and sprinkler system to be installed on floors 1 and 2, soundproofing the dance studio and a new duct system for the air conditioning system. Still in need of funding.                                                                            | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@morgancountywv.gov                                                                       |
| 2                              | 48    | New Hospital Campus                               | Morgan County Economic Development Authority                  | M      | Privately Funded            | BR,CD,E,ED     | L          | 2     | Complete                                                                                                         | \$17,000,000 | COMPLETE | 10/6/2008 - Still on the drawing board.<br>8/28/2009 - Design has been completed - 80 acres for Sr. Housing.<br>8/16/2010 - Valley Health began construction of hospital complex early summer 2010.<br>8/19/2011 - Due to be completed April 2012<br>8/1/2012 - Project complete                                                                                                                                                                                                                                                                                                                                          | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net                                                                            |
| 3                              | 40    | The Pines Opportunity Center Property Development | Morgan County Commission                                      | M      |                             | BR,CD,ED       | S          | 2     | In Planning                                                                                                      | \$300,000    | UPDATE   | 9/6/2011 - The County owns the old medical facility which will be vacated in early 2012. The County will need to redevelop the property for economic development opportunity. Discussed possible sale/ lease or property management. Feasibility and engineering study for possible multi-tenant uses.<br>Yearly utility costs and maintenance<br>8/1/2012 - Two physicians have leased part of building for private practice. Blue Ridge Community and Technical College will host continuing education classes on second floor. Seeking additional funding for renovations, systems evaluation and energy efficiencies. | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@morgancountywv.gov                                                                       |
| 4                              | 37    | Administrative/ Maintenance Facility              | Berkeley County Public Service Water District                 | B      | Private Revenue Bonds       | CD             | L          | 2     | Planning Preliminary Engineering/ Local Funds Committed                                                          | \$3,945,000  | UPDATE   | 9/21/2009 - 21,000 square foot Administrative Offices and Maintenance Facility built on Caperton Blvd at Combo Yard Business Park<br>7/21/2010 - Local funds committed \$305,500. Preliminary Engineering/Architecture and Environmental Assessments complete.<br>8/4/2011 - Local funds committed \$643,000; design plans are complete and permitting is in progress.<br>8/10/2012 - Permit process complete; local funds now committed \$673,100                                                                                                                                                                        | Christine Thiel, PE, District Engineer<br>304-267-4600<br>ctiel@berkeleywater.org<br>or<br>Paul Fisher, Executive Director<br>304-267-3855<br>pfisher@berkeleywater.org |
| 5                              | 36    | New Safety/Public Building                        | Berkeley County Council                                       | B      |                             | CD             | L          | 2     | Planning Engineering/ Environmental Assessment Complete/Construction                                             | \$14,000,000 | UPDATE   | 9/10/2009 - Planning and engineering is complete. Ground will be ready in five months. Moving forward.<br>8/19/2010 - In need of funding.<br>8/4/2011 - Finalizing financing; environmental testing completed.<br>8/13/2012 - Interior and exterior renovations have begun on the building, which will house the Berkeley County Sheriff's Department. Scheduled for completion early 2013. Secured a tree planting grant for stormwater management of the parking lot.                                                                                                                                                   | Deborah Hammond, County Administrator<br>304-267-5002<br>dhammond@berkeleywv.org                                                                                        |

Region 9 Consolidated Project List

| RANK | SCORE | PROJECT NAME                                                            | APPLICANT                   | COUNTY | POTENTIAL FUNDING SOURCE(S)                        | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE                                                         | COST        | STATUS   | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | CONTACT                                                                                           |
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| 6    | 35    | Senior Center                                                           | Morgan County Commission    | M      | SCBG, USDA                                         | CD             | L          | 2     | Complete                                                                  | \$500,000   | COMPLETE | 8/28/2009 - Development of a new senior center health department duplex process project, to be located on the new hospital property on Fairview Dr. Been awarded \$190,000 from Federal. Project will add medical and wellness services provided at the hospital medical campus. It is expected that other medical business will be attracted to the 80 acre site. County has committed the 5 acre parcel adjacent to the new hospital complex for this project, additional funds needed.<br>8/16/2010 - In need of additional funds.<br>8/19/11 - The Senior Life Services Board is actively pursuing construction of their new Senior Center. Currently have three locations that would serve as viable location.<br>8/1/2012 - Bought US Silica Building with a loan from USDA. Relocating 2012                                                                                   | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@morgancountywv.gov |
| 7    | 34    | Renovation of Charles Washington Hall Multi-Modal Transportation Center | City of Charles Town        | J      | FWHA TEA, Annual Approps., EDI, Scenic Byways, CIP | TR,T,E         | L          | 2     | Planning                                                                  | \$3,400,000 | UPDATE   | 10/6/2008 - Completed stabilization with Save America's Treasures grant. Working on use analysis and funding opportunities.<br>8/27/2009 - City of Charles Town, in cooperation with PanTran, is planning to rehabilitate and reuse the historic Hall as a designated, indoor transit stop for PanTran's existing Orange Line fixed-route services. This project will house the City's Visitor Center and the second floor used for public meeting space. City of Charles Town has provided \$680,000 from the 5-year Capital Improvements Plan, \$2,720,000 needed. Create 8 full-time staff positions.<br>7/15/2010 - Still in planning and need funding.<br>8/17/2011 - Rec'd grant for design only; still planning.<br>08/24/2012 - Design and construction specs are scheduled to be completed by the end of 2012.                                                              | Joe Cosentini, City Manager<br>304-725-2311 x224<br>joe@charlestownwv.us                          |
| 8    | 33    | City Hall Energy Efficiency Grant                                       | City of Martinsburg         | B      | EECBG                                              | CD,EN          | S          | 2     | Planning/ Preliminary Engineering/ Cost Estimates/Final Engineering Plans | \$1,100,000 | COMPLETE | 9/3/2009 - Conduct citywide energy audit and specific energy audit for City Hall.<br>7/22/10 - Project advertised Summer 2010. Consultant award expected August 2010.<br>8/17/2011 - Project is ongoing; contract awarded; improvements are underway, October 2011 completion date.<br>8/12/2012 - Project complete                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Mark Baldwin, City Manager<br>304-264-2149<br>markbaldwin17@aol.com                               |
| 9    | 32    | Jefferson County Judicial Center                                        | Jefferson County Commission | J      |                                                    | CD             | S          | 2     | Planning/ Preliminary Engineering/ Local Funds Committed                  | \$9,650,000 | UPDATE   | 9/24/2009 - Designed as a 40,000 square foot steel rigid frame structure with a masonry veneer. The building will have one Circuit Court room, one Family Court room, and general offices for the judges, Tax collection office and Circuit Clerk. The building will have a holding area for the Sheriff Office to maintain security of prisoners awaiting court.<br>8/19/2010 - In need of funding.<br>8/11/2011 - Plans have been tabled, but are looking at alternate sites until they have enough money to build. Currently have \$6M in local funds.<br>8/28/2012 - No Update                                                                                                                                                                                                                                                                                                   | Debbie Keyser, County Administrator<br>304-725-3284<br>dkeyser@jeffersoncountywv.org              |
| 10   | 29    | Community Service Center                                                | Morgan County Commission    | M      | SCBG, USDA                                         | CD, EN         | S          | 2     | Planning                                                                  | \$310,000   | UPDATE   | 10/2/2008 - This building houses several community related resources including the Red Cross, Senior Center, Boys & Girls Club and the Health Dept. While the renovations are necessary and require attention, other Morgan County projects are of a more immediate need, bumping this one to the middle of the list.<br>8/28/2009 - Improvements are being made to the structure on the interior and exterior.<br>8/16/2010 - Continue to improve the structure. Funding has been received.<br>8/19/2011 - Funding for Green Street Renovations received from TEP. Red Cross no longer in Community Service Building. Health Department needs \$60,000 for generator, building also needs sprinkler system<br>8/1/2012 - Still need funding for sprinkler system and the Health Department still needs a generator to ensure vaccine and medicine quality in case of power outages. | Jodi McClintock, Morgan County Administrator<br>304-867-3135<br>jmcclintock@morgancountywv.gov    |
| 11   | 28    | Police Department Replacement Facility                                  | City of Charles Town        | J      | DOI, DHHS, USDA                                    | CD             | L          | 2     | Planning On Hold                                                          | \$1,000,000 | UPDATE   | 8/27/2009 - Police Department requires an expanded facility to adequately handle its operations and technology requirements. City of Charles Town has provided \$250,000 from the 5-year Capital Improvement Plan; \$750,000 is needed.<br>7/15/2010 - In need of funding.<br>8/17/2011 - Project is on hold.<br>08/24/2012 - No funding to date                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Joe Cosentini, City Manager<br>304-725-2311 x224<br>joe@charlestownwv.us                          |
| 11   | 28    | West Side LSI Police & Fire/EMS Multipurpose Building                   | City of Martinsburg         | B      | ARRA                                               | CD             | L          | 2     | Planning On Hold                                                          | \$5,000,000 | UPDATE   | 9/3/2009 - Construction of a new Police & Fire/EMS facility. Stimulus Fire Construction Grant submitted summer 2009 in the amount of \$M. City of Martinsburg have provided \$480,000 for design only.<br>7/22/2010 - Cost adjusted.<br>8/17/2011 - Project is on hold,<br>8/13/2012 - Project is on hold                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Mark Baldwin, City Manager<br>304-264-2149<br>markbaldwin17@aol.com                               |
| 11   | 28    | City Hall/Police Headquarters/Judicial Complex Project                  | City of Martinsburg         | B      |                                                    | CD             | L          | 2     | Planning On Hold                                                          | \$8,000,000 | UPDATE   | 9/3/2009 - Construct new Police Headquarters/Judicial Complex and renovate existing City Hall. City of Martinsburg has provided \$375,000 for design of complex.<br>7/22/2010 - Local funds provided \$1.5M.<br>8/17/2011 - Project is on hold.<br>8/13/2012 - Project is on hold                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Mark Baldwin, City Manager<br>304-264-2149<br>markbaldwin17@aol.com                               |
| 12   | 25    | CSX Lot - Municipal Center                                              | Town of Bath                | M      | Brownfields                                        | CD             | L          | 2     | Planning                                                                  | \$150,000   | UPDATE   | 8/28/2009 - Acquire the property to develop a Municipal Center. Project will turn a useless Brownfields property into a viable Municipal Center.<br>8/19/2010 - Still in planning.<br>8/25/2011 - On hold waiting for CSX to donate property<br>8/1/2012 - Property has been assessed. CSX cannot donate property until contaminants have been removed. Still pursuing acquisition of this land for North Berkeley Rail Trail route.                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Susan Webster, Mayor<br>304-258-1102<br>townofbath.wv@net                                         |

| RANK                     | SCORE | PROJECT NAME                                          | APPLICANT                    | COUNTY | POTENTIAL FUNDING SOURCE(S) | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE                | COST        | STATUS   | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | CONTACT                                                                                                                                                            |
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| 13                       | 23    | Library Project                                       | Shepherdstown                | J      | Brownfields                 | CD             | L          | 2     | Planning                         | UNKNOWN     | UPDATE   | 8/17/2010 - Applying for grant to clean-up the Brownfields area for a new library.<br>8/22/2011 - \$200,000 Grant received for clean-up; looking for funding to build.<br>7/15/2012 - Clean up of the site to begin late August early September 2012 and be completed by the end of the year.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Jim Auxer, Mayor<br>304-876-2312<br>jimauxer@yahoo.com<br>or<br>Hali Taylor, Director<br>Shepherdstown Public Library<br>304-876-2783<br>taylor_h@martin.lib.wv.us |
| 14                       | 22    | Crawford Building                                     | Berkeley County Council      | B      | Brownfields                 | CD             | L          | 2     | Planning                         | UNKNOWN     | UPDATE   | 9/10/2009 - Assessments needed for clean-up and renovations.<br>8/19/2010 - Assessments needed for clean-up and renovations.<br>8/17/2011 - Assessments needed for clean-up and renovations.<br>8/16/2012 - No update                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Deborah Hammond, County Administrator<br>304-267-5002<br>dhammond@berkeleywv.org                                                                                   |
| 14                       | 22    | Berkeley County Health Department Building            | Berkeley County Council      | B      |                             | CD             | L          | 4     | Planning                         | UNKNOWN     | NEW      | 8/13/2012 - Funding needed for construction of new Berkeley County Health Department. Project is on County's priority list but the design and cost estimates will not occur until 2013.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Deborah Hammond, County Administrator<br>304-267-5002<br>dhammond@berkeleywv.org                                                                                   |
| 14                       | 22    | Morgan County Animal Control Facility                 | Morgan County Commission     | M      | PETCO                       |                | S          | 2     | In Planning                      | \$350,000   | UPDATE   | 8/29/2011 - The Morgan County Commission is looking for a new location for their animal control facility, which would house 20 kennels as well as an office area for administrative work. A new vehicle for animal pick up is also needed.<br>8/1/2012 - County is still attempting to find a location to house 8 - 12 animals. A \$300,000 PETCO Grant application was submitted but denied. Still in need of funding.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@mocogancountywv.gov                                                                 |
| RAIL TRAIL / STREETSCAPE |       |                                                       |                              |        |                             |                |            |       |                                  |             |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                    |
| 1                        | 28    | Streetscape, Potomac Street Project                   | Corporation of Harpers Ferry | J      | DOH                         | EN,CD          | L          | 2,3   | Planning                         | \$1,700,000 | UPDATE   | 8/7/2012 - \$1.3 Million received through Senator Byrd, \$55,000 Governors Participation Grant. Streetscape design is 95% complete.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Joe Anderson, Mayor<br>304-535-2377<br>joewa2@juno.com                                                                                                             |
| 2                        | 26    | Martinsburg Train Station Corridor                    | City of Martinsburg          | B      |                             | BR,CD,ED,TR    | S          |       | Planning/Cost estimate completed | \$656,150   | NEW      | 8/13/2012 - Streetscape on E. Martin Street from Spring Street to the Caperton Train Station, new sidewalks, pavers and lighting. Additional funding for the "for the kids, by George" kids museum.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Mark Baldwin, City Manager<br>304-264-2149<br>markbaldwin17@aol.com                                                                                                |
| 3                        | 24    | Washington Street Sidewalk Repairs                    | Corporation of Harpers Ferry | J      |                             | BR,CD,EN       | S          |       | Planning                         | \$180,000   | NEW      | 8/13/2012 - Remove existing deteriorated concrete sidewalk and replace with concrete and pattern brick sidewalk with ramps and curbs to connect with existing brick sidewalks at both ends of the project, approximately 1090 linear feet.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Joe Anderson, Mayor<br>304-535-2377<br>joewa2@juno.com                                                                                                             |
| 4                        | 23    | 3rd Ave Streetscape Part of Ranson CBD Revitalization | City of Ranson               | J      | DOH, LA, NP                 | CD,EN          | S          | 5     | Funded                           | \$359,745   | UPDATE   | 10/6/2008 - Project bid documents are currently under review by WVDOH. Project scheduled to go to bid early 2009.<br>8/27/2009 - Project went to bid and funded.<br>8/30/2010 - Construction to begin 2011.<br>8/29/2011 - Ranson is working with its Consulting Engineer to complete construction plans for the project. Ranson intends to submit construction plans to WV Division of Highways for approval this Fall and will await the Notice to Proceed for Construction.<br>8/8/12 - Project is under construction with an expected completion date of 10/10/12                                                                                                                                                                                                                                                                                                                                                       | Sarah Klockner, Planning Director<br>304-724-3864<br>sklockner@cityofransonwv.net                                                                                  |
| 4                        | 23    | Downtown Plans Town Square Project                    | City of Martinsburg          | B      | DOT                         | CD, TR         | S          | 2     | Funded                           | \$1,600,000 | COMPLETE | 10/20/2008 - Received grant award from Governor's Office and the West Virginia Dept of Transportation September, 2008. Grant amount was \$300,000 and City match is \$75,000 for total project fund of \$375,000. City is waiting to receive contract from the State in order to commence the project and outline completion schedule. Project will allow for public pedestrian improvements in the Town Square and King and Queen Street intersection. Project will enhance and improve vehicular and pedestrian travel and safety, improve the downtown gateway and improve sidewalks, curbing, lighting and landscaping.<br>9/3/2009 - Project is moving forward.<br>7/22/2010 - \$411,000 Stimulus Grant was received in 2009. Project design is complete. Bid award 2010.<br>8/17/2011 - Ongoing project begun. End of October 2011 completion date.<br>8/13/2012 - Project completed October 2011; dedicated May 2012 | Mark Baldwin, City Manager<br>304-264-2149<br>markbaldwin17@aol.com                                                                                                |

Region 9 Consolidated Project List

| RANK | SCORE | PROJECT NAME                                                      | APPLICANT                                    | COUNTY | POTENTIAL FUNDING SOURCE(S) | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE                                        | COST          | STATUS | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | CONTACT                                                                                                                                           |
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| 4    | 23    | 5th Avenue Extended Streetscape Improvement Project               | City of Ranson                               | J      | ARRA/DOT LA, NP             | CD, EN, TR     | S          | 5     | Funded                                                   | \$625,000     | UPDATE | 8/27/2009 - Project seeks to extend the WV DOH Racetrack Road Project by extending streetscape improvements into Old Town Ranson. Streetscape improvements include ADA compliant sidewalks, stamped asphalt crosswalks, street trees, distinctive lighting, and street furniture. City of Ranson to provide \$120,000 from General Funds-Streets; \$420,000 needed.<br>8/30/2010 - Sept 2009 funded by ARRA, construction to start soon.<br>8/29/2011 - WV Division of Highways is coordinating design elements and working on construction drawings.<br>8/20/12 - Construction is slated to begin later this year                                                                                                                                                                                                                                                                                                                              | Sarah Kleckner, Planning Director<br>304-724-3864<br>skleckner@cityofransonwv.net                                                                 |
| 4    | 23    | Gateway & Wayfinding Signage System                               | City of Martinsburg                          | B      | Local                       | TR             | S          | 5     | Final Engineering/Architecture Completed                 | \$499,669     | UPDATE | 9/3/2009 - Installation of Gateway & Wayfinding Signs. City of Martinsburg providing \$350,000 funding<br>7/22/2010 - A "Preserve America Grant" has been submitted for 50% funding; awaiting decision.<br>8/17/2011 - Project pending; to be bid in Winter 2011/Spring 2012.<br>7/12/2012 - Project approved to proceed. Bid Winter 2012; construction 2013                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | Mark Baldwin, City Manager<br>304-264-2149<br>markbaldwin17@aol.com                                                                               |
| 5    | 22    | Washington Street Streetscape Enhancements, Phase III             | City of Charles Town                         | J      | FWHA TEA, Annual Approps.   | TR             | L          | 5     | Planning/ Preliminary Engineering/Architecture Completed | \$3,000,000   | UPDATE | 8/27/2009 - Project is entering into the final phase by burying utilities, constructing sidewalks and crosswalks to improve pedestrian safety and traffic mobility along Washington Street. ADA compliance issues will continue to be addressed to ensure accessibility for the impaired. City of Charles Town has provided \$600,000; balance is needed.<br>7/15/2010 - In need of funding.<br>8/17/2011 - Still in need of funding.<br>08/24/2012 - No funding to date                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Joe Corentini, City Manager<br>304-725-2311 x224<br>joe@charlestownwv.us                                                                          |
| 5    | 22    | Armory Wall, Potomac Street                                       | Corporation of Harpers Ferry                 | J      |                             | EN             | L          | 3     | Planning Complete                                        | \$450,000     | UPDATE | 8/1/2011 - Potomac Street - Construct a 500' Armory Wall along the south edge of what was the Old Armory Compound from Shenandoah St. to entrance of Train Depot parking lot.<br>8/13/2012 - Still in need of funding                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Joe Anderson, Mayor<br>304-535-2377<br>joeva2@juno.com                                                                                            |
| 5    | 22    | Streetscape-Phase II and Phase III                                | Town of Bath                                 | M      | TEP                         | TR, ED, T      | S          | 5     | Planning, Design Complete                                | \$75,000      | UPDATE | 8/28/2009 - Mercer St. from Fairfax St. to Union St; Courthouse Area Fairfax & Washington Streets; Fairfax St. to Wilkes St.; Continuation of Wilkes St. Imp. New construction of curbs, sidewalk, handicap facilities, lighting improvements. Street furniture and landscaping. Improve safety. \$300,000 TEP, \$240,000 State and \$60,000 provided locally; \$450,000 still needed.<br>8/19/2010 - Portions of Courthouse area, Wilkes St. completed. Begin design phase & complete Mercer St. Phase III will begin design on cross streets Congress, Independence & Union.<br>8/25/2011 - Received some funding still in need of additional funding. Congress, Independence and Union Streets under construction.<br>8/1/2012 - Phase II complete. Funding from WVDOT TEP program did not include funds for street lighting. Streetlights are still needed on Mercer Street between Fairfax and Union Streets to complete Phase III.        | Susan Webster, Mayor<br>304-258-1102<br>townofbath@wvdsf.net                                                                                      |
| 6    | 20    | North Berkeley Community Park / North Berkeley Rail Trail Project | Morgan County Commission/Town of Bath        | M      | LA, NP                      | CD             | L          | 5     | Planning, Design Complete                                | \$350,000     | UPDATE | 8/28/2009 - The community has begun developing a park at the north end of Town. A walking path around the property and pre school playground equipment has been installed. Several trees have been planted. The project plan is to add benches, fitness stations, and playground/obstacle course equipment. It is a perfect location to acquire adjacent property for a rail trail. Local funds and donations have been provided.<br>8/16/2010 - The park is in use. More fitness stations and trail connection will be added as funding becomes available.<br>8/19/2011 - Need more playground and fitness equipment. Rail trail has some ROW, working on negotiating remaining ROW.<br>8/1/2012 - The lot needed for ROW for the Rail Trail is owned by CSX and the land is contaminated. Land will need to be cleaned up before it can be utilized. Playground and fitness equipment has and will continue to be donated from the community. | Stacy Dugan, County Commission<br>304-258-8546<br>sdugan@morgancountywv.gov<br>OK<br>Susan Webster, Mayor<br>304-258-1102<br>townofbath@wvdsf.net |
| 6    | 20    | Paw Paw Rails to Trails                                           | Morgan County Economic Development Authority | M      | DOT                         | T, EN, CD      | L          | 5     | Partially Funded                                         | \$3-4,000,000 | UPDATE | 10/2/2008 - Construct trailhead and 0.05-mile trail to connect new trailhead to C&O Canal Trail. The Department of Transportation recently awarded the Town a \$64,000 grant for the Paw Paw Trail Head Bike Loop which is designed to assist the town in boosting their competitive opportunity within the tourist industry. \$1,000,000 allocated by Senator Byrd.<br>8/28/2009 - Assessments of tunnels are in progress.<br>8/16/2010 - Environmental assessments in progress.<br>8/16/2011 - M. Mullenax says project (listed in WVDOT STIP as Paw Paw Bends Trail?) is listed in WVDOT's 2011-16 STIP as "designated for earmark funding" \$1,250,000.<br>8/14/2012 - Environmental assessment is complete. More planning and marketing needed for this project                                                                                                                                                                            | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net                                                      |
| 7    | 18    | Road Signs                                                        | Morgan County Commission                     | M      | EDA, WVEDA, LA              | TR             | S          | 5     | Planning                                                 | \$50,000      | UPDATE | 10/6/2008 - Still needed for public safety and locating.<br>8/28/2009 - All areas of the County need to have the streets signed. This could be combined with community service.<br>8/16/2010 - In need of funding.<br>8/5/2011 - Still need funding.<br>8/19/2011 - In need of funding. Lack of signs is causing confusion for Emergency Vehicles<br>8/1/2012 - County will work with Emergency services to determine priority areas where signs are needed and determine a course of action.                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@morgancountywv.gov                                                 |

| RANK         | SCORE | PROJECT NAME                                                                       | APPLICANT                                        | COUNTY | POTENTIAL FUNDING SOURCE(S) | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE                                                                                                | COST         | STATUS   | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | CONTACT                                                                                           |
|--------------|-------|------------------------------------------------------------------------------------|--------------------------------------------------|--------|-----------------------------|----------------|------------|-------|------------------------------------------------------------------------------------------------------------------|--------------|----------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 8            | 17    | Bolivar Beautification Project                                                     | Corporation of Bolivar                           | J      |                             | BR,CD,EN       | S          |       | Planning                                                                                                         | \$150,000    | NEW      | 8/13/2012 - Create an engineering plan in order to install and replace sidewalks on Washington Street, from Polk to Union Street, and plant trees, shrubs and flowers along the sidewalks                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Robert C. Hardy, Mayor<br>304-535-2476<br>bolivarth@frontiernet.net                               |
| 9            | 15    | Edwin Miller Boulevard – Walking paths between businesses West of Route 9 and I-81 | Berkeley County Economic Development Authority   | B      | DOT                         | CD, EN, TR     | L          | 5     | Planning/ Preliminary Engineering/ Architecture Completed                                                        | \$582,000    | UPDATE   | 8/26/2009 - Edwin Miller Boulevard has many businesses on both sides of a busy four-lane road. The businesses are very much in favor of walking paths to interconnect them and crosswalks at the traffic lights. This would have a gateway effect entering the city.<br>8/9/2010 - Received \$15,000 from EP Transportation Authority for the EMB Pathway study.<br>8/17/2011 - Initial study completed; found matching funds for more conclusive study. Phase I = \$405,000; Phase II - \$177,000<br>8/7/2012 - March 2012 Pedestrian Connectivity plan was completed with \$7000 MPO and matching grant, studying the greater North Martinsburg area. CMAQ funding was applied for construction of the pedestrian path.              | Kathy Mason, Business Programs Manager<br>304-267-4144 x130<br>kmason@developmentauthority.com    |
| 10           | 11    | Route 9 Bike path Trail Signage                                                    | Jefferson County Commission                      | J      | LA, NP                      |                | S          | 5     | Planning                                                                                                         |              | UPDATE   | 9/6/2011 - Trail signage along the Rt. 9 bike path. This 9 mile trail has no directional signs, no maps, no mile markers- no nothing! Funds are needed for planning and implementing a signage program. Already talking to SHA about this and pursuing signage with the Eastern Panhandle Trailblazers.<br>8/12/2012 - \$2,000 grant was received by the Eastern Panhandle Trailblazers – Community Participation Grant – two fabricated trains will be purchased – one located at the parking lot on Berkeley County and one in Jefferson County                                                                                                                                                                                      | Lyn Widmyer, County Commission<br>304-728-3284<br>lwidmyer@jeffersoncountywv.org                  |
| <b>OTHER</b> |       |                                                                                    |                                                  |        |                             |                |            |       |                                                                                                                  |              |          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                   |
| 1            | 54    | Cacapon State Park Renovations                                                     | Morgan County Commission / Development Authority | M      | Senate Bill 362             | BR,E,ED        | L          | 3     | Planning/Final Engineering/ Architecture Complete/ Environmental Assessment Completed / Cost Estimates Completed | \$25 Million | UPDATE   | 8/31/2011 - State Park is in need of complete overhaul. Renovations to lodge, golf course as well as sewer. This project is a top priority and would add additional jobs and tourists. This would replace the loss of Coolfont<br>8/1/2012 - Senate Bill 362 passed January 2012 securing funds through the State's Lottery Fund. Upgrades to Cacapon State Park includes upgrades to lodge, restaurant, golf course, swimming pool, spa, and other infrastructure as well as the addition of 79 new lodge rooms.                                                                                                                                                                                                                      | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@morgancountywv.gov |
| 2            | 45    | Internet Access/Public Safety Enhancements - Cell towers                           | Morgan County Economic Development Authority     | M      | ARC, EDA, Homeland Security | ED,CD          | S          | 2     | Planning Ongoing                                                                                                 | \$16,000,000 | UPDATE   | 10/6/2008 - Still a major need all over the county; web site is adequate.<br>8/28/2009 - Two towers have funding- need \$ total to cover county \$1.5 Million.<br>8/16/2010 - In need of fiber connected broadband service. The two towers funded are in construction phase and two more in the funding process.<br>8/19/2011 - One tower complete. Second tower being constructed. Approximately two more towers will need to be constructed to ensure western side of Morgan county has adequate coverage.<br>8/1/2012 - Second tower is complete. An environmental assessment is completed for a third tower and is partially funded. A location is yet to be determined for a fourth tower. Still seeking carriers for the towers. | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net      |
| 3            | 44    | Higher Education to Morgan County                                                  | Morgan County Economic Development Authority     | M      | EDA,WVEDA                   | BR,CD,E,ED     | S          | 4     | Planning                                                                                                         | \$66,000     | COMPLETE | 10/6/2008 - Still in need of Blue Ridge CTC or ANY COLLEGE PRESENCE in Morgan County.<br>8/28/2009 - County is still in need of higher education in the area.<br>8/16/2010 - Still in planning.<br>8/25/2011 - County still in need of higher education institute<br>8/1/2012 - Blue Ridge Community and Technical College utilizing the Old War Memorial Hospital Building. Credit classes will begin January 2013                                                                                                                                                                                                                                                                                                                    | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net      |
| 4            | 42    | Powhatan Place Brownfield Eco Development Initiative                               | City of Ranson                                   | J      | BEDI, HUD                   | ED, BR, CD     | S          | 2     | Planning/Cost Estimated                                                                                          | \$3,000,000  | UPDATE   | 8/30/2010 - City of Ranson plans to convert the 19 acre downtown brownfield, Old Town, on the corner of Mildred St and Beltline Ave into a mixed-use development.<br>8/29/2011 - City is in the process of forming a development authority to help oversee this project.<br>8/20/12 - City received \$4,500,000 HUD Brownfield Economic Development Initiative for this \$18,000,000 project and is contract negotiations with the selected developer.                                                                                                                                                                                                                                                                                 | Sarah Kleckner, Planning Director<br>304-724-3864<br>skleckner@cityofransonwv.net                 |
| 5            | 40    | Smart Growth Implementation Grant                                                  | City of Ranson                                   | J      | EPA                         | ED, BR, CD     | S          | 5     | Planning/Cost Estimated                                                                                          | \$75,000     | UPDATE   | 8/30/2010 - City of Ranson seeks EPA Smart Growth Implementation Assistance so it can build its brownfields and revitalization, sustainable transportations and complete streets, smart codes, and green infrastructure efforts into an integrated approach that will serve as a national model.<br>8/29/2011 - City received and completed EPA Building Blocks technical assistance.<br>8/29/12 - City applied for but did not receive this funding. Project goals were transferred and accomplished through the HUD Community Challenge Grant. With this grant, the City updated its Comprehensive Plan and adopted new smart growth form based zoning.                                                                              | Sarah Kleckner, Planning Director<br>304-724-3864<br>skleckner@cityofransonwv.net                 |
| 5            | 40    | Ranson/Charles Town Area Wide Brownfield Grant                                     | City of Ranson                                   | J      | EPA                         | ED, BR, CD     | S          | 2     | Planning/Cost Estimated                                                                                          | \$175,000    | UPDATE   | 8/30/2010 - Cities of Ranson and Charles Town have sought to turn a blighted and contaminated corridor of idled brownfields into a "Commerce Corridor" of mixed use, sustainable downtown development. Ranson needs EPA planning assistance to update reuse plans in a changed economy and determine steps to leverage and facilitate implementation.<br>8/29/2011 - City received \$175,000 EPA Area wide planning grant. Currently underway.<br>8/27/12 - EPA Area-wide Report is in its final draft and has been reviewed by staff. The final report will be published soon.                                                                                                                                                        | Sarah Kleckner, Planning Director<br>304-724-3864<br>skleckner@cityofransonwv.net                 |

| RANK | SCORE | PROJECT NAME                                                | APPLICANT                                    | COUNTY | POTENTIAL FUNDING SOURCE(S) | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE             | COST        | STATUS   | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | CONTACT                                                                                             |
|------|-------|-------------------------------------------------------------|----------------------------------------------|--------|-----------------------------|----------------|------------|-------|-------------------------------|-------------|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------|
| 6    | 33    | Industrial Site w/Rail Service with US Silica               | Morgan County Economic Development Authority | M      | EDA, WVEDA                  | ED, BR         | L          | 5     | Planning                      | unknown     | UPDATE   | 10/2/2008 - This is a long term project with very limited opportunity. Related to US Silica & temporarily stagnant.<br>8/28/2009 - County still interested in project.<br>8/16/2010 - Still in planning.<br>8/25/2011 - Still in planning<br>8/12/2012 - Community is in a dire need for permanent jobs and has limited access to rail service and no other potential industrial property. US Silica has property and would consider offering (with the right timing) for a compatible industrial use. More planning and working with the company is needed                                                                                                                                                                                                                                                                                                                                                                                                                                            | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net        |
| 6    | 33    | Historic Market House Renovation & Adaptive Reuse           | City of Martinsburg                          | B      | SCBG                        | CD, ED         | S          | 2     | Occupied                      | \$1,160,192 | UPDATE   | 9/16/2008 - New Business, Habanero Mexican Grill is now occupying space.<br>9/3/2009 - More renovations will allow space to be leased to retail or business sectors.<br>7/22/2010 - Continue looking for lease options and more renovations.<br>8/2/2011 - In need of funding.<br>8/13/2012 - Continue looking for lease options and more renovations; in need of funding sources                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Mike Covell, City Engineer/Planning Director<br>304-264-2131 x261<br>mccovell@cityofmartinsburg.org |
| 7    | 31    | Powhatan Pine Re-Use Planning & Demolition Phase            | City of Ranson                               | J      | EDA, Trans, USDA, INF       | ED, BR, CD     | S          | 2     | Planning/Cost Estimated       | \$400,000   | UPDATE   | 10/6/2008 - Established the Ranson Downtown Economic Revitalization Committee to develop strategies on how to promote and retain downtown business.<br>8/27/2009 - Project still in planning phase and will tie into Commerce Corridor.<br>8/20/2010 - Seeking funding for re-use plan and demolition phase.<br>8/29/2011 - City received \$200,000 EPA Cleanup grant for asbestos removal, and has applied for \$4.5 million HUD BEDI to demolish buildings and improve infrastructure. The HUD BEDI was applied for in July and we should know if it will be awarded this Fall.<br>8/27/12 - City is able to accomplish this project's goal through the HUD Brownfield Economic Development Initiative and the EPA Area-wide Program. Both of these grants are awarded and the planning phase for this project is nearing completion.                                                                                                                                                                | Sarah Klesckner, Planning Director<br>304-724-3864<br>sklesckner@cityofransonwv.net                 |
| 7    | 31    | Berkeley Springs Train Station                              | Town of Bath                                 | M      | WV DOT TEP                  | CD, T          | L          | 2     | Planning                      | \$300,000   | UPDATE   | 8/28/2009 - Train station is a historical building to the town and is in need of repairs. To sturdy the structure, repairs on part of the roof will be completed first. The station needs to have a building and hazmat assessment completed. Town will provide \$1,000 from General Funds, need \$12,000 from SHPO and needed in match.<br>8/19/2010 - Construction began on roof in July 2010. Received EECBG for funding of HVAC system and insulation.<br>8/24/2011 - filed out grant application last year. Should hear results first of September. There is a protective underlayment currently protecting building, however it will not last long without permanent roof.<br>8/1/2012 - Town of Bath was awarded \$304,000 TEP grant for rehabilitation of the building. Town is working with DOH to finalize donation of CSX lot before Notice of Proceed will be granted to commence. Town has been granted Notice for to proceed with Acquisition of land, HVAC system was installed 4/2011. | Susan Webster, Mayor<br>304-258-1102<br>townofbath.wvds.net                                         |
| 8    | 29    | Security Cameras/Radios for CAPs                            | Town of Bath                                 | M      | Governors Grant             | CD             | S          | 2     | Complete                      | \$11,000    | COMPLETE | 8/28/2009 - Security cameras with software for recording purposes installed at various locations. Radios for Civilian Auxiliary Patrol. Town provides \$1,000 from the Public Safety Fee; \$10,000 needed.<br>8/19/2010 - In need of funding.<br>8/24/2011 - Cruisers have radios funded through the Vehicle Repair budget. Still need funding for cameras, not high on priority list. Water Department has two cameras in hot spots.<br>8/1/2012 - Town granted Governor's Community Partnership Grant. Complete                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Susan Webster, Mayor<br>304-258-1102<br>townofbath.wvds.net                                         |
| 9    | 28    | Soccer Field / Recreation Area Development                  | Morgan County Commission                     | M      | LWCF, Brownfields           | CD             | L          | 2     | Planning/Assessment completed | unknown     | UPDATE   | 10/6/2008 - Still in need for funding of the recreation area south along 522, 26 acres to be developed.<br>8/28/2009 - A plan was submitted for the layout of the area.<br>8/16/2010 - In planning and in need of funds.<br>8/19/2011 - Soccer field needs cleanup possible brownfields grant / still in need of funds<br>8/1/2012 - Assessment has been completed. Received \$5,000 Brownfields FOCUS Grant. Will apply for a EPA Clean Up Grant Fall 2012.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@morgancountywv.gov   |
| 10   | 27    | MARC Train Stop                                             | Morgan County Development Authority          | M      | DOT                         | ED, TR         | S          | 2     | Planning                      | \$5,000,000 | UPDATE   | 10/2/2008 - This is a stagnant project with very limited opportunity. Related to CSX and the City of Martinsburg.<br>8/28/2009 - Project remains important to County.<br>8/16/2010 - Still in planning.<br>8/25/2011 - Still in planning<br>8/1/2012 - Would be a significant asset to the County, however there are no talks of any plans for MARC to extend service to Morgan County.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Bill Clark, Executive Director<br>304-258-8546 or 304-258-8540 x1302<br>mceda1@earthlink.net        |
| 11   | 26    | Ranson Police Dept./GIS Crime Tracking/reporting Initiative | City of Ranson                               | J      | DOJ                         | ED, BR, CD     | S          | 1     | Planning/Cost Estimated       | \$435,000   | UPDATE   | 8/30/2010 - Ranson Police Department seeks funding to acquire GIS mapping capabilities that will enable the PD to track and report crimes.<br>8/29/2011 - The proposed Congressional Earmark did not pass. The City is continuing to work with the Dept. of Justice to obtain funding in other ways.<br>8/27/12 - With Congressional Earmarks still not available, funding for this project is still in questionable. The City has taken steps to provide limited GIS capabilities to the Police Department through its Community Development land management software and in house GIS capabilities. As these activities are not considered permanent solutions to crime tracking, funding sources are still being sought.                                                                                                                                                                                                                                                                            | Sarah Klesckner, Planning Director<br>304-724-3864<br>sklesckner@cityofransonwv.net                 |

