

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, JULY 31, 2014**  
**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**

- July 17, 2014
- July 24, 2014

**APPROVAL OF PURCHASE ORDERS**

- July 31, 2014

**APPROVAL OF ACCOUNTS PAYABLE**

- July 24, 2014
- July 31, 2014

**ANNOUNCEMENTS**

- Report if there are changes in the agenda if applicable

**PUBLIC COMMENT**

**PRESENTATIONS**

1. 9:45 a.m. Angie Banks, Assessor  
- Exonerations - Discussion/Action
2. 10:00 a.m. Laura Storm, Circuit Clerk  
- Approval of full time Deputy Clerk - Discussion/Action
3. 10:15 a.m. Interviews and appointment to the Property Safety Enforcement Agency Board - One 2-year term ending February 8, 2016 - Discussion/Action
4. 10:30 a.m. Interview and appointment to the Jefferson County Building Commission - One 5-year term ending July 27, 2019 - Discussion/Action

5. 10:45 a.m. **BREAK**
6. 11:00 a.m. Jill Strain, Resident  
Request for Exoneration - Discussion/Action
7. 11:15 a.m. Susanne Lawton, Jefferson County Public Service District  
- Update on the JCPD meeting on July 30<sup>th</sup>, 2014
8. 11:45 a.m. Roger Goodwin, Chief County Engineer  
- Partial Bond Release for Asbury United Methodist Church -  
Discussion/Action

#### **UNFINISHED BUSINESS**

9. Ordinance to dissolve and reconstruct the Jefferson County Emergency Services Agency Board - Discussion/Action

#### **NEW BUSINESS**

10. Annual Performance Review of County Administrator - Possible Executive Session §6-9A-4 - Discussion/Action (PN)
11. Approval of Contract Lease pending legal review - Department of Health and Human Resources - Discussion/Action
12. Approval of proposed schedule of events for FY2015 - Discussion/Action
13. Approval of Resolution and Contract - Victims of Crime Act (VOCA) Grant - Discussion/Action

#### **COUNTY ADMINISTRATOR REPORTS**

- County Policies and Procedures

#### **COUNTY COMMISSION REPORTS**

14. 12:30 p.m. **BREAK FOR LUNCH**

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

15. 1:30 p.m. Public Hearing  
- Recommendation from the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for two parcels owned by Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary; and Eric and Stacy Lindberg; designated as Tax District: Middleway (07), Map: 1, Parcels: 1.2 (16.62 acres, with 12.67 acres in Jefferson County) and 1.1 (7 acres), located on the north side of Route 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line

