

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, AUGUST 29, 2013
9:30 A.M.
County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- Regular Meeting - August 15, 2013

APPROVAL OF PURCHASE ORDERS

- August 29, 2013

APPROVAL OF ACCOUNTS PAYABLE

- August 22, 2013
- August 29, 2013

PUBLIC COMMENT

PRESENTATIONS:

1. 9:45 a.m. Nikki Painter, Chief Deputy of Elections
- Cost/timing/budgeting of electronic voting equipment - Discussion/Action
2. 10:00 a.m. Debbie Keyser/Sandy McDonald
- Continuation of presentation of Financial Analysis Financial Director Report
- Discussion/Action
- Regional Jail Team - Discussion/Action
- Day Report Center Internal Analysis - Discussion/Action
- eCivis subscription renewal - Discussion/Action
3. 10:30 a.m. Debbie Keyser, County Administrator
- IT Update/IT Position - Discussion/Action
- IT Service Contract Metro Ethernet- Discussion/Action
4. 10:50 a.m. Debbie Keyser, County Administrator
- Bidding and Contract Policy - Discussion/Action

5. 11:00 a.m. BREAK
6. 11:15 a.m. Peter Dougherty, Sheriff
- Approval to hire replacement position of a Deputy - Discussion/Action
7. 11:30 a.m. Jennifer Brockman, Director Planning & Zoning
- Request by the Planning Commission that the County Commission reconsider their motion of 10/25/2013 regarding the Proposed Zoning Ordinance Text Amendment related to new Commercial and Industrial Zoning categories - Discussion/Action
- Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 8.15(new), 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments) - Discussion/Action

UNFINISHED BUSINESS:

8. Follow-up discussion regarding contracting the position of the Financial Consultant for the Jefferson County Commission - Discussion/Action (Executive Session) (PN)

NEW BUSINESS:

9. Approval of Contract and Resolution - Community Participation Grant Program for the Jefferson County Parks and Recreation in the amount of \$4,000 - Discussion/Action

FINANCIAL DIRECTOR REPORT:

- Approve to make adjustments to the State/Federal Grants funds for the period ending June 30, 2012 as per State Auditor - Discussion/Action

COUNTY ADMINISTRATOR REPORT:

COUNTY COMMISSIONERS REPORTS:

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

Jefferson County Water Advisory Committee - Quarterly Report - April 1, 2013 - June 30, 2013

CORRESPONDENCE:

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.

Letter from the WVCoRP regarding the Annual Business Meeting and Board Member Election on Friday, September 13, 2013 at 10:00 am.

Notice of Public Hearing on Proposed Stormwater Management Ordinance and Text Amendments - September 19, 2013 - 1:30 p. m.

WV Extension Office, notice of program - No-Till Farm Tour and Grain Bin Safety Demonstration.

Letter from the Jefferson County Development Authority regarding the Stormwater Ordinance.

Letter from Glen B. Gainer, State Auditor confirming understanding of services to the Jefferson County Historic Landmarks Commission for FY ended 2011 - 2013 audit.

Letter from the WV Department of Transportation regarding the Statewide Transportation Improvement Program (STIP).

Letter from James P. Whitacre, Councilperson, Berkeley County Council requesting support and vote for him during the election for board members to the WVCoRP board.

West Virginia Association of Counties - The County Line Newsletter - July 2013, Number 205.

West Virginia Ethics Reporter - August 2013.

Jefferson County 4-H Report, Summer 2013.

West Virginia Lottery Weekly Settlement for Charles Town week ending August 10, 2013.

West Virginia Lottery Weekly Settlement for Charles Town week ending August 17, 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 15, 2013

A meeting of the Jefferson County Commission was held on Thursday, August 15, 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 15, 2013 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Pellish led the Pledge of Allegiance.

Ms. Widmyer requested a point of order on the agenda. Ms. Widmyer requested two agenda items, which address similar topics, and are separated on the agenda, to be combined. Agenda item #12, Discussion regarding contracting the position of the Chief Financial Officer for the Jefferson County Commission, follow-up discussion - Discussion/Action (Executive Session) (PN); and agenda item #16, Approval to move forward with hiring of Finance Director as advertised - Discussion/Action (LW). Ms. Noland stated she believed they required two separate actions and requested they remain separated. President Manuel ruled the two items could be heard consecutively but not combined.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the Minutes of the August 1, 2013 County Commission Meeting with noted corrections. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Ms. Noland to approve Purchase Orders in the amount of \$33,653.46 to include P.O. Nos., 51851, 5185, 51445, 51699, 51700, 51790, 51848, 50025, 51787, 51845, 51847, 51852, 51853, 51854, 51855, 51859, 51860, 51861, 51642, 51644, 51645, 51647, 51648, 52110, 52111, 51846, and 51856.

APPROVAL OF ACCOUNTS PAYABLE

CHKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
070424	425	A. F. MCCORMICK	51774	\$ 325.00	\$ -	\$ 325.00
070425	425	ALLIANCE ELECTRIC LLC	51773	\$ 855.00	\$ -	\$ 855.00
070426	700	AUTOSERV	51501	\$ 100.00	\$ -	\$ 100.00
070427	712	B-K OFFICE SUPPLY INC	51701	\$ 40.00	\$ -	\$ 40.00

070428	425	CITY OF CHARLES TOWN	51785	\$ 380.00	\$ -	\$ 380.00
070429	424	CHARLES TOWN UTILITIES		\$ -	\$ 64.40	\$ 64.40
070429	425	CHARLES TOWN UTILITIES		\$ -	\$ 767.45	\$ 767.45
070430	405	MARCIA L. CHANDLER, RPR	51643	\$ 462.00	\$ -	\$ 462.00
070431	712	CPI COMPUTR PROJECT F/IL	51702	\$ 1,560.00	\$ -	\$ 1,560.00
070432	403	COAST TO COAST COMPUTER	51442	\$ 1,094.37	\$ -	\$ 1,094.37
070433	425	COVENANT BUILDING MAINT		\$ -	\$ 11,827.43	\$ 11,827.43
070434	425	DODSON'S SEPTIC	51779	\$ 520.00	\$ -	\$ 520.00
070435	717	DONALD B. RICE TIRE CO.	51781	\$ 1,135.59	\$ -	\$ 1,135.59
070436	424	84 LUMBER		\$ -	\$ 30.44	\$ 30.44
070436	425	84 LUMBER		\$ -	\$ 558.33	\$ 558.33
070437	405	FEDEX		\$ -	\$ 34.92	\$ 34.92
070438	717	FISHER AUTO PARTS		\$ -	\$ 1,309.07	\$ 1,309.07
070439	717	FLEETPRIDE	51777	\$ 126.44	\$ -	\$ 126.44
070439	717	FLEETPRIDE	51844	\$ 51.00	\$ -	\$ 51.00
070440	700	GALLS,AN ARAMARK CO	51505	\$ 812.00	\$ -	\$ 812.00
070440	700	GALLS,AN ARAMARK CO	51505	\$ 1,327.40	\$ -	\$ 1,327.40
070440	700	GALLS,AN ARAMARK CO	51505	\$ 2,225.15	\$ -	\$ 2,225.15
070440	701	GALLS,AN ARAMARK CO	51508	\$ 1,672.10	\$ -	\$ 1,672.10
070441	424	GRAINGER, INC	51780	\$ 247.10	\$ -	\$ 247.10
070442	716	THE JOURNAL	51503	\$ 568.85	\$ -	\$ 568.85
070443	425	JEFFERSON COUNTY SOLID	51761	\$ 82.16	\$ -	\$ 82.16
070444	712	JEFFERSON MEMORIAL HOSPT	51671	\$ 30.00	\$ -	\$ 30.00
070445	717	J & K PRECISION AUTO CAR	51786	\$ 54.95	\$ -	\$ 54.95
070446	700	GLENDON KINCAID		\$ -	\$ 7.30	\$ 7.30
070447	405	RALPH A LORENZETTI JR		\$ -	\$ 994.90	\$ 994.90
070448	717	MILLER'S CHRYSLER JEEP	51783	\$ 124.09	\$ -	\$ 124.09
070448	717	MILLER'S CHRYSLER JEEP	51850	\$ 16.51	\$ -	\$ 16.51
070449	412	SHAY MCNEIL		\$ -	\$ 693.32	\$ 693.32
070450	405	HARRY A. MILMAN, PH.D	51641	\$ 850.00	\$ -	\$ 850.00
070451	717	MARTINS MACHINE SHOP LL	51778	\$ 274.64	\$ -	\$ 274.64
070452	700	NO RULES LETTERING 2013	51502	\$ 800.00	\$ -	\$ 800.00
070453	402	KAREN OLDEN		\$ -	\$ 429.97	\$ 429.97
070454	403	PIFER OFFICE SUPPLY, INC	51440	\$ 7.25	\$ -	\$ 7.25
070455	424	POTOMAC EDISON/OH		\$ -	\$ 2,311.18	\$ 2,311.18
070455	425	POTOMAC EDISON/OH		\$ -	\$ 2,185.71	\$ 2,185.71
070455	425	POTOMAC EDISON/OH		\$ -	\$ 13,443.99	\$ 13,443.99
070456	716	PATTERSON VETERINRY SPPL	51500	\$ 255.80	\$ -	\$ 255.80
070457	700	WILLIAM POTTER		\$ -	\$ 13.65	\$ 13.65
070458	700	ROCIC	51504	\$ 300.00	\$ -	\$ 300.00

070459	425	RCS SECURITY	51772	\$ 256.79	\$ -	\$ 256.79
070460	GRANT	RCS SECURITY		\$ -	\$ 554.40	\$ 554.40
070461	402	RECORD MANAGEMENT SOLUTN	51631	\$ 35.00	\$ -	\$ 35.00
070462	PAYROLL	RETIREE HLTH BENEFIT TRS		\$ -	\$ 6,668.00	\$ 6,668.00
070463	403	WV ASSOC OF CIRCUIT CLER	51444	\$ 175.00	\$ -	\$ 175.00
070464	425	SHERWIN-WILLIAMS		\$ -	\$ 85.81	\$ 85.81
070465	712	SEN COMMUNICATIONS	51708	\$ 125.00	\$ -	\$ 125.00
070465	712	SEN COMMUNICATIONS	51709	\$ 125.00	\$ -	\$ 125.00
070466	425	SHENANDOAH VALLEY WATER		\$ -	\$ 645.60	\$ 645.60
070467	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 15,157.56	\$ 15,157.56
070468	700	SIG SAUER INC.	51499	\$ 645.00	\$ -	\$ 645.00
070469	700	THOMASSEN FORD MERCURY	51498	\$ 127.60	\$ -	\$ 127.60
070470	425	CAPITAL TRISTATE		\$ -	\$ 5,740.42	\$ 5,740.42
070471	403	UNITED SYSTEMS & SOFTWARE		\$ -	\$ 549.50	\$ 549.50
070472	PAYROLL	UNICARE EAP		\$ -	\$ 322.20	\$ 322.20
070473	403	VITAL SIGNS	51435	\$ 519.84	\$ -	\$ 519.84
070474	716	VALLEY PET CEMETERY	50368	\$ 494.00	\$ -	\$ 494.00
070475	424	WINCHESTER EQUIPMENT CO	51776	\$ 717.34	\$ -	\$ 717.34
070476	700	WV SHERIFFS ASSOCIATION	51506	\$ 1,600.00	\$ -	\$ 1,600.00
070477	403	WALZ GROUP, LLC	51441	\$ 872.26	\$ -	\$ 872.26
070478	428	WVNET		\$ -	\$ 200.00	\$ 200.00
070479	402	XEROX CORPORATION	51632	\$ 1,357.06	\$ -	\$ 1,357.06
TOTAL						\$ 87,942.84
TOTAL				\$ 23,347.29	\$ 64,595.55	\$ 87,942.84

Motion by Ms. Widmyer to approve the accounts payable for August 8, 2013 in the amount of \$87,942.84. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
070482	424	AT&T/IL		\$ -	\$ 0.21	\$ 0.21
070483	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 2,236.52	\$ 2,236.52
070484	700	KEVIN J. BOYCE		\$ -	\$ 109.63	\$ 109.63
070485	424	BOLAND SERVICES	51763	\$ 270.00	\$ -	\$ 270.00
070485	425	BOLAND SERVICES	51764	\$ 991.01	\$ -	\$ 991.01
070486	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
070487	PAYROLL	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31
070488	439	JENNIFER M. BROCKMAN		\$ -	\$ 104.10	\$ 104.10
070488	439	JENNIFER M. BROCKMAN		\$ -	\$ 16.00	\$ 16.00
070489	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54

070490	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 23.08	\$ 23.08
070491	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
070492	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
070493	402	CLERK OF CO. COMMISSION	43620	\$ 79.88	\$ -	\$ 79.88
070494	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
070495	425	DELL MARKETING LP	51769	\$ 1,121.40	\$ -	\$ 1,121.40
070496	428	DELL MARKETING LP		\$ -	\$ 5,373.76	\$ 5,373.76
070497	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
070498	700	PETER DOUGHERTY		\$ -	\$ 123.75	\$ 123.75
070499	413	ESS ELECTION SYSTEMS &	51789	\$ 10,401.68	\$ -	\$ 10,401.68
070500	424	J.C.EHRLICH		\$ -	\$ 34.00	\$ 34.00
070500	425	J.C.EHRLICH		\$ -	\$ 604.56	\$ 604.56
070501	712	KAREN ECHEMENT		\$ -	\$ 7.45	\$ 7.45
070502	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 21,602.80	\$ 21,602.80
070503	401	RICOH USA, INC		\$ -	\$ 29.06	\$ 29.06
070503	403	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
070503	404	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
070503	405	RICOH USA, INC		\$ -	\$ 87.21	\$ 87.21
070503	406	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
070503	425	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
070503	433	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
070503	440	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
070503	700	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
070503	712	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
070504	PAYROLL	ING NATIONAL TRUST		\$ -	\$ 3,010.00	\$ 3,010.00
070505	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 176.72	\$ 176.72
070506	700	JEFF CO DEPUTY SHERIFF'S		\$ -	\$ 363.00	\$ 363.00
070507	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 2,236.52	\$ 2,236.52
070508	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 78.96	\$ 78.96
070509	425	JEFFERSON COUNTY SOLID	51761	\$ 49.77	\$ -	\$ 49.77
070510	425	JEFFERSON UTILITIES INC		\$ -	\$ 569.52	\$ 569.52
070511	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 4,843.00	\$ 4,843.00
070511	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 40.00	\$ 40.00
070512	717	J & K PRECISION AUTO CAR	51858	\$ 18.95	\$ -	\$ 18.95
070513	712	LANGUAGE LINE SERVICES		\$ -	\$ 320.45	\$ 320.45
070514	402	MATTHEW BENDER & CO	51791	\$ 67.89	\$ -	\$ 67.89
070514	403	MATTHEW BENDER & CO	51446	\$ 59.49	\$ -	\$ 59.49
070515	PAYROLL	HIGHMARK WV		\$ -	\$ 184,121.28	\$ 184,121.28
070516	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
070517	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00

070518	424	NEOPOST USA INC.	51762	\$ 79.98	\$ -	\$ 79.98
070519	ALLOC	JEFF CO PARKS &		\$ -	\$ 23,483.49	\$ 23,483.49
070520	402	PIFER OFFICE SUPPLY, INC	51792	\$ 37.12	\$ -	\$ 37.12
070521	405	POSTMASTER CHARLES TOWN	51646	\$ 88.00	\$ -	\$ 88.00
070522	425	RCS SECURITY		\$ -	\$ 282.00	\$ 282.00
070523	403	RECORD MANAGEMENT SOLUTN	51438	\$ 60.00	\$ -	\$ 60.00
070524	403	SOFTWARE SYSTEMS, INC	51439	\$ 394.88	\$ -	\$ 394.88
070524	424	SOFTWARE SYSTEMS, INC	51439	\$ 450.00	\$ -	\$ 450.00
070524	401	SOFTWARE SYSTEMS, INC		\$ -	\$ 1,540.25	\$ 1,540.25
070524	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 27.00	\$ 27.00
070524	403	SOFTWARE SYSTEMS, INC		\$ -	\$ 619.00	\$ 619.00
070524	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 805.00	\$ 805.00
070524	405	SOFTWARE SYSTEMS, INC		\$ -	\$ 457.50	\$ 457.50
070524	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 52.00	\$ 52.00
070524	428	SOFTWARE SYSTEMS, INC		\$ -	\$ 213.50	\$ 213.50
070525	405	SPECIALTY BUS SUPPLIES	51639	\$ 1,287.40	\$ -	\$ 1,287.40
070526	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 39.04	\$ 39.04
070526	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 166.94	\$ 166.94
070526	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 43,252.82	\$ 43,252.82
070526	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 25.98	\$ 25.98
070526	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,115.60	\$ 10,115.60
070526	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 111.10	\$ 111.10
070526	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 40,781.34	\$ 40,781.34
070526	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 129.54	\$ 129.54
070526	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 146.75	\$ 146.75
070527	401	STAPLES CREDIT PLAN		\$ -	\$ 288.83	\$ 288.83
070527	412	STAPLES CREDIT PLAN		\$ -	\$ 105.01	\$ 105.01
070527	424	STAPLES CREDIT PLAN		\$ -	\$ 145.47	\$ 145.47
070527	700	STAPLES CREDIT PLAN		\$ -	\$ 912.46	\$ 912.46
070527	712	STAPLES CREDIT PLAN		\$ -	\$ 189.33	\$ 189.33
070528	711	SOFTWARE COMPUTER GROUP	50010	\$ 150.00	\$ -	\$ 150.00
070529	717	THOMASSEN FORD MERCURY	51862	\$ 43.60	\$ -	\$ 43.60
070530	700	VINCENT TIONG		\$ -	\$ 11.65	\$ 11.65
070530	700	VINCENT TIONG		\$ -	\$ 25.15	\$ 25.15
070531	401	UNITED BANKCARD CENTER		\$ -	\$ 62.56	\$ 62.56
070531	401	UNITED BANKCARD CENTER		\$ -	\$ 672.47	\$ 672.47
070531	402	UNITED BANKCARD CENTER		\$ -	\$ 24.90	\$ 24.90
070531	402	UNITED BANKCARD CENTER		\$ -	\$ 5.00	\$ 5.00
070531	403	UNITED BANKCARD CENTER		\$ -	\$ 760.79	\$ 760.79
070531	412	UNITED BANKCARD CENTER		\$ -	\$ 451.37	\$ 451.37

070531	415	UNITED BANKCARD CENTER		\$ -	\$ 75.80	\$ 75.80
070531	424	UNITED BANKCARD CENTER		\$ -	\$ 34.03	\$ 34.03
070531	424	UNITED BANKCARD CENTER		\$ -	\$ 25,013.05	\$ 25,013.05
070531	424	UNITED BANKCARD CENTER		\$ -	\$ 103.60	\$ 103.60
070531	425	UNITED BANKCARD CENTER		\$ -	\$ 184.83	\$ 184.83
070531	425	UNITED BANKCARD CENTER		\$ -	\$ 90.30	\$ 90.30
070531	425	UNITED BANKCARD CENTER		\$ -	\$ 142.26	\$ 142.26
070531	425	UNITED BANKCARD CENTER		\$ -	\$ 35.66	\$ 35.66
070531	428	UNITED BANKCARD CENTER		\$ -	\$ 352.60	\$ 352.60
070531	433	UNITED BANKCARD CENTER		\$ -	\$ 104.48	\$ 104.48
070531	440	UNITED BANKCARD CENTER		\$ -	\$ 20.00	\$ 20.00
070531	GRANT	UNITED BANKCARD CENTER		\$ -	\$ 2,542.02	\$ 2,542.02
070531	700	UNITED BANKCARD CENTER		\$ -	\$ 511.60	\$ 511.60
070531	700	UNITED BANKCARD CENTER		\$ -	\$ 15.93	\$ 15.93
070531	700	UNITED BANKCARD CENTER		\$ -	\$ 96.92	\$ 96.92
070531	700	UNITED BANKCARD CENTER		\$ -	\$ 2,399.60	\$ 2,399.60
070531	700	UNITED BANKCARD CENTER		\$ -	\$ 55.10	\$ 55.10
070531	711	UNITED BANKCARD CENTER		\$ -	\$ 154.00	\$ 154.00
070531	711	UNITED BANKCARD CENTER		\$ -	\$ 25.00	\$ 25.00
070531	711	UNITED BANKCARD CENTER		\$ -	\$ 678.41	\$ 678.41
070531	711	UNITED BANKCARD CENTER		\$ -	\$ 25.00	\$ 25.00
070531	711	UNITED BANKCARD CENTER		\$ -	\$ 25.00	\$ 25.00
070531	712	UNITED BANKCARD CENTER		\$ -	\$ 9.99	\$ 9.99
070531	712	UNITED BANKCARD CENTER		\$ -	\$ 3,872.39	\$ 3,872.39
070531	712	UNITED BANKCARD CENTER		\$ -	\$ 40.65	\$ 40.65
070531	717	UNITED BANKCARD CENTER		\$ -	\$ 1,141.56	\$ 1,141.56
070531	717	UNITED BANKCARD CENTER		\$ -	\$ 242.83	\$ 242.83
070532	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 27,956.54	\$ 27,956.54
070533	424	VERIZON		\$ -	\$ 1,131.32	\$ 1,131.32
070534	405	WEST PAYMENT CENTER	51638	\$ 2,043.88	\$ -	\$ 2,043.88
070535	717	NAPA AUTO PARTS		\$ -	\$ 149.51	\$ 149.51
070536	425	WM OF WEST VIRGINIA, INC		\$ -	\$ 671.47	\$ 671.47
070536	716	WM OF WEST VIRGINIA, INC		\$ -	\$ 95.75	\$ 95.75
TOTAL						\$ 440,453.78
TOTAL				\$ 17,694.93	\$ 422,758.85	\$ 440,453.78

Motion by Mr. Manuel to approve the accounts payable for August 15, 2013 in the amount of \$440,453.78. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Nancy Lutz, resident – spoke regarding her concerns with the operations of the Jefferson County Transfer Station.

David Tabb, resident – shared his thoughts on the activities of the Commission.

Mr. Charles Howard, Assistant Prosecuting Attorney – introduced the new Assistant Prosecuting Attorney in the misdemeanor division, Mr. Neil Zahradnik.

PRESENTATIONS:

1. Angie Banks, Assessor - Exonerations

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Michelle N. McDougall	Middleway	Personal Property	312369	\$119.16

- **Motion by Ms. Noland to approve the Exoneration for Michelle N. McDougall as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Gail M. Whittington	Ranson	Personal Property	314605	\$102.12

- **Motion by Ms. Tabb to approve the Exoneration for Gail M. Whittington as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
James G. Alderton	Middleway	Real Estate	20144	\$1,399.51

- **Motion by Mr. Manuel to approve the Exoneration for James G. Alderton as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Ronald G. & Laura W. Clark	Harpers Ferry	Real Estate	15249	\$655.95

- **Motion by Ms. Widmyer to approve the Exoneration for Ronald G. & Laura W. Clark as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
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Michael Bernhardt	Charles Town	Personal Property	300673	\$221.96
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- **Motion by Ms. Tabb to approve the Exoneration for Michael Bernhart as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Roger L. Waybright	Charles Town	Personal Property	304860	\$151.87

- **Motion by Ms. Noland to approve the Exoneration for Roger L. Waybright as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Pamela Stirling	Harpers Ferry	Personal Property	308656	\$65.42

- **Motion by Ms. Tabb to approve the Exoneration for Pamela Stirling 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 2013 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 0000310478 District: Kabletown Ticket Total: \$266.36

NAME 1: Debbic F. Payne

<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>
Chev	Tahoe	2002	1GNEK13Z72J292153	3800	3	.023364	\$88.79
Pont	Vibe	2008	5Y2SK67848Z408524	5200	3	.023364	\$121.49

SUBTOTAL 1 \$210.28

NAME 2: William Vance Payne

<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>
Chev	C1500	1992	2GCEC19KSN1158174	1300	3	.023364	\$30.37
Kia	Sportage	2001	KNDJA723015065307	1100	3	.023364	\$25.71

SUBTOTAL \$56.08

SECTION II:

Filed with the County Commission this 15th day of August 2013.

- **Motion by Ms. Noland to order the apportionment of the assessment of taxes as determined and set forth by the County 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 2013 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 313384 District: Ranson Ticket Total: \$178.70

NAME 1: Cindy (Bennett) Miller

<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>
Pont	Firebird	2001	2G2FV22G012129314	3000	4	2.8364	\$85.09

SUBTOTAL 1 \$85.09

NAME 2: David Bennett

<i>Make</i>	<i>Model</i>	<i>Year</i>	<i>Vehicle Identification</i>	<i>Assessed</i>	<i>Class</i>	<i>Rate</i>	<i>Taxes</i>
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				<i>Value</i>			<i>Due</i>
Ford	Focus	2006	1FAFP37N86W169817	3200	4	2.8364	\$90.77
Trir	Carr (Util)	2008	4YMUL06148V158782	100	4	2.8364	\$2.84

SUBTOTAL 2 \$93.61

SECTION II:

Filed with the County Commission this 15th 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.**
2. Steve Rawlings, West Virginia Risk Pool addressed the Commission regarding West Virginia Risk Pool customer satisfaction. Mr. Rawlings gave an overview of the purpose and operations of the WV Risk Pool. He then briefly gave an overview of the county's participation and a comparison of claims for the past three (3) years including Workers Compensation.
 3. Approval of Resolution and Contract - Grant Resolution and application for the Governor's Community Participation Grant for the Saint Andrews Mountain Community Center in the amount of \$2,000.
 - **Motion by Ms. Noland 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. Motion seconded and unanimously approved.**
 4. Approval of Resolution and Contract – 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.
 - **Motion by Ms. Widmyer to approve the 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. Motion seconded and unanimously approved.**
 5. John Reisenweber, on behalf of the board of the Jefferson County Development Authority introduced their new Program Manager, Amy Allen. Ms. Allen comes with a wealth of marketing experience.

John Reisenweber, on behalf of the board of the Jefferson County Development Authority presented an Amendment to the Covenants and Restrictions for the Bardane Industrial Park, to be adopted at the Bardane Industrial Park Owner's Association on September 26, 2013. The amendment deletes paragraph 1 of the Covenants and Restriction in its entirety and replaces it 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.

Mr. Reisenweber requested the Commission approve the changes to the Burr/Bardane Covenants, as land owners in the Park and appoint a member of the Commission to attend the Owners meeting and cast the vote on behalf of the Commission.

- **Motion by Mr. Manuel to approve and endorse the Amendment to the Covenants and Restrictions for the Bardane Industrial Park and appoint Mr. Pellish as the Commission representative to cast the vote for them at the appropriate meeting. Motion seconded and unanimously approved.**

6. Jennifer Brockman, Director of Planning and Zoning. Ms. Brockman presented a request from the Jefferson County 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. Ms. Brockman stated she has consulted with legal counsel. As the Commission did not vote this issue down, but postponed the vote, the public hearing and public comment is still valid.

- **Ms. Tabb commented she had not had the opportunity to study this subject thoroughly and still had some issues related to this topic. Mr. Pellish recommended this agenda item be deferred until the next Commission meeting. It was the consensus of the Commission to hold this topic over to the next meeting of the body.**

7. Sheriff Dougherty presented the 2012-2013 Report on the Jefferson County Sheriff's Office. A brief synopsis of what the Sheriff's Department has done and the activities and the kinds of functionalities it has, including, but not limited to, the mailing of tax bills, collection of taxes, the service of process, Animal Control, mental health issues including detainment and transportation to mental health facilities, concealed weapons permits, family personal protective orders, and law enforcement. Sheriff Dougherty passed out a paper report to each of the Commissioners. Sheriff Dougherty also gave a brief presentation on the option of home confinement as to opposed to incarceration.

8. Lynn Fields, Probate, Special Session to approve and close estates.

- **Motion by Ms. Noland to enter into session as a Fiduciary Board. Motion seconded by Mr. Manuel and unanimously approved.**

SPECIAL SESSION

AUGUST 2013

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

At a Special Session of the County Commission of said County and State, begun and held at the Old Charles Town Library thereof, on Thursday, August 15th, 2013 beginning at 11:05 a.m.

PRESENT: Dale Manuel, President
Lyn Widmyer, Patsy Noland
Jane Tabb, and Walt Pellish, Commissioners

A list of Wills Probated, Executors qualified, Guardians, Administrators, & appointed since the last Regular Term of this Commission, to-wit: The SPECIAL SESSION AUGUST 2013 Term, thereof was this day presented to the Commission by the Clerk thereof, examined by it, and ordered filed:

Estate of Robert C. Keith, deceased, in Account with Honore A. Pons and Theresa Reuter, Co-Ancillary Executors

Estate of William H. Ketner, deceased, in Account with William H. Ketner, Jr., Executor

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

Estate of Jean K. Franzen, deceased, Waiver of Final Settlement, J. Lisa Franzen, Executrix

Accountings and Waivers of Final Settlement submitted from the Fiduciary Commissioner: June K. Jovanelly

Estate of Leila H. White, deceased, First and Final Accounting, Elizabeth Ann W. Miller, Executrix

- **Motion by Ms. Widmyer to accept and authorize the President's signature upon all such fiduciary accounts as presented by the probate office. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to come out of session as a Fidnciary Board. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to enter into session as a Fiduciary Board. Motion seconded by Mr. Mannel and unanimously approved.**
- **Motion by Ms. Tabb to close the Estate of Leila H. White as presented by the County Clerk and authorize the President's signature upon all such fiduciary accounts as presented by the probate office. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to come out of session as a Fiduciary Board. Motion seconded and unauimously approved.**

Ms. Fields' requested the Commission set a date and time for a Special Session to discuss and act upon Probate matters. It was the unanimous consent of the Commission to meet on September 12, 2013 at 9 a.m.

9. The Commission recessed for break at 11:20.
The Commission reconvened from break at 11:35.
10. Roger Goodwin, Chief Engineer, requested a 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.
 - **Motion by Ms. Tabb to authorize a complete release of the remaining \$251,697.00 from the construction bond amount for Dau Ryan Builders, LLC – The Preserve at Barleywood Subdivision, Lots 1-55 & 3 Residue Lots (File #04-16). Motion seconded and unanimously approved.**

Mr. Goodwin informed the Commission the new developer for the Sheridan Subdivision has purchased the notes/debit and is in the process of foreclosing on the project so they can take ownership. They believe they can get through the process and finish the work in phase I by October 31st.

Mr. Goodwin informed the Commission a Windmill Crossing lot owner is pressuring to get the sitework finished. The Engineering Department is working to get this project completed.

Property Safety issues – there are two property safety issues being worked on. One petition has been served and one property owner is avoiding being served. If they are unable to serve the property owner, they will serve them at their place of business.

11. Barbara Miller, Director of Homeland Security requested the County Commission approve the Memorandum of Agreement between Jefferson County and the Federal Emergency Management Agency Integrated Public Alert and Warning System (IPAWS) Program Management Office. Ms. Miller stated 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 (MOA). 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 within the MOA.

- **Motion by Mr. Pellish to approve the Memorandum of Agreement between Jefferson County and the FEMA Integrated Public Alert and Warning System (IPAWS) Program Management Office. Motion seconded and unanimously approved.**

Barbara Miller, Director of Homeland Security requested permission to contract with NIXLE for Nixle Engage Annual License. Ms. Miller stated they have been using the NIXLE free program for a year. This product is an upgrade that will allow them to target specific groups, such as the EOC Activation Group, Media Groups, Emergency Responders, etc. It also allows unlimited text, email and web notifications and 24 hour support. This expense was approved in the current budget.

- **Motion by Ms. Noland to approve the contract with NIXLE, as presented. Motion seconded and unanimously approved.**

13. Discussion regarding renewing of membership with the County Commissioners Association of West Virginia. Ms. Noland stated she was not sure what benefit membership in the County Commissioners Association of West Virginia affords them. Ms. Widmyer stated she would be open to having the Association come in and explain the benefits of belonging to the association. Ms. Noland stated the County is well represented by the West Virginia Association of Counties and they also represent the other five (5) elected officials. Mr. Manuel stated he believed there was more conflict with the group than help with legislative issues. Ms. Widmyer wanted to emphasize the County still has a voice and a lobby effort in Charleston through the West Virginia Association of Counties.

- **Motion by Ms. Noland to not renew our membership with the County Commissioners Association of West Virginia and if the check has gone out, to request a refund. Motion seconded and unanimously approved.**

14. Eastern Panhandle Regional Planning & Development Council – Region 9 – Annual Consolidated Project Listing update. The Consolidate 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 requested 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. Ms. Widmyer stated the Route 9 Bike Path Trail Signage is complete. Ms. Widmyer recommended the following projects she would like to see added to the Region 9 Project List.

#1 – Do what we can to create the entry into Rt. 340 coming into Jefferson County. Ms. Noland stated she would approach the board of the CVB and see if they have any objections to being added to the Region 9 project list.

#2 – Need for for an in-house, continuing care addiction/psychiatric care facility in the Eastern Panhandle.

Ms. Noland will submit to Region 9 the request for an in-house, continuing care facility for addiction and psychiatric care in the Eastern Panhandle to be added to the Region 9 Project List.

15. Discussion regarding contracting the position of the Chief Financial Officer for the Jefferson County Commission, follow-up discussion. Due to the confidentiality of contract negotiations, Ms. Noland requested an 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 approved on a vote of 4-1 with Ms. Widmyer opposing. Ms. Widmyer stated she is bothered by the process and this is a policy decision.**
- **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**

Ms. Noland stated she will acquire more information before the next meeting regarding entering into contract negotiations with a consultant to review the 2014 FY Budget and to submit recommendations. Ms. Noland stated she would like to hold this agenda item over until the next Commission meeting when more information is obtained.

16. Ms. Widmyer stated the Commission put on hold the hiring of a Financial Director due to the hiring freeze. Ms. Widmyer reminded the Commission that Ms. Keyser has advertised and received numerous resumes. Ms. Widmyer would like the Commission to direct the Administrator to move forward in the hiring of a Financial Director.

- **Motion by Ms. Widmyer to direct Ms. Keyser to move ahead in the review of applications in the search for a Financial Director. Motion seconded and unanimously approved.**

17. The Commission broke for lunch at 12:45 p.m.
The Commission reconvened from lunch at 1:49 p.m.

COUNTY ADMINISTRATOR REPORT

Ms. Keyser introduced Tom Riley, IT Consultant. Ms. Keyser stated an IT budget has been formulated for the year; Ms. Keyser passed the Data Processing budget out to the Commissioners showing the plan of action for the IT department. Due to the fact the County is under cash constraints, Ms. Keyser stated she felt permission from the Commission was needed to purchase two (2) servers; one (1) storage area network (SAN) and software for a total cost of \$46,500.

- **Motion by Ms. Noland to approve \$46, 500 from the Data Processing Budget for the items which include the directory for the storage area network, two servers, for the Sheriff and Communications and the Sheriff's service area network and software for a total of \$46, 500. Motion was seconded and unanimously approved.**

Meeting schedule for August – it was the decision of the Commission to meet on the fifth (5) Thursday of the month in which there are five (5) Thursday. Ms. Keyser inquired if the Commission still wishes to

meet the fifth Thursday, August 29, 2013. It was the consensus of the Commission to meet on August 29, 2013.

18. Set date for briefing by Region 9 on the Broadband Study and provide opportunity for community comment. Ms. Widmyer stated 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. Ms. Widmyer stated the Broadband Study reflects that although a majority of residents and businesses have internet access, less than a quarter of users have broadband speed which meets the minimum FCC definitions. Ms. Widmyer would like to have an evening meeting in September, invite local providers and give the community an opportunity to comment on their issues and concerns. Mr. Pellish stated he believed it was important to have presentations from Frontier and Comcast as they are the sole providers. Mr. Pellish recommended having this placed as an agenda item.

- **Motion by Ms. Widmyer to have an evening meeting in September, where the results of the broadband study are found and solutions of how to make it faster, invite local providers to attend and allow residents of the County to come and share their views and ideas with the Commission. Motion fails for lack of a second.**

Mr. Manuel recommended having a meeting in the afternoon, with this as the sole topic, allowing for public dialogue. Ms. Widmyer stated she believes this prevents residents who work from participating.

- **Motion by Ms. Widmyer to have an evening session, scheduled by staff, at 7p.m. to allow citizens and providers of broadband services to come and talk to us about how we can improve service. Motion seconded and fails on a vote of 3-2 with Mr. Pellish, Ms. Tabb and Ms. Noland opposing.**
- **Motion by Ms. Widmyer to have an exclusive afternoon session on the Broadband topic inviting providers to participate and allowing for community input. Motion seconded and unanimously approved.**

19. Jefferson County Parks and Recreation is requesting funds from the Land Acquisition Funds to provide an excavator and operator to perform explanatory trenching for Phase I. Mr. Paul Marshall, President of the Jefferson County Parks and Recreation stated a Project Manager has been hired to manage the construction of Hite Road Park, Mr. David Biddle. He is being paid from the Land Acquisition Fund. Bids have come in much higher than expected from prospective contractors for fear of running into significant amount of rock which will need to be excavated.

- **Motion by Mr. Manuel to authorize the expenditure of \$10,000 from the Land Acquisition Fund to do the trenching project, to hopefully get more realistic bids. Motion seconded and unanimously approved.**

20. The Commission recessed for break at 2:20
The Commission reconvened at 2:35

21. Mr. Doug Rockwell and Mr. Bob Aitcheson – spoke regarding the Jefferson County Emergency Services Agency (JCESA) proposed fee ordinance and their concern if the draft ordinance complies with state law. Mr. Rockwell cited state code to illustrate his views.

PUBLIC COMMENT *(concerning the Jefferson County Emergency Services Agency Proposed Fee Ordinance)*

Peter Onoszko, resident – spoke regarding his concern of the lack of effective communication regarding terminology between those in favor of the fee ordinance and those not in favor of the fee ordinance.

Robert Leeper, resident – spoke regarding his belief of confusion in the wording in the State Code. He believes State Code has not addressed what the County is trying to enact.

Mike Mood, resident – spoke in support of the need for the Proposed Fee Ordinance.

Mr. Pete Kelly, resident – spoke in support of the need for the Proposed Fee Ordinances.

22. Jefferson County Emergency Services Agency – Reading/Review/Edits of the Jefferson County Emergency Services Fee.

Doug Pittinger, Director of the Jefferson County Emergency Services read a brief statement thanking the Commissioners for being open to listening to the issues regarding the Proposed Fee Ordinance.

Mr. Manuel stated two amendments passed at the last reading:

- The first amendment was to strike language that dealt with an emergency services fee and replaces it with Ambulance Fee.
- The second amendment dealt with the agricultural community that provided an exemption.

Amendment motions followed:

- **Motion by Mr. Manuel to amend the ordinances to remove the cap of \$1,000 from Commercial. Motion fails for the lack of a second.**
- **Motion by Mr. Manuel to amend the ordinances to provide a discount of 50% when you reach the point that you qualify for the Homestead Exemption. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to amend the ordinance to decrease the residential rate from \$85 to \$65. Motion seconded.**
- **Motion by Ms. Tabb to postpone the current motion until all amendments are heard and voted upon. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to amend the ordinance to include a definition as defined by the Assessor as to what an “agricultural” building is. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to amend section eleven of the ordinance to delete all of section eleven and replace with “fees collected will be allocated to hire Firefighter/ Paramedics, Firefighter /EMT’s and assign them to volunteer fire departments ambulance service thereby maximizing limited resources. Motion seconded. Ms. Grove, Legal Counsel stated language can be crafted to state any “firefighting” would be separated out and could not be charged to the ambulance fee. Ms. Tabb withdraws her motion. Second is withdrawn.**
- **Motion by Ms. Tabb to amend section eleven of the ordinance to delete all of section eleven and replace with “fees collected will be allocated to hire**

Firefighter/Paramedics Firefighter/EMT's and assign them based on response time thereby maximizing limited resources. Motion seconded and passes on a vote of 3-2 with Ms. Noland and Mr. Pellish opposing.