Region 9 Consolidated Project List

| RANK | SCORE | PROJECT NAME              | APPLICANT                | COUNTY | POTENTIAL FUNDING SOURCE(S) | PROJECT IMPACT | TIME FRAME | GOALS | DEVELOPMENT STAGE                                          | COST     | STATUS | NOTES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | CONTACT                                                                                           |
|------|-------|---------------------------|--------------------------|--------|-----------------------------|----------------|------------|-------|------------------------------------------------------------|----------|--------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------|
| 12   | 23    | Community Service Program | Morgan County Commission | M      |                             | EN             | S          | 1     | Currently is an existing program, need funding to continue | \$40,000 | UPDATE | 8/29/2011 - Project is based on an existing position that was created from leftover funding and has proved to be very successful. Part time employee currently collects volunteers for community work, such as litter pick up and grass mowing. The county is seeking funding to keep this program alive next year. County would also like to obtain a vehicle for transporting volunteers and equipment to job sites.<br>8/1/2012 - Program is funded partly through Byrne Grants, REAP Grant and dedicated energy money. The County will continue to look at ways to continue to fund the program in the future. | Stacy Dugan, County Commission<br>304-258-8546 or 304-258-8540 x1302<br>sdugan@morgancountywv.gov |
| 13   | 22    | Berkeley Springs Recycle  | Town of Bath             | M      | Private                     | EN,CD          | S          | 1     | Planning                                                   | \$25,000 | UPDATE | 8/28/2009 - This project the Town would like to start up expense for a recycling system. Town can utilize the Morgan County Recycling Center 3 miles south on Route 522. The town would like to supply residences and businesses with the equipment required to recycle.<br>8/19/2010 - In need of funding.<br>8/25/2011 - In need of funding.<br>8/1/2012 - The Town would still like to pursue recycling for its citizens that are unable to travel to the Morgan County Recycling Center. Funding for staff to pick up recycling for the Town and transport to the Center is still needed.                      | Susan Webster, Mayor<br>304-258-1102<br>townofbath.wvdsi.net                                      |

**AGENDA REQUEST FORM**

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



Name: Lyn Widmyer, Commissioner

Department or Organization: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject (Wording to be placed on agenda):

**Set date for briefing from Region 9 staff on Broadband Study and provide opportunity for community comment.**

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

**Broadband and internet reliability and speed is a growing issue. The Broadband study identifies steps to improve access to high speed broadband. Due to the level of concern among residents of Jefferson County, this should be an evening meeting**

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

Are documents attachments? Yes      No

If not, explain:

Is a projector needed? Yes      No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_

# AGENDA REQUEST FORM

Name: Lyn Widmyer, Commissioner

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject:

Approval to move forward with hiring of Finance Director as advertised.

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

The position of Finance Director has been advertised and applicants have responded. Filling this position was deferred due to short-term budget concerns, but, the Commission stated job openings will be considered and filled on a case by case basis. This position can be filled and in place prior to our starting budget review in December.

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

I move we direct the County Administrator to proceed with interviews of applicants for the position of Finance Director.

Are documents attached? No

**Contact information:**

Email Address:

Phone number:

**AGENDA REQUEST FORM**

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



Name: Sandy Slusher McDonald, Deputy County Administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject (Wording to be placed on agenda): **Approval of Resolution – Community Participation Grant Program for the Saint Andrews Mountain Community Center in the amount of \$2,000 – Discussion/Action**

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

**Grant Resolution and application for the Governor's Community Participation Grant for the Saint Andrews Mountain Community Center in the amount of \$2,000 – Pass Through Grant**

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

**Motion to approve Community Participation Grant Program Resolution for the Saint Andrews Mountain Community Center in the amount of \$2,000 and to authorize the President of the Commission to affix his signature to the appropriate documents**

Are documents attachments? Yes **XX** No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

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## RESOLUTION

The Jefferson County Commission met on the 15<sup>th</sup> day of August, 2013 with a quorum present and passed the following Resolution:

Be It Resolved that the County Commission of Jefferson County, West Virginia, hereby authorizes Dale Manuel, President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office to receive and to act as the administrator of grant funds pursuant to provisions of the Community Participation Grant Program in the amount of \$2,000. This project is to assist the Saint Andrews Mountain Community Center. The funds from this project will be used for improvements, supplies and equipment.

Dated: \_\_\_\_\_

\_\_\_\_\_  
DALE MANUEL  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

ATTESTED: \_\_\_\_\_  
County Clerk

13LEDA0438

# Community Participation Grant Program

Deadline: September 3, 2013

Fiscal Year 2013

Grantee: Jefferson County Commission

Project Number: 13LEDA0438

Project Title: Saint Andrews Mountain Community Center Improvements

Amount: \$2,000

## Section 1: Grantee (Local Governing Agency)

|                        |                             |         |        |
|------------------------|-----------------------------|---------|--------|
| GOVERNING AGENCY NAME: | Jefferson County Commission |         |        |
| CONTACT PERSON:        | Commissioner Dale Manual    | E-MAIL: | PHONE: |

Yes  No Are funds requested for a nonprofit organization? If yes, complete Section 2.

## Section 2: Subgrantee (Nonprofit Organization)

|                         |                                         |          |                         |
|-------------------------|-----------------------------------------|----------|-------------------------|
| NONPROFIT ORGANIZATION: | Saint Andrews Mountain Community Center |          |                         |
| EXECUTIVE DIRECTOR:     | John Maxey, Chair                       | E-MAIL:  | SAMCCPINC@Gmail.com     |
| ADDRESS:                | P.O. Box 611                            | CITY:    | Charles Town ZIP: 25425 |
| PHONE:                  | (304) 885-0195                          | WEBSITE: | www.samccp.org          |

Federal nonprofit certification, 501 (c) determination letter from Internal Revenue Service is attached.

Mission statement, brochure, or web page explaining the organization's mission and services provided is attached.

## Section 3: Project Details

Describe in specific terms the scope of the work to be completed and the proposed use(s) of the grant funds. A separate sheet may be attached if additional space is needed.

|                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| DESCRIPTION OF PROJECT: | West Virginia State Community Participation grant funds will be used for the continued operation of the community library at the Saint Andrews Mountain Community Center. The Center serves as the meeting place for 5 weekly AA groups, childrens karate classes, adult fitness classes, teen concerts, and childrens reading programs. The center also provides two large parking areas for use by Jefferson County residents as a car pool area. We need funding this year to redo the parking areas and associated drainage. |
|-------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

### PROJECT LOCATION:

|                                              |                                    |
|----------------------------------------------|------------------------------------|
| OWNER OF PROJECT SITE, PROPERTY OR BUILDING: | Episcopal Diocese of West Virginia |
|----------------------------------------------|------------------------------------|

LOCATION AND ADDRESS WHERE GRANT FUNDS WILL BE USED (SUFFICIENT TO DRIVE TO SITE):

58 Mission Road, Harpers Ferry, WV 25425 - intersection of Route 115 and Mission Road

Attach a copy of the property deed if project site(s) or building(s) are owned by a nonprofit organization. Application WILL NOT be processed without a deed.

## Section 4: Funding Summary

A minimum of 10% is required as a local match. Attach commitment letters for each funding source listed below.

|                                  | AMOUNT   | SOURCE<br>GRANT, BANK LOAN,<br>FUNDRAISING, ETC. | STATUS<br>PENDING, APPROVED,<br>ONGOING, ETC. | DOCUMENTATION<br>LETTER, RESOLUTION,<br>ETC. |
|----------------------------------|----------|--------------------------------------------------|-----------------------------------------------|----------------------------------------------|
| GRANT FUNDS REQUESTED            | \$ 2000  |                                                  |                                               |                                              |
| LOCAL FUNDS (10% REQUIRED MATCH) | \$ 200   | Fundraising (yard sales)                         |                                               |                                              |
| OTHER FUNDS                      | \$       |                                                  |                                               |                                              |
| OTHER FUNDS                      | \$       |                                                  |                                               |                                              |
| OTHER FUNDS                      | \$       |                                                  |                                               |                                              |
| TOTAL PROJECT COST               | \$ 2,200 |                                                  |                                               |                                              |

## Section 5: Assurances and Signature

**The Grantee hereby assures the State that it and any Subgrantee(s) shall comply with the following laws, regulations, policies, and requirements:**

1. The Grantee will perform the work for which the grant was made as determined by the State.
2. The Grantee will start work on the project before the end of the fiscal year in which the grant award is made.
3. The Grantee will comply with the equal employment provision of Titles VI and VII of the 1964 Civil Rights Act and Presidential Executive orders 11246 and 11375 in its hiring practices for work to be performed using grant funds.
4. The Grantee will solicit competitive bids on any major work element exceeding \$2,500 in cost as per West Virginia Purchasing Division procedures outlined in Section 3 of the Purchasing Division handbook, authorized by the WV Code of State Rules Title 148 Series 1.
5. The Grantee will comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A for all contracts, involving, but not limited to, construction, reconstruction, demolition, improvement, enlargement, painting, decoration, alteration, and/or repair work necessary for the undertaking and completion of the project, regardless of the source of funds utilized to pay such construction contracts. Bids for such contracts shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3.
6. The Grantee will pay State prevailing wage rates on contract construction unless federal funds are included in the project, in which case, the higher of the State's or Davis-Bacon wage rates will be paid on all contract construction.
7. The Grantee shall obtain professional services, such as consulting, through a request for proposals. Architectural or engineering services shall be pursued in accordance with West Virginia Code §5G.
8. The Grantee assures no costs will be incurred or commitments made relative to a grant prior to the approval of this grant and execution of a contract with the State of West Virginia.
9. The Grantee assures project sites and buildings will be publicly owned or owned by a federally certified nonprofit organization. The use of grant funds at/for private property or private gain is prohibited.
10. The Grantee assures that any part of the project to be occupied by the general public will be made accessible to the handicapped.
11. The Grantee assures that any permits, licenses, or other requirements of particular State or Federal agencies necessary for the project's design, construction, or operation will be secured.
12. The Grantee will not subgrant any of the grant funds received to any of its officials or employees or the members of their families or to employees of the WVDEO or members of the State Legislature in any contracts awarded for work to be performed.
13. The Grantee will maintain and have available for inspection on written request by the State all records kept on the project including bid documents, copies of all contracts, contractors' payrolls, time sheets, and invoices. The Grantee further assures the State that it will schedule an audit of any grant funds to be included in its annual audit as performed by the State Tax Department.
14. The Grantee assures that it has the legal authority to apply for this grant, commit any local matching shares, authorize the person signing the grant to act as an agent for the grantee and abide by the assurances described in section 5 of this application.
15. As the grantee, the county or municipality will act as the administrator of any grant funds provided to nonprofit organizations and will maintain fiduciary responsibility for the expenditure of funds.

Grantee: Jefferson County Commission  
Project Title: Saint Andrews Mountain Community Center - Improvements

Project Number: 13LEDA0438  
Amount: \$2,000

**No application will be processed without the following documentation:**

- Application with Original Signature:
- Resolution by Unit of Local Government
- Documentation of Local Match (Minimum 10 Percent)
- Current IRS 501(c) Determination Letter - Required for Nonprofit Organizations
- Current Certificate of Existence/Authorization from WV Secretary of State - Required for Nonprofit Organizations
- Deed to project site - Required if property is owned by a Nonprofit Organization

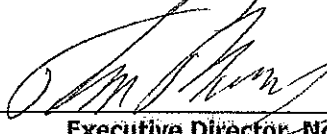
To the best of my knowledge, the information contained in this application is true and correct; the submission thereof has been duly authorized by the governing body; and the grantee and any subgrantee will comply with the regulations, policies, guidelines and requirements outlined by the State of West Virginia and in Section 5 of this application. If the recipient is a nonprofit organization, the county or municipality certifies that this nonprofit organization is legally authorized to receive public funds.

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

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

**Mayor or County Commission President**  
**ORIGINAL SIGNATURE REQUIRED-USE BLUE INK**

Name: John Maxey Title: Chair

Signature:  Date: 8/8/2013

**Executive Director, Nonprofit Organization**  
**ORIGINAL SIGNATURE REQUIRED-USE BLUE INK**

**West Virginia Development Office**  
**Community Development Division**  
**Community Participation Grant Program**  
1900 Kanawha Boulevard, East Building 6, Room 553  
Charleston, West Virginia 25305  
Phone: 304-558-4010 Fax: 304-558-2246  
[www.wvcommerce.org](http://www.wvcommerce.org)



INTERNAL REVENUE SERVICE  
P. O. BOX 2508  
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date: **JUL 12 2010**

SAINT ANDREWS MOUNTAIN COMMUNITY  
CENTER PROJECT INC  
PO BOX 611  
CHARLES TOWN, WV 25414

Employer Identification Number:  
27-0752587

DLN:  
17053141357010

Contact Person:  
CARLY D YOUNG ID# 31494

Contact Telephone Number:  
(877) 829-5500

Accounting Period Ending:  
December 4

Form 990 Required:  
Yes

Effective Date of Exemption:  
May 17, 2010

Contribution Deductibility:  
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax-exempt status we have determined that you are exempt from Federal income tax under section 501(c)(4) of the Internal Revenue Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Please see enclosed Publication 4221-NC, Compliance Guide for Tax-Exempt Organizations (Other than 501(c)(3) Public Charities and Private Foundations), for some helpful information about your responsibilities as an exempt organization.

Contributions to you are not deductible by donors under section 170(c)(2) of the Code.

Sincerely,



Robert Choi  
Director, Exempt Organizations  
Rulings and Agreements

Enclosure: Publication 4221-NC

This document contains information that is not to be disseminated outside the Department of the Treasury. If you are not an authorized addressee, you should not disseminate, distribute, or copy this document. If you have received this document by mistake, please notify the sender immediately by e-mail at [tax-exempt@irs.gov](mailto:tax-exempt@irs.gov).

Letter 948 (DO/CG)

**AGENDA REQUEST FORM**

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



Name: Sandy Slusher McDonald, Deputy County Administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject (Wording to be placed on agenda): **Approval of Resolution and Contract – Community Participation Grant Program for the African American Community Association – Fisherman’s Hall in the amount of \$2,000 – Discussion/Action**

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

**Grant Resolution and contract for the Governor’s Community Participation Grant for the African American Community Association – Fisherman’s Hall in the amount of \$2,000 – Pass Through Grant**

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

**Motion to approve Community Participation Grant Program Resolution for the African American Community Association – Fisherman’s Hall in the amount of \$2,000 and to authorize the President of the Commission to affix his signature to the appropriate documents**

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_

# JEFFERSON COUNTY COMMISSION CHARLES TOWN, WV

---

## *RESOLUTION*

The County Commission of Jefferson County, met on August 15<sup>th</sup>, 2013 with a quorum present and passed the following Resolution:

**WHEREAS**, The Jefferson County Commission has agreed to assist the African American Community Association to continue renovations of the historic Fisherman's Hall with funds made available through the Governor's Community Participation Grant program in the amount of \$2,000.

**NOW, THEREFORE BE IT RESOLVED**, that the Jefferson County Commission hereby authorizes the President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with the West Virginia Development Office and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: \_\_\_\_\_  
COUNTY CLERK

13LEDA0423

# GOVERNOR'S COMMUNITY PARTICIPATION GRANT PROGRAM CONTRACT

## BETWEEN THE WEST VIRGINIA DEVELOPMENT OFFICE AND THE JEFFERSON COUNTY COMMISSION

Project Number 13LEDA0423

**THIS AGREEMENT**, entered into this 1st day of July, 2012, by the West Virginia Department of Finance and Administration on behalf of the West Virginia Development Office hereinafter called the "WVDEVO" and the Jefferson County Commission and its authorized officers, agents, and representatives, hereinafter called the "Grantee."

### WITNESS THAT:

**WHEREAS**, the WVDEVO has promised and agreed to assist the Grantee to perform such tasks described in the scope of services, which is to be partially financed by funds made available through the Governor's Community Participation Grant program.

**NOW, THEREFORE**, the parties do mutually agree as follows:

1. **Scope of Services.** The Grantee shall complete in a satisfactory manner as determined by the WVDEVO, and appropriate regulatory agencies, if required, all duties, tasks, and functions necessary to continue renovations at Fisherman's Hall. The project may include insulation, drywall, plumbing, painting, and other renovations as funds permit.
2. **Personnel and Employment.** The Grantee will secure at its own expense, personnel with the necessary qualifications and experience required to perform the services under this Contract. Such personnel shall not be employees of or have any contractual relationship with WVDEVO.

With respect to employment in carrying out the program objectives, the Grantee agrees that it will not discriminate against any employee or applicant for employment because of race, color, age, religion, sex, national origin, or physical handicap.

3. **Time Performance.** The Grantee will commence its duties under this Contract on July 1, 2012, and such duties shall be undertaken and completed by June 30, 2014.
4. **Compensation and Fiscal Management.** In consideration of the services rendered by the Grantee, the WVDEVO agrees to pay the Grantee the sum of \$2,000. This amount constitutes complete compensation for all services rendered.

The Grantee shall provide local matching funds totaling up to ten percent of the total compensation for all services rendered.

The Grantee shall be responsible for establishing and maintaining adequate procedures and internal financial controls governing the management and utilization of funds provided under this Contract, as well as funds provided as the Grantee's matching share.

5. **Amendments.** Any changes to the scope of services, completion date, compensation or any other terms or conditions of this agreement shall be incorporated in written amendments to the Contract. If necessary and/or required, any amendments to this Contract are subject to the reappropriation of funds and approval of the WVDEVO and/or the Governor of the State of West Virginia.

6. **Payments and Repayment.** In order to receive payments under the terms of this Agreement, the Grantee shall submit the following: (a) a Letter of Transmittal containing a progress report, and (b) a Request for Payment Financial Report. The final ten percent shall be made available upon submission of certification of completion and acceptance of the project by the Grantee.

Furthermore, the Grantee shall refund to the State any expenditures determined to be made for an ineligible purpose for which State funds were received.

7. **Sub-Grantees and Reversion of Property.** The Grantee may administer funds on behalf of sub-grantees, provided that the sub-grantee is certified as a nonprofit organization by the United States Internal Revenue Service and the West Virginia Secretary of State's Office. Should the sub-grantee cease to exist, all commodities or supplies purchased with funds provided under the auspices of this Contract by or for the sub-grantee shall become the property of the Grantee.

8. **Competitive Bid Procedures.** Competitive bidding shall be pursued in all instances. The Grantee must follow the more stringent of either state or local purchasing regulations. The West Virginia Purchasing Division requirements, at a minimum, are as follows: Commodities and services expected to cost \$2,500 or less require no bids, however, competition is encouraged. Purchases between \$2,500.01 and \$5,000 require three verbal bids to be documented on a verbal bid quotation summary. Purchases \$5,000.01 to \$25,000 require three written bids.

Purchases exceeding \$25,000 require public notices as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3. This notice shall be published by the Grantee in the newspaper with the largest circulation serving the general area once a week for two successive weeks preceding the final bid date. The Grantee shall also, where feasible, solicit sealed bids by listing the project in the F. W. Dodge Reports, sending requests by mail to prospective suppliers or contractors, and by posting notice on a bulletin board in a public place. Any attempts by the Grantee to segregate the project into sections having an estimated value of less than \$25,000 shall be cause for termination of this agreement.

9. **Construction.** The Grantee shall procure construction contracts in accordance with West Virginia Code §5-22-1. The term construction shall mean any construction, reconstruction, improvement, enlargement, painting, decorating, or repair of any public improvement let to contract. **The state and its subdivisions shall, except as provided in this section, solicit competitive bids for every construction project exceeding \$25,000 in total cost. Further, the receipt and utilization of funds procured under this agreement mandate that ALL CONSTRUCTION CONTRACTS NECESSARY FOR THE UNDERTAKING AND COMPLETION OF THIS PROJECT, regardless of the source of funds utilized to pay such construction contracts, must comply with the provisions of West Virginia Code §21-5A.** These bids shall be obtained by public notice as a Class II legal advertisement in compliance with the provisions of West Virginia Code §59-3 as outlined in Section 8 of this agreement.

Any contracts executed for the completion of construction services under this agreement, including contracts which involve the employment of any contractor and/or subcontractor, must comply with the provisions of the West Virginia Act on Wages on Construction of Public Improvements, West Virginia Code §21-5A. **This law applies to all construction contracts, regardless of cost and source of funds utilized to pay such contract.** Such provisions shall include the payment of the Fair Minimum Wage Rates as determined by the West Virginia Commissioner of Labor for each craft or classification of all workmen needed to perform the contract in the locality in which the public work is performed. For projects involving federal funds which are covered by the provisions of the Davis Bacon Act (40 U.S.C. 276-a 276a-5), the Grantee shall cause the contractor and/or subcontractors to pay the higher wage rate, federal or state.

The Grantee shall note this requirement in the advertisement for bids and print these wage rates on all bidding blanks. The Grantee shall designate the time and place for opening such construction bids in accordance with West Virginia Code §5-22-2.

The Grantee shall secure bonding in accordance with West Virginia Code §5-22-1. All bids submitted pursuant to this chapter shall include a valid bid bond or other surety as approved by the state of West Virginia or its subdivisions. Following the solicitation of such bids, the construction contract shall be awarded to the lowest

qualified responsible bidder, who shall furnish a sufficient performance and payment bond, provided, that the state and its subdivisions may reject all bids and solicit new bids.

In the procurement of contracts or subcontracts for construction of less than \$100,000, the Grantee shall follow local or State requirements relating to bid guarantees, performance bonds, and payment bonds, provided that the Grantee's and State's interests are adequately protected and that such contracts can be executed in a timely manner.

**In the procurement of contracts or subcontracts for construction that exceed \$100,000, the Grantee shall obtain the following:**

- (a) A bid guarantee from each bidder equivalent to five percent of the bid price. This bid guarantee shall consist of a firm commitment such as bid bond, certified check, or other negotiable instrument accompanying a bid that the bidder will, upon acceptance of the bid, execute the contractual documents as may be required with the time specified.
- (b) A performance bond on the part of the contractor for 100 percent of the contract price. This performance bond shall be executed by the successful contractor in connection with the contract to secure fulfillment of the contractor's obligations under such contract.
- (c) A payment bond on the part of the contractor for 100 percent of the contract price. This payment bond shall be executed in connection with a contract to assure payment is required by law of all persons supplying labor and materials in the execution of the work provided for in the contract.

The Grantee shall procure architectural or engineering services in accordance with the provisions of West Virginia Code §5G. In the procurement of architectural and engineering services for projects estimated to cost \$250,000 or more, the Grantee shall publish a Class II legal ad in compliance with West Virginia Code §59-3. In the procurement of services for projects estimated to cost less than \$250,000, the Grantee shall conduct discussions with three or more professional firms.

The Grantee shall procure design-build projects in accordance with West Virginia Code §5-22A-1. This applies solely to building projects. Highways, water, sewer, and all other public works projects are specifically prohibited from using the design-build method.

The Grantee shall require any facilities constructed under the auspices of this Contract to be designed to comply with the "American Standard Specifications for Making Buildings and Facilities Accessible to, and Usable by, the Physically Handicapped," Number A11/1-1961, as modified (41CFR101-17.1703 and (13CFR309.14)). The Grantee shall be responsible for conducting inspections to ensure compliance with these specifications.

The Grantee shall operate and maintain all facilities constructed under the auspices of this Contract in accordance with minimum standards as may be required or prescribed by the applicable federal, state and local statute, law, ordinance or regulation as to actual construction procedures, as well as maintenance and operation of such facilities upon completion.

The Grantee shall comply with all applicable federal, state and local environmental and historical preservation laws and regulations. The Grantee acknowledges this requirement and certifies that the project will be in compliance with such laws and regulations.

10. **Interest of Officials, Members of WVDEVO and Others.** No officer, member or employee of the WVDEVO or officer, member or employee of the Grantee who exercises any function or responsibilities in the review or approval of the undertaking or carrying out of this project, shall participate in any decision relating to this Contract which affects his personal interest or the interest of any corporation, partnership, or association in which he is directly or indirectly interested or has any personal or pecuniary interest, nor shall any officer, member of, or

employee of, the Grantee or any member of its governing body, or officer, member, or employee of the contractor have any interest, direct or indirect, in this Contract or the proceeds thereof.

Furthermore, no member of the Legislature of the State of West Virginia, or individual performing a service for the Grantee in connection with this project, shall be admitted to any share thereof or to any benefit to arise from this Agreement.

11. **Inspections of Records and Audits.** At any time during normal business hours and as often as the WVDEVO or its designated representative may deem necessary, there shall be made available to the WVDEVO or its designated representative for examination, all of its records with respect to all matters covered by this Contract and permit the WVDEVO or its designated representative to audit, examine and make excerpts or transcripts from such records, and to make audits of all contracts, invoices, materials, payrolls, records and personnel, conditions of employment and other data relating to all matters covered by this Contract during the entire time period beginning with project approval and ending three years after the final disbursement of grant funds.

The Grantee shall cause an audit of this program to be included in the audit of the Grantee performed by the West Virginia State Auditor's Office, Chief Inspection Division, or its designated representative in accordance with West Virginia Code §6-9-7. The audit shall be performed in conformance with generally acceptable accounting procedures.

In accordance West Virginia Code §12-4-14, if the grantee is not audited by the West Virginia State Auditor's Office and the grantee received state funds or grants in the amount of fifteen thousand dollars or more, the grantee shall file an audit of the disbursement of funds with the legislative auditor's office. The audit shall be filed within two years of the disbursement of funds or grants by the grantee and shall be made by an independent certified public accountant at the cost of the corporation, association or other organization, and must show that the funds or grants were spent for the purposes intended when the grant was made. State funds or audits of state funds or grants under fifteen thousand dollars (\$15,000) may be authorized by the joint committee on government and finance to be conducted by the legislative auditor's office at no cost to the grantee.

The Grantee shall submit any reports requested by the WVDEVO concerning financial status and program progress.

12. **Political Activity.** No officer or employee of the Grantee whose principal employment is in connection with any activity which is financed in whole or in part pursuant to this agreement shall take part in any of the activities expressly prohibited by the Hatch Act.
13. **Resolution of Disputes.** Resolution of disputes between the State and the Grantee concerning administrative and programmatic matters during the terms of this Agreement shall be initiated through consultation and discussion at the State's Administrative Offices with final decision on questions of policy or fact being determined by the Director of the Community Development Division or his/her designated representative. Nothing in this Agreement shall be construed as making the final decision on a question of law, or to limit in any manner any remedies or recourses available under applicable laws. Citizen's complaints or disputes regarding Grantee performance or actions relative to the approved project are the responsibility of the Grantee.
14. **Termination of Contract.** If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Contract, or if the Grantee shall violate any of the covenants, agreements, or stipulations of this Contract, the WVDEVO shall thereupon have the right to terminate this Contract by giving written notice to the Grantee of such termination and specifying the effective date thereof, at least fifteen days before the effective date of such termination. The Grantee shall be entitled to receive just and equitable compensation for any satisfactory work completed on the described project.

Notwithstanding the above, the Grantee shall not be relieved of liability to the WVDEVO for damages sustained by the WVDEVO by virtue of any breach of the Contract by the Grantee, and the WVDEVO may

withhold any payments to the Grantee for the purpose of set-off until such time as the exact amount of damages due the WVDEVO from the Grantee is determined.

Furthermore, the WVDEVO may terminate this Contract at any time by giving written notice to the Grantee of such termination and specifying the effective date of termination. If the Contract is terminated by the WVDEVO as provided herein, the Grantee will be paid an amount which bears the same ratio to the total compensation as the services actually performed bear to the total services of the Grantee covered by this Contract, less payments of compensation previously made.

The Grantee may unilaterally rescind this agreement at any time prior to the commencement of the project. After project commencement, this agreement may be rescinded, modified, or amended only by mutual agreement. A project shall be deemed commenced when the Grantee makes any expenditure or incurs any obligation with respect to the project.

This Contract shall be signed by the Executive Director of the West Virginia Development Office and by the President of the Jefferson County Commission upon authorization of the Jefferson County Commission by adoption and passage of a resolution, motion or similar official action.

IN WITNESS WHEREOF, the WVDEVO and the Grantee have executed this Agreement as of the date first above written.

**STATE OF WEST VIRGINIA  
WEST VIRGINIA DEVELOPMENT OFFICE**

\_\_\_\_\_  
J. Keith Burdette, Executive Director

**JEFFERSON COUNTY COMMISSION**

By: \_\_\_\_\_  
Dale Manuel, President

Federal Employee Identification Number

\_\_\_\_\_  
55-6000333  
F.E.I.N.