16. RECESS

~~~~~ EVENING SESSION ~~~~~

17. 7:00 p.m. Public Hearing  
SB 595 Vested Development Time Extension Proposal

18. ADJOURN

**DEPARTMENTS, BOARDS, COMMISSIONS` AND AGENCY WRITTEN REPORTS**

- ▶ Jefferson County Farmland Protection Board Quarterly Update Report

**CORRESPONDENCE/INFORMATION**

Jefferson County Commission Notice of Meeting Cancellation - Thursday, August 21, 2014.

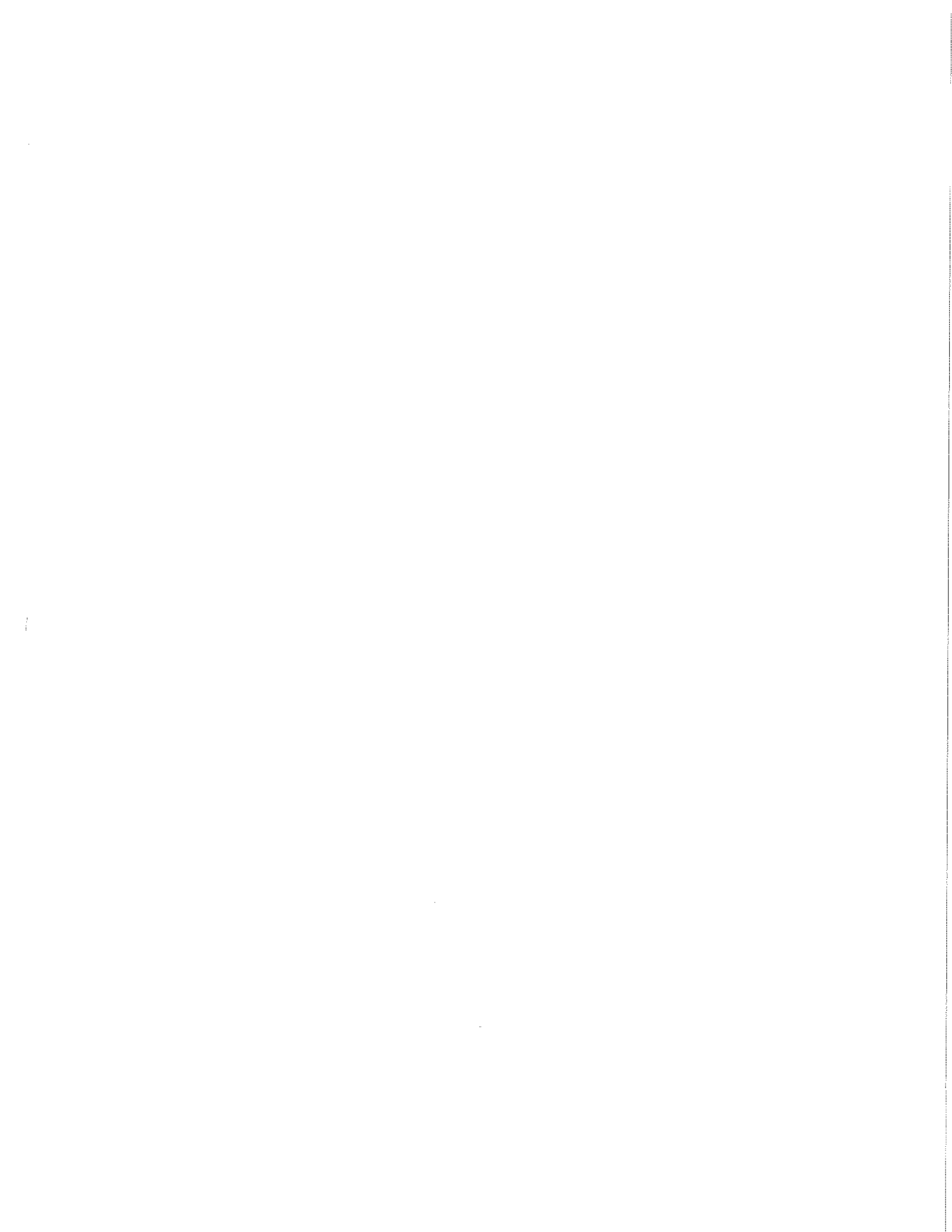
Jefferson County Commission Notice of Intent to Appoint to the Jefferson County Building Commission.

Letter from the Office of the Governor regarding the VOCA Grant Award.

Letter from the WV State Auditor's Office regarding auditing standards.

WV Lottery Weekly Settlement for Charles Town - week ending July 19, 2014.

*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, July 17, 2014**

---

A meeting of the Jefferson County Commission was held on Thursday, July 17, 2014 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, Jane Tabb, Lyn Widmyer and Walt Pellish. Also present were Debbie Keyser, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddy, Bailiff. (An audio file of the Thursday, July 17, 2014 meeting is available through the Jefferson County Commission Office.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Noland led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

**Motion by Mr. Manuel to approve the minutes for the July 3, 2014 Regular Meeting as presented. Motion seconded and unanimously approved.**

#### **APPROVAL OF PURCHASE ORDERS**

**Motion by Ms. Noland to approve Purchase Orders in the amount of \$53,060.26 to include Purchase Order Numbers 52634, 52636, 51477, 52224, 52225, 52467, 52468, 52470, 52471, 52472, 52637, 52641, 52643, 52635, 52639, 52640, 52329, 52682, 52683, 52684, 52685, 52687, and 52632. Motion seconded and unanimously approved.**

#### **APPROVAL OF ACCOUNTS PAYABLE**

**Motion by Ms. Tabb to approve the Payroll for June 19, 2014 in the amount of \$374,163.72. Motion seconded and unanimously approved.**

**Motion by Ms. Noland to approve the Payroll for July 3, 2014 in the amount of \$365,586.61. Motion seconded and unanimously approved.**

| CHCKNO | DEPT  | VENDOR                   | PONUM | POAMT        | NOAMT        | CHECK AMOUNT |
|--------|-------|--------------------------|-------|--------------|--------------|--------------|
| 072582 | ALLOC | BLUE RIDGE FIRE CO.      |       | \$ -         | \$ 10,000.00 | \$ 10,000.00 |
| 072583 | 424   | B-K OFFICE SUPPLY INC    | 52631 | \$ 4,266.33  | \$ -         | \$ 4,266.33  |
| 072583 | 425   | B-K OFFICE SUPPLY INC    | 52633 | \$ 16.28     | \$ -         | \$ 16.28     |
| 072584 | ALLOC | BAKERTON FIRE DEPT       |       | \$ -         | \$ 10,000.00 | \$ 10,000.00 |
| 072585 | 716   | BLUE RIDGE VETERINARY    | 51953 | \$ 230.50    | \$ -         | \$ 230.50    |
| 072586 | ALLOC | CITIZENS FIRE COMPANY    |       | \$ -         | \$ 10,000.00 | \$ 10,000.00 |
| 072587 | 424   | CHARLES TOWN UTILITIES   |       | \$ -         | \$ 51.74     | \$ 51.74     |
| 072587 | 425   | CHARLES TOWN UTILITIES   |       | \$ -         | \$ 1,074.29  | \$ 1,074.29  |
| 072588 | 700   | BRANDON CONWAY           |       | \$ -         | \$ 274.50    | \$ 274.50    |
| 072589 | 425   | COVENANT BUILDING MAINT  |       | \$ -         | \$ 6,478.58  | \$ 6,478.58  |
| 072590 | 428   | DELL MARKETING LP        |       | \$ -         | \$ 34,038.34 | \$ 34,038.34 |
| 072591 | 413   | ESS ELECTION SYSTEMS &   | 52466 | \$ 15,207.30 | \$ -         | \$ 15,207.30 |
| 072592 | 424   | J.C.EHRLICH              |       | \$ -         | \$ 34.00     | \$ 34.00     |
| 072592 | 425   | J.C.EHRLICH              |       | \$ -         | \$ 537.75    | \$ 537.75    |
| 072593 | 717   | FISHER AUTO PARTS        |       | \$ -         | \$ 385.19    | \$ 385.19    |
| 072594 | 700   | ALBERT HOCKMAN           |       | \$ -         | \$ 274.50    | \$ 274.50    |
| 072595 | 401   | RICOH USA, INC           |       | \$ -         | \$ 29.06     | \$ 29.06     |
| 072595 | 403   | RICOH USA, INC           |       | \$ -         | \$ 58.14     | \$ 58.14     |
| 072595 | 404   | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 072595 | 405   | RICOH USA, INC           |       | \$ -         | \$ 87.21     | \$ 87.21     |
| 072595 | 406   | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 072595 | 425   | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 072595 | 433   | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 072595 | 440   | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 072595 | 700   | RICOH USA, INC           |       | \$ -         | \$ 58.14     | \$ 58.14     |
| 072595 | 712   | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 072596 | 425   | JEFF CO PUBLIC SER DEPT  |       | \$ -         | \$ 263.86    | \$ 263.86    |
| 072597 | 401   | JEFFERSON PUBLISH CO INC |       | \$ -         | \$ 223.52    | \$ 223.52    |
| 072598 | 425   | JEFFERSON UTILITIES INC  |       | \$ -         | \$ 559.76    | \$ 559.76    |
| 072599 | 413   | JEFFERSON COUNTY SCHOOLS | 52465 | \$ 1,155.00  | \$ -         | \$ 1,155.00  |
| 072600 | ALLOC | MIDDLEWAY FIRE CO        |       | \$ -         | \$ 10,000.00 | \$ 10,000.00 |
| 072601 | 424   | POTOMAC EDISON/OH        |       | \$ -         | \$ 1,837.14  | \$ 1,837.14  |
| 072601 | 425   | POTOMAC EDISON/OH        |       | \$ -         | \$ 12,457.08 | \$ 12,457.08 |
| 072601 | 425   | POTOMAC EDISON/OH        |       | \$ -         | \$ 2,084.31  | \$ 2,084.31  |
| 072602 | 428   | PROFOUND LOGIC SOFTWARE  |       | \$ -         | \$ 675.37    | \$ 675.37    |
| 072603 | 402   | RECORD MANAGEMENT SOLUTN | 52469 | \$ 35.00     | \$ -         | \$ 35.00     |
| 072603 | 403   | RECORD MANAGEMENT SOLUTN | 51476 | \$ 30.00     | \$ -         | \$ 30.00     |
| 072604 | 717   | RICE TIRES CO            | 52626 | \$ 477.84    | \$ -         | \$ 477.84    |
| 072605 | 413   | SHEPHERDSTOWN CHRONICLE  | 52462 | \$ 1,426.92  | \$ -         | \$ 1,426.92  |

|              |         |                          |       |              |               |               |
|--------------|---------|--------------------------|-------|--------------|---------------|---------------|
| 072606       | 403     | SOFTWARE SYSTEMS, INC    | 51475 | \$ 619.00    | \$ -          | \$ 619.00     |
| 072607       | 405     | SPECIALTY BUS SUPPLIES   | 51639 | \$ 673.59    | \$ -          | \$ 673.59     |
| 072608       | 405     | STAPLES CREDIT PLAN      | 51640 | \$ 478.88    | \$ -          | \$ 478.88     |
| 072609       | 704     | ST/WV REGIONAL JAIL &    |       | \$ -         | \$ 107,887.00 | \$ 107,887.00 |
| 072610       | 401     | STAPLES CREDIT PLAN      |       | \$ -         | \$ 29.23      | \$ 29.23      |
| 072610       | 712     | STAPLES CREDIT PLAN      |       | \$ -         | \$ 84.87      | \$ 84.87      |
| 072611       | 425     | SHENANDOAH VALLEY WATER  |       | \$ -         | \$ 540.15     | \$ 540.15     |
| 072612       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -         | \$ 15,264.16  | \$ 15,264.16  |
| 072613       | 425     | CAPITAL TRISTATE         |       | \$ -         | \$ 1,029.84   | \$ 1,029.84   |
| 072614       | 401     | TISCHLERBISE, INC.       | 52582 | \$ 6,644.00  | \$ -          | \$ 6,644.00   |
| 072615       | 425     | TRENARY SERVICE CO       | 52627 | \$ 493.00    | \$ -          | \$ 493.00     |
| 072616       | 403     | UNITED SYSTEMS & SOFTWAR |       | \$ -         | \$ 227.00     | \$ 227.00     |
| 072617       | PAYROLL | UNICARE EAP              |       | \$ -         | \$ 322.20     | \$ 322.20     |
| 072618       | 716     | VALLEY PET CEMETERY      | 51952 | \$ 357.00    | \$ -          | \$ 357.00     |
| 072619       | 405     | THOMSON REUTER - WEST    |       | \$ -         | \$ 1,485.00   | \$ 1,485.00   |
| 072620       | 717     | NAPA AUTO PARTS          |       | \$ -         | \$ 159.58     | \$ 159.58     |
| 072621       | 425     | WM OF WEST VIRGINIA, INC |       | \$ -         | \$ 672.01     | \$ 672.01     |
| 072622       | 406     | AWVA-ASSOC OF WV ASSESSR | 52431 | \$ 100.00    | \$ -          | \$ 100.00     |
| 072623       | PAYROLL | WV BUREAU OF EMPLOYMENT  |       | \$ -         | \$ 3,505.71   | \$ 3,505.71   |
|              | 412     | MICHAEL WITHROW          |       | \$ -         | \$ 71.16      | \$ 71.16      |
| 072625       | 402     | XEROX CORPORATION        |       | \$ -         | \$ 1,485.82   | \$ 1,485.82   |
| 072625       | 439     | XEROX CORPORATION        |       | \$ -         | \$ 294.08     | \$ 294.08     |
|              |         |                          |       |              |               |               |
| <b>TOTAL</b> |         |                          |       |              |               | \$ 266,925.35 |
| <b>TOTAL</b> |         |                          |       | \$ 32,210.64 | \$ 234,714.71 | \$ 266,925.35 |

**Motion by Ms. Tabb to approve the Accounts Payable for July 10, 2014 in the amount of \$266,925.35. Motion seconded and unanimously approved.**

| CHCKNO | DEPT    | VENDOR                   | PONUM | POAMT       | NOAMT     | CHECK AMOUNT |
|--------|---------|--------------------------|-------|-------------|-----------|--------------|
| 072628 | 424     | AT&T/IL                  |       | \$ -        | \$ 0.49   | \$ 0.49      |
| 072629 | 440     | B-K OFFICE SUPPLY INC    | 52579 | \$ 55.58    | \$ -      | \$ 55.58     |
| 072630 | 424     | BOLAND SERVICES          | 52629 | \$ 270.00   | \$ -      | \$ 270.00    |
| 072630 | 425     | BOLAND SERVICES          | 52367 | \$ 1,325.00 | \$ -      | \$ 1,325.00  |
| 072631 | PAYROLL | BUREAU F/CHILD SUPPORT   |       | \$ -        | \$ 49.85  | \$ 49.85     |
| 072632 | PAYROLL | BUREAU FOR CHILD SUPPORT |       | \$ -        | \$ 28.85  | \$ 28.85     |
| 072633 | PAYROLL | BUREAU F/CHILD SPRT ENF  |       | \$ -        | \$ 212.31 | \$ 212.31    |
| 072634 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 461.54 | \$ 461.54    |
| 072635 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 119.54 | \$ 119.54    |
| 072636 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 530.77 | \$ 530.77    |

|        |         |                          |       |           |              |              |
|--------|---------|--------------------------|-------|-----------|--------------|--------------|
| 072637 | 413     | CASTO & HARRIS INC       | 52475 | \$ 115.33 | \$ -         | \$ 115.33    |
| 072638 | 425     | CHARLES TOWN UTILITIES   |       | \$ -      | \$ 977.00    | \$ 977.00    |
| 072639 | PAYROLL | CHILD SUPPORT ENFORCE AG |       | \$ -      | \$ 27.69     | \$ 27.69     |
| 072640 | PAYROLL | DIVERSIFIED COLLECTION   |       | \$ -      | \$ 154.83    | \$ 154.83    |
| 072641 | 405     | FEDEX                    |       | \$ -      | \$ 24.91     | \$ 24.91     |
| 072641 | 405     | FEDEX                    |       | \$ -      | \$ 63.67     | \$ 63.67     |
| 072641 | 428     | FEDEX                    |       | \$ -      | \$ 30.85     | \$ 30.85     |
| 072641 | 700     | FEDEX                    |       | \$ -      | \$ 53.73     | \$ 53.73     |
| 072642 | 717     | FLEETPRIDE               | 52638 | \$ 85.44  | \$ -         | \$ 85.44     |
| 072643 | 415     | GENERAL COUNTY FUND-J FE |       | \$ -      | \$ 30,157.60 | \$ 30,157.60 |
| 072644 | 401     | RICOH USA, INC           |       | \$ -      | \$ 224.53    | \$ 224.53    |
| 072644 | 403     | RICOH USA, INC           |       | \$ -      | \$ 58.14     | \$ 58.14     |
| 072644 | 404     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072644 | 405     | RICOH USA, INC           |       | \$ -      | \$ 662.86    | \$ 662.86    |
| 072644 | 406     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072644 | 425     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072644 | 433     | RICOH USA, INC           |       | \$ -      | \$ 53.43     | \$ 53.43     |
| 072644 | 440     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072644 | 700     | RICOH USA, INC           |       | \$ -      | \$ 58.14     | \$ 58.14     |
| 072644 | 712     | RICOH USA, INC           |       | \$ -      | \$ 384.47    | \$ 384.47    |
| 072645 | PAYROLL | ING NATIONAL TRUST       |       | \$ -      | \$ 3,015.00  | \$ 3,015.00  |
| 072646 | 402     | JEFFERSON PUBLISH CO INC | 52476 | \$ 153.46 | \$ -         | \$ 153.46    |
| 072646 | 401     | JEFFERSON PUBLISH CO INC |       | \$ -      | \$ 322.18    | \$ 322.18    |
| 072647 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -      | \$ 5,308.00  | \$ 5,308.00  |
| 072648 | 401     | DEBBIE KEYSER            |       | \$ -      | \$ 16.60     | \$ 16.60     |
| 072649 | 440     | MS LORI A. SIMMONS       | 52581 | \$ -      | \$ 100.00    | \$ 100.00    |
| 072650 | PAYROLL | HELEN M. MORRIS, TRUSTEE |       | \$ -      | \$ 150.00    | \$ 150.00    |
| 072651 | PAYROLL | NATIONWIDE RETIREMENT    |       | \$ -      | \$ 749.00    | \$ 749.00    |
| 072652 | 402     | PIFER OFFICE SUPPLY, INC | 52473 | \$ 43.79  | \$ -         | \$ 43.79     |
| 072653 | 405     | PAMELA PATTERSON         | 52686 | \$ 149.00 | \$ -         | \$ 149.00    |
| 072654 | PAYROLL | RETIREE HLTH BENEFIT TRS |       | \$ -      | \$ 6,974.00  | \$ 6,974.00  |
| 072655 | 401     | SOFTWARE SYSTEMS, INC    |       | \$ -      | \$ 292.00    | \$ 292.00    |
| 072655 | 402     | SOFTWARE SYSTEMS, INC    |       | \$ -      | \$ 27.00     | \$ 27.00     |
| 072655 | 404     | SOFTWARE SYSTEMS, INC    |       | \$ -      | \$ 1,011.70  | \$ 1,011.70  |
| 072655 | 406     | SOFTWARE SYSTEMS, INC    |       | \$ -      | \$ 52.00     | \$ 52.00     |
| 072656 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -      | \$ 44,442.24 | \$ 44,442.24 |
| 072656 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -      | \$ 10,393.76 | \$ 10,393.76 |
| 072656 | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -      | \$ 43,124.03 | \$ 43,124.03 |
| 072657 | 425     | TML COPIERS & DIGITAL    | 52630 | \$ 313.75 | \$ -         | \$ 313.75    |
| 072658 | 424     | WV DIVISION OF LABOR     | 52642 | \$ 50.00  | \$ -         | \$ 50.00     |

|        |     |                      |       |             |               |               |
|--------|-----|----------------------|-------|-------------|---------------|---------------|
| 072658 | 425 | WV DIVISION OF LABOR | 52642 | \$ 150.00   | \$ -          | \$ 150.00     |
| <hr/>  |     |                      |       |             |               |               |
| TOTAL  |     |                      |       |             |               | \$ 153,140.34 |
| TOTAL  |     |                      |       | \$ 2,711.35 | \$ 150,428.99 | \$ 153,140.34 |

**Motion by Ms. Widmyer to approve the Accounts Payable for July 17, 2014 in the amount of \$153,140.34. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Jacqueline Milliron, resident – expressed her concerns regarding the current state of the Jefferson County Public Service District.

Patricia Burke, resident – stated she believes the Jefferson County Public Service District needs to be more transparent in regards to rates and increases for water and sewer services.

Jennie Brockman, Director of Planning and Zoning – stated a Public Hearing on the Draft Envision Jefferson 2035 Comprehensive Plan would be held on Tuesday, July 22<sup>nd</sup> at 7:00 p.m. in the County Commission meeting room. She also stated staff would be holding an “open house” from 5:30 – 7:00 pm prior to the Public Hearing to answer questions from the public, and written comments would be accepted until 5:00 pm on Monday, July 28, 2014.

Walt Pellish, Commission President – stated he would need to leave the meeting at noon in order to continue his radiation treatment.

**PRESENTATIONS**

1. Pete Dougherty, Sheriff – requested the approval to add Bill Walters to the list of eligible trip guards.
  - **Motion by Mr. Manuel to approve the addition of Bill Walters to the Trip Guard list. Motion seconded and unanimously approved.**
  
2. Ralph Lorenzetti, Prosecuting Attorney - requested the approval of an Employee Salary Change from a Step D, Grade IV to a Step E, Grade IV.
  - **Motion by Mr. Manuel to approve the salary change of Teresa Tritelli from a Step D, Grade IV to a Step E, Grade IV. Motion seconded and passes on a vote of 4-1 with Mr. Pellish opposing.**
  
3. Paul Rosa, resident – requested the Commission consider reinstalling the safety bollard in front of the Jefferson County Courthouse.
  
4. The Commission recessed for break at 10:45 am.  
The Commission reconvened at 11:00 am.

5. Interviews and Appointment to the Jefferson County Planning Commission for one unexpired term ending March 31, 2016.
  - Ms. Widmyer offered her nomination for Mr. Peter Fricke.
  - Ms. Noland offered her nomination for Mr. Ron Thomas.
    - Mr. Fricke received three votes (Commissioner Widmyer, Manuel, and Tabb)
    - Mr. Thomas received two votes (Commissioners Noland and Pellish)
  - After receiving the majority vote, Mr. Fricke was appointed to the Jefferson County Planning Commission for one unexpired term ending March 31, 2016.
  
6. Interviews and Appointments to the Jefferson County Community Criminal Justice Board for five (5) three-year terms ending July 3, 2017.
  - Ms. Noland offered her nomination for Joann Strider Christian and Debra Cornwell for the “at-large” positions.
  - Ms. Tabb offered her nomination for Dr. John Aldis for the “at-large” position.
    - Ms. Strider Christian received two votes (Commissioners Noland and Pellish)
    - Ms. Cornwell received four votes (Commissioners Widmyer, Manuel, Noland, and Tabb)
    - Dr. Aldis received four votes (Commissioners Widmyer, Manuel, Pellish, and Tabb)
      - After receiving the majority votes, Debra Cornwell and Dr. John Aldis were appointed to the Jefferson County Community Criminal Justice Board as “at-large” members each for one three-year term ending July 3, 2017.
  - **Motion by Mr. Manuel to appoint Joann Strider Christian as a victim’s advocate representative on the Jefferson County Community Criminal Justice Board for one three-year term ending July 3, 2017. Motion seconded and unanimously approved.**

- **Motion by Mr. Manuel to appoint Leona Cook as a mental health care services representative to the Jefferson County Community Criminal Justice Board for one three-year term ending July 3, 2014.**
7. Lynn Fields, Deputy Probate Clerk – requested a quarterly review to approve estates opened since last quarter and close the estates that have met all statutory requirements.
- **Motion by Ms. Noland to enter into session as a Fiduciary Review Board to discuss probate matters. Motion seconded and unanimously approved.**
  - **Motion by Ms. Noland to approve the estates opened since last quarter and close the estates that have met all statutory requirements. Motion seconded and unanimously approved.**
8. Barb Miller, Director of Homeland Security and Emergency Management – requested the approval of the hiring of the Administrative Assistant/Public Information Officer/Volunteer Coordinator for Jefferson County Homeland Security and Emergency Management.
- **Motion by Ms. Noland to approve the hiring of Brandon C. Vallee as the Administrative Assistant/Public Information Officer/Volunteer Coordinator for the Jefferson County Department of Homeland Security and Emergency Management at a Grade II, Step A. Motion seconded and unanimously approved.**
9. Stephanie Grove, Assistant Prosecuting Attorney – provided the Commission with a discussion on the Jefferson County Emergency Services building mortgage. The Commission requested legal draft a letter to the JCESA concerning this matter to be reviewed during a later County Commission meeting.

#### UNFINISHED BUSINESS

10. Debbie Keyser, County Administrator – requested the approval of the Memorandum of Understanding between the County Commission and the Broker of Record for FY 2014-2015 as reviewed and approved by legal counsel.
- **Motion by Ms. Widmyer to approve the Memorandum of Understanding between the County Commission and the Broker of Record for FY 2014-2015 as presented with a provision in the cover letter stating the contract will be reviewed by the Commission on an annual basis. Motion seconded and unanimously approved.**
11. Approval of Requests for Proposal for Information Technology Support Services.

- **Motion by Ms. Tabb to approve both of the RFPs for IT Support Services and to send them both out for bid but remove any comments in the RFPs that would jeopardize current IT staff. Motion seconded passes on a vote of 4-1 with Ms. Widmyer opposing.**
  - **Motion by Ms. Widmyer to amend letter “F” under “Services Required” in both RFPs to state: “Must have level of expertise in troubleshooting issues with AS400 and will attempt to reduce reliance on outside vendors for troubleshooting issues for AS400 hardware and software issues.” Motion seconded and passes on a vote of 4-1 with Mr. Pellish opposing.**
  - **Motion by Ms. Widmyer to amend the IT RFPs to include the following language: “The contract shall cover three years from the time of signature. The contract may be renewed at the expiration of the original term at the request of the County and the renewal may for up to three additional one-year periods.” Motion seconded. Motion withdrawn.**
- It was the consensus of the Commission to place Ms. Widmyer’s request concerning County contracts on a future agenda for further discussion and consideration, including a review by legal counsel.
12. Review of Code of Ethics and cover to be signed by current and newly appointed boards, commissions, and committees members.
- It was the consensus of the Commission to remove the following sentence from the Code of Ethics: “Failure to sign the Code of Ethics document may affect your future reappointment” as this sentence is included in the cover letter sent in conjunction with the Code of Ethics.

**NEW BUSINESS**

13. Approval of Resolution and Contract – Community Participation Grant for the Saint Andrews Mountain Community Center in the amount of \$2,000.
- **Motion by Mr. Manuel to approve the Resolution and contract for the Community Participation Grant 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.**
14. Approval of Resolution and Contract Documents for the Court Security Grant in the amount of \$32,998.
- **Motion by Ms. Tabb to enter into a contractual agreement with the Division of Justice and Community Services to receive and administer**

**grant funds for the 2014 Court Security Grant Program and to authorize the President's signature on the Resolution and Contract Documents. Motion seconded and unanimously approved.**

15. Discussion of Comprehensive Plan Approval Process.

- **Motion by Ms. Tabb to enter into Executive Session, citing §6-9A-4. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**