Mr. Manuel stated the Commission is at the foot of the amendments and called on Ms. Widmyer to restate her motion that was postponed early.

- **Motion by Ms. Widmyer to amend the ordinance to decrease the residential rate from \$85 to \$65. Motion seconded and fails on a vote of 3-2 with Ms. Widmyer and Mr. Manuel voting in favor and Mr. Pellish, Ms. Tabb and Ms. Nolaud opposing.**

Mr. Pellish recommended the vote not be forced today and answers to questions raised today are researched and answered before the Commission votes on the Proposed Ordinance Fee. Mr. Manuel requested of the Jefferson County Emergency Service Agency to "come back with a more up to date, realistic budget and propose with that what the fee will be with the fee based on the delivery of service". Ms. Tabb directed the staff at the JCESA, that the Board of the JCESA, must approve the budget.

- The Commission meeting was adjourned at 4:35p.m. on a motion by Ms. Noland . Motion was seconded and unanimously approved.

DALE MANUEL, PRESIDENT

Respectfully submitted
Cynthia C. Schott
Administrative Assistant

PURCHASE ORDERS TO BE APPROVED

August 29, 2013

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
ANIMAL CONTROL	50369	\$ 400.00	No Rules Lettering	Truck Lettering
	50370	\$ 435.00	Valley Pet Cemetary	Carcass Disposal
CENTRAL GARAGE	51872	\$ 1,402.44	Donald B. Rice	Tires
	51873	\$ 100.04	Millers Chrysler-Jeep	Valve & Seal
CIRCUIT CLERK	51447	\$ 232.00	Coast to Coast Computer Products	Maintenance Kit
	51448	\$ 232.00	Coast to Coast Computer Products	Maintenance Kit
COUNTY COMMISSION	50071	\$ 97,658.00	WV REGIONAL JAIL	July Billing
COURTHOUSE	51865	\$ 2,660.00	Neopost	Yearly Postage Machine Contract
	51867	\$ 1,437.58	Daycon	Cleaning Supplies
	51871	\$ 596.50	BK Office Supply	Copy Paper/Trash Bags
	51874	\$ 834.00	Boland	Repair Cooling Tower
OTHER BULIDINGS	51868	\$ 108.48	Grainger	Filters
	51869	\$ 665.00	Winchester Security	Labor/Materials
	51870	\$ 359.83	Grainger	Blank keys & Filters
PROSECUTOR'S OFFICE	51649	\$ 211.75	Marcia L. Chandler, RPR	Transcripts/Scott Bagent
SHERIFF'S Law	51510	\$ 138.03	McKinneys Auto Repair & Tow	Professional Services
	51509	\$ 641.26	Superior Autor Body	Auto Repair
	51512	\$ 308.64	Millers Chrysler-Jeep	Auto Supplies
GRAND TOTAL		\$ 108,420.55		

AGENDA REQUEST FORM

Name: Commissioners

Department or Entity: Jefferson County Commisison

Estimation of amount of time needed for appointment: 15 min.

Date Requested – 1st Choice: August 15, 2013

Date Requested – 2nd Choice: _____

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

Subject:

Requesting an update from Nikki Painter, Chief Deputy of Elections, regarding the cost/timing/budgeting of electronic voting equipment.

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: Debbie Keyser/Sandy McDonald

Department or Entity: County Administrator/Deputy Administrator

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: August 29, 2013

Date Requested – 2nd Choice: _____

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

Subject: Continuation of presentation of Financial Analysis Financial Director

Please provide the County Commission with a description of your request or presentation, including any background information: Continuation of presentation not completed at the August 1, 2013 County Commission meeting with recommendations regarding Regional Jail Team, Day Report Center Internal Analysis and eCivis subscription renewal.

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

Are documents attached? To be distributed at the meeting.

If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



ECIVIS MASTER SUBSCRIPTION AND SERVICE AGREEMENT

Date 8/17/2012
Contract No. 5674

This Agreement is made by and between:

eCivis, Inc., a Delaware corporation ("eCivis")
418 N. Fair Oaks Ave. #301
Pasadena, CA 91103
Fax: (626) 628-3232
Sales Contact:
Heidi Allen

and County of Jefferson, WV ("Customer")
124 E Washington Street
Charles Town, WV 25414
Phone: 304-728-3284
Principal Contact and Master Access Holder:
Sandy McDonald, Deputy County Administrator

This Agreement, and the Exhibits attached hereto, set forth the business relationship between the parties and the terms and conditions under which the following products are licensed and services are provided to Customer, and supersedes all previous agreements between eCivis and Customer. Please initial all pages of the terms and conditions of this contract.

eCivis Products	Description	Units	Avg Unit Price	Total Price
Grants Research & Management Pack	Grants Network: Research, Knowledgebase, and Tracking and Reporting - Enterprise Edition	1	\$35,500.00	\$35,500.00
Product Sub-Total				\$35,500.00
Bundled Discount				(\$0,962.00)
Q3 Incentive Discount				(\$5,338.00)
Multi-year Discount				(\$2,200.00)
Incentive Discount				(\$1,200.00)
TOTAL PRICE				\$19,800.00

Subscription Period(s) and Payment Terms

The Subscription Period of this Agreement will conclude 9/09/2015. Payment is due net 30 days from invoice date.

- Cycle 1: 9/10/2012 through 9/09/2013 for a price of \$ 19,800
- Cycle 2: 9/10/2013 through 9/09/2014 for a price of \$ 19,800
- Cycle 3: 9/10/2014 through 9/09/2015 for a price of \$ 19,800

PRICE IS ONLY VALID IF AGREEMENT IS SIGNED ON OR BEFORE: August 31, 2012.

Renewal Terms - Additional extension of this agreement will occur as follows:

This agreement will be eligible for renewal for extended periods through a mutually agreed upon purchasing vehicle executed before the expiration of the subscription period listed above. No guarantees are made as to rate, access, or included services within this agreement. Purchasing vehicles executed after the termination date of this agreement are subject to then-current retail rates for all services provided.

Accepted By: County of Jefferson, WV	Accepted By: <i>Lindsay Mann</i> eCivis, Inc.
By: <i>Patricia A. Noland</i> (Authorized Signature)	By: _____ (Authorized Signature)
Name: <u>Patricia A. Noland</u> (type or print)	Name: <u>Lindsay Mann</u> (type or print)
Title: <u>President, Jefferson Co. Commission</u>	Title: <u>Vice President of Sales</u>
Date: <u>9/7/2012</u>	Date: <u>9/11/2012</u>

Send Invoice to (if different than address above): P.O. Box 250 Charles Town, WV 25414

eCivis Master Subscription and Service Agreement

THIS MASTER SUBSCRIPTION AND SERVICE AGREEMENT ("AGREEMENT") GOVERNS YOUR ACQUISITION AND USE OF ALL OUR SERVICES.

BY ACCEPTING THIS AGREEMENT, EITHER BY CLICKING A BOX INDICATING YOUR ACCEPTANCE OR BY EXECUTING THIS AGREEMENT, YOU AGREE TO THE TERMS OF THIS AGREEMENT. IF YOU ARE ENTERING INTO THIS AGREEMENT ON BEHALF OF A COMPANY OR OTHER LEGAL ENTITY, YOU REPRESENT THAT YOU HAVE THE AUTHORITY TO BIND SUCH ENTITY AND ITS AFFILIATES TO THESE TERMS AND CONDITIONS, IN WHICH CASE THE TERMS "YOU" OR "YOUR" SHALL REFER TO SUCH ENTITY AND ITS AFFILIATES. IF YOU DO NOT HAVE SUCH AUTHORITY, OR IF YOU DO NOT AGREE WITH THESE TERMS AND CONDITIONS, YOU MUST NOT ACCEPT THIS AGREEMENT AND MAY NOT USE THE SERVICES.

You may not access the Services if You are Our direct competitor, except with Our prior written consent. In addition, You may not access the Services for purposes of monitoring their availability, performance or functionality, or for any other benchmarking or competitive purposes.

This Agreement was last updated on January 1, 2012. It is effective between You and Us as of the date of You accepting this Agreement.

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1. DEFINITIONS

"Affiliate" means any entity which directly or indirectly controls, is controlled by, or is under common control with the subject entity. "Control," for purposes of this definition, means direct or indirect ownership or control of more than 50% of the voting interests of the subject entity.

"Malicious Code" means viruses, worms, time bombs, Trojan horses and other harmful or malicious code, files, scripts, agents or programs.

"Professional Services" means work performed by Us for You by Our Grants Professional Services division under this Agreement or any relevant Purchase Order. Such work shall include, but not limited to, Grant Writing, Peer Review and/or Training services.

"Purchased Services" means Services that You or Your Affiliates purchase under this Agreement for Grants Network™ or Nonprofit One-Stop™.

"Services" means the products and services that are ordered by You and made available by Us online via the customer login link at <http://www.ecivis.com> and/or other web pages designated by Us.

"Users" means individuals who are authorized by You to use the Services, and who have been supplied user identifications and passwords by You (or by Us at Your request). Users are limited to Your employees. Non-employees such as Consultants, contractors and agents, and third parties with which You transact business may not be granted access.

"We," "Us" or "Our" means eCivis, a Delaware corporation described in Section 13 (Who You Are Contracting With, Notices, Governing Law and Jurisdiction).

"You" or "Your" means the company or other legal entity for which you are accepting this Agreement, and Affiliates of that company or entity.

"Your Data" means all electronic data or information submitted by You to the Purchased Services.

2. PURCHASED SERVICES

2.1. **Provision of Purchased Services.** We shall make the Purchased Services available to You pursuant to this Agreement and any relevant Purchase Order during a subscription term. You agree that Your purchases hereunder are neither contingent on the delivery of any future functionality or features nor dependent on any oral or written public comments made by Us regarding future functionality or features.

2.2. **User Subscriptions.** Unless otherwise specified in writing, (i) Services are purchased as User subscriptions and may be accessed by no more than the specified number of Users, (ii) additional User subscriptions may be added during the applicable subscription term at the same pricing as that for the pre-existing subscriptions thereunder, prorated for the remainder of the subscription term in effect at the time the additional User subscriptions are added, and (iii) the added User subscriptions shall terminate on the same date as the pre-existing subscriptions. User subscriptions are for designated Users only and cannot be shared or used by more than one User but may be reassigned to new Users replacing former Users who no longer require ongoing use of the Services.

3. USE OF THE SERVICES

3.1. **Our Responsibilities.** We shall: (i) provide Our basic support for the Purchased Services to You at no additional charge, and/or upgraded support if purchased separately, (ii) use commercially reasonable efforts to make the Purchased Services available 24 hours a day, 7 days a week, except for: (a) planned downtime (of which We shall give at least 8 hours notice via the Purchased Services and which We shall schedule to the extent practicable during the weekend hours from 6:00 p.m. Friday to 3:00 a.m. Monday Pacific Time), or (b) any unavailability caused by circumstances beyond Our reasonable control, including without limitation, acts of God, acts of government, floods, fires, earthquakes, civil unrest, acts of terror, strikes or other labor problems (other than those involving Our employees), Internet service provider failures or delays, or denial of service attacks, and (iii) provide the Purchased Services only in accordance with applicable laws and government regulations.

3.2. **Our Protection of Your Data.** We shall maintain appropriate administrative, physical, and technical safeguards for protection of the security, confidentiality and integrity of Your Data. We shall not (a) modify Your Data, (b) disclose Your Data except as compelled by law in accordance with Section 7.3 (Compelled Disclosure) or as expressly permitted in writing by You, or (c) access Your Data except to provide the Services and prevent or address service or technical problems, or at Your request in connection with customer support matters.

3.3. **Your Responsibilities.** You shall (i) be responsible for Users' compliance with this Agreement, (ii) be responsible for the accuracy, quality and legality of Your Data and of the means by which You acquired Your Data, (iii) use commercially reasonable efforts to prevent unauthorized access to or use of the Services, and notify Us promptly of any such unauthorized access or use, and (iv) use the Services only in accordance with the user guide and applicable laws and government regulations. You shall not (a) make the Services available to anyone other than Users, (b) sell, resell, rent or lease the Services, (c) use the Services to store or transmit infringing, libelous, or otherwise unlawful or tortious material, or to store or transmit material in violation of third-party privacy rights, (d) use the Services to store or transmit Malicious Code, (e) interfere with or disrupt the integrity or performance of the Services or third-party data contained therein, or (f) attempt to gain unauthorized access to the Services or their related systems or networks.

3.4. **Usage Limitations.** Services may be subject to other limitations, such as, for example, limits on the number of grants that can be managed in Our Grants Network™ Tracking & Reporting product, on the number of grant applications, peer reviews and/or trainings provided by Us. Any such limitations are specified in the signature page of this Agreement.

4. PROFESSIONAL SERVICES, COOPERATION: DELAYS

4.1. Should this Agreement include Our Professional Services, each party agrees to cooperate reasonably and in good faith with the other in the performance of such Professional Services and acknowledges that delays may otherwise result. You agree to provide, or provide access to, the following as needed, and when applicable, for services that require Us to be at Your location: office workspace, telephone and other facilities, suitably configured computer equipment with Internet access, complete and accurate information and data from Your employees and agents, continuous administrative access to its ecivis.com account, coordination of onsite, online and telephonic meetings, and other resources as reasonably necessary for satisfactory and timely performance of the Professional Services.

4.2. Each party agrees its respective employees and agents will reasonably and in good faith cooperate with each other in a professional and courteous manner in the performance of their duties under this Agreement. Either party may suspend performance hereunder immediately upon written notice should the other party's employees or agents fail to act accordingly.

4.3. It is understood by You that delays in providing material or information resulting in missed grant application deadlines does not constitute non-delivery of grant writing services by Us. We shall provide a reasonable timeline to ensure the delivery of Our Granting Writing services.

5. FEES AND PAYMENT FOR PURCHASED SERVICES

5.1. Fees. You shall pay all fees specified under this Agreement. Except as otherwise specified herein, (i) fees are based on services purchased and not actual usage for Purchased Services, (ii) payment obligations are non-cancelable and fees paid are non-refundable and will not result in any refund or credit and (iii) the number of User subscriptions purchased cannot be decreased during the relevant subscription term.

5.2. Invoicing and Payment. You will provide Us with valid and updated credit card information, or pay by check. If You provide credit card information to Us, You authorize Us to charge such credit card for all Services listed under this agreement for the initial subscription term and any renewal subscription term(s) as set forth in Section 10.2 (Term of Purchased User Subscriptions). Such charges shall be made in advance, either annually or in accordance with any different billing frequency stated under this Agreement. Unless otherwise stated in this Agreement, invoice charge(s) are due net 30 days from the invoice date. You are responsible for providing complete and accurate billing and contact information to Us and notifying Us of any changes to such information.

5.3. Overdue Charges. If any charges are not received from You by the due date, then at Our discretion, (a) such charges may accrue late interest at the rate of 1.5% of the outstanding balance per month, or the maximum rate permitted by law, whichever is lower, from the date such payment was due until the date paid, and/or (b) We may condition future subscription renewals on payment terms shorter than those specified in Section 5.2 (Invoicing and Payment).

5.4. Suspension of Service and Acceleration. If any amount owing by You under this or any other agreement for Our services is 30 or more days overdue (or 10 or more days overdue in the case of amounts You have authorized Us to charge to Your credit card), We may, without limiting Our other rights and remedies, suspend Our services to You until such amounts are paid in full. We will give You at least 7 days' prior notice that Your account is overdue.

5.5. Taxes. Unless otherwise stated, Our fees do not include any taxes, levies, duties or similar governmental assessments of any nature, including but not limited to value-added, sales, use or withholding taxes, assessable by any local, state, provincial, federal or foreign jurisdiction (collectively, "Taxes"). You are responsible for paying all Taxes associated with Your purchases hereunder. If We have the legal obligation to pay or collect Taxes for which You are responsible under this paragraph, the appropriate amount shall be invoiced to and paid by You, unless You provide Us with a valid tax exemption certificate authorized by the appropriate taxing authority. For clarity, We are solely responsible for taxes assessable against it based on Our income, property and employees.

5.6. Non-Appropriation. Purchased Services provided under the Agreement may be continued in succeeding subscription cycles for the term of this Agreement, contingent upon funds being appropriated by County Commission or otherwise being available for this Service. In the event funds are not appropriated or otherwise available for this Service, the Agreement shall terminate without penalty at the end of each subscription cycle. After that date, the Agreement becomes of no effect and is null and void. However, You agree to use Your best efforts to have the amounts contemplated under the Agreement included in Your budget. Non-appropriation or non-funding shall not be considered an event of default.

6. PROPRIETARY RIGHTS

6.1. Reservation of Rights in Services. Subject to the limited rights expressly granted hereunder, We reserve all rights, title and interest in and to the Services, including all related intellectual property rights. No rights are granted to You hereunder other than as expressly set forth herein.

6.2. Restrictions. You shall not (i) permit any third party to access the Services except as permitted herein or in an Order Form, (ii) create derivative works based on the Services except as authorized herein, (iii) copy, frame or mirror any part or content of the Services, other than copying or framing on Your own intranets or otherwise for Your own internal business purposes, (iv) reverse engineer the Services, or (v) access the Services in order to (a) build a competitive product or service, or (b) copy any features, functions or graphics of the Services.

6.3. Your Applications and Code. If You, a third party acting on Your behalf, or a User creates applications or program code using the Services, You authorize Us to host, copy, transmit, display and adapt such applications and program code, solely as necessary for Us to provide the Services in accordance with this Agreement. Subject to the above, We acquire no right, title or interest from You or Your licensors under this Agreement in or to such applications or program code, including any intellectual property rights therein.

6.4. Your Data. Subject to the limited rights granted by You hereunder, We acquire no right, title or interest from You or Your licensors under this Agreement in or to Your Data, including any intellectual property rights therein.

6.5. Suggestions. We shall have a royalty-free, worldwide, irrevocable, perpetual license to use and incorporate into the Services any suggestions, enhancement requests, recommendations or other feedback provided by You, including Users, relating to the operation of the Services.

7. CONFIDENTIALITY

7.1. **Definition of Confidential Information.** As used herein, "Confidential Information" means all confidential information disclosed by a party ("Disclosing Party") 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. Your Confidential Information shall include Your Data; Our Confidential Information shall include the Services; and Confidential Information of each party shall include the terms and conditions of this Agreement, as well as business and marketing plans, technology and technical information, product plans and designs, and business processes disclosed by such party. However, Confidential Information (other than Your 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) is received from a third party without breach of any obligation owed to the Disclosing Party, or (iv) was independently developed by the Receiving Party.

7.2. **Protection of Confidential Information.** The Receiving Party shall use the same degree of care that it uses to protect the confidentiality of its own confidential information of like kind (but in no event less than reasonable care) (i) not to use any Confidential Information of the Disclosing Party for any purpose outside the scope of this Agreement, and (ii) except as otherwise authorized by the Disclosing Party in writing, to limit access to Confidential Information of the Disclosing Party to those of its and its Affiliates' employees, contractors and agents who need such access for purposes consistent with this Agreement and who have signed confidentiality agreements with the Receiving Party containing protections no less stringent than those herein. Neither party shall disclose the terms of this Agreement other than its Affiliates and their legal counsel and accountants without the other party's prior written consent.

7.3. **Compelled Disclosure.** The Receiving Party may disclose Confidential Information of the Disclosing Party if it is compelled by law to do so, provided the Receiving Party gives the Disclosing Party prior notice of such compelled disclosure (to the extent legally permitted) and reasonable assistance, at the Disclosing Party's cost, if the Disclosing Party wishes to contest the disclosure. If the Receiving Party is compelled by law to disclose the Disclosing Party's Confidential Information as part of a civil proceeding to which the Disclosing Party is a party, and the Disclosing Party is not contesting the disclosure, the Disclosing Party will reimburse the Receiving Party for its reasonable cost of compiling and providing secure access to such Confidential Information.

8. WARRANTIES AND DISCLAIMERS

8.1. **Our Warranties.** We warrant that (i) We have validly entered into this Agreement and have the legal power to do so, (ii) the Services shall perform materially in accordance with this Agreement, (iii) We will not transmit Malicious Code to You, provided it is not a breach of this subpart (iv) if You or a User uploads a file containing Malicious Code into the Services and later downloads that file containing Malicious Code. For any breach of a warranty above, Your exclusive remedy shall be as provided in Section 10.3 (Termination for Cause) below.

8.2. **Your Warranties.** You warrant that You have validly entered into this Agreement and have the legal power to do so.

8.3. **Disclaimer.** EXCEPT AS EXPRESSLY PROVIDED HEREIN, NEITHER PARTY MAKES ANY WARRANTIES OF ANY KIND, WHETHER EXPRESS, IMPLIED, STATUTORY OR OTHERWISE, AND EACH PARTY SPECIFICALLY DISCLAIMS ALL IMPLIED WARRANTIES, INCLUDING ANY WARRANTIES OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE, TO THE MAXIMUM EXTENT PERMITTED BY APPLICABLE LAW.

9. LIMITATION OF LIABILITY

9.1. **Limitation of Liability.** NEITHER PARTY'S LIABILITY WITH RESPECT TO ANY SINGLE INCIDENT ARISING OUT OF OR RELATED TO THIS AGREEMENT (WHETHER IN CONTRACT OR TORT OR UNDER ANY OTHER THEORY OF LIABILITY) SHALL EXCEED THE LESSER OF \$500,000 OR THE AMOUNT PAID BY YOU HEREUNDER IN THE 12 MONTHS PRECEDING THE INCIDENT, PROVIDED THAT IN NO EVENT SHALL EITHER PARTY'S AGGREGATE LIABILITY ARISING OUT OF OR RELATED TO THIS AGREEMENT (WHETHER IN CONTRACT OR TORT OR UNDER ANY OTHER THEORY OF LIABILITY) EXCEED THE TOTAL AMOUNT PAID BY YOU HEREUNDER. THE FOREGOING SHALL NOT LIMIT YOUR PAYMENT OBLIGATIONS UNDER SECTION 6 (FEES AND PAYMENT FOR PURCHASED SERVICES).

9.2. **Exclusion of Consequential and Related Damages.** IN NO EVENT SHALL EITHER PARTY HAVE ANY LIABILITY TO THE OTHER PARTY FOR ANY LOST PROFITS OR REVENUES OR FOR ANY INDIRECT, SPECIAL, INCIDENTAL, CONSEQUENTIAL, COVER OR PUNITIVE DAMAGES HOWEVER CAUSED, WHETHER IN CONTRACT, TORT OR UNDER ANY OTHER THEORY OF LIABILITY, AND WHETHER OR NOT THE PARTY HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. THE FOREGOING DISCLAIMER SHALL NOT APPLY TO THE EXTENT PROHIBITED BY APPLICABLE LAW.

10. TERM AND TERMINATION

10.1. **Term of Agreement.** This Agreement commences on the date You accept it and continues until all User subscriptions granted in accordance with this Agreement have expired or been terminated.

10.2. Term of Purchased User Subscriptions. User subscriptions purchased by You commence on the start date specified under this Agreement and continue for the subscription term specified herein.

10.3. Termination for Cause. A party may terminate this Agreement for cause: (i) upon 30 days written notice to the other party of a material breach if such breach remains uncured at the expiration of such period, or (ii) if the other party becomes the subject of a petition in bankruptcy or any other proceeding relating to insolvency, receivership, liquidation or assignment for the benefit of creditors.

10.4. Return of Your Data. Upon request by You made within 30 days after the effective date of termination of a Purchased Services subscription, We will make available to You for download a file of Your Data in comma separated value (.csv) format along with attachments in their native format. After such 30-day period, We shall have no obligation to maintain or provide any of Your Data and shall thereafter, unless legally prohibited, delete all of Your Data in Our systems or otherwise in Our possession or under Our control.

10.5. Surviving Provisions. Section 5 (Fees and Payment for Purchased Services), 6 (Proprietary Rights), 7 (Confidentiality), 8.3 (Disclaimer), 9 (Limitation of Liability), 10.4 (Return of Your Data), 11 (Governing Law and Jurisdiction), 12 (General Provisions) and 13 (Mutual Indemnification) shall survive any termination or expiration of this Agreement.

11. GOVERNING LAW AND JURISDICTION

11.1. Agreement shall be governed by and construed and enforced in accordance with the laws of the State of California as it applies to a contract made and performed in such state.

12. GENERAL PROVISIONS

12.1. Anti-Corruption. You have not received or been offered any illegal or improper bribe, kickback, payment, gift, or thing of value from any of Our employees or agents in connection with this Agreement. Reasonable gifts and entertainment provided in the ordinary course of business do not violate the above restriction. If You learn of any violation of the above restriction, You will use reasonable efforts to promptly notify Our Legal Department (legal@ecivis.com).

12.2. Relationship of the Parties. The parties are independent contractors. This Agreement does not create a partnership, franchise, joint venture, agency, fiduciary or employment relationship between the parties.

12.3. No Third-Party Beneficiaries. There are no third-party beneficiaries to this Agreement.

12.4. Waiver. No failure or delay by either party in exercising any right under this Agreement shall constitute a waiver of that right.

12.5. Severability. If any provision of this Agreement is held by a court of competent jurisdiction to be contrary to law, the provision shall be modified by the court and interpreted so as best to accomplish the objectives of the original provision to the fullest extent permitted by law, and the remaining provisions of this Agreement shall remain in effect.

12.6. Attorney Fees. You shall pay on demand all of Our reasonable attorney fees and other costs incurred by Us to collect any fees or charges due Us under this Agreement following Your breach of Section 5.2 (Invoicing and Payment).

12.7. Assignment. Neither party may assign any of its rights or obligations hereunder, whether by operation of law or otherwise, without the prior written consent of the other party (not to be unreasonably withheld). Notwithstanding the foregoing, either party may assign this Agreement in its entirety (including all Order Forms), without consent of the other party, to its Affiliate or in connection with a merger, acquisition, corporate reorganization, or sale of all or substantially all of its assets not involving a direct competitor of the other party. A party's sole remedy for any purported assignment by the other party in breach of this paragraph shall be, at the non-assigning party's election, termination of this Agreement upon written notice to the assigning party. In the event of such a termination, We shall refund to You any prepaid fees covering the remainder of the term of all subscriptions after the effective date of termination. Subject to the foregoing, this Agreement shall bind and inure to the benefit of the parties, their respective successors and permitted assigns.

12.8. Entire Agreement. This Agreement, including all exhibits and addenda hereto constitutes the entire agreement between the parties and supersedes all prior and contemporaneous agreements, proposals or representations, written or oral, concerning its subject matter. No modification, amendment, or waiver of any provision of this Agreement shall be effective unless in writing and either signed or accepted electronically by the party against whom the modification, amendment or waiver is to be asserted.

13. MUTUAL INDEMNIFICATION

13.1. Indemnification by Us. We shall defend You against any claim, demand, suit, or proceeding made or brought against You by a third party alleging that the use of the Services as permitted hereunder infringes or misappropriates the intellectual property rights of a third party (a "Claim Against You"), and shall indemnify You for any damages, attorney fees and costs finally awarded against You as a result of, and for amounts paid by You under a court-approved settlement of, a Claim Against You; provided that You (a) promptly give Us written notice of the Claim Against You; (b) give Us sole control of the defense and settlement of the Claim Against You (provided that We may not settle any Claim Against You unless the settlement unconditionally releases You of all liability); and (c) provide to Us all reasonable assistance, at Our expense. In the event of a Claim Against You, or if We reasonably believe the Services may infringe or misappropriate, We may in Our discretion and at no cost to You (i) modify the Services so that they no longer infringe or misappropriate, without breaching Our warranties under "Our Warranties" above, (ii) obtain a license for Your continued use of the Services in accordance with this Agreement, or (iii) terminate Your User subscriptions for such Services upon 30 days' written notice and refund to You any prepaid fees covering the remainder of the term of such User subscriptions after the effective date of termination.

13.2. Indemnification by You. You shall defend Us against any claim, demand, suit or proceeding made or brought against Us by a third party alleging that Your Data, or Your use of the Services in breach of this Agreement, infringes or misappropriates the intellectual property rights of a third party or violates applicable law (a "Claim Against Us"), and shall indemnify Us for any damages, attorney fees and costs finally awarded against Us as a result of, or for any amounts paid by Us under a court-approved settlement of, a Claim Against Us; provided that We (a) promptly give You written notice of the Claim Against Us; (b) give You sole control of the defense and settlement of the Claim Against Us (provided that You may not settle any Claim Against Us unless the settlement unconditionally releases Us of all liability); and (c) provide to You all reasonable assistance, at Your expense.

13.3. Exclusive Remedy. This Section 13 (Mutual Indemnification) states the indemnifying party's sole liability to, and the Indemnified party's exclusive remedy against, the other party for any type of claim described in this Section.

[Remainder of page intentionally left blank, signature page is on the cover page to this Agreement]

AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Administrator

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: August 29, 2013

Date Requested – 2nd Choice: _____

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

Subject: IT UPdate

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

Discussion regarding IT position and IT Service Contract Metro Ethernet Service

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

Are documents attached? Yes

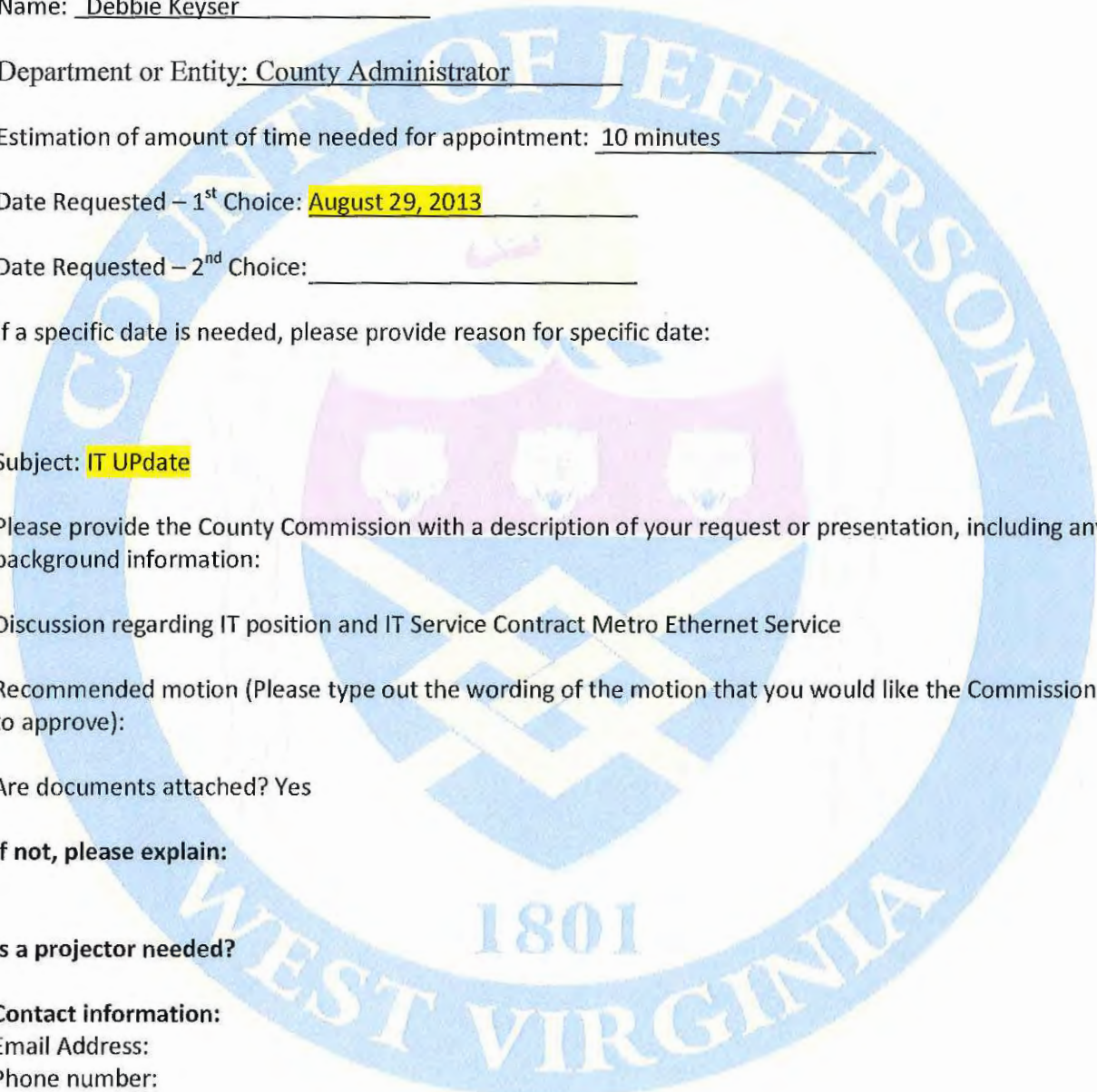
If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



Proposal for Information Technology Manager

1. Create in-house Information Technology manager position as recommended by the County Commission Blue Ribbon IT Committee in February, 2012 (SALARY TO BE DETERMINED)
2. The key functions of the manager position:
 - a. Develop and implement IT best practices
 - b. Assure appropriate network performance and capacity
 - c. Continually evaluate and, as appropriate, upgrade technical resources to protect against hardware and software obsolescence and assure all systems are properly supported.
 - d. Manage IT client services group to support hardware and software systems for all departments
 - e. Implement effective e-Government as defined by WV Broadband Council:
 - i. Publishing**
 1. Basic website where basic contact and hours of operation are provided and updated
 2. Repository for meeting agendas and minutes so they are available for public review
 3. Permit applications, and assorted government forms that provide a one-stop government access point
 - ii. Interacting**
 1. Audio/video streaming of public meetings
 2. Uniform email addresses
 3. Online help desk applications
 - iii. Transacting**
 1. Allow for online payment of fees, taxes, etc.
 2. Allow for online submission of permit applications, tax forms, etc
 3. Enhance revenue collections
 - iv. Adoption**
 1. Elected officials and staff understanding of e-government technologies
 2. Public awareness of government services available through e-government
 3. Three click rule that will make portal easy to navigate

Lyn Widmyer

August 8, 2013



METRO ETHERNET LAN/WAN SCHEDULE

Frontier Confidential

This is Schedule Number S-0000007018 to the Frontier Services Agreement dated May 15, 2013 ("FSA") by and between Jefferson County Commission ("Customer") and Frontier Communications of America, Inc. on behalf of itself and its affiliates ("Frontier"). Customer orders and Frontier agrees to provide the Services and Equipment identified in the Schedule below.

Primary Service Location:

Street Address: **116 E. Washington Street**
 City, State, Zip: **Charles Town, West Virginia 25414**

Schedule Date: **August 21, 2013**
 Service Term: **36 Months**

A detailed description of the Services, by location, is provided in Attachment 1 to this Schedule, incorporated herein by this reference.

Service	Charges		
	NRC	MRC	
Metro Ethernet LAN/WAN	\$ 0.00	\$ 575.00	
Internet Access	\$ 0.00	\$ 300.00	
Subtotal:	\$ 0.00	\$ 875.00	
Interstate / Intrastate Pricing Certification: Customer certifies that its dedicated point-to-point traffic over such Services:			
<input type="checkbox"/> will be more than 10% interstate in nature; <u>OR</u> <input checked="" type="checkbox"/> will be 10% or less interstate in nature.			
The term "interstate in nature" means that the traffic originates in one state and terminates in another state or outside the United States, regardless of how it is routed.			
Managed Service	Qty	NRC	MRC
Router: N/A	0	\$ 0.00	\$ 0.00
Service Description. Managed Service consists of the following:			
A. Configuration. Frontier will configure the Router based on documented customer requirements.			
B. Monitoring. Customer shall permit Frontier to access the Router's Simple Network Management Protocol (SNMP) variables, and Customer shall, at Frontier's request, permit one or more Frontier network management systems to be the recipient of SNMP trap messages. Frontier will perform monitoring based on standard SNMP traps received from the Router.			
C. Response. Frontier will work to isolate and determine the source and severity of the problems. If a problem is caused by either the network transport or the Router, Frontier and Customer will cooperate to restore the Router to operational condition. If the source of the problem is within the Router, Frontier will be responsible for the repair or replacement of the Router, in Frontier's sole discretion. If the source of the problem is not the Router, at Customer's request Frontier will cooperate with Customer to conduct testing and repair activities, subject to Frontier's standard technician rates.			
Exclusions. Frontier has no responsibility with respect to: (i) electrical work external to the Router, including but not limited to power or back-up power to or from the Router; (ii) Router failures caused by factors not related to the Router or outside Frontier's control, including but not limited to failure of the Service Location or any of Customer's other network equipment or facilities to conform with Frontier's specifications; (iii) use of the Router for any purpose other than as intended by the manufacturer; (iv) damage caused by anyone other than an Frontier employee or representative; (v) Router supplies, accessories, painting, or refurbishing; and (vi) any activity related to anything not furnished by Frontier, or use of Router which fails to conform to manufacturer or Frontier specifications.			

SUPPLEMENTAL TERMS AND CONDITIONS**1. Obligations of Customer**

Customer shall properly use any equipment or software, and all pass codes, personal identification numbers ("PINs") or other access capability obtained from Frontier or an affiliate or vendor of Frontier and shall surrender the equipment and software in good working order to Frontier at a place specified by Frontier and terminate all use of any access capability upon termination or expiration of this Schedule. Customer shall be responsible for all uses of PINs, pass codes or other access capability during or after the term hereof. Customer agrees that the Equipment and Service provided by Frontier hereunder are subject to the terms, conditions and restrictions contained in any applicable agreements (including software or other intellectual property license agreements) between Frontier and Frontier's vendors. Customer is responsible to ensure appropriate processes and protocols are in place for rate shaping to the amount of throughput ordered. Customer acknowledges that failure to comply with this responsibility may negatively impact Service performance.

2. Equipment or Software Not Provided by Frontier

A. Upon notice from Frontier that the facilities, services, equipment or software not provided or approved by Frontier is causing or is likely to cause hazard, interference or service obstruction, Customer shall immediately eliminate the likelihood of hazard,



METRO ETHERNET LAN/WAN SCHEDULE

Frontier Confidential

interference or service obstruction. If Customer requests Frontier to troubleshoot difficulties caused by the equipment or software not provided by Frontier, and Frontier agrees to do so, Customer shall pay Frontier at its then current rates.

- B. Frontier reserves the right to approve/reject the make, model and or software of the Customer-provided router and modem to be used as the gateway to the Frontier network. Frontier will identify for Customer makes or models of routers and modems with which it has experience, but no such information shall be deemed a recommendation, representation or warranty with respect to such equipment.
- C. Frontier may, from time to time, procure Services or facilities from an affiliate of Frontier, and in doing so, may act as an agent and not a principal for the affiliated entity with respect to the procurement and provision of the Service or facility. The Service or facility may be provided by an affiliate or vendor that is a common carrier, in which case the provision of the service or facility may be provided pursuant to terms and conditions stated in a filed federal or state tariff, which Customer agrees will govern the provision of the service or the facility.

3. Internet Acceptable Use Policy and Security

- A. Customer shall comply, and shall cause all Service users to comply, with Frontier's Acceptable Use Policy ("AUP"), which Frontier may modify at any time. The current AUP is available for review at the following address, subject to change: http://www.frontier.com/policies/commercial_aup/
- B. Customer is responsible for maintaining awareness of the current AUP and adhering to the AUP as it may be amended from time to time. Failure to comply with the AUP is grounds for immediate suspension or termination of Frontier Internet Service, notwithstanding any notice requirement provisions of the FSA.
- C. Customer is responsible for the security of its own networks, equipment, hardware, software and software applications. Abuse that occurs as a result of Customer's systems or account being compromised or as a result of activities of third parties permitted by Customer may result in suspension of Customer's accounts or Internet access by Frontier. Customer will defend and indemnify Frontier and its affiliates with respect to claims arising from Customer's or third parties' usage of Frontier Internet access through Customer's hardware or software.