Project Number: 13LEDA0423

0256-2005-7440-819-083



STATE OF WEST VIRGINIA  
OFFICE OF THE GOVERNOR  
1900 KANAWHA BOULEVARD, EAST  
CHARLESTON, WV 25305  
(304) 558-2000

EARL RAY TOMBLIN  
GOVERNOR

May 28, 2013

The Honorable Dale Manuel  
President  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414

2ND COPY

Dear Commissioner Manuel:

Thank you for your application to the Governor's Community Participation Grant Program.

I, along with Delegate Doyle and Delegate Lawrence, am pleased to approve your request in the amount of \$2,000. These funds will enable you to continue renovations at Fisherman's Hall. The project will include insulation, drywall, plumbing, painting, and other renovations as funds permit.

To proceed with this project, please fax this letter to 304-558-2246, or mail a copy to: Community Participation Program, West Virginia Development Office, 1900 Kanawha Boulevard, East, Charleston, West Virginia 25305. Please note that funds should not be obligated prior to the full execution of a contract with the State of West Virginia.

We are pleased to work with you to make this improvement a reality for the citizens of Jefferson County.

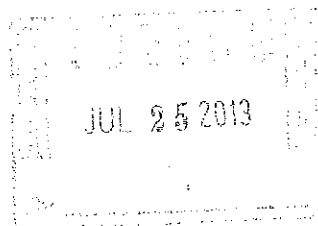
Sincerely,

A handwritten signature in black ink that reads "Earl Ray Tomblin".

Earl Ray Tomblin  
Governor

ERT:kf

Project Number: 13LEDA0423



**AGENDA REQUEST FORM**

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



Name: Sandy Slusher McDonald, Deputy County Administrator

Department or Organization: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: August 1<sup>5</sup>, 2013

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

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

Subject (Wording to be placed on agenda): **Internal Budget Revision #2**

Please provide the County Commission with a description of your request or presentation, including any background information: **Internal Budget Revision #2 – Group Health Insurance budget adjustments**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):  
**Motion to approve Internal Budget Revision #2**

Are documents attachments? Yes      No  
If not, explain:

Is a projector needed? Yes      No

Contact information:  
Email address: \_\_\_\_\_  
Phone number: \_\_\_\_\_



-26106  
11000  
-4070  
-7513  
35000  
11000  
4000  
30000  
-9595

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43716

Budget revision estimates based on annual projections from first payroll. By Sally Grant

| Dept 401<br>County Commission | Budget<br>FY 2014 | Actual        | Estimate<br>Open Positions<br>(2) | Revised<br>Actual | Budget to Actual |
|-------------------------------|-------------------|---------------|-----------------------------------|-------------------|------------------|
| Official Salary               | \$ 184,800.00     | \$ 184,800.00 | \$ -                              | \$ 184,800.00     | -                |
| Salary Wages                  | \$ 303,376.98     | \$ 211,744.32 | \$ 104,875.00                     | \$ 316,619.32     | (13,242.34)      |
| Fica Expense                  | \$ 30,639.01      | \$ 24,709.75  | \$ 6,502.25                       | \$ 31,212.00      | (572.99)         |
| Medicare Expense              | \$ 7,165.57       | \$ 5,778.89   | \$ 1,520.69                       | \$ 7,299.58       | (134.01)         |
| Group Insurance               | \$ 76,282.70      | \$ 58,654.80  | \$ 28,444.56                      | \$ 87,099.36      | (10,816.66)      |
| Retirement                    | \$ 71,510.74      | \$ 57,643.93  | \$ 15,206.88                      | \$ 72,850.80      | (1,340.06)       |
| Overtime                      | \$ 1,000.00       | \$ 1,000.00   | \$ -                              | \$ 1,000.00       | -                |
| Part-Time Xtra Help           | \$ 1,000.00       | \$ 1,000.00   | \$ -                              | \$ 1,000.00       | -                |
| Total Personal Services       | \$ 675,775.00     | \$ 545,331.69 | \$ 156,549.37                     | \$ 701,881.06     | \$ (26,106.06)   |

\$ 76,875.00  
\$ 28,000.00

3 positions missing from Commission budget



includes new positions



shows costs or monies to be returned for over estimating health care expenses.

| Dept 403<br>Circuit Clerk      | Budget<br>FY 2014    | Actual               | Estimate<br>Open Position | Revised<br>Actual    | Budget to Actual |
|--------------------------------|----------------------|----------------------|---------------------------|----------------------|------------------|
|                                |                      |                      |                           | 55,440.00            | -                |
| Official Salary                | \$ 55,440.00         | \$ 55,440.00         | \$ -                      | \$ 55,440.00         | 38,375.87        |
| Salary Wages                   | \$ 361,219.00        | \$ 296,257.19        | \$ 26,585.94              | \$ 322,843.13        | 3,463.15         |
| Fica Expense                   | \$ 27,288.70         | \$ 22,177.23         | \$ 1,648.33               | \$ 23,825.55         | 556.44           |
| Medicare Expense               | \$ 6,128.55          | \$ 5,186.61          | \$ 385.50                 | \$ 5,572.11          | (38,920.46) *    |
| Group Insurance                | \$ 97,668.22         | \$ 116,189.16        | \$ 20,399.52              | \$ 136,588.68        | 5,564.48         |
| Retirement                     | \$ 60,560.53         | \$ 51,141.09         | \$ 3,854.96               | \$ 54,996.05         | -                |
| Overtime                       | \$ 1,000.00          | \$ 1,000.00          | \$ -                      | \$ 1,000.00          | -                |
| Part-Time Xtra Help            | \$ 5,000.00          | \$ 5,000.00          | \$ -                      | \$ 5,000.00          | -                |
| <b>Total Personal Services</b> | <b>\$ 614,305.00</b> | <b>\$ 552,391.28</b> | <b>\$ 52,874.25</b>       | <b>\$ 605,265.52</b> | <b>9,039.48</b>  |

Note: Paul did not include correct #'s for Laura's budget. When we entered #'s into budget we reduced group insurance line to match Paul budgeted to \* make it balance

add - 31,000 to equal 40K she wanted

38,920.46

Contingency fund  
Dorcas 3/16/10  
9/10/09  
9/9/05  
2/4/05

| Dept 402<br>County Clerk       | Budget<br>FY 2014    | Actual               | Estimate<br>Open Position | Revised<br>Actual    | Budget to Actual    |
|--------------------------------|----------------------|----------------------|---------------------------|----------------------|---------------------|
| Official Salary                | \$ 55,440.00         | \$ 55,440.00         | \$ -                      | \$ 55,440.00         | -                   |
| Salary Wages                   | \$ 475,811.41        | \$ 435,952.89        | \$ 39,858.52              | \$ 475,811.41        | -                   |
| Fica Expense                   | \$ 33,743.59         | \$ 31,272.36         | \$ 2,471.23               | \$ 33,743.59         | 0.00                |
| Medicare Expense               | \$ 7,891.65          | \$ 7,313.70          | \$ 577.95                 | \$ 7,891.65          | 0.00                |
| Group Insurance                | \$ 160,832.83        | \$ 137,370.96        | \$ 9,725.28               | \$ 147,096.24        | 13,736.59           |
| Retirement                     | \$ 78,191.45         | \$ 72,411.97         | \$ 5,779.49               | \$ 78,191.45         | (0.00)              |
| Overtime                       | \$ 8,000.00          | \$ 8,000.00          | \$ -                      | \$ 8,000.00          | -                   |
| Part-Time Xtra Help            | \$ 5,000.00          | \$ 5,000.00          | \$ -                      | \$ 5,000.00          | -                   |
| <b>Total Personal Services</b> | <b>\$ 824,910.93</b> | <b>\$ 752,761.88</b> | <b>\$ 58,412.46</b>       | <b>\$ 811,174.34</b> | <b>\$ 13,736.59</b> |

↑  
This shows one opening for Co. Clerk

↑  
This would be \$13,736 returned to county budget for health care expense.

\$ 10,000

Remove \$1,000

| Dept 404<br>Sheriff Tax Office | Budget<br>FY 2014 | Actual        | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual                        |
|--------------------------------|-------------------|---------------|---------------------------|-------------------|-----------------------------------------|
| Official Salary                | \$ 59,880.00      | \$ 59,880.00  | \$ -                      | \$ 59,880.00      | -                                       |
| Salary Wages                   | \$ 307,247.68     | \$ 310,661.74 | \$ -                      | \$ 310,661.74     | (3,414.06) *employee went from 2B to 2F |
| Fica Expense                   | \$ 24,621.92      | \$ 24,833.59  | \$ -                      | \$ 24,833.59      | (211.67)                                |
| Medicare Expense               | \$ 5,758.35       | \$ 5,807.86   | \$ -                      | \$ 5,807.86       | (49.51)                                 |
| Group Insurance                | \$ 95,249.20      | \$ 80,175.12  | \$ -                      | \$ 80,175.12      | 15,074.08                               |
| Retirement                     | \$ 57,583.85      | \$ 58,078.55  | \$ -                      | \$ 58,078.55      | (494.70)                                |
| Overtime                       | \$ 30,000.00      | \$ 30,000.00  | \$ -                      | \$ 30,000.00      | -                                       |
| Part-Time Xtra Help            | \$ -              | \$ -          | \$ -                      | \$ -              | -                                       |
| Total Personal Services        | \$ 580,341.00     | \$ 569,436.86 | \$ -                      | \$ 569,436.86     | \$ 10,904.14                            |

*713,000 wave*

| Dept 405<br>Prosecuting Attny | Budget<br>FY 2014 | Actual          | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|-------------------------------|-------------------|-----------------|---------------------------|-------------------|------------------|
|                               |                   | \$ 96,600.00    | \$ -                      | \$ 96,600.00      | -                |
| Official Salary               | \$ 96,600.00      | \$ 96,600.00    | \$ -                      | \$ 96,600.00      | 8,062.32         |
| Salary Wages                  | \$ 1,132,627.49   | \$ 1,056,441.11 | \$ 68,124.06              | \$ 1,124,565.17   | 3,897.75         |
| Fica Expense                  | \$ 79,981.99      | \$ 71,860.55    | \$ 4,223.69               | \$ 76,084.24      | 116.91           |
| Medicare Expense              | \$ 17,910.80      | \$ 16,806.10    | \$ 987.80                 | \$ 17,793.89      | 39,983.16        |
| Group Insurance               | \$ 224,107.92     | \$ 174,399.48   | \$ 9,725.28               | \$ 184,124.76     | 2,038.85         |
| Retirement                    | \$ 179,107.80     | \$ 167,190.96   | \$ 9,877.99               | \$ 177,068.95     | -                |
| Overtime                      | \$ -              | \$ -            | \$ -                      | \$ -              | -                |
| Part-Time Xtra Help           | \$ 6,000.00       | \$ 6,000.00     | \$ -                      | \$ 6,000.00       | -                |
| Total Personal Services       | \$ 1,736,336.00   | \$ 1,589,298.20 | \$ 92,938.82              | \$ 1,682,237.02   | \$ 54,098.98     |

This shows an overage of \$54K to be returned. However, this dept. has indicated a need for help 2nd half of year for increased case loads.

leave for person they may need

| Dept 406<br>Assessor    | Budget<br>FY 2014 | Actual        | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|-------------------------|-------------------|---------------|---------------------------|-------------------|------------------|
|                         |                   |               |                           | \$ 64,368.00      | -                |
| Official Salary         | \$ 64,368.00      | \$ 64,368.00  | \$ -                      | \$ 319,073.54     | 1,384.11         |
| Salary Wages            | \$ 320,457.65     | \$ 319,073.54 | \$ -                      | \$ 27,214.38      | 1,047.19         |
| Fica Expense            | \$ 28,261.57      | \$ 27,214.38  | \$ -                      | \$ 6,364.65       | 20.08            |
| Medicare Expense        | \$ 6,384.73       | \$ 6,364.65   | \$ -                      | \$ 104,784.24     | (191.82)         |
| Group Insurance         | \$ 104,592.42     | \$ 104,784.24 | \$ -                      | \$ 58,136.52      | 200.68           |
| Retirement              | \$ 58,337.20      | \$ 58,136.52  | \$ -                      | \$ 17,500.00      | -                |
| Overtime                | \$ 17,500.00      | \$ 17,500.00  | \$ -                      | \$ 38,000.00      | -                |
| Part-Time Xtra Help     | \$ 38,000.00      | \$ 38,000.00  | \$ -                      | \$ 635,441.33     | 2,460.24         |
| Total Personal Services | \$ 637,901.57     | \$ 635,441.33 | \$ -                      | \$                | \$               |

*leave*

| Dept 407<br>Assessor Val       | Budget<br>FY 2014    | Actual               | Estimate<br>Open Position | Revised<br>Actual    | Budget to Actual         |
|--------------------------------|----------------------|----------------------|---------------------------|----------------------|--------------------------|
| Official Salary                | \$ -                 | \$ -                 | \$ -                      | \$ -                 | -                        |
| Salary Wages                   | \$ 275,880.40        | \$ 231,678.20        | \$ 40,000.00              | \$ 271,678.20        | 4,202.20                 |
| Fica Expense                   | \$ 17,104.59         | \$ 14,739.09         | \$ 2,480.00               | \$ 17,219.09         | (114.50)                 |
| Medicare Expense               | \$ 4,000.27          | \$ 3,447.04          | \$ 580.00                 | \$ 4,027.04          | (26.77)                  |
| Group Insurance                | \$ 80,151.08         | \$ 67,614.36         | \$ 20,399.52              | \$ 88,013.88         | (7,862.80) used EE + 1 * |
| Retirement                     | \$ 40,002.66         | \$ 34,470.44         | \$ 5,800.00               | \$ 40,270.44         | (267.78)                 |
| Overtime                       | \$ 6,049.00          | \$ 6,049.00          | \$ -                      | \$ 6,049.00          | -                        |
| Part-Time Xtra Help            | \$ -                 | \$ -                 | \$ -                      | \$ -                 | -                        |
| <b>Total Personal Services</b> | <b>\$ 423,188.00</b> | <b>\$ 357,998.13</b> | <b>\$ 69,259.52</b>       | <b>\$ 427,257.65</b> | <b>\$ (4,069.65)</b>     |

\* Assumed the employee may elect Emp. + 1 for health insurance! New hire elections may change budgets.

add \$  
medical

| Dept 412<br>Ag Agent    | Budget<br>FY 2014 | Actual       | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|-------------------------|-------------------|--------------|---------------------------|-------------------|------------------|
| Official Salary         | \$ -              | \$ -         | \$ -                      | \$ 59,380.84      | -                |
| Salary Wages            | \$ 59,380.84      | \$ 59,380.84 | \$ -                      | \$ 3,712.61       | (0.00)           |
| Fica Expense            | \$ 3,712.61       | \$ 3,712.61  | \$ -                      | \$ 868.27         | (0.00)           |
| Medicare Expense        | \$ 868.27         | \$ 868.27    | \$ -                      | \$ 19,450.44      | 861.92           |
| Group Insurance         | \$ 20,312.36      | \$ 19,450.44 | \$ -                      | \$ 8,682.72       | 0.20             |
| Retirement              | \$ 8,682.92       | \$ 8,682.72  | \$ -                      | \$ 500.00         | -                |
| Overtime                | \$ 500.00         | \$ 500.00    | \$ -                      | \$ -              | -                |
| Part-Time Xtra Help     | \$ -              | \$ -         | \$ -                      | \$ -              | -                |
| Total Personal Services | \$ 93,457.00      | \$ 92,594.89 | \$ -                      | \$ 92,594.89      | \$ 862.11        |

*leave*

| Dept 413<br>Voter Registration | Budget<br>FY 2014 | Actual        | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|--------------------------------|-------------------|---------------|---------------------------|-------------------|------------------|
| Official Salary                | \$ -              | \$ -          | \$ -                      | \$ 81,245.98      | (0.40)           |
| Salary Wages                   | \$ 81,245.58      | \$ 81,245.98  | \$ -                      | \$ 11,229.75      | 0.00             |
| Fica Expense                   | \$ 11,229.75      | \$ 11,229.75  | \$ -                      | \$ 2,626.31       | 0.01             |
| Medicare Expense               | \$ 2,626.32       | \$ 2,626.31   | \$ -                      | \$ 29,444.40      | 2,507.61         |
| Group Insurance                | \$ 31,952.01      | \$ 29,444.40  | \$ -                      | \$ 13,520.67      | 0.00             |
| Retirement                     | \$ 13,520.67      | \$ 13,520.67  | \$ -                      | \$ 12,000.00      | -                |
| Overtime                       | \$ 12,000.00      | \$ 12,000.00  | \$ -                      | \$ 87,879.00      | -                |
| Part-Time Xtra Help            | \$ 87,879.00      | \$ 87,879.00  | \$ -                      | \$ 237,946.11     | 2,507.22         |
| Total Personal Services        | \$ 240,453.33     | \$ 237,946.11 | \$ -                      | \$ 237,946.11     | \$ 2,507.22      |

*Reduction  
please*

| Dept 424<br>Maintenance | Budget<br>FY 2014 | Actual        | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|-------------------------|-------------------|---------------|---------------------------|-------------------|------------------|
| Official Salary         | \$ -              | \$ -          | \$ -                      | \$ 512,093.96     | 0.04             |
| Salary Wages            | \$ 512,094.00     | \$ 512,093.96 | \$ -                      | \$ 33,299.83      | 0.00             |
| Fica Expense            | \$ 33,299.83      | \$ 33,299.83  | \$ -                      | \$ 7,787.86       | (0.00)           |
| Medicare Expense        | \$ 7,787.86       | \$ 7,787.86   | \$ -                      | \$ 136,371.60     | (7,512.91)       |
| Group Insurance         | \$ 128,858.69     | \$ 136,371.60 | \$ -                      | \$ 77,878.62      | (0.00)           |
| Retirement              | \$ 77,878.62      | \$ 77,878.62  | \$ -                      | \$ 25,000.00      | -                |
| Overtime                | \$ 25,000.00      | \$ 25,000.00  | \$ -                      | \$ -              | -                |
| Part-Time Xtra Help     | \$ -              | \$ -          | \$ -                      | \$ -              | -                |
| Total Personal Services | \$ 784,919.00     | \$ 792,431.87 | \$ -                      | \$ 792,431.87     | \$ (7,512.87)    |

*add*

| Dept 428<br>Data Processing    | Budget<br>FY 2014    | Actual              | Estimate<br>Open Position | Revised<br>Actual   | Budget to Actual     |
|--------------------------------|----------------------|---------------------|---------------------------|---------------------|----------------------|
| Official Salary                | \$ -                 | \$ -                | \$ -                      | \$ 50,079.22        | 87,854.71            |
| Salary Wages                   | \$ 137,933.93        | \$ 50,079.22        | \$ -                      | \$ 3,104.91         | 5,446.99             |
| Fica Expense                   | \$ 8,551.90          | \$ 3,104.91         | \$ -                      | \$ 726.15           | 1,273.89             |
| Medicare Expense               | \$ 2,000.04          | \$ 726.15           | \$ -                      | \$ 9,725.28         | 11,751.17            |
| Group Insurance                | \$ 21,476.45         | \$ 9,725.28         | \$ -                      | \$ 7,261.49         | 12,738.93            |
| Retirement                     | \$ 20,000.42         | \$ 7,261.49         | \$ -                      | \$ -                | -                    |
| Overtime                       | \$ -                 | \$ -                | \$ -                      | \$ -                | -                    |
| Part-Time Xtra Help            | \$ -                 | \$ -                | \$ -                      | \$ -                | -                    |
| <b>Total Personal Services</b> | <b>\$ 189,962.74</b> | <b>\$ 70,897.05</b> | <b>\$ -</b>               | <b>\$ 70,897.05</b> | <b>\$ 119,065.69</b> |

-Charlotte was moved from Comm to Data Processing-

-Cost for 6 months contracted services - \$

-Costs for licenses \$90K

-

7

| Dept 431<br>Development Auth. | Budget<br>FY 2014 | Actual        | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|-------------------------------|-------------------|---------------|---------------------------|-------------------|------------------|
| Official Salary               | \$ -              | \$ -          | \$ -                      | \$ -              | -                |
| Salary Wages                  | \$ 236,859.18     | \$ 194,271.48 | \$ 42,588.31              | \$ 236,859.79     | (0.61)           |
| Fica Expense                  | \$ 14,685.27      | \$ 12,044.83  | \$ 2,640.48               | \$ 14,685.31      | (0.04)           |
| Medicare Expense              | \$ 3,434.46       | \$ 2,816.94   | \$ 617.53                 | \$ 3,434.47       | (0.01)           |
| Group Insurance               | \$ 42,722.51      | \$ 38,341.80  | \$ 9,725.28               | \$ 48,067.08      | (5,344.57)       |
| Retirement                    | \$ 34,344.58      | \$ 28,169.36  | \$ 6,175.30               | \$ 34,344.67      | (0.09)           |
| Overtime                      | \$ -              | \$ -          | \$ -                      | \$ -              | -                |
| Part-Time Xtra Help           | \$ -              | \$ -          | \$ -                      | \$ -              | -                |
| Total Personal Services       | \$ 332,046.00     | \$ 275,644.41 | \$ 61,746.90              | \$ 337,391.31     | (5,345.31)       |

*leave*

| Dept 433<br>GIS Addressing | Budget<br>FY 2014 | Actual        | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|----------------------------|-------------------|---------------|---------------------------|-------------------|------------------|
| Official Salary            | \$ -              | \$ -          | \$ -                      | \$ -              | -                |
| Salary Wages               | \$ 146,410.51     | \$ 147,475.90 | \$ -                      | \$ 147,475.90     | (1,065.39)       |
| Fica Expense               | \$ 10,354.65      | \$ 10,420.71  | \$ -                      | \$ 10,420.71      | (66.06)          |
| Medicare Expense           | \$ 2,421.65       | \$ 2,437.10   | \$ -                      | \$ 2,437.10       | (15.45)          |
| Group Insurance            | \$ 32,214.67      | \$ 29,175.60  | \$ -                      | \$ 29,175.60      | 3,039.07         |
| Retirement                 | \$ 21,229.52      | \$ 21,384.01  | \$ -                      | \$ 21,384.01      | (154.49)         |
| Overtime                   | \$ -              | \$ -          | \$ -                      | \$ -              | -                |
| Part-Time Xtra Help        | \$ 20,600.00      | \$ 20,600.00  | \$ -                      | \$ 20,600.00      | -                |
| Total Personal Services    | \$ 233,231.00     | \$ 231,493.31 | \$ -                      | \$ 231,493.31     | \$ 1,737.69      |

*leave*

| Dept 439<br>Planning Dept | Budget<br>FY 2014 | Actual        | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|---------------------------|-------------------|---------------|---------------------------|-------------------|------------------|
| Official Salary           | \$ -              | \$ -          | \$ -                      | \$ -              | -                |
| Salary Wages              | \$ 310,317.25     | \$ 304,864.13 | \$ -                      | \$ 304,864.13     | 5,453.12         |
| Fica Expense              | \$ 19,673.67      | \$ 19,335.58  | \$ -                      | \$ 19,335.58      | 338.09           |
| Medicare Expense          | \$ 4,601.10       | \$ 4,522.03   | \$ -                      | \$ 4,522.03       | 79.07            |
| Group Insurance           | \$ 98,617.39      | \$ 67,345.68  | \$ -                      | \$ 67,345.68      | 31,271.71        |
| Retirement                | \$ 45,141.00      | \$ 44,350.30  | \$ -                      | \$ 44,350.30      | 790.70           |
| Overtime                  | \$ 1,000.00       | \$ 1,000.00   | \$ -                      | \$ 1,000.00       | -                |
| Part-Time Xtra Help       | \$ 6,000.00       | \$ 6,000.00   | \$ -                      | \$ 6,000.00       | -                |
| Total Personal Services   | \$ 485,350.41     | \$ 447,417.71 | \$ -                      | \$ 447,417.71     | \$ 37,932.70     |

- reduce  
~~35,000~~  
31,000

| Dept 440<br>Engineering        | Budget<br>FY 2014    | Actual               | Estimate<br>Open Position | Revised<br>Actual    | Budget to Actual    |
|--------------------------------|----------------------|----------------------|---------------------------|----------------------|---------------------|
| Official Salary                | \$ -                 | \$ -                 | \$ -                      | \$ -                 | -                   |
| Salary Wages                   | \$ 511,594.43        | \$ 509,173.71        | \$ -                      | \$ 509,173.71        | 2,420.72            |
| Fica Expense                   | \$ 32,462.91         | \$ 32,312.77         | \$ -                      | \$ 32,312.77         | 150.14              |
| Medicare Expense               | \$ 7,592.13          | \$ 7,557.02          | \$ -                      | \$ 7,557.02          | 35.11               |
| Group Insurance                | \$ 98,619.21         | \$ 87,527.28         | \$ -                      | \$ 87,527.28         | 11,091.93           |
| Retirement                     | \$ 75,921.32         | \$ 75,570.19         | \$ -                      | \$ 75,570.19         | 351.13              |
| Overtime                       | \$ 12,000.00         | \$ 12,000.00         | \$ -                      | \$ 12,000.00         | -                   |
| Part-Time Xtra Help            | \$ -                 | \$ -                 | \$ -                      | \$ -                 | -                   |
| <b>Total Personal Services</b> | <b>\$ 738,190.00</b> | <b>\$ 724,140.97</b> | <b>\$ -</b>               | <b>\$ 724,140.97</b> | <b>\$ 14,049.03</b> |

11,000

| Dept 451<br>Zoning Dept | Budget<br>FY 2014 | Actual       | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|-------------------------|-------------------|--------------|---------------------------|-------------------|------------------|
| Official Salary         | \$ -              | \$ -         | \$ -                      | \$ -              | -                |
| Salary Wages            | \$ 97,577.19      | \$ 41,006.78 | \$ 55,191.00              | \$ 96,197.78      | 1,379.41         |
| Fica Expense            | \$ 6,111.79       | \$ 2,604.42  | \$ 3,421.84               | \$ 6,026.26       | 85.53            |
| Medicare Expense        | \$ 1,429.37       | \$ 609.10    | \$ 800.27                 | \$ 1,409.37       | 20.00            |
| Group Insurance         | \$ 42,215.90      | \$ 18,719.52 | \$ 18,719.52              | \$ 37,439.04      | 4,776.86         |
| Retirement              | \$ 14,293.69      | \$ 6,090.98  | \$ 8,002.70               | \$ 14,093.68      | 200.01           |
| Overtime                | \$ 1,000.00       | \$ 1,000.00  | \$ -                      | \$ 1,000.00       | -                |
| Part-Time Xtra Help     | \$ -              | \$ -         | \$ -                      | \$ -              | -                |
| Total Personal Services | \$ 162,627.94     | \$ 70,030.80 | \$ 86,135.33              | \$ 156,166.13     | \$ 6,461.81      |

*Remove 4,000*

| Dept 700<br>Sheriff's Law Enf. | Budget<br>FY 2014      | Actual                 | Estimate<br>Open Position<br>plus promotions | Revised<br>Actual      | Budget to Actual       |
|--------------------------------|------------------------|------------------------|----------------------------------------------|------------------------|------------------------|
| Official Salary                | \$ -                   | \$ -                   | \$ -                                         | \$ -                   | \$ -                   |
| Salary Wages                   | \$ 1,985,631.95        | \$ 1,922,779.32        | \$ 82,310.00                                 | \$ 2,005,089.32        | \$ (19,457.37)         |
| Incremental Pay                | \$ 16,857.14           | \$ 16,857.14           | \$ -                                         | \$ 16,857.14           | \$ -                   |
| DUI Grant                      | \$ 35,000.00           | \$ 35,000.00           | \$ -                                         | \$ 35,000.00           | \$ -                   |
| Other Grants                   | \$ 17,196.00           | \$ 17,196.00           | \$ -                                         | \$ 17,196.00           | \$ -                   |
| Fica Expense                   | \$ 124,996.57          | \$ 153,879.71          | \$ 5,103.22                                  | \$ 158,982.93          | \$ (33,986.36)         |
| Medicare Expense               | \$ 27,883.85           | \$ 35,988.00           | \$ 1,193.50                                  | \$ 37,181.49           | \$ (9,297.64)          |
| Group Insurance                | \$ 440,638.14          | \$ 425,571.72          | \$ 20,399.52                                 | \$ 445,971.24          | \$ (5,333.10)          |
| Retirement                     | \$ 256,304.93          | \$ 300,933.66          | \$ 10,700.30                                 | \$ 311,633.96          | \$ (55,329.03)         |
| Overtime                       | \$ 188,536.12          | \$ 188,536.12          | \$ -                                         | \$ 188,536.12          | \$ -                   |
| Part-Time Xtra Help            | \$ 2,153.00            | \$ 2,153.00            | \$ -                                         | \$ 2,153.00            | \$ -                   |
| Bailiffs                       | \$ 282,146.80          | \$ 282,146.80          | \$ -                                         | \$ 282,146.80          | \$ -                   |
| Trip Guards                    | \$ 17,262.50           | \$ 17,262.50           | \$ -                                         | \$ 17,262.50           | \$ -                   |
| <b>Total Personal Services</b> | <b>\$ 3,394,607.00</b> | <b>\$ 3,398,303.98</b> | <b>\$ 119,706.54</b>                         | <b>\$ 3,518,010.51</b> | <b>\$ (123,403.51)</b> |
|                                |                        |                        |                                              | <b>PERS</b>            |                        |
|                                | \$ 1,552,726.00        | \$ 2,005,089.32        |                                              | \$ 38,417.85           |                        |
|                                | \$ 16,857.14           | \$ (38,417.85)         |                                              | \$ 86,453.00           |                        |
|                                | \$ 35,000.00           | \$ (86,453.00)         |                                              | \$ 29,000.00           |                        |
|                                | \$ 17,196.00           | \$ (29,000.00)         |                                              | \$ 38,417.85           |                        |
|                                | \$ 188,536.12          | \$ (38,417.85)         |                                              | \$ 50,556.43           |                        |
|                                | \$ 1,810,315.26        | \$ (50,556.43)         |                                              | \$ 37,020.17           |                        |
|                                | \$ 235,340.98          | \$ (37,020.17)         |                                              | \$ 38,417.85           |                        |
|                                |                        | \$ (38,417.85)         |                                              | \$ 37,020.17           |                        |
|                                |                        | \$ (37,020.17)         |                                              | \$ 40,995.00           |                        |
|                                |                        | \$ (40,995.00)         |                                              | \$ 56,065.00           |                        |
|                                |                        | \$ (56,065.00)         |                                              | \$ 452,363.32          | \$ 65,592.68           |
|                                |                        | \$ 1,552,726.00        |                                              |                        |                        |
|                                | \$ 235,340.98          |                        |                                              |                        |                        |
|                                | \$ 65,592.68           |                        |                                              |                        |                        |
| <b>Total Retirement Est.</b>   | <b>\$ 300,933.66</b>   |                        |                                              |                        |                        |

| Dept 711<br>Emerg. Services<br>Homeland Security | Budget<br>FY 2014 | Actual        | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|--------------------------------------------------|-------------------|---------------|---------------------------|-------------------|------------------|
| Official Salary                                  | \$ -              | \$ -          | \$ -                      | \$ 153,789.08     | -                |
| Salary Wages                                     | \$ 153,789.08     | \$ 153,789.08 | \$ -                      | \$ 9,534.92       | (0.00)           |
| Fica Expense                                     | \$ 9,534.92       | \$ 9,534.92   | \$ -                      | \$ 2,229.94       | (0.00)           |
| Medicare Expense                                 | \$ 2,229.94       | \$ 2,229.94   | \$ -                      | \$ 29,175.84      | 3,038.82         |
| Group Insurance                                  | \$ 32,214.66      | \$ 29,175.84  | \$ -                      | \$ 22,299.42      | 0.00             |
| Retirement                                       | \$ 22,299.42      | \$ 22,299.42  | \$ -                      | \$ -              | -                |
| Overtime                                         | \$ -              | \$ -          | \$ -                      | \$ -              | -                |
| Part-Time Xtra Help                              | \$ -              | \$ -          | \$ -                      | \$ -              | -                |
| Total Personal Services                          | \$ 220,068.02     | \$ 217,029.20 | \$ -                      | \$ 217,029.20     | \$ 3,038.82      |

~~1,000~~  
leave

| Dept 712<br>911 Communications | Budget<br>FY 2014      | Actual                 | Estimate<br>Open Position | Revised<br>Actual      | Budget to Actual    |
|--------------------------------|------------------------|------------------------|---------------------------|------------------------|---------------------|
| Official Salary                | \$ -                   | \$ -                   | \$ -                      | \$ -                   | -                   |
| Salary Wages                   | \$ 1,106,630.60        | \$ 1,108,242.89        | \$ -                      | \$ 1,108,242.89        | (1,612.29)          |
| Fica Expense                   | \$ 79,528.79           | \$ 75,961.80           | \$ -                      | \$ 75,961.80           | 3,566.99            |
| Medicare Expense               | \$ 17,819.31           | \$ 17,765.26           | \$ -                      | \$ 17,765.26           | 54.05               |
| Group Insurance                | \$ 378,290.21          | \$ 341,740.92          | \$ -                      | \$ 341,740.92          | 36,549.29           |
| Retirement                     | \$ 169,219.65          | \$ 168,679.21          | \$ -                      | \$ 168,679.21          | 540.44              |
| Overtime                       | \$ 55,062.00           | \$ 55,062.00           | \$ -                      | \$ 55,062.00           | -                   |
| Part-Time Xtra Help            | \$ 61,885.44           | \$ 61,885.44           | \$ -                      | \$ 61,885.44           | -                   |
| <b>Total Personal Services</b> | <b>\$ 1,868,436.00</b> | <b>\$ 1,829,337.52</b> | <b>\$ -</b>               | <b>\$ 1,829,337.52</b> | <b>\$ 39,098.48</b> |

Debbie, I would leave any remaining monies in Jeff's Group Insurance to cover his OT at year end.