16. Discussion of invoice for dues for membership of the County Commissioners' Association of West Virginia for 2014-2015 in the amount of \$3,900.

- **Motion by Ms. Noland to not pay the dues for membership of the CCAWV for 2014-2015 and to no longer be a member of the CCAWV. Motion seconded and passes on a vote of 4-1 with Ms. Widmyer opposing.**

17. Discussion of the August 21, 2014 Regularly Scheduled Jefferson County Commission meeting during Fair Week.

- **Motion by Ms. Widmyer to cancel the August 21, 2014 Regularly Scheduled County Commission meeting. Motion seconded and unanimously approved.**

18. Appointment of Gail Boober as ex-officio Magistrate for the Community Criminal Justice Board

- **Motion by Mr. Manuel to appoint Gail Boober as the ex-officio Magistrate for the Jefferson County Community Criminal Justice Board. Motion seconded and unanimously approved.**

19. Scheduling of an Impact Fee Work Session on Thursday, July 24, 2014 at 9:30 am.

- It was the consensus of the Commission to meet at 9:30 am on Thursday, July 24 to hold a work session regarding the current status of the County impact fees. The Commission directed staff to pass this information to the impact fee stakeholders so they may send a representative to the work session if they wished. It was also the consensus of the Commission to continue discussion/action of any unresolved Public Service District agenda items after the conclusion of the impact fee work session.

20. Approval of the use of County facilities and the use of bailiffs for the production of "The Anvil" play.

- It was the consensus of the Commission to approve the use of county facilities and bailiffs for the production of “The Anvil.”

21. The Commission broke for lunch at 12:30 pm.  
The Commission reconvened at 1:30 pm.

22. AGENDA CONTINUED

#### FINANCIAL DIRECTOR REPORTS

- **Motion by Mr. Manuel to approve Internal Budget Revision #1 to adjust the budgets for the Commission, the Engineering Department, and the E911 Department. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to approve State Budget Revision #1 of the General Fund for the adjustment of the salaries of the elected officials. Motion seconded and passes on a vote of 2-1 with Ms. Tabb opposing.**
- **Motion by Mr. Manuel to approve State Budget Revision #2 of the General Fund for the carry forward balance. Motion seconded and unanimously approved.**
- **Motion by Ms. Widmyer to approve State Budget Revision #1 of the Coal Severance Fund. Motion seconded and unanimously approved.**

23. Discussion between the Jefferson County Commission and the Jefferson County Public Service District for the PSD to update the Commission on the following:

- PSD Projects
- PSD Funding Sources
- PSD Citizens Communication

In attendance were:

- Sue Lawton, General Manager of the Jefferson County Public Service District
- Cam Seacrest, Bond Counsel
- Wayne Morgan, Thrasher Engineering
- Bill Strider, JCPSD Board Member
- Peter Appignani, JCPSD Board Member

Mr. Morgan gave an overview of the water and sewer projects and answered questions regarding the projects from the Commission, noting that the sewer project had been tabled for the moment. Possible funding options were discussed by Mr. Seacrest, Ms. Lawton, and the JCPSD board members. Ms. Lawton also stated updates regarding the water and sewer projects would available to the

public via the JCPSD website and a note would be placed on the PSD bills stating customers could also call the office for more information.

24. WV Infrastructure and Jobs Development Council review of funding requests from Jefferson County Public Service District

- Mr. Manuel requested unanimous consent to direct staff to draft a letter to the WV Infrastructure and Jobs Development Council for review of the funding requests from the Jefferson County Public Service District for discussion/action during the July 24, 2014 Commission meeting as to not miss the deadline for consideration. Unanimous consent was granted from all Commissioners.

25. Begin preparation to institute an impact fee for the proposed Public Service District sewer project.

- Stephanie Grove, Assistant Prosecuting Attorney, provided the Commission with a discussion of the possibility of implementing an impact fee for water and sewer needs.

### COUNTY ADMINISTRATOR REPORTS

- Ameriflex Contract Update – Ms. Keyser stated the Ameriflex Contract was in the agenda packet as an update and the HRA claims forms and information had been disbursed to all County employees.
- Purchase Order form and Potential Policy Changes – Ms. Keyser stated Commission staff Stanton and McDonald were currently working in conjunction with County Clerk staff to revise the current purchase order form and policy, and these changes would be presented to the Commission at a later date.
- Update on the Collection of the Ambulance Fee and Approval of Contract Pending Legal Review – Ms. Keyser stated WV Corp, insurance carrier for the County, had reviewed the contract with Global Science and Technology (GST) but still needed to be reviewed by in-house legal staff in order to move forward.
  - **Motion by Mr. Manuel to approve the contract with GST, provider of the database and software for the collection of the ambulance fee, pending in-house legal review. Motion seconded and unanimously approved.**
  - It was the consensus of the Commission to amend the contract to state the contract will be reviewed after a three year period.
- Ordinance to Dissolve and Reconstruct the Jefferson County Emergency Services Agency Board Update – Ms. Keyser stated the Ordinance would be on the agenda for final approval during the July 31, 2014 regularly scheduled Commission meeting.

**COUNTY COMMISSIONERS' REPORTS**

Dale Manuel – stated the Fourth of July fireworks at Sam Michael’s Park were a tremendous success, and Jefferson County Parks and Recreation would continue to fundraise in order to be able to hold this event annually.

26. The Commission meeting was adjourned at 3:33 pm on a motion by Mr. Manuel.  
Motion was seconded and unanimously approved.

---

WALT PELLISH, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant

## **Minutes**

### **Jefferson County Commission**

**Thursday, July 24, 2014**

---

A meeting of the Jefferson County Commission was held on Thursday, July 24, 2014 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, Walt Pellish, Jane Tabb, and Lyn Widmyer. Also present were Debbie Keyser, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddy, Bailiff. (An audio file of the Thursday, July 24, 2014 meeting is available through the Jefferson County Commission Office.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Manuel led the Pledge of Allegiance.

#### **1. PUBLIC COMMENT**

Amy Allen, Jefferson County Development Authority – provided comments concerning the Jefferson County Development Authority’s stance on commercial and residential impact fees, urging the Commission to consider the effect impact fees have on attracting business to the area.

Jacqueline Milliron, resident – provided comments regarding a possible impact fee for water and sewer services and questioned why the Jefferson County Public Service District carries so much debt when their rates are so exorbitant. Ms. Milliron also stated the Public Service District should consider consolidation to benefit the current ratepayers.

Scott Sudduth, Jefferson County Board of Education President – provided comments regarding the importance of impact fees, stating the funds received by the local schools through the impact fees have been a critical component in meeting the needs of the students of Jefferson County.

Jennifer Brockman, Director of Planning and Zoning – reminded the Commission and audience that the Planning and Zoning Office would be accepting written comments on the Envision Jefferson 2035 Comprehensive Plan until 5:00 pm on Monday, July 28. Ms. Brockman also stated that the Comprehensive Plan recommends a 2-tier impact fee system.

Charles Cheezum, resident – thanked the Commission for holding last week’s discussion with the Jefferson County Public Service District Staff, stating it was helpful to have access to the information provided during the meeting. Mr. Cheezum also suggested the possibility of having an operational audit conducted on the JCPSD.

Chris Cody, resident and business owner – provided comments regarding the possibility of incorporating water and sewer services into the current impact fees. Mr. Cody also stated it has become too expensive to live in Jefferson County, and he has since built a home outside of the County.

Mike Wiley, President of Jefferson County Citizens for Economic Preservation – provided comments regarding the high cost of residential impact fees and expressed his concerns over the inconsistencies within the TischlerBise impact fee study data.

David Hartley, Eastern Panhandle Homebuilder's Association – provided comments regarding the County's current residential impact fees, wanting to find a way to ensure the fees are calculated, collected, and spent properly.

## PRESENTATIONS

2. Roger Goodwin, Chief County Engineer and Michelle Mason, Impact Fee Specialist – provided the Commission with a PowerPoint presentation regarding the current impact fees and addressed questions posed by the Commission and the stakeholders. Mr. Goodwin also suggested a committee be formed to address the technical aspects of the impact fee study to ensure all parties were in agreement and knowledgeable to the same data regarding calculations, values, etc. The Commission agreed to this suggestion, and Mr. Goodwin provided a draft timeline of events to occur prior to the Commission's final decision regarding impact fees. Finally, the Commission closed with their individual comments concerning the impact fees.
3. Continuation of PSD Discussion
  - A. WV Infrastructure and Jobs Development Council (IJDC) review of funding requests from Jefferson County Public Service District.
    - **Motion by Mr. Manuel to approve the letter to be sent to the WV IJDC to review the funding requests from the Jefferson County Public Service District. Motion seconded but fails on a vote of 3-2 with Ms. Noland, Mr. Pellish, and Ms. Tabb opposing.**
  - B. Begin preparation to institute an impact fee for the proposed PSD water and sewer projects – the Commission discussed various possibilities to reduce the financial impact on the Public Service District ratepayers, including the possibility of instituting an impact fee; however, no decisions were made and it was the consensus of the Commission to continue to research this topic.
4. County Wide Water and Sewer Utility Board – the Commission also discussed the possible benefits of the consolidation and creation of a county wide water and sewer utility board. It was the consensus of the Commission to conduct further research on this topic. The

Commission also invited Ms. Sue Lawton, General Manager of the Jefferson County Public Service District, to attend the July 31, 2014 regular County Commission meeting to provide the Commission with an update regarding the discussion and outcome of the PSD's meeting with the cities of Charles Town and Ranson.

5. The Commission meeting was adjourned at 12:03 pm on a motion by Mr. Manuel. Motion was seconded and unanimously approved.

---

WALT PELLISH, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant



**PURCHASE ORDERS TO BE APPROVED**

**July 31, 2014**

| DEPARTMENT           | PURCHASE ORDER | AMOUNT             | VENDOR                       | DESCRIPTION               |
|----------------------|----------------|--------------------|------------------------------|---------------------------|
| ANIMAL CONTROL       | 51954          | \$ 533.24          | Hillside Vet                 | Vet Care                  |
|                      | 51955          | \$ 2,500.00        | Blue Spruce Farm             | Horse Care                |
|                      | 51956          | \$ 500.00          | Matilda Bay Farm             | Horse Care                |
|                      | 51985          | \$ 304.40          | Bound Tree Medical           | Medical Gloves            |
| GIS/ADDRESSING       | 51386          | \$ 984.00          | Lyle Signs, Inc.             | Single Face Sign Blades   |
| PROSECUTING ATTORNEY | 52688          | \$ 2,250.00        | WV State Bar                 | Annual Dues for Attorneys |
| SHERIFF'S OFFICE     | 51987          | \$ 458.51          | Municipal Emergency Services | Uniforms and Accessories  |
|                      | 51988          | \$ 1,767.53        | Galls, LLC.                  | Uniforms and Accessories  |
|                      | 51989          | \$ 454.95          | WV Uniforms                  | Uniforms and Accessories  |
| <b>GRAND TOTAL</b>   |                | <b>\$ 9,752.63</b> |                              |                           |



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



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **July 31, 2014**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

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

✚ **Exonerations**

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

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

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

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

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Laura Storm

Department or Entity: Circuit Clerk

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice July 31, 2014

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

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

Subject:

Hiring of a Full Time Deputy Clerk

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

Due to the departure of a full time employee, I ask that you approve the hiring of Jamie S. Wolfe to a full-time position as Deputy Clerk within my office effective the 11<sup>th</sup> day of August, 2014. Her grade will be II C with a salary of \$28,267.27 with full benefits afforded to Jefferson County Commission employees. This position has previously been approved by the commission and the funds are within my budget so no additional monies are being requested.

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

Approve the hiring Jamie S. Wolfe to a full-time position as Deputy Clerk within the Circuit Clerks office. Her grade will be II C with a salary of \$28,267.27 with full benefits as afforded to Jefferson County Commission employees effective the 11<sup>th</sup> day of August 2014.



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



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **July 31, 2014**

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

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

Subject (*Wording to be placed on agenda*): **Interview and Appointment to the Property Safety Enforcement Agency Board – one two-year term ending February 8, 2016.**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable

As of 7/22/2014

JEFFERSON COUNTY PROPERTY SAFETY ORDINANCE  
ENFORCEMENT AGENCY

County Health Officer  
Serves by Sate Code & County Ordinance  
Designated Representative  
Bill Zaleski, Sanitarian  
304-728-3313  
[email: Bill.H.Zaleski@wv.gov](mailto:Bill.H.Zaleski@wv.gov)  
1948 Wiltshire Road Suite 1  
Kearneysville, WV 25430

Jefferson County Chief Engineer  
Roger Goodwin  
P.O. Box 338  
Charles Town, WV 25414  
304-728-3228  
[email: rgoodwin@jeffersoncountywv.org](mailto:rgoodwin@jeffersoncountywv.org)

Peter Dougherty, Sheriff of Jefferson County (Non-voting member)  
Serves by State Code & County Ordinance  
102 Industrial Blvd.  
Kearneysville, WV 25430  
304-728-3205  
[email: pdougherty@jcsdwv.com](mailto:pdougherty@jcsdwv.com)

Dan Fritsch, Chief  
Citizen's Fire Company  
PO Box 927  
Charles Town, WV 25414  
station - 304-725-2814  
1.5 year term                      Appointed by: County Commission  
Exp: 12/31/15

**Vacant - Citizen Volunteer**

Melinda Keuroglan  
286 Hite Road  
Kearneysville, WV 25430  
h: 728-1034 Cell 571-245-4822  
2 year term                      Appointed by: County Commission  
Exp: 2/8/2015  
[email: mlkeuroglan@aol.co](mailto:mlkeuroglan@aol.co)

**Jefferson County Commission**  
**Application for Boards, Committees or Commissions**

Please type or print information

Name: Richard "Chip" Myers

Home Telephone Number: 703-406-3426 304-724-3200

Work Address: 900 Second St. Alexandria, Va 22514

Work Phone Number: 703-746-5202

Mobile Phone Number: 703-868-2447

E-mail Address: Rescue.Chip@aol.com

Party Affiliation: (Building Commission and Health Department applicants)

Occupation: Fire Dept. / Paramedic

Education: High School Jacksonville High School Jacksonville N.C.

College Northern Virginia Community College A.A.S.

Trade/Business School \_\_\_\_\_

- |  |   |                             |
|--|---|-----------------------------|
| Are you a United States citizen?                   | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Are you a West Virginia resident?                  | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Are you a resident of Jefferson County?            | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |
| Are you able to produce verification of residency? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> |

(Proof of paying personal property tax, voter registration, etc.)

Address:

101 Shagbark Ln. Harpers Ferry WV 25425

Magisterial District: \_\_\_\_\_

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

I have over 30 years in Public Safety. I see this as another way to keep the community safe as well as giving back to the community.

Organization Memberships and Positions Held : \_\_\_\_\_

Have you even been convicted of any felonies? If yes, please list. No

| Date: | Offense: |
|-------|----------|
|       |          |
|       |          |
|       |          |

Statement: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

I understand that falsified statements of any kind or omissions of facts called for on this application shall be considered sufficient basis for removal.

I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading, adhering and signing the County's Ethics Statement and adhering to Robert's Rules as provided in a packet to me when obtaining my Oath of Office or on the County's website. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

Signature: [Signature] Date: 7-18-2014

*This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.*

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



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **July 31, 2014**

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

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

Subject (*Wording to be placed on agenda*): **Interview and Appointment to the Jefferson County Building Commission – one five-year term ending July 27, 2019.**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, July 31, 2014 , or as soon thereafter as the Commission may decide:

**Jefferson County Building Commission - one (1) five year term ending July 27, 2019.**

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

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

**SPIRIT OF JEFFERSON:**

**PLEASE ADVERTISE ON:**

**July 16 and July 23**

**THANKS - JEFFERSON COUNTY COMMISSION**

## BUILDING COMMISSION

Larry Togans  
1486 Tuscowilla Hills  
Charles Town, WV 25414  
H: 304-725-4735  
C: 304268-4198  
[CLTogans@citilink.net](mailto:CLTogans@citilink.net)  
Democrat  
5 years 07/27/14

— wishes to be reappointed

Jim Davis  
70 Juniper Drive  
Shepherdstown, WV 25443  
H: 304-7876-1996  
C: 304-839-9503  
W: 304-876-9000  
[jdavis9843@comcast.net](mailto:jdavis9843@comcast.net)  
Democrat  
5 years 07/27/2015

Michael (Mikey) Johnson  
980 Mission Road  
Harpers Ferry, WV 25425  
H: 304-725-9162  
[mmjwv@frontier.com](mailto:mmjwv@frontier.com)  
Independent  
5 years 07/27/2016

# Memorandum

Received

~~JUL 02 2014~~

Jefferson County Commission

**To:** Jessica Carroll  
**From:** Larry Togans  
**Date:** 6/24/2014  
**Re:** Building Commission

---

I am interested in serving on the Building Commission if reappointed.

Thank you



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



Name: Jill Strain - strain.jill@gmail.com 304/724-1004

Department or Organization: Citizen

Estimation of amount of time needed for appointment: 10 min

Date Requested - 1<sup>st</sup> Choice: July 31  
If a specific date is needed, please provide reason for specific date:

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

Subject (Wording to be placed on agenda): I made a mistake filling out my 2013 tax form, forgetting to cross out the car I sold. I did add my newer car.

Please provide the County Commission with a description of your request or presentation, including any background information:  
I have the Carmax Purchase Agreement dated 6-30-13 and the Koons New Car agreement dated 6-30-13

Is this a funding request? Y/N (NO)

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address: strain.jill@gmail.com Phone Number: H - 304/724-1004  
C - 248/895-9120

FOR COMMISSION STAFF USE ONLY - FINANCIAL IMPACT/RECOMMENDATION

not applicable

JILL STRAIN  
CUSTOMER

131507  
STOCK NUMBER

### ODOMETER DISCLOSURE STATEMENT

Federal law (and State law, if applicable) requires that you state the mileage upon transfer of ownership. Failure to complete or providing a false statement may result in fines and/or imprisonment.

I, KOONS OF TYSONS CORNER (transferor's name)  
(PRINT)

state that the odometer now reads 21 (no tenths) miles and to the best of my knowledge that it reflects the actual mileage of the vehicle described below, unless one of the following statements is checked.

- (1) I hereby certify that to the best of my knowledge the odometer reading reflects the amount of mileage in excess of its mechanical limits.
- (2) I hereby certify that the odometer reading is NOT the actual mileage.

**WARNING - ODOMETER DISCREPANCY.**

| MAKE                          | MODEL         | BODY TYPE      |
|-------------------------------|---------------|----------------|
| <u>BUICK</u>                  | <u>VERANO</u> | <u>4DR SDN</u> |
| VEHICLE IDENTIFICATION NUMBER |               | YEAR           |
| <u>1G4PS5SK0D4224996</u>      |               | <u>2013</u>    |

**X** \_\_\_\_\_  
TRANSFEROR'S SIGNATURE

KOONS OF TYSONS CORNER  
PRINTED NAME

2000 CHAIN BRIDGE RD  
TRANSFEROR'S ADDRESS (STREET)

VIENNA VA 22182  
CITY STATE ZIP CODE

JUNE 20, 2013  
DATE OF STATEMENT

**X** Jill Strain  
TRANSFEREE'S SIGNATURE

\_\_\_\_\_  
PRINTED NAME

JILL STRAIN  
TRANSFEREE'S NAME

72 CHATHAM CT  
TRANSFEREE'S ADDRESS (STREET)

CHARLESTOWN WV 25414  
CITY STATE ZIP CODE

Gmail



[GEICO Auto Insurance - www.geico.com](#) - \$100? \$200? \$300? How much could you

COMPOSE

- Inbox (1)
- Starred
- Important
- Sent Mail
- Drafts
- Circles