This Schedule is not effective and pricing, dates and terms are subject to change until signed by both parties, and may not be effective until approved by the FCC and/or applicable State Commission. This Schedule and any of the provisions hereof may not be modified in any manner except by mutual written agreement. The above rates do not include any taxes, fees or surcharges applicable to the Service. This Schedule, and all terms and conditions of the FSA, is the entire agreement between the parties with respect to the Services described herein, and supersedes any and all prior or contemporaneous agreements, representations, statements, negotiations, and undertakings written or oral with respect to the subject matter hereof.

Frontier Communications of America, Inc.	Jefferson County Commission
<i>Frontier's Signature:</i>	<i>Customer's Signature:</i>
Printed Name:	Printed Name:
Title:	Title:
Date:	Date:



METRO ETHERNET LAN/WAN SCHEDULE

Frontier Confidential

**ATTACHMENT 1
SERVICE DESCRIPTION BY LOCATION**

Service Location	Service Address: street, city, state	Service	Port/Access CIR	Charges	
				NRC	MRC
Primary	116 E. Washington Street, Charles Town, WV, 25414	NPA/NXX 304 725	10 Mbps	\$ 0.00	\$ 575.00
		Managed Router	0 Mbps	\$ 0.00	\$ 0.00
		Internet Access	10 Mbps	\$ 0.0	\$ 300.00
2	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
3	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
4	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
5	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
6	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
7	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
8	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
9	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
10	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
11	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
12	street, city, state, zip	NPA/NXX	Mbps	\$	\$
		Managed Router	Mbps	\$	\$
		Internet Access	Mbps	\$	\$
Subtotal:				\$ 0.00	\$ 875.00

AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Administrator

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: August 29, 2013

Date Requested – 2nd Choice: _____

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

Subject: Bidding/Contract Policy

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?

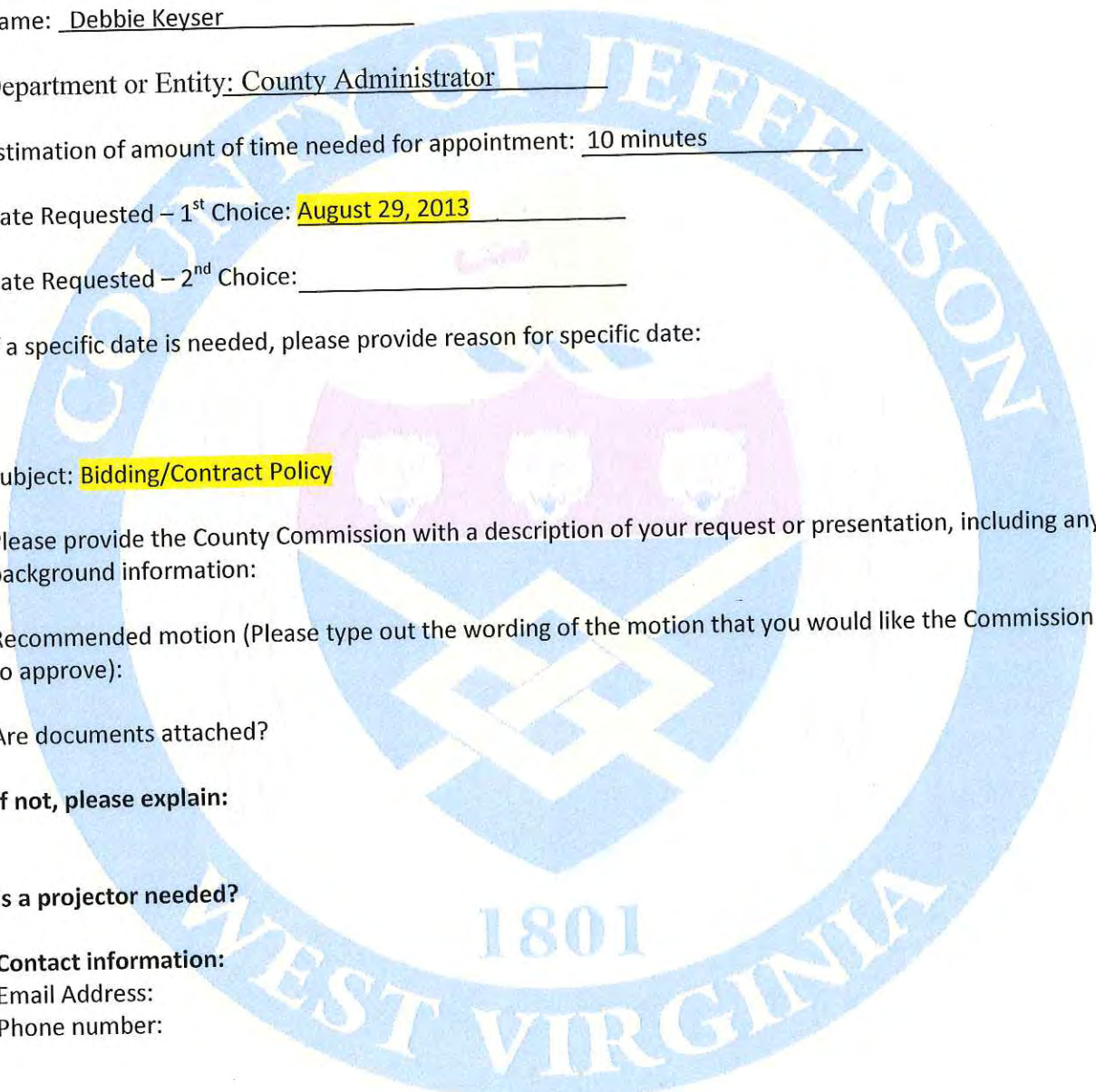
If not, please explain:

Is a projector needed?

Contact information:

Email Address:

Phone number:



<i>Jefferson County Policies & Procedures</i>			
Policy Name:	Bidding and Contract Policy	Approved:	
Policy Number:	909	Author:	
Associated:			

1. Determination of Need

- a. The county office must determine the product or service required, including the quality level, quantity, delivery requirement and estimated cost.

2. Availability through State or Federal Resources

- a. Once the need is established, the county office should determine if the product or service is available from
 - i. Statewide contract
 - ii. Sheltered Workshops
 - iii. WV State Agency for Surplus Property
 - iv. Sole Source

3. Sole Source

- a. A written, signed quotation from the sole source vendor and written justification from the county office for purchases of printing and commodities over \$15,000.00 must be obtained. Fax quotations are permitted. A specific description, terms, FOB point of shipment and price must be included in the signed quotation.
- b. The county office must maintain written documentation in their office certifying that no other sources are available and that the county office exhausted all attempts to secure competition.

4. Emergency Purchases

- a. An emergency purchase is a purchase which can be made after exercising sound judgment and discretion, the county office concludes in good faith some unforeseen or unexpected circumstance has suddenly created a situation requiring that commodities or services be immediately purchased by the county office. A record of competitive bids upon which the purchase was based is to be submitted to the county commission with the proof of purchase.
- b. A minimum of three bids should be obtained.

5. Obtain Bids on Printing and Commodities over \$15,000 (WV Code §7-1-11)

a. Printing means

- i. Printing
- ii. Binding
- iii. Ruling
- iv. Lithographing
- v. Engraving
- vi. And other similar services (WV Code §5A-1-1)

b. Commodities means

- i. Supplies,
- ii. Material,
- iii. Equipment,
- iv. Contractual services means,
 1. Telephone,
 2. Telegraph,
 3. Electric light
 4. And power,
 5. Water and similar services.
- v. And any other articles or things used by or furnished to a department, agency or institution of state government.

- c. For printing or commodities over \$15, 000.00, competitive bids must be obtained. All requests for bids must be sent to the County Commission.*

6. Obtain Bids on All Construction Projects over \$25,000.00 (WV Code §5-22-1)

- a. The county commission will obtain competitive bids on all construction projects of \$25,000 or more.
- b. West Virginia Code §5-22-1 covers all projects that includes both the labor and materials.

7. Request for bids

- a. All requests for bids will be processed by the County Commission. See Formal Acquisition Procedures in this document.

8. Evaluation and Award

- a. After the official bid opening, all bids or proposals are opened, evaluated, and an award is made in accordance with the purchase guidelines.

9. Purchase Order Encumbrance

- a. Encumbrance of purchase orders ensures that the county office has the appropriate funds to make the specific purchase. The encumbrance date is the earliest date that a vendor may commence on any contract.

10. Contract Management

- a. The county office is responsible for establishing benchmarks for contracts to ensure that the product acquired or services to be rendered are offered in accordance with the contract specifications. All contracts will be file with the county commission.

11. Questionable purchases

- a. When a clear determination of whether a project or service requires competitive bids, the project or service will be treated as if it was subject to competitive bids and go through the bidding process as outline in the "Formal Acquisition Procedures".

12. Non-Competitive Procurement

- a. The following equipment and other commodities or services can be purchased directly from a vendor without competitive bidding:
 - i. The item cannot be obtained through ordinary purchasing procedures (no bid obtained)
 - ii. The item is unique, or is not available from any other source (sole source)
 - 1. Copyright materials
 - 2. Conference facilities
 - 3. Speakers
 - iii. The item is technology related
 - iv. The item is available from a statewide contract
 - v. The item is available from the federal government at the same price
 - vi. Item is from a shelter workshop.
 - vii. Item is available from an internet website, maintained by a legitimate government.
 - viii. The item is a construction project less than \$25,000
 - ix. The item is a commodity or service of less than \$15,000.

13. Other counties bids

- a. A bid obtained from another county can be used, if the following procedures are follow (West Virginia Code §7-1-11):
 - i. A copy of the other county's bidding policies and procedures are obtained and compare to the written policies and procedures adopted by the county commission.
 - ii. The other county policy and procedures meets or exceeds this policy and the adopted procedures of the county commission.
 - iii. The other county has followed all applicable laws and regulations in obtaining this bid.

iv. All bids are obtained and reviewed.

14. This policy refers to bidding of a contract, and does not cover leasing contracts.

15. All contracts must be reviewed by Legal. The attorney for the Commission is responsible for ensuring the contract is worded in the best interest of the Commission and the County. Any changes or recommendations by the County's attorney should be changed accordingly or have the attorney document he/she is in agreement with your proposal.

- a. The manager submitting the contract for review is responsible for ensuring the contract is appropriate for their needs. The manager should read the contract thoroughly to ensure the contract requirements/County obligations can be met.
- b. The contract should be signed by the Commissioners, County Administrator, County Attorney, or Elected Official, as appropriate, with a copy to the County Clerk and County Administrator to maintain records and the County's financial obligations.

Formal Acquisition Procedures

The overall objective of the purchasing function is to acquire the goods and services necessary to provide the essential services for which an organization is responsible. All procurement transactions must be conducted in a manner that provides the essential services for the county, in an efficient and cost effective manner.

Once a request for bid is received the following procedures should be followed:

1. **Request for bids from the county office must contain the following information:**
 - a. A detailed description of, or specification for the item(s) being purchased
 - b. Delivery date, if required
 - c. Possible warranty or services agreements needed
 - d. List of possible suppliers
2. **Decide the basic type of purchase:**
 - a. One-time/ Single purchase
 - b. Open ended contracts
 - c. Agreements
 - d. Emergency purchases
 - e. Leases and lease agreements
 - f. Direct purchases
3. **Determine what kind contract is involved**
 - a. Terms of the contracts
 - b. Services and warranties to be provided
 - c. Length of the contract
4. **Determine the possible vendors**
 - a. Reference sources such as telephone book, etc.
 - b. Supplier's catalogs
 - c. Meeting with business representative

- d. Contacting other counties with like goods and services
 - e. Utilizing the internet
- 5. Prepared notice for soliciting of bids**
- a. A detailed description of, or specification for the item(s) being purchased
 - b. Delivery date,
 - c. Possible warranty or services agreements needed
 - d. Require sealed bids
 - e. Bonds required, if applicable
 - f. Policy of awarding bids available
 - g. Date of opening bids
 - h. Contract Approval and Award date
- 6. Soliciting bids**
- a. Public Notice
 - i. The notice may be published by any advertising medium deemed advisable.
 - ii. The notice shall be posted at the courthouse
 - iii. The notice may be by electronic devices,
 - iv. The notice may be by email to prospective vendors
 - b. Notifying of possible vendors
 - i. Phone call
 - ii. Mailing of notice
 - iii. Emailing
- 7. Hold Pre-Bid Conferences, when appropriate**
- a. Have sign in sheets
 - i. Name of company
 - ii. Person attending
 - iii. Address
 - iv. Phone number
 - v. Fax number
 - vi. Date and time of pre-conference
 - vii. Item being bid
 - viii. Email and website information
 - b. Hold between the hours of 10:00 a.m. and 3:00 p.m.
 - c. Tuesday through Thursday
- 8. Determine a response time for opening date and time**
- a. Time should allow a timely delivery of product or services solicited
- 9. Bids submission**
- a. Designate a person to receive the sealed bids,
 - b. Designate a location, and time for bids to be submitted
 - c. Refuse all bids after the designated time has passed
 - d. Involve county office that request the item
 - e. Determine if the bids meets requirements
 - f. Determine if further details are needed
 - g. Tie bids
 - i. Flip a coin
 - ii. Pull a card to determine or
 - iii. Award multiply contracts if possible
 - h. Lowest responsible bidder, or a written justification signed by commissioners for awarding to other vendor.(WV Code §5A-3-11)

10. Bid Opening

- a.** At the time and place noted in the advertisement, publicly open the bids
- b.** Read all bids aloud
- c.** No bids may be opened on days which are recognized as holiday by the Postal Services.
- d.** Do not accept or consider any bids that do not contain a valid bid bond or other surety
- e.** Maintain a file on all rejected bids. Reasons for rejection of a bid:
 - i.** An error made
 - ii.** The error materially affected the bid
 - iii.** Rejection of the bid would not cause a hardship on the county
 - iv.** Enforcement of the bid in error would be unconscionable.

- f.** A contractor who withdraws a bid may not submit another

11. Contract Approval and Award

- a.** Negotiation when all bids exceed available funds
 - i.** May negotiate a lower price within available funds with lowest bidder
 - ii.** Void all bids and send request back to county office for new request
- b.** Name date and time of awarding the contract

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Pete Dougherty
Department or Organization: JCSO

Estimation of amount of time needed for appointment: 5-10 min

Date Requested - 1st Choice: 8/29/13
Date Requested - 2nd Choice: _____

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

Subject (Wording to be placed on agenda):

Approval of New Deputy.

Please provide the County Commission with a description of your request or presentation, including any background information: Request permission to hire a replacement Deputy to fill the spot vacated by T. Harrison

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

I move to approve the hire of Ryan Rowland for the position of Deputy.

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

JEFFERSON COUNTY

Personnel Requisition

Department Name JCSO Date 8/16/13 Date Needed 9/16/2013

Job Title Deputy Salary 41,300 Criminal History Check Yes No

Suggested Recruitment Source(s) _____

Applicants Interviewed By Sheriff, Chief, Lt. Spts Position Reports To _____

Minimum Education Required _____

Minimum Experience Required _____

Job Duties _____

Budget Information

Addition Replacement Explain or For Whom Tracy Harrison

Position Budgeted Yes No Proposed Salary 41,300 Date of Hire 9/16/2013

Is Position: Full-Time Regular Part-Time _____ On-Call Occasional _____ Temporary _____

Safety/Security Hours Per Week 40

Approvals

Elected Official Approval [Signature] Date _____

Department Head Approval _____ Date _____

County Commission Approval _____ Date _____

Comments _____

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 – 1st Choice: August 15, 2013

Date Requested – 2nd 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 10/25/13 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
- Changes to Draft Zoning Text Amendments – Proposed Commercial and Industrial Districts and Related Changes
- Key to Formatting of Amendments
- 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, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

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

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

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

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 11th, 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.

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.

Public Comments Received at 9/6/12 County Commission Public Hearing and during public comment following the public hearing
(Includes comments from 8/16/12 and 9/6/12 County Commission Workshop)
Proposed Zoning Text Amendment regarding New Commercial Zoning Districts (and Related Amendments) -
Zoning and Land Development Ordinance

#	Source	Section or Topic	Request	Comment	Staff Recommendation
1	Lyn Widmyer; Mike Cassell; Rebecca L. Harriet (NPS); David Hammer; Joe Anderson (Harpers Ferry)	Location criteria	Location criteria are too broad. (Various comments re: the Neighborhood Commercial District, General Commercial District, Highway Commercial District.)	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
2	Mark Dyck	Location criteria	Location criteria are too limiting. (Various comments re: the Major Industrial District, Planned Neighborhood Development District.)	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
3	Dale Manuel	Location criteria	Clarify whether references to "growth area" would also include a future land use map.	Staff finds that the Comprehensive Plan includes guidance for the location of new development; as such, location criteria (including the reference to "Growth Area") are not necessary.	Recommend deletion of locational criteria in accordance with 9/27/12 memo to County Commission, and renumbering accordingly.
4	Lee Snyder (letter), Mike Cassell, Dr. and Mrs. James Gibson (letter)	Procedural	Comment: There is no map that designates where each zoning district should be placed. West Virginia State Code, as amended, requires that boundaries of all zones be placed on the zoning map. This is found in 8A-7-3 (g): "The boundaries of each zone and the designated classifications must be shown on a zoning district map."	Staff concurs that the boundaries of any property which has been zoned a particular district must be shown on a zoning map. However, staff finds that the intent of 8A-7-3 is not to preclude the establishment of new zoning districts in a Zoning Ordinance, in the absence of an action to simultaneously rezone property to these districts. Following the adoption of the proposed amendments, the new districts would, in effect, be shown on the zoning map as covering no land currently. Staff also finds that the Comprehensive Plan includes guidance for the location of new development.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
5	Mike Cassell, Dr. and Mrs. James Gibson (letter)	Procedural	Comment: The 2004 Comprehensive Plan does not designate the areas for these proposed new zones. Wait until the Comprehensive Plan is finished before creating these additional districts.	Staff finds that the Comprehensive Plan includes guidance for the location of new development in the form of the Growth Area shown on the Study Area Map in the 2004 Comprehensive Plan.	No change recommended.
6	Dr. and Mrs. James Gibson (letter)	Procedural	PND-type districts are usually only permitted in States that particularly authorize them in their state enabling legislation.	Per Chapter 8A of the West Virginia Code, a Zoning Ordinance may "authoriz[e] planned unit developments to achieve more efficient use of land and setting standards and regulations for the developments" and may "authorize[e] flexible planning standards to create, redevelop, reuse, protect, and enhance the physical qualities of the community." Chapter 8A also states that a Zoning Ordinance may make specific provisions to allow non-uniformity in rules, regulations and standards in a zone. Examples of other West Virginia communities with similar districts include Fairmont, Morgantown, Charleston, and Putnam County.	No change recommended.
7	Lyn Widmyer	Section 5.11, Neighborhood Commercial (NC)	Submittal of a development plan should be required for a zoning map amendment request for the Neighborhood Commercial (NC) district.	Staff finds that this requirement could be a disincentive for property owners to apply for the NC district instead of another, more permissive district.	No change recommended.
8	Mike Cassell, Lyn Widmyer, Mark Dyck	Section 5.11, Neighborhood Commercial (NC)	The Neighborhood Commercial (NC) district should not include multi-family residential uses. (Mark Dyck:) Consider removing residential uses, or write a definition of accessory residential use that would allow for a small apartment to be attached. The ability to put multifamily in this zone undermines the public trust that it will be used for the intended purpose.	Staff concurs that multi-family should not be a permitted standalone use in this district. However, staff recommends that residential uses should be permitted above retail uses.	In Appendix C, in the rows labeled "Multi-Family" and "Townhouse", change the designation for the NC district to "NP" (i.e. not permitted). In Section 5.11.C (Permitted Uses), add: <u>3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.</u>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
9	Mike Cassell	5.11, Neighborhood Commercial (NC)	NC uses should be more consistent with purpose statement (i.e. be more compatible with neighborhoods) – especially group homes, vocational training centers, multi-family dwellings, country inns, heliport, building maintenance, nursing homes, bars nightclubs, campgrounds	<p>Staff concurs that “Not Permitted” would be the more appropriate land use status for a heliport in the NC District.</p> <p>Group Residential Facility/Home – required by West Virginia Chapter 17 to be permitted.</p> <p>Vocational and/or Training Facility for Adults – this land use is currently permitted in the Rural District; as such, it should be permitted in the NC district.</p> <p>Country Inns – This land use is intended to be Rural in character. Staff finds this use to be appropriate in the NC district.</p> <p>Heliport, Building Maintenance Services, Nursing Home, Bar/Nightclub, Campground – these are all conditional land uses that would require a Compatibility Assessment Meeting and approval by the Board of Zoning Appeals (following public hearing) in order to establish.</p>	In Appendix C, in the row labeled “Heliport”, change the designation for the NC district to “NP” (i.e. not permitted).
10	Brian Goodman	5.11, Neighborhood Commercial (NC)	Address alcohol sales; hours of operation (should not be 24-hour)	The land use Convenience Store, Limited is a permitted use in the NC district. However, by definition, this store is limited to 1,500 square feet. Staff concurs that a Convenience Store, Limited should have limited hours of operation.	<p>Amend definition of “Convenience Store, Limited” as follows:</p> <p>“A <u>convenience</u> food 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>”</p>
11	Maral P. Strathearn	5.11, Neighborhood Commercial (NC)	Concern regarding permitted or conditional uses such as heliports, taverns, shooting ranges, campgrounds, convenience stores	<p>Shooting Ranges are not permitted in the NC district. Outdoor shooting ranges are not proposed to be permitted outright in any districts; this land use would be a conditional use in industrial districts only.</p> <p>See above responses regarding Heliport, Bar/Nightclub, Campground, and Convenience Store, Limited.</p>	See above responses regarding Heliport, Bar/Nightclub, Campground, and Convenience Store, Limited.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
12	Mark Dyck	5.11, Neighborhood Commercial (NC)	A gas station is a critical community business and should be permitted within the NC district as a PC use. The limited gas station definition is too small to be commercially viable.	The Neighborhood Commercial District is intended for a limited set of commercial uses that may be appropriate in locations where more intensive development is not appropriate. Staff recommends that a Gas Station and a Gas Station, Large not be included as a permitted or conditional use in this district. (Property owners would continue to have the option of a Conditional Use Permit.)	No change recommended. Continue to show Gas Station, Limited as a permitted use in this category.
13	Bernard Simmons (letter)	5.11, Neighborhood Commercial (NC)	Concern that the NC district does not require setbacks.	Setbacks are required in the NC district, with the exception of side yard setbacks when a non-residential NC development is adjacent to a commercial or industrial use. Staff concurs that this allowance should be clarified in Appendix C.	Add a footnote to Appendix B to the side yard setback for the NC and Office/Commercial Mixed Use districts, stating: " 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. " In Appendix B, amend rear yard setback for the NC and Office/Commercial Mixed Use districts to <u>25'</u> and add a footnote stating: " 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. "
14	Mike Cassell	5.11, Neighborhood Commercial (NC)	NC limit of 3,500 square feet per building footprint is too permissive for "small commercial" development.	It should be noted that no Jefferson County commercial zoning categories currently have a building footprint limit. As such, the NC district would be the County's most restrictive commercial district. Other stakeholders have stated that this footprint size is too small.	No change recommended.
15	Mark Dyck, Fred Blackmer	5.11, Neighborhood Commercial District	The maximum building footprint of 3,500 square feet is restrictive. (Mark Dyck:) A 7,500 square foot limitation would be appropriate and would limit oversize commercial development.	The Neighborhood Commercial District is intended for limited-scale development that may be appropriate in locations where more intensive development is not appropriate. The original staff recommendation was to limit total square footage (per building) to 3,000 square feet. Based on Gordon & Associates previous comment (increase square footage to allow for a multi-level building) staff changed the recommendation to a building footprint of 3,500 square feet.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
16	Mark Dyck	5.11.E.3, Neighborhood Commercial District	<p>The requirement of a 10' landscape buffer in front of the commercial buildings seems out of context. A buffer would visually screen the proposed building from the right-of-way. A 10' landscape area is a good idea but not a screen along the frontage.</p> <p>Existing language:</p> <p>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...</p>	Staff concurs. The landscaping requirement is not intended to establish an opaque screen but is intended to create a walkable streetscape area.	Amend Section 5.11.E.3 to add: <u>"The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of the development from the adjacent street(s)."</u>
17	Mark Dyck	Section 5.13 Highway Commercial (HC)	This district is essentially the same as the GC district for permitted uses.	The HC district is distinct from the GC district in that it permits large gas stations and large retail stores.	No change recommended.
18	Mark Dyck	Section 5.14 Light Industrial	If this is to be an employment based zone the majority of retail uses should not be permitted in this zone. The elimination of these uses would allow for a full public expectation of what would occur in this zone.	As currently proposed, the Light Industrial District is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	This is a policy decision for the County Commission. The benefit of restricting retail uses is that a Light Industrial development would be more likely to have a higher percentage of uses that are employment-oriented. The disadvantage of restricting retail uses is that units may be more likely to be unoccupied when employment tenants are not available.
19	Mark Dyck	Section 5.14 Light Industrial	This zone should be re-titled and modified to become a flex commercial and R&D zone. This category would include the light industrial as noted but provide a much broader economic base... This zone would specifically address the Summit Point Advanced Training Center and would allow for auto related research and light manufacturing. Typically these businesses would include a building with a front office area, a back area that would support light manufacturing or research and minimal outdoor storage. These businesses... have very little impact on the community other than being excellent employment centers. We know that these businesses want to come here today and that our ordinance	Establishing an additional new zoning district may not be feasible at this stage of the ordinance amendments. However, this district could be incorporated into future amendments.	Consider as part of future amendments.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
			<p>does not permit it.</p> <p>Alternatively a zone could be written specifically for flex commercial and R&D.</p> <ol style="list-style-type: none"> 1. Purpose should be modified to reflect a broader employment based zone. This would include revising the requirements for water and sewer as well as the four lane road distance. Proximity to existing employment centers and research facilities is important. 2. The location requirement should be revised to include planned parks located adjacent to the Summit Point Advanced Training Center. 3. A focus should be on employment based development, not retail. 		
20	Mark Dyck	Section 5.15, Major Industrial District	Similar to the comment in the light industrial district, uses should only permit those associated with major industrial. If other uses are desired a separate zone should be applied.	As currently proposed, the Major Industrial District is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	This is a policy decision for the County Commission. The benefit of restricting retail uses is that a Major Industrial development would be more likely to have a higher percentage of uses that are employment-oriented. The disadvantage of restricting retail uses is that units may be more likely to be unoccupied when employment tenants are not available.
21	Ted Schiltz	5.16 Planned Neighborhood Development (PND)	PND district - Size of 3 acres or more is required in PND district – this is too small a parcel size to incorporate all required land uses such as med/high density residential, roads, commercial activities, etc.	<p>It is anticipated that on a small site, some land uses may be integrated vertically – i.e. residential units built over shops. Also, low density residential units are not required.</p> <p>While some development proposals may not be accommodated on a 3-acre site, it may be advisable to allow property owners the option to design a development with a layout sufficiently compact to be developed on a 3-acre site.</p> <p>No other zoning district has a minimum acreage requirement, although some land uses have minimum lot sizes.</p>	No change recommended; however, staff recommends monitoring the performance of proposed PND developments to determine if the area limit should be adjusted.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
22	Dr. and Mrs. James Gibson (letter)	5.16 Planned Neighborhood Development (PND)	The proposed PND District allows the County Commission to approve a PND Rezoning Plan including any modifications (and variances) to the existing subdivision and land development regulations... Since it is so early in the development process, the public may not even be aware that deviations from the ordinances are being authorized at the rezoning approval.	Staff concurs that any proposed modifications of development requirements should be part of the public notice for both the Planning Commission and County Commission public hearings for a PND zoning case. Staff also finds that the section of the ordinance describing the required site development standards in a PND District should be clarified.	Amend Sections 5.16F.3.b and 5.16F.3.d to add, <u>"In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements."</u> Amend Section 5.16D.1 to add the following text: 1. <u>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."</u> Amend Appendix C to replace the site development standards information (with the exception of MLA) with the following text: <u>"See General Commercial. Note: the Planning Commission may amend the site development standards for a development in the PND District pursuant to Article 5 of this ordinance."</u>
23	Mark Dyck	5.16 Planned Neighborhood Development (PND)	A.8 - what are critical natural environmental and scenic features defined as. Existing, proposed language (does not appear in currently adopted ordinance): A. Purpose. The purpose of the PND District is to: 8. Preserve critical natural environmental and scenic features of the site;	While the language in Section 5.16A is a purpose statement and is non-regulatory, staff agrees that "critical natural environmental and scenic features" should be described in the ordinance.	Amend 5.16A.8 to read, <u>"critical natural environmental features (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourse, and karst topography) and scenic features (including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes).</u>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
24	Charles M. Ervin (email)	5.16 Planned Neighborhood Development (PND)	Any future large residential communities should be required to develop using PND district.	This is a broader policy issue that the County Commission may want to consider during the development of the Comprehensive Plan.	Recommend considering during development of 2014 Comprehensive Plan.
25	Mark Dyck	5.16 Planned Neighborhood Development (PND)	E.2.b – preservation of 20% of the existing tree canopy may be very difficult for sites with limited tree canopy. The final canopy should be the goal, how this is accomplished should be left to the developer.	To clarify, the requirement is for preservation of a percentage of existing tree canopy, rather than a requirement that a percentage of the site be forested. As such, a site with limited tree canopy will only be required to preserve 20% of its canopy area.	No change recommended.
26	Mark Dyck	5.16 Planned Neighborhood Development (PND)	E.3 – requirement should be reworded. If the proposed PND is next to a townhouse development is access to each townhouse lot required? Existing, proposed language (does not appear in currently adopted ordinance): Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent property. 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.	Staff concurs that this section should be clarified. 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.	Amend Section 5.16E.3 to read: The development shall provide pedestrian and vehicular connections to each adjacent <u>undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision</u> . 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.
27	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	A Comprehensive Plan should outline compatibility standards for PND areas, including specific land use mixes in different PND areas.	The County Commission may want to consider establishing PND standards associated with the County's different geographic areas. While this effort is beyond the scope of the current amendments, establishing a variety of PND sub-areas could be considered during the 2014 Comprehensive Plan process.	Recommend considering during development of 2014 Comprehensive Plan.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
28	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	The ordinance should state how the land use mix requirements in the PND district are measured (e.g. gross floor area) and should define high, medium, and low densities.	Staff concurs.	<p>Amend Section 5.16E.1 to read:</p> <ol style="list-style-type: none"> 1. A PND development shall include the following mix of uses, <u>as measured in gross floor area</u>: <ol style="list-style-type: none"> a. 10-30% commercial b. 10-30% high density residential (<u>7+ units per acre</u>) c. 20-40% medium density residential (<u>4-6 units per acre</u>) d. 0-60% low density residential (<u>1-3 units/acre</u>) <p>Amend Section 2.2 to establish definition of <u>Gross Floor Area</u>:</p> <p><u>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.</u></p>
29	Lyn Widmyer	5.16 Planned Neighborhood Development (PND)	PND developments can be of great benefit to developers; as such, the developments must be required to provide significant community benefits such as open space.	<p>While the ordinance would already require provision of significant public benefits for a PND development, staff concurs that the ordinance should require provision of a trail easement if an adopted plan identifies a trail intersecting the property.</p> <p>It should be noted that the draft ordinance requires a minimum of 20% of the total tract area of a PND development to be composed of common and open space. The review process for a PND development will also provide the Planning Commission and the County Commission with the opportunity to discuss other possible benefits (such as additional landscaping) with the applicant.</p>	<p>Add new subsection 5.16E.6: <u>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.</u></p> <p>Additionally, staff recommends further clarifying the open space requirement as follows:</p> <p><u>Acreage within the 100-year floodplain, as designated by the ... (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural environmental features (as defined in this article), may constitute up to 50% 25% of the required common and open space area.</u></p>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
30	Lyn Widmyer / Mark Dyck	5.17, Office/Commercial Mixed Use	The Office/Commercial Mixed Use district should include a maximum percentage of retail so that employment is the primary land use, and retail secondary. (Mark Dyck:) Uses should be limited to those that would support the key objectives of this zone.	As currently proposed, the Office/Commercial Mixed Use district is intended for employment-oriented land uses but would also allow a variety of retail uses. The intent was that a property owner would be able to substitute a retail use during periods in which a lease space was unoccupied by an employment-oriented tenant.	Amend Section 5.17E.1 as follows: Additional Requirements <u>At least 75% Of</u> the gross floor area of land uses in a development in this district, <u>at least 75%</u> shall be non-residential uses, <u>and at least 50% shall be office uses.</u>
31	Mark Dyck	Section 5.17 Office Commercial Mixed Use	Existing language: "At least 75% of the gross floor area of land uses in a development in this district shall be non-residential uses." E.1 – consider revising this ratio... the residential is such a small component as to be inconsequential, it should be increased or removed.	The intent is for this district to be a primarily non-residential district, predominantly for employment. As such, only a moderate percentage of the gross floor area is proposed to be devoted to residential uses.	No change recommended.
32	Board of Zoning Appeals	Appendix A	Language in Appendix A that would allow reduced setbacks for decks on small townhouse lots in the Residential - Light Industrial - Commercial District should be more specific, and should apply only to situations in which the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a residential lot.	Staff concurs.	Amend footnote marked ϕ in Appendix A to read, "... the rear setback of a deck for a townhouse may be reduced to <u>10'</u> if the <u>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.</u> "
33	Mark Dyck	Appendix C Permitted Uses	The initial sentence under Appendix C would appear to supersede Sections 4.3 and 4.4 which permit the Hollywood Casino and the Summit Point Advanced Training Center. It needs to be revised to defer to these sections.	SPARC is permitted in the Rural District under the "Vocational and Training Facilities for Adults" land use, and is shown as permitted in Appendix C. The Summit Point racetrack is a nonconforming use identified in Section 4.3. Because Appendix C does not address the expansion of a nonconforming use, Section 4.3 will continue to govern the expansion of SPARC. Regarding casinos, please see response to Phyllis LeTart (below).	See proposed changes in response to Phyllis LeTart's comments regarding casinos.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
34	Phyllis LeTart (email) / Mark Dyck	Appendix C Permitted Uses	<p>PNGI Charles Town Gaming Limited Liability Company... is concerned about the language changes in the proposed ordinance as it pertains to gaming being an existing permitted use in the Residential/Light Industrial/Commercial District as stated under Section 4.4, versus what is proposed in Appendix C. Our concern is that the proposed change would have a negative impact on any proposed development by HCCTR of its property.</p> <p>Existing language:</p> <p>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).</p> <p>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 <u>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.</u></p>	<p>Please note that casinos are currently permitted only in the Industrial - Commercial District, and not in the Residential - Light Industrial – Commercial District (RLIC). As such, the proposed amendments will not change the nonconforming status of an existing casino in the RLIC district.</p> <p>However, staff agrees that the Appendix C should be more specific as to the statement in Section 4.4G regarding "betting on horses or pari-mutuel betting on horses."</p> <p>Staff also notes that, to be consistent with current status, "Gambling Facilities" should be shown as a conditional use in the Industrial - Commercial District in Appendix C; this change should also be reflected in the Major Industrial District. This land use should be not permitted in the Light Industrial District.</p>	<p>Amend Appendix C to add a new land use name, "<u>Horse Racing Facility</u>" and to show this land use as permitted in the Residential - Light Industrial - Commercial District, the Industrial - Commercial District, and the Major Industrial District.</p> <p>Amend Section 2.2 to establish definition of "<u>Horse Racing Facility</u>":</p> <p><u>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 incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site.</u></p> <p>Amend Appendix C to show the land use "Gambling Facilities" as "<u>C</u>" (a conditional use) in the Industrial - Commercial District and the Major Industrial District, and "<u>NP</u>" (not permitted) in the Light Industrial District.</p>
35	Matt Knott, Dr. and Mrs. James Gibson	Appendix C	Ask that the phrase 'commercial uses' be reinstated as a permitted use in the Residential - Light Industrial - Commercial District and the Industrial - Commercial District.	Staff concurs.	In Appendix C, continue to show the use "Commercial Uses" as a permitted use in the Residential - Light Industrial – Commercial district and the Industrial -

#	Source	Section or Topic	Request	Comment	Staff Recommendation
					Commercial District.
36	Staff	Appendix C	One of the new land uses, Heavy Equipment Repair, is currently shown as conditional in the Industrial - Commercial District. Staff finds that this use is a standard industrial use and should be permitted.		In Appendix C, amend permitted status of Heavy Equipment Repair in the Industrial - Commercial District from PC to <u>P</u> .
37	Staff	Appendix C	Clarify permitted use status of colleges and universities.		In Appendix C, amend list of land uses to add land use " <u>School, College or University</u> " and show as a permitted use in the following districts: Residential - Light Industrial – Commercial, General Commercial, Highway Commercial, Light Industrial, Planned Neighborhood Development, Office/Commercial Mixed Use.
38	Staff	Appendix C, Section 2.2	Clarify permitted status of vocational schools.		In Appendix C, amend list of land uses to add land use " <u>School, Vocational or Professional</u> " and show as a permitted use in the following districts: Residential - Light Industrial – Commercial, General Commercial, Highway Commercial, Light Industrial, Industrial – Commercial, Planned Neighborhood Development, Office/Commercial Mixed Use. In Section 2.2, add the following definition: <u>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.</u> In Section 2.2, add the following sentence to the definition of School, University or College: <u>The land use School, Vocational or Professional is not</u>

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					<u>included within this definition.</u>
39	Staff	Section 2.2	Change name of Retail Food Store, Limited to Convenience Store, Limited.	The purpose of this change is so that the land use name in the Definitions section matches the land use name in Appendix C.	In Section 2.2, change name of Retail Food Store, Limited to <u>Convenience Store, Limited</u> .
40	Staff	Section 2.2	Revisit definition of Retail Store, Large Existing, proposed language (does not appear in currently adopted ordinance): A retail sales establishment located within one building with a gross floor area exceeding 50,000 square feet.	Based on market research, the threshold for the square footage of a large retail store should be increased.	In Section 2.2, amend the definition of Retail Store, Large to: <u>A retail establishment 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 large retail store that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores connected by common walls as part of a shopping center with shared parking facilities are not included in this definition.</u> Amend the General Commercial purpose statement to include the following text: The uses in this district may be characterized by medium-to-large buildings (up to 50,000 <u>100,000</u> square feet of gross floor area ...
41	Mark Dyck	4.6	Consider deleting Section 4.6; redundant and confusing.	Elimination of all distance requirements is beyond the scope of the current amendments but could be considered as part of future amendments.	No change recommended.
42	Mark Dyck	4.6A	There is no reason for a 200' setback if the use does not have an adverse impact. Setbacks generally waste valuable land when visual and acoustical buffers are more effectively done in another manner.	Elimination of the existing requirement for a 200' buffer is beyond the scope of the current amendments but could be considered as part of future amendments.	No change recommended.