- 30K

| Dept 716<br>Animal Control     | Budget<br>FY 2014    | Actual               | Estimate<br>Open Position | Revised<br>Actual    | Budget to Actual      |
|--------------------------------|----------------------|----------------------|---------------------------|----------------------|-----------------------|
| Official Salary                | \$ -                 | \$ -                 | \$ -                      | \$ -                 | -                     |
| Salary Wages                   | \$ 151,578.63        | \$ 153,693.97        | \$ 29,286.46              | \$ 182,980.43        | (31,401.80)           |
| Fica Expense                   | \$ 13,515.11         | \$ 11,079.03         | \$ 1,815.76               | \$ 12,894.79         | 620.32                |
| Medicare Expense               | \$ 3,031.64          | \$ 2,591.06          | \$ 424.65                 | \$ 3,015.72          | 15.92                 |
| Group Insurance                | \$ 65,220.21         | \$ 48,894.96         | \$ 18,719.28              | \$ 67,614.24         | (2,394.03)            |
| Retirement                     | \$ 30,316.41         | \$ 25,910.63         | \$ 4,246.54               | \$ 30,157.16         | 159.25                |
| Overtime                       | \$ 25,000.00         | \$ 25,000.00         | \$ -                      | \$ 25,000.00         | -                     |
| Part-Time Xtra Help            | \$ -                 | \$ -                 | \$ -                      | \$ -                 | -                     |
| <b>Total Personal Services</b> | <b>\$ 288,662.00</b> | <b>\$ 267,169.64</b> | <b>\$ 54,492.69</b>       | <b>\$ 321,662.34</b> | <b>\$ (33,000.34)</b> |

*budget  
adj*

| Dept 717<br>Central Garage | Budget<br>FY 2014 | Actual       | Estimate<br>Open Position | Revised<br>Actual | Budget to Actual |
|----------------------------|-------------------|--------------|---------------------------|-------------------|------------------|
| Official Salary            | \$ -              | \$ -         | \$ -                      | \$ -              | -                |
| Salary Wages               | \$ 43,409.09      | \$ 43,409.09 | \$ -                      | \$ 43,409.09      | -                |
| Fica Expense               | \$ 3,069.59       | \$ 2,939.36  | \$ -                      | \$ 2,939.36       | 130.23           |
| Medicare Expense           | \$ 687.43         | \$ 687.43    | \$ -                      | \$ 687.43         | (0.00)           |
| Group Insurance            | \$ -              | \$ 9,725.28  | \$ -                      | \$ 9,725.28       | (9,725.28)       |
| Retirement                 | \$ 6,511.89       | \$ 6,511.82  | \$ -                      | \$ 6,511.82       | 0.07             |
| Overtime                   | \$ 1,500.00       | \$ 1,500.00  | \$ -                      | \$ 1,500.00       | -                |
| Part-Time Xtra Help        | \$ 2,500.00       | \$ 2,500.00  | \$ -                      | \$ 2,500.00       | -                |
| Total Personal Services    | \$ 57,678.00      | \$ 67,272.98 | \$ -                      | \$ 67,272.98      | \$ (9,594.98)    |

*add*

| Summary<br>All Budgets<br>Depts 401 thru 717 | Budget<br>FY 2014       | Actual                  | Estimate<br>Open Position | Revised<br>Actual       | Budget to Actual     |
|----------------------------------------------|-------------------------|-------------------------|---------------------------|-------------------------|----------------------|
| Official Salary                              | \$ 516,528.00           | \$ 516,528.00           | \$ -                      | \$ 516,528.00           | -                    |
| Salary Wages                                 | \$ 8,711,072.87         | \$ 8,143,315.34         | \$ 488,819.29             | \$ 8,632,134.63         | 78,938.24            |
| Incremental Pay                              | \$ 16,857.14            | \$ 16,857.14            | \$ -                      | \$ 16,857.14            | -                    |
| DUI Grant                                    | \$ 35,000.00            | \$ 35,000.00            | \$ -                      | \$ 35,000.00            | -                    |
| Other Grants                                 | \$ 17,196.00            | \$ 17,196.00            | \$ -                      | \$ 17,196.00            | -                    |
| Fica Expense                                 | \$ 612,368.73           | \$ 598,267.16           | \$ 30,306.80              | \$ 628,573.96           | (16,205.23)          |
| Medicare Expense                             | \$ 139,653.29           | \$ 139,917.32           | \$ 7,087.88               | \$ 147,005.20           | (7,351.91)           |
| Group Insurance                              | \$ 2,272,236.78         | \$ 2,030,398.44         | \$ 156,257.76             | \$ 2,186,656.20         | 85,580.58            |
| Retirement                                   | \$ 1,340,959.27         | \$ 1,306,316.54         | \$ 69,644.15              | \$ 1,375,960.69         | (35,001.42)          |
| Overtime                                     | \$ 385,147.12           | \$ 385,147.12           | \$ -                      | \$ 385,147.12           | -                    |
| Part-Time Xtra Help                          | \$ 236,017.44           | \$ 236,017.44           | \$ -                      | \$ 236,017.44           | -                    |
| Bailiffs                                     | \$ 282,146.80           | \$ 282,146.80           | \$ -                      | \$ 282,146.80           | -                    |
| Trip Guards                                  | \$ 17,262.50            | \$ 17,262.50            | \$ -                      | \$ 17,262.50            | -                    |
| <b>Total Personal Services</b>               | <b>\$ 14,582,445.94</b> | <b>\$ 13,724,369.80</b> | <b>\$ 752,115.87</b>      | <b>\$ 14,476,485.68</b> | <b>\$ 105,960.26</b> |

was 260,000  
- Animal Control  
- 2 Comm. Staff

**NOTICE**  
**JEFFERSON COUNTY COMMISSION**  
**MEETING SCHEDULE CHANGE**

A decision was made at the regular County Commission meeting on Thursday, January 31, 2013 that effective February 1, 2013; The Jefferson County Commission will begin a new regular Commission meeting schedule. The Commission will hold its regular meeting at 9:30 a.m. on the first (1<sup>st</sup>), third (3<sup>rd</sup>), and when applicable, the fifth (5<sup>th</sup>) Thursday of every month.

**AGENDA REQUEST FORM**

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



Name: Jennifer Myers, Director

Department or Organization: Jefferson County Parks and Recreation

Estimation of amount of time needed for appointment: 10 min

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

Subject (Wording to be placed on agenda): **The JCPRC will update the Commission on the progress of James Hite Park and requests the release of funds from the land acquisition fund to provide an excavator and operator to perform explanatory trenching in the areas of cut for phase 1.– Discussion/Action**

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

The Jefferson County Parks and Recreation Commission requests to be placed on the agenda for the upcoming county commission meeting on August 15th. The JCPRC will update the Commission on the progress of James Hite Park and requests the release of funds from the land acquisition fund to provide an excavator and operator to perform explanatory trenching in the areas of cut for phase 1. The objective is to quantify rock in these areas to help reduce construction costs.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):  
**Motion to release funds from the land acquisition fund to provide an excavator and operator to perform explanatory trenching in the areas of cut for phase 1**

Are documents attachments? Yes            No  
If not, explain:

Is a projector needed? Yes            No

Contact information:

# AGENDA REQUEST FORM

Name: Bob Aitcheson & Doug Rockwell

Department or Entity: Residents

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

If a specific date is needed, please provide reason for specific date:  
Time sensitive as this issue is on the agenda for a vote

Subject:

- 1.) Discuss the desirability of the Commission to enact the proposed Ambulance Fee
- 2.) Discussion regarding the JCESA

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

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

Are documents attached? No

**If not, please explain: We will be meeting with the JCESA on Tuesday, after the agenda deadline and if handouts are necessary, we will provide them to the office before the Commission meeting.**

Is a projector needed?

Contact information: **Bob Aitcheson /Doug Rockwell**

Email Address:

Phone number: 304-725-7639 or 304-724-6845

# AGENDA REQUEST FORM

Name: Jefferson County Emergency Service Agency Proposed Fee Ordinance

Department or Entity: Requested by Jefferson County Commission

Estimation of amount of time needed for appointment: 30 min.

Date Requested – 1<sup>st</sup> Choice: August 15, 2013

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

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

The Commission requested three (3) Commission Meeting dates scheduled for consideration of the Proposed Emergency Fee Ordinance

June 27, 2013

July 11, 2013

August 1, 2013 \*

- \*At the July 11, 2013 County Commission Meeting it was the decision of the Commission to leave the ordinance open for another 30 days for amendments and review of the fee structure. This would reschedule the August 1, 2013 reading to August 15, 2013.

Subject:

Reading/Review/Edits of the Jefferson County Emergency Service Agency Fee Ordinance

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

Per the consensus of the Jefferson County Commission, this is the third and final reading of the Ambulance Fee Ordinance including an amendment voted on at the July 11, 2013 County Commission Meeting – “Motion by Mr. Manuel to reinstate the word ambulance throughout the ordinance and strike the word emergency as it is used in reference to the proposed fee. Motion seconded and approved on a vote of 4-1 with Mr. Pellish opposing. It was the decision of the Commission to leave the ordinance open for another 30 days to leave open for amendments and review the fee structure.”

The Ordinance is amendable on this third reading and is up for final passage.

Commissioner Manuel is submitting two amendments

- 1) Amend Section 4 by removing the following language under (b) Commercial:

0-250 - \$85.00

25001 and up \$1000.00 with cap of \$1000.00

And further reinstate all language struck thur in said section.

And further on page three under commercial section strike all current categories and replace them by reinstating all numbers struck thru.

2. I move to amend Section 4 – Rates by adding the following under the Residential (a) heading:

Residents who have been granted the Homestead Property exemption will have their residential fee discounted by 50%.

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

Are documents attached?

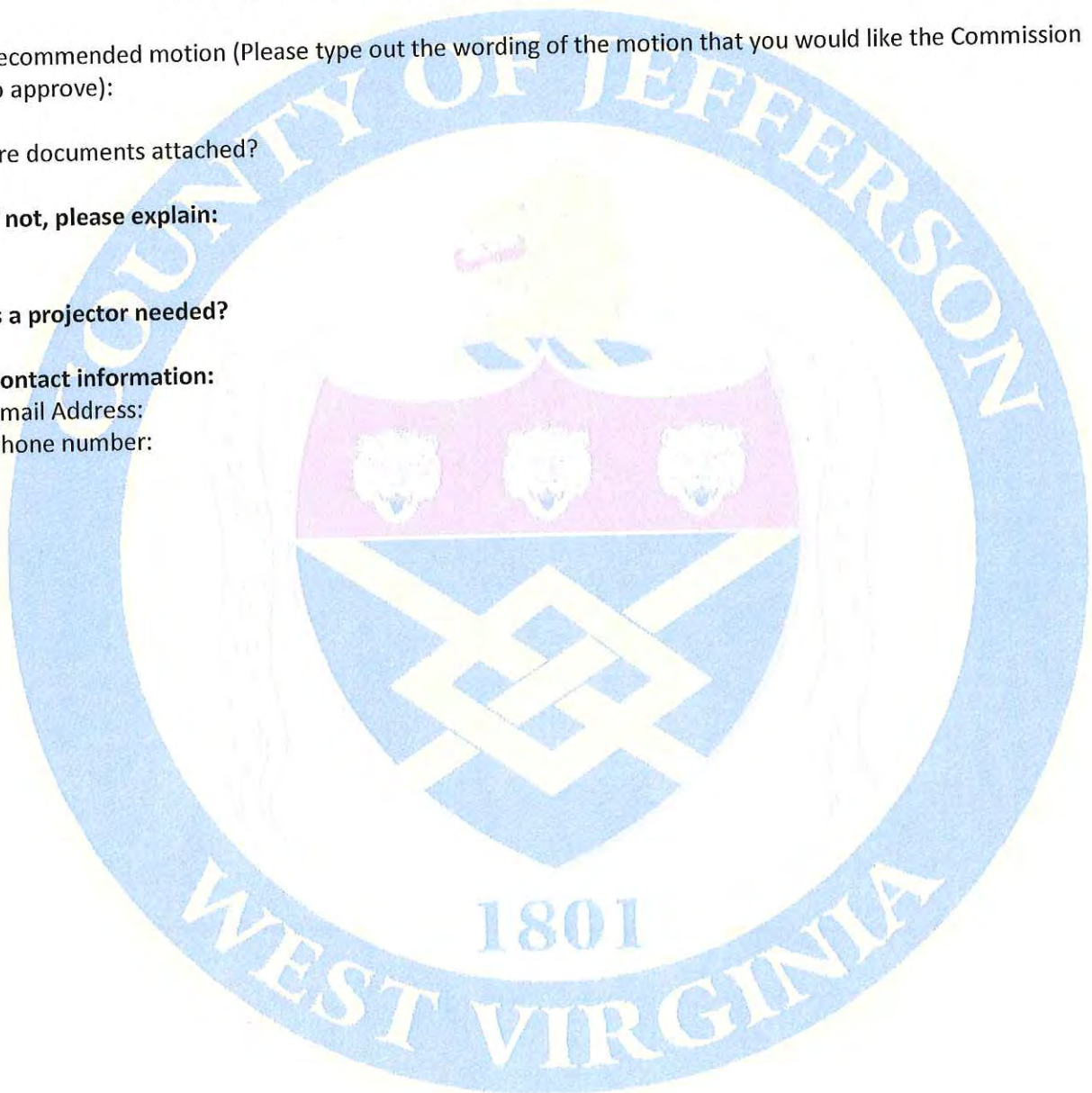
If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



## Cindy Schott

---

**From:** Debbie Keyser [dkeyser@jeffersoncountywv.org]  
**Sent:** Thursday, August 01, 2013 4:20 PM  
**To:** cschott@jeffersoncountywv.org  
**Subject:** Agenda request for Dale. He will be in tomorrow to sign....

Third and final reading of the Ambulance Fee Ordinance.

Add 2 amendments with it –

- removing the cap

- homestead exemption

Amendable on third reading - Up for final passage – discussion/action

# AGENDA REQUEST FORM

Name: JEFFERSON COUNTY EMERGENCY SERVICE AGENCY PROPOSED FEE ORDINANCE

Department or Entity: Requested by the County Commission

Estimation of amount of time needed for appointment: 20 min

Date Requested – 1<sup>st</sup> Choice: June 27, 2013

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

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

Please schedule for three (3) Commission Meetings:

June 27, 2013

July 11, 2013

August 1, 2013

Subject:

Reading/Review/Edits of the Jefferson County Emergency Service Agency Fee Ordinance

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

Reviews and edits are due to the Commission at this meeting

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

No Motion at this time.

Are documents attached? yes

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



**REVISED ~~May 21, 2013~~ June 12, 2013**  
**Approved by JCESA Board**  
**JEFFERSON COUNTY EMERGENCY SERVICES AGENCY**

419 Sixteenth Avenue  
Ranson, WV 25438  
E-mail – [jcesa@jcesa.org](mailto:jcesa@jcesa.org)  
Telephone – 304-728-3287

**JEFFERSON COUNTY SPECIAL EMERGENCY ~~AMBULANCE~~ SERVICE FEE ORDINANCE**

**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 ~~staffing and~~ maintaining 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 and reduce property loss. Emergency ~~ambulance~~ service is a public purpose and a responsibility of government for which public money may be spent.

**SECTION 3 - DEFINITIONS**

**RESIDENTIAL UNIT** – 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, rental units, and personal care facilities. In the case of a structure which contains multiple dwelling units, such as duplexes and apartments, each apartment unit or duplex unit shall be deemed to be a separate residential unit.

**COMMERCIAL UNIT** – Means any place of business including hotel/motel, industrial/warehouse, institutional, nursing homes as classified by the records of the Jefferson County Assessor.

**OWNER** – Means the person, firm or corporation listed in the records of the Jefferson County Assessor possessing exclusive rights and control of a property.

**JEFFERSON COUNTY EMERGENCY SERVICES AGENCY**  
Page 2

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

**EMERGENCY AMBULANCE SYSTEM** – Any emergency ambulance service provided pursuant to this ordinance including fire and ambulance.

**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.

**SECTION 4 - RATES**

The Special 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. The Special Emergency Ambulance Service Fee established by this Ordinance shall depend upon the total square footage of the building as set forth below:

|                 | Square Feet                                 | Amount                              |
|-----------------|---------------------------------------------|-------------------------------------|
| (a) Residential | <del>0-1,600</del>                          | \$55.00                             |
|                 | <del>1,601-3,000</del>                      | \$75.00                             |
|                 | <del>3,001 +</del>                          | \$85.00                             |
| (b) Commercial  | 0-2,500                                     | \$85.00                             |
|                 | <del>0-2,500</del>                          | <del>\$115.00</del>                 |
|                 | 2,501-7,500                                 | \$215.00                            |
|                 | 2,501-25,000                                | \$500.00                            |
|                 | 7,501-20,000                                | \$520.00                            |
|                 | 20,001-35,000                               | \$995.00                            |
|                 | 35,001-50,000                               | \$1,270.00                          |
|                 | 25,001 & Up                                 | \$1,000.00 with a cap of \$1,000.00 |
|                 | 50,001-75,000                               | \$1,520.00 per parcel               |
| 75,001-100,000  | \$2,220.00                                  |                                     |
| Over 100,000    | \$2,200.00 plus \$.0030 per sq<br>Over 100K |                                     |

Said fee may be adjusted annually upon approval of the Jefferson County Commission. The fee shall be the responsibility of the owner of the unit.

The Fee imposed under this ordinance shall be due and payable September 30 of each year. The Fee assessed and levied under the provisions of the ordinance shall be a debt due the Jefferson County Emergency Services Agency and shall be a personal obligation of the owner of the unit. Failure to pay the fee by the due date will result in delinquent status.

*It's About Saving Lives...*

**JEFFERSON COUNTY EMERGENCY SERVICES AGENCY**  
Page 3

Delinquent fees may be, at the discretion of JCESA recovered by the JCESA 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 JCESA is authorized to recover its court costs and attorney's fees and costs.

For accounts paid on or after October 1 through December 31 the fee shall increase by 15 percent. For accounts paid on or after January 1 through March 31, the fee shall increase again by 15 percent. A summary follows:

| Unit Type   | If Paid On or Before<br>September 30 | If Paid On or After<br>October 1 to<br>December 31 | If Paid On or After<br>January 1 to March<br>31 |
|-------------|--------------------------------------|----------------------------------------------------|-------------------------------------------------|
|             | Full Year                            | Full Year                                          | Full Year                                       |
| Residential | 55                                   | 63                                                 | 73                                              |
|             | 75                                   | 86                                                 | 99                                              |
|             | 85                                   | 98                                                 | 112                                             |
| Commercial  | 115 85                               | 132 98                                             | 152 112                                         |
|             | 215 500                              | 247 575                                            | 284 661                                         |
|             | 520 1,000                            | 598 1,150                                          | 688 1,323                                       |
|             | 995                                  | 1,144                                              | 1,316                                           |
|             | 1,270                                | 1,461                                              | 1,680                                           |
|             | 1,520                                | 1,748                                              | 2,010                                           |
|             | 2,220                                | 2,553                                              | 2,936                                           |
|             | 2,220                                | 2,553                                              | 2,936                                           |

If any person believes he or she is erroneously charged an emergency service fee, the JCESA shall provide, upon the person's request, an exoneration form. The form shall be completed and returned to the JCESA no later than September 30 of the Fiscal Year for which the fee applies. The JCESA shall, within a reasonable time, cause to be investigated any request for exoneration. The JCESA shall, at its next regular meeting after completion of the investigation, make and communicate to the County Commission its recommendation regarding the exoneration. If good cause for exoneration is found by the County Commission, said Commission shall exonerate or modify any or all imposed charges, and shall notify the person in writing of its actions. If the Commission does not exonerate or modify as requested by the applicant, an appeal may be filed with the Circuit Court of Jefferson County.

This ordinance shall be published once a week for two successive weeks in a qualified newspaper published in this county.

**SECTION 5 - RATE INCREASES**

*It's About Saving Lives...*

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 an increase in the fee imposed by this ordinance is necessary, it shall, by resolution, request the County Commission for such an increase. Procedures set for 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

This Ordinance shall become effective June 30, 2013. The fee assessed and levied by this ordinance shall be for services rendered from July 1, 2013 to June 30, 2014, and each fiscal year thereafter.

#### SECTION 7 - MANAGEMENT OF PROCEEDS

The proceeds from the imposition and collection of the Special Emergency Ambulance Service Fee shall be deposited in a special fund and used only to pay reasonable and necessary expenses actually incurred and the cost of buildings and equipment used in providing emergency ambulance service to residents of Jefferson County. The proceeds may be used to pay for, in whole or in part, the establishment, maintenance and operation of the Jefferson County Emergency Services Agency including the hiring of Fire Fighter/Paramedics and Fire Fighter/EMTs, as provided for in Senate Bill 224 (passed March 8, 2008), and Article 15, Chapter 7 of the West Virginia Code. 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 in conjunction with the regular January 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.

In conjunction with the submission requirements of the Commission, JCESA shall prepare a regular JCESA budget for County Funds and shall prepare a supplemental 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, JCESA shall request the Assessor to provide it with a list of all residential and commercial units and commercial square footage within the county to be utilized as the data base for billing the Special Emergency Ambulance Service Fee commencing the following July 1. Each residential and commercial unit shall have an account established in the name of the owner of that unit and a bill in the amount of the fee shall be delivered to that unit by US Postal Service on or after July 1 of the Fiscal Year. The Assessor will further provide monthly updates to JCESA so that the database can be maintained on a current basis.

**SECTION 10 - COLLECTION OF DELINQUENT ACCOUNTS**

In mid-January, letters shall be sent to all delinquent accounts as a status reminder including a notice that delinquent accounts will be submitted for collection. On or about April 1, all delinquent accounts at that point shall be submitted for collection by either internal or external agencies.

Owners of residential and commercial units will be responsible for reporting to JCESA incorrect billing information to avoid collections.

**SECTION 11 - BUSINESS MANAGER FUNDS AND POSITIONS**

~~JCESA will appoint a Business Manager to manage the Fund who will report to the JCESA Director and Board of Directors and manage the day-to-day operations of billing and collection of the Fee. Funds will be allocated in the annual budget to pay reasonable and necessary expenses of running a business office.~~ Funds will be allocated to hire nine (9) Fire Fighter/Paramedics and Fire Fighter/EMTs.

**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.

This Ordinance shall become effective on June 30, 2013.

Approved by

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I move to reinstate the word ambulance throughout the ordinance and strike the word emergency as it is used in reference to the proposed fee.

Amendment purpose: To make the ordinance comply with enabling code that is available to the Commission. Further, this action will create an ordinance that is defenseable and solidly permissible by WV Law.

I move to amend Section 4 by removing the following language under (b) Commercial:

0-2500 85.00

25001 and up 1000.00 with cap of 1000.00

and further reinstate all language struck thru in said section.

And further on page three under commercial section strike all current categories and replace them by reinstating all numbers struck thru.

Amendment purpose: Create a simple fair and equitable square footage scale for commercial property. Reverse the inequity the current language created that placed the larger burden of financing the ambulance service on residents.

I move to amend Section 4- Rates by adding the following under the Residential (a) heading:

Residents who have been granted the Homestead Property exemption will have their residential fee discounted by 50 per cent.

Amendment purpose: To offer some relief to senior citizens who may be living on social security incomes.



**JEFFERSON COUNTY  
DEPUTY SHERIFF RESERVE  
ACADEMY**

You and your family are cordially invited to attend the  
Graduation ceremony for JCDSRA Class 2-2013

When: Saturday August 17, 2013

When: 3pm

Where: Wright Denny Intermediate School.  
209 West Congress Street.  
Charles Town, WV 25414

Please RSVP by Monday July 29, 2013

Reserve Deputy Joe Malcolm (304-283-5919)

[jmalcolm@jcdsr.org](mailto:jmalcolm@jcdsr.org)

61st Annual  
Jefferson County  
**FAIR**  
August 18-24, 2013

www.jeffersoncountyfairwv.org

**Saturday  
August 17**

- 7:00 AM
- Fairgrounds Open to Livestock
- 9:00 AM - Noon
- Horses Entered
- 9:00 AM - 2:00 PM
- Livestock Entered & Weighed
- 10:00 AM - 3:00 PM
- All Non-Livestock

- Exhibits Entered
- 4:00 PM
- Grading of Livestock Animals
- 6:00 PM
- Meeting of Livestock Exhibitors & Parents
- 6:30 PM
- Stage - Miss Jefferson County Fair Contest
- 11:00 PM
- Fairgrounds Close

# Schedule of Events



**Sunday  
August 18**

- 9:00 AM - 10:30 AM
- Exhibitor's Breakfast (Open to all exhibitors)
- 10:00 AM
- Stage - Church Service
- 10:00 AM
- Rabbit Judging
- Open Class followed by 4-H & FFA
- 11:00 AM - 4:00 PM
- Jefferson Co. Fair Summer Cruise-in
- 1:00 PM
- Flag Raising
- Exhibit Buildings Open
- Dairy Goat Judging & Fitting & Showing
- 4-H Rocket Launch
- Antique Tractor Area - Lawn & Garden Tractor Pull Part 1
- 1:30 PM
- Tractor Driving Contest
- Stage - Little Miss Jefferson Co. Fair Contest
- 3:00 PM
- Arena - Dirt Drag Racing
- 5:00 PM
- Sheep Judging, Fitting & Showing, Market Animals
- 6:00 PM
- Stage - Kids In Motion
- 6:30 PM
- Stage - Shenandoah Valley Squares
- Exhibition Team
- 7:00 PM
- Stage - Junior Miss Jefferson Co. Fair Contest
- 7:30 PM
- Slow Tractor Race - Antique Tractor Area
- Burn Out Contest - Arena
- 11:00 PM
- Fairgrounds Close

**Monday  
August 19**

- 8:30 AM
- Jeff Co 4-H & FFA Horse Showmanship
- 10:00 AM
- Sheep Judging - Breeding Animals
- Poultry Judging
- 1:00 PM
- Beef Showmanship & Judging - Steers & Feeder Calves
- 3:00 PM
- Exhibit Buildings Open
- Jefferson CEOS Bake Sale
- 5:30 PM
- Stage - Shepherdstown Middle School Band
- 6:00 PM
- Carnival Area Open to Public - Family Night - One Price - Ride All Night!
- 6:15 PM
- Stage - Wildwood Middle School Band
- 6:30 PM
- Kiddie Tractor Pull - Antique Tractor Area
- Tractor & 4 Wheel Drive Pull - Two Interstate Classes - Arena
- 7:00 PM
- Stage - Jefferson High School Jazz Band
- Show Barn - Bubble Gum
- Blowing Contest
- Pudding Eating Contest
- Apple Eating Contest
- Marshmallow Eating Contest
- 7:30 PM
- New Hopewell Center for the Arts - Stage
- 11:00 PM
- Fairgrounds Close

**Tuesday  
August 20**

- 9:00 AM
- Swine Judging - Fitting & Showing
- Market Swine Show
- 1:00 PM
- Fitting & Showing - Market Goat & Meat Goat
- Market Goat Show
- 3:00 PM
- Exhibit Buildings Open
- Jefferson CEOS Bake Sale
- 4:30 PM
- Sheep Dog Demo. - Horse Ring
- 5:30 PM
- Stage - Harpers Ferry Middle School Band
- 6:00 PM
- Carnival Area Open to Public
- 6:15 PM
- Stage - Charles Town Middle School Band
- 6:30 PM
- S. Barn - 4-H, FFA & FCCLA Bake Auction
- Antique Tractor Pull - Antique Tractor Area
- 7:00 PM
- Stage - Washington High School Band
- Arena - 4 & 6 Cylinder Dirt Track Trailer Racing
- Monster Truck Demonstration
- 8:15 PM
- Show Barn - Watermelon Eating Contest
- Show Barn - Water Balloon Toss
- 11:00 PM
- Fairgrounds Close

**Wednesday  
August 21**

- 8:30 AM
- Fiber Show
- 10:00 AM
- Dairy Cattle Judging - Fitting & Showing
- 11:00 AM
- Exhibit Buildings Open
- 11:00 AM - 3:00 PM
- Senior Citizens Matinee - Free Admission - Age 55 & Over
- Noon - 2:00 PM
- Ruritan Roast Beef Lunch Special
- 2:00 PM
- Meat Goat Breeding Classes
- 6:00 PM
- Carnival Area Open to Public - Family Night - One Price - Ride All Night
- 6:30 PM
- Kiddie Tractor Pull - Antique Tractor Area
- 7:00 PM
- Arena - Tuff Truck & Car Contest
- 7:30 PM
- Show Barn - Funny Fitting & Showing Contest
- Stage - Band - Cazmiere
- 7:45 PM
- Show Barn - Texting Contest
- 8:00 PM
- Show Barn - Corn Eating Contest
- Ice Cream Eating & Milk Drinking Contests
- Hay Bale Toss Contest
- 11:00 PM
- Fairgrounds Close

**Thursday  
August 22**

- 1:00 PM
- Beef Judging - Commercial & Purebred
- 3:00 PM
- Exhibit Buildings Open
- 4:00 PM
- South Jefferson Ruritan Chicken BBQ
- 6:00 PM
- Carnival Area Open to Public
- 6:30 PM
- Stage - Horse Pulling Contest
- Antique Tractor Area - Lawn & Garden Tractor Pull Part 2
- Show Barn - JHMS Martial Arts Demonstration
- 7:00 PM
- Arena - Figure 8 Demolition Derbies
- 4 & 6 Cylinders Demolition Derbies
- 4.6 & 8 Cylinders & Full Size Trucks
- 7:30 PM
- Magic of Michael T - Show Barn
- 11:00 PM
- Fairgrounds Close

**Friday  
August 23**

- 8:30 AM - 4:30 PM
- Open Horse Show - English/Hunter Show
- Noon
- Skill-a-Thon - Show Barn
- 3:00 PM
- Exhibit Buildings Open
- 4:00 PM
- South Jefferson Ruritan Chicken BBQ
- Carnival Area Open to Public
- 6:30 PM
- Stage - Horse Pulling Contest
- Antique Tractor Area - Lawn & Garden Tractor Pull Part 2
- Show Barn - JHMS Martial Arts Demonstration
- 7:00 PM
- Arena - Figure 8 Demolition Derbies
- 4 & 6 Cylinders Demolition Derbies
- 4.6 & 8 Cylinders & Full Size Trucks
- 7:30 PM
- Magic of Michael T - Show Barn
- 11:00 PM
- Fairgrounds Close

**Saturday  
August 24**

- 8:30 AM - 4:30 PM
- Open Western Pleasure
- Gymkhana Show
- 10:00 AM
- Exhibit Buildings Open
- Arena - Mud Bog
- 11:30 AM
- Livestock Wash Area Closed
- Noon
- Sale of 4-H & FFA Livestock Animals
- 12:30 PM
- Stage - Pet Show
- 2:00 PM - 5:00 PM
- Kiddie Matinee - Carnival Reduced Prices
- Rabbit Hopping Demonstration - Rabbit Barn
- 5:30 PM
- Antique Tractor Parade
- Stage - Jefferson High Pop Singers
- 6:00 PM
- Carnival Area Open to Public
- 6:30 PM
- Show Barn - Presentation of Awards & Trophies
- Stage - Washington High Vocal Fusion
- Arena - Tractor & 4 Wheel Drive Pull - Two Interstate Classes
- 7:30 PM
- Mutton Busting - Horse Ring
- 8:00 PM - 11:00 PM
- Show Barn - Karaoke - Shepherd Enterprises
- 8:30 PM
- Arena - Egg Toss
- 9:30 PM
- Arena - Tractor & 4 Wheel Drive Pull Continued
- Two Interstate Classes
- Exhibits to be Removed
- 11:00 PM
- Fairgrounds Close



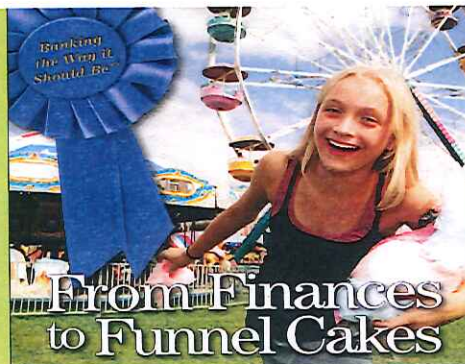
< To Leetown

Old Leetown Pike

To Ranson & Charles Town >



1707 Old Leetown Pike, Kearneysville, WV 25430



### From Finances to Funnel Cakes

#### This Community Bank Does More than Just Banking

Jefferson Security Bank is proud to be a sponsor of the Jefferson County Youth Fair because we know serving our community is more than providing the blue ribbon services our customers have come to expect, it's about really being a part of the community and making where we live a better place for everyone.

**JEFFERSON SECURITY BANK LOCATIONS**

|                                                               |                                     |                                       |
|---------------------------------------------------------------|-------------------------------------|---------------------------------------|
| <b>SHEPHERDSTOWN</b><br>NEW OFFICE - DOWNTOWN<br>304.876.1000 | <b>MARTINSBURG</b><br>304.264.0900  | <b>HUNDS</b><br>304.229.6000          |
| <b>PARSON OFFICE - ROUTE 45</b><br>304.876.2800               | <b>CHARLES TOWN</b><br>304.725.9752 | <b>SHARPSBURG, MD</b><br>301.432.3900 |

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jeffersonsecuritybank.com Member FDIC

**B** **Brown Funeral Homes**  
Robert C. Fields, LIC | Stephen W. Hedges, Preplanning  
327 West King St. • Martinsburg  
BrownFuneralHomesWV.com  
304-263-8896

UP TO **\$200 OFF** Pre-Arrangements With This Offer  
Some Restrictions May Apply / Return Promptly.