## Vehicle Purchase Agreement, 09 Chevrolet HHR, from Carlv Dulles Inbox x

**Title\_7132-DUL\_Administrator@carmax.com**

5:01 PM (1 minute ago)

Hello Jill Strain,

Per our conversation earlier, I have provided below the link to your Vehicle Agreement. There are 2 copies provided; on one I have marked where it shows purchased the vehicle, and the other one is a blank copy. Please contact me if you have any questions or concerns.

Thank you,  
 Briana  
 CarMax Business Office  
[703-404-4386](tel:703-404-4386)  
 Ext 6090



[Click here to Reply or Forward](#)



# Vehicle Purchase Agreement

**Seller's Name**  
JILL MARIE STRAIN

**Social Security #** \_\_\_\_\_

**Seller's Address**  
72 CHATHAM CT.  
CHARLES TOWN, WV 26414

**Seller's Name** \_\_\_\_\_

**Social Security #** \_\_\_\_\_

**Seller's Address** \_\_\_\_\_

**Purchaser's Store Name / Location**  
CarMax Auto Superstores, Inc.

**Purchaser's Address**  
45210 TOWLEARN PLACE  
STERLING, VA 20165

**VEHICLE YOU ARE SELLING (THE "VEHICLE")**

Year 2009 Make CHEVROLET Model HHR

VIN 3GNCA53V28S66367 Mileage 48,114

|   |                                     |
|---|-------------------------------------|
| (1) Appraisal Offer                                       | \$ 10,000.00                        |
| (2) Discharge of Lien to:                                 |                                     |
| Lienholder  | \$ _____<br>Estimated Payoff        |
| Account No.   | _____                               |
| Address (Street)  | _____                               |
| (City/State/Zip)  | _____                               |
| Phone   | _____                               |
| (3) ESP Cancellation                                      | \$ _____<br>ESP Cancellation Amount |
| (4) Amount Due to Seller (if 2-3) is less than (1).       | \$ 10,000.00<br>Positive Equity     |
| (5) Amount Due to Purchaser (if 2-3) is greater than (1). | \$ _____<br>Negative Equity         |

By executing this Vehicle Purchase Agreement (the "Agreement"), you sell, transfer, and convey all rights, title, and interest in and to the Vehicle to CarMax, its successors and assigns, and CarMax accepts all such rights, title, and interest in and to the Vehicle. You warrant and represent that (a) you are the sole legal and record owner of the Vehicle and that, except as identified in Line (2) above, no other party has any interest or claim of interest in or to the Vehicle, (b) the Vehicle is free from all security interests, liens, charges, claim of ownership, and encumbrances and (c) that you have the right to sell the Vehicle outright or upon payoff of the Lienholder(s) shown in Line 2 the Vehicle will be free from all liens. The sale of the Vehicle to CarMax is a final sale and is not connected in any way to a purchase of another vehicle by you from CarMax.

**MILEAGE DISCLOSURE**

You warrant and represent that the mileage identified above and on the instruments to transfer title reflects the actual mileage of the Vehicle unless one of the following statements is checked:

\_\_\_ Reflects the amount of mileage in excess of mechanical limits \_\_\_ (is NOT actual mileage (odometer discrepancy)).

**LIENHOLDER INFORMATION**

You accept CarMax's offer to purchase the Vehicle for the amount specified in Line (1) above, which is equal to the offer amount on the Appraisal Offer form previously provided to you and incorporated by reference. If there is/are Lienholder(s) for the Vehicle, CarMax will pay the amount of the liens obtained from the lienholder(s) on your behalf, as reflected in Line (2) ("Estimated Payoff"). You authorize CarMax to contact the lienholder(s) to obtain whatever information is necessary to pay off the liens and transfer title and you give the lienholder(s) authorization to release this information to CarMax. The Estimated Payoff may be greater or less than the amount that is actually due to the lienholder(s) to transfer title ("Actual Payoff"). You agree to pay CarMax the difference between the Total Estimated Payoff and the Actual Payoff plus any additional costs incurred by CarMax, upon demand. In order for you to transfer a marketable certificate of title, all liens on the Vehicle must be paid. If the Actual Payoff is less than the Total Estimated Payoff, you will receive a refund of the difference from your lienholder. If you purchased another vehicle from CarMax and financed the other vehicle with CarMax and your refund is \$200 or more, CarMax will send the refund to the lienholder that purchased your retail installment contract.

CarMax will pay you the amount specified in Line 4 (if any) in one of two ways. CarMax may issue you a bank draft for the amount specified in Line 4, which must be deposited and may be held by your bank. If you are purchasing another vehicle from CarMax at the time you are selling this Vehicle, you may have the amount specified in Line 4 applied to the purchase of that Vehicle either as a "trade-in credit" or "down payment."

You agree that if the amount shown in Line 2 minus Line 3 is greater than Line 1, you will pay CarMax the difference shown in cash or certified funds, as reflected in Line 5 ("Negative Equity"), which may increase in the event the Total Estimated Payoff is less than the Actual Payoff. If you are purchasing another vehicle from CarMax, the entity financing that transaction may agree to finance the Negative Equity and will pay CarMax the Negative Equity on your behalf. If you purchase another vehicle from CarMax and subsequently return the vehicle, you agree to repay CarMax the entire amount of the Negative Equity in cash or other certified funds at or before return.



# STATEMENT OF TAXES DUE

| PROPERTY TYPE  | COUNTY    | DISTRICT             | ACCOUNT NO. | YEAR       | TICKET NO.                |               |
|--|-----------|----------------------|-------------|------------|---------------------------|---------------|
| PERSONAL   | JEFFERSON | 02-CHARLES TOWN DIST | PP122589    | 2014       | 304423                    |               |
| PROPERTY DESCRIPTION   |           | RATE                 | CLASS       | ASSESSMENT | ASSESSMENT LESS EXEMPTION | HALF YEAR TAX |
| 09 CHEV HHR- 4900 13 BUIC VERA16100<br><i>24/728.3224 select Assessors</i> |           | 2.351200             | 3           | 21000      | 21000                     | 246.88        |

**PLEASE REFER TO PAYMENT SCHEDULE BELOW WHEN MAKING PAYMENT** 246.88

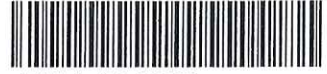
STRAIN JILL  
72 CHATHAM CT  
CHARLES TOWN WV 25414

MAKE CHECKS PAYABLE AND REMIT TO:

**SHERIFF OF JEFFERSON COUNTY**  
P.O. Box 9  
CHARLES TOWN, WV 25414-0009

PLEASE READ THE BACK OF THIS STATEMENT CAREFULLY.  
JEFFERSON COUNTY, WEST VIRGINIA  
304-728-3220

RETAIN THIS SECTION FOR YOUR RECORDS


| NAME        | COUNTY    | ACCOUNT NO. | YEAR | TICKET NO.   |
|-------------|-----------|-------------|------|--|
| STRAIN JILL | JEFFERSON | PP122589    |      | <br>2014 304423 |

| PAYMENT SCHEDULE - SECOND HALF |          |           | DISTRICT             | PROPERTY TYPE |
|--------------------------------|----------|-----------|----------------------|---------------|
| PAID BY:                       | 2ND HALF | FULL YEAR | 02-CHARLES TOWN DIST | PERSONAL      |
| March 1, 2015                  | 240.71   | 498.70    | STATE                | 2.10          |
| March 31, 2015                 | 246.88   | 504.87    | COUNTY CURRENT       | 117.94        |
| April 1, 2015                  | 246.88   | 506.72    | SCHOOL CURRENT       | 162.96        |
| April 30, 2015                 | 248.73   | 508.57    | SCHOOL PER IMPROVE.  | 17.98         |
|                                |          |           | SCHOOL EXCESS LEVY   | 192.78        |

IF EITHER HALF IS NOT PAID BY APRIL 30TH, IT WILL BE PUBLISHED AS REQUIRED BY LAW WITH FEES ADDED

THIS STATEMENT IS FOR TAXES ASSESSED ON PROPERTY YOU OWNED ON JULY 1 OF THE PRECEDING YEAR. TAXES ON PROPERTY YOU OWN THIS JULY 1 WILL BE BILLED NEXT YEAR. PLEASE BRING ANY DISCREPANCIES TO THE ATTENTION OF THE COUNTY ASSESSOR.

CASH OR ONE CHECK PER PAYMENT

| NAME                          | COUNTY    | ACCOUNT NO. | YEAR   | TICKET NO.   |
|-------------------------------|-----------|-------------|--|--|
| STRAIN JILL                   | JEFFERSON | PP122589    |  | <br>2014 304423 |
| PAYMENT SCHEDULE - FIRST HALF |           |             | DISTRICT   | PROPERTY TYPE  |
| PAID BY:                      | 1ST HALF  | FULL YEAR   | 02-CHARLES TOWN DIST   | PERSONAL   |
| September 1, 2014             | 240.71    | 481.42      | <p style="font-size: x-small; margin: 0;">TEAR OFF AND RETURN THIS PORTION WITH YOUR PAYMENT IF YOU ARE PAYING EITHER THE FIRST HALF OR THE FULL YEAR TAXES</p> <p style="text-align: center; font-weight: bold; margin: 5px 0;">PLEASE CIRCLE THE AMOUNT PAID</p> <p style="text-align: center; font-weight: bold; margin: 5px 0;">TO AVOID INTEREST CHARGES</p> <p style="text-align: center; font-weight: bold; margin: 5px 0;">PAY THE 1ST HALF BY OCTOBER 1</p> <p style="text-align: center; font-weight: bold; margin: 5px 0;">AND THE 2ND HALF BY APRIL 1</p> <p style="font-size: x-small; margin: 5px 0;">PLEASE INDICATE ANY ADDRESS CHANGES BELOW.</p> | PERSONAL   |
| September 30, 2014            | 246.88    | 487.59      |  |  |
| October 31, 2014              | 248.73    | 489.44      |  |  |
| November 30, 2014             | 250.58    | 491.29      |  |  |
| December 31, 2014             | 252.43    | 493.14      |  |  |
| January 31, 2015              | 254.29    | 495.00      |  |  |
| February 28, 2015             | 256.14    | 496.85      |  |  |
| March 1, 2015                 | 257.99    | 498.70      |  |  |
| March 31, 2015                | 257.99    | 504.87      |  |  |

THIS STATEMENT IS FOR TAXES ASSESSED ON PROPERTY YOU OWNED ON JULY 1 OF THE PRECEDING YEAR. TAXES ON PROPERTY YOU OWN THIS JULY 1 WILL BE BILLED NEXT YEAR. PLEASE BRING ANY DISCREPANCIES TO THE ATTENTION OF THE COUNTY ASSESSOR.

CASH OR ONE CHECK PER PAYMENT

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



Name: **Susanne Lawton**

Department or Organization: **JCPSD**

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

Date Requested – 1<sup>st</sup> Choice: **July 31, 2014**

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

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

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

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

1) **Provide an update on the PSD July 30<sup>th</sup> meeting.**

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

If so, how much? \$

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

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

**None (Informational update only)**

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

|  |
|--|
| <b>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS</b> |
|  |



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



Name: Roger Goodwin

Department or Organization: Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: July 31, 2014

If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (Wording to be placed on agenda): Partial Bond Release Asbury United Methodist Church

Please provide the County Commission with a description of your request or presentation, including any background information: Partial release of construction bond security for Asbury United Methodist Church – Asbury United Methodist Church Addition (File #S11-05) – Performance Bond with United States Surety Company, Timonium, MD.

Is this a funding request? Y/NO

If so, how much? \$Click here to enter text.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a partial release of \$770,736.00 from the construction bond amount for Asbury United Methodist Church – Asbury United Methodist Church Addition (File #S11-05).

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

Construction Bond Release Letter

Bond Release Request Report

Site Map

Is equipment needed? Projector Y/NO Internet/Wi Fi Y/NO Telephone for conference call Y/NO

Contact information:

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

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

Click here to enter text.



## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT

*Walt Pellish*

July 31, 2014

VICE PRESIDENT

*Jane Tabb*

Mr. Monroe Burger, Trustee  
United States Surety Company

COMMISSIONER

*Dale Manuel*

P. O. Box 5605  
Timonium, MD 21094-5605

COMMISSIONER

*Patsy Noland*

RE: Performance Bond No. 1000965945 dated March 22, 2013, Construction Bond Surety for  
Asbury United Methodist Church – Asbury United Methodist Church Addition (File  
#S11-05).

COMMISSIONER

*Lyn Widmyer*

Dear Mr. Burger:

The Jefferson County Commission authorizes a partial release of \$770,736.00 from the construction bond for Asbury United Methodist Church – Asbury United Methodist Church Addition (File #S11-05). This project is located at 4257 Kearneysville Pike across from Morgan's Grove Parks. The work remaining includes but is not limited to the following:

### 1. Final Stabilization

In summary, you are hereby authorized to reduce the amount of the above referenced Performance Bond No. 1000965945 originally issued in the amount of \$870,736.00 to \$100,000.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Walter Pellish, President  
Jefferson County Commission

WP:rfb

cc: Pastor Rudolph Bropleh  
Asbury United Methodist Church  
4257 Kearneysville Pike  
Shepherdstown, WV 25443  
Department of Engineering

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 07 / 16 / 2014 J.C.P.C. File No. S11 - 05

Consultant/Engineer/Firm Name: FREDERICKS, SEIBERT & ASSOC.

Mailing Address: 128 SOUTH POTOMAC STREET

City: HAGERSTOWN State: MD Zip: 21740

Contact Person: MIKE HICKS Phone: 301 + 791-3650

Project/Subdivision Name: ASBURY UNITED METHODIST CHURCH

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

Review Comments:

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

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

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

Bonding Policy & Unit Cost Figures attached for your use.

Comments: ALL WORK IS COMPLETE, OTHER THAN DISTURBANCE ASSOCIATED WITH THE BOND REDUCTION

RECOMMEND REDUCING THE BOND TO THE MINIMUM ALLOWED BY THE BONDING POLICY.

**Approved for:**  
BOND REDUCTION  
 By: [Signature] 07/13/2014  
**County Engineer Date**

Original Bond Amt. \$ 757,161<sup>75</sup> + 15% Cont. \$ 113,574<sup>26</sup> = Total Original Bond Amt. \$ 870,736

Total Current Bond Amount \$ 870,736.00

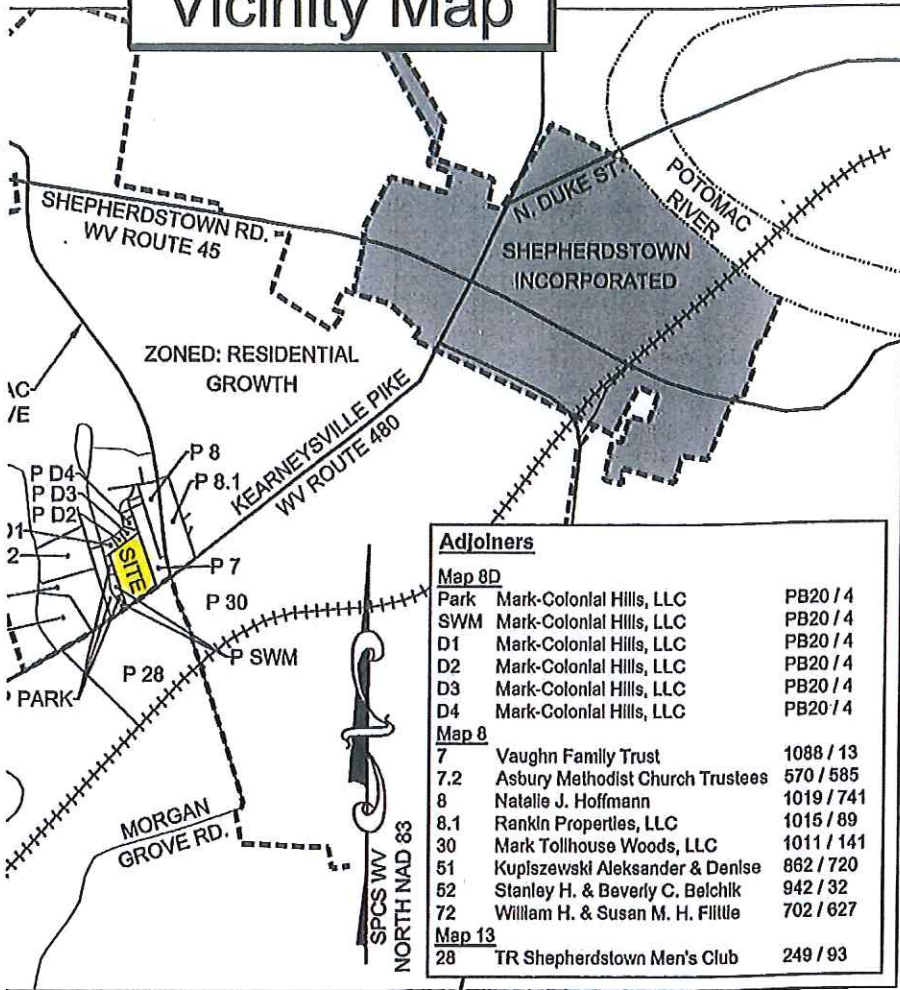
Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 100,000.00

= Approved for Revised Bond Amount \$ 100,000.00

Reviewed By: JOSEPH W. KENT [Signature] Title: L.D.I.

Signature: [Signature] Date: 07 / 17 / 2014

# Vicinity Map

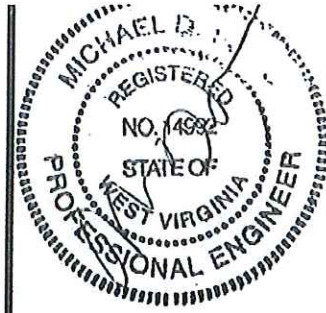


| Adjoiners     |                                   |            |
|---------------|-----------------------------------|------------|
| <u>Map 8D</u> |                                   |            |
| Park          | Mark-Colonial Hills, LLC          | PB20 / 4   |
| SWM           | Mark-Colonial Hills, LLC          | PB20 / 4   |
| D1            | Mark-Colonial Hills, LLC          | PB20 / 4   |
| D2            | Mark-Colonial Hills, LLC          | PB20 / 4   |
| D3            | Mark-Colonial Hills, LLC          | PB20 / 4   |
| D4            | Mark-Colonial Hills, LLC          | PB20 / 4   |
| <u>Map 8</u>  |                                   |            |
| 7             | Vaughn Family Trust               | 1088 / 13  |
| 7.2           | Asbury Methodist Church Trustees  | 570 / 585  |
| 8             | Natalie J. Hoffmann               | 1019 / 741 |
| 8.1           | Rankin Properties, LLC            | 1015 / 89  |
| 30            | Mark Tollhouse Woods, LLC         | 1011 / 141 |
| 51            | Kupliszewski Aleksander & Denise  | 862 / 720  |
| 62            | Stanley H. & Beverly C. Balchik   | 942 / 32   |
| 72            | William H. & Susan M. H. Filittle | 702 / 627  |
| <u>Map 13</u> |                                   |            |
| 28            | TR Shepherdstown Men's Club       | 249 / 93   |

SCALE: 1" = 2000'

# Sheet Index

| NUMBER   | TITLE   |
|----------|---|
| SHEET 1  | COVER SHEET                                     |
| SHEET 2  | GENERAL NOTES                                   |
| SHEET 3  | EXISTING CONDITIONS PLAN                        |
| SHEET 4  | SITE, UTILITY & DIMENSIONING PLAN               |
| SHEET 5  | GRADING & DRAINAGE PLAN                         |
| SHEET 6  | EROSION & SEDIMENT CONTROL PLAN                 |
| SHEET 7  | LANDSCAPE PLAN                                  |
| SHEET 8  | STORMWATER MANAGEMENT PROFILES, DETAILS & NOTES |
| SHEET 9  | STORM DRAIN PROFILES                            |
| SHEET 10 | UTILITY PROFILES                                |
| SHEET 11 | SITE DETAILS & NOTES                            |
| SHEET 12 | STORM DRAIN DETAILS & NOTES                     |
| SHEET 13 | UTILITY DETAILS & NOTES                         |



**Professional Certification**  
I hereby certify that these documents were prepared or approved by me, and that I am a duly licensed professional engineer under the laws of the State of West Virginia, License No. 14992, Expiration Date: 06-30-12



**FREDERICK SEIBERT & ASSOCIATES, INC.**  
© 2012

CIVIL ENGINEERS • SURVEYORS • LANDSCAPE ARCHITECTS • LAND PLANNERS  
128 SOUTH POTOMAC STREET, HAGERSTOWN, MARYLAND 21740  
20 WEST BALTIMORE STREET, GREENCASTLE, PENNSYLVANIA 17225

FAX (301) 739-4556

(717) 597-1007

(301) 416-7478

(301) 751-3650

| DESCRIPTION:   | DATE:    |
|--|----------|
| Revised per Jefferson Co. Planning, Zoning & Engineering | 07-16-12 |
| Revised due to Value Engineering                         | 12-14-12 |
|  |          |
|  |          |
|  |          |
|  |          |
|  |          |

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



Name: County Commissioners

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: April 17

July 31

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

5-29-14  
Public  
Hearing

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

Decision 6-19-14

Subject (Wording to be placed on agenda): Ordinance to dissolve and reconstruct the Jefferson County Emergency Services Agency Board.

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

**NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY**

The County Commission of Jefferson County will hold a public hearing on **Thursday, May 29, 2014 at 7:00 p.m.** in the County Commission meeting room located at the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

At this meeting, there will be public input on the Jefferson County Emergency Services Ordinance.

Anyone wishing to provide written or oral comment may do so at this meeting or send comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)

You can view the Ordinance at: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

No decisions will be made at this meeting.

By Order of the County Commission of Jefferson County  
Walt Pellish  
President



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



Name: Commissioner Patricia Noland

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice: Next available **7-31-14**  
*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Annual performance review of County Administrator

Subject (*Wording to be placed on agenda*): Annual performance review of County Administrator (Executive Session)

Please provide the County Commission with a description of your request or presentation, including any background information:  
Conduct the annual performance review of the County Administrator.

Is this a funding request? Y/N No.  
If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I move the recommendation of continued employment of the county administrator at the current annual salary of \$97,000.

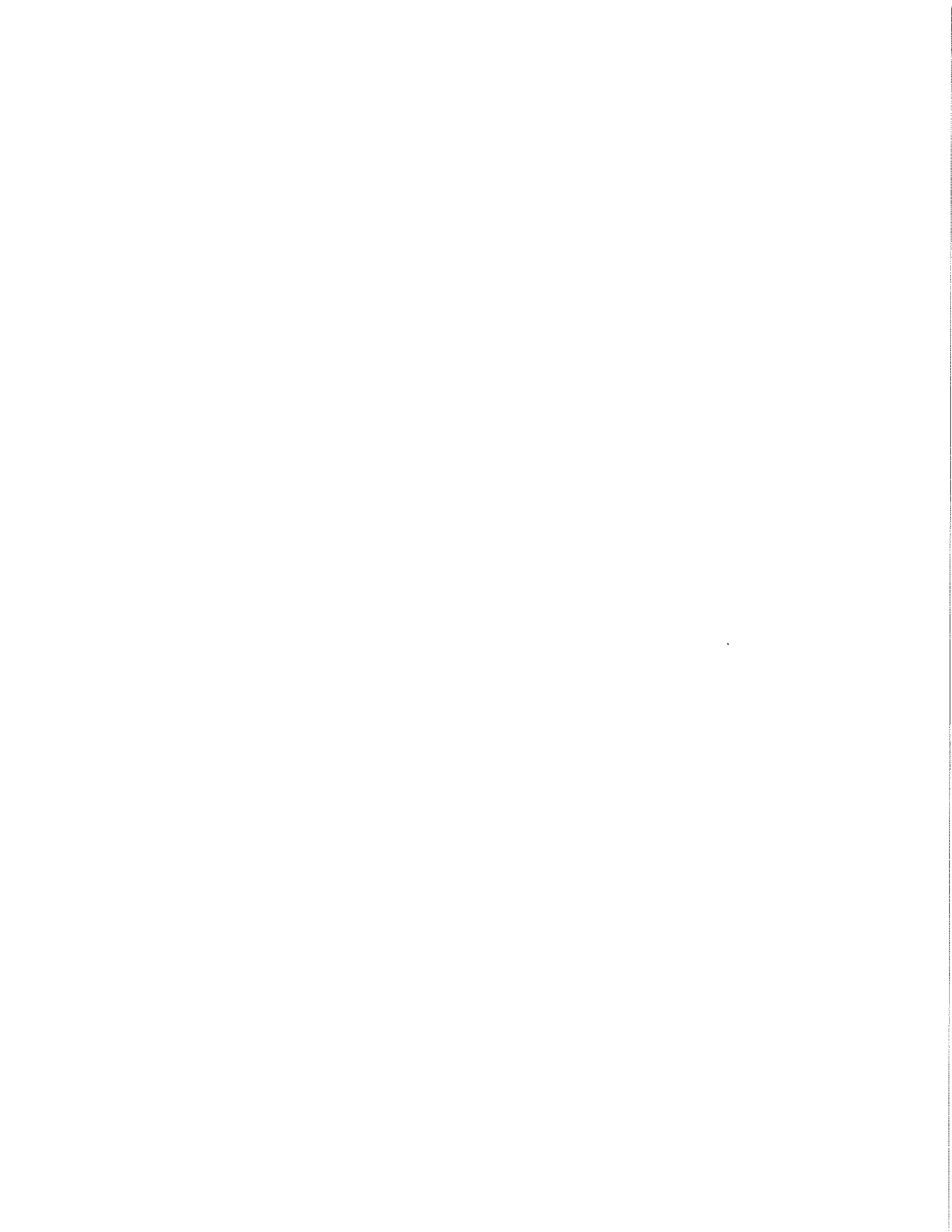
Attach supporting documents for request, or request may be denied.  
If not attached, explain: Click here to enter text.

Is equipment needed? No Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.  
Telephone for conference call Y/N Click here to enter text.

Contact information:  
Email address: commissionerpnoland@gmail.com. Phone Number: 304-725-2341

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

Click here to enter text.



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



Name: **Debbie Keyser, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **July 31, 2014**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

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

**Approval of Contract Lease – Department of Health and Human Resources**

Please provide the County Commission with a description of your request or presentation, including any background information:  
Click here to enter text.

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

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

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

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

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

Click here to enter text.

**ADDENDUM II**

**THIS ADDENDUM**, made **July 24, 2014** is hereby made an integral part of Contract of Lease No. **HHR-152-814**, which Contract of Lease was made **December 7, 2010**, and amended via addenda thereto, by and between **the COUNTY COMMISSION OF JEFFERSON COUNTY**, as Lessor, and the STATE OF WEST VIRGINIA, by the Department of Administration, Real Estate Division, as Lessee, for and on behalf of the **DEPARTMENT OF HEALTH AND HUMAN RESOURCES**, as Tenant.

**WHEREAS**, the Lessor has leased unto the Lessee, for use by the Tenant, the following described Premises:

**Approximately 2,878 square feet of space, consisting of 15 rooms in that building known as the Bardane Public Health Center, at Bardane, Jefferson County, West Virginia, together with adequate parking facilities (hereinafter referred to as the "Premises")**

**WHEREAS**, both parties hereto agree to extend the term of said Contract of Lease for one additional **three-year** period beginning **September 1, 2014**, and ending at midnight on **August 31, 2017**, at the current annual per square foot rate of **\$6.50**.

**WHEREAS**, both parties agree that the Lessee has a new mailing address.

**WHEREAS**, both parties hereto agree that the above-stated changes shall be effective **September 1, 2014**.

**NOW, THEREFORE, THIS ADDENDUM WITNESSETH:**

It is agreed by and between the parties hereto that certain sections of the subject Contract of Lease are amended as follows:

(A) Page 1, Item 1, entitled "TERM AND NOTICES", shall be amended to read as follows:

The term of this Contract of Lease, subject to the provisions hereof, shall begin on **September 1, 2014** and end at midnight on **August 31, 2017**. The Contract of Lease shall be considered renewed for each ensuing fiscal year during the term of the Contract of Lease unless it is canceled by the Lessee before the end of the then current fiscal year.