#	Source	Section or Topic	Request	Comment	Staff Recommendation
43	Mark Dyck	4.6A	Provide additional guidance as to whether the rural district is considered a residential district.	Staff concurs that additional clarity is needed regarding the term "residential district." Based on the use of "Residential Growth District" in Section 4.6B, staff finds that a "residential district" means the Residential Growth District.	Amend Section 4.6A.1 to read: "Any lot in a <u>the Residential Growth</u> district;"
44	Mark Dyck	4.6A	Is parking considered a use that falls under the 200' setback requirement.	Staff concurs that additional clarity is needed regarding parking in the 200' setback.	Amend Section 4.6A to read: "Any uses <u>(not including parking)</u> or buildings subject to compliance with this section" Amend Section 4.6B to read: "Adjacent uses <u>(not including parking)</u> or buildings subject to compliance with this section"
45	Mark Dyck	4.11.B.2	If a screened buffer yard is provided, what is the purpose of the additional 185' buffer.	The Zoning Ordinance currently requires a 200' buffer for industrial uses. The purpose of the buffer is not only for visual screening but also to address potential issues of noise and odors associated with an industrial use.	No change recommended.
46	Staff	Section 6.3	Revisit proposed change to calculation of LESA points for sites with some existing development or ground disturbance. Existing, proposed language (does not appear in currently adopted ordinance): A. The Soils Assessment of a proposed development is not applied when: 1. the development is proposed to be located in an existing building, on an existing paved or disturbed area, or entails an expansion of less than 1,000 square feet total of an existing building and/or an existing paved area.	The intent of this proposed amendment is that the re-use (or modest expansion) of a developed site would not require soils evaluation as part of the LESA process for a Conditional Use Permit. However, this proposed amendment should be made more specific, so that it will be clear that the land use is limited to an existing building or paved area, or a modest expansion.	The Soils Assessment of a proposed development is not applied when: 2. the <u>land use development</u> is proposed to be <u>completely contained located</u> in an existing building, <u>or</u> on an existing paved <u>or-disturbed</u> area, or entails an expansion of <u>an existing building and/or an existing paved area by the lesser of either (1) than up to 1,000 square feet total of an existing building and/or an existing paved area, or (2) up to 50% of an existing building and/or an existing paved area</u>

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47	Dale Manuel	N/A	The amendments should include standards for shooting ranges.	<p>The proposed amendments would establish a definition of "Shooting Range, Indoor" and "Shooting Range, Outdoor". This definition clarifies that a shooting range must meet NRA standards.</p> <p>The definition could be further clarified to state that an outdoor shooting range must also meet the 150-yard setback and 150-acre minimum lot area standards of a Hunting, Shooting, and Fishing Club.</p>	<p>Amend Section 2.2. proposed definition of "Shooting Range, Outdoor" to add:</p> <p><u>"The operations and design of an outdoor shooting range meet National Rifle Association standards, and the range must meet the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this ordinance."</u></p>
48	Dr. and Mrs. James Gibson (letter)	N/A	County should continue to pursue recreational use and tourism amendments.	There are a number of various types of ordinance amendments (such as sign regulations, residential accessory structures, and rural site plan standards) that have been identified as priorities. As time permits, staff may work on additional amendments during the Comprehensive Plan process; however, staff time will be limited until the plan is adopted.	Staff will continue to seek the guidance of County Commission and Planning Commission regarding the Department's annual work plan.
49	Lyn Widmyer	N/A	For all proposed districts, a traffic study submittal should be required for a zoning map amendment application.	<p>The Zoning Ordinance currently requires an application for a zoning map amendment to include "Discussion on . . . Any change of transportation characteristics and neighborhood from when the original ordinance was adopted."</p> <p>A traffic study, typically prepared by a transportation engineering firm, is a study that assesses the impact of a proposed development on the existing and future transportation network.</p> <p>Some communities require this type of assessment only at the development phase (e.g. submittal of site plan or subdivision). The Jefferson County Subdivision and Land Development Regulations require a traffic study if a development would traffic of more than 100 peak hour trips.</p>	<p>This is a policy decision for the County Commission.</p> <p>Such a study would require an up-front cost by the applicant but could provide the County Commission with additional information regarding potential traffic impacts.</p> <p>An additional option is to change the submittal requirements for a zoning map amendment to require some additional information regarding potential transportation impacts, such as roadway capacity, anticipated trip generation, etc. These elements would not require a traffic study by an engineering firm but would provide the Planning Commission and County Commission with additional traffic impact information.</p>

#	Source	Section or Topic	Request	Comment	Staff Recommendation
50	Corporation of Harpers Ferry, Joe Anderson	N/A	Consider traffic impact of development. This depends on the intensity of the proposed development and the characteristics of traffic conditions in the immediate vicinity. Consideration should be given to establishing some requirements that traffic analysis be completed and evaluated before approving more intensive zones. The Comprehensive Plan may be an appropriate forum to develop guidance for these requirements.	<p>The Zoning Ordinance currently requires an application for a zoning map amendment to include "Discussion on . . . Any change of transportation characteristics and neighborhood from when the original ordinance was adopted."</p> <p>A traffic study, typically prepared by a transportation engineering firm, is a study that assesses the impact of a proposed development on the existing and future transportation network.</p> <p>Some communities require this type of assessment only at the development phase (e.g. submittal of site plan or subdivision). The Jefferson County Subdivision and Land Development Regulations require a traffic study if a development would traffic of more than 100 peak hour trips.</p>	<p>This is a policy decision for the County Commission.</p> <p>Such a study would require an up-front cost by the applicant but could provide the County Commission with additional information regarding potential traffic impacts.</p> <p>An additional option is to change the submittal requirements for a zoning map amendment to require some additional information regarding potential transportation impacts, such as roadway capacity, anticipated trip generation, etc. These elements would not require a traffic study by an engineering firm but would provide the Planning Commission and County Commission with additional traffic impact information.</p>
51	National Parks Service, Rebecca L. Harriet	N/A	Rather than creating new commercial zones in addition to the existing zones, the NPS prefers to see all properties currently zoned "Residential-Light Industrial-Commercial" re-designated into one of the newly proposed zones.	Rezoning properties with existing commercial zoning is beyond the scope of the currently proposed amendments. This is a broader policy issue that the County Commission may want to consider at a later time.	The County Commission may want to consider following development of 2014 Comprehensive Plan.
52	National Parks Service, Rebecca L. Harriet	N/A	It may also be useful to consider design standards that could accompany some of the new zoning categories. This would be especially useful for assigning categories for properties at key intersections and other high visibility areas. More specifics might best be developed during the forthcoming Comprehensive Planning process.		Recommend considering during development of 2014 Comprehensive Plan.
53	Charles Ervin	N/A	Developers should bear all costs associated with whatever upgrades are required by the State/County, such as: supplemental road development, traffic control, etc.	This is a broader policy issue.	This issue could be considered during the 2014 Comprehensive Plan process.
54	Bernard Simmons (letter)	N/A	No more development and no more sprawl; need for additional water treatment plants.	This is a broader policy issue.	This issue could be considered during the 2014 Comprehensive Plan process.

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 ¹	Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.
Residential Care Home ²³	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 ²³	Takeout pizza/sandwich shops not exceeding 600 square feet.
Restaurant, Limited ²³	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 ²³	A retail convenience 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 ²³	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 ²³	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.⁵
- 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 ~~-e~~ Commercial ~~Zone~~ District and the Major Industrial District and shall be processed through the Development Review System (Article 6 and 7).^{6, 23}

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.~~²³
- 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.^{5, 23}

- 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.^{8, 23}
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.¹²
- 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.~~²³
 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.^{15, 16}
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.²³
- 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.²³

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;¹
 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:⁷

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.²³

~~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.^{7, 22}

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.²³

Section 4.10 Site Plan Requirements

- A. ~~A site plan shall be s~~Submittal and approval of a site plan is required~~ed~~ 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.²³ [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.²³
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

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.⁵

B. Industrial development.

- 1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have ~~a~~ 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.^{5, 7}

- ~~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 Uses²¹

[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.²³ [2nd 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.^{7,23}
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.²³

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.²³

Table 4.11 - ~~2-1~~ Wetland Size in Acres^{5, 8, 23}

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:⁷

1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:²³
 - 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 Developments²³

- 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 Rivers²³

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

Section 5.1 Establishment of Districts¹

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 District²³
- [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.²³

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.²³

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 Uses²³

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 Adults¹²~~

~~10. Church~~

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

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

~~13. Essential Utility Equipment~~

~~14. Public Safety Facility~~

~~15. Publicly Owned Facility²³~~

~~16. Accessory Uses~~

- ~~17. Group Residential Facility~~
- ~~18. Home Occupation, Level 1⁸~~
- ~~19. Home Occupation, Level 2⁸~~
- ~~20. Nursing or Retirement Home~~
- ~~21. Model Homes/Sales Office¹²~~
- ~~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.²³
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.^{5,23}
- ~~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~~^{5, 19, 23}
[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)*
		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	10,000 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.~~ [Note: Deleted text moved to 5.4.B.2]

C. Commercial Services in Residential Developments²³

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.⁵

D. Standards for Commercial or Light Industrial Uses²³

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.⁵
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 Reserved²³

Section 5.6 Industrial - Commercial District²³

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 Uses²³

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)²³
- 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)²³

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.)^{5, 23}

1. Front yard building setback	
Commercial sites	25 feet
Industrial sites	50 feet

2. 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

3. 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

4. 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

5. 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)~~^{7, 23}

3. ~~7~~Distance Requirements

- a. Commercial shall comply with Section 4.6(b)
- b. Industrial shall comply with Section 4.6(a)^{7, 23}

~~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.²³

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

1. Commercial Design Standards²³

- 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~~F.

- 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.²³

- b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11 ~~e~~F.

- 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 District²³

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.^{8,23}

A. Principal Permitted Uses²³

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 2⁷~~

~~2. Church~~

~~3. Elementary or Secondary School~~

~~4. Vocational and/or Training Facility for Adults^{12, 20}~~

~~5. Dwelling, Single Family~~

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

~~7. Dwelling, Two-Family⁸~~

~~8. Cottage Industry⁸~~

~~9. Home Occupation, Level 1⁸~~

~~10. Home Occupation, Level 2⁸~~

~~11. Day Care Center, Small^{12, 11, 15}~~

~~12. Public Safety Facility~~

~~13. Cultural Facility~~

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

~~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)^{7,15}
- 21. Publicly Owned Facility⁸
- 22. Wireless Telecommunications Facilities pursuant to Article 4B.¹⁰
- 23. Model Homes/Sales Office (subject to the requirements for such a use in Article 8)¹²
- 24. Non-profit Community Centers¹⁵
- 25. Landscaping business outside of Planning Commission approved subdivisions¹⁵
- 26. Veterinary services outside of Planning Commission approved subdivisions¹⁵
- 27. Feed and/or Farm Supply Center
- 28. Agricultural Repair Center¹⁵
- 29. Kennels (subject to the requirements for such a use in Article 8)¹⁵
- 30. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)²⁰
- 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 Requirements²³

- 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 5.4.⁵

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.^{1,23}~~

~~4.2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.²³~~

~~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).²³~~

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.⁸

1. A property owner may create one (1) lot for every fifteen (15) acres with a minimum lot size of three (3) acres.^{17,21}

- 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.^{17,21}

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.^{17, 21, 23}
 - (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.^{17, 21}
 - (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.²³
 - (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.^{17, 21}
 - (e) Maximum lot size shall be 3 acres.^{17, 21}
- iii. Procedures²³
 - (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.^{17, 21, 23}
 - (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".²³

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 District¹

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.²³

A. Principal Permitted Uses²³

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 Adults¹²~~
- ~~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)¹²~~
- ~~39. Non-Profit Community Center~~
- ~~40. Non/Not for Profit Commercial Uses¹²~~
- ~~41. Preschool~~
- ~~42.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

B. Standards²³

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.²³

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

C. Site Development Standards ~~Other Regulations~~²³

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.^{5, 7, 23}

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.²³ 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.⁷

Section 5.9 Reserved²³

Section 5.10 Village District^{8, 23}

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

A. Principal permitted uses²³

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 Facility¹²~~
- ~~8. Essential Utility Equipment~~
- ~~9. Medical/Dental/Optical Office, Small¹²~~
- ~~10. Group Residential Facility~~
- ~~11. Cultural Facility¹²~~
- ~~12.1. Wireless Telecommunications Facilities pursuant to Article 4B~~

B. Conditional Uses²³

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, Limited¹²~~

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~~²³

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.²³

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.²³
- 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.²³
- H. Other Requirements²³
 - 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.

~~4.~~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.^{14, 17, 21, 23}

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.^{14, 17, 21}
- ~~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.^{17, 21}

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.¹

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.⁵

Section 8.10 Model Homes/Sales Offices²³

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.^{17, 21}

Model homes without staffed sales offices are permitted internally within the subdivision.¹²

Section 8.11 Petroleum Products Refining or Storage²³

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 Fireworks²³

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 provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.⁸

Section 8.13 Dormitory²³

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.^{17, 21, 23, 25}

Section 12.2 Procedure for Amendment by County Commission^{1, 25}

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.^{17, 21}
- 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.^{17, 21, 25}
- 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 Petition²⁵

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.^{17,21}

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.^{17,21}

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		
	Duplex dwelling unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
		Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
	Townhouse	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	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		
		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		
	Cluster Subdivision	See Residential Growth										
	Residential use that complies with the Development Review System	See Residential Growth										
Village	Residential uses	See Residential Growth										
Residential / Light Industrial / Commercial	Residential uses	See Residential Growth†										
Industrial-Commercial	Residential uses	See Residential Growth										
Neighborhood Commercial	Residential uses	See Residential Growth. Article 5 also provide supplemental standards for certain development types in this district.										
General Commercial	Residential uses	See Residential Growth. Article 5 also provide supplemental standards for certain development types in this district.										
Highway Commercial	Residential uses	N/A										
Light Industrial	Residential uses	N/A										
Major Industrial	Residential uses	N/A										
Office / Commercial Mixed Use	Residential uses	See Residential Growth										
Planned Development	Residential uses	See Residential Growth. Note: the Planning Commission may amend site development standards for a land use in the Planned Neighborhood Development district pursuant to Article 5 of this Ordinance.										

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 ⁶	Min. Lot Area (MLA)	Min. Lot Width	Max. Building Height ⁷	Imperious Surface Limit	Building Setbacks			Parking/Drive Aisle Setbacks ⁸			Distance (if Sec. 4.6 applies)	Buffers (Sec. 4.11) (Screened/Unscreened)										
						Front	Side	Rear	Front	Side	Rear		Front, Side, Rear	Adjacent lot is:									
														Commercial Use			Industrial Use						
Industrial - Commercial ^{2,3}	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 ^{4,5}	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	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	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+ Grades 5-8: 20 acres+ 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			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	N/A	N/A	N/A	N/A	N/A	N/A	N/A				
	Other Rural principal permitted uses	40,000 sq. ft.	100	35	N/A	40	50	50	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	If a commercial or industrial use, see Industrial - Commercial District, otherwise N/A										
	Commercial or Industrial ^{2,3}	See Industrial-Commercial District																					
Village District	Commercial ⁷ Industrial ^{2,3}	N/A	N/A	35	N/A	25	10	40	See Industrial-Commercial District														
Residential Growth	Commercial or Industrial ^{2,3}	See Industrial-Commercial District																					
Neighborhood Commercial ⁹	Commercial	N/A	N/A	35	70%	15' (min) 25' (max)	10 ⁴	10 ⁵	See Industrial-Commercial District			25	See Industrial - Commercial District										
General Commercial ⁹	Commercial	N/A	N/A	60	80%	20	10	25	See Industrial - Commercial District														
Highway Commercial	Commercial	N/A	N/A	60	80%	25	25	25	See Industrial - Commercial District														
Light Industrial	Commercial or Industrial	N/A	N/A	60	80%	25	25	25	See Industrial - Commercial District														
Major Industrial	Commercial	N/A	N/A	75	90%	25	10	50	See Industrial - Commercial District														
	Industrial	3 acres ^{4,5}	N/A	75	90%	25	50	50	See Industrial - Commercial District														
Office / Commercial Mixed Use	Commercial	N/A	N/A	60	80%	15' (min) 25' (max)	10 ⁴	10 ⁵	See Industrial - Commercial District														
Planned Development	Commercial	3 acres	See General Commercial District. Note: Planning Commission may amend development standards for developments in the FND 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.

²This 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.

³All dimensions are in feet unless otherwise indicated.

⁴Maximum 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(d)]

⁵If land use(s) approved via Neighborhood Compatibility Meeting process or Development Review System process in accordance with the Zoning and Development Review Ordinance.

⁶MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Section 5.6(e)]

⁷For 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)]

⁸Village 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: 5.10e]

⁹Setback may be reduced if adjacent to industrial use.

¹⁰For 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.

¹¹A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line.

¹²For 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.

¹³Churches 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.

¹⁴Article 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 ¹	OC	R	RG	R-LI-C	I-C	V	Additional Standards
Residential Uses													
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	NP	NP	P	P	NP	P	
Dwelling, Townhouse	PNP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	PNP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	NP P	P	NP P	
Mobile Home	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	PC	NP	NP	NP	P	P	P	P	P	NP	NP	Sec. 8.10
Home Uses													
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
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	NP	NP	NP	PC	NP	
Church	P	P	P	P	PC	P	P	P	P	P	NP	PC 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	NP	P	P	P	
Day Care Center, Large	P	P	P	P	PC	P	P	NP	P	P	P	PC	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Elementary or Secondary School	P	P	PC	PC	NP	P	P	P	P	P	NP	NP	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	P	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	P	P	P	P	NP	P	
Heliport	GNP	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	NP	NP	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	NP PC	
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	
Industrial													
Heavy Equipment Repair	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PCP	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

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

² 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 ¹	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 ²	NP	NP	NP	NP	NP	PC ²	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	P 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	
Industrial Manufacturing & Processing													Sec. 8.9
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	
Petroleum products refining or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	PNP	P	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	PC	PC	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													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	

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

² 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.~~

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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 ¹	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	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
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	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	P	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
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	NP	
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
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	NP	PC	NP	NP	NP	NP	NP	PC	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	
Kennel	NP	P	P	P	PC	P	P	P	NP	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile home, boat and trailer sales	NP	P	P	P	P	P	P	NP	NP	PC	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	

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

² 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 ¹	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	PNP	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
Agricultural Uses													
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	
Farm Brewery or Winery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	PC	P	P	P	NP	P	P	NP PC	Sec. 8.6
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	
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

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

² 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:

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. This use is conducted indoors with no outdoor storage of vehicles to be rented.
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.

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.

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; laundromat	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]
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, and mobile home sales establishments.
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

	operated by charitable organizations licensed under West Virginia state law.
Gas Station	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 gross floor area.
Golf Course	A facility other than a miniature golf course 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. A grocery store may include a pharmacy as an accessory use. [unnecessary]
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 oppose 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

	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

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. The area dedicated a Recycling Drop-Off Center is limited to 1,000 square feet.
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.

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 – 1st Choice: August 29, 2013

Date Requested – 2nd Choice: September 5, 2013

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

Subject: Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 8.15 (new), 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments)

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

As the County Commission is aware, in 2010 and 2011, the County Commission approved several amendments to the Zoning Ordinance. A number of broad amendments with significant policy implications identified by the County Commission, the Planning Commission and/or staff in 2010 remain to be addressed but are being deferred until after the completion of the Comprehensive Plan.

However, group of smaller (but still important) amendments that would reduce barriers to development, streamline processes, and improve the clarity of the ordinance have been identified over the last several months. In May, the Planning Commission determined that because these amendments are of relatively limited complexity and do not appear to have significant policy implications, this set of amendments could be undertaken now, while the Comprehensive Plan process is ongoing (see attached memo date May 9, 2013).

On June 11, 2013, the Planning Commission conducted a public hearing for amendments to various sections of the Zoning Ordinance (2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, 12.2) related to agricultural uses and other amendments. Following the public hearing, the Planning Commission reviewed a summary of comments received as well as the staff recommendations to address these comments and incorporated the relevant comments. The public comment led to related changes in Section 4A.5 and new sections 8.14 and 8.15 to clarify the amendments being considered.

At their August 13, 2013 meeting, the Planning Commission voted to recommend to approval of the proposed amendments to the County Commission. In accordance with Section 12.4C of the Zoning Ordinance, if the Planning Commission determines that a text amendment to the Zoning Ordinance is required in accordance with its work plan, for the purpose of improving or clarifying the ordinance, or for consistency with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing, and make a recommendation for action to the County Commission through a regular agenda request process. With its recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and

a Public Hearing at dates to be determined by the County Commission to receive comment and take action on the proposed amendment.

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

I move to schedule a Workshop (if necessary) on _____, 2013 at _____ pm. on the Proposed Minor Amendments to the Jefferson County Zoning and Land Development Ordinance related to Agricultural Use and Other Amendments and/or to schedule a Public Hearing on the same amendments on _____, 2013 at _____ pm..

Attachments:

- Memo from Steve Barney to PC dated May 9, 2013 regarding "Policy Neutral Zoning Ordinance Amendments, Phase II"
- Proposed revisions to Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14, 8.15, 9.5, 10.5, 11.1, 12.2 and Appendix C with amendments highlighted.



JEFFERSON COUNTY, WEST VIRGINIA
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MEMO

TO: Jefferson County Planning Commission
FROM: Steve Barney, Zoning Administrator
DATE: May 9, 2013
RE: Policy Neutral Zoning Ordinance Amendments, Phase II

Background

In 2010 and 2011, the County Commission approved several amendments to the Zoning Ordinance. A number of broad amendments with significant policy implications remain to be addressed, and should be deferred until after the completion of the Comprehensive Plan.

However, staff has identified a group of smaller (but still important) amendments that would reduce barriers to development, streamline processes, and improve the clarity of the ordinance. These amendments are of relatively limited complexity and do not appear to have significant policy implications. As such, this set of amendments could be undertaken now, while the Comprehensive Plan process is ongoing.

The proposed amendments are described below.

Recommend Amendments

1. **Site plan Requirement (Section 4.10).** The Zoning Ordinance currently states that a site plan must be submitted prior to initiation of development, but does not clarify that the site plan must be approved.
2. **Restaurants and Convenience Stores in Shopping Centers (Section 5.8C).** This amendment would clarify that the Compatibility Assessment Meeting requirement does not apply to a building located within a shopping center shown on an approved site plan for 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).
3. **Wineries / Distilleries (Section 8.5, various).** The Zoning Ordinance currently permits "Farm Breweries and Wineries" but the ordinance is silent regarding distilleries. This type of rural land use has become a prominent agribusiness in some parts of the country, and several interested parties have expressed a desire to create rural distilleries in Jefferson County. Staff proposes to amend the ordinance to clarify that distilleries are also permitted. Additionally, staff proposes

to increase the square footage restriction for buildings associated with a winery from 10,000 to 20,000 square feet.

4. **Deck setbacks in certain townhome subdivisions (Section 9.5).** Numerous variance requests for deck setbacks in townhome subdivisions with small lots indicate the need for a code amendment.
5. **Receptions and events in Rural areas (Section 10.5).** A number of property owners have expressed interest in renting barns and homes in rural areas for use as reception facilities for weddings and other events. Currently, the Zoning Ordinance would only permit this type of land use (in limited form) as part of a bed and breakfast establishment; otherwise, a Conditional Use Permit would be required. Staff proposes to create a provision in the ordinance allowing this type of land use as a Special Exception that can be approved by the Board of Zoning Appeals.
6. **Secondary Dwelling Units for Agricultural Purposes (Section 10.5).** While the Zoning Ordinance allows attached two-family structures in the Rural District, it allows only one detached dwelling unit per lot. Many owners of agricultural property have expressed interest in adding a second unit in order that a farm caretaker can live at the property. Staff recommends creating a provision in the ordinance to allow a second detached dwelling (for agricultural purposes) as a Special Exception that can be approved by the Board of Zoning Appeals.
7. **Parking for Seasonal or Temporary Uses (Section 11.1).** The Zoning Ordinance parking requirements for non-residential uses do not distinguish between conventional uses (such as a retail store) and uses of a more rural or informal character, such as a farmers market or a fair. Staff recommends that the ordinance allow flexibility for staff to 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.
8. **Public notice for zoning map amendments (Section 12.2).** Staff recommends that the public notice period for zoning map amendments be reduced by two days (from 30 days to 20-28 days) in order to allow a zoning map amendment case to be scheduled on the next Planning Commission meeting following the applicant's presentation of a map amendment petition.

Next Steps

If the Planning Commission finds the proposed draft language acceptable for purposes of receiving public comment, staff will work with the Planning Commission to schedule a public hearing on the proposed amendments. After the public hearing, the Planning Commission can recommend changes to the ordinance amendments, and vote to recommend that the County Commission adopt the amendments. The County Commission will also conduct a public hearing, and at a subsequent meeting, vote on the adoption of the amendments.

Please let me know if you need additional information.

Att: Draft amendments to Zoning Ordinance sections listed above

Jefferson County Zoning and Land Development Ordinance

Jefferson County,
West Virginia

Prepared By
The Jefferson County
Planning Commission

Adopted July 7, 1988, As Amended
Amendments adopted by the County Commission, November 10, 2011
DRAFT AG USES and REALTED AMENDMENTS 8/13/13 rev 8/22/13 for CC

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ARTICLE 2: DEFINITIONS

Section 2.1 Definitions

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, the singular number includes the plural and the plural is the singular. The word "shall" is mandatory and the word "may" is permissive. The words "used for" shall include "arranged for", "designed for", "intended for", "maintained for", "constructed for", or "occupied for". The word "person" shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or the manager, lease, agent, servant, officer or employee of any of them. The word "land" shall include water surface and land under water.

Section 2.2 Terms Defined

Abandonment or Abandoned ^{17, 21}	The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
<u>Accessory Agricultural Dwelling Unit</u>	<u>A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.</u>
Accessory Equipment ²²	Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Accessory Use	A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks.
Addition, Major	A major addition shall include those additions which will directly affect the function of the site or those areas surrounding the site. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation

- together and sharing living areas in a dwelling unit; or
 D. A group of persons occupying a dwelling unit meeting the definition of a Residential Care Home.

Farm Market ²³	Market for the sale of farm products, and products incidental to farm products.
<u>Farm Winery</u>	<u>An agricultural use licensed as a “Farm winery” pursuant to the West Virginia Code, and meeting the requirements for a “Farm winery” in §60-1-1 et seq of the West Virginia Code as amended. A farm winery is also subject to the requirements of Section 8.5 of this Ordinance.</u>
<u>Farm Distillery</u>	<u>An agricultural use licensed as a “Mini-distillery” pursuant to the West Virginia Code, and meeting the requirements for a “Mini-distillery” in §60-1-1 et seq of the West Virginia Code as amended. A farm distillery is also subject to the requirements of Section 8.5 of this Ordinance.</u>
<u>Farm Brewery</u>	<u>An agricultural use that entails the manufacturing of beer in accordance with the requirements of the West Virginia Code. A farm brewery is also subject to the requirements of Section 8.5 of this Ordinance.</u>
Farm Vacation Enterprise ²³	A farm adapted for use as a rural vacation area, which may include picnicking and sporting areas, fishing waters, camping, scenery, nature recreation areas, and similar uses. The site may contain up to 5 lodging units.
FCC ²²	Federal Communications Commission.
Flood-prone Area	Areas subject to the one hundred (100) year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 15, 1980, as may be amended.
Flood-prone Soils	Any area designated as flood-prone soils in the Soil Survey of Jefferson County, West Virginia prepared by the Department of Agriculture, Soil Conservation Service.
Frontage, Street	All property on the side of a street between two intersecting streets (crossing or ending), or if the street is a dead-end, then all property abutting on one side between an intersecting street and the dead-end of the street.
Functionally Equivalent	FCC licensed providers of Commercial Mobile Radio Services

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.

Rural Reception/Event Facility

A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential-Light Industrial-Commercial Districts (permitted by Special Exemption).

Rural Reception/Event Facility, Small

A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month.

School, University or College²³

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.

Seasonal Use⁵

A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.

Sensitive Natural Area⁵

An area of wetlands, stream or river banks and forest which exists as a habitat supporting rare or endangered species or which has been dedicated perpetually to environmental preservation by easement, covenant or other legal instrument or which is otherwise protected for environmental purposes by State or Federal statute.

Setback Line²³

That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. For attached dwelling unit types (duplex, multi-family, townhouse, two-family, and similar residential uses) no setback between attached dwelling units is required.

Sexual Paraphernalia Store¹⁵

Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual activities or used in connection with specified sexual activities.

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.²³

Section 4.10 Site Plan Requirements

- A. ~~A site plan shall be submitted~~ and approval of a site plan is required 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.²³
- 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.²³
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.^{10, 17, 21, 23}

Section 4.11 Landscaping, Screening and Buffer Yard Requirements

- A. 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. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.⁵
- B. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have a buffer yard of no less than two hundred (200) feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard. All industrial development shall have front yard buffers of no less than one-half (½) the front yard building setback.^{5, 7}

4. An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.
- H. The maximum combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in subsection (j)(1) – (4), to be used as a Cottage Industry, is 3,000 square feet. For any additional building area exceeding 3,000 square feet, the development and property shall meet all requirements of the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance. If the proposed use of an existing structure and related outdoor area is for use as a “Rural Reception/Event Facility, Small”, a larger gross floor area may be considered as a part of the review process.
- I. Setbacks shall be as provided below for an accessory structure used for a Cottage Industry:
1. For an accessory structure lawfully constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry, setbacks are 25 feet from all lot lines.
 2. For an accessory structure lawfully constructed more than five years prior to application for a Zoning Certificate for a Cottage Industry, the applicable zoning district setbacks for an accessory structure apply.
- J. For a Cottage Industry located in the Residential Growth District or an existing residential subdivision, the minimum lot size is 2 acres.
- K. If a proposed Cottage Industry would utilize a private, shared right-of-way, driveway or easement for vehicular access, a Compatibility Assessment Meeting is required. The meeting shall be conducted as described in Sections 7.6A and 7.6C of this Ordinance, with the following exceptions:
1. The purpose of the meeting is for the applicant to inform adjacent owners of the proposed Cottage Industry and to describe any associated traffic impacts.
 2. Owners of all properties with vehicular access to the right-of-way or easement shall be notified of the date, time, and place of the meeting by registered mail. Letters shall be mailed 14 days prior to the scheduled date of the meeting. Staff shall approve the letter as adequate prior to mailing, and the applicant must provide proof of mailing.
 3. During the Compatibility Assessment Meeting, attendees should limit their comments to the adequacy of the private, shared right-of-way, driveway or easement, to accommodate traffic generated by the proposed Cottage Industry.
 4. No Board of Zoning Appeals approval of the application is required.
- L. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.

Section 5.7 Rural District²³

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.^{8, 23}

A. Principal Permitted Uses²³

1. Agricultural uses as defined in Article 2⁷
2. Church
3. Elementary or Secondary School
4. Vocational and/or Training Facility for Adults^{12, 20}
5. Dwelling, Single Family
6. Mobile Home (subject to the Jefferson County Subdivision and Land Development Regulations)
7. Dwelling, Two-Family⁸
8. Accessory Agricultural Dwelling Unit
- ~~7-9~~ Cottage Industry⁸
- ~~8-10~~ Home Occupation, Level 1⁸
- ~~9-11~~ Home Occupation, Level 2⁸
- ~~10-12~~ Day Care Center, Small^{12, 11, 15}
- ~~11-13~~ Public Safety Facility
- ~~12-14~~ Cultural Facility
- ~~13-15~~ Farm Market (subject to the requirements for such a use in Article 8)⁸
- ~~14-16~~ Horticultural nurseries and commercial greenhouses
- ~~15-17~~ Hospital
- ~~16-18~~ Essential Utility Equipment
- ~~17-19~~ Accessory uses
- ~~18-20~~ Group Residential Facility
- ~~19-21~~ Bed and Breakfast (subject to the requirements for such a use in Article 8)^{7, 15}
- ~~20-22~~ Publicly Owned Facility⁸
- ~~21-23~~ Wireless Telecommunications Facilities pursuant to Article 4B.¹⁰

22-24. Model Homes/Sales Office (subject to the requirements for such a use in Article 8)¹²

23-25. Non-profit Community Centers¹⁵

24-26. Landscaping business outside of Planning Commission approved subdivisions¹⁵

25-27. Veterinary services outside of Planning Commission approved subdivisions¹⁵

26-28. Feed and/or Farm Supply Center

27-29. Agricultural Repair Center¹⁵

28-30. Kennels (subject to the requirements for such a use in Article 8)¹⁵

29-31. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)²⁰

30-32. Agricultural Tourism

31-33. Farm Vacation Enterprise

32-34. Farm Brewery, or Winery, or Distillery

35. Rural Reception/Event Facility or Rural Reception/Event Facility, Small (subject to the requirements of 10.5B)

33-36. Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)

34-37. Preschool

B. Minimum Lot Area, Lot Width and Yard Requirements²³

1. 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 5.4.⁵

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

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 District¹

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.²³

A. Principal Permitted Uses²³

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 Adults¹²
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)¹²
39. Non-Profit Community Center
40. Non/Not for Profit Commercial Uses¹²
41. Preschool
42. Wireless Telecommunications Facilities pursuant to Article 4B

B. Standards²³

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.²³

C. Other Regulations²³

1. All sections of this ordinance applying to the residential growth district with the exception of Section 5.4(a) will apply to residential uses in this District.
2. 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). 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.^{5, 7, 23}

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.²³ This requirement shall not apply to a building located within a shopping center shown on an approved site plan.
4. Proposed uses in this zone do not have to comply with 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.⁷

Section 5.9 Reserved²³

Section 5.10 Village District^{8, 23}

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

A. Principal permitted uses²³

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 Facility¹²
8. Essential Utility Equipment
9. Medical/Dental/Optical Office, Small¹²
10. Group Residential Facility
11. Cultural Facility¹²
12. Wireless Telecommunications Facilities pursuant to Article 4B

B. Conditional Uses²³

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

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³

Section 8.1 Adult Use Requirements^{16, 23}

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 under the following conditions:

- A. All elements of the use, including parking areas, shall be located at least 1,500 feet from any Rural, Residential-Growth, Village or Residential Growth-Light Industrial-Commercial Zoning District not separated from the subject property by a public road or railroad right-of-way.
- B. A proposed adult arcade, adult bookstore, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors or any sign advertising the operation thereof, shall not be permitted within 2,500 feet of a lot with an existing adult use or a lot with a sign advertising an adult use.
- C. All elements of any use described in this section, including parking areas, shall be located at least 1,500 feet from any lot, regardless of its zoning classification, that contains a dwelling unit, a school, a church or house of worship or an institution for human care, regardless it is separated by a public road or railroad right-of-way.

This provision does not apply to any specific existing use that legally qualifies as a nonconforming use; provided, however, that an existing nonconforming use cannot add any of the uses described in this section to their operations as existing on May 1, 2003.

Section 8.2 Barns and Feeding Pens²³

Barns and feeding pens must be set back a minimum of 75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.

Section 8.3 Bed and Breakfast²³

A bed and breakfast may contain up to 7 bedrooms, and may conduct up to 4 receptions per year, with 1 tent per reception. Breakfast is the only meal served, and is served only to overnight tenants and their guests. An owner or designated caretaker must reside on the premises while the bed and breakfast is occupied. Up to 2 bedrooms may be located in an accessory dwelling unit, provided that the total number of bedrooms associated with the land use does not exceed 7.

Section 8.4 Kennels²³

All portions of a Kennel land use must be buffered pursuant to Article 4 and set back at least 500 feet from any property that contains a residence. Kennels cannot be located within a Planning Commission approved residential subdivision.¹⁵

Section 8.5 Farm Brewery, ~~or Farm Winery, or Farm Distillery~~²³

- A. All structures associated with the operation of a farm brewery, ~~or farm winery, or farm distillery~~ may not exceed ~~1020,000~~ square feet.
- B. No sale of alcohol for onsite consumption is permitted.
- C. The use may include facilities for fermenting, processing, bottling, packaging, and storage of products produced on-premises
- D. Permitted accessory uses include the following:
 - a. incidental tastings of products produced on-premises
 - b. incidental food sales associated with tastings, not including a restaurant
 - c. sales of packaged products produced on-premises
 - d. sales of novelty and gift items associated with products produced on-premises
- E. Twenty-five percent of the raw products for a 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. No more ~~with no more~~ than twenty-five percent of any ~~such~~ produce utilized for farm wineries and farm distilleries shall originate ~~ing~~ from any source outside of West Virginia ~~this state~~.
- F. Production limits are as follows:
 - a. A farm brewery may produce annually up to 5,000 barrels of beer (155,000 gallons)
 - b. A farm winery may produce annually up to 50,000 gallons of wine and similar products
 - c. A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor
- G. Buildings located on the premises may exceed the square footage limit of 8.5 (A) provided that the total building area dedicated to the use does not exceed to 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.

Section 8.6 Farm Market²³

The floor area of a farm market may not exceed 1,500 square feet, a front yard setback of fifty feet (50) from the street right-of-way must be maintained, and off street parking must be provided.

Section 8.7 Jails and Prisons²³

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial Zone and shall be subject to the Development Review System as outlined in Article 6 of this Ordinance.⁵

Section 8.12 West Virginia Legal Fireworks²³

Sales of fireworks are only permitted in the commercial zones provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.⁸

Section 8.13 Dormitory²³

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.

Section 8.14 Rural Reception/Event Facility

A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events are allowed by Special Exception in accordance with Section 10.5B of this Ordinance.

A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. Such events are permitted administratively in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance.

Section 8.15 Accessory Agricultural Dwelling Unit

A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and is meets all of the following criteria: (a) is limited in size to a maximum of 1,000 heated square feet, gross floor area; (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 or acts as a caretaker for the property.

Section 9.5 Projections Into Yards⁸

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four (4) feet; provided that such projections are not over ten (10) feet in width. All roof overhangs may extend into any required yard not more than two (2) feet; provided that the primary structure is located entirely within the appropriate setback.²³
- B. Fences and walls over six (6) feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six (6) feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.²³
- C. In the Residential - Light Industrial - Commercial District and Residential Growth 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 (in addition to associated stairs or concrete slabs located beneath the deck) 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.

Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding one hundred fifty (150) square feet, shall be five (5) feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

Section 9.7 Other Exceptions³

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:²³

shall not face the adjoining residence. Signs governed by the Development Review System are subject to Section 10.4 (e). Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.⁸

- D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of three hundred (300) feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be one thousand (1,000) feet between signs. This shall be subject to Section 10.4 (e).
- E. All signs accessory to land use that must be evaluated by the Development Review System (DRS) shall be proposed within the DRS application and assessed at the Compatibility Assessment Meeting. Such signs shall be maintained at least one thousand (1,000) feet between signs. Consideration of the placement of such signs with less than one thousand (1,000) foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of three hundred (300) feet. The Planning Commission shall make this determination if the location cannot be agreed upon at the Compatibility Assessment Meeting.^{2, 17, 21, 23}
- F. No outdoor advertising sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- G. All outdoor advertising, excluding billboards subject to Section 10.4 (h), shall comply with front yard setback provisions in the districts in which they are permitted.
- H. Billboards
 1. No billboard shall be closer to any public highway right-of-way than three (300) feet.
 2. Placement of a billboard must be in a location that is within eight hundred (800) feet of an existing business.
 3. There shall be a minimum of one thousand (1000) feet between billboards.
 4. A billboard shall be no closer than five hundred (500) feet from a church, school, or cemetery.

Section 10.5 Special Exception Uses

~~(Requiring Board of Zoning Appeals after Public Hearing)~~

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.
 - a. The public hearing shall be conducted according to the requirements of Section 3.4A(3)(c).
 - b. Such hearing may be continued according to the requirements of Section 3.4A(3)(d).

c. The public hearing is subject to the notification requirements of Section 3.4A(3)(b).