Preplanning Is Probably Easier Than You Think.

**ENJOY THE FAIR!**

**B** The Bennett Agency  
**304-725-6090**  
118 N. Charles Street • Charles Town, WV

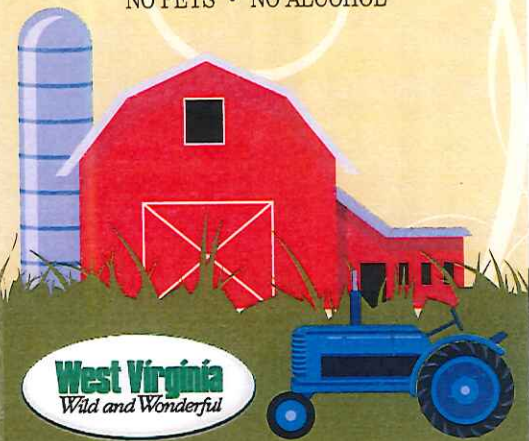
# 61st Annual Jefferson County FAIR

August 18-24, 2013

www.jeffersoncountyfairwv.org



NO PETS • NO ALCOHOL





*YOU ARE  
CORDIALLY INVITED  
TO THE  
RIBBON CUTTING  
AND  
DEDICATION OF  
THE LEWIS COUNTY  
JUDICIAL ANNEX  
TUESDAY, AUGUST 20, 2013  
2:00 PM  
117 COURT AVENUE  
WESTON, WV 26452*

*WE LOOK FORWARD TO CELEBRATING  
THIS MONUMENTAL DAY IN  
LEWIS COUNTY HISTORY WITH YOU.  
TOURS OF THE BUILDING  
WILL BE GIVEN UNTIL 7:00 PM.*

*PLEASE RSVP BY AUGUST 16, 2013  
(304)269-8200*

State of West Virginia



## DIVISION OF JUVENILE SERVICES

Jefferson County Youth Reporting Center  
1186 N. Mildred Street, Suite 101  
Ranson, WV 25438

Patricia G. Smith  
Program Director

Earl Ray Tomblin  
*Governor*  
Joseph C. Thornton  
*Cabinet Secretary*  
Stephanie Bond  
*DJS Acting Director*

### Parents/Community Appreciation Day

We, the staff at Jefferson County Youth Reporting Center, extend our thanks to you, (THE PARENTS/COMMUNITY), for all the things you have done to help us. Although we just cannot payback the time and care you have given by assisting us with your child. The cooperation that has been given, by dropping or picking your child up has helped tremendously. In addition, we know you have taken time from your busy schedule to participate in the program by meeting with our Psi-Med counselor to help assist your child's growth. So we extend our appreciation by asking you, the parents and community to join us for our First Parents/Community Appreciation Day at the JCYRC on date August 21, 2013. The time will be from 1130 until 4:00 p.m. Please make the time to stop by when you can and meet the staff and take a tour of the faculty. Please RSVP by August 8, 2013, by calling us at 304-6317.

Thanks

Jefferson County Youth Reporting Center Staff



JEFFERSON COUNTY  
COMMISSION OFFICES



WILL BE CLOSED

MONDAY SEPTEMBER 2, 2013

IN OBSERVANCE OF

LABOR DAY

**MADD and the Governor's Highway Safety Office  
Cordially Invites You  
*And a Guest*  
To the  
Annual Law Enforcement Appreciation Breakfast  
Saturday, September 7, 2013 at 9:00 AM  
At the Holiday Inn in Martinsburg, WV**

Special awards will be presented to top achieving officers  
And honoring all of the Local Law Enforcement Officers  
For their continuous efforts in keeping our roadways safe

So, Please join us as we celebrate, recognize, and award  
Law Enforcement Officers  
of Berkeley, Jefferson & Morgan Counties  
For their outstanding work to help promote  
**MADD's** mission to Eliminate Impaired Driving  
Decreasing the number of DUI offenders and crashes

**RSVP is required. Please RSVP by August 23, 2013.**  
By calling Margaret Walker at (304) 671-6906



**MADD**

Activism | Victim Services | Education



## **Jefferson County Commission**

**Thank you for your membership in the County Commissioners' Association of WV and your participation in the NACo Prescription Drug Card Program.**

---

**As a membership benefit, CCAWV is reimbursing participating counties, 50% of their paid 2013 NACo dues! Your membership benefit check is enclosed.**  
**July 30, 2013**

Presented by:  
The County Commissioners' Association of WV  
Vivian Parsons, Executive Director

*"County Government Works"*



304-345-4639



info@cawv.org



www.cawv.org



2309 Washington Street, East - Charleston, WV 25311



**THE HUMANE SOCIETY  
OF THE UNITED STATES**



**THE HUMANE SOCIETY  
OF THE UNITED STATES**

Summer Wyatt  
West Virginia State Director

swyatt@humanesociety.org  
t 304.887.4058  
P.O. Box 502 Bunker Hill, WV 25413

To whom it may concern,

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Jennifer Leaning, M.D., S.M.H.  
*Vice Chair*

Kathleen M. Linehan, Esq.  
*Board Treasurer*

Wayne Pacelle  
*President & CEO*

Michael Markarian  
*Chief Program & Policy Officer*

Laura Maloney  
*Chief Operating Officer*

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*Treasurer & CFO*

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*Chief International Officer  
& Chief Scientific Officer*

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*General Counsel  
Vice President & CLO*

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Andrew Weinstein  
Jason Weiss  
David O. Wiebers, M.D.  
Lona Williams

Enclosed you will find the new commercial dog breeding operations law (19-20-26), which went into effect July 11, 2013, and check off sheet for County Commissions and law enforcement officers. I hope your commission office will make registration of commercial dog breeding kennels a priority and reach out to me if you have any questions concerning the language or any need for assistance with enforcement. This new law is important for many reasons, including health and humane care of animals as well as ensuring proper and lawful business practices. Making sure these facilities are registered with your county and abiding with the standards set in this law will assure health and safety of humans and animals and eliminate county funds and man power being spent on inferior facilities not focused on producing quality dogs in humane conditions.

I would like to offer our assistance with animal sheltering issues or cases relating to this or any other anti-cruelty code section. Please do not hesitate to contact me for guidance, financial assistance, animal handling, evidence collection, or any other need that may arise from an animal cruelty or neglect case.

I thank you for all the work you do and hope we can work together in the future.

Summer Wyatt  
West Virginia State Director – Humane Society of the United States  
304.887.4058 – [swyatt@humanesociety.org](mailto:swyatt@humanesociety.org)

**RECEIVED**

**AUG 7 2013**

**Jefferson County Commission**

Celebrating Animals ; Confronting Cruelty

2100 L Street, NW Washington, DC 20037 t 202.452.1100 f 202.778.6132 [humanesociety.org](http://humanesociety.org)

## WV Code 19-20 2b Commercial Dog Breeder Inspections – County Responsibilities

**County Commission** –County commissions are authorized to charge a fee to commercial dog breeders and shall deposit the fees collected in a specially designated account to be used for animal shelters, animal rescue and spay neuter programs administered by county animal shelters or other humane organizations.

- No commercial dog breeder may breed dogs without a business registration certificate in accordance with section three, article twelve, chapter eleven of this code and a valid business license issued by the locality in which the dog breeding operation is located.
- “Commercial Dog Breeder” means any person who:
  - Maintains **11 or more** unsterilized dogs over the age of 1 year for the exclusive purpose of actively breeding;
  - Is engaged in the business of breeding dogs as household pets for direct or indirect sale or for exchange in return for consideration;
- “Class I Commercial Dog Breeder” means a commercial dog breeder that possesses **11 to 30** unsterilized dogs over the age of 1 year at any one time for the exclusive purpose of actively breeding.
  - The fee for a Class I commercial dog-breeding permit shall be an amount determined by the county commission, not to exceed **\$250** per year.
- “Class II Commercial Dog Breeder” means a commercial dog breeder that possesses **more than 30** unsterilized dogs over the age of 1 year at any time.
  - The fee for a Class II commercial dog breeding permit shall be an amount determined by the county commission, not to exceed **\$500** per year

### **County Law Enforcement/Humane Officers – (during biannual/twice yearly inspections)**

#### **Check that breeder has:**

1. Obtained an annual certification by a licensed veterinarian that the dog is in suitable health for breeding. (yearly for each breeding dog)
2. Maintains current, valid rabies certificates for every dog pursuant to article 20a of this chapter.
3. Include the breeder’s annual permit number on any advertisement for the sale of a dog
  - a. If selling directly to the public, post a conspicuous notice containing the breeder’s name, address and annual permit number on each cage;
4. Provide for the humane treatment of dogs in accordance with 61-8-19 of this code.
5. Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris and is readily accessible to all dogs in the enclosure at all times unless otherwise directed by a veterinarian for the health of the dog.
6. Provide veterinary care without delay when necessary.
7. Maintain adequate staffing levels to ensure compliance with this section;

8. Maintain adequate housing facilities and primary enclosures that meet the following minimum requirements
  - a. Housing facilities and primary enclosures must be kept in a sanitary condition and in good repair; must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to prevent moisture condensation; must have a means of fire suppression, such as functioning fire extinguishers or a sprinkler system on the premises; and must have sufficient lighting to allow for observation of the dogs at any time of day or night;
  - b. Housing facilities and primary enclosures must enable all dogs to remain dry and clean;
  - c. Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;
  - d. Housing facilities must provide sufficient shade to simultaneously shelter all of the dogs housed therein;
  - e. A primary enclosure must have solid floors that are constructed in a manner that protects the dogs' feet and legs from injury;
  - f. Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure
  - g. Feces, hair, dirt, debris and food waste must be removed from primary enclosures and housing facilities at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests and odors;
9. All dogs in the same enclosure at the same time must be compatible, as determined by observation. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision;
10. Sick dogs shall be isolated sufficiently so as not to endanger the health of other dogs.
11. No previous animal cruelty violations. It is unlawful for a commercial dog breeder to operate if he or she has been convicted of animal cruelty in any local, state or federal jurisdiction.

Excluded under this code:

*Any person who keeps or breeds dogs exclusively for the purpose of herding or guarding livestock or farm animals, hunting, tracking or exhibiting in dog shows, performance events or field and obedience trials are not considered under this code. (note that none of these animals could be advertised or sold as household pets) ;and, any person who holds an occupational permit from, and has registered a greyhound kennel name with, the West Virginia Racing Commission*

§19-20-26, relating to protecting dogs by creating regulations for commercial dog-breeding operations; providing definitions; providing exceptions; allowing commercial breeders to sell dogs only as household pets; requiring a business license if required by the locality; authorizing county commissions to charge a fee to a commercial dog breeder to obtain an annual permit to operate; limiting the amount of the fee; setting forth responsibilities of the commercial dog breeder; setting forth the requirements for maintaining adequate enclosures; providing for inspections; prohibiting a commercial dog breeder to operate if convicted of animal cruelty; providing no exemption for United States Department of Agriculture licensees; and providing criminal penalties or granting an improvement period.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended  
by adding thereto a new section, designated §19-20-26, to read as  
follows:

#### ARTICLE 20. DOGS AND CATS.

##### §19-20-26. Commercial dog-breeding operations.

(a) As used in this section:

(1) "Advertisement" means any media used to promote the sale of dogs including, but not limited to, the Internet, newspapers, flyers, magazines, radio, television, bulletins and signs.

(2) "Commercial dog breeder" means any person who:

(A) Maintains eleven or more unsterilized dogs over the age of one year for the exclusive purpose of actively breeding;

(B) Is engaged in the business of breeding dogs as household pets for direct or indirect sale or for exchange in return for consideration; and

(C) Commercial dog breeder shall not include:

(i) Any person who keeps or breeds dogs exclusively for the purpose of herding or guarding livestock or farm animals, hunting, tracking or exhibiting in dog shows, performance events or field and obedience trials; and

(ii) With respect to greyhound dogs only, any person who holds an occupational permit from, and has registered a greyhound kennel name with, the West Virginia Racing Commission.

(3) "Class I Commercial Dog Breeder" means a commercial dog breeder that possesses eleven to thirty unsterilized dogs over the age of one year at any one time for the exclusive purpose of actively breeding.

(4) "Class II Commercial Dog Breeder" means a commercial dog breeder that possesses more than thirty unsterilized dogs over the age of one year at any time.

(5) "Housing facility" means a structure in which dogs are kept that provides them with shelter, protection from the elements and protection from temperature extremes.

(6) "Primary enclosure" means a structure that restricts a dog's ability to move in a limited amount of space, such as a room, cage or compartment.

(b) No commercial dog breeder may breed dogs without a business registration certificate in accordance with section three, article twelve, chapter eleven of this code and a valid business license issued by the locality in which the dog breeding operation is located, if the locality so requires.

(c) A commercial dog breeder shall:

(1) Obtain a permit annually to operate, as required by the county commission in which the commercial dog breeding operation is located. County commissions are authorized to charge a fee to commercial dog breeders and shall deposit the fees collected in a specially designated account to be used for animal shelters, animal rescue and spay neuter programs administered by county animal shelters or other humane organizations. The fee for a Class I commercial dog-breeding permit shall be an amount determined by the county commission, not to exceed \$250 per year. The fee for a Class II commercial dog breeding permit shall be an amount determined by the county commission, not to exceed \$500 per year;

(2) Breed female dogs only after the breeder has obtained an annual certification by a licensed veterinarian that the dog is in suitable health for breeding;

(3) Dispose of dogs only by gift, sale, transfer, barter or euthanasia by a licensed veterinarian;

(4) Maintain current, valid rabies certificates for every dog pursuant to article twenty-a of this chapter;

(5) Include the breeder's annual permit number on any advertisement for the sale of a dog;

(6) If selling directly to the public, post a conspicuous notice containing the breeder's name, address and annual permit number on each cage;

(7) Provide for the humane treatment of dogs in accordance with section nineteen, article eight, chapter sixty-one of this code;

(8) Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris and is readily accessible to all dogs in the enclosure at all times unless otherwise directed by a veterinarian for the health of the dog;

(9) Provide veterinary care without delay when necessary;

(10) Maintain adequate staffing levels to ensure compliance with this section; and

(11) Maintain adequate housing facilities and primary enclosures that meet the following minimum requirements:

(A) Housing facilities and primary enclosures must be kept in a sanitary condition and in good repair; must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to prevent moisture condensation; must have a means of fire suppression, such as functioning fire extinguishers or a sprinkler system on the premises; and must have sufficient lighting to allow for observation of the dogs at any time of day or night;

(B) Housing facilities and primary enclosures must enable all dogs to remain dry and clean;

(C) Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;

(D) Housing facilities must provide sufficient shade to simultaneously shelter all of the dogs housed therein;

(E) A primary enclosure must have solid floors that are constructed in a manner that protects the dogs' feet and legs from injury;

(F) Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure;

(G) Feces, hair, dirt, debris and food waste must be removed from primary enclosures and housing facilities at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests and odors;

(H) All dogs in the same enclosure at the same time must be compatible, as determined by observation. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breeding females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision; and

(I) Sick dogs shall be isolated sufficiently so as not to endanger the health of other dogs.

(d) To ensure compliance with state animal care laws and regulations, commercial dog breeding locations are subject to biannual inspections by animal control officers or law-enforcement officers.

(e) It is unlawful for a commercial dog breeder to operate if he or she has been convicted of animal cruelty in any local, state or federal jurisdiction.

(f) Any commercial dog breeder who violates any provision of this section is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than \$1,000 per violation. In any proceeding brought pursuant to the provisions of this section, a circuit judge or magistrate may grant a person accused of violating this section an improvement period not to exceed one year upon such terms and conditions as the judge or magistrate may determine. Upon successful completion of the improvement period the judge or magistrate shall dismiss the charges.

(g) Nothing in this section exempts a facility licensed by the United States Department of Agriculture from compliance.

(h) Nothing in this section prevents any local, state or federal law-enforcement agency from investigating animal cruelty in commercial dog breeding operations.



## **FIRST BOOKS FOR BABIES**

c/o Shepherdstown Public Library  
P O Box 278  
Shepherdstown, WV 25443  
July 30, 2013

Commissioner Dale Manuel, President  
Jefferson County Commission  
124 East Washington Street  
Charles Town, WV 25414

Dear Commissioner Manuel:

First Books for Babies received the Community Grant application packet, but, as a program operating under the non-profit status of the Shepherdstown Public Library, we do not have a separate federal or state tax ID number. Our volunteer board is small and all funds raised are used for the purchase of books and materials to distribute to WV University Healthcare Medical Center's (formerly Jefferson Memorial Hospital) newborns and their families. We have provided these books since December 2007 and continue to distribute 30-35 packets, which cost about eight dollars each, on a monthly basis.

We greatly appreciate past support for this early literacy program in Jefferson County. We believe this is a sound investment in the development of good reading habits for the child and his/her family. We hope that it is possible for the Jefferson County Commission to contribute to this program in 2013 through the Shepherdstown Public Library. Please contact our Chair, Mrs. Monica Grabowska, if you have questions or need additional information. Her contact information is below:

Phone: 304-876-0722 Email: [daileygrabowska@comcast.net](mailto:daileygrabowska@comcast.net)

Sincerely,

  
Sue Lane  
Secretary

# Jefferson County Public Service District

RECEIVED

AUG 7 2013

## Jefferson County Public Service District Regular Board Meeting July 1, 2013

Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, July 1, 2013 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Jim Cummins; Secretary, Peter Appignani; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joe Freeze; District Legal Counsel, Jim Kelsh; from Pentree Engineering, John Tuggle; Liaison for the County Commission, Commissioner Jane Tabb; and newly appointed Customer Liaison, Charles Cheezum.

### CALL TO ORDER

Chairman Jim Cummins called the meeting to order at 7:00PM.

### APPROVAL OF AGENDA

The Board moved the item regarding the selection committee choice for an engineering firm to be discussed in executive session.

### PUBLIC COMMENTS

None.

### OLD BUSINESS

#### Review Minutes of June 3 regular board meeting

The minutes of the June 3, 2013 regular board meeting were approved as presented.

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to accept the June 3, 2013 minutes as presented. Unanimously approved.**

#### Review Minutes of June 3 work session

The minutes of the June 3, 2013 work session were approved as presented.

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to accept the June 3, 2013 minutes as presented. Approved 2-0. Mr. Cummins abstained since he was not present at the meeting.**

#### Review Minutes of June 11 special board meeting

The minutes of the June 11, 2013 special board meeting were approved as presented.

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to accept the June 11, 2013 minutes as presented. Unanimously approved.**

#### Update on the Water Systems Improvement Project for Glen Haven and Cavaland

The settlement date for the water Bond Anticipation Note has been delayed due to bond coverage issues. Based on the fiscal year 2013 numbers, the District would not meet bond coverage of 115% and would like to wait for fiscal year 2014 numbers.

**Action: No action taken by the Board.**

#### Discuss Charles Town sewer plans and Senate Bill No. 245

Last month a meeting was held with the City of Charles Town to discuss the upcoming plans to improve their sewer system along with the rate impact for customers. There was also a discussion on Senate Bill 245 and the use of the funds to help cover the costs of upgrades which were necessary due to Chesapeake Bay issues. Ms. Lawton spoke with Mr. Jim Ellars from West Virginia Infrastructure and Jobs Development Council and he informed her that Charles Town has not yet applied for these funds. Mr. Kelsh will contact Mr. Ellars and then contact Charles Town about utilizing the funds.

**Action: No action taken by the Board.**

## NEW BUSINESS

### Comments from customer liaison

Mr. Cheezum had no comments at this time. Mr. Kelsh will file the appointment of the customer liaison by the County Commission with the Public Service Commission.

**Action: No action taken by the Board.**

### Discuss Senate Bill No. 82 and the change to Board Members salaries

Mr. Kelsh informed the Board that Senate Bill No. 82 was passed on April 13, 2013 and will take effect on July 1, 2013 which includes a section on increasing the Board member salary rate from \$125 to \$150 for a regular meeting and from \$75 to \$100 for a special meeting not to exceed \$4500 annually. The Board has the option to accept the pay raise or decline.

**Action: Motion made by Mr. Cummins and seconded by Mr. Strider to accept the salary increase for Board Members as stated in Senate Bill No. 82. Motion approved 2-1 with Mr. Appignani opposing.**

### Consider selection committee choice for an engineering firm for general consulting services

This item was moved to executive session.

**Action: No action taken by the Board.**

### Consider appointment of proxy for West Virginia Rural Water Association voting

Ms. Lawton informed the Board that she will not be attending the 28<sup>th</sup> annual business meeting of the West Virginia Rural Water Association in September and suggested Mr. Kelsh could be appointed as the Districts voting representative at the meeting since he will already be in attendance.

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to appoint Mr. Kelsh as a proxy for the District at the West Virginia Rural Water Association meeting. Unanimously approved.**

### Discuss Ranson projects and their effect on District flows

Ms Lawton discussed the option to consider other alternatives in the District's comprehensive plan to using Ranson's Flowing Spring pump station as a main place for flow.

**Action: No action taken by the Board.**

### Update on Statuses of Current Public Service Commission Cases

Mr. Kelsh gave a brief update on the current cases the District is involved in at the Public Service Commission, including the sewer rate case (12-0513-PSD-42T-PC), Milliron/Parker complaint case (12-1370-PSD-C), the application for Certificate of Convenience and Necessity for the water systems project (13-0865-PWD-PC-CN), the amendment to the Alternate Mainline Extension Agreement with Aspen Greens (12-1567-PSD-PC), and the petition for approval of cross connection and backflow prevention programs (13-0514-PWD-PC).

**Action: No action taken by the Board.**

### Discussion of any Expenses over Budget

There was one item over budget this month regarding the special expense line item.

**Action: Motion made by Mr. Appignani and seconded Mr. Strider to approve the special expense line item including Bowles Rice and Pentree bills that put that budget over this month. Unanimously approved.**

### Disbursements

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for Public Service District water expenses in the amount of \$5,160.08. Unanimously approved.**

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve disbursements for the Public Service District sewer expenses in the amount of \$142,857.46. Unanimously approved.**

Approve transfer of \$2,369.02 from Sewer Security Deposit account to Sewer Operating account for security deposit refunds

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$2,369.02 from sewer security deposit account into sewer operating account for security deposit refunds. Unanimously approved.

Approve transfer of \$128.06 from Water Security Deposit account to Water Operating account for security deposit refunds

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to approve the transfer of \$128.06 from water security deposit account into water operating account for security deposit refunds. Unanimously approved.

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

Upgrade to Pump Station 5-3 – The request for bids for the project will be advertised on July 3<sup>rd</sup> and 10<sup>th</sup>. The pre-bid meeting will take place on July 16<sup>th</sup> and the bids will be opened on August 5<sup>th</sup>. Ms. Lawton informed the Board that the land upon which the pump station sits in Burr Industrial Park is in the name of the Jefferson County Commission and not the Districts. She met with Commissioner Jane Tabb and John Reisenweber, Director of Development Authority about this issue. Ms. Lawton is going to request the County Commission deed a portion of this land to the District.

**Action:** No action taken by the Board.

Operations Manager's Report

Mr. Freeze updated the Board on activities since last month's meeting.

**Action:** No action taken by the Board.

Public Comment

None.

Correspondence

None.

Mr. Cheezum, Mr. Freeze, Commissioner Tabb, and Mr. Tuggle exited the meeting.

**Action:** Motion made by Mr. Strider seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation, personnel matters, and contract negotiations. Unanimously approved.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to return to public session. Unanimously approved.

Mr. Cummins stated that the selection committee for an engineering firm for general consulting services ranked the firms as follows; 1). Dunn Engineering, 2). Pentree, Inc. (Thrasher), and 3). Anderson and Associates, Inc. The Board will begin negotiations for price with Dunn Engineering.

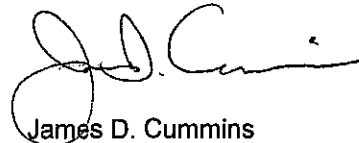
**Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to approve the revised amendment to the alternate main line extension agreement for Aspen Greens. Unanimously approved.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to adjourn. Unanimously approved.


There being no further business at this time, the meeting was adjourned at 9:14PM

The next regular meeting is scheduled for Monday, August 5, 2013 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "J.D. Cummins". The signature is fluid and cursive, with a large initial "J" and "C".

James D. Cummins  
Chairman

A handwritten signature in black ink, appearing to read "Peter L. Appignani". The signature is cursive and somewhat stylized, with a large initial "P" and "A".

Peter L. Appignani  
Secretary

# Jefferson County Public Service District

RECEIVED

AUG 7 2013

## Jefferson County Public Service District Special Board Meeting July 23, 2013

Jefferson County Commission

The special meeting of the Jefferson County Public Service District was held at 7:00PM on Tuesday, July 23, 2013 at the District's office in Kearneysville. Those in attendance included: Chairman, Jim Cummins; Secretary, Peter Appignani; Treasurer, Bill Strider; PSD General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; and Attorney Robert Rodecker (speakerphone).

Chairman Cummins called the meeting to order at 7:03PM.

Mr. Cummins opened the meeting by stating the District should enter into a contract with Attorney Robert Rodecker to represent the District for all matters relating to the Old Standard land issue due to a conflict of interest with normal legal counsel.

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to hire legal counsel as presented in the contract with Robert Rodecker dated July 22, 2013. Unanimously approved.**

The Board questioned Mr. Rodecker on how to have interaction with the public in the audience who has an interest in the agenda item if they make public comments and the Board would like to discuss their comments. Mr. Rodecker suggested the Board take public comments then the Board could ask questions of the commenter's. He also stated that the Board could go into Executive session to discuss matters that related to the agenda item and come out of the Executive session from time to time to ask additional questions.

The Board wished to reserve the option to have discussions with the audience, who were people there for the main agenda item, so the Board continued with these discussions within the agenda item and listened to their comments.

### Consider possible legal action in Old Standard land issue

Lee Snyder was in the audience with his attorney Mike Scales who is representing him on the Old Standard land issues. He also introduced Mr. Steve Mathias from Bowles Rice who is representing Dan Ryan Builders and Mr. Paul Raco who is also representing Dan Ryan. Mr. Snyder provided the Board with a memo discussing the foreclosure situation relating to the Old Standard property and the wastewater treatment plant. The District has agreements with Old Standard to take over the treatment plant once it is generating revenue and not operating at a loss and the District owns the land upon which it sits. Mr. Snyder currently operates the treatment plant. Attorney Mike Scales stated that they were present to answer any questions or help with any confusion on the foreclosure and Mr. Snyder's plans.

Paul Raco informed the Board that the Sheridan subdivision homeowners association as well as the County would like to get their subdivision complete with the help of Dan Ryan. The Sheridan subdivision utilizes the Old Standard wastewater treatment plant. The County has approved a bonding agreement with Dan Ryan for road repairs and other maintenance issues contingent upon actions of the foreclosure.

Mr. Snyder, Mr. Scales, Mr. Raco, and Mr. Mathias left the meeting.

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to convene into executive session for the purpose of discussing litigation, personnel matters, and contract negotiations. Unanimously approved.**

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to return to public session. Unanimously approved.**

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to adjourn. Unanimously approved.**

# Jefferson County Public Service District

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## Jefferson County Public Service District Emergency Special Board Meeting July 31, 2013

The emergency special meeting of the Jefferson County Public Service District was held at 2:30PM on Wednesday, July 31, 2013 at the District's office in Kearneysville. Those in attendance included: Chairman, Jim Cummins (speakerphone); Secretary, Peter Appignani; Treasurer, Bill Strider; PSD General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemyer; and Attorney Robert Rodecker (speakerphone).

Chairman Cummins called the meeting to order at 2:33PM.

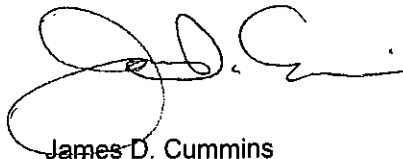
Consider possible legal action in Old Standard land issue

- Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to convene into executive session for the purpose of discussing legal issues relating to the Old Standard land matter. Unanimously approved.
- Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to return to public session. Unanimously approved.
- Action:** Motion made by Mr. Strider to authorize the Districts legal Counsel, Bob Rodecker, to negotiate a Memorandum of Understanding with East Jefferson Sewer Service. Unanimously approved.
- Action:** Motion made by Mr. Appignani and seconded by Mr. Strider to adjourn. Unanimously approved.

There being no further business at this time, the meeting was adjourned at 3:25PM.

The next regular meeting is scheduled for August 5, 2013 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

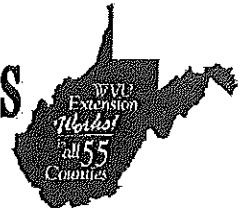
Respectfully Submitted,



James D. Cummins  
Chairman

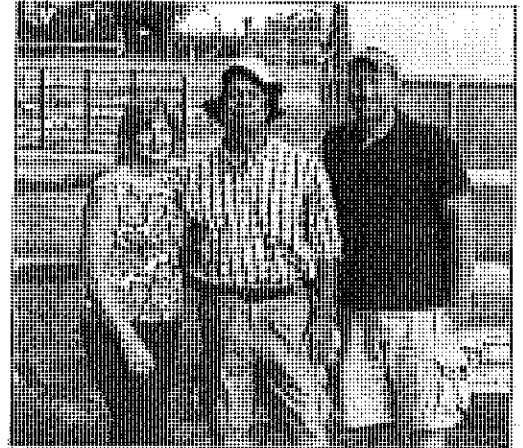


Peter L. Appignani  
Secretary



## Local Farm in the Running for State Wide Award!

Meadow Green Farm, continued the rich tradition of Eastern Panhandle farms by doing very well in the state wide competition for Conservation Farm of the Year. At this point the Grantham's farm has been named the Jefferson County and Eastern Panhandle Conservation Farm of the Year, as well as, the Region 3 winner in the state wide contest.



This 8th generation farm near Middleway raises cattle, hay, and rainbow trout. Their conservation efforts include over 7 miles of fencing, numerous watering troughs, intensive rotational grazing, and innovative environmentally friendly

practices such as reducing pesticide use by releasing parasitic wasps to

control flies. As one of the three state wide finalists please join me in wishing Meadow Green Farm the best of luck in the final round of the completion.

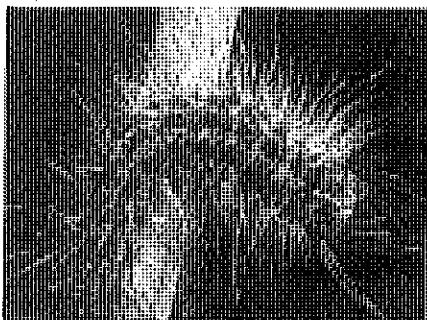
Pictured from left to right: Kerry & Bill White Grantham and Andrew Upright courtesy of [http://www.wvca.us/news/upload/wvca\\_publications/4080\\_V2\\_I8\\_TheConservationist.pdf](http://www.wvca.us/news/upload/wvca_publications/4080_V2_I8_TheConservationist.pdf)

## Sign Up For Gypsy Moth Spray Program Underway

Agriculture Commissioner Walt Helmick is urging West Virginia landowners to help the West Virginia Department of Agriculture (WVDA) fight gypsy moths through the Cooperative State-County-Landowner (CSCL) Gypsy Moth Suppression Program. The gypsy moth is still one of the most serious forest pests in West Virginia according to Quentin "Butch" Sayers, Assistant Director for the WVDA. "The gypsy moth is a non-native, invasive insect that feeds on over 500 species of trees and shrubs, including West Virginia hardwoods" said Sayers. "Defoliation by gypsy moth caterpillars can kill trees, making them more susceptible to other pests and diseases. This treatment program helps to safeguard our forest resources including homeowner's trees and our timber and tourism industries, which are vital components of our state's economy. Without control measures, our water quality, recreation experiences, wildlife habitat and timber production could all be negatively affected" said Sayers. Program brochure and applications are available online.

For the brochure: [http://www.wvagriculture.org/images/Plant\\_Industries/CSCL\\_Program\\_Brochure-3-10-11.pdf](http://www.wvagriculture.org/images/Plant_Industries/CSCL_Program_Brochure-3-10-11.pdf)

For the application: [http://www.wvagriculture.org/images/Plant\\_Industries/GM\\_Signup\\_Application-3-4-11.pdf](http://www.wvagriculture.org/images/Plant_Industries/GM_Signup_Application-3-4-11.pdf)



[www.fs.fed.us/ne/morgantown/4557/gmoth/](http://www.fs.fed.us/ne/morgantown/4557/gmoth/)

### What's Inside

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## Is Your Yard Ready for the Fall?

As the end of summer draws ever closer, it's time to start thinking about what you can do around the house to make your yard, landscape elements and garden ready for next year.



If you plan to re-seed your yard or fix any bare spots or damage from summer construction projects, late summer or early fall is a great time to seed cool season grasses such as fescue or rye. If you can establish the grass in the fall, its roots can continue to grow and when spring arrives the grass will be ready to go, and much more drought tolerant next summer. It's also a good time to do a little fertilizing. Grasses can store some of the nutrients from a light fall feeding to give them a boost come spring.

Fall can be a great time to start your weed control program. This can be a good time to apply pre-emergent herbicides to kill weed seeds deposited in your lawn during the summer months. It is also a good time late in summer to spot spray contact herbicides on heavily infested patches, particularly patches of warm season weedy plants. Remember to read the directions and recommendations on every herbicide and always follow their instructions.