Notices may be given by personal service upon the party(s) entitled to such notice, or by certified mail, duly stamped and directed to the last-known address of the party to be notified, and deposited in the post office. The proper mailing of such notice and not the receipt thereof shall constitute the giving of such notice by either party to the other. Notices shall be directed as follows:

**To the Lessee**

State of West Virginia  
Department of Administration  
Real Estate Division  
900 Pennsylvania Avenue, Suite 500  
Charleston, WV 25302

**To the Lessor**

County Commission of Jefferson County  
P.O. Box 250  
Charles Town, WV 25414

(B) Other Terms and Conditions:

The subject Contract of Lease shall now be identified as **HHR-152-817** to reflect the new expiration date. All other terms and conditions shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused their names to be affixed to this Addendum.

WITNESS:

COUNTY COMMISSION OF JEFFERSON COUNTY,  
LESSOR

By \_\_\_\_\_

By \_\_\_\_\_  
Walt Pellish, President

STATE OF WEST VIRGINIA, LESSEE

By \_\_\_\_\_

By \_\_\_\_\_  
Jon S. Amores, Executive Director of the  
Department of Administration, Real Estate  
Division, for and on behalf of the DEPARTMENT  
OF HEALTH AND HUMAN RESOURCES

Acknowledged by Tenant:  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

By  7/24/14  
Greg Nicholson, Executive Director of  
Operations

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 2014. Patrick Morrissey Attorney General

By \_\_\_\_\_,  
RED\Administration\LeaseContracts\HHR-152-817-DCB

**ADDENDUM II**

**THIS ADDENDUM**, made **July 24, 2014** is hereby made an integral part of Contract of Lease No. **HHR-152-814**, which Contract of Lease was made **December 7, 2010**, and amended via addenda thereto, by and between **the COUNTY COMMISSION OF JEFFERSON COUNTY**, as Lessor, and the STATE OF WEST VIRGINIA, by the Department of Administration, Real Estate Division, as Lessee, for and on behalf of the **DEPARTMENT OF HEALTH AND HUMAN RESOURCES**, as Tenant.

**WHEREAS**, the Lessor has leased unto the Lessee, for use by the Tenant, the following described Premises:

**Approximately 2,878 square feet of space, consisting of 15 rooms in that building known as the Bardane Public Health Center, at Bardane, Jefferson County, West Virginia, together with adequate parking facilities (hereinafter referred to as the "Premises")**

**WHEREAS**, both parties hereto agree to extend the term of said Contract of Lease for one additional **three-year** period beginning **September 1, 2014**, and ending at midnight on **August 31, 2017**, at the current annual per square foot rate of **\$6.50**.

**WHEREAS**, both parties agree that the Lessee has a new mailing address.

**WHEREAS**, both parties hereto agree that the above-stated changes shall be effective **September 1, 2014**.

**NOW, THEREFORE, THIS ADDENDUM WITNESSETH:**

It is agreed by and between the parties hereto that certain sections of the subject Contract of Lease are amended as follows:

(A) Page 1, Item 1, entitled "TERM AND NOTICES", shall be amended to read as follows:

The term of this Contract of Lease, subject to the provisions hereof, shall begin on **September 1, 2014** and end at midnight on **August 31, 2017**. The Contract of Lease shall be considered renewed for each ensuing fiscal year during the term of the Contract of Lease unless it is canceled by the Lessee before the end of the then current fiscal year.

Notices may be given by personal service upon the party(s) entitled to such notice, or by certified mail, duly stamped and directed to the last-known address of the party to be notified, and deposited in the post office. The proper mailing of such notice and not the receipt thereof shall constitute the giving of such notice by either party to the other. Notices shall be directed as follows:

**To the Lessee**

State of West Virginia  
Department of Administration  
Real Estate Division  
900 Pennsylvania Avenue, Suite 500  
Charleston, WV 25302

**To the Lessor**

County Commission of Jefferson County  
P.O. Box 250  
Charles Town, WV 25414

(B) Other Terms and Conditions:

The subject Contract of Lease shall now be identified as **HHR-152-817** to reflect the new expiration date. All other terms and conditions shall remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have caused their names to be affixed to this Addendum.

WITNESS:

COUNTY COMMISSION OF JEFFERSON COUNTY,  
LESSOR

By \_\_\_\_\_


By \_\_\_\_\_  
Walt Pellish, President

STATE OF WEST VIRGINIA, LESSEE

By \_\_\_\_\_

By \_\_\_\_\_  
Jon S. Amores, Executive Director of the  
Department of Administration, Real Estate  
Division, for and on behalf of the DEPARTMENT  
OF HEALTH AND HUMAN RESOURCES

Acknowledged by Tenant:  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

By  7/24/14  
Greg Nicholson, Executive Director of  
Operations

Approved as to form this \_\_\_\_\_ day of \_\_\_\_\_, 2014. Patrick Morrissey Attorney General

By \_\_\_\_\_  
RED\Administration\LeaseContracts\HHR-152-817-DCB



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



Name: **Debbie Keyser**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: **5 minutes**

Date Requested – 1<sup>st</sup> Choice: **July 31, 2014**

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

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

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

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

**Provide a proposed schedule of events for FY2015, at no cost to the County, (assuming the Commissioners wish to provide a contribution for the Christmas breakfast as they have done in the past).**

Is this a funding request? Y/N **\$00.00**  
If so, how much? \$

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
Attach supporting documents for request, or request may be denied.

**Approve the Events Schedule as presented for FY2015.**

If not attached, explain:

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

Contact information:

Email address:.

Phone Number:

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

|  |
|--|
| <b>FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS</b> |
|  |

# Jefferson County

## FY2015 Event Schedule



|                   |  |                   |
|-------------------|--|-------------------|
| October 8, 2014   | Wear Your Favorite Sports Team Paraphernalia<br>& Chili Cook-off Day | 11:30 – 2:00 p.m. |
| December 18, 2014 | Holiday Breakfast  | 7:45 – 9:30 a.m.  |

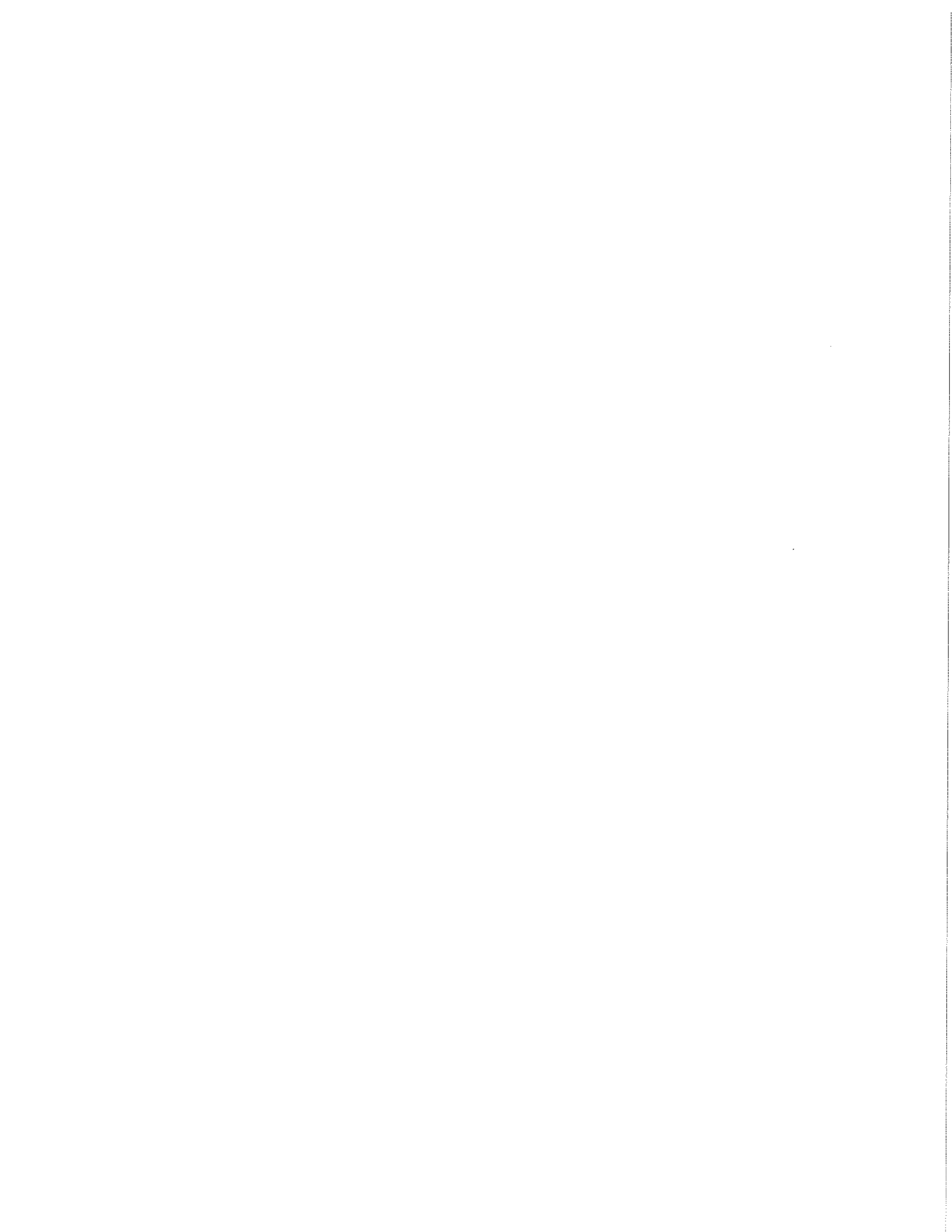
Wear Your Favorite Sports Team Paraphernalia and Chili Cook-Off – All employees wishing to wear their favorite sports team paraphernalia to work are asked to pay \$1.00 for the privilege. (Sports can include your favorite gear for tennis, golf, NASCAR, etc.). Your \$1.00 donation should be given to Jessica Carroll. The monies will help to pay for this and other events.

You should also notify Jessica if you are bringing a pot of chili so we can plan appropriately. We estimate we will need at least 10 crock pots of chili to feed our attendees. All employees wishing to enter the Chili Cook-Off should bring their crock pot and spoon to the Maintenance Porch (behind the Hunter House) by 11:15. You should label your chili with a name for the ballot. Ballots will be available for employees to vote for the best chili. Employees attending the lunch and not interested in preparing a crock pot full of chili are encouraged to bring other items complimentary to chili such as cheese, onions, corn bread, etc. Look forward to seeing you there! If it rains, it will be in the Library Conference Room.

Christmas Breakfast – Christmas Breakfast will be provided by the Commissioners and prepared by the Commissioners. The event will take place at the Bardane Maintenance Conference Room. The breakfast will consist of pancakes, sausage, eggs and sausage gravy. It will be held from 7:45 a.m. to 9:30 a.m. There will also be an opportunity for department and individual pictures to be taken with Santa.

**Remember to start decorating or purchasing your ugliest sweater for the 2014 Ugliest Holiday Sweater Contest to be held at 8:40 a.m. during the Christmas breakfast.**

**Questions regarding the events should be directed to Sandy McDonald, Jessica Carroll or Debbie Keyser. Mark your calendar now. Look forward to seeing you then!!!**



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



Name: **Sandy Slusher McDonald, Deputy County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: Click here to enter text.

Date Requested – 1<sup>st</sup> Choice: **July 31, 2014**

If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **Approval of Resolution and contract – Victims of Crime Act (VOCA) Grant– Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:  
Click here to enter text.

Is this a funding request? Y/N

If so, how much? **\$ 0 (Pass through Grant)**

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

**Motion to approval of Resolution and contract – Victims of Crime Act (VOCA) Grant in the amount of \$58,881.00 and to authorize the President of the Commission to affix his signature to the appropriate documents - Discussion/Action**

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

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

**Matching Funds - \$14,720**

# **GRANT CONTRACT AGREEMENT**

**BETWEEN**

**DIVISION OF JUSTICE AND COMMUNITY SERVICES**

**AND**

**Jefferson County Commission**

**14-VA-012**

This **AGREEMENT**, entered into this **15<sup>th</sup> day of July, 2014** by the Director of the Division of Justice and Community Services, hereinafter referred to as "DJCS", and the Jefferson County Commission hereinafter referred to as "Grantee."

**WHEREAS**, DJCS is the recipient of a Victims of Crime Act (VOCA) Program Grant from the United States Department of Justice, and

**WHEREAS**, the Grantee is an eligible applicant who is desirous of receiving funds. **These funds will provide for a portion of the salaries of two full-time Victim Advocates in the Jefferson County Prosecuting Attorney's Office to provide direct services to crime victims in Jefferson County..**

**NOW, THEREFORE**, the parties hereto mutually agree as follows:

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. DJCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by DJCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Grantee will commence its duties under the Agreement on **July 1, 2014**, and shall continue those services/activities until **June 30, 2015**. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.

5. In consideration of the services rendered by the Grantee, the sum of up to **\$58,881.00** shall be obligated by DJCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that DJCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. To be eligible for any and all payments of the grant amount, the Grantee shall submit a Request for Funds once per month to DJCS. Upon receipt of said request, DJCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to DJCS by the twentieth (20th) day of each month.
8. Grantee hereby represents that it possesses the legal authority to contract for this Agreement and that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, motion or similar action which was clearly adopted or passed by the Grantee's governing body; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Grantee is a State agency, the completed application signed by the agency head is sufficient.
9. Grantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that DJCS has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
10. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner, obligations under this Agreement, the DJCS may withhold payments to the Grantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the DJCS reasons for taking said action.
11. DJCS and Grantee may from time to time require changes in the scope of services performed hereunder. Grantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation hereunder or work to be performed, which are mutually agreed upon between the parties shall be in writing.
12. If for any reason funds received by DJCS are suspended or terminated, in whole or in part, funding for this Agreement shall cease.

13. Grantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to DJCS a final report on forms provided by DJCS. Said reports shall reflect actual costs incurred during the terms of this Agreement.
14. The parties hereto agree that notice shall be given by personal service or served when mailed certified U.S. Mail, postage prepaid, return receipt requested to the following addresses:
  - a. Division of Justice and Community Services  
1204 Kanawha Boulevard, East  
Charleston, West Virginia 25301
  - b. **Grantee Mailing Address:**  
  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414
15. The Grantee shall hold and save DJCS and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent or representative of the Grantee.

**IN WITNESS WHEREOF**, the parties hereto attach their signatures representing that each is acting with full authority.

---

**Walter Pellish**  
**President**  
**Jefferson County Commission**

---

**W. Richard Staton, Director**  
**Division of Justice and Community Services**

|                                |                                  |
|--------------------------------|----------------------------------|
| <b>VOCA<br/>Grants Program</b> | <b>Budget Summary<br/>Page 3</b> |
|--------------------------------|----------------------------------|

|  |  |
|--|--|
| <b>Applicant:</b><br>Jefferson County Commission | <b>FEIN: 55-6000333</b><br><br><b>DUNS#: 077414548</b> |
|--|--|

| Category                  | VOCA Grant Funds (A) | Matching Funds (B) | Total Funds (A + B) |
|---------------------------|----------------------|--------------------|---------------------|
| Personnel and Contractual | \$58,881             | \$14,720           | \$73,601            |
| Travel and Training       | \$0                  | \$0                | \$0                 |
| Equipment                 | \$0                  | \$0                | \$0                 |
| Space                     | \$0                  | \$0                | \$0                 |
| Other                     | \$0                  | \$0                | \$0                 |
| <b>Total Budget</b>       | <b>\$58,881</b>      | <b>\$14,720</b>    | <b>\$73,601</b>     |

|                         |
|-------------------------|
| <b>FUNDING STRATEGY</b> |
|-------------------------|

| Funding Source(s) | Amount          | Status |
|-------------------|-----------------|--------|
| VOCA Grant Funds  | \$58,881        | (A)    |
| Match             | \$14,720        |        |
|                   |                 |        |
| <b>Total</b>      | <b>\$73,601</b> |        |

\* TOTAL FOR COLUMN A SHALL BE PLACED IN THE SPACE PROVIDED ON PAGE ONE FOR GRANT FUNDS REQUESTED.



**RESOLUTION**

The **Commission** of **Jefferson County** met on July 31, 2014 (date) with a quorum present and passed the following resolution.

Be it resolved that the **Commission** hereby authorizes **Walter Pellish**, **President** of **Jefferson County Commission** to act on its behalf to enter into a contractual agreement with the Division of Justice and Community Services to receive and administer grant funds pursuant to provisions of the Victims of Crime Act (VOCA) grant program.

Signed: \_\_\_\_\_

County Clerk

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted—

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

Check  if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check  if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE  
(GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620—

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 633 Indiana Avenue, N.W., Washington, D.C. 20531.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: Jefferson County Commission

14-VA-012 VOCA Grant

55-6000333

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

Walt Pellish, President

4. Typed Name and Title of Authorized Representative

7/31/14

5. Signature

6. Date

Print Form

# CERTIFICATION FORM

## Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

|  |  |                           |
|--|--|---------------------------|
| Recipient's Name: Jefferson County Commission  |  | DUNS Number: 55-6000333   |
| Address: P.O. Box 250 Charles Town, WV 25414   |  |                           |
| Grant Title: VOCC                              | Grant Number: 14-VA-012                      | Award Amount: \$58,881.00 |
| Name and Title of Contact Person: Debbie Young |  |                           |
| Telephone Number: 304-728-3243                 | E-Mail Address: dyoung@jeffersoncountywv.org |                           |

### Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- Recipient has less than fifty employees.     Recipient is an Indian tribe.     Recipient is a medical institution.  
 Recipient is a nonprofit organization.     Recipient is an educational institution.     Recipient is receiving an award less than \$25,000.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient] is  
not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.

I further certify that \_\_\_\_\_ [recipient]  
will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of  
services.

Print or Type Name and Title

Signature

Date

### Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, Walt Pellish [responsible official],  
certify that Jefferson County Commission [recipient],  
which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than  
\$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last  
twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable  
federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for  
Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:  
Jefferson County Commission [organization],  
124 East Washington Street, Charles Town, WV 25414 [address].

Walt Pellish, President

Print or Type Name and Title

Signature

Date

### Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient],  
which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in  
accordance with 28 CFR pt. 42, subpt. E, and sent it for review on \_\_\_\_\_ [date] to the  
Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Print or Type Name and Title

Signature

Date



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



Name: Debbie Keyser

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **July 31, 2014**

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

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

Subject (*Wording to be placed on agenda*): **County Administrator Reports – County Policies and Procedures**

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

Is this a funding request?    Y/N NO

If so, how much?                \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable

## Jefferson County Policies, Procedures & Forms

### Policies, Procedures and Forms

| Policy #   | Policy Title                                 | Other Info           | Status         | Author         |
|------------|--|----------------------|----------------|----------------|
|            | <b>Welcome - Policy Introduction</b>         |                      |                |                |
| <b>100</b> | <b>IT Series</b>                             |                      |                |                |
| 101        | Internet Use Monitoring and Filtering Policy |                      | 11/7/2013      | Grim/Keyser    |
| <b>200</b> | <b>Human Resources Series</b>                |                      |                |                |
| 201        | Calculation of Compensation                  |                      | 10/14/2010     | Boyde          |
| 202        | Disciplinary Action                          |                      | In Place Years | In Place Years |
| 203        | RIF Policy (Reduction in Force)              |                      | 4/1/2014       | Keyser         |
| 204        | Compensation                                 |                      | Open           | McDonald       |
| 205        | Issue Resolution                             |                      | 10/14/2010     | Boyde          |
| 206        | Open Enrollment                              |                      | FY2015         | Keyser         |
| 207        | Holiday Schedule                             |                      | FY2015         | Open           |
| 208        | Absence Time with Pay                        |                      | 6/2/2011       | Boyde          |
| 209        | Sexual Harassment                            |                      | 1/6/2012       | Boyde          |
| 210        | Authorized Leave                             |                      | 10/14/2010     | Boyde          |
| 211        | Extra Hours/Overtime                         |                      | 2/3/2011       | Boyde          |
| 212        | Compensation During Temp Assignment          |                      | 12/12/2012     | Boyde          |
| 213        | Compensatory Time                            |                      | 10/14/2010     | Boyde          |
| 214        | Conflict of Interest                         |                      | 4/28/2011      | Boyde          |
| 215        | Hours of Work                                |                      | 9/14/2010      | Boyde          |
| 216-218    | Open   |                      | Open           | Open           |
| 219        | Drug Free Workplace                          |                      | 5/11/2012      | Keyser         |
| 220        | Open   |                      | Open           | Open           |
| 221        | Open   |                      | Open           | Open           |
| 222        | EEOP (Emp. Equal Opportunity Plan)           |                      | 7/1/2014       | Stanton        |
| <b>300</b> | <b>Finance Series</b>                        |                      |                |                |
| 301        | Taxable Fringe Benefits                      | Travel Voucher       | 12/12/2011     | Shroyer        |
| 302        | Travel Expenses Policy                       | Travel Expense Form  |                | Shroyer        |
| 303        | Moving Expenses                              | Moving Expense Form  | 1/7/2010       | In Place       |
| 304        | Purchasing Card Procedures                   | Purchasing Forms     | 7/22/2013      | McDonald       |
| 305        | Purchase Order Policy                        |                      | 12/19/2013     | Keyser/Stanton |
| 306        | Bonus Payment Policy                         |                      | 7/6/2012       | Keyser/Shroyer |
| 307        | Capital Outlay Fund                          | Capital Outlay Forms | 1/9/2014       | Keyser/Stanton |