B. The following uses may be approved as a Special Exception:

a. Outdoor advertising signs including billboards. ~~The may be approved by the Board of Zoning Appeals shall determine if itsuch a sign~~ conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.^{17, 21}

b. Detached "Accessory Agricultural Dwelling Units" for agricultural purposes, such as units for occupancy by farmworkers or caretakers, 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. One unit meeting the definition of "Accessory Agricultural Dwelling Unit" may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exemption in accordance with this Section.

c. Use of existing structures and outdoor areas as "Rural Reception/Event Facilities" for weddings and similar events in the Rural, Village, Residential Growth, and Residnetial-Light Industrial-Commercial Districts. 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. For events exceeding 300 persons, applicants shall provide a traffic control plan.

Section 10.6 Zoning Certificate²

All Zoning Certificate applications for signs may be approved by the Departments of Planning and Zoning if in conformance with the regulations.^{17, 21, 23}

ARTICLE 11: OFF-STREET PARKING STANDARDS²³

Section 11.1 Non-Residential Parking Standards

- A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per use and are as follows:⁵

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space.
Auto Service Station	2 spaces per service bay plus 1 space per employee
Bank, Financial Institution ²³	1 space per 200 square feet of floor space plus 5 queuing spaces for each drive-up teller
Bowling Lanes	5 spaces per bowling lane
Church	1 space for each 5 persons for which seating is provided in the sanctuary
Commercial Retail Sales (Less than 2,000 square foot floor space)	1 space per 150 square feet retail floor space
Commercial Retail (Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales)	1 space per 500 square feet retail floor space
Community Center, Cultural Facility ²³	1 space per 400 square feet floor space
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided
Educational (Schools)	1 space per employee; ample student and visitor parking
Fire Station	10 spaces minimum
Hospital ²³	1.5 spaces for each bed plus 1 space for every

Hotel, Resort	employee 1 space per guest room plus 1 space per 5 employees
Manufacturing Plant	1 space per employee on maximum working shift
Medical or Dental Offices/Clinic	5 spaces per 1000 square feet of gross floor space
Mortuary or Funeral Parlor ²³	1 space per 150 square feet of floor area devoted to viewing and 1 space per vehicle used in activity PLUS 1 space per each two employees; with a minimum of 20 spaces
Motel, Tourist Home	1 space per guest room or suite
Nursing Home	1 space per 400 square feet floor space
Office Building	1 space per 300 square feet floor space
Professional Building (Other than Medical)	2 spaces per 300 square feet floor space
Recreational Establishment ²³ (Other than theaters, swimming pools and bowling lanes)	1 space per 80 square feet of floor space and/or as determined by extent of outdoor use
Restaurant, Tavern, Lounge, Nightclub	1 space per 50 square feet customer floor space
Shopping Center ²³ (Retail greater than 2,000 square feet of floor space)	5.5 spaces per 1,000 square feet floor space
Swimming Pool	1 space for every 7 persons permitted at any one time
Theater, Auditorium, Stadium	1 space per every 2 seats
Transportation Terminal	1 space per main shift employec
Warehouse or Wholesale Establishment	1 space per main shift employee plus 2 spaces per wholesale establishment

B. Parking requirements for uses not listed in 11.1(a) may be either approved or established by the Departments of Planning and Zoning on a case-by-case basis. Justification for said requirements must be documented.^{8, 17, 21, 23}

C. 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. The applicant must provide an exhibit that demonstrates that the parking will occur on level ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed.

Section 11.2 Residential Parking Standards²

To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per residential uses as follows:

<u>Type of Residences</u>	<u>Parking Requirements</u>
Single Family Detached	Driveway Only
Single Family Attached (Duplex or Two-Family)	Driveway Only ²³
Single Family Attached (Townhouse)	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 5.0 ²³
Multi-Family	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 6.0 ²³

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.^{17, 21, 23, 25}

Section 12.2 Procedure for Amendment by County Commission^{1,25}

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.^{17, 21}
- 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.^{17, 21, 25}
- 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;
 - 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
 - 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 Petition²⁵

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.

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.^{17, 21}

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

APPENDIX C: PRINCIPAL PERMITTED USES TABLE²³

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.

Land Use	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Residential Uses							
Dwelling, Single Family	P	P	P	NP	P		
Dwelling, Two Family	P	P	P	NP	P		
Dwelling, Duplex	NP	P	P	NP	P		
Dwelling, Townhouse	NP	P	P	NP	NP		
Dwelling, Multi-Family	NP	P	P	NP	NP		
Day Care Center, Small	P	P	NP	P	NP		
Mobile Home	P	NP	NP	NP	NP		
Mobile Home Park	NP	P	P	NP	NP		
Model Homes/Sales Office	P	P	P	NP	NP	Sec. 8.10	
Home Uses							
Home Occupation, Level 1	P	P	P	P	P	4A.3	4A.1
Home Occupation, Level 2	P	P	P	P	P	4A.4	4A.1
Cottage Industry	P	P	P	P	P	4A.5	4A.1
Institutional Uses							
Church	P	P	P	NP	PC		
Day Care Center, Large	NP	P	P	P	PC		
Hospital	P	P	P	NP	NP		
Group Residential Facility	P	P	P	NP	P		
Group Residential Home	P	P	P	NP	P		
Residential Care Home	P	P	P	NP	P		
Nursing or Retirement Home	NP	P	P	NP	NP		
Cultural Facility	P	NP	P	P	P		
Elementary or Secondary School	P	P	P	NP	NP		
Preschool	P	P	P	NP	NP		
Vocational and Training Facility for Adults	P	P	P	NP	NP		
Public Safety Facility	P	P	P	P	P		
Publicly Owned Facility	P	P	P	P	NP		
Essential Utility Equipment	P	P	P	P	P	4.7	
Industrial							
Salvage Yards	NP	NP	NP	PC	NP		
Slaughterhouses, Stockyards	NP	NP	NP	PC	NP		
Heavy Industrial Uses	NP	NP	NP	P	NP		Sec. 8.9
Light Industrial Uses	NP	**	P	P	NP		Sec. 8.9
Shooting Range	NP	NP	NP	P	NP		

Principal Permitted Uses Table (continued)^{23, 24}

Land Use	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Industrial Manufacturing & Processing							
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	PC	NP		
Bituminous concrete mixing and recycling plants	NP	NP	NP	PC	NP		
Cement or Lime Manufacture	NP	NP	NP	PC	NP		
Commercial Sawmills	NP	NP	NP	PC	NP		
Concrete and ceramic products manufacture, including ready mixed	NP	NP	NP	PC	NP		
Explosive manufacture or storage	NP	NP	NP	PC	NP		
Foundries and/or casting facilities	NP	NP	NP	PC	NP		
Garbage or dead animal reduction or	NP	NP	NP	PC	NP		
Jails and Prisons	NP	NP	NP	PC	NP		Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	PC	NP		
Petroleum products refining or storage	NP	NP	NP	PC	NP		Sec. 8.11
Adult Uses							
Adult Uses	NP	NP	NP	P	NP		Sec. 8.1
Recreational Uses							
Hunting, Shooting, Archery and Fishing Clubs, public or private	P	NP	NP	NP	NP		Sec. 8.8
Commercial Uses							
Antique Shop	NP	NP	P	P	PC		
ATM	NP	NP	P	P	PC		
Branch Bank	NP	NP	P	P	PC		
Barber/Beauty Shop, Limited	NP	NP	P	P	PC		
Bed and Breakfast	P	NP	NP	NP	PC		Sec. 8.3
Commercial Uses	*	**	P	P	*		Sec. 8.9
Country Inn	NP	NP	P	P	PC		
Kennel	P	NP	P	P	NP		Sec. 8.4
Dry Cleaners	NP	NP	P	P	PC		
Florist	NP	NP	P	P	PC		
Medical/Dental/Optical Office, Small	NP	NP	P	P	P		
Non/Not for Profit Commercial Uses	NP	NP	P	P	NP		
Non-Profit Community Centers	P	NP	P	P	NP		
Restaurant, Fast Food, Limited	NP	NP	P	P	PC		
Restaurant, Limited	NP	NP	P	P	PC		
Retail Food Store, Limited	NP	NP	P	P	PC		
Veterinary Services	P	NP	P	P	NP		Sec. 8.x
Video Rental Stores	NP	NP	P	P	PC		
Wireless telecommunications facilities	P	PC	PC	P	PC	Sec. 4B	

Principal Permitted Uses Table (continued)²³

Land Use	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
Agricultural Uses							
Accessory Agricultural Dwelling Unit	P	NP	NP	NP	NP	Sec. 10.5B	
Agricultural Repair Center	P	NP	P	P	NP		
Agricultural Tourism	P	NP	P	P	NP		
Agricultural Uses as defined in Article 2	P	P	P	P	P		
Farm Brewery or Winery	P	NP	P	P	NP		Sec. 8.5
Farm Winery	P	NP	P	P	NP		Sec. 8.5
Farm Distillery	P	NP	P	P	NP		Sec. 8.5
Farm Market	P	NP	P	P	NP		Sec. 8.6
Farm Vacation Enterprise	P	NP	P	P	NP		
Feed and/or Farm Supply Center	P	NP	P	P	NP		
Horticultural Nurseries and Commercial Greenhouses	P	NP	P	P	NP		
Landscaping Business	P	NP	P	P	NP		
Rental of Existing Farm Building for Commercial Storage (structure must have existed for 5 years)	P	NP	P	P	NP		
Rural Reception/Event Facility, Small	P	NP	NP	NP	NP	Sec. 4A.5	
Rural Reception/Event Facility	P	P	P	NP	P	Sec. 10.5B	
Accessory Uses							
Accessory Uses	P	P	P	P	P		

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district

* = Limited permitted uses

** = Accessory use to a planned residential community

AGENDA REQUEST FORM

Name: Commissioner Noland

Department or Entity: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1st Choice: August 29, 2013

Date Requested – 2nd Choice: _____

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

Subject: Follow-up discussion regarding contracting the position of the Financial Consultant for the Jefferson County Commission

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

Due to the absence of a qualified individual in the position of Jefferson County's Chief Financial Officer, I propose that the County Commission contract for services to review the 2014 Fiscal Year Budget to make recommendations and offer input to the County Commission regarding the state of the county's finances and to provide a written report of the finds to include recommendation at the conclusion of the review.

Furthermore, as is the intention of the County Commission to fill the county's CFO position, it will be necessary to provide the necessary training in county finances to the person appointed to that position. To that end, I propose that the County Commission enter into contract negotiations for services to review the county's 2014 Fiscal Year Budget to provide opinions, input and make recommendations to the County Commission regarding the state of the county's finances and to provide a written report on the findings of said review and to provide training for the County's Chief Financial Officer at such a time as Commissioners approve that hire. (*Executive Session may be necessary to discuss contract negotiations*).

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

I move that the County Commission approve the terms of the contract for services on a temporary basis, as discussed during executive session, to review the county's 2014 Fiscal Year Budget and to provide opinions, input and make recommendations to the County Commission regarding the state of the county's finances and to provide a written report on the findings of said review and to provide training for the County's Chief Financial Officer at such a time as Commissioners approve that hire.

Are documents attached? No

AGENDA REQUEST FORM

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 – 1st Choice: August 29, 2013

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda): Approval of Contract and Resolution – Community Participation Grant Program for the Jefferson County Parks and Recreation in the amount of \$4,000 – 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 in the amount of \$4,000 for the Jefferson County Parks and Recreation Youth Program – purchase of equipment – 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 Jefferson County Parks and Recreation Youth Program in the amount of \$4,000 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 29th, 2013 with a quorum present and passed the following Resolution:

WHEREAS, The Jefferson County Commission has agreed to assist the Jefferson County Parks and Recreation to purchase equipment for the Jefferson County Parks and Recreation Youth Program with funds made available through the Governor's Community Participation Grant program in the amount of \$4,000.

NOW, THEREFORE BE IT RESOLVED, that the Jefferson County Commission 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 and to receive and administer grant funds pursuant to provision of the Governor's Community Participation Grant Program.

Signed: _____

COUNTY CLERK

13LEDA0436

GOVERNOR'S COMMUNITY PARTICIPATION GRANT PROGRAM CONTRACT

BETWEEN THE WEST VIRGINIA DEVELOPMENT OFFICE AND THE JEFFERSON COUNTY COMMISSION

Project Number 13LEDA0436

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 purchase equipment for the Jefferson County Parks and Recreation Youth Programs. The project may include mats, basketball stations, and other equipment 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 \$4,000. 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: 13LEDA0436



0956-2005-7440-819-083

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305
(304) 558-2000

EARL RAY TOMBLIN
GOVERNOR

July 3, 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 Lawrence, am pleased to approve your request in the amount of \$4,000. These funds will enable you to purchase equipment for the Jefferson County Parks and Recreation Youth Programs. The project will include mats, basketball stations, and other equipment, 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,

Earl Ray Tomblin
Governor

ERT:kf

Project Number: 13LEDA0436

AGENDA REQUEST FORM

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 – 1st Choice: August 29, 2013

Date Requested – 2nd Choice: _____

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

Subject (Wording to be placed on agenda): Approve to make adjustments to the State/Federal Grants funds for the period ending June 30, 2012 as per State Auditor – Discussion/Action

Please provide the County Commission with a description of your request or presentation, including any background information: **Adjustments to the State/Federal Grants funds for the period ending June 30, 2012 as per State Auditor to show correct deposits to the correct Federal/State Grant accounts**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the recommended adjustments to the State/Federal Grants funds for the period ending June 30, 2012 as per State Auditor to show correct deposits to the correct Federal/State Grant accounts**

Are documents attachments? Yes No

If not, explain:

Is a projector needed? Yes No

Contact information:

Email address: _____

Phone number: _____

Initials: sam

Date: 7/10/13

JEFFERSON COUNTY
DUE TO/DUE FROM TESTING
FOR THE PERIOD ENDING JUNE 30, 2012

<u>Due to</u>	<u>Due from</u>	<u>Amount</u>	<u>Description</u>
State Grant Fund	Federal Grant Fund	3,029.00	FY 2012 Jefferson Memorial Park receipt #33673, check # 64919
Federal Grant Fund	General County	6,250.00	FY 2012 Homeland Security Planner grant
General County	State Grant Fund	1,763.69	09EMPG03
Federal Grant Fund	State Grant Fund	32,270.28	FY 2012 DOJ grant
Federal Grant Fund	State Grant Fund	13,000.00	FY 2012 Citizen Corp grant
Federal Grant Fund	State Grant Fund	15,200.00	FY 2012 Homeland Security grant
County Capital Outlay	State Grant Fund	25,511.20	FY 2012 CFIF grant (Courthouse columns)
Dog & Kennel	Home Confinement	693.00	FY 2012 Deposit into incorrect fund
		<u>1,102,328.17</u>	
		97717.17	Total CY adjustments
		<u>(693.00)</u>	Dog & Kennel/Home Confinement already transferred
		97024.17	Net CY adjustment

DAVE 12/13
DAVE 12/13

SHERIFF OF JEFF CO TO 28268 001- GENERAL CO
SHERIFF OF JEFF CO FROM 010 - STATE GRANT
010-443-05-566-000-GG-000 \$ 1,763.69

SHERIFF OF JEFF CO TO 28267 009- FEDERAL GRANTS
SHERIFF OF JEFF CO FROM 010 - STATE GRANT
010-443-05-566-000-GG-000 \$ 32,270.28

SHERIFF OF JEFF CO TO 009- FEDERAL GRANTS
SHERIFF OF JEFF CO FROM 010 - STATE GRANT
010-443-05-566-000-GG-000 \$ 13,000.00

SHERIFF OF JEFF CO TO 009- FEDERAL GRANTS
SHERIFF OF JEFF CO FROM 010 - STATE GRANT
010-443-05-566-000-GG-000 \$ 15,200.00
\$ 60,470.28

SHERIFF OF JEFF CO TO 28266 010 - STATE GRANT
SHERIFF OF JEFF CO FROM 009- FEDERAL GRANTS
009-442-05-566-000-GG-000 \$ 3,029.00

SHERIFF OF JEFF CO TO 28267 009- FEDERAL GRANTS
SHERIFF OF JEFF CO FROM 001- GENERAL CO
001-442-05-566-000-GG-000 \$ 6,250.00

SHERIFF OF JEFF CO TO 246 - SHRFF CO. OUTLAY
SHERIFF OF JEFF CO FROM 010 - STATE GRANT
010-443-05-566-000-GG-000 \$ 25,511.20

TOTAL \$ 97,024.17

*Done
068353
10/4/12*

Type choices press Enter
 D=Tran Detail E=Encumbrance History I=Vendor Info V=Voucher History
 Vendor Number: 28012 Short Name: SHERIFF OF JEFFERSON CO
 Open/Closed/All: A Tran Type: VR Tran No: HCE002 Dist No: _____
 Choice: V Starting Post Period: 01 2010

Tran. Type.: VR Voucher No.: HCE002 Distribution No: 001

P. O. No.: _____ Dist: _____ Vendor: 28012 SHERIFF OF JEFFERSON CO
 Account No.: 01044305568070GG000 GRT - CRTHSE EXTERIOR RFR
 Project No.: _____ Job: _____ Cost Code: _____
 Invoice No.: HCE002 Invoice Date: 10/01/2012 Post Period: 10/2012
 Cash Code: BC010 Check Number: 068353 Check Date: 10/04/2012
 Expend. Amt: 25511.20 1099 Box: _____ Check Amt: 25511.20
 Description: REIMB CO 07L CRTHSE CLMNS Select Code: P
 Pay Due Date: 10/04/2012 Discount Date: _____
 Discount Amt: _____ Liquidation Amount: _____
 Batch Number: 5452 Journal Ref. Number: 05383

HELP F3=Exit F8=Clear F12=Previous ROLL

Jefferson County Water Advisory Committee
Quarterly Report
April 1, 2013 – June 30, 2013

1. ***Water Quality Monitoring of streams, seeps and springs***

In Process: *The WAC is continuing to gather information on water quality monitoring activity in Jefferson County to assess if there are gaps that could be filled by volunteer watersheds.*

Planned: The WAC proposes to compile a list of water quality monitoring activity in Jefferson County to create a clearinghouse for a bank of knowledge. In particular, WAC will identify monitoring activity and data results that are approved/accepted by the WVDEP and EPA as data points that could be utilized in determining the TMDL for Jefferson County. The WAC further proposes to provide this information to the Jefferson County Commission in summary form.

The WAC is conducting outreach on this topic to:

- WVDEP – Quality Assurance Program Protocol – Alana Hartman
- Cacapon Institute – Urban canopy project
- The Conservation Fund - Fresh Water Institute
- Downstream Strategies
- USDA via Bob Tabb, WV Deputy Commissioner of Agriculture
- Blue Ridge Watershed Coalition – blueridgewatershed.org
- Elks Run Watershed (in formation)
- Region 9 – Stormwater Ordinance Review
- Warm Springs Watershed Association
- Opequon Creek Project Team
- Rocky Marsh Watershed
- Eastern Panhandle Conservation District
- West Virginia Conservation Agency

2. **Watershed Management and Protection**

In Process: *Educate county residents about the importance of watersheds and provide technical expertise assistance such as reviewing proposals and planning for Watershed Groups and for the formation thereof.*

- a. Completed: Active outreach to watershed groups and potential watershed groups. The WAC held a field trip at CraftsWorks at Cool Springs to discuss the development of a watershed group in the Bullskin area; and the WAC held a field trip with the Middleway Conservancy Association in Middleway to discuss the development of a watershed group in Turkey Run. Each of these field trips focused on the unique aspects of the respective watersheds.

WAC was aided in these efforts with high quality maps of each watersheds produced by Todd Fagan and the County GIS.

Completed: Educational booth at Earth Day at Morgan's Grove – shared with Blue Ridge Watershed Coalition.

- b. Planned: Following these meetings WAC is developing a plan for community outreach to solicit interest from the community for a meeting to discuss the Bullskin watershed and formation of a voluntary watershed committee. As for Turkey Run, the WAC is planning on attending the Middleway Day in October, and to develop materials for about both watersheds to solicit interest. WAC is also looking at eCivis for grants to help with start up funds for outreach to these watersheds to solicit interest.

Planned: Outreach to Farmer's Markets, Garden Clubs and Schools to develop and promote watersheds and the use of rain gardens and rain barrels and tree planting; partner with landscaping experts and landscaping businesses to educate home owners on best management practices for residential lawns to promote healthy lawns and load reduction.

Planned: Booth at Jefferson County Fair

3. **Monitor the Existing County Water-Related Studies**

- a. Completed: Participated in the public meetings with the consultant and others on a draft Storm Water Ordinance review. Matt Pennington of Region 9 to presented an overview of Region 9's and Delta's work in drafting a stormwater ordinance at a WAC meeting

Participated in the RockyMarsh Run Watershed WVDEP public outreach meeting.

Planned: Maintain communication during the study to learn about processes and outcomes of testing and monitoring.

Planned: Recommendation to County Commissioners that Jefferson County water related studies be placed on WAC website area for public access. These studies include: Dr. Vila's Study, *Jefferson County Water Quality and Monitoring (2010)*; Analytic Services, Inc.'s *County-Wide Groundwater Assessment (April 2, 2012)*; USGS studies; and other studies appropriate for informing Jefferson County residents.

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

RECEIVED

AUG 7 2013

Jefferson County Commission



August 7, 2013

Ms. Sandy McDonald McDonald
Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

RE: WVCoRP Annual Business Meeting and Board Member Elections

Dear Ms. McDonald,

On Friday, September 13, 2013, at 10:00 a.m., WVCoRP will hold its Annual Business Meeting at the Wingate/Bridgeport Conference Center in Bridgeport, WV. In addition to the annual business meeting, Board Member elections will be held. All members are encouraged to send at least one representative to this meeting for both Pool information and election participation. A buffet lunch for all attendees will be provided following the meeting.

There will be two (2) separate elections this year. Nominees can run for EITHER the full terms OR for the unexpired term, not both. Commission members must be present to vote. Only authority members are permitted to proxy their voting right in writing to a representative of their county commission attending the meeting. Each attending or proxy member-entity can place one vote per open seat.

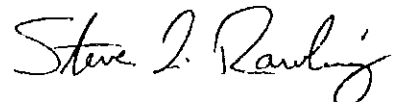
The first election will be for the three seats set to expire on December 31, 2013, which are currently held by Blair Couch, Wood County Commission, JR Keplinger, Hardy County Commission, and Janice LaRue, Mineral County Commission. Individuals elected to the three seats will hold three year terms beginning on January 1, 2014, and expiring on December 31, 2016. Mr. Couch, Mr. Keplinger, and Ms. LaRue are eligible for reelection and will be on the ballot.

In accordance with Article 5, Section 5.02 of the By-laws, the second election will be for the remainder of Webster County Commissioner W.M. "Chuck" Armentrout's unexpired term. Mr. Armentrout resigned his seat on the Board due to personal reasons. This seat's term begins immediately and will expire on December 31, 2014.

Included with this correspondence are nomination forms that outline nomination guidelines. Please consider nominations carefully, as anyone elected will be one of seven individuals controlling the direction of the Pool.

We look forward to seeing all members at this important meeting.

Sincerely:

A handwritten signature in black ink that reads "Steve L. Rawlings". The signature is written in a cursive style with a large, stylized "S" and "R".

Steven L. Rawlings, Director of Operations
WVCoRP

Encl: WVCoRP 2013 Election Nomination Forms, Expired and Unexpired Terms



**WVCoRP 2013 Election Nomination Form
FULL TERM – 3 YEARS**

Election Date: Friday, September 13, 2013, at 10:00 a.m.
Election Location: Wingate/Bridgeport Conference Center,
Bridgeport, West Virginia 26330

Number of Open Seats: **3**
Dates of Terms: **January 1, 2014 – December 31, 2016**
Current Officeholders: **Blair Couch, Wood County (eligible)**
J.R. Keplinger, Hardy County (eligible)
Janice LaRue, Mineral County (eligible)

Nomination/Election Guidelines:

1. Each Member Can Nominate a Total of One Person
2. Nominees Must Be a County Commissioner; see Bylaws, Article 5, Section 5.02
3. Nominees Must Be Willing to Consistently Attend Quarterly Board Meetings; see Bylaws, Article 5, Section 5.04
4. Voting at the meeting will be per Bylaws, Article 5, Section 5.02

Member Name: _____

Nominee (THREE YEAR TERM): _____

Expected Number of Annual Meeting Attendees: _____

President/Chairman Signature: _____

Please return this form to the following address no later than Friday, September 6:
Steve Rawlings, Director of Operations
WVCoRP
308 Market Street, SE, Suites 1 & 2
Roanoke, Virginia 24011

Or Toll-Free Fax this form to Steve Rawlings at (877)212-8599



WVCoRP 2013 Election Nomination Form
UNEXPIRED TERM – 1 YEAR ONLY

Election Date: Friday, September 13, 2013, at 10:00 a.m.
Election Location: Wingate/Bridgeport Conference Center,
Bridgeport, West Virginia 26330

Number of Open Seats: **1**
Date of Term: **September 13, 2013 – December 31, 2014**
Current Officeholder: **Open**

Nomination/Election Guidelines:

1. Each Member Can Nominate a Total of One Person
2. Nominees Must Be a County Commissioner; see Bylaws, Article 5, Section 5.02
3. Nominees Must Be Willing to Consistently Attend Quarterly Board Meetings; see Bylaws, Article 5, Section 5.04
4. Voting at the meeting will be per Bylaws, Article 5, Section 5.02

Member Name: _____

Nominee (ONE YEAR TERM): _____

Expected Number of Annual Meeting Attendees: _____

President/Chairman Signature: _____

Please return this form to the following address no later than Friday, September 6:
Steve Rawlings, Director of Operations
WVCoRP
308 Market Street, SE, Suites 1 & 2
Roanoke, Virginia 24011

Or Toll-Free Fax this form to Steve Rawlings at (877)212-8599

**NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY
Thursday, September 19, 2013 at 1:30 PM**

The County Commission of Jefferson County has scheduled a Public Hearing on the proposed Stormwater Management Ordinance and Text Amendments to the Subdivision and Land Development Regulations and to amend such other articles, sections, subsections, and provisions of the regulations as necessary to implement and maintain consistency with the foregoing amendments.

You may provide oral or written comments at the hearing, **1:30 PM, Thursday, September 19, 2013** during the regularly scheduled County Commission meeting **in the Charles Town Library meeting room at 200 East Washington Street**, at the side entrance on Samuel Street. In addition, you may provide written comments to info@jeffersoncountywv.org, or mail to P.O. Box 250, Charles Town, WV 25414, or fax to 304-728-8126.

Copies of the above referenced documents are available on the Departments of Planning and Zoning webpage within the County's website – www.jeffersoncountywv.org. Questions related to the documents may be directed to the County's Engineering Department at 304-728-3257.

By Order of the County Commission of Jefferson County
Dale Manuel, President

No-Till Farm Tour and Grain Bin Safety Demonstration

Meeting on **Slug Management** in No-Till Crop Production & **Grain Bin Safety** is being offered by Virginia Cooperative Extension.

Meeting will begin at Shenandoah Heritage Farm (346 Moreland Gap Road, New Market Virginia) and will conclude at Frederickson-Whitehurst Farms Inc. Anyone wishing to attend should register by calling 540/459-6140 by September 2nd.

For more information visit our website:

<http://jefferson.ext.wvu.edu/agriculture/Events+%26+Newsletters+>

Programs and activities offered by the West Virginia University Extension Service are available to all persons without regard to race, color, sex, disability, religion, age, veteran status, political beliefs, sexual orientation, national origin, and marital or family status.



Jefferson County
Development Authority

Board of Directors

2013-2017

April 2013

President

Dolara Lee, President

Vicki Proffers

2012-2013

Secretary/Treasurer

John E. Gorman

Joe F. Gorman

Helen Gorman

Scott Gorman

Clayton Gorman

Barbara Gorman

Capital Improvement

Jeffrey H. Gorman

David Marshall

Edward Hill

David Hill

Walter Hill

Lyle Hill

Jamie Hill

Barbara Hill

Steve Hill

John Hill

Executive Director

PO BOX 237
CHARLES TOWN
WV 25414

304.728.3255
304.725.3133 fax

www.JCDA.net

August 9, 2013

Commissioner Dale Manuel
President, Jefferson County Commission
P. O. Box 250
Charles Town, West Virginia 25414

Dear Commissioner Manuel,

On behalf of the Board of the JCDA, I am writing to provide comments to the Jefferson County Stormwater Ordinance. While the JCDA understands and supports the need for a stormwater ordinance, we advocate for a stormwater management ordinance that, while accomplishing County and community objectives, does not adversely impact small business. We support an ordinance that considers cost and provides a measure of flexibility that will protect the community and promote small business development, protection and job creation in the County.

Regarding section (g) in Article I.D.2, we respectfully request clarification regarding any provisions of the proposed ordinance that would affect the comprehensive stormwater management system in Burr Business Park. The system makes Burr Park a more attractive option for expanding businesses and was designed to accommodate the build out of the park.

We further encourage the Commission to adopt an ordinance that considers cost in the decision process by providing Planning and Zoning staff some amount of discretion in the design, construction, implementation and maintenance of a business's stormwater management plan. A flexible, cost conscious ordinance will allow county staff to make common-sense decisions to often complex and highly variable situations. For example, the ordinance has provisions that will place an undue and costly burden on existing small businesses planning expansions as small as 400 square feet.

The JCDA believes that these and other business-friendly considerations will go a long way to support growth and development in Jefferson County.

Thank you for your consideration. As always, please do not hesitate to contact me if I can provide additional information or be of further help.

Sincerely,

John W. Reisenweber
Executive Director



State of West Virginia

Glen B. Gainer III

**State Auditor and
Chief Inspector**

Office of the State Auditor
Chief Inspector Division
1900 Kanawha Boulevard, East
State Capitol, Building 1, Suite W-100
Charleston, West Virginia 25305

Toll Free: (877) 982-9148
Telephone: (304) 558-2540
Fax: (304) 205-6033
www.wvsao.gov

August 8, 2013

Mr. Martin Burke, Chairman
Jefferson County Historic Landmarks Commission
P.O. Box 23
Charles Town, WV 25414

We are pleased to confirm our understanding of the services we are to provide the Jefferson County Historic Landmarks Commission for the fiscal years ended June 30, 2011 through June 30, 2013. We will audit the financial statements of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information, which collectively comprise the Jefferson County Historic Landmarks Commission's basic financial statements as of and for the years ended June 30, 2011 through June 30, 2013. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement Jefferson County Historic Landmarks Commission's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to Jefferson County Historic Landmarks Commission's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

1. Management's discussion and analysis (if applicable).
2. GASB required supplementary pension information (if applicable).
3. Schedule of funding progress – OPEB (if applicable).

We have also been engaged to report on supplementary information other than RSI that accompanies Jefferson County Historic Landmarks Commission's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audits of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America and will provide an opinion on it in relation to the financial statements as a whole:

1. Rate covenant compliance (if applicable).
2. Combining statements and supplementary schedules (if applicable).

Audit Objectives

The objective of our audits are the expression of opinions as to whether your basic financial statements are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements taken as a whole. Our audits will be conducted in accordance with auditing standards generally accepted in the United States of America and the standards for financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States, and will include tests of the accounting records of the Jefferson County Historic Landmarks Commission and other procedures we consider necessary to enable us to express such opinions. If our opinions on the financial statements are other than unqualified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audits or are unable to form or have not formed opinions, we may decline to express opinions or to issue reports as a result of this engagement.

We will also provide reports (that do not include an opinion) on internal control related to the financial statements and compliance with laws, regulations, and the provisions of contracts or grant agreements, noncompliance with which could have a material effect on the financial statements as required by *Government Auditing Standards*. The reports on internal control and compliance will include a statement that the reports are intended solely for information and use of management, the body or individuals charged with governance, others within the entity, and specific legislative or regulatory bodies, and are not intended to be and should not be used by anyone other than these specified parties. If during our audits we become aware that Jefferson County Historic Landmarks Commission is subject to an audit requirement that is not encompassed in the terms of this engagement, we will communicate to management and those charged with governance that an audit in accordance with U.S. generally accepted auditing standards and the standards for financial audits contained in *Government Auditing Standards* may not satisfy the relevant legal, regulatory, or contractual requirements.

Management Responsibilities

Management is responsible for the basic financial statements and all accompanying information as well as all representations contained therein. You are responsible for making all management decisions and performing all management functions relating to the financial statements and related notes and for accepting full responsibility for such decisions.

Management is responsible for establishing and maintaining effective internal controls, including evaluating and monitoring ongoing activities, to help ensure that appropriate goals and objectives are met; for the selection and application of accounting principles; and for the fair presentation in the financial statements of the respective financial position of the governmental activities, the business-type activities, the aggregate discretely presented component units, each major fund, and the aggregate remaining fund information of the Jefferson County Historic Landmarks Commission and the respective changes in financial position and cash flows, where applicable, in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for ensuring that management and financial information is reliable and properly recorded. Your responsibilities include adjusting the financial statements to correct material misstatements and for confirming to us in the representation letter that the effects of any uncorrected misstatements aggregated by us during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving: (a) management, (b) employees who have significant roles in internal control and, (c) others where the fraud or illegal acts could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, grantors, regulators, or others. In addition, you are responsible for identifying and ensuring that the entity complies with applicable laws, regulations, contracts, agreements, and grants for taking timely and appropriate steps to remedy any fraud, illegal acts, violations of contracts or grant agreements, or abuse that we may report. You are responsible for the preparation of the supplementary information, if any, in conformity with U.S. generally accepted accounting principles. You agree to include our reports on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon.

Management is responsible for establishing and maintaining a process for tracking the status of audit findings and recommendations. Management is also responsible for identifying for us previous financial audits, attestation engagements, performance audits or other studies related to the objectives discussed in the Audit Objectives section of this letter. This responsibility includes relaying to us corrective actions taken to address significant findings and recommendations resulting from those audits, attestation engagements, performance audits, or other studies. You are also responsible for providing management's views on our current findings, conclusions, and recommendations, as well as your planned corrective actions, for the report, and for the timing and format for providing that information

Audit Procedures – General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audits will involve judgment about the number of transactions to be examined and the areas to be tested. We will plan and perform the audits to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse. Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriation of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the periods covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include tests of the physical existence of inventories, and direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audits, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures – Internal Controls

Our audits will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Tests of controls may be performed to test the effectiveness of certain controls that we consider relevant to preventing and detecting errors and fraud that are material to the financial statements and to preventing and detecting misstatements resulting from illegal acts and other noncompliance matters that have a direct and material effect on the financial statements. Our tests, if performed, will be less in scope than would be necessary to render an opinion on internal control and, accordingly, no opinion will be expressed in our reports on internal control issued pursuant to *Government Auditing Standards*.

An audit is not designed to provide assurance on internal control or to identify significant deficiencies. However, during the audits, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards and *Government Auditing Standards*.

Audit Procedures – Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Jefferson County Historic Landmarks Commission's compliance with the provisions of applicable laws, regulations, contracts, agreements, and grants. However, the objective our audits will not be to provide an opinion on overall compliance and we will not express such an opinion in our report on compliance issued pursuant to *Government Auditing Standards*.

Audit Administration, Fees, and Other

We understand that your employees will prepare all cash or other confirmations we request and will locate any documents selected by us for testing.

We will provide copies of our reports to the Jefferson County Historic Landmarks Commission. Unless restricted by law or regulation, or containing privileged and confidential information, copies of our reports are to be made for public inspection.

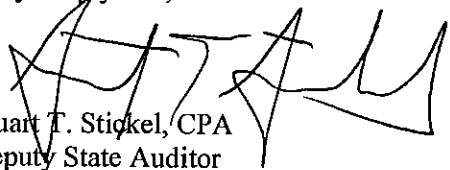
The audit documentation for this engagement is the property of the West Virginia State Auditor's Office and constitutes confidential information. However, pursuant to authority given by law or regulation, we may be requested to make certain audit documentation available to a federal oversight agency or its designee, a federal agency providing direct or indirect funding, or the U.S. Governmental Accountability Office for purposes of a quality review of the audits, to resolve audit findings, or to carry out oversight responsibilities. We will notify you of any such request. If requested, access to such audit documentation will be provided under the supervision of the West Virginia State Auditor's Office personnel. Furthermore, upon request, we may provide copies of selected audit documentation to the aforementioned parties. These parties may intend, or decide, to distribute the copies or information contained therein to others, including other governmental agencies. *Government Auditing Standards* require we provide our most recent external peer review report and any letter of comment, and any subsequent peer review reports and letters of comment received during the period of the contract. A copy of our most recent external peer review report is available at our website (<http://www.wvsao.gov/ChiefInspector/AdvisoryMemos.aspx>) or can be obtained by contacting our office.

The audit documentation for this engagement will be retained for a minimum of five years after the report release date. If we are aware that a federal awarding agency or auditee is contesting an audit finding, we will contact the party(ies) contesting the audit finding for guidance prior to destroying the audit documentation.

Our auditor, Lacey Walp, has been assigned to conduct your audits and expects to begin the engagement on approximately August 1, 2013. To enable the auditor to work more efficiently, we would appreciate it if you would provide her with suitable office space that is quiet and has access to a telephone. Our fee for these services will be \$4,320 for the audits. Our invoices for these fees will be rendered periodically as work progresses and are payable on presentation. The above fee is based on anticipated cooperation from your personnel and the assumption that unexpected circumstances (such as reconstruction of financial records) will not be encountered during your audit. If significant additional time is necessary, we will discuss it with you and arrive at a new contract price before we incur the additional costs.

We appreciate the opportunity to be of service to the Jefferson County Historic Landmarks Commission and believe this letter accurately summarized the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and provide it to the auditor. If the auditor is not available, please return it to us to the attention of Cathy Newhouse.

Very truly yours,


Stuart T. Stickel, CPA
Deputy State Auditor
Chief Inspector's Division
West Virginia State Auditor's Office

RESPONSE:

This letter correctly sets forth the understanding of the Jefferson County Historic Landmarks Commission.

By: _____

Title: _____

Date: _____

No.102



WEST VIRGINIA
DEPARTMENT OF TRANSPORTATION
1900 Kanawha Boulevard East • Building Five • Room 109
Charleston, West Virginia 25305-0440 • (304) 558-0444

Earl Ray Tomblin
Governor

Paul A. Mattox, Jr., P. E.
Cabinet Secretary

August 13, 2013

To Whom It May Concern:

The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures for federal fiscal years 2013-2018. One of the requirements to funding any project with FHWA or FTA funds is that each proposed project undergoes a public "review and comment period". Therefore, additions or deletions to the STIP and certain changes to projects currently in the STIP must meet this requirement before federal funds can be obtained. Accordingly, I am again requesting your assistance in making available (to anyone who wishes to review them) the attached listing of the proposed amendment to the approved 2013-2018 STIP.

All written comments are to be received no later than August 25, 2013, and should be mailed to:

Anthony J. Carovillano, P.E., P.S.
Program Division
West Virginia Division of Highways
Building 5, Room A-816
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0430

Should you have any questions, please contact Mr. Carovillano at (304) 558-9736.