Fall is also the natural time to clean up a bit around the yard and garden. Prune away dead limbs, damaged leaves, old vines, and anything with the slightest hint of disease. Use this time to evaluate your landscaping, turn your mulch, add new elements, and buy some plants cheap. The big box stores often roll back their prices as they rid themselves of outside inventory. As the mowing comes to an end, give the mower a good once over, wash, wax and repair to keep it looking and running like new. And don't forget to take a walk through your shed. Dispose of old chemicals, organize your tools, clean and stow hand tools so everything is clean and ready for action come spring.

Prepare your plants for winter. Stop fertilizing wood plants and shrubs in late summer. New growth does not tolerate winter well. Spend some time with your container plants. Consider thinning, repotting, and retiring these plants before you bring them in or trim them back for winter. Harvest your herbs. Above all else remember many plants actively grow roots during the fall and winter. Watering in the fall can improve survivability of new plantings and increase the productivity of older plantings.

## Jefferson County Fair Time is Here!!!

Gate Admission: \$5 for ages 16 and up, \$3 for ages 6 to 15, Free under age of 6



2013 FAIR DATES  
AUG. 16TH - AUG. 24TH

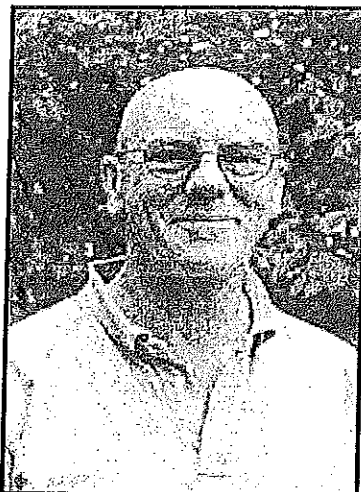


1747 LEBTOWN PIKE  
KRANNEYVILLE, WVA 26110

For more information and detailed schedule visit: <http://www.jeffersoncountyfairwv.org/>

## What West Virginia University Extension can do for you!

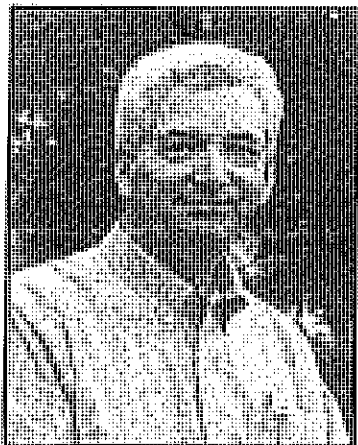
### Thomas J. Basden



**Tom Basden** has an extensive background in precision agriculture, Nutrient Management Planning, Integrated Crop Management, Manure Management, Best Management Practices, and Water Quality.

Extension Specialist, Nutrient Management  
 Extension Clinical Associate Professor  
[tom.basden@mail.wvu.edu](mailto:tom.basden@mail.wvu.edu)  
 Phone: 304-293-2602  
 Fax: 304-293-6954

### Ken Semmens



**Joe Moritz** is a poultry scientist and is recognized worldwide for his work related to poultry nutrition. Additionally Dr. Moritz was awarded the Land O Lakes / Purina Mills Teaching Award in 2007. Dr. Moritz runs one of the most prolific research labs in the Davis College of Agriculture, Natural Resources and Design.

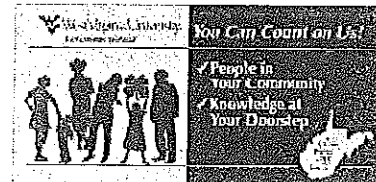
**Ken Semmens** continually supports West Virginia's aquaculture industry by creating new techniques and providing guidance to students, aquaculture workers and business owners. His research and outreach have helped local farmers advance the state's aquaculture industry and, in turn, has helped foster rural economic development.

Extension Specialist, Aquaculture  
[ken.semmens@mail.wvu.edu](mailto:ken.semmens@mail.wvu.edu)  
 Phone: 304-293-2657  
 Fax: 304-293-6954

### Joe Moritz



Extension Specialist, Poultry  
 Office: 304.293.1911  
 Fax: 304.293.6954  
 Email: [Joe.Moritz@mail.wvu.edu](mailto:Joe.Moritz@mail.wvu.edu)



## Sportsmanship in the Show Ring

As fair season rolls around, every kid has dreams of showing their animals at the fair. For some kids it's all about the experience and spending time at the fair with friends and family. Unfortunately for some kids it's all about winning and losing. Don't get me wrong, there is nothing wrong with a will to win and a desire to do your best, but an unhealthy obsession on winning and losing can ruin fair week for everyone. Follow this simple guide for the do's and don'ts and your fair experience will be a better one.

1. You do not have to like the judge's opinion, but you must respect it. Resist the urge to spout off. Never openly question a judge's ability or their placing's. Don't call into question a judge's opinion in the ring, the barn, or while at the fair. Complaining about judges will only make you look bad.
2. Always congratulate your competitors. Don't sulk when you lose and don't gloat when you win. Sportsmanship is the most important lesson you can learn in any competition.
3. Don't manufacture excuses. Never buy into things like the judge was paid off, he or she dislikes my family, I'm from the wrong part of the county, and any one of 500 other excuses. Focus on doing your best, being your best, and having fun.
4. Any animal not properly cared for, groomed, and shown will not win. Winning takes hard work. Did you do your best? Did you try your hardest? Sometimes winning is simply doing your best.

## Seed Saving Tips

by John Porter, Agriculture & Natural Resources Extension Agent Kanawha County from Volume 3 Issue 2 of Kanawha County Extension News

Seed saving is not always feasible with all types of vegetables, but collecting your own seed can be an exercise in self-sufficiency and a lesson in plant biology. Seeds you save from your home production system are accustomed to your climate and growing medium and are adapted to pests in your area. Seeds are generally saved from annual and biennial plants. Perennials are usually propagated through division or cuttings.

The easiest seeds to save are open pollinating, non-hybrid annuals. Plants that are not self-pollinating can cross-pollinate; therefore, it is best to grow only one variety of a plant from which you want to save seed that season. If two varieties of spinach bloom near each other, the resultant seed is likely to be a cross between the two. Different varieties of peppers should be separated by 500 feet to avoid cross-pollination. Melons, pumpkins, cucumbers, and squash need even more personal space—at least a half-mile is required. Biennials require more work and commitment. These plants do not send up seed stalks until the second season. Biennials include beets, Brussels sprouts, cabbage, carrots, cauliflower, celery, onions, parsley, parsnips, rutabaga, salsify, Swiss chard, and turnips.

Do not save seed from hybrid varieties if you want plants like the parents. Seeds from hybrid varieties produce a mix of offspring, many of which may have different characteristics than the parent. Seed from hybrid vine crops is often quite variable also – squashes, cucumbers, melons and pumpkins often cross-pollinate with other genetically compatible varieties.

Among the vegetable seeds most easily saved are non-hybrid tomato, pepper, bean, eggplant, cucumbers, summer squash, and watermelons. Collect seeds from the fully mature, ripe fruit of these plants.



**Tomato:** The seeds are encased in a gelatinous coating, which prevents them from sprouting inside the tomato. Remove this coating by fermenting it. This mimics the natural rotting of the fruit and has the added bonus of killing seed borne tomato disease. Squeeze the seeds from a fully ripe fruit into a bowl, add water and let stand at room temperature for about three days. Once fermentation occurs, mold will form on the surface of the water. Add more water, stir, then gently scrape mold and debris off the top. Repeat until only clean seed remains, strain, rinse, and leave the seeds at room temperature until they are thoroughly dry.

**Pepper:** Select a mature pepper, preferably one that is completely red. Cut the pepper open, scrape the seeds onto a plate and let the seeds dry in a non-humid, shaded place, testing them occasionally until they break rather than bend. Leave at room temperature until completely dry.

**Eggplant:** Leave the plant on the vine until it is well past the stage when you would pick it for kitchen purposes. Eggplants ready for seed saving will be dull, off-colored and hard. Cut the eggplant in half and pull the flesh away from the seeded area.

**Cucumbers:** Cucumbers change color after they ripen and start to become mushy. Cut it in half and scrape the seeds into a bowl. Remove their slimy coating by rubbing them gently around the inside of a sieve while washing them or soak them in water for two days. Rinse and dry.

**Summer Squash:** Summer squash is at the seed saving stage when you cannot dent the squash with a fingernail. Cut it open, and scrape the seeds into a bowl, wash, drain, and dry.

**Watermelon:** Put the seeds from ripe fruit in a strainer and add a drop of dishwashing liquid to remove any sugar from the seeds

### Storing seeds

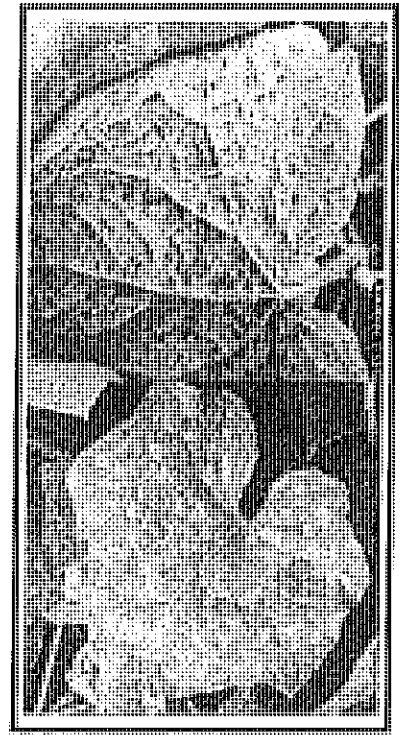
Store most seed packets in airtight jars. The exception is legumes, which store best in breathable bags. To keep the seeds dry, fill a small cloth bag with about one-half cup dried powdered milk. Place the packet in the jar beneath the seed packets. Be sure to label your container with the variety, the date, and other pertinent information. Store your seeds in a cool, dark, dry place; a refrigerator is a good choice. Avoid opening the container until you are ready to plant. Stored seeds will retain their viability for different lengths of time depending on the type of seed. Melon seed can be stored for as long as five years, while sweet corn is only good for one year. Other types of seed remain viable for two to three years.

## Latest Plant Disease Update

Cucurbit downy mildew (CDM) is a serious disease on most of the members of the gourd family or Cucurbitaceae such as cantaloupe, cucumber, pumpkin, squash and watermelon. Optimum conditions for sporulation of the causal agent are 59°F with 6-12 hours of moisture present (usually in the form of morning dew or rain droplets on foliage). We are seeing outbreaks in states all around WV and this is the most critical time to take preventative measures against the disease. Symptom of the disease may vary slightly from species to species but in general it causes angular, yellowish lesions on the foliage. These lesions appear angular because they are bound by leaf veins (fig 1).

During humid conditions, inspection of the underside of the leaf reveals gray-brown to purplish-black "down" (figure 2). These are the spores of the disease. Products available for preventative use before any symptom on foliage are Bravo or Zampro or tank mix of Previcur Flex or Tanos with protectants such as Bravo, Echo, Manzate, Dithane, Penncozeb. Once disease is confirmed in a field or garden, products of choice should include Gavel (stand alone) or Ranman tank mixed with protectants on a 7-10 day schedule. To confirm the presence of the disease, contact the county extension office for more information about submitting samples or photos to the West Virginia University Plant Diagnostic Clinic <http://anr.ext.wvu.edu/pests/plant-diagnostic>.

For timely updates on diseases such as early and late blight and Septoria leaf spot of tomatoes visit the news page under the Agriculture and Natural Resources section of our county WVU extension web page. <http://jefferson.ext.wvu.edu/agriculture/news>



**Basic Landscape Design** A good landscape can make any home much more valuable. However a good landscape can be an expensive proposition. Some homeowners mitigate this by doing their own landscaping.

Individuals and professionals begin by determining the needs and desires of the homeowner and developing a plan to meet their needs. When developed without professional help, as you would expect results may vary. Here are the basic elements you should consider when developing a landscape around your home.

**1. Honestly ask yourself should I do this or should I hire a professional?** Professionals can be expensive, but they can make sure you get the landscape you want, and can save you from costly mistakes. However, you could create the same landscape for far less money, and far more work if you do it yourself. Weigh your options and select the choice that is best for you.

**2. Keep your landscape manageable.** Unkempt hedges, weedy flowerbeds, and dead leaves can make a great landscape look horrible. If you have no intention to take care of it, don't plant it. The use of landscape fabric, soaker hoses, and lots of mulch are some of the best investments you can make when landscaping your home.

**3. Know the size of the plants you are choosing.** How big will this bush become? Are you planting a landscape to look good when the elements mature, or are you trying to sell your house and it's more important to have it look better now?

**4. Your landscape should accent the home.** Just because they sell that plant or water feature or shrub does not mean you need one in your landscape. Stick to a mostly uniform theme.

**5. Balance out your planting.** Keep plantings symmetrical in terms of size and number or try to balance large plants with multiple smaller ones.

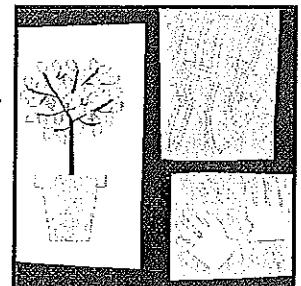
**6. Repeated use of multiple landscape elements, patterns, and colors** is widely accepted as a good basis in landscape design.

**7. Keep it simple.** Remember *Less is more*. However, some times more is more. One dogwood and a rosebush is not a landscape, it's a crime. However, a massive planting of 47 boxwoods and rows of 15 pink flamingos is a landscape felony. If it starts to seem busy or full you went too far.

**8. Highlight structural elements of the home,** use plants to flaunt good points and mask bad ones. Avoid repeating every structural line of the home with every landscape element.

**9. Your choice of landscape elements should work together** so flowers and ground covers fit in with trees and shrubs.

**10. Use you space,** don't waste it. Work with nature (use existing trees and rocks) when possible. Place features that provide added benefits like shade and avoid components that have the opposite effect like large shrubs that could block your view from inside.



For more information :

Hansen, Gail. 2010. Basic Principles of Landscape Design. University of Florida, Gainesville FL. <http://edis.ifas.ufl.edu/pdf/files/mg/mg08600.pdf>  
Zimmerman, Richard K. 2003. Home horticulture from the ground up.

West Virginia University, Morgantown WV. <http://www.wvu.edu/~agexten/hortcult/165.wlg.pdf>

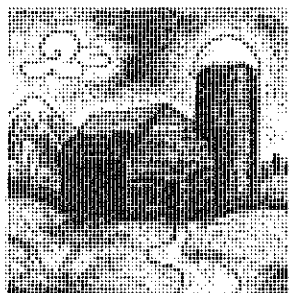
## ***What is the Farm Service Agency (FSA) and what can they do to help me?***

The FSA is a branch of the USDA and its purpose is to help farmers, ranchers, and agricultural producers. The FSA has More than 2,346 state and county offices are the primary distributors of FSA programs in the 48 continental states. FSA is also represented in Hawaii and Puerto Rico.

In many ways aspects of the FSA date back to the new deal and the great depression. Farmer county committees replaced the New Deal AAA committees in the 1950s. Today more than 8,000 farmers serve as elected county committee members. These members are the local authorities responsible for fairly and equitably resolving local issues related to FSA programs. Committee members work diligently to ensure the proper FSA programs are implemented within their county, and that all manner of loan, price support, conservation, and disaster programs serve their county effectively.

### **Noninsured Crop Disaster Assistance Program (NAP)**

NAP provides financial assistance to producers of noninsurable crops when low yields, loss of inventory or prevented planting occur due to a natural disaster. Crops eligible for this program include Crops grown for food; Crops planted and grown for livestock consumption, including, but not limited to grain and forage crops, including native forage; Crops grown for fiber, such as cotton and flax (except for trees); Crops grown in a controlled environment, such as mushrooms and floriculture; Specialty crops, such as honey and maple sap; Value loss crops, such as aquaculture, Christmas trees, ginseng, ornamental nursery and turfgrass sod; Sea oats and sea grass and; Seed crops where the propagation stock is produced for sale as seed stock for other eligible NAP crop production. Other conditions and qualifications must be met.



### **Direct and Counter-Cyclical Program/ACRE program, and crop insurance**

For commodity grains producers, some of the more important programs would be the Direct and Counter-Cyclical Program/ ACRE program, and crop insurance.

These programs are somewhat complex. Direct and Counter-Cyclical Program/ ACRE program was developed to support crop prices. Crop insurance provides security against crop loss. For more information Contact your local FSA office to determine your eligibility.



FARM SERVICE AGENCY

### **Milk Income Loss Contract Program (MILC)**

MILC compensates dairy producers when domestic milk prices fall below a specified level. To be eligible, producers must either produce and market cow milk in the United States or produce milk in the United States and commercially market the milk outside the United States. Additionally dairy producers must be in compliance with Highly Erodible Land and Wetland conservation provisions. Dairy operations can obtain more information on MILC at FSA county offices and online at:

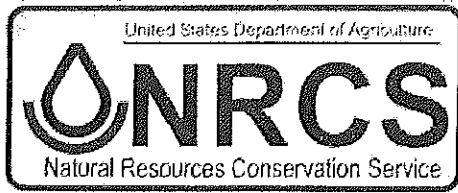
[www.fsa.usda.gov](http://www.fsa.usda.gov) .

*(click on Price Support)*

### **Conservation Reserve Enhancement Program (CREP) & Conservation Reserve Program (CRP)**

CREP is an offshoot of the CRP, the country's largest private-land conservation program. CREP deals with high-priority conservation issues. The way the program works, is in exchange for removing environmentally sensitive land from production and implementing conservation practices. Basically, farmers, ranchers, and agricultural land owners are paid an annual rental rate for protecting the sensitive areas. The program is voluntary, and the contracts run for 10–15 years. CREP is a partnership between several state and federal programs.

## What is the Natural Resources Conservation Service (NRCS) and what can they do to help me?



### Environmental Quality Incentives Program (EQIP)

Equip is a voluntary program that provides financial and technical assistance to agricultural producers through contracts up to a maximum term of ten years in length. These contracts provide financial assistance to help plan and implement conservation practices that address natural resource concerns and for opportunities to improve soil, water, plant, animal, air and related resources on agricultural land and non-industrial private forestland. In addition, a purpose of EQIP is to help producers meet Federal, State, Tribal and local environmental regulations. This program basically does the same thing as CBWI but EQUIP has additional practices for forested lands.

The NRCS was originally established by Congress in 1935 as the Soil Conservation Service (SCS). Since then, the NRCS has expanded to become the conservation leader for all natural resources. NRCS works with landowners through conservation planning and assistance designed to benefit the soil, water, air, plants, and animals that result in productive lands and healthy ecosystems. With approximately 70% of the land in the United States under private ownership, stewardship by private landowners is absolutely critical to the health of our Nation's environment. Contact your local NRCS office for more details and specific eligibility requirements.

### Chesapeake Bay Watershed Initiative (CBWI)

Through the Chesapeake Bay Watershed Initiative (CBWI), farmers, ranchers and forestland owners voluntarily install conservation practices on hundreds of thousands of acres annually to help support rural economies, protect wildlife habitat and improve water quality in the Chesapeake Bay Watershed. CBWI is a targeted effort to reduce nitrogen, phosphorus and sediment loads coming from private lands. CBWI and other Farm Bill programs help private landowners and managers implement conservation practices that protect the watershed's soil and water resources while maintaining productive working lands. Farmers and forest landowners are planting stream buffers, restoring wetlands, properly managing manure, and implementing other conservation practices as part of CBWI. This program can help you finance reseedings, develop watering systems for livestock, plant cover crops, and construct manure storage and animal feeding facilities. This program pays producers for specific practices to lower implementation cost significantly. For detailed information on programs, eligibility, and restrictions contact your local NRCS office.

## What are the West Virginia Conservation Agency (WVCA) and the Eastern Panhandle Conservation District (EPCD) and what can they do to help me?

It is the WVCA's mission to provide for and promote the protection and conservation of West Virginia's soil, land, water and related resources for the health, safety and general welfare of the state's citizens. The agency grew from concerns related to the dust bowl and congressional efforts to save soil in the 1930's. Today there are 14 conservation districts in West Virginia. Jefferson, Berkeley, and Morgan Counties are collectively known as the Eastern Panhandle Conservation District. In our region, the EPCD offers conservation cost share programs as well as education and outreach activities that compliments and supports federal efforts. In addition to the programs and cost shares the EPCD offers, they work closely with community and civic leaders to develop and support local watershed groups, maintain flood control structures, and support agricultural and natural resource education in the district, region, and state.

### Agricultural Enhancement Program

Ag enhancement funding can be used for large animal mortality composting, lime applications, stream protection – (fencing, watering system stream crossing, and riparian buffers), pasture and hay re-seeding, and cover crops. Contact the District for more details and deadlines. Even if you missed the most recent sign up period, make contact, and start the process.

| Contact Information |             |              |
|---------------------|-------------|--------------|
| NRCS                | Ranson      | 304.725.3471 |
|                     | Martinsburg | 304.263.7547 |
| FSA                 | Ranson      | 304.725.3471 |
|                     | Martinsburg | 304.263.7547 |
| EPCD                | Martinsburg | 304.263.4376 |

### Jefferson County Water Quality Improvement Project

Fund allotted for priority watersheds in Jefferson County provide excellent cost share rates (90/10) for stream fencing. Additionally, funds are available for septic pumping in some watersheds. For more information contact your local offices.

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Kearneysville, WV 25430

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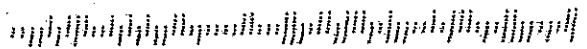
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Dale Manuel  
Jefferson County Commissioner  
P. O. Box 250  
Charles Town, WV 25414



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## A Short Lesson in Weed Resistance

Johnsongrass (*Sorghum halepense* L.) is a common weed in row crops. It was introduced into the United States for its forage value, and became a weed. As a perennial weed, it reproduces both sexually through seed and through underground vegetative organs called rhizomes that can persist in the soil from year to year. For years the best control was a group of selective herbicides called ALS inhibitors. Among this group were products such as Accent, Beacon, Basis Gold, Celebrity Plus, Exceed, Northstar, Steadfast, and Option. In 2003, ALS inhibitor resistant Johnson grass was found in west Virginia. In field studies, Accent, Lightning, Northstar, Pursuit, and Roundup were applied at recommended use rates and three weeks later only the plots that received Roundup showed suppression. Further testing was carried out in the greenhouse at Morgantown to confirm these plants were in fact resistant to this class of herbicides. Since ALS herbicides had been the primary tool used to manage johnsongrass in corn at that time, spray programs had to adapt. To prevent resistant Johnson grass from developing in other places farmers were advised to rotate to a crop like soybean and using post-emergence grass herbicides like Assure, Fusilade, Poast, Select, or Typhoon. Additionally by rotating to Roundup Ready soybean or Roundup Ready corn and using a glyphosate product registered for use in such crops single mode of action resistance can be avoided.

There is a great lesson to be learned from all of this. Nature tries its best to find a way. A continued reliance on a single approach or a single product risks making that product useless and that weed resistant. Farmers have a responsibility to each other to rotate crops, spray programs and manage their weeds. If one farmer decided that he liked Roundup Ready beans and corn and intends to plant them continuously for the foreseeable future, how long until Roundup resistant weeds develop? If this farmer refuses to manage his weed population, how long until those resistant weeds seeds find their way to another farm, and then another? Controlling resistant weeds is like keeping a secret; it only works if everyone agrees to do it. So take this opportunity to evaluate the spray program you use. Ask yourself how many years have you used it? Look at new herbicides with differing modes of action when developing a new spray program. Change programs before the old program stops working. Look out for yourself and your fellow farmers. For more information on managing herbicide resistant weeds check out: <http://anr.ext.wvu.edu/r/download/108633>



# Ethics Reporter

## Since the Last Reporter

Since the June edition of the **REPORTER**, the West Virginia Ethics Commission published seven Advisory Opinions interpreting provisions of the West Virginia Governmental Ethics Act and the laws governing Boards of Education.

At its July 11 meeting, the West Virginia Ethics Commission approved opinions relating to the permissibility of

### ADVISORY OPINION REPORT

**Advisory Opinion 2013-21** addressed the permissibility of a county commission employing a private attorney for civil matters when that attorney also has a private criminal defense practice.

County commissions are authorized in statutes to hire attorneys to advise the commission and to undertake matters not covered by the prosecuting attorney's jurisdiction. In this instance, the commission desires to hire an attorney on a part-time basis, meaning that such a private attorney could be working in the defense of criminal cases against the county prosecutor.

Of interest to the Ethics Commission in this instance are the provisions of 6B-2-5(b)(1), which prohibits a public official from using their office for private gain or for gains generated for another, and 6B-2-5(e) restricting public officials' use of confidential information gained through the course of public employment.

The Commission ruled in this case that the proposed hiring of a part-time attorney by the county commission, when that attorney also

was engaged in the private practice of law, including criminal defense, would not be permissible under the Ethics Act. The Commission ruled that the attorney would be in a position to learn many confidential elements of county government that could not be avoided in terms of their potential advantageous use by the private attorney.

**Advisory Opinion 2013-25** concerned the permissibility of a conservation district board member recusing themselves to cure a conflict.

The individual requesting guidance in this case is an elected member of a county conservation district. The district, in combination with a state program, provides a cost-sharing arrangement for applicants to the district who are seeking financial support for various beneficial land management techniques. The

**July, 2013**  
**Page Three**

for themselves or another, the 6B-2-5(d)(1) prohibition against a public official having an interest in a contract over which they have authority or control, as well as the language of Chapter 61-10-15 making it unlawful for a teacher to have a direct or indirect pecuniary interest in a contract or service over which they exercise voice, influence or control.

In its opinion, the Ethics Commission ruled, citing numerous precedents, that the proposed payment of money to teachers from the selection committee to conduct training would violate the standards of 61-10-15. The Commission clearly stated that the teachers had voice, influence or control over the choice of the textbook for the county and it would not be proper for them to act as subcontractors for purposes of delivering training services.

**Advisory Opinion 2013-28** concerned the permissibility of state employees using a state

parking garage to grow produce and flowers for distribution to community groups.

Employees of multiple state agencies collaborate to address public problems across agency jurisdictions and have identified a need for constituents of these state agencies to have better access to fresh vegetables and other plants. The employees desire to use agency materials and water to construct planters for these purposes. The employees will donate their time to the effort.

The Ethics Commission analyzed the provisions of 6B-2-5(b)(1) prohibiting the use of public office for private gain in light of the facts presented in this request.

The Commission ruled in this case that, notwithstanding the fact that public resources will be used for the benefit of private interests, the overriding public benefits of the usage are obvious and result in the Commission approving the proposed activity.

**Advisory Opinion 2013-31** addressed the permissibility of a private foundation utilizing the state purchasing card program.

It was publicly revealed that the request in this instance pertains to the West Virginia University Foundation, which desires to gain the benefits of the state's purchasing card program and the rebates for purchases made using the card.

The Commission reviewed the provisions of 6B-2-5(b) prohibiting the use of public office to produce to generate a private gain.

In its opinion, the Ethics Commission ruled, based on a number of other precedents, that the proposal to permit the WVU Foundation to access the benefits of the state purchasing card program would produce substantial public benefits for the state compared with the costs of providing such access to a private foundation. The Commission stated unequivocally that the Foundation's sole purpose was to provide support for WVU—a

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WEST VIRGINIA ETHICS REPORTER is published by West Virginia Ethics Reporter, Inc., P.O. Box 1492, Charleston, WV 25302 and is in no way affiliated with the West Virginia Ethics Commission. For subscription information or advertising inquiries, call 1-304-545-8227. Copyright 2013 by West Virginia Ethics Reporter, Inc. All rights reserved. No part of this publication may be reproduced in any form, by microfilm, xerography, or otherwise, or incorporated into any information retrieval system, without written permission of West Virginia Ethics Reporter, Inc.

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ADVISORY OPINION NO. 2013-25

Issued On July 11, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

COPY

2013 JUL 17 AM 10:02

OPINION SOUGHT

An **Attorney for a Conservation District** asks whether a conflict of interest exists with an Elected Board Member and, if so, whether it may be cured by his recusal from voting thereon.

FACTS RELIED UPON BY THE COMMISSION

The Conservation District is one of 14 districts that participates in the state Agricultural Enhancement Program (AgEP) which offers a cost share program to local landowners who qualify for the program. The Conservation District receives AgEP funds from the WV State Conservation Committee/WV Conservation Agency.

The AgEP mission is to assist the agriculture cooperators of West Virginia with the voluntary implementation of best management practices on agricultural lands in order to conserve and improve land and water quality. Practices are determined by each individual Conservation District Board and applications are presented to each Conservation District Board for review and approval at monthly board meetings.

The members of the Conservation District Boards are elected.

The Conservation District has a program for lime spreading. Individual farmers or landowners apply to the Conservation District, seeking cost sharing on lime and lime spreading. The Conservation District Board votes to approve each landowner's application to participate in the program. Thereafter, the landowner is notified of the approved application and the landowner is responsible to purchase and spread lime or other nutrients as required by the program. These other nutrients may include fertilizer.

The Conservation District also provides a fertilizer cost sharing program. After the landowner has completed the approved practice of applying the lime and/or fertilizer or both, the landowner then submits invoices to the Conservation District Board for payment review and cost share payment approval. If the landowner has correctly followed the guidelines, then the Conservation District Board votes to approve payment and the Conservation District issues a check payable to the landowner as reimbursement to the landowner who has already incurred the obligation to pay for the lime and/or fertilizer and the cost of spreading thereof.

The Conservation District Board reviews the approved invoices submitted by the landowner and reimburses the landowner, **not** the merchant, at a cost share rate set in

## ADVISORY OPINION

The Ethics Act prohibits the use of public office for private gain. Thus, the mere appearance of the business of an Elected Conservation District Board Member on a list provided by the Conservation District could cause the public to perceive an appearance of impropriety. Here, it is possible that a landowner could select the board member's business in the hopes of more favorable treatment in current or future contracts.<sup>1</sup> See Advisory Opinion 2011-01 (County Council Member's private business must be removed from list provided to customers by Sheriff's Department) As a result, the District is prohibited from providing the name of the business of the Elected Conservation District Board Member either verbally or in writing to any interested landowner.

Next, pursuant to W. Va. Code § 6B-2-5(d)(1) a public official may not have more than a limited interest in the profits or benefits of a public contract over which he or she has direct authority or control. This prohibition contains an exception for part-time **appointed** officials, but there is no exception for **elected** officials.<sup>2</sup> Thus, the Conservation District Member is an elected member and as such, is subject to the prohibitions in W. Va. Code § 6B-2-5(d). The Commission must determine, then, whether the reimbursement of a participating landowner constitutes a contract in which the Elected Board Member has a financial interest.

Since the Conservation District Board approves the application of each landowner prior to the procurement of the lime and/or spreading, each Board Member has direct authority or control over each such application. Similarly, after a landowner incurs the expense, the Board votes to approve the landowner's request for reimbursement of her/his payment to a provider for goods or services; thus, each Board Member has direct authority or control over each such reimbursement request. If a Board Member provides the goods or service to a landowner, then that Board Member has a financial interest in the benefits of a public contract. The fact that the landowner pays for the service out of pocket prior to being compensated by the Conservation District does not solve the problem given that the transaction is between the landowner and an Elected Board Member.<sup>3</sup>

An exception to the public contract restrictions in the Ethics Act exists if it is a continuing contract which the governing body entered into prior to the election or appointment of the affected member to the governing body. In Advisory Opinion 2008-10, the

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<sup>1</sup> Depending on the information disclosed on a landowner's application, the Board Member could also be perceived to be using confidential information to further his or her own personal interests in violation of W.Va. Code § 6B-2-5(e). For example, by directly soliciting land owners before any other service providers have an opportunity to make their services available.

<sup>2</sup> There is also an exception for contracts which do not exceed \$1,000 per calendar year. Based upon information and belief, however, this exception is inapplicable.

<sup>3</sup> For purposes of the prohibitions in "d", it is not sufficient for public officials to recuse themselves from voting.

Other sources of information suggest that the son may have at least a limited financial interest in the store. Pursuant to W. Va. Code § 6B-2-6(a), all Elected Board Members are required to submit annually a Financial Disclosure Statement (FDS) to the Ethics Commission by February 1. On the FDS submitted last year, the Elected Board Member at issue here did not identify his father's business as an entity in which he has a financial interest or as a source of income. By the same token, however, his FDS did not list his lime and fertilizer business either, rendering it impossible to rely on the FDS definitively.

Based on conflicting and missing information, the Ethics Commission tabled this opinion last month and requested additional information about the Board Member's financial relationship with his father. The Elected Board Member, however, has declined to respond. The Commission notes that, despite repeated reminders, the Elected Board Member has failed to file his FDS this year. This fact, together with his failure to cooperate with the Commission in its attempt to obtain additional relevant information, troubles the Commission. The Commission frowns on such conduct, and questions whether the Elected Board Member is intentionally avoiding disclosing information that could subject him to prosecution for violating the Ethics Act.

Without more information, the Ethics Commission is unable to answer this question conclusively. **The affected Elected Board Member shall, within twenty (20) days comply with the Ethics Commission's request for information and submit a new request for an advisory opinion.** He is advised that knowingly failing or refusing to file a Financial Disclosure Statement constitutes a misdemeanor. W. Va. Code § 6B-2-10(c). He is further advised that knowingly giving false or misleading information to the Ethics Commission or knowingly and willfully concealing a material fact in filing the FDS constitutes a misdemeanor and could result in an ethics complaint against him. W. Va. Code §§ 6B-2-10(b) and (f). Pursuant to W. Va. Code § 6B-2-2, the Ethics Commission is authorized to initiate a complaint against a public official should credible evidence appear that s/he has engaged in conduct that is a material violation of the Ethics Act.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.* and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.