| 308        | Fund Balance Policy                          |                      | 12/19/2013     | Stanton        |
| 309        | Balanced Budget Policy                       |                      | 12/19/2013     | Stanton        |
| 310        | Annual Budgets                               |                      | 12/19/2013     | Stanton        |
| 311        | Financial Reserve Policy                     |                      | 12/19/2013     | Stanton        |
| 312        | Contingency Acct. #01-699                    |                      | 12/19/2013     | Stanton        |
| 313        | Financial Plan                               |                      | 12/19/2013     | Stanton        |
| 314        | Financial Sustainability of Benefits         |                      | 12/19/2013     | Stanton        |
| 315        | Debt Service                                 |                      | 12/19/2013     | Stanton        |
| 316        | Meal Per Diem Policy                         |                      | 4/14/2011      | Hosby          |
| 317        | Grant Policy                                 |                      | 7/26/2012      | Keyser         |
| 318        | Bidding Contracts                            |                      | 9/5/2013       | Keyser         |

### Jefferson County Policies, Procedures & Forms

| Policy # | Policy Title  | Other Info | Status               | Author       |
|----------|---|------------|----------------------|--------------|
| 400      | Legal Series - No Policies  |            |                      |              |
| 500      | Safety Series - No Policies   |            |                      |              |
| 600      | Maintenance   |            |                      |              |
| 601      | Fleet Vehicle (Car) Policy  |            | 9/5/2013             | Polk/Keyser  |
| 602      | Energy Policy   |            | 12/19/2013           | Polk         |
| 700      | Open  |            |                      |              |
| 800      | Open  |            |                      |              |
| 900      | County Commission Policies  |            |                      |              |
| 900      | Agenda Policy   |            |                      | Keyser       |
| 901      | Open  |            |                      | Boyde        |
| 902      | Boards & Commission Policy, Procedures & Application                  |            | 6-19-2014<br>Pending | Keyser       |
| 903      | Cable Channel 17 Policy   |            |                      |              |
| 904      | Inclement Weather Policy  |            |                      |              |
| 905      | Open  |            | Open                 | Open         |
| 906      | Meeting Room Policy   |            | 11/21/2013           | Keyser       |
| 907      | Open  |            | Open                 | Open         |
| 908      | Clean Indoor Air Regulation   |            | 7/11/2003            | Health Dept. |
| 909      | Open  |            | Open                 | Open         |
| 910      | Photocopies/Faxes/Etc (2009-5)  |            | 1/1/2009             | In Place     |
| 911      | Day Book Policy (2009-3)  |            | 5/7/2009             | In Place     |
| 912      | Electronic Recording Policy   |            | 5/7/2009             | In Place     |
| 913      | Appropriate Interface w/Commission, Employees and Volunteers (2007-1) |            | 5/10/2007            | In Place     |
| 914      | iPad Policy   |            | 3/1/2012             | McDonald     |

**Jefferson County Policies, Procedures & Forms**

|    | Forms                                       |   |  |  |
|----|---|---|--|--|
| #1 | Personnel Requisition Form                  | Permission to Hire  |  |  |
| #2 | Physician's Statement Work Capabilities     | Light Duty; Ee Sick or workers compensation                     |  |  |
| #3 | Physician's Statement Work Capabilities (2) | Light Duty; Ee Sick or workers compensation                     |  |  |
| #4 | Boards and Commissions Application          | Citizens complete to apply for boards                           |  |  |
| #5 | Agenda Request Form                         | Appear before the Commission                                    |  |  |
| #6 | Termination Checklist                       | Complete when employee terminates                               |  |  |
| #7 | Employee Action Form                        | Employee to complete for address change; marital status change; | Supv. Can complete for other emp changes |  |

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: June 19, 2014

→ Hearing Date: July 31<sup>st</sup> @

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

1:30pm

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

Subject: **Recommendation from the Planning Commission to the County Commission on the landowner-initiated petition to amend the County Zoning Map for two parcels owned by Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary; and Eric and Stacy Lindberg; designated as Tax District: Middleway (07), Map: 1, Parcels: 1.2 (16.62 acres, with 12.67 acres in Jefferson County) and 1.1 (7 acres), located on the north side of Route 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line for the purpose of setting a public hearing to be held by the County Commission**

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

On June 10, 2014, the Jefferson County Planning Commission held a Public Hearing for the purpose of receiving public input regarding a landowner-initiated petition to amend the County Zoning Map for two parcels owned by Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary; and Eric and Stacy Lindberg. The properties are designated as Tax District: Middleway (07), Map: 1, Parcels: 1.2 (16.62 acres, with 12.67 acres in Jefferson County) and 1.1 (7 acres), located on the north side of Route 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line. The rezoning request is for a change from the Rural zoning classification to the Residential-Light Industrial-Commercial zoning classification. Pursuant to state law, WV Code 8A-7-9(c), the County Commission must receive the advice of the Planning Commission regarding whether such a request is consistent with the County's adopted Comprehensive Plan.

To this end, the Planning Commission held a Public Hearing, reviewed the applicants' application, the staff's report on the consistency with the 2004 Comprehensive Plan, received public input, and made a determination regarding consistency with the Comprehensive Plan. Based on a review of the 2004 Comprehensive Plan and consideration of the facts and opinions presented, the Planning Commission moved to forward the petition to the County Commission with a finding that the application was consistent with the Comprehensive Plan. This motion passed with a vote of 7-0. The application and staff report will be provided to the County Commission for the packet related to the date of the Public Hearing.

In accordance with Section 12.2(C) of the Jefferson County Zoning Ordinance, subsequent to the recommendation received from the Planning Commission, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

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

I move to schedule a Public Hearing on the Proposed Zoning Map Amendment for the two parcels owned by Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary; and Eric and Stacy Lindberg; designated as Tax District: Middleway (07), Map: 1, Parcels: 1.2 (16.62 acres, with 12.67 acres in

Jefferson County) and 1.1 (7 acres), located on the north side of Route 115 (Old Route 9/Charles Town Road), along the Berkeley/Jefferson County line, on (\_\_\_\_\_, 2014) at \_\_\_\_ pm.

**Attachments:**

- Staff Report regarding the Perkins and Lindberg Rezoning Application to the Planning Commission/County Commission (by Seth Rivard June 10, 2014)
- Zoning Map Amendment (rezoning) Application

**PLEASE RUN TWO (2) TIMES**  
**July 16 and July 23, 2014**

JEFFERSON COUNTY COMMISSION  
PUBLIC HEARING NOTICE  
**1:30 PM, THURSDAY, JULY 31, 2014**

The Jefferson County Commission has scheduled a public hearing on a Zoning Map Amendment/Rezoning (PC File #Z14-01) request for the property designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.2 (16.67 ac.) & 1.1 (7ac.). The properties are located at 4115 Charles Town Rd and 16 Hospice Ln in Kearneysville along the Berkeley/Jefferson County Line. The properties are currently zoned Rural and a request has been made by the owners, Hoy Shingleton, Trustee (Pearl Perkins, Beneficiary) and Eric and Stacy Lindberg, to change the zoning designation to Residential-Light Industrial-Commercial.

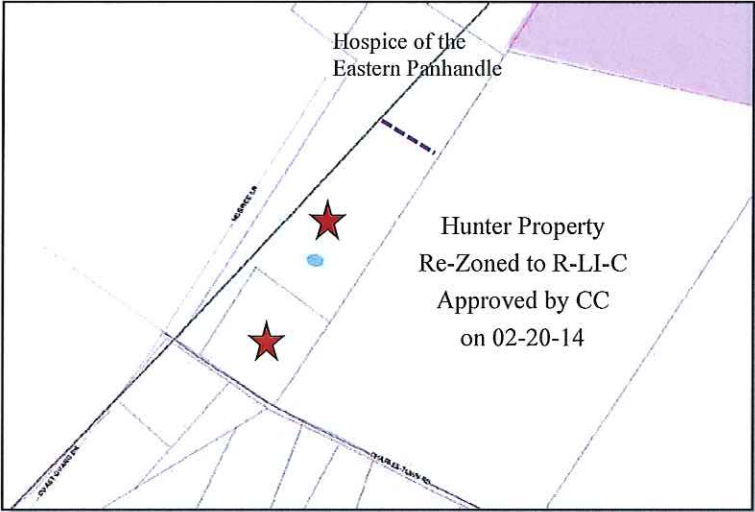
You may provide oral or written comments at the hearing, **1:30 PM, Thursday, July 31, 2014, in the Charles Town Library meeting room at 200 East Washington Street**, at the side entrance on Samuel Street. In addition, you may also provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org), or mail to P.O. Box 250, Charles Town, WV 25414, or fax to (304) 725-7916.

By Order of the Jefferson County Commission  
Walt Pellish, President

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 10, 2014**

**Perkins Trust and Lindberg Zoning Map Amendment PC File #Z14-01**

Agenda Item #4: Public Hearing regarding a Zoning Map Amendment (re-zoning) request by property owners Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary and Eric and Stacy Lindberg.

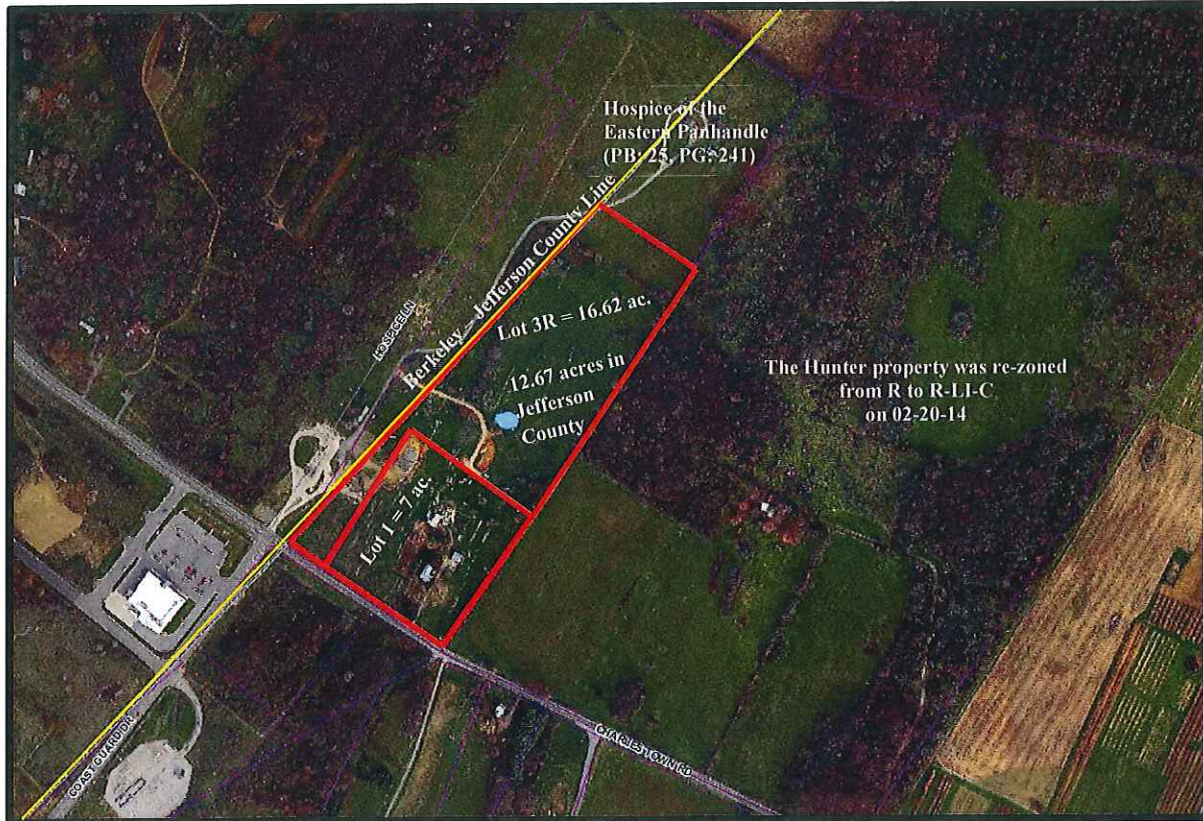
|                                      |  |
|--------------------------------------|--|
| APPLICANTS:                          | Hoy Shingleton, Trustee for Pearl Perkins, Beneficiary, and Eric and Stacy Lindberg  |
| OWNER:                               | Same   |
| DEVELOPER:                           | N/A  |
| APPLICANT REPRESENTATIVE:            | Annette Van Hilst, R.A. The Crossroads Group   |
| PROPERTY LOCATION:                   | The properties are located North of Route 115 (Old Route 9 / Charles Town Road) along the Berkley/Jefferson County line. 4115 Charles Town Rd and 16 Hospice Ln in Kearneysville.          |
| LEGAL DESCRIPTION & ZONING DISTRICT: | <p>Tax District: Middleway (07); Map: 1; Parcels: 1.2 and 1.1<br/> Zoned: Rural</p>                     |
| SURROUNDING PROPERTIES:              | North: Berkeley County and Rural (Hospice), East: R-LI-C<br>South: Rural, West: Berkeley County  |
| LOT AREA:                            | Total Lot Area: 23.62<br>Parcel 1.2 – 16.62 acres (12.67 acres within Jefferson County)<br>Parcel 1.1 – 7 acres  |
| PROPOSED ACTIVITY:                   | To rezone from Rural to Residential-Light Industrial-Commercial.   |
| PLANNING COMMISSION RESPONSIBILITY:  | To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the 2004 Comprehensive Plan.   |
| STAFF FINDING:                       | In this report, Staff presents the various factors related to these properties based on the Comprehensive Plan. Staff finds the request to be consistent with the 2004 Comprehensive Plan. |

Staff Report  
Jefferson County Planning Commission Meeting  
June 10, 2014

**Background**

These properties are located off of Route 115 (Old Route 9/Charles Town Road) near the intersection with Short Road (Berkeley County) in Kearneysville, WV. Image 1 is a location map showing the parcels requested for rezoning.

*Image 1*



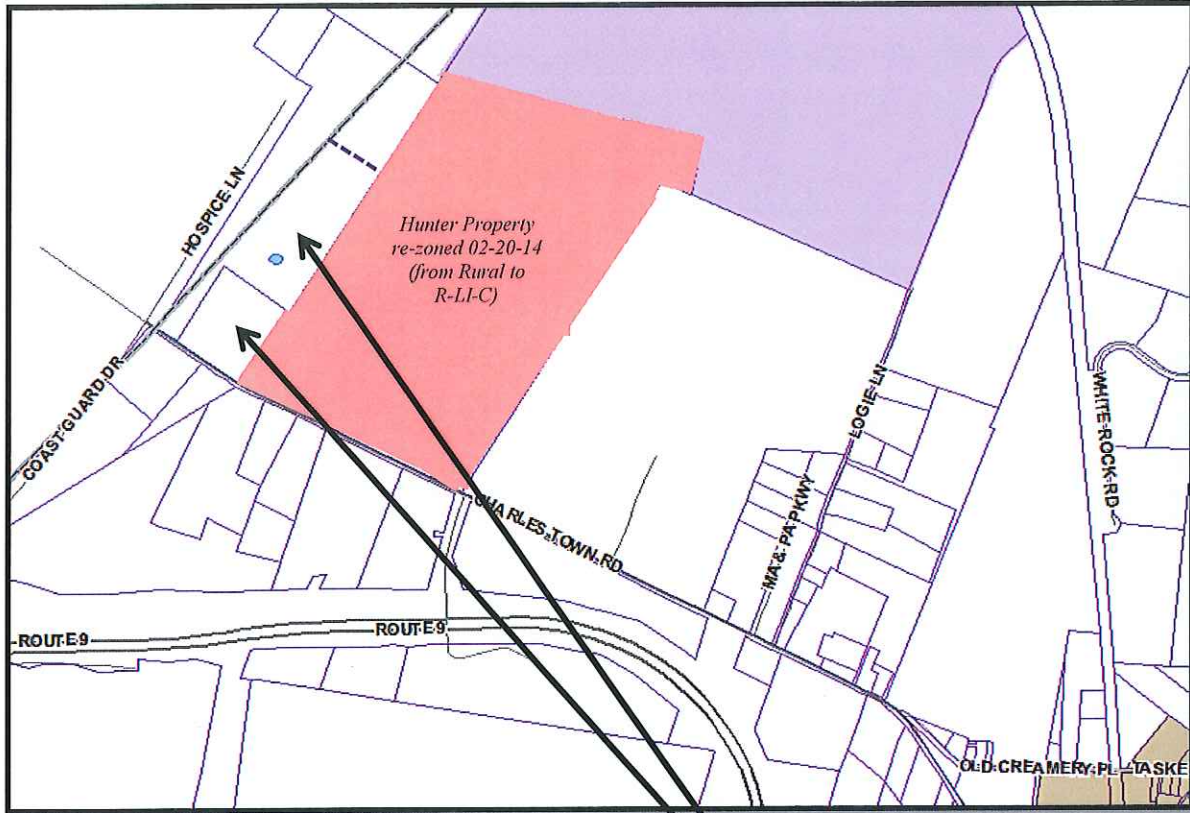
**Introduction and Purpose**

The applicant has requested to rezone the two parcels comprised of 23.62 acres from Rural to Residential-Light Industrial-Commercial. Access to the properties is from Route 115 (Old Route 9 / Charles Town Road). The 16.62 acre parcel, also identified as Lot 3 Residue and Parcel 1.2, has access to Hospice Lane. The zoning to the north and south of the subject properties is Rural; the 107 acre parcel to the east was recently re-zoned from Rural to Residential – Light Industrial - Commercial (County Commission approved request 02-20-14); and the property to the west is in Berkeley County, which has no zoning.

Staff Report  
Jefferson County Planning Commission Meeting  
June 10, 2014

Image 2, below, shows the current zoning for surrounding parcels.

**Image 2**



**Zoning District**

- Incorporated Town
- Industrial-Commercial
- Residential-Growth
- Residential-Light Industrial-Commercial
- Rural
- Village

Subject Properties

**Statutory Authority and Requirements**

The West Virginia State Code, Section 8a-7-9, and Section 12.2 (b) of the Jefferson County Zoning and Land Development Ordinance detail the process by which boundaries of zoning districts may be amended in response to a petition of 50% or more of the property owners. Both state that 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, “then the governing body with the advice of the Planning Commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area[See WVC 8A-7-9(c)].”

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 10, 2014**

**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the Comprehensive Plan. It concludes that the request is consistent with Comprehensive Plan.

The format for this assessment includes quotes from specific provisions of the Comprehensive Plan, which are identified by page number citation at the end of the sentence where it is quoted. Staff has used these notations and quotations in order to address sections of the Comprehensive Plan as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the Plan permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document. When available or appropriate, map references are provided with maps located in the Appendix to this report.

It should also be noted that the Comprehensive Plan states, *"Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals."* In that sense, there are many plan references that are identified in this report that can or may appear to support or fail to support a finding of consistency between the proposed rezoning and the Comprehensive Plan. In the final analysis, each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides a Staff recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be considered the professional opinion of staff; no more and no less. Since the Planning and Zoning staff have no statutory authority to make decisions in this regard, we defer to the Planning Commission, and subsequently the County Commission, for any final recommendation or decision that may be forthcoming, with respect to the subject application.

**Relevant Comprehensive Plan Elements and Commentary**

**Proposed Zoning District – Residential-Light Industrial-Commercial (RLIC):**

The Comprehensive Plan provides the following perspective on the Residential-Light Industrial-Commercial zoning district, which the applicant is requesting:

- *"...commonly referred to as the "mixed use" zone, permits uses of a light industrial and commercial nature, as well as a spectrum of residential and institutional uses ranging from single-family dwelling units to multi-family apartments and group homes. Residential uses must conform to the standards set forth in the Residential Growth District, but industrial and commercial uses are required to conform to a set of specific performance criteria, which include numerical measurements of several factors for uses that may have nuisance effects on adjacent uses (pg. 71).*
- *There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use" zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof (pg. 71)."*

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 10, 2014**

The Plan does detail some of the potential benefits of the Residential-Light Industrial-Commercial District and a number of concerns with the district. While this district is defined as mixed used, it does not require any mixing of uses, it merely allows for the possibility. The district allows two vaguely defined uses as permitted by right, "Commercial Uses" or "Uses of light industrial." "Uses of light industrial" is essentially defined by uses that are not defined as heavy industrial and commercial uses. There is wide latitude for the ability to interpret what qualifies as light industrial use. These two terms allow for some interpretation of what they mean and what is permitted. As such, there are a variety of uses that could be proposed on the subject properties, each of which could have very different impacts.

These properties are large enough to support light industrial activity or commercial activity such as a gas station, multiple fast food restaurants, or a few sit down restaurants.

**Transportation Impacts:**

The Comprehensive Plan discusses the critical role of the transportation routes, noting:

- *"With the increase in population in the last three decades, Jefferson County's roads have had to bear the combined burden of increased traffic volume and heavier commercial vehicles. As a result, the deficiencies of the highway and road systems have become more critical. Inadequate funding and increases in transportation demand are conditions which probably will be facing the people of Jefferson County indefinitely (pg. 26)."*

The properties proposed to be rezoned are located on Route 115 (Charles Town Road, also referred to as Old Route 9) and have direct access to Route 115. The 16.62 acre parcel, also identified as Lot 3 Residue and Parcel 1.2, has access to Hospice Lane. The properties are approximately ½ mile from the signalized intersection of Short Road and Route 115. With the opening of the new Route 9, the traffic on Route 115 has decreased and opened up increased transportation opportunities. Route 9 now provides easy access to a 4 lane road to I-81. The commercial interchange node around Route 9, Short Road, and Charles Town Road would presumably continue to expand in the future.

**Water and Sewer Proximity:**

Lot 2 (located directly above the 16.62 acre Lot 3 – Residue) contains the new Hospice facility, which has public water and sewer from Berkeley County; therefore, the two lots requesting rezoning could also be served by public water and sewer. The Comprehensive Plan encourages urban level development to be on a central water and sewer system, whether public or privately owned. Therefore, the requested rezoning would conform to this aspect of the 2004 Comprehensive Plan.

**Areas for Economic Opportunity:**

The Plan Policies on page 8 note:

- *"This Plan encourages new development patterns that foster mixed-use neighborhoods, so that a sense of community begins at the subdivision level."*
- *"This plan encourages economic development so that residents can live and work in the county."*
- *"This plan recognizes existing population centers as the focus of new, more intense development and the importance of working with municipalities to assure a pattern of development consistent with the Plan vision."*

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 10, 2014**

- *“This Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.”*

Staff concurs with the need for mixed development to provide for a variety of uses when possible. These lots are adjacent to the recently re-zoned Hunter Family property consisting of 107 acres now zoned Residential – Light Industrial – Commercial to the east and directly south of Hospice which zoned Rural, however, just to the northeast of these parcels is a noncontiguous property consisting of 191 acres that is zoned Industrial-Commercial. Across the street and to the west in Berkeley County is Liberty Business Park, which includes the US Coast Guard, IRS, and Food Lion. Berkeley County has no zoning.

Developing economic development zones and employment centers addresses key elements of the 2004 Comprehensive Plan and also provides Jefferson County with multiple long term benefits. The possibility of an employment area in this location would assist in allowing more Jefferson County residents to live and work in the county, and an employment and commercial center would enlarge the tax base of the county, which addresses Recommendation 3.18 of the Comprehensive Plan (shown below). Rezoning and development of these properties is in keeping with the Plan Policies and is in keeping with good planning. Because this is a commercial and light industrial area with water, sewer and natural gas and adequate road infrastructure, prudent planning would concentrate future uses where services currently exist.

*Recommendation 3.18: The County should continue to pursue new industrial and commercial development in order to diversify its economy, increase the tax base and thereby mitigate the problems of increasing residential growth, and provide quality employment opportunities to its workforce (pg. 64).*

**Adjacent Jurisdictions Permitted Uses and Appropriate Development Location:**

The Comprehensive Plan notes on page 24 that:

*When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes so as to:*

- a. Not create competitive edges to develop in as opposed to the municipality or vice versa;*
- b. Avoid conflicts in uses between any two adjacent uses;*
- c. Provide for all uses including transitional zones between and adjacent jurisdictions; and,*
- d. Create density caps where they do not currently exist.*

With the development and adjacent uses served by public water and sewer nearby in Berkeley County, it is rational that similar activity could occur in Jefferson County. This would not create competitive edges and could complement adjacent uses, thereby reducing conflicts between adjacent uses. Building upon the adjacent uses promotes the interconnection of development and business opportunity for both counties. This evaluation is predicated upon the fact that there is existing infrastructure – water, sewer, natural gas, and suitable transportation network – at this location. As noted above, the area around Route 9, Short Road, and Charles Town Road is a commercial interchange node that could offer business opportunities in the future. As this activity crosses into Jefferson County, planning for the adjacent uses and providing a transition from Jefferson County to Berkeley County should be considered in greater detail.

**Staff Report**  
**Jefferson County Planning Commission Meeting**  
**June 10, 2014**

In addition, the 2004 Plan remarks:

*Advanced and comprehensive planning will save money. Careful consideration of the many interrelated factors of the total community will help assure that every new development in the County is properly located and designed so that it will not unreasonably burden the location and provision of essential public and community services and assets. In other words, it will help ensure that the community receives the most product or service for the tax and community association dollar it pays (pg. 15).*

The Statement of Goals outlines the following:

*Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable cost to the community (pg. 19).*