Very truly yours,
Original signed by:
Gregory L. Bailey

Gregory L. Bailey, P. E.
Deputy State Highway Engineer
Planning and Programming

GLB:Cs

Attachment

cc: Mr. Kevin Burgess, Federal Highway Administration – w/ attachment
Ms. Brigid Hynes Cherin, Federal Transit Administration – w/ attachment
Ms. Kathleen Zubrzycki, Federal Transit Administration – w/ attachment
Ms. Susan O'Connell, Division of Public Transit – w/ attachment

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2013-2018
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
PROJECT COMMENTS														
LOGAN	2013	2		8/28/2013	NRT	CON	NA	HATFIELD-MCCOY DINGESS RUN-LOGAN CO	MAINT TRAIL	U323 HAT/FI 2 00	NRT2012663D	\$32,000	\$40,000	\$0
ADD NEW PROJECT														
LOGAN	2013	2		8/28/2013	NRT	CON	NA	HATFIELD-MCCOY ROCKHOUSE HOLLOW-	MAINT TRAIL	U382 HAT/FI 1 00	NRT2012668D	\$32,000	\$40,000	\$0
ADD NEW PROJECT														
MCDOWELL	2013	10		8/28/2013	NRT	CON	NA	HATFIELD-MCCOY INDIAN RIDGE-MCDOWELL CO	MAINT TRAIL	U324 HAT/FI 2 00	NRT2012689D	\$32,000	\$40,000	\$0
ADD NEW PROJECT														
MCDOWELL	2014	10		4/28/2014	STP	CON	WV181	MID-VOL WV 181 RELOCATION	RELOCATE RD	S324 161 5 00	STP0161016D	\$1,075,538	\$1,344,423	\$0
ADD NEW PROJECT														
MINGO	2013	2		8/28/2013	NRT	CON	NA	HATFIELD-MCCOY BUFFALO MOUNTAIN-	MAINT TRAIL	U330 HAT/FI 2 00	NRT2012684D	\$32,000	\$40,000	\$0
ADD NEW PROJECT														
PRESTON	2014	4		10/28/2013	HSIP	ROW	CO07373	I/S MORGAN ST & UNION ST	IMPROVE SIGHT DISTANCE & TURNING RADIUS	U339 73/73 ?????	HSIP7373???	\$108,000	\$120,000	\$0
ADD NEW PROJECT														
PRESTON	2014	4		7/28/2014	HSIP	CON	CO07373	I/S MORGAN ST & UNION ST	IMPROVE SIGHT DISTANCE & TURNING RADIUS	U339 73/73 ?????	HSIP7373???	\$225,000	\$250,000	\$0
ADD NEW PROJECT														
PRESTON	2013	4		8/28/2013	NRT	ENG	NA	WV NORTHERN RAIL TRAIL ACQUISITION 2012	ACQUIRE RR FOR NON-MOTORIZED TRAIL	X384 WVNRT 1 00	NRT2012674D	\$9,600	\$12,000	\$0
ADD NEW PROJECT														
PRESTON	2014	4		1/28/2014	NRT	ROW	NA	WV NORTHERN RAIL TRAIL ACQUISITION 2012	ACQUIRE RR FOR NON-MOTORIZED TRAIL	X384 WVNRT 1 00	NRT2012666D	\$9,600	\$12,000	\$0
ADD NEW PROJECT														
PRESTON	2014	4		6/28/2014	NRT	CON	NA	WV NORTHERN RAIL TRAIL ACQUISITION 2012	ACQUIRE RR FOR NON-MOTORIZED TRAIL	X384 WVNRT 1 00	NRT2012695D	\$44,800	\$56,000	\$0
ADD NEW PROJECT														
TUCKER	2014	8		10/28/2013	NHPP-ADHS	ROW	US048	DAVIS-BISMARCK SEC 1 (MINERALS)	CONST 4 LN (COMBINED W/ SEC 2, 3, 4 & 5)	X347 H 06485 00	APD0484182C	\$18,900,000	\$21,000,000	\$0
ROW SUPPLEMENTAL FOR MINERALS														
WYOMING	2013	10		8/28/2013	NRT	CON	NA	HATFIELD-MCCOY PINNACLE CREEK-	MAINT TRAIL	U355 HAT/FI 2 00	NRT2012687D	\$32,000	\$40,000	\$0
ADD NEW PROJECT														
STATEWIDE	2013	99		9/28/2013	NRT	ENG	NA	RECREATIONAL TRAILS OVERHEAD	ADMINISTER REC TRAILS PROGRAM	T699 NRT 13 00		\$72,686	\$90,857	\$0
ADD NEW PROJECT														

AMENDMENT #

Print Date: 8/6/2013

Page 1 of 2

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2013-2018
PROGRAM AMENDMENT FOR 2013**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
PROJECT COMMENTS														
STATEWIDE	2014	99		10/28/2013	TAP	ENG	NA999	SRTS OVERHEAD	ADMINISTER PROGRAM	T699 SRTS 13 00	SRTS2013064D	\$254,316	\$254,316	\$0
ADD NEW PROJECT														
STATEWIDE	2013	99		7/28/2013	CMAQ	CON	NA999	STATEWIDE LIGHTING MAINTENANCE-2013	STATEWIDE LIGHTING MAINTENANCE	S399 LIGHT 13 00	CMAQ2013042D	\$220,000	\$275,000	\$0
CANCEL - NOT NEEDED IN FFY 2013														
STATEWIDE	2013	99		6/28/2013	STP	ENG	NA999	SURF TRANS WORKFORCE DEV	TRAIN & EDUCATE WORKFORCE	T699 TRAIN 14 00	STP2014032D	\$1,260,000	\$1,575,000	\$0
CANCEL-TO BE STATE FUNDED														
STATEWIDE	2014	99		6/28/2014	STP	ENG	NA999	SURF TRANS WORKFORCE DEV	TRAIN & EDUCATE WORKFORCE	T699 TRAIN 15 00	STP2015021D	\$1,260,000	\$1,575,000	\$0
CANCEL-TO BE STATE FUNDED														
STATEWIDE	2015	99		6/28/2015	STP	ENG	NA999	SURF TRANS WORKFORCE DEV	TRAIN & EDUCATE WORKFORCE	T699 TRAIN 16 00	STP2016001D	\$1,260,000	\$1,575,000	\$0
CANCEL-TO BE STATE FUNDED														
STATEWIDE	2016	99		6/28/2016	STP	ENG	NA999	SURF TRANS WORKFORCE DEV	TRAIN & EDUCATE WORKFORCE	T699 TRAIN 17 00	STP2017001D	\$1,260,000	\$1,575,000	\$0
CANCEL-TO BE STATE FUNDED														
STATEWIDE	2017	99		6/28/2017	STP	ENG	NA999	SURF TRANS WORKFORCE DEV	TRAIN & EDUCATE WORKFORCE	T699 TRAIN 18 00	STP2018001D	\$1,260,000	\$1,575,000	\$0
CANCEL-TO BE STATE FUNDED														
STATEWIDE	2018	99		6/28/2018	STP	ENG	NA999	SURF TRANS WORKFORCE DEV	TRAIN & EDUCATE WORKFORCE	T699 TRAIN 19 00	STP2019029D	\$1,260,000	\$1,575,000	\$0
CANCEL-TO BE STATE FUNDED														
STATEWIDE	2013	99		7/28/2013	NHPP	ENG	NA999	USFWS INTERAGENCY	USFWS INTERAGENCY POSITION	T699 USFWF 13 00	NHPP2013026D	\$124,400	\$155,500	\$0
CANCEL														



Berkeley County Council

400 W. STEPHEN STREET, SUITE 201
MARTINSBURG, WV 25401
PHONE: (304) 264-1923



THE COUNCIL

ANTHONY J. "TONY" PETRUCCI
DOUGLAS E. COPENHAVER, JR.
ELAINE C. MAUCK, M.A.
JIM WHITACRE
JAMES R. BARNHART

www.berkeleywv.org

August 15, 2013

To My Fellow WV CoRP Members

I am writing to ask for your support and vote during the election for board members to the West Virginia Counties Risk Pool. Berkeley County has been a member of the pool since its inception in 2007 and our county's savings have exceeded \$226,000 per year. In addition, we have become a participant in the Worker's Compensation coverage which began in July, 2011.

I am a lifelong resident of Berkeley County and have owned a small business since 1982. I have previously served on county boards and commissions since 1998 before being elected to the Berkeley County Council in November of 2010. My previous board and commission experience has included the Berkeley County Ambulance Authority and the Berkeley County Planning Commission. My insurance background has included membership on the board of directors of the F&M Mutual Insurance Company since March, 1999 serving as Chairman of the Audit Committee since 2004 and on the Executive Committee since 2004.

If elected to the Board, I will do my utmost to attend all meetings and represent the members of the board. I will utilize my knowledge in business and insurance to further the goals and objectives of the WVCoRP board and Worker's Compensation services.

If you would require any additional information regarding my background, you may call of the offices of the Berkeley County Council at 304 264-1923 or my cell phone at 304 676-4886. Thank you for your consideration.

Sincerely,

James P. Whitacre, Councilperson
Berkeley County Council

Doc: wvriskpooltr13



The County Line

COMMUNITY LEADERSHIP ACADEMY OFFERS

NEW TRAINING OPPORTUNITY

October 3-4 in Morgantown, Monongalia County

WVU Extension Service has partnered with the WV Association of Counties to revise, revamp and refresh our Local Government Leadership Academy. It will now be called the Community Leadership Academy and will bring together civic-minded citizens, leaders and officials working collaboratively to build vibrant communities. The sessions will have two tracks, Community Leadership and Local Government Leadership, as well as joint sessions with special guest speakers.

The event will begin with a welcome reception on Wednesday, October 2nd at the Waterfront Hotel, sponsored by the WV Association of Counties and the County Commissioners' Association. On Thursday, October 24th, Ed Morrison of the Purdue University Center for Regional Development will present a joint session on "Strategic Doing." Strategic Doing enables civic leaders to form collaborations quickly across organizational and political boundaries and stay focused on transforming

their economies. This will be followed by an active breakout session to demonstrate the process.

Casting Your Net: Connecting with Resources Doesn't Just Happen! is a special structured networking session that will conclude the day on Thursday, October 3rd, followed by a Culinary Tour of Morgantown.

Friday, October 4th will begin with a Plenary Session with Dr. Chris Plein, WVU Eberly College of Arts & Sciences Associate Dean. He will present a joint session about the role of a Land Grant University as a Resource and Partner. An information-packed day will follow with several session choices.

Local Government Leadership track sessions on October 3rd & 4th include a variety of topics and a great line-up of expertise:

- ▶ Economic Development Through Homegrown Competitiveness, presented by Daniel Eades, WVU Extension Rural Economics Specialist, and David Lieving, Business Retention & Expansion Representative of the WV Development Office, and Dr. Greg Morris, Vice-Chancellor, WV Council of Community & Technical College Education

WVACO BOARD OF DIRECTORS TAKES ACTION ON MANY INITIATIVES

The spring WVACO Board Meeting held in June in Harpers Ferry, Jefferson County, had an active and productive agenda. Business and action items included:

- Adoption of the budget for FY 14 as recommended by the Budget Committee
- Approval of a partnership with the "Try This!" health project initiated by Kate Long, Charleston Gazette Writer of "The Shape We're In" series. "Try This!" is a community based public health project funded by the Benedum Foundation
- Appointed committee members for 2013-2014
- Approved preliminary plans for the 2014 Annual Meeting which will be renamed the *Conference of Counties*. Chairman Donnie Evans reported that the theme will be "Looking Ahead to a Brighter Tomorrow."
- Adopted recommendations from the Member Associations Relations Committee that will lead to better legislative planning among county officials.
- Approved a motion to appoint a committee to study the creation of a WVACO PAC and make recommendations for consideration at the fall board meeting. Members of the committee are: Commissioner Dale Manuel, County Clerk Sue Morgan, Circuit Clerk Betsy Castle, Sheriff Tom McComas, Assessor Jim Priestler, and Prosecutor Pamela Games-Neely
- Discussed the formation of a model Counties in Schools program
- Encouraged participation in the Summer Steps County Challenge and the new Community Leadership Academy, both through partnership with WVU Extension

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THE President's View

Greetings,

This month's message is sent with mixed emotion because the West Virginia Sheriffs' Association is losing its Executive Director, Rudi Raynes-Kidder as of August 1, 2013.

Rudi has accepted a position with the Agriculture Commissioners Office in the Communication Division.

We are happy for Rudi because her new position comes with benefits she needs for her and her family but, on the other hand, we're losing not only

Continued to Page 2

WEST VIRGINIA ASSOCIATION OF COUNTIES
2211 WASHINGTON STREET, EAST
CHARLESTON, WV 25311

TELEPHONE (304) 346-0591 | FAX (304) 346-0592
EMAIL: WVACO@WVACO.ORG | WEBSITE: WW.WVCOUNTIES.ORG

WVACO's County Line is published monthly by the WV Association of Counties. It is mailed to county officials, legislators, Affiliated members, & other interested parties.

Patti Hamilton **EXECUTIVE DIRECTOR**
Kathy Yates **MEMBER SERVICES COORDINATOR**
Crystal Young **EXECUTIVE ASSISTANT**
Jack C McClung **LEGAL COUNSEL**

WVACO Board of Directors

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Al Kisner Monongalia County Sheriff 291-7260

IMMEDIATE PAST PRESIDENT

Jeff Waybright Jackson County Clerk 373-2250

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Betsy Castle Preslon County Circuit Clerk 329-0047
Donnie Tenney Upshur County Commissioner 472-0535
Donnie Evans Monroe County Clerk 772-3096
Leckta Poling Barbour County Prosecutor 457-1811
Steve Tanner Raleigh County Sheriff 255-9195

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Nancy Cartrill Cabell County 626-8634
Mike Taylor Randolph County 636-2057
Patrick Boyle Lewis County 269-8200

COUNTY CLERKS

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Janice Cosco Marion County 367-5445
Diana Cromley Mason County 675-1997
Karen Cole Cabell County 526-8625

ASSESSORS

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Cheryl Romano Harrison County 624-8510
Helen Phillips Upshur County 472-4650
Terri Funk Preston County 329-1220

CIRCUIT CLERKS

Donnie Kopp Harrison County 624-8729
Brenda Miller Ohio County 234-3611
Sue Ann Zickfoose Boone County 369-7321
Virginia Sine Berkeley County 264-1918

PROSECUTING ATTORNEYS

Pamela Games-Neely Berkeley County 264-1971
Chris Chiles Cabell County 526-8653
Gerald Hough Gilmer County 462-7007
Michael Sparks Mingo County 235-0350

SHERIFFS

Vince Shambaugh Morgan County 258-1067
Tom McComas Cabell County 526-8663
John Hawkins Barbour County 457-2352
Albert F. Marano Harrison County 624-8550

DIRECTOR EMERITUS

David "Bugs" Stover Wyoming County Circuit Clerk 722-8000
Barbara Core Marion County Circuit Clerk 367-5360
Bob Pasley Wayne County Commissioner 272-635
Jean Friend Monongalia County Circuit Clerk 291-7240

Jan Pest, Marshall County Clerk, Secretary to the Board of Directors

Continued from Page 1

THE President's View

our executive director but a friend.

During this past years legislative session, Rudi was instrumental in seeing that the ballistic vest bill got passed to help protect ALL deputies in West Virginia.

As a board member at large and then on the Executive Board as Secretary for the Sheriffs' Association, I've had the pleasure of working with Rudi for her entire time as Executive Director.

I'm sure my fellow Sheriffs' would agree that Rudi will be greatly missed and hard to replace.

We wish Rudi only the best in her new position and we know Walt Helmick has made an excellent choice by adding Rudi to his staff.

We'll miss you Rudi.....

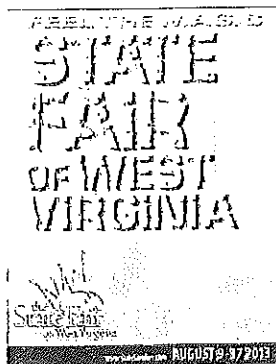
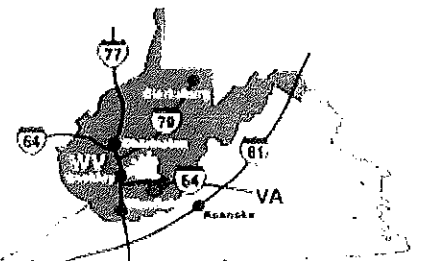
*Sincerely,
Al Kisner*

STATE FAIR SERVICES:

- **PARKING:** Free parking off U.S. 219 South. Handicapped parking available. Shuttles run from 8AM until 8PM for the parking area to the ticket booths.
- **CAMPING:** \$10 Registration Fee. Camping at Fairgrounds begins Thursday, Aug. 8th
- **ACCESSIBILITY:** Wheelchair, Stroller, Wagon & Electric Scooter Rentals Available.
- **FAMILY SERVICES:** Nursing facilities, Family restrooms, Lost Kids
- **FIRST AID:** located near Gate 3. (see cross on map)
- **PET POLICY:** No pets allowed with the exception of service animals.

www.statefairfowv.com

State Fair of West Virginia
Phone 204.643.1020 • FAX 304.645.6130
MAILING ADDRESS: PO Drawer 986, Leetown, WV 24901
PHYSICAL ADDRESS: 891 Mapwood Avenue, Fairlea, WV 24802



Friday, 8/9, 8pm
TATE STEVENS
A FACTOR WINKER
FREE with site admission

Saturday, 8/10, 8pm
CASTING CROWNS
FREE with site admission

Sunday, 8/11, 6pm
AUSTIN MARGARET
COCO JONES
FREE with site admission

Monday, 8/12, 8pm
FREE with site admission
MAX MCDONNELL

Tuesday, 8/13, 8pm
FREE with site admission
JOSH TURNER
DUSTIN LINDH
FREE with site admission

Wednesday, 8/14, 8pm
FREE with site admission
LU YOUNG
BAND AND LOVE AND THEFT
FREE with site admission

Thursday, 8/15, 8pm
THOMPSON SQUARE WITH RANDY HOUSSER
GRANDPRIX \$22 • TRUCK \$27

Friday, 8/16, 8pm
THEORY OF A DEADMAN
GRANDPRIX \$10 • TRUCK \$15

Saturday, 8/17, 7pm
FREE with site admission
BONDS TO THE RESCUE
OF PAINVILLE
GRANDPRIX \$22 • TRUCK \$27

**HOW ARE YOU PRESENTING
WEST VIRGINIA'S LIVING MONUMENTS - the COURTHOUSES?
SEND US PICTURES!**

You can now go to www.wvcounties.org and order books online.

The online order accepts credit card payments.

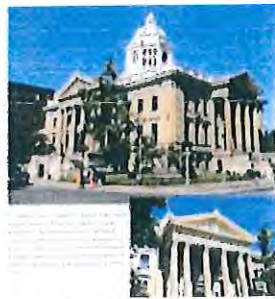
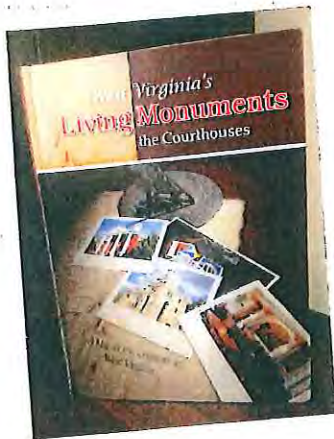
This unique publication is a project of the WV Association of Counties and The Walkabout Company, PLLC and contributing sponsors.

It is a significant contribution to the WV 150th birthday celebration this year. It features all of our 55 county courthouses through over 500 current and historic pictures.

The publication includes a brief West Virginia history of county government and essays on the importance of rehabilitation and preserving the historic architectural features while keeping courthouses the functional center of government they need to be for the future.

**It is available from the WV Association of Counties for \$35 and can be ordered at:
www.wvcounties.org**

As a special, the accompanying, award-winning DVD is available for \$5 with purchase of a book.



Marshall County Courthouse
Martinsburg, WV



Make Checks Payable to:

WV Association of Counties
2211 Washington Street East
Charleston, WV 25311

Phone: 304-346-0591
Fax: 304-346-0592
Email: wvaco@wvaco.org
Web: www.wvcounties.org

West Virginia's Living Monuments: The Courthouse

NAME _____

ADDRESS _____

PHONE/EMAIL _____

QUANTITY _____ PRICE \$35 TOTAL \$ _____



Calendar of Events

- AUGUST 5-7, 2013** County Commissioners Association of WV
Stonewall Resort, Lewis County
- AUGUST 12-14, 2013** WV Association of Circuit Clerks
Oglebay Resort, Ohio County
- SEPT. 15-18, 2013** WV Sheriffs' Assoc. Annual Conference
Glade Springs, Raleigh County
- OCTOBER 3-4, 2013** Community Leadership Academy
Morgantown, Monongalia County
- OCTOBER 6-9, 2013** WVACo Fall Board Meeting
Oglebay Resort, Ohio County
- FEBRUARY 9-11, 2013** WVACo Conference of Counties
Kanawha County

- AUGUST 19-21**
- SEPTEMBER 23-25**
- OCTOBER 21-23**
- NOVEMBER 18-20**
- DECEMBER 9-11**
- JANUARY 5-7, 2014**

LEGISLATIVE Interim Dates for 2013



Continued from Page 1: LEADERSHIP

- ▶ Cyber Security: Protecting Your Image, Data, & Business presented by Danielle Cox, Governor's Office of Information Security & Controls
- ▶ Professional Conduct and Ethics, presented by Joan Parker, Executive Director of the WV Ethics Commission
- ▶ The Grant Programs of USDA & Hud, presented by Lisa Sharp, USDA Director of Business & Cooperative Programs, and Pete Minter, U.S. Department of Housing and Urban Development Field Office Director
- ▶ Employment Issues / HR Management presented by Keith Gamble, Pullin, Fowler, Flanagan, Brown & Poe
- ▶ Preparing for the Worst, Because It Will Happen: Emergency Preparedness for Local Government presented by Rick Staton, Deputy of WV Dept. of Military Affairs & Public Safety

Everyone participant will receive a certificate from West Virginia University and will begin the process of accruing hours towards advanced certification. More information will be sent to all county officials soon!

MEMBER PROFILE:

AL KISNER
MONONGALIA COUNTY SHERIFF
WVACo PRESIDENT



- Years in office:** 4 1/2 as sheriff, 37 years in law enforcement
- Education:** Graduate of University High School, WV State Police Academy & some college credits
- My favorite sport is:** Football & Golf
- The hardest thing I have done:** Campaigning for an elected office
- You would be surprised to know:** I like to have things really neat & clean.
- I'm most proud of:** my family & my 37 years of public service.
- The last book I read was:** Joe's Law (sheriff Joe Arpaio)

Three people (living or dead) I'd invite to dinner: My mother because I love her, my father who died 23 yrs ago & my wife who means everything to me.

My favorite movie is: The Shawshank Redemption & Grumpy Old Men

My favorite music is: oldies & country

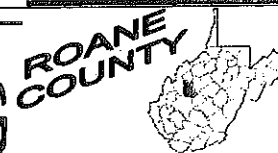
My pet peeve is: people who expect something for doing nothing.

My motto is: Do the best you can and try to make a difference.



RECIPE OF THE MONTH

PISTACHIO PUDDING



- Lg can of crushed pineapples (undrained)
- 1 pkg Pistachio Pudding instant mix (dry)
- Lg container of Cool Whip
- 1 cup of miniature marshmallows
- 1/2 cup of nuts (pecans or walnuts) if desired

Mix pineapples and pudding mix together then fold in all other ingredients. Refrigerate and serve.

Crystal's Grandmother's Special Recipe

"A day without sunshine is like, you know, night." - Steve Martin

WV Fairs & Festivals

AUGUST 2013

Mercer County Fair
August 2

Berkeley County Youth Fair
August 3

South Charleston Summerfest
August 3—Kanawha County

Mason County Fair
August 5

Monongalia County Fair
August 5

Tyler County Fair
August 5

The State Fair of West Virginia
August 9—Greenbrier County

Town & Country Days
August 12—Wetzel County

WV State Dairy Cattle Show
August 13—Lewis County

Kanawha County Fair
August 14

Parkersburg Homecoming Festival
August 16—Wood County

Jefferson County Fair
August 18
Doddridge County Fair
August 20

Tucker County Fair
August 20

Appalachian Festival
August 23—Raleigh

Barbour County Fair
August 24

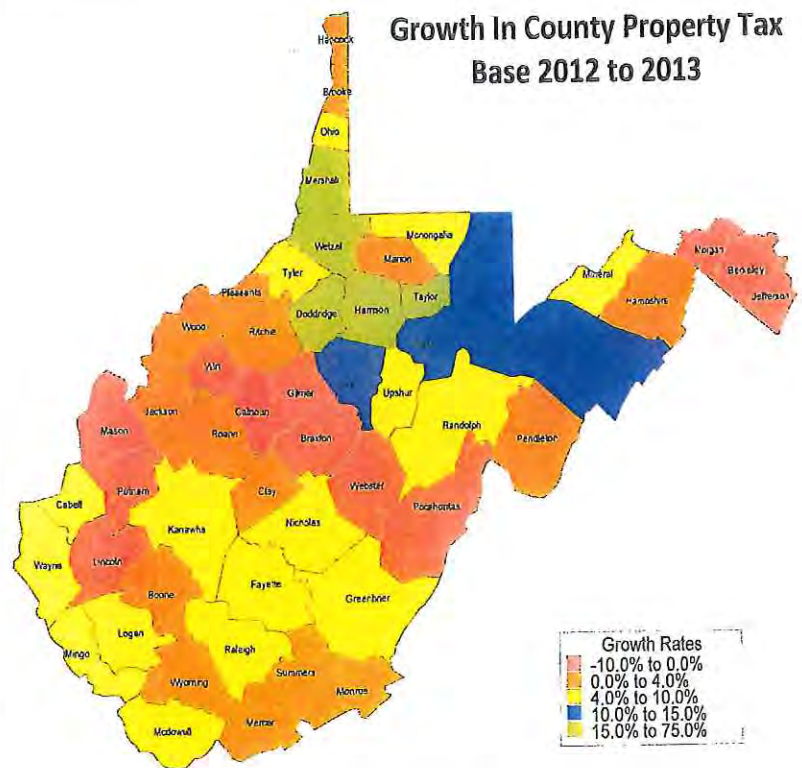
Oak Leaf Festival
August 31



INTERIM HIGHLIGHTS

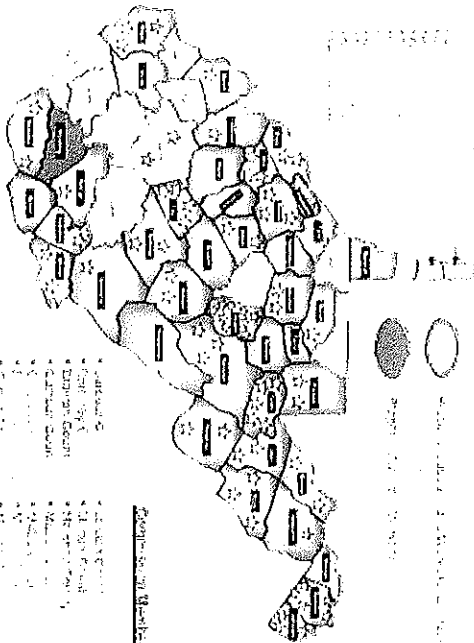
Due to the late start for this year's interim session, July's legislative interim meetings were still primarily organizational. There were some interesting meetings on the subject of Regional Jails:

- ✓ Staffing costs and costs to counties continue to be a major concern of the *Regional Jails and Correctional Facilities Oversight Committee*. Senate Co-Chair William Laird noted that surplus accounts amount to almost \$61 million. The RJA must by law keep 3 months operating reserve at about \$18 million and has a bond reserve of \$19 million. Beyond that, the remainder is funding the agency's OPEB liability. Senator Laird noted, "I'm not sure it's the responsibility of local units of government to fund the state's OPEB liability for a state agency," pointing out that other worthy county projects are "literally being burned at the stake" because of jail fees. Director DeLong responded that the amount of jail bills is related more to numbers of incarcerations rather than per diem costs, calling it a volume-driven issue.
- ✓ Concern was also expressed about safety in the jails and correctional facilities. Burn-out from high stress and low pay with mandatory overtime was cited by both RJA and Division of Corrections for a high turnover rate. The Oversight Committee was advised that high turnover rate and mandatory overtime are the biggest safety threats for correctional officers.



"Limits, like fear, are often an illusion." Michael Jordan

42 COUNTIES



As of July 2013
WEST VIRGINIA COUNTIES RISK POOL PARTICIPANTS

COUNTY WELLNESS.....

"Though no one can go back and make a brand new start, anyone can start from now and make a brand new ending." Carl Brand

"It's never too late to start walking and join the Summer Steps Challenge!"

THE LIVE WELL WV COUNTY "SUMMER STEPS" CHALLENGE BEGAN JUNE 1ST BUT IT DOESN'T END UNTIL AUGUST 31ST!

ADD YOUR NAME TO THE WALKERS IN YOUR COUNTY OR START A WALKING GROUP NOW WITH COUNTY OFFICIALS, COUNTY EMPLOYEES AND COUNTY CITIZENS.

GO TO

WWW.LIVEWELLWV.ORG

TO REGISTER IN THE TRACKER.



GET YOUR COUNTY TEAM TOGETHER AND WALK TO WIN!

Congratulations.....

to Ohio County Commissioner Tim McCormick who was appointed by NACo President Linda Langston to lead the Northeast Region of the Membership Committee

DOES YOUR COUNTY HAVE A COUNTY SEAL?

We are still working on getting all 55 county seals. If you do not have a seal, the 150th birthday of WV is a good time to work on highlighting the wonderful things about your county by creating a seal.

Please send us your seal.
We will print it in the newsletter.

"The use of official seals is a practice handed down from old English law, in which individuals and officials from the King on down used a distinctive seal as a means of authenticating official documents. No document, even those signed by the King himself, was considered valid and effective without the official seal."

Governor's Blue Ribbon Highways Commission

Public meetings are set to begin so the Governor's Blue Ribbon Commission (BRC) on Highways can get input from the general public. The regional meetings will be held in July and August.

The meeting schedule is as follows:

Thursday, Aug. 1,

Comfort Inn, Mineral Wells - 4:00 p.m.— 5:30 pm
5:30 pm—7:00 pm

Thursday, Aug. 8,

Mollohan Research Center, Fairmont - 4 p.m.— 5:30 pm
5:30 pm—7:00 pm

Monday, Aug. 12,

Days Inn, Princeton - 10 a.m.-1 p.m.

Monday, Aug. 12, Mountaineer Conference Ctr.,

Beckley - 4:00 p.m.— 5:30 pm
5:30 pm—7:00 pm

Thursday, Aug. 15,

Days Inn, Elkins - 4:00 p.m.— 5:30 pm
5:30 pm—7:00 pm

"If your actions inspire others to dream more, learn more, do more and become more, you are a leader." John Quincy Adams

CYBER SECURITY TIP



You may be familiar with this or similar messages appearing on a website, urging you to take action purportedly designed to clean your allegedly infected computer. Unfortunately, these messages are often scams that attempt to install malicious software (malware) onto your computer. Such software is referred to as rogue (fake) anti-virus malware, and the incidents are increasing. Last year, the FBI reported an estimated loss to victims in excess of \$150 million from this type of scam.

What can I do to protect my computer?

Applying computer security best practices will help protect your machine and minimize any potential impacts.

1. **Don't click on pop-up ads that advertise anti-virus or anti-spyware programs.** If you are interested in a security product, don't try to access it through a pop-up ad; contact the retailer directly through its homepage, retail outlet or other legitimate contact methods.
2. **Don't download software from unknown sources.** Some free software applications may come bundled with other programs, including malware.
3. **Use and regularly update firewalls, anti-virus, and anti-spyware programs.** Keep these programs updated regularly. Use the auto-update feature if available.
4. **Patch operating systems, browsers, and other software programs.** Keep your system and programs up dated and patched so that your computer will not be exposed to known vulnerabilities and attacks.
5. **Regularly scan and clean your computer.** Scan your computer with your anti-spyware once a week.
6. **Back up your critical files.** In the event that your machine becomes infected, having backups of your important files will facilitate recovery.



MULTI-STATE
Information Sharing & Analysis Center



STOP | THINK | CONNECT

CONGRATULATIONS

Gary Ellyson, Braxton County Commissioner, was elected as Chairman of the Regional Jail Authority Board. He is only the second county official to serve in that capacity for the RJA Board.



SEND US A PICTURE OF YOUR BANNER DISPLAYED. WE WILL INCLUDE IT IN THE COUNTY LINE!
HAPPY BIRTHDAY WEST VIRGINIA



BOARD Responsibilities series

BOARD TOOLS

The operating documents of the organization are available to leaders.

BYLAWS
ARTICLES OF INCORPORATION
FINANCIAL STATEMENT
MINUTES
POLICY MANUAL
STRATEGIC PLAN
ORGANIZATIONAL CHARTS

Treat information with confidentiality to protect goals, budget and intellectual property.

("Knowledge is power.")

"I suppose leadership at one time meant muscles; but today it means getting along with people." - GANDHI



50
www.wvcounties.org



27*****MIXED AADC 450

WALT PELLISH
JEFFERSON COUNTY COMMISSIONER
PO BOX 250
CHARLES TOWN, WV 25414-0250

Direct to You

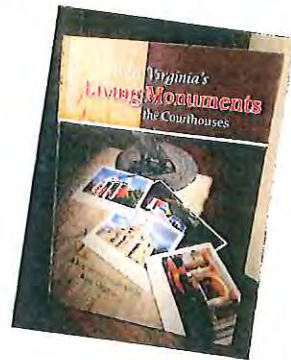
I had the pleasure of meeting Mark Kennedy Shriver when he attended the Wheeling Sesquicentennial Celebration and Legislative Interim Session. He talked about his "Uncle Jack" who spoke in the pouring rain on the Capitol Steps on the same date 50 years ago, June 20, 1963. He quoted his famous line, "The sun doesn't always shine in West Virginia but the people do." I was there that day with my dad and sister and it was memorable to see over 5,000 people standing in the pouring rain to listen to President Kennedy.



Mark Kennedy Shriver in Wheeling for June 20 WV150 birthday celebration.



TAKEN BY PAT HAMILTON, Patti's Dad



Taylor Books

**West Virginia's Living Monuments:
The Courthouse
June 22, 2013**

The capitol book signing. Authors Deb and Rick Warmuth along with their son.



Ethics Reporter

Since the Last Reporter

Since the July edition of the **REPORTER**, the West Virginia Ethics Commission published eight Advisory Opinions interpreting provisions of the West Virginia Governmental Ethics Act and the laws governing Boards of Education.

At its August 1 meeting, the West Virginia Ethics Commission approved opinions relating to the permissibility of a state agency commissioner having partial ownership of a race horse that may compete in the state, the permissibility of a county sheriff tax deputy entering the security services business, the permissibility of a housing authority continuing to employ an individual after his election as a mayor, the permissibility of a county

assessor's office purchasing supplies from the fiancée of an employee in the office, the permissibility of a sheriff's department employee serving on the deputy sheriff's civil service commission in certain instances, the permissibility of a county council using public funds to purchase a meal during the dedication ceremony for a public building, the permissibility of a former state employee registering to lobby without restriction and, the permissibility of a state task force member soliciting funds in support of the task force.

ADVISORY OPINION REPORT

Advisory Opinion 2013-30 addressed the permissibility of a state agency commissioner having partial ownership in a race horse that may race in the state.

A commissioner of the agency that regulates live racing holds a 20%

ownership interest in a race horse. The principal owner of the horse is considering moving it to the state. The state agency regulates and promotes every aspect of the racing industry.

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.

Additionally, the Commission examined 6B-2-5(j) restricting the ability of public officials voting on matters in which they have a financial interest with their interests exceed 5%, unless they are simply a member of a class of at least five that will be affected in the same manner, and the language of 6B-2-5(k)

prohibiting a public official from participating in any licensing proceeding when their ownership interest exceeds 10%.

The Commission ruled in this case that multiple legislative rules of the Racing Commission, along with the fact that the state official would have access to confidential information on all horses would result in a situation where the official could not properly fulfill their duties of regulation racing. The Commission determined that the official may not own an interest in a horse that races in the state.

Advisory Opinion 2013-34 concerned the permissibility of a sheriff's tax deputy from providing security services through a company he forms.

The deputy plans to offer a wide range of home security services, along with training and other services to law enforcement agencies throughout the state, including without charge

in the county where he is a deputy.

Of interest to the Ethics Commission were the provisions of 6B-2-5(b) prohibiting a public official from using their office to produce a private gain for themselves or another, along with those of 6B-2-5(d)(1) prohibiting a public official from having an interest in a contract over which they have control and authority, as well as those of 6B-2-5(o) prohibiting a public official from soliciting business from a subordinate employee, unless the solicitation is general in nature and meets other standards.

In its opinion, the Ethics Commission ruled that there is nothing to prevent the deputy from forming and operating a security services company as indicated. However, the Commission prohibited the deputy from charging any law enforcement agency for services in the county where he works and cautioned the deputy against using public resources in the operation of his business, including

distributing sales material and information while working for the county. Finally, the Commission ruled that he must recuse himself from any tax matter involving one of his private security customers.

Advisory Opinion 2013-35 addressed the permissibility of a housing agency continuing to employ an individual who was subsequently elected as mayor of a town within the agency's jurisdiction.

At issue for the Ethics Commission in this case were the provisions of 6B-2-5(b)(1) prohibiting a public official from using their public office to produce a private gain for themselves or another and the 6B-2-5(j) prohibition against a public official voting on matters in which they or an immediate family member have a financial interest or where they are an employee in some instances.

In its opinion, the Ethics Commission ruled, citing numerous precedents that the mayor may continue as a part-time employee of the housing agency as long as he

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recuses himself from any matter involving the agency that comes under the city's jurisdiction and authority.

Advisory Opinion 2013-36 concerned the permissibility of a county assessor's office purchasing supplies from a business owned by the fiancé of an assessor's employee. The employee has no authority over purchasing and has no financial interest in the business where his fiancé works.

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, those of 6B-2-5(d)(1) prohibiting a public official from having an interest in a contract over which they have control or authority, as well as the language of Chapter 61-10-15 prohibiting a county officer from having either direct or indirect pecuniary interests in any matter

where they have voice, influence or control.

The Commission ruled in this case that the assessor's office employee had no authority over purchasing and had no influence or voice over these matters either, so there is no potential violation of law presented by the request.

Advisory Opinion 2013-37 addressed the permissibility of a sheriff office employee also serving as a member of the deputy sheriff civil service board, or whether the individual could serve on the board if they left the employment of the sheriff.

The board is comprised of a variety of representatives, each appointed by different elements within the county, including the deputies association and the county commission. The individual in question has long served on the board under a county commission appointment, and was subsequently hired by the sheriff's office for full time employment.

The board regulates every aspect of the sheriff's office with respect to the hiring, investigation and discipline of deputies and also has direct control over the sheriff in some instances as well.

The Commission reviewed the provisions of 6B-2-5(b) prohibiting the use of public office to produce to generate a private gain, those of 6B-2-5(d)(1) prohibiting a public official from having an interest in a contract over which they have control or authority, and those of 6B-2-5(j) placing restrictions on voting by public officials when their personal interests are affected.

In its opinion, the Ethics Commission ruled that the sheriff's office employee could not permissibly serve as a member of the civil service board unless they resigned from the job. The Commission recited a number of similar precedents in other decisions relating to the issue, but made it clear that in this case there was no mitigation possible since the board has direct authority over the sheriff and his office.

Advisory Opinion

2013-38 concerned the permissibility of a county council member using public funds to pay for a meal as part of the dedication of a public building. Only public officials will be invited to the dedication since the building is a secure facility. As much as \$5,000 will be spent on the meal event.

The Commission examined the language of 6B-2-5(b)(1) prohibiting public officials from using their office to generate a private gain for themselves or another.

In its ruling, the Ethics Commission determined that the dedication of a building does not generate an overriding public benefit necessitating the justification of expending public funds on a meal for public officials only. The Commission cited a number of similar precedents in making this ruling.

Advisory Opinion

2013-39 addressed the permissibility of a former state employee

registering as a lobbyist without restriction.

In this instance, the state employee was general counsel for a state agency and now seeks guidance on whether she may become a lobbyist now that her state employment has concluded. The individual in this case was identified as the former general counsel for the Department of Health and Human Resources.

The Commission examined the provisions of 6B-2-5(e) restricting public employees' use of confidential information in their post-public employment endeavors, as well as the language of 6B-3-2 defining those state officials falling under a one-year post public employment lobbying restriction.