Jonathan E. Turak, Vice-Chairperson

ADVISORY OPINION NO. 2013-27

Issued on July 11, 2013

WEST VIRGINIA ETHICS COMMISSION

COPY

OPINION SOUGHT

An **Attorney for a County Board of Education** asks whether teachers who served on the Textbook Adoption Committee may contract with the private textbook company the Committee chose to receive paid training on a newly adopted textbook, and if so, whether the company may pay those teachers to train other teachers within the State.

FACTS RELIED UPON BY THE COMMISSION

Sometime in late 2012 or early 2013, the Textbook Adoption Committee of a County Board of Education undertook to replace the social studies textbook for kindergarten through fifth grade students. While investigating their options, the Committee found no adequate textbooks within the approved list adopted by the West Virginia Department of Education. After receiving a waiver from that agency, the County Board of Education began to explore other textbook options.

Sometime later, the Committee settled on the textbook of a private company. The company agreed to work with members of the Committee to arrange the text to meet the standards necessary and to include information specific to West Virginia. After completion, the Committee unanimously voted to adopt the new textbook which had been put together by members of the Committee and the private company. Thereafter, the West Virginia Department of Education Review Committee examined and approved the materials. After adoption, other County Boards of Education learned of the new textbook and opted to purchase the same text.

Generally the textbook company provides training in the county as a part of their services when the textbooks are purchased. In this instance, the company, after the Committee adopted the textbook, has offered to train the members of the Textbook Adoption Committee to train the other teachers in the counties that have purchased the textbook. The teachers would be paid to attend training by private company and would be paid to train other county teachers. All the training would take place outside the teacher's contract term. The teacher's would not be paid in excess of \$1,000.00 by private company for their services.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b) prohibits a public servant from knowingly and intentionally using his or her office or the prestige of his or her office for his or her own private gain or that of another person.

W. Va. Code § 61-10-15 prohibited the contract as the Superintendent would have a direct or indirect interest in his wife's contract.

In Advisory Opinion 2009-11, the Commission found a prohibited contract where an Assistant Principal sought to provide after-hours driving instruction to students through his private business. The Commission determined the position of Assistant Principal to be such that his regular supervisory duties would place the provider in a position of control over the contract. The Commission recognized that although an assistant principal is responsible for the day-to-day operations of the school, they also oversee their students at after school activities. As the Assistant Principal also had control over after-hours activities, the Commission found the contract to be improper.

By contrast, in Advisory Opinion 2007-08 a public school teacher asked if he could bid on a contract to provide vending machine services. There, the affected school employee was a teacher. The Commission ruled that as a teacher, s/he did not have supervisory responsibility in regard to the general operations of his school or vending services offered therein. As a result, the Commission found that the teacher could bid on the vending machines.

In the current situation, the Commission hereby finds that the teacher members of the Committee had voice, influence, or control over the selection, compilation and adoption of the company's textbook. As a result of the foregoing analysis, the Commission hereby finds that W. Va. Code § 61-10-15 prohibits the proposed subcontract. The Commission further notes that this opinion is prospective only.

This Advisory Opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.* and W. Va. Code § 61-10-15, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.



Jonathan E. Turak, Vice-Chairperson

**ADVISORY OPINION NO. 2013-21**

2013 JUL 17 2:16:03

Issued On July 11, 2013 By The

**WEST VIRGINIA ETHICS COMMISSION**

2013 JUL 17 2:16:03

**OPINION SOUGHT**

A **Prosecuting Attorney** asks if it is permissible under the Ethics Act for a County Commission to employ a private attorney (either as an employee or on a contract basis) for civil matters, if that attorney maintains a private criminal defense practice in the same county.

**FACTS RELIED UPON BY THE COMMISSION**

Although the Prosecuting Attorney is the statutory counsel to county entities, W. Va. Code § 7-4-3 allows County Commissions to employ private legal counsel. In such circumstances, the County Attorney would generally advise the County Commission on civil legal matters, refer lawsuits to its insurance carrier, attend County Commission meetings, review contracts, and generally advise the County Commission on various legal matters.

The County Commission is responsible for setting the budget for the Prosecuting Attorney's Office. The County Attorney would not be involved in setting the budget of the Prosecuting Attorney's Office, or for any other county elected offices.

The County Commission seeks to determine whether employing or retaining a lawyer-- one who maintains a private criminal defense practice in the same county-- to serve as County Attorney would create a conflict of interest prohibited by the Ethics Act.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W. Va. Code § 6B-2-5(b)(1) reads:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private gain under this subsection. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

Although the Requester may have obtained permission from the West Virginia State Bar—which regulates the conduct of attorneys—for a County Attorney to engage in private criminal defense practice in the same county, the Ethics Act has a different standard.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other similarly situated public servants unless and until it is amended or revoked, or the law is changed.



Jonathan E. Turak, Vice- Chairperson

(1) Public officials... may not vote on a matter:

(A) In which they... or a business with which they [or] an immediate family member... [are] associated have a financial interest. Business with which they are associated means a business of which the person or an immediate family member is a director, officer, owner, employee, compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class.

\*\*\*

(D) The appropriations of public moneys or the awarding of a contract to a non-profit corporation if the public official or an immediate family member is employed by the non-profit.


### ADVISORY OPINION

The Ethics Act sets forth specific rules regarding when elected and appointed public servants may vote. The overriding purpose of the voting provision is to ensure that a public official does not vote or take action on a matter in which he or she has a financial interest. In Advisory Opinion 2009-06, the Commission was asked whether a City Council member may vote on a matter or otherwise take action to benefit a church where he is a member; additionally, his father served on the church council. Noting that neither the Council member nor his father had a financial interest in the church or property, the Commission ruled that the Ethics Act does **not** prohibit him from voting or taking action on matters which affect the church.

In Advisory Opinion 2011-12 held that public officials who are uncompensated board members of a non-profit organization are not required to recuse themselves on any matters related to any contract or other transaction between the governing body and the non-profit organization because a non-profit does not fall within the definition of "business" as defined by the Ethics Act.

Since the Requester's father is not an employee of the non-profit, the same analysis in Advisory Opinions 2011-12 and 2009-06 applies to the present situation. The Commission hereby finds that the Town Councilperson may vote on matters relating to the local branch of the non-profit organization even though his father will be its Vice Chairperson.

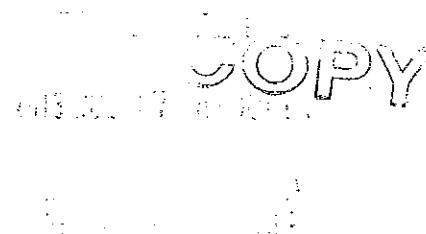
This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other public agencies unless and until it is amended or revoked, or the law is changed.

  
\_\_\_\_\_  
Jon Turak, Vice-Chairperson

ADVISORY OPINION NO. 2013-28

Issued On July 11, 2013 By The

WEST VIRGINIA ETHICS COMMISSION



OPINION SOUGHT

A **Public Employee** asks whether a group of employees may use a state-owned parking garage for a garden and distribute produce and flowers to community groups.

FACTS RELIED UPON BY THE COMMISSION

The Requester is an employee of a State agency that administers programs that benefit the citizens of West Virginia. He serves as chair of a "cross-bureau, problem-solving collaborative and work force development group". The group plans to create a roof-top garden on a small unused section of a state parking garage; construct planters from agency materials; and, water the plants from the agency's water source. Employees will volunteer their time to cultivate the plants. Ultimately, the group will distribute the fruits, vegetables and flowers to community groups served by the public agency.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b)(1) reads:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person. Incidental use of equipment or resources available to a public official or public employee by virtue of his or her position for personal or business purposes resulting in de minimis private gain does not constitute use of public office for private gain under this subsection. The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

ADVISORY OPINION

In Advisory Opinion 2013-31, citing numerous precedential advisory opinions, the Commission authorized a public agency to allow a private foundation to participate in a public program. In doing so, the Commission stated that the financial benefit to the private foundation would result in an overriding public benefit sufficient to legitimize any resulting private gain. The Commission noted that "even where some element of private gain is involved, the Commission has discretion to conclude that the public benefit outweighs any potential for improper private gain."

ADVISORY OPINION NO. 2013-31

Issued On July 11, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

COPY

OPINION SOUGHT

An **Elected Member of the Board of Public Works** asks whether he may allow a private foundation to “piggyback” or participate in the State’s Purchasing Card program.

FACTS RELIED UPON BY THE COMMISSION

The Requester is an elected Member of the Board of Public Works. The State of West Virginia has a contract with a financial institution to provide various financial services to the State of West Virginia. As part of this contract, the State receives a rebate from the financial institution which is based on the dollar amount spent on the card. The Requester asks whether a private foundation may use the State’s Purchasing Card Contract and also receive a rebate from the financial institution.

The purpose of the private foundation is to aid, strengthen and further in every proper and useful way the work and services of a State University and its affiliated non-profit organizations. The private foundation is a tax-exempt, non-profit organization.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b) reads in relevant part:

A public official ... may not knowingly and intentionally use his ... office or the prestige of his ... office for his ... own private gain or that of another person. . . The performance of usual and customary duties associated with the office or position or the advancement of public policy goals or constituent services, without compensation, does not constitute the use of prestige of office for private gain.

ADVISORY OPINION

The Ethics Commission will examine its prior relevant advisory opinions. In Advisory Opinions 95-05, 95-28, 2005-04 and 2012-06, the Commission authorized a public agency to enter into arrangements that provided certain benefits to private businesses. In each case, the Commission concluded that the agreements involved an overriding public benefit sufficient to legitimize any resulting private gain. Thus, even where some element of private gain is involved, the Commission has discretion to conclude that the public benefit outweighs any potential for improper private gain. In each of these Advisory Opinions, the overriding public benefit arose in the context of an economic

Finally, in Advisory Opinion 2013-12, the Commission held that a Public Official appearing in a video posted on the website of a financial institution providing his office's electronic payment program would violate the Ethics Act because the State Official would lend the prestige of his public position to a private business for which there is no overriding public benefit.

Here, the Commission finds the financial benefit to the private foundation described herein would result in an overriding public benefit. The purpose of the foundation is to support a public institute of higher education. Thousands of citizens of West Virginia are students of the Public University. The education of the State's citizens is a paramount goal of the State. Both students and the State are the beneficiaries of the donations made to the private foundation formed to aid the Public University. A rebate from a financial institution would further the goals of the foundation and benefit the public by advancing the educational and economic development goals of the State.

This advisory opinion is limited to questions arising under the Ethics Act, W. Va. Code § 6B-1-1, *et seq.*, and does not purport to interpret other laws or rules. In accordance with W. Va. Code § 6B-2-3, this opinion has precedential effect and may be relied upon in good faith by other similarly situated public servants unless and until it is amended or revoked, or the law is changed.



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Jonathan E. Turak, Vice-Chairperson

ADVISORY OPINION NO. 2013-33

Issued On July 11, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

COPY

**OPINION SOUGHT**

An **Elected State Official** asks whether he may serve as the Secretary of a local Masonic lodge and accept an expense reimbursement stipend of \$300 per month.

**FACTS RELIED UPON BY THE COMMISSION**

The Requester has been asked to serve as Secretary of a local Masonic lodge. If he accepts the position, he is required to use personal office resources for various organizational purposes. In conjunction with these responsibilities, the Masonic lodge would provide him an expense reimbursement stipend of \$300 per month.

**CODE PROVISIONS RELIED UPON BY THE COMMISSION**

W. Va. Code § 6B-2-5(b) reads in relevant part:

A public official or public employee may not knowingly and intentionally use his or her office or the prestige of his or her office for his or her own private gain or that of another person.

W. Va. Code § 6B-2-5(d)(1) provides in part that ... no elected or appointed public official ... or business with which he ... is associated may be a party to or have an interest in ... a contract which such official or employee may have direct authority to enter into, or over which he ... may have control...

W. Va. Code § 6B-2-5(h)(6) reads:

A full-time public official or full-time public employee may not receive private compensation for providing information or services that he or she is required to provide in carrying out his or her public job responsibilities.

**ADVISORY OPINION**

The Requester asks whether he may serve as the Secretary of a local Masonic lodge and accept an expense reimbursement stipend of \$300 per month. The Requester has no public duty that overlaps with any duty associated with serving as the Secretary of a local Masonic lodge. The Ethics Commission has considered the relevant prohibitions of the Ethics Act. The Commission finds it does not violate the Ethics Act for the Requester to serve as the Secretary of a local Masonic lodge and to accept an expense

# Country Roads & City Streets

WV Local Technical Assistance Program

Summer 2013

Benjamin M. Statler College of Engineering & Mineral Resources

Vol. 28 No. 2

## ROAD RULES FOR ROUNDABOUTS

Adapted from information in the Wisconsin Driver's Handbook and the WVDOH Website

While roundabouts have been a standard traffic engineering tool used in many other states and countries, they are fairly new to West Virginia. In fact, as of today, there are only three roundabouts in the entire state. The most recent West Virginia roundabout opened to traffic on June 26, in Morgantown, which is one of the fastest growing and largest cities in the state. It is expected that this roundabout will carry an average of 30,000 vehicles a day.

Going through any roundabout for the first time, especially during higher traffic time periods, may be a little uncomfortable at first. The following information has been compiled to help motorists, pedestrians, and bicyclists become more familiar with roundabouts and know the rules of the road.

### What are the basic steps for driving a roundabout?

1. As you approach the roundabout, look for signs and pavement markings showing which lane to be in.
2. Slow down and obey all traffic signs.
3. Yield to pedestrians and bicyclists in the crosswalk.
4. Yield to traffic on your left already in the roundabout.
5. Enter the roundabout when there is a safe gap in traffic, making a right turn. (In the United States, you should never make a left-hand turn into the roundabout!)
6. As you approach your exit, turn on your right turn signal.
7. Yield to pedestrians and bicyclists as you exit.



Photo taken by Kim Carr, WV LTAP

Morgantown, WV Roundabout

West Virginia University



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Snow and Ice Control Workshop Announcement

Country Roads & City Streets is typically published quarterly. The purpose of this newsletter is to provide information that is beneficial to decision makers, elected officials, and roadway construction, maintenance, and management personnel.

The material and opinions included in this newsletter are those of the West Virginia LTAP and do not necessarily reflect the views of the Federal Highway Administration or the West Virginia Department of Transportation. Every effort has been made to ensure the integrity and accuracy of both original and borrowed material; however, the West Virginia LTAP does not assume responsibility for any information that is found to be incorrect.



The West Virginia LTAP is part of the National Local Technical Assistance Program, which is funded by the Federal Highway Administration. West Virginia LTAP also receives funding from the West Virginia Department of Transportation.

### **MISSION:**

The mission of the WV LTAP is to foster a safe, efficient, and environmentally sound surface transportation system by improving skills and increasing knowledge of the transportation workforce and decision makers.

To help achieve this mission, training, demonstrations, personalized technical assistance, and resource materials are provided.

### **Who must yield when driving a roundabout?**

Vehicles already in the roundabout have the right-of-way and motorists entering the roundabout must yield to them. Yield means that the approaching motorists must stop if there is traffic in the roundabout and wait for a gap or break to appear in the traffic flow before entering the roundabout.

### **Can semis, trucks with trailers, and other large trucks use a roundabout?**

Yes, they are all able to use a roundabout. Because large vehicles need extra space when driving through a roundabout, a truck apron is built into the design. A truck apron is a paved area on the inside of the roundabout for the rear wheels of large trucks to use when turning.

### **What are motorists supposed to do when an emergency vehicle is approaching a roundabout?**

Motorists who have not yet entered the roundabout should pull over and let the emergency vehicle pass. Motorists who have entered the roundabout, should continue to their exit then pull over and let the emergency vehicle pass after they have exited the roundabout. Motorists should always avoid stopping in the roundabout.

### **Should drivers change lanes in a roundabout?**

Drivers should never change lanes in a roundabout. Before entering the roundabout, motorists should pay close attention to signs and pavement markings to ensure that they get into the correct lane upon entering the roundabout.

### **What should a motorist do if he/she has an accident in a roundabout?**

If a motorist has an accident in a roundabout and the vehicle remains drivable, he/she should move the car out of the roundabout and as far off the road to the right as safely possible.

### **Who enters first if drivers arrive at the roundabout at the same time from all approaches?**

If drivers arrive at a roundabout at the same time from all approaches, they should all be able to enter at the same time because of the staggering of the entrances. However, they all must yield to vehicles already travelling in the roundabout.

### **How do pedestrians and bicyclists use a roundabout?**

Pedestrians cross roundabouts at designated crosswalks. Even though pedestrians have the right-of-way, they must always use caution and make sure that vehicles are stopping before entering the crosswalk. Bicyclists can either ride through the roundabout following the rules of the road like other vehicles or they can walk their bikes across using designated crosswalks with other pedestrians.

### **Are roundabouts more dangerous than signalized intersections?**

Roundabouts are safer and more efficient than standard intersections. The design of the roundabout promotes safety, because all vehicles are travelling in the same counterclockwise direction at low speeds and vehicle paths do not cross at right angles. According to crash statistics, roundabouts reduce fatal crashes by about 90 percent, injury crashes by about 75 percent, and overall crashes by about 35 percent when compared to other types of intersections.

### **Is a roundabout the same thing as a traffic circle?**

No, a roundabout is not the same thing as a traffic circle. In a roundabout, vehicles travel at low speeds and vehicles already in the roundabout have the right-of-way, unlike traffic circles. The design and operation of roundabouts makes them much safer for traffic flow than traffic circles. For more information on the differences between traffic circles and roundabouts and some common misconceptions, please visit: [wvltap.wvu.edu/TrafficMythsRoundabouts.pdf](http://wvltap.wvu.edu/TrafficMythsRoundabouts.pdf).

Article Sources: [www.dot.wisconsin.gov/drivers/drivers/apply/handbook.htm](http://www.dot.wisconsin.gov/drivers/drivers/apply/handbook.htm)  
[www.youtube.com/watch?feature=player\\_embedded&v=d-UufYhT7gU](http://www.youtube.com/watch?feature=player_embedded&v=d-UufYhT7gU)

# JUMPING INTO THE SOCIAL MEDIA POOL

Ashley Collins, WV LTAP



Bigstock.com Image

Social media sites first gained popularity among private users, but over time, local, county, and state government agencies have also jumped into the social media pool.

Social media is defined as a form of electronic communication through which users create online communities to share information, ideas, personal messages, and other content. Two of the most commonly used social media are Facebook and Twitter. This article discusses some key advantages, disadvantages, and general things to be aware of if your agency chooses to adopt social media, specifically focusing on Facebook and Twitter.

## ADVANTAGES

Establishing a social media site in the workplace is an easy, efficient, and quick way to communicate with others outside of your agency. Adopting social media into your agency or municipality could enhance communication between you and your audience.

According to CNN Money, in October 2012 Facebook gained more than one billion users. In December 2012, the American Public Works Association reported that nearly 500,000 users are joining the Twitter world each day.

A large advantage is that signing up to create a Facebook page or Twitter account is free, so it is a communication tool that can help stretch your communication dollars. Another advantage is timeliness. You can post or tweet information concerning announcements, events, meetings, policies, transportation accidents and reroutes, weather conditions, disaster relief procedures, etc., in a timely manner, from anywhere you have access to the internet, using a variety of electronic devices (smart phone, laptop, desktop computer, etc).

Unlike a traditional webpage, users don't have to go searching for information; they can receive updates and important notices on the go

through their mobile devices. Users can provide their thoughts, ask questions, or post additional information back to you by posting a comment on your Facebook wall or tweeting at your Twitter account.

Because social media can target a large number of people, it is useful for reaching out to new members. New members simply click "Like" on your agency or municipality's Facebook page or click "Follow" on your Twitter account. Allowing who likes or follows your social media page can be approved by whoever is monitoring your social media site(s). You can approve new members before they can post or see your page under your account's privacy settings. Approved members can re-post Facebook posts by your agency to their page or retweet your tweets to their Twitter page.

## DISADVANTAGES

A disadvantage with adopting a social media site for your agency is the potential for followers, or even employees, posting or tweeting negative comments on

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your page, or posting inappropriate images. Additionally, some social media users have hundreds or even thousands of connections called "Friends" on Facebook or "Followers" on Twitter. Seeing your posts on a friend's newsfeed on Facebook can get lost or overlooked due to other's posts. (A Facebook newsfeed is the center column of your home page that is constantly updating new posts from all of one's Facebook friends.) On a Twitter home page, too many updated tweets can lead to the same issue; tweets overlooked due to sheer volume. Another possible disadvantage is getting people to access your page. Many companies, both private and government, limit access to social media sites from work computers.

### HOW TO CONTROL YOUR PAGE

Facebook and Twitter accounts provide several options for managing and controlling your page through various privacy settings. If your agency decides to establish a Facebook account you can choose who can post on your page and allow who sees these posts. On Facebook you can control who sees your posts by using the audience selector tool. You can also control who sees posts when they are posted by other people under the "who can see what others post on your timeline" setting. Both of these are found under timeline privacy. If your agency adopts a Twitter account you can click on "protect my tweets" beside "tweet privacy" under your account settings. The Twitter options to protect your tweets are the public tweets and protected tweets settings. If you choose the public tweets setting anyone can see them regardless if they have a Twitter account. If you choose the protected tweets setting your tweets can be viewed by Twitter followers you approved.

### QUESTIONS TO ASK BEFORE IMPLEMENTING SOCIAL MEDIA

Social media is a great communication tool when properly used as part of an overall public relations/marketing and customer service strategy. There are, however, several items to consider to see if social media is a

good fit for your agency. Some questions to ask are:

**Should your agency establish the use of social media?** Think about your target audience. Are they using social media? How often do they use it? Do they access it on their smart phones, or work and/or home computer?

**Does your agency have a social media policy?** Before you begin using social media, make sure your agency has a written policy outlining your rules and processes.

**Who will be responsible?** Setting up a social media page may be easy, but with no strategies and goals in place your page may not be successful. Also, do not give the responsibility of monitoring your agency or municipality's social media page to every employee; this could get messy. When adopting a social media page give the responsibility to one or two people who have good communication skills and are aware of your audience. Let them control posts, tweets, and responding to outside members.

**How much time will you invest in your social media page?** Remember, you should post new events, announcements, pictures, videos, etc. and spend the time reviewing and reposting to comments and questions from your followers.

**How are you going to respond to negative feedback from followers and maybe even employees?** While any agency would rather get positive recognition and feedback, negative feedback is sometimes even more valuable. How will negative feedback be addressed? Privately or through an open message? Will the message be deleted? Will you ignore it? Does the message pertain to a safety issue? In which case, you definitely don't want to ignore it and want to make sure the appropriate person(s) and department(s) are made aware of the issue and it is appropriately addressed. Remember that one of the benefits of social media is the two-way communication it provides.

# GETTING THE SCOOP ON PIG POOP - ITS POTENTIAL ROLE AS A BINDER IN PAVEMENTS

Kim Carr, WV LTAP

Recently a *Better Roads* article titled, "Pig Manure is Being Used as an Asphalt Binder," grabbed the attention of the WV LTAP staff. Let's face it, how could you not read an article after a title like this. Of course we had to delve into this topic even further, and what we discovered is fascinating.

An assistant professor of civil engineering from North Carolina A&T State University, Dr. Elham Fini, has been conducting research focusing on converting swine manure into a bio-adhesive that could be used as an asphalt binder, along with other binder applications, such as for carpeting, soil stabilization, crack sealing, and roofing. This swine manure bio-adhesive, which is considered a cost-effective green technology, could provide an alternative for petroleum based adhesives. According to the *Better Roads* article, whereas a petroleum-based binder costs about \$2.00 per gallon, the swine waste binder would cost around 50 cents per gallon, a considerable savings.

The name of this product is PiGrid, pronounced like hybrid, and in addition to the cost-savings benefit of using swine waste as a binder, it could help solve a growing waste disposal problem. According to information found on the Bioadhesive Alliance Inc. website, commercial hog farming accounts for roughly 107 million tons (total weight) a year in swine manure. So, this durable, low-cost product would help facilitate swine manure management while at the same time adding products beneficial to the construction industry.

Per the Bioadhesive Alliance Inc. website, another benefit of this product is that it can be used as a full or partial replacement for petroleum-based asphalt binder to reduce mixing and compaction temperatures and enhance mixture workability during plant production and pavement placement. The researchers also claim that PiGrid can help reduce greenhouse emissions, which are a concern with hot-mix asphalt production.

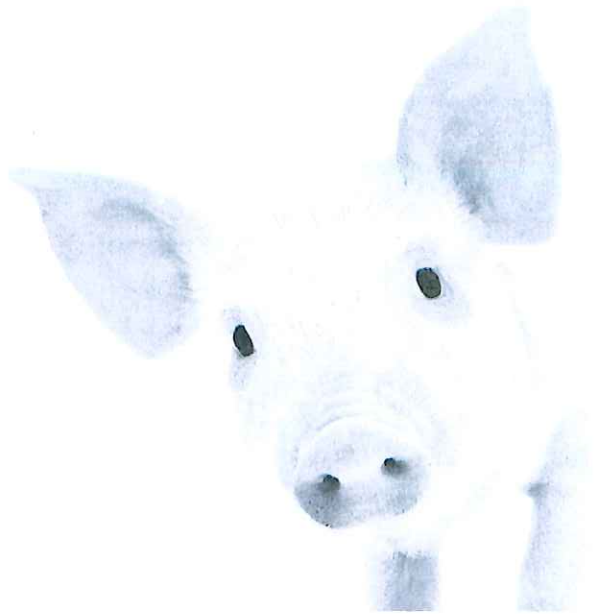
Over one-million dollars for the research and technology development of this product has been provided by the National Science Foundation, National Academy of Science, and NC A&T State University. According to the article in *Better Roads*, PiGrid is expected to be available in the United States in the next 12 to 18 months. It will be interesting to keep an eye on this technology and see what the results and impacts are in both the agriculture and asphalt industry.

## Article Sources:

BioAdhesive Alliance Inc: [https://gust.com/c/bioadhesive\\_alliance\\_inc](https://gust.com/c/bioadhesive_alliance_inc)

Better Roads: <http://www.betterroads.com/pig-manure-is-being-used-as-an-asphalt-binder/>

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## INNOVATIVE IDEA: SIGN REPAIR STAND

Article adapted from the 2012 LTAP/TTAP Build a Better Mousetrap National Entry Booklet

Across the country, the roadway agencies that LTAP and TTAP Centers serve are filled with innovative and resourceful workers, many who find new and better ways to accomplish everyday tasks. This has led many Centers to develop contests called, "Build a Better Mousetrap" or "Show Us." The purpose of these competitions is to collect and disseminate real world examples of best practices, tips from the field, and assist in the transfer of technology. Each year at the National LTAP Association (NLTAPA) meeting, LTAP and TTAP Centers are given the opportunity to submit examples from their state competitions into the NLTAPA competition.

The following innovative solution, Sign Repair Stand, was submitted by the Cherry Hills Village Public Works Street Department, located in Colorado, and was one of the entries in the 2012 Build a Better Mousetrap National Competition, hosted by the National LTAP Association. The WV LTAP staff thought many of you would find this solution useful. If you would like to know more about this piece of equipment, please contact Kim at the WV LTAP and she will put you in touch with the street superintendent from Cherry Hills Village.

### PROBLEM STATEMENT

Two of the Street Departments many tasks include maintaining the City's signs (street name, speed limit, stop, etc.) and low-to-the-ground right-of-way tree trimming around signage and other structures. Unfortunately, the City does not have a vehicle (bucket truck) specifically designed for these duties. As a result, someone would stand in the back of a pickup or climb a ladder to do these low-to-the-ground maintenance repairs. We felt climbing a ladder represented a risk factor, especially on uneven rights-of-way, during all forms of weather conditions. We further felt that climbing in and out of a pickup bed, reaching out over the edge of the bed, and just standing in a wet or snow covered pickup bed while doing repairs was too great of a risk for staff members to continue doing. A new truck, mounted with the appropriate attachments and safety protection, was not a feasible option. We needed a low budget solution that was both practical and safe.



### SOLUTION

The Street Department is fortunate to have a crew leader that is very knowledgeable in the area of steel fabrication. When faced with the task of building a sign repair stand, it was desired to find a low cost solution that would fit in the bed of a pickup, be easily installed or removed by two men, and provide the safety measures needed for personnel doing repairs. The crew leader, Josh English, talked with other crew members and quickly came up with the design.

### LABOR/MATERIALS COST

Total Cost of Sign Repair Stand: \$380.00

### SAVINGS: BENEFITS TO THE COMMUNITY

Having knowledgeable manpower, all power tools needed, and budgeted time, the City feels it saved somewhere in the neighborhood of \$2,000 on this project. Professional welding fees alone could have exceeded these costs. Of far more importance to the City than savings is the tremendous increase in safety for its street department personnel. With a tailgate ladder to enter and exit the bed of the truck, no one has to climb over a tailgate. The sign stand has a railing at just below waist level, allowing a worker to reach beyond the edge of the truck. The grip strut decking allows for sure footing while inside the stand and on the step while entering and leaving the stand. There is a safety chain to close off the entrance to the stand to eliminate accidentally falling backwards out of the stand. The stand is bolted to the truck body to prevent it from moving when in use. The stand also elevates the worker an additional two feet from the pickup bed floor, allowing an expanded work area without having to do dangerous reaching for signage or tree limbs.

## WV LTAP WELCOMES TWO NEW ADVISORY BOARD MEMBERS

The WV LTAP Advisory Board members are a critical component of our program. Recently, two new members, Chris Knox and Dale Hill joined the Board. The WV LTAP staff is excited to have these two individuals join the board and we appreciate their time and dedication to WV LTAP.



Chris Knox, Charleston,  
WV City Engineer

### As the City Engineer of Charleston, what are your main responsibilities?

*I perform in-house design and construction administration on numerous municipal projects and [I] am frequently involved in the development and maintenance of the City's infrastructure: subdivisions, retaining walls, storm sewers, sidewalks and many other enhancements.*

*The Engineering office manages and maintains 15 city-owned bridges, including the majestic and historic South Side Bridge. In addition, I oversee a paving program responsible for over 300 miles of roadway surface throughout the City of Charleston. Typically, annual paving expenses exceed \$1M and account for 20 to 30 miles of roadway resurfacing each year.*

### Why did you decide to accept the invitation to join the WV LTAP Advisory Board?

*I decided to join the WV LTAP [Advisory Board] for two reasons; I am interested in how other municipal and state agencies deal with issues or dilemmas that the City of Charleston sometimes encounters and I am also attentive to the needs of smaller, less staffed or funded municipalities and would like to share the struggles and consequent solutions that we, the City of Charleston, have established.*

### What skills and knowledge can you bring to benefit the advisory board?

*I have held the position of City Engineer for the City of Charleston for nearly 11 years. I believe that over the last 11 years I have both conquered and, on occasion, failed at many of the same issues that most municipal infrastructure managers encounter daily. I would like to think that these experiences contain valuable "do's" and "don'ts" that could be shared with similar agencies.*

### What are some of your hobbies or interests outside of work?

*I love to dabble in the contractor/construction world, on a much smaller scale of course. Over the last ten years I have been in the "Extreme Home Makeover" business. Unlike Ty Pennington, it takes me months to rehabilitate a house in lieu of a one-hour episode.*



Dale Hill, Executive  
Director, Builders Supply  
Association of WV

### As the Executive Director at the Builders Supply Association of WV, what are your main responsibilities?

*The education and promotion of cement related building materials in the State plays a major role, however, we are still a "building supply association" which encompasses programs dealing with all building materials and construction practices.*

### When and how did you first become familiar with the WV LTAP Center?

*In 2008 while visiting with the Northeast Cement Shippers Association*

### What do you anticipate from this experience on the board?

*To date my experience has been very enlightening. The board being comprised by many different levels and interest in the State's road system brings a great deal of experience and dedication to the roads programs. I feel as well as being able to assist with future programs, I will receive the gift of learning from others through their individual ideology.*

### With your past and current experiences, what skills and knowledge can you bring to benefit the advisory board?

*[I can bring] an understanding of construction practices and needs in our State. During the past two years, we have become more involved with the roads systems in the towns and municipalities and [I] have a better understanding of the challenges being faced daily while struggling to maintain and replace the road systems outside the Department of Highways.*

### What are some of your hobbies or interests outside of work?

*I am an avid boater and spend much of my time with my children on a lake in East Tennessee. During the colder months, much of my "free time" is spent with my children, antiquing, and woodworking.*

## ANNUAL SNOW AND ICE CONTROL WORKSHOP - SEPTEMBER 24



Bigstock.com Image

Even though we are currently in the midst of a hot, humid, and rainy summer, the WV LTAP staff has been thinking ahead to cooler temperatures, snowfall, and the pending preparations that roadway agencies will need to make for the winter season. One way the WV LTAP helps roadway agencies prepare for the upcoming winter is by hosting the annual Snow and Ice Control Workshop.

This year's event is scheduled for Tuesday, September 24, 2013 and is being held in Bridgeport, WV at the Bridgeport Conference Center. The registration fee to attend is \$50 per person, payable by check or credit card. This fee covers a continental breakfast, morning and afternoon break, lunch, and conference materials.

This workshop is geared to both state and local roadway agencies and we encourage anyone that has a role in winter maintenance operations — snowplow driver, supervisor, mechanic, mayor, city council person, etc— to attend this event. The workshop is a combination of classroom discussions and demonstrations.

More information on this event and other upcoming training opportunities will be available on the WV LTAP website at [wvltap.wvu.edu](http://wvltap.wvu.edu), the WV LTAP Facebook page, and through direct mail in the coming weeks.