As outlined in multiple sections of this report, proper location of new development and activity needs to occur so as to not create an unreasonable burden to the proposed location. Just as important, the essential services that will be required to support the proposed activity are available. The proposed rezoning is located in an area that meets the intent of the above mentioned criteria. The purpose of good planning is to build upon the assets in a particular location, instead of promoting inappropriate areas prematurely.

**Staff Recommendation**

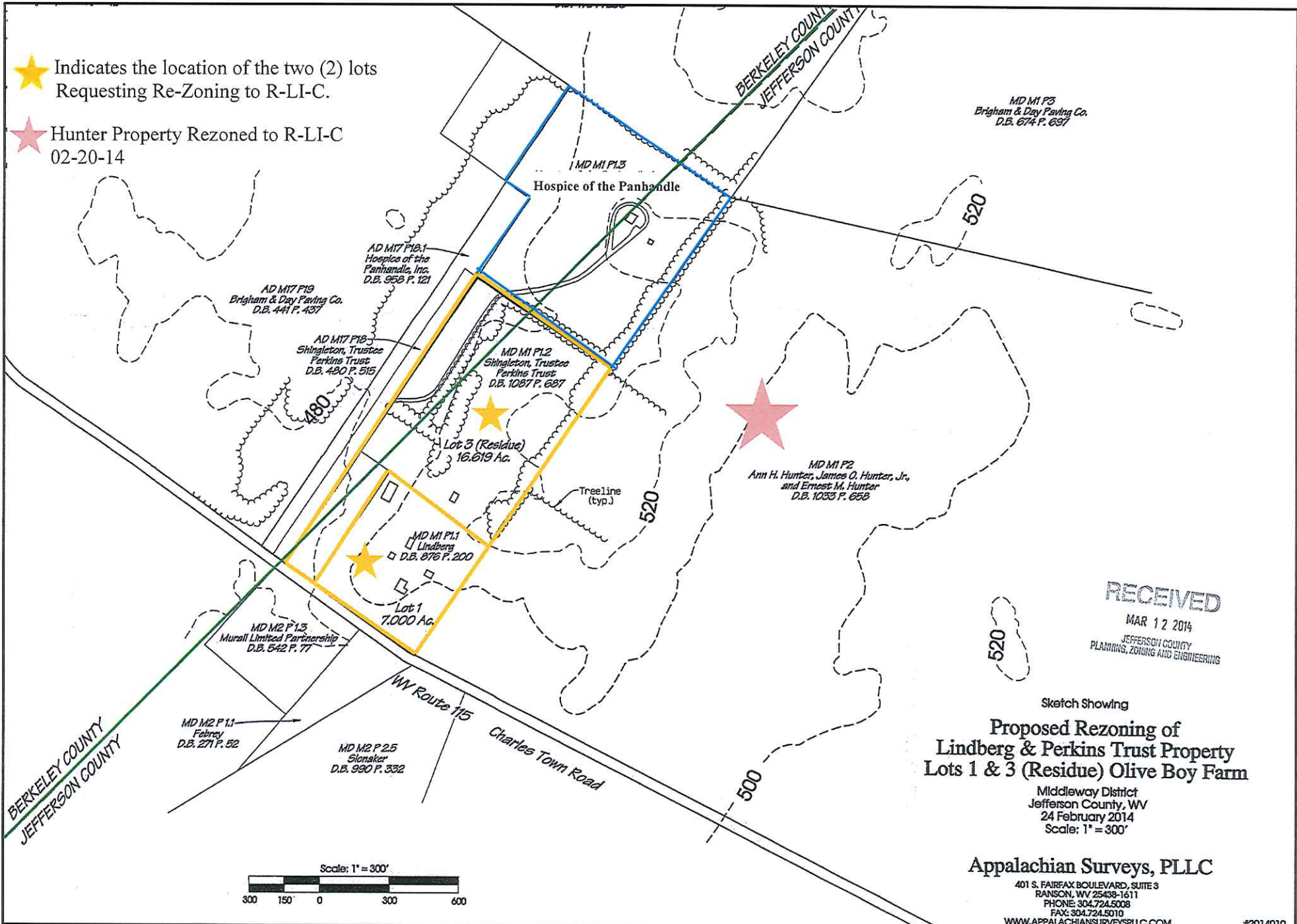
Staff finds the proposed rezoning to be consistent with the 2004 Comprehensive Plan. Adjacent to this lot to the east is undeveloped Residential – Light Industrial – Commercial zoning; just to the northeast, but not contiguous, is undeveloped Industrial-Commercial zoning with railroad access; and these properties can be served by urban level water and sewer services from Berkeley County as well as an adequate transportation network. The requested rezoning to Residential-Light Industrial-Commercial is reasonable.

The Comprehensive Plan supports growth in locations where there are contiguous properties that already possess the requested uses with urban level services, which supports future development in this area. While the proposed rezoning is not within a Growth Area, as defined by the 2004 Comprehensive Plan, the plan itself does note that “*When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes*” ...and... “*Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable cost to the community.*” The area under consideration is affected by adjacent uses and the public services available to it and it is reasonable to expect such uses to continue to expand in this location. The rezoning is an extension of the activity.

Staff would suggest that any development of these properties be required to connect to Berkeley County’s public utilities.

★ Indicates the location of the two (2) lots Requesting Re-Zoning to R-LI-C.

★ Hunter Property Rezoned to R-LI-C 02-20-14



MD M1 P3  
Brigham & Day Paving Co.  
D.B. 674 P. 637

AD M17 P1.3  
Brigham & Day Paving Co.  
D.B. 441 P. 437

AD M17 P1.2  
Shingleton, Trustee  
Perkins Trust  
D.B. 480 P. 515

MD M1 P1.2  
Shingleton, Trustee  
Perkins Trust  
D.B. 1037 P. 637

MD M1 P2  
Ann H. Hunter, James O. Hunter, Jr.,  
and Ernest M. Hunter  
D.B. 1033 P. 653

MD M2 P1.3  
Murall Limited Partnership  
D.B. 542 P. 77

MD M2 P1.1  
Febrey  
D.B. 271 P. 52

MD M2 P2.5  
Stonaker  
D.B. 990 P. 332

RECEIVED  
MAR 12 2014  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Sketch Showing

### Proposed Rezoning of Lindberg & Perkins Trust Property Lots 1 & 3 (Residue) Olive Boy Farm

Middleway District  
Jefferson County, WV  
24 February 2014  
Scale: 1" = 300'

Appalachian Surveys, PLLC

401 S. FAIRFAX BOULEVARD, SUITE 3  
RANSON, WV 25439-1611  
PHONE: 304.724.5208  
FAX: 304.724.5010  
WWW.APPALACHIANSURVEYSPLLC.COM



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

File Number: 214-01  
 Staff Initials: CLC  
 Application Fee: \$ 2,200.00

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

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

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

**Zoning Map Amendment (Rezoning)**

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

**Property owner information**

Name: Perkins Trust, Trustee: H. Shingleton (Beneficiary, Pearl Perkins) / Eric and Stacy Lindberg  
 Mailing Address: See Attached  
 City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant contact information**

Name: Hoy Shingleton, Trustee  
 Mailing Address: 115 Aikens Center, Suite 24  
 City: Martinsburg State: WV Zip Code: 25404  
 Phone Number: 304/262-4773 Email: shinglet@comcast.net

**Applicant representative**

Name: Annette Van Hilst, R.A., The Crossroads Group  
 Mailing Address: 22 Van Clevesville Road  
 City: Kearneysville State: WV Zip Code: 25430  
 Phone Number: 571/428-7054 Email: agvh@frontiernet.net

**Physical property details**

Physical Address: 4115 Charles Town Road and 16 Hospice Lane  
 City: Kearneysville State: WV Zip Code: 25430  
 Tax District: Middleway Map No: 1 Parcel No: 1.2 and 1.1  
 Parcel Size: 16.67 ( ) and 7 (Total) Deed Book: 1087 and 876 Page No: 687 and 200

**Current Zoning District (please check one)**

**RECEIVED**

MAR 12 2014

JEFFERSON COUNTY  
 PLANNING, ZONING AND ENGINEERING

**Proposed Zoning District (please check one)**

|                                     |                                |                                   |  |                          |
|-------------------------------------|--------------------------------|-----------------------------------|--|--------------------------|
| Rural<br>(R-A)                      | Residential<br>Growth<br>(R-G) | Industrial<br>Commercial<br>(I-C) | Residential-<br>Light Industrial-<br>Commercial<br>(R-L-C) | Village<br>(V)           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>          | <input type="checkbox"/>                                   | <input type="checkbox"/> |

|                          |                                |                                   |  |                          |
|--------------------------|--------------------------------|-----------------------------------|--|--------------------------|
| Rural<br>(R-A)           | Residential<br>Growth<br>(R-G) | Industrial<br>Commercial<br>(I-C) | Residential-<br>Light Industrial-<br>Commercial<br>(R-L-C) | Village<br>(V)           |
| <input type="checkbox"/> | <input type="checkbox"/>       | <input type="checkbox"/>          | <input checked="" type="checkbox"/>                        | <input type="checkbox"/> |

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

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

See Attached

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

See Attached

*Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.*

See Attached

*Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?*

Yes, I request that the Planning and Zoning Staff present the petition

No, I prefer to present the petition

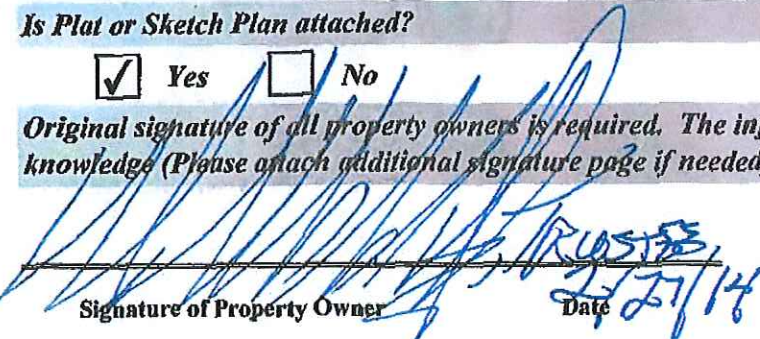
*Plat or Sketch Plan (provide as an attachment to this application)*

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

*Is Plat or Sketch Plan attached?*

Yes  No

*Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).*

  
Signature of Property Owner  
Date 2/27/14

  
Signature of Property Owner  
Date 3.8.14

  
Signature of Property Owner  
Date 3.8.14

RECEIVED

MAR 12 2014

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

MAP AMENDMENT PETITION  
Article 12, Jefferson County Zoning Ordinance  
Perkins Trust  
Eric and Stacy Lindberg  
February 26, 2014

**Owners/Applicants:**

Perkins Trust, Hoy Shingleton, Trustee (Pearl Perkins, Beneficiary)  
c/o Hoy Shingleton, Trustee  
115 Aikens Center, Suite 24  
Martinsburg, WV 25404

Eric and Stacy Lindberg  
4115 Charles Town Road  
Kearneysville, WV 25430

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance as amended on November 10, 2011.

**Map Amendment Definition:**

“An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.”

**Substantiation for the Request:**

1. The properties owned by Ms. Perkins and the Lindbergs are currently zoned Rural and the Applicants are seeking a map amendment to the Residential/Light Industrial/Commercial District. As explained in this Petition, the Applicants believe that this change is consistent and compatible with the 2004 Jefferson County Comprehensive Plan. This Comprehensive Plan compatibility was further evidenced by the County Commission's rezoning of the adjacent property (Hunter Family) in February 2014 for the same reasons;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. These changes include the availability of Public Water and Sewer, a significant rezoning directly north of this property approved by the County Commission, the rezoning of the Hunter property adjacent to this property and the additional growth in the area. These changes are addressed in this Petition;
3. The Applicants believe that the Rural Zoning classification is an error in the Jefferson County Zoning Map since the property is located on a Primary Road (Route 9) as defined in the Comprehensive Plan; and,
4. The volume of work completed to date on the proposed Comprehensive Plan shows this area to be located in a primary and preferred growth area in Jefferson County. Although not adopted yet, this area was thoroughly vetted by the Staff, the public and the Comprehensive Plan (Envision 2035) Steering Committee. The reasons for rezoning of these two properties that are cited in this Petition are the same reasons that led to this area to be located in the Proposed Preferred Growth Area.

**Tax District, Map and Parcel Number:**

Middleway Tax District, Map 1, Parcels 1.1 (Lindberg) and 1.2 (Perkins)

**Deed Book Reference:**

Perkins: Deed Book 1087 at Page 687  
 Lindberg: Book 876 Page 200

**Sketch Plat:**

Attached

**Tract Size:**

Perkins: 16.67 Acres (Approximately 12.67 acres in Jefferson County  
 and 4 acres in Berkeley County)  
 Lindberg: 7.0 Acres  
 Total: 23.67 Acres (Approximately 19.67 Acres in Jefferson County)

**Discussion on:**

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

***A. Comprehensive Plan Compatibility***

Two of the most compelling attestations that the requested map amendment is consistent and compatible with the 2004 Comprehensive Plan are that two properties in the immediate neighborhood were rezoned by two different County Commissions since that plan was adopted. The first property is located just to the north and is owned by Brigham and Day Paving Company (F.O. Day). This large parcel was rezoned in 2005 shortly after the 2004 Plan was adopted. This rezoning was deemed to be consistent with the Comprehensive Plan at that time. The second property is located adjacent to the Applicants' property and was just unanimously rezoned by the County Commission in February (2014). Again, the County Commission deemed the rezoning of this property (the Hunter family) to the Residential/Light Industrial/Commercial District consistent with the same Comprehensive Plan. These properties, along with the Hospice property wrap around the current Applicant's property. As a matter of fact, the rezoning of the Applicant's property would essentially fill the last donut hole between Kearneysville and the Berkeley County line on the northeast side of Old Route 9 (Route 115). The subject properties already have access to a newly constructed County Grade access road that was built adjacent to this property.

Many of the same sections of the Comprehensive Plan that supported the Hunter rezoning apply specifically to this property, as well. Therefore, many of the components of this Petition will mirror the previous Petition that was filed. Also included is a copy of the Staff Report for the previous Petition that reiterates portions of the Plan to show consistency with the Plan.

The Comprehensive Plan contains policies, narrative and recommendations that support this map amendment. One of the Policies found on page 8 of the Comprehensive Plan States:

- *'This Plan encourages new development patterns that foster mixed-use neighborhoods so that a sense of community begins at the subdivision level.'*

As was the case with the Hunter rezoning, this property is located in a neighborhood that has long been mixed-use. Baker Heights is the home of the Veteran's Administration Center and the Liberty Business Park. The Liberty Business Park includes the IRS and the Coast Guard. Furthermore, this property is adjacent to 191 acres that the Jefferson County Commission rezoned to Commercial/Industrial in 2005 and the Hunter property this year. Finally, the subject property is in front of the new Hospice of Eastern Panhandle operations and in-house care. This facility is planned to be opened even before the Public Hearing on this application.

Furthermore, the property is literally right down the street from the mixed-use community of Baker Heights and less than a mile from the Kearneysville Village District, which is a mixed-use community, as well.

The requested rezoning would allow the Applicants the flexibility of marketing the property to either residential users to provide needed housing for employees of the nearby VA Center and the Liberty Business Park; or, to business park developers to continue the commercial expansion of the area for other office buildings. From an economic development standpoint, Jefferson County would certainly benefit from allowing commercial or industrial growth in this County, as opposed to Berkeley County. As a matter of fact, approximately four acres of the Applicant's property is located in Berkeley County, so that portion of the property could develop any use. It would make sense to allow similar development on the Jefferson County portion. Since commercial and residential uses are being developed in the area, Jefferson County should start taking advantage of it.

The Residential/Light Industrial/Commercial District designation would allow a mix of commercial and offices uses, while allowing residential units to house the employees or families of VA and Hospice patients. There are several residential dwellings that are on the subject properties. The Lindberg house would make an excellent office building for a use that would be compatible to the existing Hospice operation next to this property.

Another of the policies in the plan states:

- *'This Plan encourages economic development so that residents can live and work in the County.'*

Since there is very little vacant land in Jefferson County that is zoned for commercial/office and mixed-use development, the requested change to the mixed-use zone will allow a mixture of these uses to stimulate economic development on Jefferson County's side of the County line.

In the Plan's Statement of Goals found on page 19, the Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to Berkeley County's Public Water and

Wastewater Treatment Facilities. In addition to Public Water and Sewer, natural gas is located very close to this property. A current primary goal of the Jefferson County Development Authority is to encourage the expansion of the availability of natural gas into Jefferson County. If permitted to develop into a business park or mixed use development, this property could be a key stepping stone for extending natural gas into Jefferson County. The County Commission just committed \$20,000 to the multi-county effort to upgrade and expand natural gas service in this area. The property is also located within minutes of the Short Road interchange onto the new four lane Route 9. These qualities make the property an ideal candidate for a map amendment.

Finally, the Plan's goals also support commercial activities in the County; in addition to the protection of private property rights. In the proposed zoning ordinance in 2008, this area was proposed to be zoned as a business center. That in itself is evidence that the County planners believed that this property was prime land for economic development. This is a unique area of the County. Since the 2004 Comprehensive Plan was adopted, this area has consistently been targeted for growth. This is evidenced by the two rezonings in the neighborhood, the rezoning of the area into a business park in the 2008 Zoning Ordinance and now by the inclusion of this area in the proposed draft preferred growth area in the Envision 2035 Plan.

The 2004 Comprehensive Plan includes several recommendations that support this rezoning request.

#### Comprehensive Plan Recommendations:

##### **Recommendation 3.01 on Page 24:**

“When adjusting the Zoning Ordinance and Map to conform with the recommendations of this Plan, the County should look closely at the adjacent jurisdictions permitted uses or their fringes...”

##### Comment:

This Recommendation was well vetted by the Staff in the attached Hunter Staff Report. All of these reasons very much apply to this property which is even closer to Berkeley County.

This property straddles the Berkeley County Line; and, although Berkeley County is not zoned, Jefferson County should not ignore the fact that this area has developed into a growth area. Because of Berkeley County's economic growth in this area, this neighborhood is now served by Public Water and Sewer. Also, this area has direct access to a primary road (old Route 9) and is just a short drive along good roads to two major interchanges on the new four lane Route 9.

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

**Recommendation 3.18 on Page 64:**

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

**Comment:**

Again, this area has been permitted to develop into residential subdivisions, a business park that contains good federal government jobs and commercial businesses that locate where growth is indicated. Jefferson County is adjacent to this growth and should capitalize on the economic gains that Berkeley County has enjoyed in the same area. This property should work well with the Hospice property that has already developed and the Hunter property that was already zoned for mixed-use.

According to page 71 of the 2004 Comprehensive Plan, there is a very small percentage of land that is zoned for commercial or mixed-use in Jefferson County. This percentage is estimated at approximately 5 percent. It is very difficult to achieve the goal of pursuing new industrial and commercial development if the County doesn't create new commercial and mixed-use zones. Because of the adjacent zoning in Jefferson County and the development in this area of Berkeley County, this property would be an ideal parcel of land to include in the mixed-use zone. Besides the proximity to the adjacent development, it also has access to good infrastructure, including water, sewer and roads. Finally, this property is in between the Hunter Property and Berkeley County. It would only seem logical for this property to be allowed the same type of development that can be built on both sides of it.

Based on the preceding two major recommendations in the 2004 Comprehensive Plan, this map amendment is extremely consistent and compatible with the Plan.

**B. Change of Neighborhood**

This area of Jefferson County and the adjacent area on Berkeley County have changed significantly since the Zoning Ordinance was adopted in 1988. Again, these changes will be identical to those that were cited in the Hunter Petition. The following are examples of these changes:

1. The Liberty Business Park was developed on the Berkeley County side of the line and contains the Coast Guard and IRS facilities. This park can be seen from this property.
2. With the development of the Liberty Business Park, Public Water and Sewer were extended into the area.
3. Several residential developments have been built in this area including Quail Ridge Subdivision and Chapel View Subdivision.
4. Quad/Graphics, a very large industrial printing and distribution facility, was built in Baker Heights in the 90s.
5. In 2005, the County Commission rezoned the 191 acre F.O. Day property which is in the same neighborhood. The Day property was zoned Rural and the County Commission approved a map amendment to Commercial/Industrial after finding that it was consistent with the Comprehensive Plan
6. The new expanded Sheetz Store was just built in the neighborhood (less than ¼ mile away). Ironically, this Sheetz was relocated from Jefferson County.
7. A new Food Lion (within eyesight) was built almost adjacent to this property just on the Berkeley side of the line. New grocery store construction is usually indicative of the growth potential of a neighborhood.
8. The Comfort Suites Hotel was built very close to the subject property.
9. Hospice of the Panhandle has built its headquarters and a multi-bed in-house care facility adjacent to this property. This facility was a project that was approved by both Jefferson and Berkeley Counties since it straddles the County line. The project includes over 25,000 square feet of office space and a very large inpatient center. This project has been built.

10. The new Route 9 was completed with direct four lane access to Route 81. This route is approximately one mile from the subject property and has a major interchange that services the area. Old Route 9 (Route 115), still considered a Primary Road by the Comprehensive Plan, services this property and leads into Short Road that has direct access to the new interchange. The property is nearly in between two major interchanges (Shepherdstown Exit and Short Road Exit) to the new four lane Route 9. This makes the property ideal for development.
11. Just this year, the County Commission unanimously approved the same requested mixed-use zoning for the adjacent 100+ acre property owned by the Hunters. The Applicant's property is the only property left between the Hunter property and the County line.

Summarizing the Change of Neighborhood, it is important to note the following:

1. **Availability of Public Utilities:**

Public Water and Wastewater facilities serve this area. Natural gas service is also available in this area and any growth would help facilitate the expansion of natural gas (a funded priority of both the County Commission and Development Authority) into Jefferson County. One of the major goals of the Comprehensive Plan states that the Plan should:

‘Encourage growth and development in areas where sewer, water, schools, and other public facilities are available or can be provided without unreasonable costs to the community’.

The Applicant's property certainly qualifies under this section of the plan. This property definitely meets that criterion. This is another reason that the previous planners picked this property to be in a commercial business park during the last Zoning effort.

2. **Growth in the Corridor:**

Since the adoption of the original Zoning Ordinance in 1988, this area has grown considerably. The significant growth includes: Quail Ridge and Chapel View Subdivisions; Hospice Offices and Treatment complex; large Sheetz; Food Lion; Quad/Graphics in Baker Heights and the Liberty Business Park. These types of developments along with the existing growth in the Kearneysville and Baker Heights area illustrate that mixed-use development along old Route 9 is very much consistent with the Comprehensive Plan; especially since most of these came after the Plan was adopted in 2004. The map amendment for the subject property would ideally fit into this neighborhood's mixed use.

*C. Change of Transportation Characteristics:*

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