The Ethics Commission found that as general counsel of DHHR, the individual did not directly report to the governor and was, therefore, not subject to the one-year lobbying limitation.

Advisory Opinion

2013-40 concerned the permissibility of a

member of a state task force soliciting funds from the private sector to support the work of the task force.

The task force was established under an executive order of the governor and the order contains language requiring the task force to collaborate with private sector organizations, and to also seek financial assistance from the private sector. The task force member seeking guidance from the Commission is also a trustee for a private foundation that could be called on for financial support.

In examining the request, the Commission reviewed the provisions of 6B-2-5(b) prohibiting a public official from using their position to generate a private gain for themselves or others, those of 6B-2-5(c) prohibiting public officials from soliciting gifts unless for an overriding charitable purpose that does not benefit the solicitor, as well as legislative rules regarding the solicitation of charitable gifts.

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In its opinion, the Ethics Commission noted that it had opined numerous times previously on this and similar situations. The Commission ruled that there was a definite public benefit to be gained through the solicitation of funds by members of the task force and the governor's order expressly authorized funds to be solicited. Consequently, the proposed solicitation is permissible.

However, the task force may not endorse any contributor, solicit subordinate state employees, solicit vendors and comply with all applicable legislative rules on solicitations.

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WEST VIRGINIA ETHICS
REPORTER is published by
West Virginia Ethics Reporter,
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MISCELLANEOUS

NONE PUBLISHED

ADVISORY OPINION NO. 2013-35

Issued on August 1, 2013 By the

WEST VIRGINIA ETHICS COMMISSION

2013 AUG -6 AM 10: 09

WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **Housing Authority** asks if it may continue to employ a part-time Section 8 Inspector who was recently elected Mayor of a Town within its service area.

FACTS RELIED UPON BY THE COMMISSION

A Housing Authority has employed a part-time Section 8 Inspector since November 2012 who was recently elected Mayor of a nearby Town within the Housing Authority's service area. The Section 8 Inspector's responsibilities include inspecting units for compliance with HUD's Housing Quality Standards. The Mayor/Inspector does not make or revise any of the Authority's policies or make any purchases on its behalf. The Authority stipulates that the Inspector will not conduct any inspections inside the Town limits of the Town to which he was recently elected Mayor.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b)(1):

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.... 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.

W. Va. Code § 6B-2-5(j):

(1) Public officials, excluding members of the Legislature who are governed by subsection (i) of this section, may not vote on a matter:

(A) In which they, an immediate family member, or a business with which they or an immediate family member is 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** (emphasis supplied), compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class.

ADVISORY OPINION

In establishing the Ethics Act, the Legislature sought to maintain the public's confidence in the impartiality and independence of decisions and actions by public officials and employees, and to ensure that all such decisions be made free of undue influence, favoritism or threat at all levels of government. W. Va. Code § 6B-1-2(a).

In creating these ethical standards for public officials, the Legislature additionally recognized that "many part-time public officials and public employees serv[e] in elected and appointed capacities; and that certain conflicts of interest are inherent in part-time service...." W. Va. Code § 6B-1-2(c).

The Ethics Act's prohibition against use of office for private gain was designed to steer public servants away from inherently questionable situations. This prohibition is intended to prevent not only actual impropriety, but also situations that give the appearance of impropriety. Here, the Requester recognizes that the Mayor/Inspector's duties as Section 8 Inspector could overlap with his Mayoral duties and will make arrangements to ensure that the Mayor/Inspector does not inspect any locations within the Town limits where he is Mayor.

The Ethics Act does not, however, prevent public employees from holding public office. In Advisory Opinion 1996-14, a County Employee was permitted to run for the office of Magistrate. Additionally, in Advisory Opinion 1996-30, the Commission found that a Town Council member may also serve as a police officer for the Town. More recently, in Advisory Opinion 2012-01, a City Councilperson was permitted to be employed as the City Building Official.

While the Ethics Act does not prohibit a part-time Inspector for a Housing Authority from serving as Mayor for a town within the Housing Authority's service area, limitations apply. First, the Mayor must recuse himself on any matters which come before Council that involve his employer, the Housing Authority. For example, in Advisory Opinion 2012-05, the Commission found that a Board of Education employee seeking election to a County Commission, if elected, may not vote on matters which uniquely affect his employer.

For recusal to be proper under the Ethics Act, the Mayor must disclose his interest and excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during the discussion and vote on the matter. Additionally, the minutes/record of the meeting must reflect the basis for the recusal and that the affected official left the room during all discussion and vote on the item under consideration.

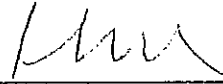
Second, the Mayor may not use his public office for his own private gain. In Advisory Opinion 2012-02, the Commission held that a County Commissioner who is also a licensed real estate associate may not use his position to influence the purchase of property, i.e. he may not communicate with his fellow County Commissioners, Members

of the Building Commission, or their respective staffs, on matters relating to the property.

Advisory Opinion 2012-07 also notes that West Virginia law permits mayors to preside over municipal court. W. Va. Constitution Article 8, §1. *See also* W. Va. Code § 8-10-1. Thus, if the Mayor also serves as municipal judge, he needs to take special care if someone currently under his jurisdiction as housing inspector appears before him in his judicial capacity. The fact that a citizen has been subject to his authority as housing inspector in the past is generally insufficient to require the Mayor to recuse himself from the proceeding. The Mayor shall, however, disclose the conflict, and if either party requests that the Mayor recuse himself from the proceeding following such disclosure, the Mayor shall do so. Further, he is prohibited from presiding over a judicial matter involving a party when an inspection occurred within the preceding six months.

The Ethics Act, therefore, does not prohibit a Housing Authority from continuing to employ a part-time inspector who was recently elected Mayor of a nearby Town, with the limitations hereinabove set forth.

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

COPY

ADVISORY OPINION NO. 2013-34

Issued on August 1, 2013 By the

WEST VIRGINIA ETHICS COMMISSION

2013 AUG -7 AM 11:43
SECRETARY OF STATE

OPINION SOUGHT

A Sheriff's Tax Deputy asks if he may provide security services to residents and law enforcement throughout the State through a limited liability company.

FACTS RELIED UPON BY THE COMMISSION

A Sheriff's Tax Deputy would like to form a limited liability company (LLC) to provide security guard services, home security cameras, sensors, and related electronic devices, and to provide open source intelligence analysis training to the city, county, and state law enforcement entities within West Virginia.

The Requester states that he will provide the services free of charge to his County Sheriff's Department, but that other law enforcement entities within his county would be charged the standard rates.

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 public employee or business with which s/he is associated may be a party to or have an interest in a contract which such employee may have direct authority to enter into, or over which s/he may have control.

W. Va. Code § 6B-2-5(o) reads, in relevant part:

Except as provided in this section, a person who is a public official ... may not solicit private business from a subordinate public official or public employee whom he or she has the authority to direct, supervise or control. A person who is a public official ... may solicit private business from a subordinate public official or public employee whom he or she has the authority to direct, supervise or control when:

(A) The solicitation is a general solicitation directed to the public at large through the mailing or other means of distribution of a letter, pamphlet, handbill, circular or other written or printed media; or

- (B) The solicitation is limited to the posting of a notice in a communal work area; or
- (C) The solicitation is for the sale of property of a kind that the person is not regularly engaged in selling; or
- (D) The solicitation is made at the location of a private business owned or operated by the person to which the subordinate public official or public employee has come on his or her own initiative.

ADVISORY OPINION

Pursuant to W. Va. Code § 6B-2-5(d)(1), a public employee may not have more than a limited interest in the profits or benefits of a public contract over which s/he has direct authority or control.

In Advisory Opinion 2010-24, the Ethics Commission found that a Chief Tax Deputy does not exercise control over County Board of Education contracts for purposes of the Ethics Act nor is she subject to § 61-10-15.¹ Here, the Commission finds that a Tax Deputy does not exercise control over contracts within the Sheriff's Department.

As a result, the Requester may provide security services to residents and law enforcement throughout the State through a limited liability company. Limitations apply. The Requester has stated that he would provide his services to the Sheriff's Department free of charge. The Requester is prohibited from charging for any goods or services that he, or the LLC, provides to **any** government agencies within his County.

Additionally, the Requester may not use more than a *de minimis* amount of public resources for private purposes. Specifically, he may not use office equipment, office supplies or office space for the benefit of his private company. Further, he may not use subordinate staff to perform work associated with his private business while the subordinates are on the government time clock.²

Next, W. Va. Code § 6B-2-5(o) prohibits a public official from soliciting private business from a subordinate public official or public employee whom he or she has the authority to direct, supervise or control, with certain exceptions.

Also, the Commission finds that the Requester may not distribute business cards, flyers, or other promotional materials concerning his private business from his office and/or in the County Courthouse. Notwithstanding the express provisions of W. Va. Code § 6B-2-5(o)(B), under these specific circumstances, the Commission believes it would create

¹ See Advisory Opinion 2013-15 for an analysis of the distinction between a tax deputy and a law enforcement deputy.

² Before using subordinate staff to perform work associated with his private company, the Requester should contact the Ethics Commission to determine whether such a work arrangement is permissible under the Ethics Act.

an appearance of impropriety for an employee of the Sheriff's Department to promote his private security services at his place of public employment.

Finally, the Requester must recuse himself from the handling of delinquent tax payers accounts for any current or prospective customers of his private business.

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. 2013-36

2013 AUG -6 AM 10: 09

Issued On August 1, 2013 By The

WEST VIRGINIA ETHICS COMMISSION

WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **County Assessor** asks whether his office may purchase office supplies from a company owned by his employee's fiancé.

FACTS RELIED UPON BY THE COMMISSION

The Requester is an elected County Assessor. His office currently purchases office supplies from a company which is being purchased by the fiancé of an employee in his office. The employee is a clerk for the personal property division of the Assessor's office. The employee has no involvement in making purchasing recommendations or decisions. Rather, another employee is responsible for ordering office supplies, and the Requestor authorizes the purchases. The Requester asks whether his office may continue to purchase office supplies from the company once it is owned by the employee's fiancé. The Requester states that he does not have any financial interest or personal relationship with the employee or her fiancé.

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.

W. Va. Code § 6B-2-5(d)(1) reads, in pertinent part:

In addition to the provisions of section fifteen, article ten, chapter sixty-one of this code, no elected ... official ... or member of his... immediate family ... may be a party to or have an interest in the profits or benefits of a contract which the official ... may have direct authority to enter into, or over which he ... may have control
....

W. Va. Code § 61-10-15(a) states, in pertinent part:

(a) It is unlawful for any ...county ...officer to be or become pecuniarily interested, directly or indirectly, in the proceeds of any contract or service or in the furnishing of any supplies in the contract for or the awarding or letting of a contract if, as a member, officer, secretary, supervisor, superintendent, principal or teacher, he or she may have any voice, influence or control

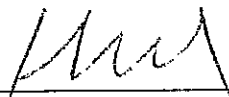
ADVISORY OPINION

Both the Ethics Act and W.Va. Code § 61-10-15 prohibit county public officials from having an interest in public contracts. Specifically, W.Va. Code § 6B-2-5(d)(1) states a public servant may not "have an interest in the profits or benefits of a contract which the official ... may have direct authority to enter into, or over which he ... may have control ...". W. Va. Code § 61-10-15, a separate criminal statute, imposes criminal penalties against County officials who are pecuniarily interested, either directly or indirectly, in the proceeds of a public contract over which those officials exercise "voice, influence, or control."

Here, the Requester asserts that the position of clerk for the personal property division has no involvement in the purchasing process. Therefore, the Requester would not violate the Ethics Act by purchasing supplies from this vendor. Of course, the Requester may not choose to purchase from any the office employee's fiancé or any particular vendor based upon favoritism.

Notwithstanding this conclusion, our inquiry does not end here. Because the Requester and employee are county employees, we must next analyze whether W. Va. Code § 61-10-15 prohibits the purchases. This statute has stricter standards than the Ethics Act in that it states that an employee may not have "any voice, influence or control" over the purchases. The Commission finds that since the employee has no involvement whatsoever in purchasing decisions for the Assessor's office, she does not have any voice, influence or control over the purchase of office supplies. Moreover, she is not a "county official" for purposes of the criminal statute which applies only to "... a member, officer, secretary, supervisor, superintendent, principal or teacher." See Advisory Opinion 2012-03 wherein the Commission ruled that a Deputy Chief/Supervisor is an employee of the agency, and is not a county officer for purposes of § 61-10-15. See also Advisory Opinion 97-34 wherein Commission held that County Health Administrator is not one of statutorily enumerated positions. The administrator is an employee, not an officer, for purposes of § 61-10-15. However, the Requester, County Assessor, is a county official subject to 61-10-15. But, he would not violate the statute by purchasing from the employee's fiancé because the employee does not have any voice, influence or control over the purchases and he has no personal or financial relationship with the employee or her fiancé.

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. 2013-37
Issued on July 11, 2013
WEST VIRGINIA ETHICS COMMISSION

2013 AUG -6 AM 10: 09

WEST VIRGINIA
SECRETARY OF STATE**OPINION SOUGHT**

A **County Commission** asks if an appointed member of the County Sheriff Deputy Civil Service Commission may also be an employee of the County Sheriff's Department, and if not, whether the employee may remain on the Deputy Civil Service Commission if s/he resigns from the County Sheriff's Department.

FACTS RELIED UPON BY THE COMMISSION

West Virginia Code §7-14-12 governs the provisions of Civil Service Boards (hereinafter CSB). Those provisions direct that each CSB shall consist of three commissioners, one appointed by the bar association of the county, one appointed by the deputy sheriff's association of the county, and one appointed by the county commission of such county. The County Commission may remove a commissioner; however, a petition must be filed and a hearing held in the circuit court of the county in order to effect removal. West Virginia Code §7-14-3.

A CSB either acting as a body or by single commissioner may initiate and investigate, with full subpoena power, any deputy sheriff. The Board also holds exams and sets training for prospective and active deputy sheriffs. From those exams and trainings, the board maintains a "promotion list" which designates the order in which candidates should be hired and promotions be made within the department. The Board also sets and enforces rules regulating the conditions under which deputy sheriff's may work in addition to their duties.

The CSB must also determine the conditions under which a deputy is removed, discharged, suspended, or reduced in rank. In the event a Sheriff takes action against a deputy, the Sheriff must supply the Board with a written statement of the reasons for that action. Should the deputy demand, the Board also holds a public hearing wherein the Sheriff must justify his administrative action. Either party may appeal the Board's ruling to the Circuit Court of the county.

Should the Sheriff make an appointment or promotion contrary to the "promotion list" maintained by the CSB, s/he is deemed guilty of a misdemeanor. The obstruction of an investigation or examination by any individual is also deemed a misdemeanor. Both are offenses punishable by fine and imprisonment.

In the situation here, a county commission appointed a member to the CSB in 1997. In April 2007, that CSB member was hired by the Sheriff in the county on which s/he sits as a CSB member. The member has sat on the CSB since his/her initial appointment, including since s/he has been employed by the county Sheriff.

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 or she 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 or she may have control: Provided, That nothing herein shall be construed to make unlawful the employment of any person with any governmental body....

W. Va. Code § 6B-2-5(j) reads in relevant part:

(j) *Limitations on Voting.*

(1) Public officials . . . may not vote on a matter:

(A) In which **they** an immediate family member, or a business with which they or an immediate family member is associated have a financial interest. Business with which they are associated means a business of which the person ... 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 (emphasis added).

(3) For a public official's recusal to be effective, it is necessary to excuse him or herself from participating in the discussion and decision-making process by physically removing him or herself from the room during the period, fully disclosing his or her interests, and recusing him or herself from voting on the issue.

ADVISORY OPINION

The Ethics Commission has addressed this situation in several previous opinions. In Advisory Opinion (hereinafter A.O.) 2011-12, the Commission determined that for purposes of this voting limitation, employment by a public agency constitute a personal financial interest which prohibits a public employee from voting on matters which affect his or her public employer. The Commission reasoned that public employees have a financial interest in their continued employment and the financial stability of their public employer. Further, A.O. 2011-12 decided that a financial interest requires recusal in all matters affecting the public employer. See *also* A.O. 2011-03 wherein the Commission ruled that a County Commissioner may **not** vote on matters relating to a city-owned hospital where he is employed; and, A.O. 92-13 wherein the Commission ruled that a

(A.O. 2013-37 Page 2 of 3)

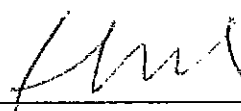
Director of a State Agency, in his capacity as an appointed Advisory Board Members, may **not** vote on matters relating to the public agency by which he was employed.

Further, in A.O. 2012-05, a County Commissioner was also employed as a teacher in a local high school. The Requester inquired as to whether he could vote on matters involving his employer, the Board of Education. The Ethics Commission ruled in his employment as a teacher precluded him from voting on matters affecting the Board of Education. Thus, he was directed to recuse himself from voting on those matters.

Here, the CSB appointee sits on the board to perform his statutory duties, which solely involve the Sheriff Department. Those duties include the initiation of investigations of employees within the Sheriff's office. As a result, the commissioner is tasked with the statutory authority to investigate himself and any of his co-workers. Further, the member must develop training and administer tests for use to determine the order in which he and his co-workers are promoted. Finally, the member must determine if the Sheriff, his employer, acted appropriately in a disciplinary action. It is clear in this case, the member who is employed by the Sheriff has a personal financial interest in all of these statutory duties. Therefore, the CSB member may not sit on the CSB while s/he is employed by the Sheriff.

Further, it is the opinion of the Commission that recusal is not appropriate in this situation. Here, the **only** issues upon which the member votes are issues of investigations, training, promotions and disciplinary actions of his employer, the Sheriff. Therefore, the Commission finds that the CSB member may only continue to serve on the Board if s/he resigns his/her employment with the Sheriff. At the time s/he is severed from employment, s/he no longer has a direct financial interest in matters involving the Sheriff.

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. 2013-38

Issued on August 1, 2013 By the

WEST VIRGINIA ETHICS COMMISSION

OPINION SOUGHT

A **County Council** asks if it may use public funds for a meal during a dedication ceremony for its Public Safety Building.

2013 AUG -7 AM 11:47
SECRETARY OF STATE

FACTS RELIED UPON BY THE COMMISSION

A County Council plans to hold a dedication ceremony to celebrate the opening of the County's Public Safety Building. The County Council intends to invite all county employees, Members of the Legislature, the Governor, certain community leaders, and Sheriffs. The Requester expects approximately one hundred and fifty people will attend. According to the Requester, the general public will not be invited due to security concerns.

The County Council asks if it may spend \$3,000.00 to \$5,000.00 in public funds to purchase food from a local fast food restaurant.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b)(1) 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.

ADVISORY OPINION

The basic concept of the Ethics Act is that public servants may not use their public positions for their own private gain or the private gain of others. The Act's Legislative findings explain that the Act is intended to prevent public servants from using their public positions "...for personal gain beyond the lawful emoluments of their position ... [or] ... to benefit narrow economic or political interests at the expense of the public at large..."

In Advisory Opinion 2012-27, the Commission authorized a State Licensing Board to purchase meals for itself and staff during long meetings. This ruling was based in part upon Internal Revenue Service guidelines which included as a requirement that the meal be furnished on the agency's premises. This Opinion also noted that the ruling does not extend to local government officials and agencies, citing Advisory Opinion 2001-18.

In Advisory Opinion 2001-01, the Commission found that a State Health Care Agency may provide free meals to agency personnel when authorized by legislation

In those situations, the Commission found that the individual private gain was counterbalanced by an overriding public benefit. The Commission has taken a strict view of overriding public benefit in past opinions. See, *e.g.*, Advisory Opinion 1999-28 where the Commission found that the Ethics Act prohibited a director of a Regional Educational Service Agency (RESA) from traveling to California to learn about software which some counties within the RESA use because the trip was not necessary to fulfill an existing agency need and the skill, knowledge, or information to be gained did not meet a clear immediate need of the agency. Similarly in Advisory Opinion 2001-04, the Commission found that a County Commission may not spend public funds for commemorative parties. The Commission stated "[t]he addition of dignitaries, contractors, vendors or select members of the public to the guest list does not legitimize the expenditure."

Here, the dedication of a public building does not, in itself, serve an overriding public purpose. This is especially true when the general public is excluded from the event. Further, the West Virginia Auditor's Office instructs governing bodies that they may not use public funds for meals or hospitality-related expenses when the general public is not invited.

Therefore, the Commission hereby finds that the Requester may not use public funds for a meal during a building dedication ceremony where the public is not invited.

The Commission notes that if the Requester invites the public to a dedication ceremony, such as a ribbon-cutting or other symbolic event, it may spend a reasonable amount of public funds for light refreshments. The Requester may still hold a closed, invitation-only tour of the facility based on its security concerns, so long as no additional public funds are spent.

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. 2013-38

Issued on August 1, 2013 By the

WEST VIRGINIA ETHICS COMMISSION

2013 AUG -7 AM 11:47
SECRETARY OF STATE

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ADVISORY OPINION

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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. 2013-35

Issued on August 1, 2013 By the

2013 AUG -6 AM 10:09

WEST VIRGINIA ETHICS COMMISSION

WEST VIRGINIA
SECRETARY OF STATEOPINION SOUGHT

A **Housing Authority** asks if it may continue to employ a part-time Section 8 Inspector who was recently elected Mayor of a Town within its service area.

FACTS RELIED UPON BY THE COMMISSION

A Housing Authority has employed a part-time Section 8 Inspector since November 2012 who was recently elected Mayor of a nearby Town within the Housing Authority's service area. The Section 8 Inspector's responsibilities include inspecting units for compliance with HUD's Housing Quality Standards. The Mayor/Inspector does not make or revise any of the Authority's policies or make any purchases on its behalf. The Authority stipulates that the Inspector will not conduct any inspections inside the Town limits of the Town to which he was recently elected Mayor.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(b)(1):

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.... 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.

W. Va. Code § 6B-2-5(j):

(1) Public officials, excluding members of the Legislature who are governed by subsection (i) of this section, may not vote on a matter:

(A) In which they, an immediate family member, or a business with which they or an immediate family member is 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** (emphasis supplied), compensated agent, or holder of stock which constitutes five percent or more of the total outstanding stocks of any class.

ADVISORY OPINION

In establishing the Ethics Act, the Legislature sought to maintain the public's confidence in the impartiality and independence of decisions and actions by public officials and employees, and to ensure that all such decisions be made free of undue influence, favoritism or threat at all levels of government. W. Va. Code § 6B-1-2(a).

In creating these ethical standards for public officials, the Legislature additionally recognized that "many part-time public officials and public employees serv[e] in elected and appointed capacities; and that certain conflicts of interest are inherent in part-time service...." W. Va. Code § 6B-1-2(c).

The Ethics Act's prohibition against use of office for private gain was designed to steer public servants away from inherently questionable situations. This prohibition is intended to prevent not only actual impropriety, but also situations that give the appearance of impropriety. Here, the Requester recognizes that the Mayor/Inspector's duties as Section 8 Inspector could overlap with his Mayoral duties and will make arrangements to ensure that the Mayor/Inspector does not inspect any locations within the Town limits where he is Mayor.

The Ethics Act does not, however, prevent public employees from holding public office. In Advisory Opinion 1996-14, a County Employee was permitted to run for the office of Magistrate. Additionally, in Advisory Opinion 1996-30, the Commission found that a Town Council member may also serve as a police officer for the Town. More recently, in Advisory Opinion 2012-01, a City Councilperson was permitted to be employed as the City Building Official.

While the Ethics Act does not prohibit a part-time Inspector for a Housing Authority from serving as Mayor for a town within the Housing Authority's service area, limitations apply. First, the Mayor must recuse himself on any matters which come before Council that involve his employer, the Housing Authority. For example, in Advisory Opinion 2012-05, the Commission found that a Board of Education employee seeking election to a County Commission, if elected, may not vote on matters which uniquely affect his employer.

For recusal to be proper under the Ethics Act, the Mayor must disclose his interest and excuse himself from participating in the discussion and decision-making process by physically removing himself from the room during the discussion and vote on the matter. Additionally, the minutes/record of the meeting must reflect the basis for the recusal and that the affected official left the room during all discussion and vote on the item under consideration.


Second, the Mayor may not use his public office for his own private gain. In Advisory Opinion 2012-02, the Commission held that a County Commissioner who is also a licensed real estate associate may not use his position to influence the purchase of property, i.e. he may not communicate with his fellow County Commissioners, Members

of the Building Commission, or their respective staffs, on matters relating to the property.

Advisory Opinion 2012-07 also notes that West Virginia law permits mayors to preside over municipal court. W. Va. Constitution Article 8, §1. See *also* W. Va. Code § 8-10-1. Thus, if the Mayor also serves as municipal judge, he needs to take special care if someone currently under his jurisdiction as housing inspector appears before him in his judicial capacity. The fact that a citizen has been subject to his authority as housing inspector in the past is generally insufficient to require the Mayor to recuse himself from the proceeding. The Mayor shall, however, disclose the conflict, and if either party requests that the Mayor recuse himself from the proceeding following such disclosure, the Mayor shall do so. Further, he is prohibited from presiding over a judicial matter involving a party when an inspection occurred within the preceding six months.

The Ethics Act, therefore, does not prohibit a Housing Authority from continuing to employ a part-time inspector who was recently elected Mayor of a nearby Town, with the limitations hereinabove set forth.

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. 2013-30

Issued on August 1, 2013 By the

2013 AUG -6 AM 10: 09

WEST VIRGINIA ETHICS COMMISSION

WEST VIRGINIA
SECRETARY OF STATE

OPINION SOUGHT

A **Commissioner** of a State Agency asks if he may retain partial ownership of a race horse that may compete in the State.

FACTS RELIED UPON BY THE COMMISSION

A Commissioner of a State Agency that promotes and regulates live dog and horse racing throughout the State owns a 20% interest in a race horse. The horse has previously competed out-of-state but the principal owner is considering racing the horse in West Virginia. Currently, there are two tracks within the State where live horses compete and those races are broadcast to other locations. The State Agency approves the racing schedules, purse amounts for the races, how bets may be placed, and general care and treatment of the animals including medications available on the day the horse competes.

The State Agency promotes and regulates live dog and horse racing throughout the State. Currently, there are two tracks within the State where live horses compete and those races are broadcast to other locations. The State Agency approves the racing schedules, purse amounts for the races, how bets may be placed, and general care and treatment of the animals including medications available on the day the horse competes. It is also empowered to investigate alleged violations, to remove racing officials or employees, and to delay payment of disputed purse winnings.

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(e) reads in relevant part:

No present ... public official ... may knowingly and improperly disclose any confidential information acquired by him or her in the course of his or her official duties nor use such information to further his or her personal interests or the interests of another person.

W. Va. Code § 6B-2-5(j) provides in part that public officials may not vote on a matter in which they have a financial interest, including stock holdings equal to five percent or more of the total outstanding stock of any class unless they are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses.

W. Va. Code §6B-2-5(k) provides in part that no public officials may participate within the scope of his or her duties as a public official, except through ministerial functions, in any license or rate-making proceeding that directly affects the license or rates of any person; partnership, trust, business trust, corporation or association in which the public official or employee or his or her immediate family owns or controls more than ten percent.

ADVISORY OPINION

In establishing the Ethics Act, the Legislature sought to create a code of ethics to guide public officials and employees in their public employment. The expressed goal was to assist public servants in avoiding conflicts between their public service and any outside personal interests. W. Va. Code § 6B-1-2(d).

The State Agency promotes and regulates live dog and horse racing throughout the State. Currently, there are two tracks within the State where live horses compete and those races are broadcast to other locations. The State Agency approves the racing schedules, purse amounts for the races, how bets may be placed, and general care and treatment of the animals including medications available on the day the horse competes.

Regardless of the answer to the Requester's question, the Ethics Act prohibits him from using his public office to promote or benefit the race horse or other owners thereof. W. Va. Code § 6B-2-5(b). Even if the Commission were to find the ownership interest permissible, the Requester would not be allowed to vote on any matters relating to horse racing because W. Va. Code § 6B-2-5(j) prohibits public servants from voting on matters in which they have a financial interest.

The current and proposed Legislative Rule §178-1-4 permits each Commissioner "full and complete entry to any and all parts of the grounds of a racing association licensed to conduct thoroughbred racing," including trailers, vehicles, and stables. Such access could give the Requester an unfair advantage over other horse owners. W. Va. Code § 6B-2-5(e) prohibits public servants from using confidential information to further his own personal interests. Even if the Requester does not use confidential information, the Ethics Act seeks to avoid even the appearance of impropriety.

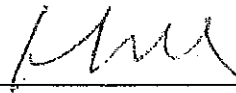
Further, Legislative Rule § 178-1-25 requires each person who has at least a five percent ownership in a horse to hold an occupational permit issued by the Requester's Agency, which would require the Requester to come before his own Agency for a permit. W. Va. Code § 6B-2-5(k) prohibits public officials from participating in licensing and rate-making proceedings that directly affect the license or rates of an organization which the official

has more than a ten percent interest and does not include a class exception similar to subsection (j). The Requester has a twenty percent interest in a horse which, if it competes in West Virginia, would prohibit him from obtaining permits and licenses for himself and his horse. He is also prohibited from voting on licenses or pay rates generally because his interest would be directly affected.

Finally, Legislative Rule § 178-1-20.2 prohibits owners and employees of race tracks who have a twenty percent or greater interest in an organization which owns race horses to allow an interested horse to compete under his, her, or its own license. Presumably, this limitation is aimed at curbing both actual impropriety, as well as the appearance of impropriety. While not dispositive here, when read with the Ethics Act, the Legislative Rule's prohibition against track owners owning at least a twenty percent interest in a horse that will compete at its location prohibits a situation, and resulting conflict, such as the Requester's situation. The Requester's ownership would therefore create a use of public office for private gain which both the Agency's Legislative Rules and the Ethics Act were designed to prohibit.

As a result of the foregoing analysis, the Commission hereby finds that the Ethics Act prohibits the Requester from retaining partial ownership of a horse that will compete in West Virginia.

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. 2013-39

Issued On August 1, 2013-39 By The 2013 AUG -6 AM 10: 09

WEST VIRGINIA ETHICS COMMISSION

WEST VIRGINIA SECRETARY OF STATE

OPINION SOUGHT

A Former State Employee asks whether she must wait one year before registering as a lobbyist.

FACTS RELIED UPON BY THE COMMISSION

The Requester was employed as General Counsel to a State Agency housed under the Executive Department. After years of government service, the Requester returned to the private practice of law in June 2013. Given her experience, she is contemplating registering as a lobbyist and providing lobbying services to clients.

The Requester asks whether the new lobbying revolving door provisions require her to wait one year before registering as a lobbyist, and if so, she seeks an exemption from the prohibition against lobbying.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(e) reads:

(e) Confidential information. -- No present or former public official or employee may knowingly and improperly disclose any confidential information acquired by him or her in the course of his or her official duties nor use such information to further his or her personal interests or the interests of another person.

W. Va. Code § 6B-3-2 reads, in relevant part:

(e) The following public officers or employees may not, during or up to one year after the termination of their public employment or service, be allowed to register as lobbyists:

...

(4) Will and pleasure professional employees of members of the Executive Department under the direct supervision of the Executive Department officer and who regularly, personally and substantially participates in a decision-making or advisory capacity regarding agency or department policy;

ADVISORY OPINION

The Ethics Act contains a one year "cooling off" period which prohibits certain high-ranking government officials and employees from registering as a lobbyist for one (1) year following their departure from government. This provision in the Ethics Act is commonly referred to as the new "lobbyist revolving door". The Commission notes that it lacks the statutory authority to grant an exemption to this limitation.

In applying this statute, the Commission must determine whether the Requester is subject to this revolving door. One category of employees which fall within the purview of this limitation is:

Will and pleasure professional employees of members of the Executive Department under the direct supervision of the Executive Department officer and who regularly, personally and substantially participates in a decision-making or advisory capacity regarding agency or department policy.

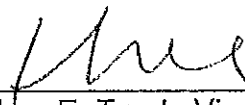
W. Va. Code § 6B-3-2(e)(4)

The term "Executive Department" refers to those elected public officials who are commonly referred to as the Board of Public Works, i.e. Governor, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Secretary of State and the Superintendent of Free Schools. W. Va. Code § 5-4-1. Although the Requester's agency reports to the Governor's Office, the Requester did not directly report to the Governor, and she was not under the direct supervision of the Governor or his staff. Instead, she reported directly to the Cabinet Secretary and to the Deputy Secretary for Legal Services of the agency which employed her. See Advisory Opinion 2012-25 (Chief Inspector of an agency that reports to the Governor's Office is not covered by the foregoing statutory provision since he did not directly report to the Governor but to an agency employee, nor was he under the direct supervision of the Governor or his staff.)

As a result, the Commission finds that the prohibition against registering as a lobbyist does not apply to the Requester since her former position is not under the direct supervision of a Member of the Executive Department, i.e. the Governor. Hence, she does not have to wait one year before registering as a lobbyist.

Limitations apply. In accordance with W. Va. Code § 6B-2-5(f), she may not use or reveal confidential information.

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

ADVISORY OPINION NO. 2013-40

Issued On August 1, 2013 By The

2013 AUG -6 AM 10:09

WEST VIRGINIA ETHICS COMMISSION

WEST VIRGINIA
SECRETARY OF STATEOPINION SOUGHT

An Appointed Member of a Statewide Task Force asks whether the Ethics Act permits him to solicit financial support for the Task Force from the business community and foundations.

FACTS RELIED UPON BY THE COMMISSION

The Requester serves as an appointed member of an early childhood development Task Force which was created by Executive Order. The Executive Order asserts that "nothing is more imperative to West Virginia's future than the well-being of its children, and it is incumbent on West Virginia to ensure that our youngest citizens have every opportunity to develop, learn, and contribute to society in a healthy and safe environment...". The Task Force is charged with studying early childhood services in the State and producing a development plan for early childhood development in West Virginia.

The Executive Order states that the Task Force "shall" collaborate with public and private organizations and seek "financial support for the work of the Task Force from the Claude Worthington Benedum Foundation and other charitable foundations, the Legislature, corporations, and other non-government entities...". The Claude Worthington Benedum Foundation is a regional philanthropy which makes grants in the areas of education, economic development, health and human resources and community development.

The Requester serves as a Trustee for the Claude Worthington Benedum Foundation. He states that he receives a modest fee from the Foundation as its Director, which would be wholly unaffected by his involvement with soliciting funds for the Task Force. The Requester is also an appointed member of the State Board of Education. Respondent states that he does not stand to benefit either personally or financially from the work of the Task Force. To his knowledge, he will not solicit funds from any firm that does business with the Task Force or the State Board of Education.

CODE PROVISIONS AND LEGISLATIVE RULE 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. 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.

W.Va. Code § 6B-2-5(c) states in relevant part:

--- A public official or public employee may not solicit any gift unless the solicitation is for a charitable purpose with no resulting direct pecuniary benefit conferred upon the official or employee or his or her immediate family: *Provided*, That no public official or public employee may solicit for a charitable purpose any gift from any person who is also an official or employee of the state and whose position is subordinate to the soliciting official or employee.

The Commission's Legislative Rule governing solicitation of charitable gifts, 158 W.Va.C.S.R. § 7.6, states in relevant part:

6.1. Public officials and public employees may solicit gifts for a charitable purpose when there is no resulting direct pecuniary benefit to the public official or public employee or an immediate family member.

6.2. The Ethics Commission may recognize programs or activities as involving a charitable purpose on a case-by-case basis.

* * *

6.5. A reasonable amount of public resources may be used for a charitable solicitation or fund-raising drive that is conducted in furtherance of the West Virginia State Employees' Coordinated Campaign or a fund raising campaign officially approved by either the executive, legislative or judicial branch of State Government or the governing body of any political subdivision.

* * *

6.7. State government agencies and the governing bodies of political subdivisions may solicit funds to support or underwrite agency programs which are statutorily created or authorized and are intended to help the poor and disadvantaged. If a state government agency or governing body of a political subdivision seeks to solicit funds for use by the agency for any other purpose, then the state government agency or governing body of a political subdivision must first seek permission from the Executive Director of the West Virginia Ethics Commission or the Ethics Commission through issuance of a formal Advisory Opinion. The Executive Director or Ethics Commission may only authorize such a

solicitation if it serves a public purpose. This provision does not apply to the solicitation of donations by a member of the Legislature or a member of the Board of Public Works who is soliciting funds for a regional or national organization conference or other function in accordance with W.Va. Code § 6B-2-5(c)(6) and § 6B-2-5(c)(7).

158 W.Va. C.S.R. § 7.7, Manner of Solicitation and Use of Funds reads, states in relevant part:

7.1. Public officials, public employees and agencies who regulate individuals or businesses may not orally solicit donations from:

a. Persons under the regulatory control of the agency. A person is under the regulatory control of the public official, employee or agency if the person has a matter pending before the agency or had a matter pending within the past 12 months. This subsection does not apply to purely law enforcement agencies, officials or employees who do not actually regulate or exercise regulatory control over other persons but merely enforce existing laws and rules as to all applicable persons;

b. A vendor which has a contract with the agency is bidding on a contract or is in the process of soliciting business from the agency.

7.2. A written solicitation to the public or business community at large, even if the targeted group may encompass regulated persons or vendors, is permissible; Provided, That the written solicitation may not be directed solely to persons under the regulatory authority of, or vendors, of the public official, employee or agency. This subsection does not apply to purely law enforcement agencies, officials or employees who do not actually regulate or exercise regulatory control over other persons but merely enforce existing laws and rules as to all applicable persons.

7.3. Solicitations should be conducted, and acknowledgments made, in a fair and even-handed manner. Each solicitation should contain a statement setting forth that donations are purely voluntary.

7.4. Under no circumstances should anyone soliciting a contribution for a charitable purpose state that contributors will receive some special treatment from a government agency or its employees, or any other sort of quid pro quo as a consequence of making a donation.

ADVISORY OPINION

The subject of solicitations by public servants for charitable purposes has been addressed by the Ethics Commission many times over the years, most recently in Advisory Opinion 2012-08 in which the Commission provides a thorough analysis of this

area of the Ethics Act and its corresponding Legislative Rule. In Advisory Opinion 2005-02, the Commission held that “[a]s a general guideline, the Commission recognizes two main categories of programs or activities which constitute a charitable purpose: (1) Those which benefit the poor or disadvantaged; and, (2) Those which serve a public purpose or provide a significant public benefit.” The Commission further held that “the overriding purpose of the solicitation must be to provide a benefit to the public as opposed to defraying the internal administrative costs of the [Agency].”

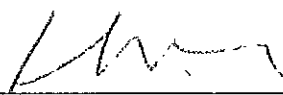
In Advisory Opinion 2005-02, 2010-17 (non-precedential) and 2011-11, the Ethics Commission found that the overriding purposes of the solicitations were indeed to provide a benefit to the public. These purposes include: a public health program administered by a County Board of Health; a recreational department for the homeless by an agency tasked with housing veterans; public broadcasting throughout the state by an agency tasked with administering on-air broadcasting to offset its own operating costs. In Advisory Opinion 2010-07, the Commission found that the agency could not solicit funds on behalf of its non-profits, absent clear statutory authority.

The Commission has also held that where the public agency’s enabling legislation authorizes it or where there is express statutory authority for a public entity to solicit private funds, it may do so. See Advisory Opinion 2012-49 wherein the Commission found that the County Farmland Protection Boards and the West Virginia Agricultural Land Protection Authority may solicit for their respective entities, based on their enabling legislation. See also Advisory Opinion 2011-11 wherein the Commission found it was permissible for a public agency that provides housing for veterans to solicit, since its enabling legislation authorizes it. Likewise here, the Executive Order makes it clear that the Task Force is expressly authorized to engage in fundraising.