West Virginia Local Technical Assistance Program  
West Virginia University  
Benjamin M. Statler College of Engineering and Mineral Resources  
Department of Civil and Environmental Engineering  
PO Box 6103  
Morgantown, WV 26506-6103



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The WV LTAP encourages you to share this newsletter with others or direct them to the electronic version on our website <http://wvltap.wvu.edu>.

- Road Supervisors
- Elected Officials
- Public Works Department
- Road Crew
- Managers
- City Engineers
- Others

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JEFFERSON COUNTY COMMISSION  
MR. WILLIAM POLK  
MAINTENANCE SUPERVISOR  
124 E WASHINGTON ST  
PO BOX 250  
CHARLES TOWN WV 25414-0250

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| Week Ending Date                                       | Week Ending<br>July 27, 2013<br>FY14<br>August 2, 2013 |
|--------------------------------------------------------|--------------------------------------------------------|
| <b>To be Deposited on:</b>                             |                                                        |
| Amount Played                                          | 63,099,872.63                                          |
| Amount Won                                             | 56,429,536.56                                          |
| Amount Promo                                           | 257,502.00                                             |
| MWAP Contribution                                      | <u>4,003.10</u>                                        |
| <b>Adjusted Gross Terminal Revenue</b>                 | <b><u>6,408,830.97</u></b>                             |
| Administrative Costs @ 4%                              | 256,353.24                                             |
| Excess Lottery Fund @ 4%                               | <u>0.00</u>                                            |
| <b>Net Terminal Revenue</b>                            | <b><u>6,152,477.73</u></b>                             |
| Surcharge @ 10%                                        | 0.00                                                   |
| State Share Excess @ 58%                               | 0.00                                                   |
| Track Share of Capital Reinvestment @ 42%              | 0.00                                                   |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | <i>0.00</i>                                            |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | <i>0.00</i>                                            |
| <b>Adjusted Net Terminal Revenue</b>                   | <b><u>6,152,477.73</u></b>                             |
| Racetrack @ 46.50% / 42%                               | 2,860,902.14                                           |
| Lottery Fund @ 30% / 0%                                | 1,845,743.32                                           |
| Excess Lottery Fund @ 0% / 41%                         | 0.00                                                   |
| Race Track Purses @ 7% / 14% / 8%                      | 430,673.44                                             |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 430,673.44                                             |
| Employee Pension Fund @ 1% / .5%                       | 61,524.78                                              |
| Greyhound Development @ .75%                           | 46,143.58                                              |
| Thoroughbred Development @ .75%                        | 46,143.58                                              |
| Racing Commission @ 1%                                 | 61,524.78                                              |
| County/Municipality @ 2%                               | 123,049.56                                             |
| <b>3% Funds:</b>                                       |                                                        |
| Tourism Promotion Fund @ 1.375%                        | 84,596.57                                              |
| Development Office Promotion Fund @ .375%              | 23,071.79                                              |
| Research Challenge Fund @ .5%                          | 30,762.39                                              |
| Capitol Renovation and Improvement Fund @ .6875%       | 42,298.28                                              |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 3,845.30                                               |
| <b>1% Funds:</b>                                       |                                                        |
| State Capitol Complex Parking Garage @ 1%              | 61,524.78                                              |
| Cultural Facilities and Capitol Resources @ .5%        | 0.00                                                   |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>0.00</u>                                            |
|                                                        | <b><u>6,152,477.73</u></b>                             |

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2014

Charles Town  
 1999 Net Terminal Revenue     \$    45,603,174  
 Benchmark Goal @ 2%         \$    912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 6 days ending:<br>07/06/13 | \$ 123,196.88                | \$ 123,196.88             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:<br>07/13/13   | \$ 128,060.40                | \$ 128,060.40             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/20/13                   | \$ 115,128.84                | \$ 115,128.84             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/27/13                   | \$ 123,049.56                | \$ 123,049.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Subtotal                   | \$ 489,435.68                | \$ 489,435.68             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |

Benchmark Goal @ 2%         \$    912,063.48

Remainder until 1% / 1% Split     \$    422,627.80

**VIDEO LOTTERY REPORT**

| FY 2010      |            | FY 2011    |            | FY 2012    |            | FY 2013    |            | FY 2014    |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Date         | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     |
| 07/04/2009 * | 128,262.42 | 07/03/2010 | 115,402.58 | 7/1-2/2011 | 69,824.12  | 07/07/2012 | 161,637.92 | 07/06/2013 | 123,196.88 |
| 07/11/2009   | 168,815.08 | 07/10/2010 | 205,731.64 | 07/09/2011 | 171,717.28 | 07/14/2012 | 129,458.04 | 07/13/2013 | 128,060.40 |
| 07/18/2009   | 160,652.98 | 07/17/2010 | 161,386.76 | 07/16/2011 | 143,019.52 | 07/21/2012 | 130,037.00 | 07/20/2013 | 115,128.84 |
| 07/25/2009   | 158,869.08 | 07/24/2010 | 160,368.28 | 07/23/2011 | 146,508.00 | 07/28/2012 | 137,164.44 | 07/27/2013 | 123,049.56 |
| 08/01/2009   | 174,493.08 | 07/31/2010 | 157,802.08 | 07/30/2011 | 144,510.28 | 08/04/2012 | 132,931.16 |            |            |
| 08/08/2009   | 138,408.80 | 08/07/2010 | 136,494.98 | 08/06/2011 | 151,495.28 | 08/11/2012 | 134,212.88 |            |            |
| 08/15/2009   | 81,222.14  | 08/14/2010 | 78,376.68  | 08/13/2011 | 117,350.38 | 08/18/2012 | 110,241.90 |            |            |
| 08/22/2009   | 76,260.31  | 08/21/2010 | 76,199.02  | 08/20/2011 | 71,614.12  | 08/25/2012 | 66,209.90  |            |            |
| 08/29/2009   | 80,472.92  | 08/28/2010 | 72,460.03  | 08/27/2011 | 63,432.14  | 09/01/2012 | 67,133.42  |            |            |
| 09/05/2009   | 80,798.15  | 09/04/2010 | 76,362.84  | 09/03/2011 | 80,837.76  | 09/08/2012 | 74,029.40  |            |            |
| 09/12/2009   | 86,286.92  | 09/11/2010 | 82,969.36  | 09/10/2011 | 84,845.80  | 09/15/2012 | 61,838.04  |            |            |
| 09/19/2009   | 70,010.15  | 09/18/2010 | 67,638.78  | 09/17/2011 | 66,748.62  | 09/22/2012 | 56,996.90  |            |            |
| 09/26/2009   | 69,316.87  | 09/25/2010 | 70,435.06  | 09/24/2011 | 68,929.80  | 09/29/2012 | 61,611.40  |            |            |
| 10/03/2009   | 72,286.04  | 10/02/2010 | 71,013.86  | 10/01/2011 | 68,871.64  | 10/06/2012 | 62,715.20  |            |            |
| 10/10/2009   | 69,650.63  | 10/09/2010 | 69,311.50  | 10/08/2011 | 70,866.90  | 10/13/2012 | 60,710.18  |            |            |
| 10/17/2009   | 73,560.21  | 10/16/2010 | 75,234.62  | 10/15/2011 | 75,262.66  | 10/20/2012 | 62,333.08  |            |            |
| 10/24/2009   | 67,581.66  | 10/23/2010 | 70,290.80  | 10/22/2011 | 68,757.72  | 10/27/2012 | 58,073.54  |            |            |
| 10/31/2009   | 64,528.30  | 10/30/2010 | 65,615.04  | 10/29/2011 | 60,507.98  | 11/03/2012 | 56,545.30  |            |            |
| 11/07/2009   | 63,741.59  | 11/06/2010 | 61,337.62  | 11/05/2011 | 70,673.88  | 11/10/2012 | 56,110.96  |            |            |
| 11/14/2009   | 65,959.64  | 11/13/2010 | 64,595.28  | 11/12/2011 | 67,627.10  | 11/17/2012 | 57,432.36  |            |            |
| 11/21/2009   | 59,547.05  | 11/20/2010 | 56,010.08  | 11/19/2011 | 60,690.60  | 11/24/2012 | 65,888.86  |            |            |
| 11/28/2009   | 72,399.98  | 11/27/2010 | 71,170.90  | 11/26/2011 | 74,140.54  | 12/01/2012 | 50,243.34  |            |            |
| 12/05/2009   | 51,006.51  | 12/04/2010 | 53,215.08  | 12/03/2011 | 59,429.94  | 12/08/2012 | 50,770.96  |            |            |
| 12/12/2009   | 52,460.58  | 12/11/2010 | 46,944.00  | 12/10/2011 | 51,395.44  | 12/15/2012 | 47,022.38  |            |            |
| 12/19/2009   | 32,834.39  | 12/18/2010 | 42,076.76  | 12/17/2011 | 55,981.32  | 12/22/2012 | 46,838.96  |            |            |
| 12/26/2009   | 53,406.34  | 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  |            |            |
| 01/02/2010   | 92,980.40  | 01/01/2011 | 85,152.12  | 12/31/2011 | 94,661.00  | 01/05/2013 | 71,673.52  |            |            |
| 01/09/2010   | 55,020.46  | 01/08/2011 | 54,301.30  | 01/07/2012 | 74,863.40  | 01/12/2013 | 50,416.30  |            |            |
| 01/16/2010   | 60,551.28  | 01/15/2011 | 54,005.90  | 01/14/2012 | 58,901.92  | 01/19/2013 | 51,211.88  |            |            |
| 01/23/2010   | 69,943.53  | 01/22/2011 | 60,924.74  | 01/21/2012 | 61,819.92  | 01/26/2013 | 46,966.26  |            |            |
| 01/30/2010   | 48,527.75  | 01/29/2011 | 48,036.94  | 01/28/2012 | 62,898.78  | 02/02/2013 | 52,067.92  |            |            |
| 02/06/2010   | 37,155.14  | 02/05/2011 | 60,777.44  | 02/04/2012 | 72,154.66  | 02/09/2013 | 52,222.20  |            |            |
| 02/13/2010   | 44,334.00  | 02/12/2011 | 67,471.84  | 02/11/2012 | 66,429.04  | 02/16/2013 | 64,243.52  |            |            |
| 02/20/2010   | 76,946.12  | 02/19/2011 | 72,018.54  | 02/18/2012 | 77,455.88  | 02/23/2013 | 64,115.70  |            |            |
| 02/27/2010   | 72,024.40  | 02/26/2011 | 75,544.02  | 02/25/2012 | 77,611.78  | 03/02/2013 | 62,602.74  |            |            |

|            |           |            |           |            |           |            |           |
|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| 03/06/2010 | 76,936.85 | 03/05/2011 | 74,535.34 | 03/03/2012 | 75,963.86 | 03/09/2013 | 59,213.26 |
| 03/13/2010 | 71,007.37 | 03/12/2011 | 66,979.48 | 03/10/2012 | 76,808.62 | 03/16/2013 | 62,366.36 |
| 03/20/2010 | 74,335.38 | 03/19/2011 | 73,113.26 | 03/17/2012 | 76,883.92 | 03/23/2013 | 59,841.02 |
| 03/27/2010 | 69,941.88 | 03/26/2011 | 68,490.80 | 03/24/2012 | 72,108.36 | 03/30/2013 | 57,567.98 |
| 04/03/2010 | 70,636.28 | 04/02/2011 | 70,846.58 | 03/31/2012 | 74,244.22 | 04/06/2013 | 63,108.84 |
| 04/10/2010 | 69,692.79 | 04/09/2011 | 67,076.78 | 04/07/2012 | 75,382.98 | 04/13/2013 | 56,849.30 |
| 04/17/2010 | 69,335.92 | 04/16/2011 | 64,698.56 | 04/14/2012 | 71,065.34 | 04/20/2013 | 55,432.12 |
| 04/24/2010 | 68,714.11 | 04/23/2011 | 67,674.14 | 04/21/2012 | 68,055.08 | 04/27/2013 | 58,612.74 |
| 05/01/2010 | 68,799.06 | 04/30/2011 | 66,807.50 | 04/28/2012 | 72,880.66 | 05/04/2013 | 61,102.92 |
| 05/08/2010 | 67,403.54 | 05/07/2011 | 66,379.74 | 05/05/2012 | 71,582.30 | 05/11/2013 | 57,428.70 |
| 05/15/2010 | 70,186.32 | 05/14/2011 | 66,699.76 | 05/12/2012 | 63,357.92 | 05/18/2013 | 61,172.80 |
| 05/22/2010 | 64,695.71 | 05/21/2011 | 63,210.44 | 05/19/2012 | 78,984.36 | 05/25/2013 | 57,131.24 |
| 05/29/2010 | 67,157.40 | 05/28/2011 | 64,724.06 | 05/26/2012 | 67,396.24 | 06/01/2013 | 65,920.66 |
| 06/05/2010 | 77,371.80 | 06/04/2011 | 74,952.34 | 06/02/2012 | 76,959.44 | 06/08/2013 | 55,233.74 |
| 06/12/2010 | 66,106.29 | 06/11/2011 | 62,203.12 | 06/09/2012 | 63,584.86 | 06/15/2013 | 54,067.52 |
| 06/19/2010 | 64,888.48 | 06/18/2011 | 61,200.76 | 06/16/2012 | 59,436.12 | 06/22/2013 | 54,690.28 |
| 06/26/2010 | 63,950.29 | 06/25/2011 | 65,470.44 | 06/23/2012 | 55,921.30 | 06/29/2013 | 55,991.38 |
| 06/30/2010 | 29,667.19 | 06/30/2011 | 34,351.16 | 06/30/2012 | 58,207.40 | 06/30/2013 | 11,509.54 |

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TOTALS **4041141.56**

**4016541.01**

**4124906.8**

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**3580645.18**

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**489435.7**

Table Game Revenue

| <b>Date</b>            | <b>Amount</b>    | <b>Date</b>            | <b>Amount</b>     | <b>Date</b>            | <b>Amount</b>     |
|------------------------|------------------|------------------------|-------------------|------------------------|-------------------|
| July/August, 2010      | 154,185.68       | July, 2011             | 141,718.01        | July, 2012             | 138,663.64        |
| September, 2010        | 94,247.84        | August, 2011           | 137,473.92        | August, 2012           | 133,245.83        |
| October, 2010          | 105,903.60       | September, 2011        | 110,375.25        | September, 2012        | 127,532.40        |
| November, 2010         | 108,717.67       | October, 2011          | 124,273.94        | October, 2012          | 126,482.02        |
| December, 2010         | 118,721.11       | November, 2011         | 121,118.87        | November, 2012         | 134,443.93        |
| January, 2011          | 106,189.21       | December, 2011         | 140,509.93        | December, 2012         | 146,677.92        |
| February, 2011         | 105,776.45       | January, 2012          | 137,812.68        | January, 2013          | 132,650.35        |
| March, 2011            | 120,927.10       | February, 2012         | 142,770.01        | February, 2013         | 121,636.62        |
| April, 2011            | 130,654.61       | March, 2012            | 151,845.46        | March, 2013            | 149,033.62        |
| May, 2011              | 130,492.02       | April, 2012            | 127,862.26        | April, 2013            | 105,545.23        |
| June, 2011             | 121,576.41       | May, 2012              | 137,905.13        | May, 2013              | 109,747.38        |
|                        |                  | June, 2012             | 129,235.38        | June, 2013             | 104,803.37        |
| <b>Total 2010-2011</b> | <b>1297391.7</b> | <b>Total 2011-2012</b> | <b>1602900.84</b> | <b>Total 2011-2012</b> | <b>1530462.31</b> |

### Table Game Revenue Distribution - Jefferson County School Board

| <u>Date</u>            | <u>Amount</u>       |
|------------------------|---------------------|
| July, 2011             | 425,154.03          |
| August, 2011           | 412,421.76          |
| September, 2011        | 331,125.75          |
| October, 2011          | 372,821.82          |
| November, 2011         | 363,356.61          |
| December, 2011         | 421,529.79          |
| January, 2012          | 413,438.04          |
| February, 2012         | 428,310.03          |
| March, 2012            | 455,536.38          |
| April, 2012            | 383,586.78          |
| May, 2012              | 413,715.39          |
| June, 2012             | 387,706.12          |
| <u>Total 2011-2012</u> | <u>4,808,702.50</u> |

| <u>Date</u>            | <u>Amount</u>       |
|------------------------|---------------------|
| July, 2012             | 415,990.92          |
| August, 2012           | 399,737.49          |
| September, 2012        | 382,597.20          |
| October, 2012          | 379,446.06          |
| November, 2012         | 403,331.79          |
| December, 2012         | 440,033.75          |
| January, 2013          | 397,951.05          |
| February, 2013         | 381,857.07          |
| March, 2013            | 447,100.86          |
| April, 2013            | 316,635.69          |
| May, 2013              | 329,242.14          |
| June, 2013             | 314,410.11          |
| <u>Total 2011-2012</u> | <u>4,608,334.13</u> |

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| <b>Week Ending Date</b>                                  | <b>Week Ending</b>         |
|----------------------------------------------------------|----------------------------|
|                                                          | August 3, 2013             |
|                                                          | FY14                       |
| <b>To be Deposited on:</b>                               | August 9, 2013             |
| <b>Amount Played</b>                                     | <b>65,006,013.93</b>       |
| <b>Amount Won</b>                                        | <b>58,696,137.92</b>       |
| <b>Amount Promo</b>                                      | <b>255,048.00</b>          |
| <b>MWAP Contribution</b>                                 | <b><u>3,745.18</u></b>     |
| <b>Adjusted Gross Terminal Revenue</b>                   | <b><u>6,051,082.83</u></b> |
| <b>Administrative Costs @ 4%</b>                         | <b>242,043.31</b>          |
| <b>Excess Lottery Fund @ 4%</b>                          | <b><u>0.00</u></b>         |
| <b>Net Terminal Revenue</b>                              | <b><u>5,809,039.52</u></b> |
| <b>Surcharge @ 10%</b>                                   | <b>0.00</b>                |
| <b>State Share Excess @ 58%</b>                          | <b>0.00</b>                |
| <b>Track Share of Capital Reinvestment @ 42%</b>         | <b>0.00</b>                |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i>   | <i>0.00</i>                |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>    | <i>0.00</i>                |
| <b>Adjusted Net Terminal Revenue</b>                     | <b><u>5,809,039.52</u></b> |
| <b>Racetrack @ 46.50% / 42%</b>                          | <b>2,701,203.38</b>        |
| <b>Lottery Fund @ 30% / 0%</b>                           | <b>1,742,711.81</b>        |
| <b>Excess Lottery Fund @ 0% / 41%</b>                    | <b>0.00</b>                |
| <b>Race Track Purses @ 7% / 14% / 8%</b>                 | <b>406,632.77</b>          |
| <b>Workers' Compensation Debt Reduction @ 7% / 0%</b>    | <b>406,632.77</b>          |
| <b>Employee Pension Fund @ 1% / .5%</b>                  | <b>58,090.40</b>           |
| <b>Greyhound Development @ .75%</b>                      | <b>43,567.80</b>           |
| <b>Thoroughbred Development @ .75%</b>                   | <b>43,567.80</b>           |
| <b>Racing Commission @ 1%</b>                            | <b>58,090.40</b>           |
| <b>County/Municipality @ 2%</b>                          | <b>116,180.80</b>          |
| <b>3% Funds:</b>                                         |                            |
| <b>Tourism Promotion Fund @ 1.375%</b>                   | <b>79,874.29</b>           |
| <b>Development Office Promotion Fund @ .375%</b>         | <b>21,783.90</b>           |
| <b>Research Challenge Fund @ .5%</b>                     | <b>29,045.20</b>           |
| <b>Capitol Renovation and Improvement Fund @ .6875%</b>  | <b>39,937.15</b>           |
| <b>2004 Capitol Complex Parking Garage Fund @ .0625%</b> | <b>3,630.65</b>            |
| <b>1% Funds:</b>                                         |                            |
| <b>State Capitol Complex Parking Garage @ 1%</b>         | <b>16,698.11</b>           |
| <b>Cultural Facilities and Capitol Resources @ .5%</b>   | <b>20,696.14</b>           |
| <b>Capitol Dome and Capitol Improvements @ .5% / 1%</b>  | <b><u>20,696.15</u></b>    |
|                                                          | <b><u>5,809,039.52</u></b> |

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2014

Charles Town  
 1999 Net Terminal Revenue \$ 45,603,174  
 Benchmark Goal @ 2% \$ 912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 6 days ending:<br>07/06/13 | \$ 123,196.88                | \$ 123,196.88             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:<br>07/13/13   | \$ 128,060.40                | \$ 128,060.40             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/20/13                   | \$ 115,128.84                | \$ 115,128.84             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/27/13                   | \$ 123,049.56                | \$ 123,049.56             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/03/13                   | \$ 116,180.80                | \$ 116,180.80             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Subtotal                   | \$ 605,616.48                | \$ 605,616.48             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ 306,447.00

**VIDEO LOTTERY REPORT**

| FY 2010      |            | FY 2011    |            | FY 2012    |            | FY 2013    |            | FY 2014    |            |
|--------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Date         | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     |
| 07/04/2009 * | 128,262.42 | 07/03/2010 | 115,402.58 | 7/1-2/2011 | 69,824.12  | 07/07/2012 | 161,637.92 | 07/06/2013 | 123,196.88 |
| 07/11/2009   | 168,815.08 | 07/10/2010 | 205,731.64 | 07/09/2011 | 171,717.28 | 07/14/2012 | 129,458.04 | 07/13/2013 | 128,060.40 |
| 07/18/2009   | 160,652.98 | 07/17/2010 | 161,386.76 | 07/16/2011 | 143,019.52 | 07/21/2012 | 130,037.00 | 07/20/2013 | 115,128.84 |
| 07/25/2009   | 158,869.08 | 07/24/2010 | 160,368.28 | 07/23/2011 | 146,508.00 | 07/28/2012 | 137,164.44 | 07/27/2013 | 123,049.56 |
| 08/01/2009   | 174,493.08 | 07/31/2010 | 157,802.08 | 07/30/2011 | 144,510.28 | 08/04/2012 | 132,931.16 | 08/03/2013 | 116,180.80 |
| 08/08/2009   | 138,408.80 | 08/07/2010 | 136,494.98 | 08/06/2011 | 151,495.28 | 08/11/2012 | 134,212.88 |            |            |
| 08/15/2009   | 81,222.14  | 08/14/2010 | 78,376.68  | 08/13/2011 | 117,350.38 | 08/18/2012 | 110,241.90 |            |            |
| 08/22/2009   | 76,260.31  | 08/21/2010 | 76,199.02  | 08/20/2011 | 71,614.12  | 08/25/2012 | 66,209.90  |            |            |
| 08/29/2009   | 80,472.92  | 08/28/2010 | 72,460.03  | 08/27/2011 | 63,432.14  | 09/01/2012 | 67,133.42  |            |            |
| 09/05/2009   | 80,798.15  | 09/04/2010 | 76,362.84  | 09/03/2011 | 80,837.76  | 09/08/2012 | 74,029.40  |            |            |
| 09/12/2009   | 86,286.92  | 09/11/2010 | 82,969.36  | 09/10/2011 | 84,845.80  | 09/15/2012 | 61,838.04  |            |            |
| 09/19/2009   | 70,010.15  | 09/18/2010 | 67,638.78  | 09/17/2011 | 66,748.62  | 09/22/2012 | 56,996.90  |            |            |
| 09/26/2009   | 69,316.87  | 09/25/2010 | 70,435.06  | 09/24/2011 | 68,929.80  | 09/29/2012 | 61,611.40  |            |            |
| 10/03/2009   | 72,286.04  | 10/02/2010 | 71,013.86  | 10/01/2011 | 68,871.64  | 10/06/2012 | 62,715.20  |            |            |
| 10/10/2009   | 69,650.63  | 10/09/2010 | 69,311.50  | 10/08/2011 | 70,866.90  | 10/13/2012 | 60,710.18  |            |            |
| 10/17/2009   | 73,560.21  | 10/16/2010 | 75,234.62  | 10/15/2011 | 75,262.66  | 10/20/2012 | 62,333.08  |            |            |
| 10/24/2009   | 67,581.66  | 10/23/2010 | 70,290.80  | 10/22/2011 | 68,757.72  | 10/27/2012 | 58,073.54  |            |            |
| 10/31/2009   | 64,528.30  | 10/30/2010 | 65,615.04  | 10/29/2011 | 60,507.98  | 11/03/2012 | 56,545.30  |            |            |
| 11/07/2009   | 63,741.59  | 11/06/2010 | 61,337.62  | 11/05/2011 | 70,673.88  | 11/10/2012 | 56,110.96  |            |            |
| 11/14/2009   | 65,959.64  | 11/13/2010 | 64,595.28  | 11/12/2011 | 67,627.10  | 11/17/2012 | 57,432.36  |            |            |
| 11/21/2009   | 59,547.05  | 11/20/2010 | 56,010.08  | 11/19/2011 | 60,690.60  | 11/24/2012 | 65,888.86  |            |            |
| 11/28/2009   | 72,399.98  | 11/27/2010 | 71,170.90  | 11/26/2011 | 74,140.54  | 12/01/2012 | 50,243.34  |            |            |
| 12/05/2009   | 51,006.51  | 12/04/2010 | 53,215.08  | 12/03/2011 | 59,429.94  | 12/08/2012 | 50,770.96  |            |            |
| 12/12/2009   | 52,460.58  | 12/11/2010 | 46,944.00  | 12/10/2011 | 51,395.44  | 12/15/2012 | 47,022.38  |            |            |
| 12/19/2009   | 32,834.39  | 12/18/2010 | 42,076.76  | 12/17/2011 | 55,981.32  | 12/22/2012 | 46,838.96  |            |            |
| 12/26/2009   | 53,406.34  | 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  |            |            |
| 01/02/2010   | 92,980.40  | 01/01/2011 | 85,152.12  | 12/31/2011 | 94,661.00  | 01/05/2013 | 71,673.52  |            |            |
| 01/09/2010   | 55,020.46  | 01/08/2011 | 54,301.30  | 01/07/2012 | 74,863.40  | 01/12/2013 | 50,416.30  |            |            |
| 01/16/2010   | 60,551.28  | 01/15/2011 | 54,005.90  | 01/14/2012 | 58,901.92  | 01/19/2013 | 51,211.88  |            |            |
| 01/23/2010   | 69,943.53  | 01/22/2011 | 60,924.74  | 01/21/2012 | 61,819.92  | 01/26/2013 | 46,966.26  |            |            |
| 01/30/2010   | 48,527.75  | 01/29/2011 | 48,036.94  | 01/28/2012 | 62,898.78  | 02/02/2013 | 52,067.92  |            |            |
| 02/06/2010   | 37,155.14  | 02/05/2011 | 60,777.44  | 02/04/2012 | 72,154.66  | 02/09/2013 | 52,222.20  |            |            |
| 02/13/2010   | 44,334.00  | 02/12/2011 | 67,471.84  | 02/11/2012 | 66,429.04  | 02/16/2013 | 64,243.52  |            |            |
| 02/20/2010   | 76,946.12  | 02/19/2011 | 72,018.54  | 02/18/2012 | 77,455.88  | 02/23/2013 | 64,115.70  |            |            |
| 02/27/2010   | 72,024.40  | 02/26/2011 | 75,544.02  | 02/25/2012 | 77,611.78  | 03/02/2013 | 62,602.74  |            |            |

|            |           |            |           |            |           |            |           |
|------------|-----------|------------|-----------|------------|-----------|------------|-----------|
| 03/06/2010 | 76,936.85 | 03/05/2011 | 74,535.34 | 03/03/2012 | 75,963.86 | 03/09/2013 | 59,213.26 |
| 03/13/2010 | 71,007.37 | 03/12/2011 | 66,979.48 | 03/10/2012 | 76,808.62 | 03/16/2013 | 62,366.36 |
| 03/20/2010 | 74,335.38 | 03/19/2011 | 73,113.26 | 03/17/2012 | 76,883.92 | 03/23/2013 | 59,841.02 |
| 03/27/2010 | 69,941.88 | 03/26/2011 | 68,490.80 | 03/24/2012 | 72,108.36 | 03/30/2013 | 57,567.98 |
| 04/03/2010 | 70,636.28 | 04/02/2011 | 70,846.58 | 03/31/2012 | 74,244.22 | 04/06/2013 | 63,108.84 |
| 04/10/2010 | 69,692.79 | 04/09/2011 | 67,076.78 | 04/07/2012 | 75,382.98 | 04/13/2013 | 56,849.30 |
| 04/17/2010 | 69,335.92 | 04/16/2011 | 64,698.56 | 04/14/2012 | 71,065.34 | 04/20/2013 | 55,432.12 |
| 04/24/2010 | 68,714.11 | 04/23/2011 | 67,674.14 | 04/21/2012 | 68,055.08 | 04/27/2013 | 58,612.74 |
| 05/01/2010 | 68,799.06 | 04/30/2011 | 66,807.50 | 04/28/2012 | 72,880.66 | 05/04/2013 | 61,102.92 |
| 05/08/2010 | 67,403.54 | 05/07/2011 | 66,379.74 | 05/05/2012 | 71,582.30 | 05/11/2013 | 57,428.70 |
| 05/15/2010 | 70,186.32 | 05/14/2011 | 66,699.76 | 05/12/2012 | 63,357.92 | 05/18/2013 | 61,172.80 |
| 05/22/2010 | 64,695.71 | 05/21/2011 | 63,210.44 | 05/19/2012 | 78,984.36 | 05/25/2013 | 57,131.24 |
| 05/29/2010 | 67,157.40 | 05/28/2011 | 64,724.06 | 05/26/2012 | 67,396.24 | 06/01/2013 | 65,920.66 |
| 06/05/2010 | 77,371.80 | 06/04/2011 | 74,952.34 | 06/02/2012 | 76,959.44 | 06/08/2013 | 55,233.74 |
| 06/12/2010 | 66,106.29 | 06/11/2011 | 62,203.12 | 06/09/2012 | 63,584.86 | 06/15/2013 | 54,067.52 |
| 06/19/2010 | 64,888.48 | 06/18/2011 | 61,200.76 | 06/16/2012 | 59,436.12 | 06/22/2013 | 54,690.28 |
| 06/26/2010 | 63,950.29 | 06/25/2011 | 65,470.44 | 06/23/2012 | 55,921.30 | 06/29/2013 | 55,991.38 |
| 06/30/2010 | 29,667.19 | 06/30/2011 | 34,351.16 | 06/30/2012 | 58,207.40 | 06/30/2013 | 11,509.54 |

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TOTALS 4041141.56

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4016541.01

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4124906.8

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3580645.18

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605616.5

Table Game Revenue

| <b>Date</b>            | <b>Amount</b>    | <b>Date</b>            | <b>Amount</b>     | <b>Date</b>            | <b>Amount</b>     |
|------------------------|------------------|------------------------|-------------------|------------------------|-------------------|
| July/August, 2010      | 154,185.68       | July, 2011             | 141,718.01        | July, 2012             | 138,663.64        |
| September, 2010        | 94,247.84        | August, 2011           | 137,473.92        | August, 2012           | 133,245.83        |
| October, 2010          | 105,903.60       | September, 2011        | 110,375.25        | September, 2012        | 127,532.40        |
| November, 2010         | 108,717.67       | October, 2011          | 124,273.94        | October, 2012          | 126,482.02        |
| December, 2010         | 118,721.11       | November, 2011         | 121,118.87        | November, 2012         | 134,443.93        |
| January, 2011          | 106,189.21       | December, 2011         | 140,509.93        | December, 2012         | 146,677.92        |
| February, 2011         | 105,776.45       | January, 2012          | 137,812.68        | January, 2013          | 132,650.35        |
| March, 2011            | 120,927.10       | February, 2012         | 142,770.01        | February, 2013         | 121,636.62        |
| April, 2011            | 130,654.61       | March, 2012            | 151,845.46        | March, 2013            | 149,033.62        |
| May, 2011              | 130,492.02       | April, 2012            | 127,862.26        | April, 2013            | 105,545.23        |
| June, 2011             | 121,576.41       | May, 2012              | 137,905.13        | May, 2013              | 109,747.38        |
|                        |                  | June, 2012             | 129,235.38        | June, 2013             | 104,803.37        |
| <b>Total 2010-2011</b> | <b>1297391.7</b> | <b>Total 2011-2012</b> | <b>1602900.84</b> | <b>Total 2011-2012</b> | <b>1530462.31</b> |

### Table Game Revenue Distribution - Jefferson County School Board

| <u>Date</u>            | <u>Amount</u>       |
|------------------------|---------------------|
| July, 2011             | 425,154.03          |
| August, 2011           | 412,421.76          |
| September, 2011        | 331,125.75          |
| October, 2011          | 372,821.82          |
| November, 2011         | 363,356.61          |
| December, 2011         | 421,529.79          |
| January, 2012          | 413,438.04          |
| February, 2012         | 428,310.03          |
| March, 2012            | 455,536.38          |
| April, 2012            | 383,586.78          |
| May, 2012              | 413,715.39          |
| June, 2012             | 387,706.12          |
| <u>Total 2011-2012</u> | <u>4,808,702.50</u> |

| <u>Date</u>            | <u>Amount</u>       |
|------------------------|---------------------|
| July, 2012             | 415,990.92          |
| August, 2012           | 399,737.49          |
| September, 2012        | 382,597.20          |
| October, 2012          | 379,446.06          |
| November, 2012         | 403,331.79          |
| December, 2012         | 440,033.75          |
| January, 2013          | 397,951.05          |
| February, 2013         | 381,857.07          |
| March, 2013            | 447,100.86          |
| April, 2013            | 316,635.69          |
| May, 2013              | 329,242.14          |
| June, 2013             | 314,410.11          |
| <u>Total 2011-2012</u> | <u>4,608,334.13</u> |