Therefore, the Commission finds that the Task Force is authorized to solicit funds on two grounds. First, the overriding purpose of the solicitation does indeed serve a public purpose and provides a significant public benefit of educating the children of West Virginia. Second, the Executive Order expressly authorizes the Task Force to engage in fundraising.

Next, the Commission will consider what limitations, if any, apply to such fundraising efforts. In soliciting businesses, the Requester shall not endorse a particular product, company or business. This action would constitute the prohibited use of office for private gain. Should the Requester solicit funds from vendors, entities subject to the regulatory control of the State Board of Education, or previous or potential participants in its programs, the solicitation must conform to the conditions set forth in the Legislative Rule. See 158 C.S.R. § 7.7 and Advisory Opinion 2012-49. Here, there is no indication that the Requester will solicit funds therefrom. Nevertheless, the Commission takes this opportunity to restate that there are limitations upon the manner in which solicitations are made to such entities. Finally, a public servant may never solicit a contribution from which he or she may personally benefit; a public servant may never coerce a contribution from any source; and, supervisors shall not solicit their subordinates for a contribution.

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

ADVISORY OPINION NO. 2013-39

Issued On August 1, 2013-39 By The 2013 AUG -6 AM 10:09

WEST VIRGINIA ETHICS COMMISSION

WEST VIRGINIA
SECRETARY OF STATEOPINION SOUGHT

A **Former State Employee** asks whether she must wait one year before registering as a lobbyist.

FACTS RELIED UPON BY THE COMMISSION

The Requester was employed as General Counsel to a State Agency housed under the Executive Department. After years of government service, the Requester returned to the private practice of law in June 2013. Given her experience, she is contemplating registering as a lobbyist and providing lobbying services to clients.

The Requester asks whether the new lobbying revolving door provisions require her to wait one year before registering as a lobbyist, and if so, she seeks an exemption from the prohibition against lobbying.

CODE PROVISIONS RELIED UPON BY THE COMMISSION

W. Va. Code § 6B-2-5(e) reads:

(e) *Confidential information.* -- No present or former public official or employee may knowingly and improperly disclose any confidential information acquired by him or her in the course of his or her official duties nor use such information to further his or her personal interests or the interests of another person.

W. Va. Code § 6B-3-2 reads, in relevant part:

(e) The following public officers or employees may not, during or up to one year after the termination of their public employment or service, be allowed to register as lobbyists:

...

(4) Will and pleasure professional employees of members of the Executive Department under the direct supervision of the Executive Department officer and who regularly, personally and substantially participates in a decision-making or advisory capacity regarding agency or department policy;

ADVISORY OPINION

The Ethics Act contains a one year "cooling off" period which prohibits certain high-ranking government officials and employees from registering as a lobbyist for one (1) year following their departure from government. This provision in the Ethics Act is commonly referred to as the new "lobbyist revolving door". The Commission notes that it lacks the statutory authority to grant an exemption to this limitation.

In applying this statute, the Commission must determine whether the Requester is subject to this revolving door. One category of employees which fall within the purview of this limitation is:

Will and pleasure professional employees of members of the Executive Department under the direct supervision of the Executive Department officer and who regularly, personally and substantially participates in a decision-making or advisory capacity regarding agency or department policy.

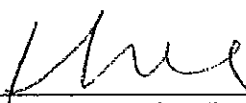
W. Va. Code § 6B-3-2(e)(4)

The term "Executive Department" refers to those elected public officials who are commonly referred to as the Board of Public Works, i.e. Governor, Attorney General, Treasurer, Auditor, Commissioner of Agriculture, Secretary of State and the Superintendent of Free Schools. W. Va. Code § 5-4-1. Although the Requester's agency reports to the Governor's Office, the Requester did not directly report to the Governor, and she was not under the direct supervision of the Governor or his staff. Instead, she reported directly to the Cabinet Secretary and to the Deputy Secretary for Legal Services of the agency which employed her. See Advisory Opinion 2012-25 (Chief Inspector of an agency that reports to the Governor's Office is not covered by the foregoing statutory provision since he did not directly report to the Governor but to an agency employee, nor was he under the direct supervision of the Governor or his staff.)

As a result, the Commission finds that the prohibition against registering as a lobbyist does not apply to the Requester since her former position is not under the direct supervision of a Member of the Executive Department, i.e. the Governor. Hence, she does not have to wait one year before registering as a lobbyist.

Limitations apply. In accordance with W. Va. Code § 6B-2-5(f), she may not use or reveal confidential information.

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



Shay McNeil
Extension Agent
4-H Youth Development
Jefferson County

Jefferson County 4-H Report Summer 2013

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jefferson.ext.wvu.edu

THIS is 4-H

I have often been asked the question "What is 4-H?"

If you Google the question you'll find a variety of responses. Wikipedia.org offers this definition, "4-H in the United States is a youth organization administered by the National Institute of Food and Agriculture of the United States Department of Agriculture (USDA), with the mission of 'engaging youth to reach their fullest potential while advancing the field of youth development.'"

4-H.org says the following, "4-H is the nation's largest youth development organization. More than 6 million 4-H youth in urban neighborhoods, suburban schoolyards and rural farming communities stand out among their peers: building revolutionary opportunities and implementing community-wide change at an early age."

A quick look at WVU Extension's 4-H Homepage renders this description, "4-H is an informal education program for youths. It is a national organization, but each state has its own 4-H program under the direction of the state's Extension Service."

You've probably stopped reading, or if for some reason you haven't, you are probably thinking the same thing I am which is "BORING! This tells me nothing about 4-H"

So what is 4-H really about?...

Throughout this year I have personally seen examples of what 4-H really is. It is sometimes difficult to explain or describe, because the power of 4-H is not in words, but in experiences and emotions. But positive youth development happens all across this state through the efforts of volunteers and the members that "Make the best better" everyday. 4-H is about older members sharing their knowledge about goat care and showmanship at a Goat Clinic. It's about offering a Cloverbud his or her first opportunity for public speaking in the Cloverbud "Show-n-tell" at County Round Up. It is about embracing a first year camper, making a new friend at camp, getting your charting pin, or being selected as Chief or Sag of your tribe. In 4-H, members get to proudly exhibit their project at the fair and show off the animal they have raised, the pretzels they've made, or a collection of wildflowers to name a few. It's about singing the "H's Four" and being so overcome by the beauty of the pledge that it gives you the shivers. But most of all, its about family, a 4-H family.

I'll leave you with two quotes from Robby Venturino, a fellow 4-H member that I attended state 4-H camp with that lost a 7 year battle with cancer this year and knew in his heart what 4-H is. "People who have experienced similar milestones to the ones I remember hold a special place in my heart, and 4-H is filled to the brim with people that I'm happy to refer to as family, whether they're still strangers to me or not." -Robby Venturino, Road and Front Porches, *Published July 14, 2007.*

"Whether total strangers, or brothers, to stand beside someone in 4-H...brings people closer together than anything else life can offer. How How." -Robby Venturino, Standing By My Brothers, *Published July 14, 2007.*

Sources:

www.wikipedia.org
www.4-h.org
<http://4-hyd.ext.wvu.edu/about4h/whatis4h>

Quotes from Robby Venturino were taken from the Summer 2013 edition of *Development Quarterly* in the article "Remembering Robby."



Find US On Facebook: WVU Jefferson



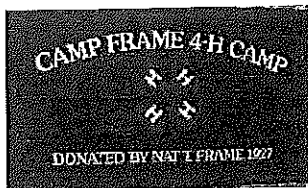
Follow us on Twitter @ Jefferson_WV_4H

What's Inside:

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Programs and activities offered by the West Virginia University Extension Service are available to all persons without regard to race, color, sex, disability, religion, age, veteran status, political beliefs, sexual orientation, national origin, and marital or family status.

August	
6	4-H Leaders Association Meeting, Fairgrounds
9-17	W.Va. State Fair, Lewisburg
10-13	WV Dairy Cattle Show, Jackson's Mill
10	4-H Building Clean Up and Set Up, Fairgrounds
13	State Fair 4-H/FFA Junior Horse & Pony Show registration deadline to Holly Spooner, WVU
17	Fair Exhibits Entered, 10 a.m.- 3 p.m.
18-24	Jefferson County Fair
September	
2	Labor Day, Extension Office Closed
10	United Way Day of Caring
11-15	State 4-H/ FFA Livestock Roundup, Jackson's Mill
14	Camp Frame Beef BBQ
20-22	All Star Conference, Jackson's Mill
27-29	Fall Mountain Heritage Arts & Crafts Festival
30	All Volunteer Paperwork Due to the Extension Office
October	
1	4-H Leader's Meeting
6	4-H BIG DAY, Jefferson County Fairgrounds, 2-5 p.m.
6-12	National 4-H Week
31	Club Enrollment Due to Extension Office
TBD	Officer Training School



The annual Camp Frame Beef Barbecue is scheduled for **Saturday, September 14th** from 4 to 7 p.m. at Camp Frame. The cost of tickets is \$25 for adults and \$10 for children 16 and under. This is a donation dinner and the price of the meal is a tax-exempt contribution. Tickets are on sale now and can be

purchased from any Camp Frame Board member or your County Extension Office. Proceeds help benefit the upkeep of Camp Frame.

All volunteer paperwork for the 2013/2014 year is due to the Extension Office September 30th





61st Annual Jefferson County Fair

Important: Livestock Record Guides:

- ➔ Breeding Animals — turn in record guide with project book
- ➔ Feeder calf & Market animals — turn in Record Guide at the Fair Office no later than 5 p.m. on the day after your livestock show.

Gate Admission
\$5
Ages 16 and up, \$3
Ages 6 to 15
Free under age 6

We need your help for the 2013 Hot Dog Stand and Clover Corner!

The Hot Dog Stand and the Clover Corner were very busy last year, and we couldn't have done it without all the great leaders, club members/parents and friends. I anticipate this year being just as busy if not more. If you are interested, send Sarah an email, and we can discuss when you are available and what needs to be done.
rdnckqri218@aol.com or call the Extension Office.



Exposition Dates Sunday ➔ Saturday

August 18-24, 2013

Livestock exhibits entered, 9:00 a.m. - 3:30 p.m.

Saturday, August 17

Exhibits entered, 10:00 a.m. - 3:00 p.m.

Saturday, August 17

Exhibit halls open to the public:

Sunday 1:00 - 10:00 p.m.

Monday, Tuesday, Thursday & Friday

3:00 p.m. - 10:00 p.m.

Wednesday - 11:00 a.m. - 10:00 p.m.

4-H Exhibit Pick-up

All 4-H exhibits must be picked up by Sunday, August 25th. Either the club member or the club leader will need to pick up the exhibit. If member is unable to pick up his/her exhibit then other arrangements for pick up will need to be made. No exhibits will be taken to the Extension Office. Any exhibits left in the 4-H Building after 3:00 p.m. on August 25th will be thrown away.

How & When to Enter Your Project Exhibit

As a 4-H member or clover bud you will receive an Exhibitor Number card by mail from the Jefferson County Fair. You will be entering your exhibit Saturday, August 17th between 10 a.m. and 3 p.m. (Exhibit requirements are listed in current 4-H Clover Guide.) Take your entry and exhibitor number to Department H in the 4-H building. A department volunteer will then direct and help you to finalize your entry.

Members taking beef, sheep, goat and swine projects, must weigh in upon arrival at the Show Barn. Rabbit and poultry exhibits should be taken to the Poultry barn. Anytime during that day you can use your exhibitor number to receive your fair pass at the Ruritan Pavilion. The pass is to be used during the fair for you to care for your animal.

All entries must remain in place until Saturday, August 24th at 9:30 p.m. NO EXCEPTIONS

Exhibits and project books can be picked up after 9:30 p.m. on August 24th or from 2-3 p.m. on August 25th.
Livestock released on Sunday, August 25th.

Project Books, Record Guides & Activity Records

Finish your project book(s). If you are not going to complete a project, let your club leader know as soon as possible.

Your Clover Guide lists, in detail, what is expected for each project.

Turn your COMPLETED project book and animal record guide (if applicable) into your leader.

Keep your required exhibit until August 17th & enter it in the fair with your exhibitor number at the 4-H building.

If you are completing an animal project (beef, dairy, sheep, goat, rabbit, poultry, cat, dog or pet) without an animal exhibit (never had or animal died), please contact the Extension Office as soon as possible. Scoring points need to be adjusted and

Thank You to all of those who helped with project books!



Barrel Painting Contest

The purpose of this contest is to brighten up the appearance of a needed item at the fair: the trash barrel. The contest will consist of painting one trash barrel keeping in mind the theme for 2013.

Rules

1. This contest is open to individuals 21 years of age and under.
2. There will be 2 categories in which to enter: a. Individual b. club or group.
3. Only 10 barrels will be offered to be painted. They will be assigned to contestants on a first come, first served basis. Once all the barrels have been spoken for, contestants will still be given a barrel to paint, and will be put on a secondary list if the first 10 barrels are not entered into the contest. All barrels not entered in the contest will be displayed somewhere on the grounds the week of the fair.
4. Entries must register by contacting **Amanda Friend** by phone at 304-728-0722 or by e-mail at **Amanda@TheBennettAgency.com**
5. All entries must be completed and returned to the Fairgrounds between 10 a.m. and 3 p.m. Saturday, August 17.

State Visual Presentation & Public Speaking Eligibility

Congratulations to our 2013 State 4-H Day participants!

Caitlyn Adams, Madison Adams, Madison Cogle, Brady Chrisman, Cassie Chrisman, Alvin Hailer, Olivia Hobbs, Ksusha Lowry- Neufeld, and Elizabeth Stover
Robotics Team Participants
 Madison Cogle, Tighe Didden, Tyler Donley, Olivia Hobbs, and Alex Owens
 Coaches: James Grantham and Ron Widmeyer

4-H, FFA, & FCCLA Bake Auction

Tuesday August 20th, 6:30 p.m. (6 p.m. check-in)

Livestock Show Barn

Mary Ella Cogle- Auction Coordinator (304-725-7184)

thebilmar98@hotmail.com

- Each 4-H, FFA Chapter and FCCLA in Jefferson County is permitted to sell one item in this auction.
- Baked items may include cake, pie, bread, rolls, cookies, or candy, but **MUST be contained as one item.**
- All items are to be attractively displayed on or in a non-returnable plate or container. The item must be covered and be able to be seen.
- Be creative with your presentation.
- An ingredient label must be attached to each sale item along with the name of the organization.
- The baked item must be made by the members of the organization.
- One or more of the bakers must be present to hold up the item at the sale and be dressed in proper 4-H (green and white or club shirts)
- All proceeds will go to the 4-H, FFA and FCCLA organizations for their community projects.
- The club presenters will address the buyers. They should come prepared and ready to inform the buyers who they are, which club they represent, what item they have for auction, and a brief statement about their organization, including what they intend to do with the money raised at the auction.
- Don't forget to get out there and get your buyers.
- *Auction order will be based off of the order that entries are received*

The entry forms are due **NO LATER THAN Friday August 9th. NO PHONE REGISTRATIONS.**

Send completed form to

Mary Ella Cogle, 857 Mt. Hammond Lane Charles Town, WV 25414
Entry forms can be found online or in the 2013 Fair catalog.

Poster Contest Winners

Ellie Didden, Kate Hefner, Emma LaBomba, Ksusha Lory-Neufeld, Jessa Luzzi, Mary Katherine Morris, Paige Palmer, Jayme Smith

2013 State Camps & Conferences

Older Members Conference

Natalie Adams, Dan Dunn, Kevin Grega, Nyki Martin, Eli Paris, Katie Wolfe, *Staff:* James Grantham

Alpha I

Aaron Anderson, Christian Anderson, Emily Anderson, Logan Anderson, Cassie Chrisman, Juan Casas Doza, Tighe Didden, Daniel Hepner, Gavin Kerr, Gennevieve Kerr, Isaac Lind, Jacob Lind, Sophia Lind, Clara Lo, Casey McDonald, Dan Meyers, Molly Ott, *Staff:* Windsong Bergman, Amy Chrisman, Jeremy Wilt

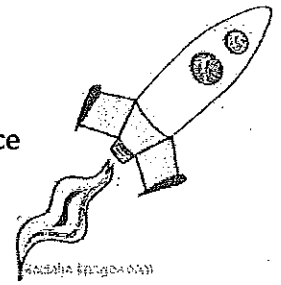
Alpha II

Cassie Chrisman, Kevin Grega, Brianne Mason, Anna-Marie Miller, Lilly Runion, Sophia Runion

2013 Tri-County Bud Day

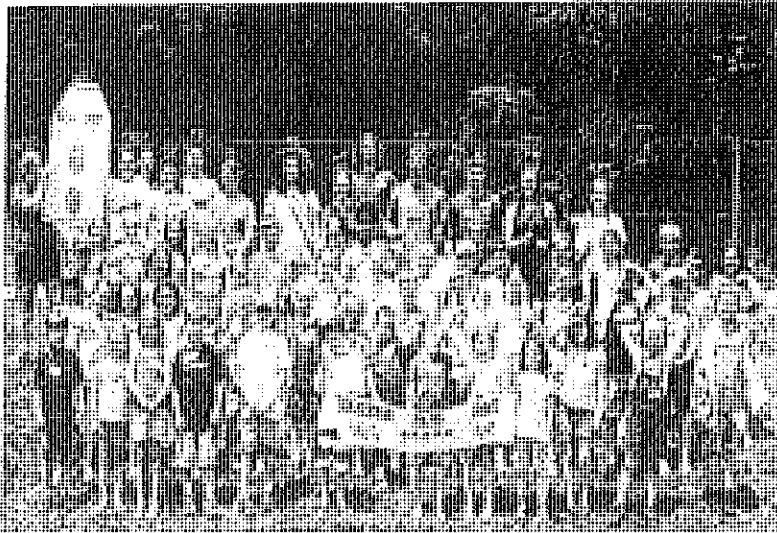


Big thank you to all the volunteers who worked together to produce this fun and educational event!



WVU Extension Staff and Volunteers

Denis Scott, WVU Morgan County Extension Agent & Cindy Smalley, WVU Morgan County Program Assistant, Shay McNeil, WVU Jefferson County Extension Agent Kathy Blue, Chairperson Bud Day Committee: Norma Hall, Mary Lind, Lisa Ring, John Boyle, Heather Williams

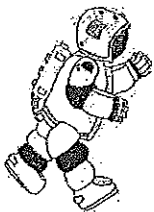


Adult Volunteer Helpers

Dawn Beal, Randy Beal, Pat Bethany, April Blaker, April O'Brien, Ryan Fincham, Scott Fincham, Natalie Friend, Cathy Funk, Kristen Gingery, Robin Hamrick, Doug Hamrick, Greg Heflebower, Denver Hipp, Ray Lind, Katie Madrid, Dottie Ott, Cliff Lisa Ratcliff, Stephanie Rossi, Megan Rucker, Amy Talley, Dawn Voysey, Summer Walsh

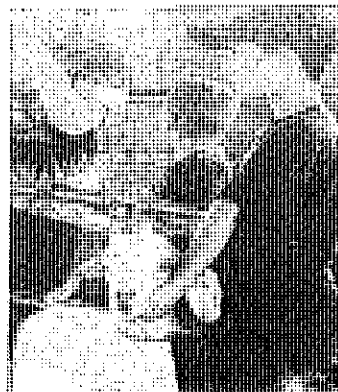
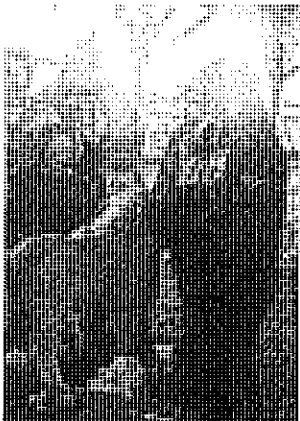
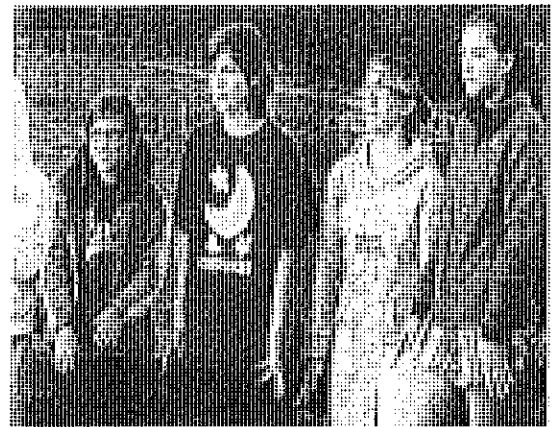
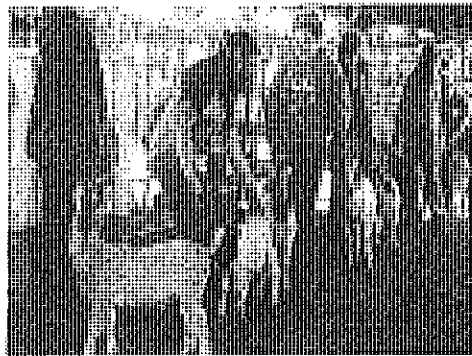
Teen Bud Counselors

Aaron Anderson, Christian Anderson, Megan Braley, Helen Davis, Kathryn Demory, Angie Hoffman, Jacob Lind, Isaac Lind, Sophia Lind, Emily Nadenbousch, Hannah Nadenbousch, Rachael Snell, Julia Stout



Goat Clinic

A goat clinic was held at the Jefferson County Fairgrounds where 4-H'ers were taught the proper way to show, clip, and raise a market or breeding goat.



County-wide Council Circle

The **Summit Point Busy Bees 4-H Club** sponsored a County-wide Council Circle that was held at the Jefferson County Fairgrounds on May 5th. Volunteer **Larry Willingham**, whose daughter is a member of the SP Busy Bees was Big Chief, and **Katie Madrid**, another Volunteer whose daughter is a Cloverbud in the SP Little Stingers was the song leader. About 50 Jefferson County 4-H members attended, wrote original songs and yells, and got in the spirit of 4-H camp.

Tri-County Camp

Tri-County Younger Camp Honors & Tribal Leadership

Cherokee:

Chief: Colby Linton Sags:
Catherine Vickers, Greyson
Vesper, & McKenzie Sherman

Delaware:

Chief: Abigail Burkhart Sags:
Allie Bohrer, Brenna Patterson,
& Joseph Lynch

Mingo:

Chief: Samantha Milbourne
Sags: McKenna Maravelis, Lilly
Keefer, & Carson Stotler

Seneca:

Chief: Jenna Everhart Sags:
Dalton Kendig, Hailey Martz, &
Sara Dunn

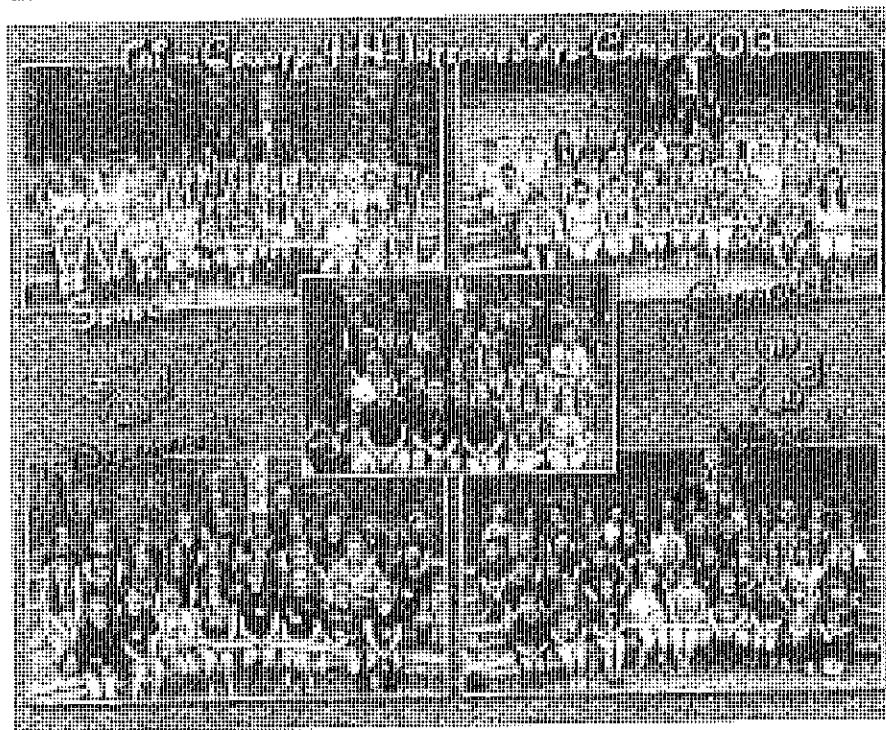
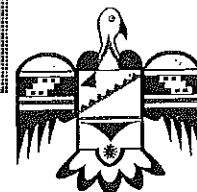
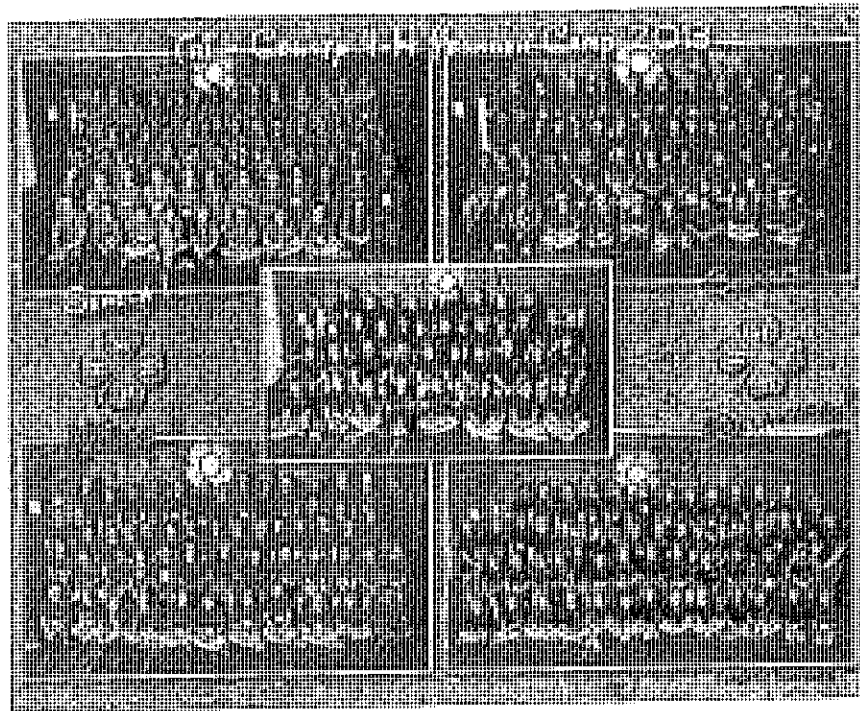
Head H: Jenna Everhart

Heart H: Benjamin LaPole

Hand H: Colby Linton

Health H: Haden Fincham

Spirit of Camp: Quincy Williams



Tri-County Intermediate Camp Honors & Tribal Leadership

Cherokee Chief: Gabby Barcomb Sags: Chris
Daniel & Kaitlyn Boyd

Delaware Chief: Jessie Hogbin Sags:
Katie Hoffman, Kim Hutton & Kristan McFarland

Mingo Chief: Makenzie Ring Sags:
Emily Bayliss & Lucas Henderson

Seneca Chief: Cheyenne Steuer Sags: Emily Lehr
& Catherine Rucker

Head H: Jessie Hogbin

Heart H: Rachel Snell

Hand H: Emily Ambuul

Health H: Ty Hendricks

Spirit of Camp: Frank Burner

Tribal Awards:

Seneca: Sarah Grega,

Delaware: Sean Snider,

Cherokee: Autumn Priller,

Mingo: Tanner Clark

Tri-County Older 4-H Camp

Tri-County Older Camp Honors & Tribal Leadership

Cherokee Chief: Katie Butler

Sags: Brittany Furbee & Chelsea Arvin

Delaware Chief: Julia Stout

Sags: JP Jones & Trey Hunsucker

Mingo Chief: Andrew Brock

Sags: Chelsea Hessler & Alicia Clark

Seneca Chief: Cortney Wilt

Sags: Dan Dunn & Sarah Knipe

Head H - Cortney Wilt

Heart H - Isaac Lind

Hands H - Huck Puffenburger

Health H - Natalie Adams

Spirit of Camp - Dan Dunn

Outstanding 1st Year Camper -

Juan Casas Doza

Tri-County Charters

Natalie Adams, Ryan Brandenburg, Dan Dunn,
Kevin Grega, Jessi Hersom, Cedrice Kenney,
Issac Lind, Jheri Liskey, Jacob Long, &
Casey McDonald



Jefferson County Club News

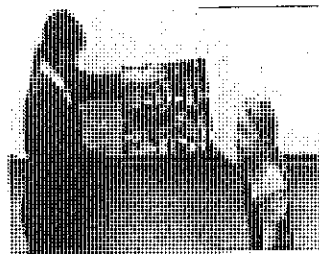
Dolly Madison 4-H Club meeting was held at the Extension Office. They club discussed the "Robot's" Workshop that would be coming up, as well as camp dates. **Hailey Owens** did a visual presentation on Horses. The club also worked on their project books together.

Club Leader is **Harry Puster**
Clover Bud Leader is **Linda Puster**

Reported by **Chyenne Reid**

Picture Right:

Hailey Owens doing her "Horse" Presentation assisted by **Eleanor Puster**



The Summit Point Busy Bees 4-H Club held their annual Leader's Surprise meeting on April 17th. We met at South Jefferson Elementary and we were divided into teams for a Scavenger Hunt. We were given a list of pictures of locations around town. We had one hour to take our own pictures of our team at each location. We joined back up at Dairy Queen to get ice cream and to find out the winning team. This is our club's favorite activity because it's so much fun. How How! to Ms. Vicki and our fearless other leaders!

Club Reporter: **Jackson Hepner**

Club Leaders: **Loretta Shade, Vicki Ott and Cathie Burke**

Ridge Runners 4-H Club

The Ridge Runners 4-H club recently joined the Shepherd University Relay for Life and donated over \$270.00. Club members, leaders and parents walked during the evening and assisted visitors who stopped by their table to make beaded bracelets. The club continues to collect recycled paper, cardboard and other paper items the first Saturday of the month from 8 a.m. to 9 a.m. in front of the Christ Church in Shepherdstown. Stop by and our members will unload your recyclables for you. Some members of the club visited Camp Frame to clean the old assembly hall prior to the 4-H camps starting. Several members of our club attended 4-H camp this year and they had a great time. We are already looking forward to attending camp next year.

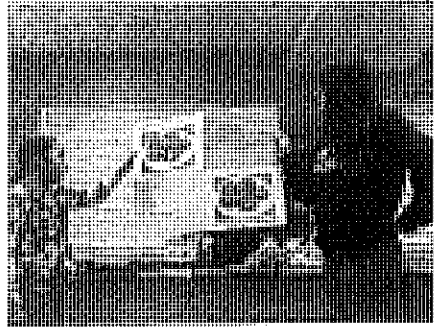
Club Leaders are **Bill and Annette Mason**.

Reported by: **Kayla Welsh**.

Shenandoah Shamrocks 4-H Club

Six members of the Shenandoah Shamrocks 4-H Club gave presentations at the County Roundup on Tuesday, March 12, 2013 at Wildwood Middle School: **McKayla Dodson, Miranda Dodson, Emily Hott, Sydney Walker, Ksusha Lowry-Neufeld, and Luke Walker**

During the March and April meetings of the **Shenandoah Shamrocks 4-H Club**, members gave visual presentations on these interesting topics:
Sean Corum – Kangaroos
Emily Everhart – Dissolution Rate of Ibuprofen Pills
Emily Hott and Sydney Walker – Places in West Virginia
Anna Ours – Women's Contributions During World War II
Hunter Williams – What Is the Difference Between a Wet Roll (of hay) and a Dry Roll (of hay)?

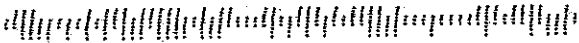
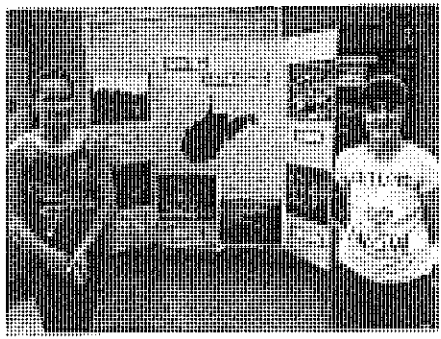


Members of the **Shenandoah Shamrocks 4-H Club** gave visual presentations during the May and June meetings on these topics:

- Grace Ashley** – How to Raise Kittens
- Morgan and Riley Bowles** – Breeds of Pigs
- Tyler Donley** – The Emperor of Nihon-Ja (book)
- Caleb Lee** – Parts of the Goat
- Gracie Mumaw and Emma Wood** – How to Make Cookies
- Benson Weidman** – Paintball

Club members accepted donations of food items for the Caring Cupboard (a program to provide food for elementary and middle school students on the weekends). At the April meeting and enjoyed roller skating at Galaxy Skateland in Martinsburg in mid March.

Club Leader: **Barb Dodson**



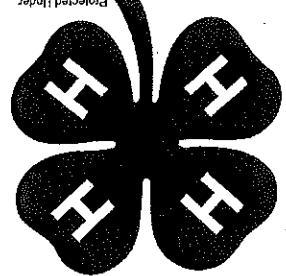
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4-H Newsletter

Summer

Protected Under 18 U.S.C. 707



County Administrator
 P.O. Box 250
 Charles Town, WV 25414

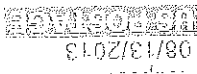
WV Jefferson County Extension Office
 1948 Wiltshire Rd. Ste. 3
 Kearneysville, WV 25430



ZIP 25430
 041111233382



\$00.162



NONPROFIT

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending August 10, 2013 FY14 August 16, 2013
To be Deposited on:	
Amount Played	65,377,113.48
Amount Won	58,865,308.95
Amount Promo	254,299.00
MWAP Contribution	<u>3,409.58</u>
Adjusted Gross Terminal Revenue	<u>6,254,095.95</u>
Administrative Costs @ 4%	250,163.84
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>6,003,932.11</u>
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>
Adjusted Net Terminal Revenue	<u>6,003,932.11</u>
Racetrack @ 46.50% / 42%	2,791,828.43
Lottery Fund @ 30% / 0%	1,801,179.63
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	420,275.25
Workers' Compensation Debt Reduction @ 7% / 0%	420,275.25
Employee Pension Fund @ 1% / .5%	60,039.32
Greyhound Development @ .75%	45,029.49
Thoroughbred Development @ .75%	45,029.49
Racing Commission @ 1%	60,039.32
County/Municipality @ 2%	120,078.64
3% Funds:	
Tourism Promotion Fund @ 1.375%	82,554.07
Development Office Promotion Fund @ .375%	22,514.75
Research Challenge Fund @ .5%	30,019.66
Capitol Renovation and Improvement Fund @ .6875%	41,277.03
2004 Capitol Complex Parking Garage Fund @ .0625%	3,752.46
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	30,019.66
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>30,019.66</u>
	<u>6,003,932.11</u>

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 ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
6 days ending: 07/06/13	\$ 123,196.88	\$ 123,196.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 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	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/10/13	\$ 120,078.64	\$ 120,078.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 725,695.12	\$ 725,695.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ 186,368.36

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	08/10/2013	120,078.64
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

TOTALS **4041141.56**

4016541.01

4124906.8

3580645.18

725695.1

Table Game Revenue

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	
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		
Total 2010-2011	1297391.7	Total 2011-2012	1602900.84	Total 2012-2013	1530462.31	Total 2013-2014	0

Table Game Revenue Distribution - Jefferson County School Board

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	
August, 2011	412,421.76	August, 2012	399,737.49		
September, 2011	331,125.75	September, 2012	382,597.20		
October, 2011	372,821.82	October, 2012	379,446.06		
November, 2011	363,356.61	November, 2012	403,331.79		
December, 2011	421,529.79	December, 2012	440,033.75		
January, 2012	413,438.04	January, 2013	397,951.05		
February, 2012	428,310.03	February, 2013	381,857.07		
March, 2012	455,536.38	March, 2013	447,100.86		
April, 2012	383,586.78	April, 2013	316,635.69		
May, 2012	413,715.39	May, 2013	329,242.14		
June, 2012	387,706.12	June, 2013	314,410.11		
<u>Total 2011-2012</u>	<u>4,808,702.50</u>	<u>Total 2012-2013</u>	<u>4,608,334.13</u>	<u>Total 2013-2014</u>	<u>0.00</u>

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending August 17, 2013 FY14 August 23, 2013
To be Deposited on:	
Amount Played	64,600,646.32
Amount Won	57,847,012.16
Amount Promo	245,548.00
MWAP Contribution	<u>3,473.16</u>
Adjusted Gross Terminal Revenue	<u>6,504,613.00</u>
Administrative Costs @ 4%	260,184.52
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>6,244,428.48</u>
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>
Adjusted Net Terminal Revenue	<u>6,244,428.48</u>
Racetrack @ 46.50% / 42%	2,903,659.24
Lottery Fund @ 30% / 0%	1,873,328.58
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	437,109.99
Workers' Compensation Debt Reduction @ 7% / 0%	437,109.99
Employee Pension Fund @ 1% / .5%	62,444.28
Greyhound Development @ .75%	46,833.21
Thoroughbred Development @ .75%	46,833.21
Racing Commission @ 1%	62,444.28
County/Municipality @ 2%	124,888.56
3% Funds:	
Tourism Promotion Fund @ 1.375%	85,860.89
Development Office Promotion Fund @ .375%	23,416.61
Research Challenge Fund @ .5%	31,222.14
Capitol Renovation and Improvement Fund @ .6875%	42,930.45
2004 Capitol Complex Parking Garage Fund @ .0625%	3,902.77
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	31,222.14
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>31,222.14</u>
	<u>6,244,428.48</u>

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 ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
6 days ending: 07/06/13	\$ 123,196.88	\$ 123,196.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 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	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/10/13	\$ 120,078.64	\$ 120,078.64	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/17/13	\$ 124,888.56	\$ 124,888.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 850,583.68	\$ 850,583.68	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ 61,479.80

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	08/03/2013	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	08/10/2013	120,078.64
08/15/2009	81,222.14	08/14/2010	78,376.68	08/13/2011	117,350.38	08/18/2012	110,241.90	08/17/2013	124,888.56
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	68,722.06	04/30/2011	66,907.50	04/28/2012	72,900.66	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

TOTALS 4041141.56

4016541.01

4124906.8

3580645.18

850583.7

Table Game Revenue

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July/August, 2010	154,185.68	July, 2011	141,718.01	July, 2012	138,663.64	July, 2013	
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		
Total 2010-2011	1297391.7	Total 2011-2012	1602900.84	Total 2012-2013	1530462.31	Total 2013-2014	0

Table Game Revenue Distribution - Jefferson County School Board

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	
August, 2011	412,421.76	August, 2012	399,737.49		
September, 2011	331,125.75	September, 2012	382,597.20		
October, 2011	372,821.82	October, 2012	379,446.06		
November, 2011	363,059.91	November, 2012	403,331.79		
December, 2011	421,529.79	December, 2012	440,033.75		
January, 2012	413,438.04	January, 2013	397,951.05		
February, 2012	428,310.03	February, 2013	381,857.07		
March, 2012	455,536.38	March, 2013	447,100.86		
April, 2012	383,586.78	April, 2013	316,635.69		
May, 2012	413,715.39	May, 2013	329,242.14		
June, 2012	387,706.12	June, 2013	314,410.11		
<u>Total 2011-2012</u>	<u>4,808,702.50</u>	<u>Total 2012-2013</u>	<u>4,608,334.13</u>	<u>Total 2013-2014</u>	<u>0.00</u>