However, the major change in transportation characteristics is the finished Route 9. It is the direct four lane link to Route 81 that Jefferson County had been endorsing for many years. This road has opened up both trade routes and commuter routes in and out of Jefferson County. As mentioned previously, this property has access via good roads (old Route 9 (Route 115)) to both the Short Road and Shepherdstown interchanges onto new Route 9. This property is located in between these interchanges. The new Route 9 and Public Water and Sewer in this area make this property an ideal property for a mixed-use development.

These changes and improvements to the transportation system have taken place since 1988 when the Zoning Ordinance was adopted; and, most of them have taken place since the 2004 Comprehensive Plan was written. Since the Comprehensive Plan is being updated these road improvements are already being taken into consideration in the new plan. All of these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The new Route 9 is being recognized as a driving force for the new preferred growth areas. Accordingly, these changes should have a positive effect on this Petition for a map amendment. These transportation changes and improvements were also cited in the Hunter Rezoning and were used to determine the consistency of that request with the Comprehensive Plan

*D. Error in the Original Zoning Map*

The only real justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Petition. However, in some states, an error in the original zoning map is also used as an indicator. Accordingly, this Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted.

Listed below are several reasons why this property should have been zoned for development in 1988. These reasons have already been discussed in detail in this Petition. These are some of the reasons that the Day property was rezoned in 2005 and that the Hunter property was rezoned this year in this neighborhood. These reasons alone would support the requested map amendment to the mixed-use classification:

1. The property is located on a Primary Road as defined by the Comprehensive Plan. There are only two roads defined as Primary Roads in Jefferson County (Route 340 and old Route 9 (Route 115));
2. The property has access to public water and public wastewater services;
3. The property is located between two unincorporated mixed-use communities (Baker Heights and Kearneysville).

Once you combine these facts with the other compelling factors including: the Liberty Business Park; Residential Subdivisions; the large Sheetz store, the new Food Lion, Hospice of the Panhandle; the two rezonings; and, the new Route 9, it makes this property and ideal candidate for the requested map amendment.


*E. Current Recommendation in the Draft Maps in the Envision 2035 Comprehensive Plan:*

Although not yet adopted, there has been much work completed by the Staff and Steering Committee on the Envision 2035 Comprehensive Plan. This includes many public meetings on land use and preferred growth areas that may be included in the new Comprehensive Plan. This area of Jefferson County has consistently been included as a major preferred growth area in the draft maps to date. Both the Lindberg's and the Perkins' properties have been included in this area in the draft plan. The Steering Committee and the public have also routinely agreed that this area of Jefferson County should be a preferred growth area because of the availability of services and the proximity to the new Route 9.

*F. Conclusion:*

The Perkins Trust, Ms. Perkins and Eric and Stacy Lindberg respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2004 Comprehensive Plan; the 2005 action of the County Commission regarding rezoning the Day property; the very recent rezoning of the adjacent Hunter property; the fact that the property should have been classified as a business or mixed-use district in the original ordinance; the positive changes in the transportation characteristics in the area, especially the construction of Route 9; the changes in the neighborhood from when the original zoning ordinance was adopted (including the development of a business park across the street; the fact that the property and area have been vetted and studied by the Staff and Steering Committee for inclusion into a Preferred Growth Area in the new Draft Plan; and, the fact that the property has access to Public Water and Sewer and other services. This map amendment will change the zoning classification on the Applicant's property from the Rural District to the Residential/Light Industrial/Commercial District.

  
\_\_\_\_\_  
Hoy Shingleton, Trustee

  
\_\_\_\_\_  
Date 2/27/14

X   
\_\_\_\_\_  
Eric Lindberg

\_\_\_\_\_  
Date 3-8-14

X   
\_\_\_\_\_  
Stacy Lindberg

\_\_\_\_\_  
Date 3-8-14









# Lots 1 and 3 Olive Boy Farm

#714-01



This map is not the official regulatory FIRM or DFIRM. Its purpose is to assist with determining potential flood risk for the selected location.

Map Created on 3/5/2014

|   |                                  |   |                           |
|---|----------------------------------|---|---------------------------|
|  | Location of the mouse click      |  | Cross Section Line        |
|  | Approximate Study (Zone A)       |  | Base Flood Elevation Line |
|  | Detailed Study (Zone AE, AH, AO) |  | DFIRM Panel (Map) Index   |
|  | Floodway                         |   |                           |
|  | Flood Water Depth (HEC-RAS)      |   |                           |

**User Notes:**

**Disclaimer:**  
 The online map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. To obtain more detailed information in areas where Base Flood Elevations have been determined, users are encouraged to consult the latest Flood Profile data contained in the official flood insurance study. These studies are available online at [www.msc.fema.gov](http://www.msc.fema.gov).

WV Flood Tool is supported by FEMA, WV NFIP Office, and WV GIS Technical Center  
<http://www.MapWV.gov/flood>

**Flood Hazard Area:** Selected site is NOT WITHIN any identified flood hazard area. Unmapped flood hazard areas may be present.

**Advisory Flood Height:** N/A

**Water Depth:** N/A

**Elevation:** About 505 feet

**Location (long, lat):** 77.905910 W, 39.399447 N

**Location (UTM 17N):** (766435, 4365674)

**FEMA Issued Flood Map:** 54037C0020E

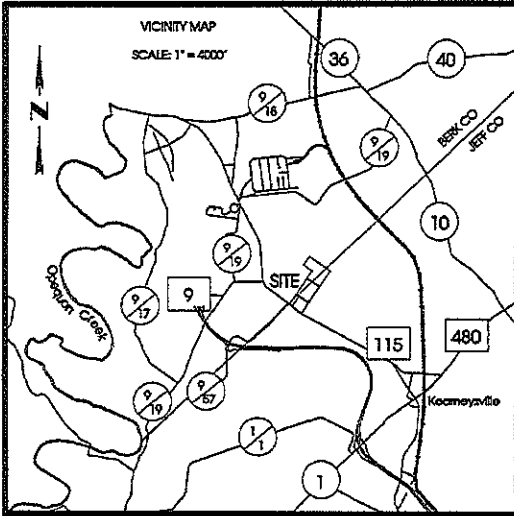
**Contacts:** Jefferson County

**CRS Information:** Click to access CRS information

**Flood Profile:** No Profile

**HEC-RAS Model:** No Model

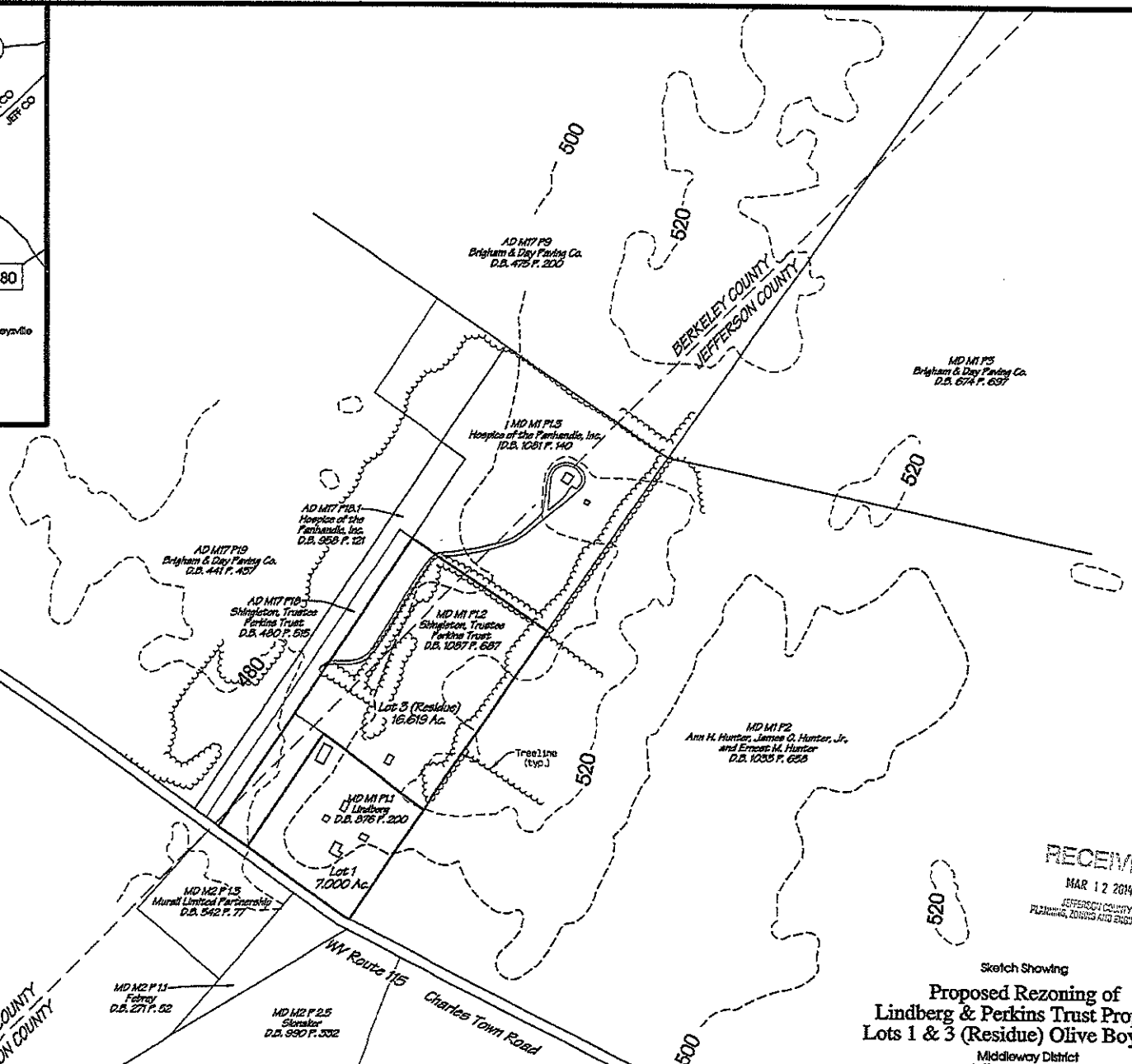
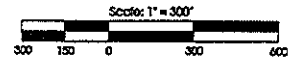
**Parcel Number:**



NOTE:  
Contours are approximate USGS, 20-foot interval.



BERKELEY COUNTY  
JEFFERSON COUNTY



RECEIVED  
MAR 12 2014  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Sketch Showing  
**Proposed Rezoning of  
Lindberg & Perkins Trust Property  
Lots 1 & 3 (Residue) Olive Boy Farm**  
Middleway District  
Jefferson County, WV  
24 February 2014  
Scale: 1" = 300'

**Appalachian Surveys, PLLC**

401 S. FAIRFAX BOULEVARD, SUITE 3  
RAVENSON, WV 25955-1611  
PHONE: 304.724.5008  
FAX: 304.724.5010  
WWW.APPALACHIANSURVEYSPLLC.COM

AGENDA REQUEST FORM

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



Name: Jennifer Brockman

Department or Organization: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: June 19, 2014

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

→ Hearing Date - July 31, 2014  
@ 7:00 pm

Date Requested – 2<sup>nd</sup> Choice: July 17, 2014

Subject (Wording to be placed on agenda): "SB 595" Vested Development Time Extensions Proposal

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

In May, 2014, the Planning Commission initiated a discussion regarding the vested development rights of developments that have not yet been completed. As you may remember, in 2010, when the impacts of the economic downturn were impacting developments that had begun to process in communities throughout the state, the State Legislature amended the "Vested Rights" provisions of state law to automatically extend development projects that met certain criteria to July 1, 2012. Those provisions of state law are referred to in this request and the attached letter as the 2010 SB 595 provisions. This legislative change affected §8A-5-12 of the State Code and effectively extended any project that met the state's definition of "valid" and "outstanding". Subsequently, the County incorporated this provision in the 2010 version of the Subdivision Regulations.

In the spring of 2012, Jefferson County Citizen's for Economic Preservation (JCCEP) requested that the County Commission amend the Vested Rights section of the Subdivision Regulations to allow for the extension of time for any development to which the 2010 SB 595 provisions applied as permitted in §8A-5-12 and §8A-4-2, which provided "or such later date provided for by the terms of the planning commission or county commission's local ordinance." It was determined that this provision of state law allowed such an extension to occur by ordinance outside of amending the Subdivision Regulations. As a result, the County Commission approved the attached motion on June 21, 2012, further extending vested properties which had been impacted by the 2012 change in state law to July 1, 2015, provided that the developments conform to the newest stormwater regulations.

Most of the projects impacted by this change have multiple steps to accomplish prior to the July 1, 2015 deadline and would need to start making progress in the summer and fall of 2014 in order to meet this required deadline. The Planning Commission expressed concern about developers meeting this deadline and at their June 10, 2014 meeting approved the attached letter requesting that the County Commission consider further extending this time frame to July 1, 2017 via a public hearing process.

This agenda request is to request that the County Commission schedule the proposed Public Hearing on this topic.

Is this a funding request? Y/N NO

If so, how much? \$N/A  
Provide exact financial impact/request: N/A.

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

I move to schedule a Public Hearing on ( \_\_\_\_\_, 2014) at \_\_\_\_\_ pm regarding the proposed Policy on Vested Property Rights including the following language:

1. The validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until July 1, 2017. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period.
2. The requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until July 1, 2017. This provision would apply to all special and conditional use permits or any other agreement or zoning action.
3. Any plat or plan affected by this extension shall conform with the Stormwater Requirements of the most current regulations in effect at the time when the plat or plan is submitted for approval.

Attach supporting documents for request, or request may be denied.  
If not attached, explain: N/A.

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

Contact information:

Email address: [planning@jeffersoncountywv.org](mailto:planning@jeffersoncountywv.org) Phone Number: 304-728-3228

Attachments:

- June 21, 2012 Motion to Approve a Policy Related to Vested Property Rights in Jefferson County, WV
- Signed letter from PC to CC re: Vested Property rights dated June 10, 2014

**NOTICE OF PUBLIC HEARING**  
**COUNTY COMMISSION OF JEFFERSON COUNTY**  
**Thursday, July 31, 2014 at 7:00 PM**

The Jefferson County Commission has scheduled a Public Hearing to review a request from the Planning Commission to approve a policy or ordinance amendment extending relevant time frames relating to plans and plats vested under the provision of SB 595 in 2010 from July 1, 2015 to July 1, 2017.

The Planning Commission proposes the following Policy:

1. The validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until July 1, 2017. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period.
2. The requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until July 1, 2017. This provision would apply to all special and conditional use permits or any other agreement or zoning action.
3. Any plat or plan affected by this extension shall conform with the Stormwater Requirements of the most current regulations in effect at the time when the plat or plan is submitted for approval.

Oral or written comments can be provided at the hearing, **7:00 PM, Thursday, July 31, 2014**, during the County Commission meeting **in the Charles Town Library meeting room at 200 E. Washington St., at the side entrance on Samuel St.** In addition, you may provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org) or mail to PO Box 250, Charles Town, WV 25414, or fax to 304-728-8126.

Questions related to this request may be directed to the Departments of Planning and Zoning at 304-728-3228 or [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

By Order of the County Commission of Jefferson County  
Walt Pellish, President



# Jefferson County, West Virginia

## Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

---

June 10, 2014

Walt Pellish, President  
Jefferson County Commission  
124 E. Washington Street  
Charles Town, WV 25414

RE: "SB 595" Vested Development Time Extensions Follow Up and Discussion

Dear County Commissioners:

As most of you are aware, in 2010, when the impacts of the economic downturn were impacting developments that had begun to process in communities throughout the state, the State Legislature amended the "Vested Rights" provisions of state law to automatically extend development projects that met certain criteria to July 1, 2012. On June 21, 2012, upon the request of the Jefferson County Citizen's for Economic Preservation (JCCEP) the County Commission, and after receipt of public comment following the public hearing, the County Commission approved a Policy Related to Vested Property Rights in Jefferson County, WV further extending the vested development rights to July 1, 2015.

Most of the projects impacted by these policy changes have multiple steps to accomplish prior to the July 1, 2015 deadline and would need to start making progress in the summer and fall of 2014 in order to meet this required deadline. Because the economy has not yet fully recovered in a manner to make substantial investments prudent at this time, the Planning Commission is recommending that the County Commission consider holding a public hearing to further extend the vested rights dates to assist in this economic recovery.

The proposed language that the Planning Commission recommends be considered is as follows:

1. The validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until July 1, 2017. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period.
2. The requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2015 until

July 1, 2017. This provision would apply to all special and conditional use permits or any other agreement or zoning action.

3. Any plat or plan affected by this extension shall conform with the Stormwater Requirements of the most current regulations in effect at the time when the plat or plan is submitted for approval.

By vote of the Jefferson County Planning Commission 7 for and 0 against, June 10, 2014.

Sincerely,



Stephen Stolipher, President  
Jefferson County Planning Commission

**A Motion to Approve  
A Policy Related to Vested Property Rights in Jefferson County WV**

**June 21, 2012**

**Whereas, The Jefferson County Citizen for Economic Preservation have requested that the County Commission approve a policy or ordinance amendment extending relevant time frames relating to plans and plats vested under the provision of SB 596 in 2010 to July 1, 2015; and**

**Whereas, The Planning Commission discussed this request at their May 15, 2012 meeting and recommended approval to the County Commission; and**

**Whereas, the County Commission reviewed the draft proposal on May 3, 2012 and conducted a public hearing on the draft proposal on May 31, 2012;**

**Now therefore be it moved, that the Jefferson County Commission approves the following policy:**

1. The validity of any subdivision plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2012 until July 1, 2015. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period.
2. The requirements for the vesting of property rights contained in an ordinance enacted pursuant to 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat that was valid and outstanding as of January 1, 2010 and had received preliminary approval by the Planning Commission prior to March 1, 2010 shall be extended from July 1, 2012 until July 1, 2015. This provision would apply to all special and conditional use permits or any other agreement or zoning action.
3. Any plat or plan affected by this extension shall conform with the Stormwater Requirements of the most current regulations in effect at the time when the plat or plan is submitted for approval.

Recommended unanimous this 21<sup>st</sup> day of June, 2012  
 By a vote of the Jefferson County Commission  
 By a vote of Yes No JEFFERSON COUNTY COMMISSION

*Patsy Noland*  
 Patsy Noland, President  
 Jefferson County Commission

Jennifer S Nashan  
 JEFFERSON County 11:05:27 AM  
 Instrument No 2012013967  
 Date Recorded 07/05/2012  
 Document Type ORD#  
 Pages Recorded 1  
 Book-Page 1111-671

**JEFFERSON COUNTY  
DEPARTMENTAL MEMORANDUM**

**TO:** Jefferson County Commission, County Administrator

**FROM:** Elizabeth Wheeler, Administrator

**DATE:** July 22, 2014

**SUBJECT:** Jefferson County Farmland Protection Board  
Quarterly (Q2 2014) Update Report

**1. PROJECTS UNDERTAKEN:**

- a. Strategic Plan: Strategic Plan Annual Workplan reviewed quarterly with Board.
- b. Easement Applications: Received six (6) new applications from landowners for FY 14 funding cycle. The Board approved two highest ranking applications for submission to NRCS for matching funding: ZZ: 119 acres, and AAA: 314 acres.
- c. Easement funding: NRCS FY13 matching funding approved for 76 +/- acre property with 95% prime soils. Landowner is donating approximately 46% of the easement value (\$250,000). Jefferson County easement preparations and approvals are complete, and pending NRCS National HQ approval. The tentative closing date is August 19.
- d. Photographic portraits of three landowners in easement program completed. Images will be used in website, and collateral materials.

**2. PROJECTS PROPOSED/UNDERWAY:**

- a. Grant proposal for \$25,300.00 submitted for development of outreach to landowners in core and study areas of three Civil War Battlefields identified by the National Park Service / American Battlefield Protection Program: Shepherdstown, Summit Point, Smithfield Crossing (Middleway). Notification of award due in July 2014. (proposal awarded July 21, 2014)
- b. Website update underway in collaboration with WV Agricultural Lands Protection Authority.

**4. ITEMS REQUIRING COMMISSION ATTENTION:**

- a. Jefferson County Farmland Protection Board FY 2014 Annual Report (pending)
- b. Jefferson County Farmland Protection Board FY 15 Program (pending)



## **NOTICE JEFFERSON COUNTY COMMISSION MEETING CANCELLATION**

The regular meeting scheduled for Thursday, August 21, 2014, has been cancelled in order for the County Commission to attend the Jefferson County Fair. The Commission will resume its regular session on Thursday, September 4, 2014, at 9:30 a.m.

**Sandy McDonald**

---

**From:** Jessica Carroll [jcarroll@jeffersoncountywv.org]  
**Int:** Wednesday, July 16, 2014 3:37 PM  
**To:** 'Legals'  
**Cc:** sandy@jeffersoncountywv.org  
**Subject:** Jefferson County Commission Notice of Intent to Appoint to the Jefferson County Development Authority

Please run on July 23 and July 30. Thank you!

### **NOTICE OF INTENT TO APPOINT**

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on **Thursday, August 7, 2014**, or as soon thereafter as the Commission may decide:

**Jefferson County Development Authority - one unexpired term ending April 5, 2017.**

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

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

**SPIRIT OF JEFFERSON:**

**PLEASE ADVERTISE ON:**

**July 23 and July 30**

info  
7-24  
d 7-31



Received

JUL 21 2014

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

Jefferson County Commission

EARL RAY TOMBLIN  
GOVERNOR

July 15, 2014

The Honorable Walter Pellish  
President  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414

Dear Commissioner Pellish:

I am pleased to inform you that I have approved a Victims of Crime Act (VOCA) Victim Assistance grant award to the Jefferson County Commission, in the amount of \$58,881. These funds will provide for a portion of the salaries of two full-time Victim Advocates in the Jefferson County Prosecuting Attorney's Office to provide direct services to crime victims in Jefferson County.

Please let me know if our Division of Justice and Community Services' staff or I can be of further assistance.

Sincerely,

A handwritten signature in blue ink that reads "Earl Ray Tomblin".

Earl Ray Tomblin  
Governor

ERT/amw

c: Ralph A. Lorenzetti



# 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](http://www.wvsao.gov)

July 16, 2014

Honorable Members of the  
Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

We are engaged to 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 of Jefferson County Commission for the year ended June 30, 2013. Professional standards require that we provide you with the following information related to our audit. We would also appreciate the opportunity to meet with you to discuss this information further since a two-way dialogue can provide valuable information for the audit process.

## **Our Responsibilities under U.S. Generally Accepted Auditing Standards and Government Auditing Standards**

As stated in our engagement letter dated July 16, 2014, our responsibility, as described by professional standards, is to express opinions about whether the financial statements prepared by management with your oversight are fairly presented, in all material respects, in conformity with U.S. generally accepted accounting principles. Our audit of the financial statements does not relieve you or management of your responsibilities.

As part of our audit, we will consider the internal control of Jefferson County Commission. Such considerations are solely for the purpose of determining our audit procedures and not to provide any assurance concerning such internal control.

In planning and performing our audit, we will consider Jefferson County Commission's internal control over financial reporting in order to determine our auditing procedures for the purpose of expressing our opinions on the financial statements and not to provide assurance on the internal control over financial reporting. We will also consider internal control over compliance with requirements that could have a direct and material effect on a major federal program in order to determine our auditing procedures for the purpose of expressing our opinion on compliance and to test and report on internal control over compliance in accordance with OMB Circular A-133.

As part of obtaining reasonable assurance about whether Jefferson County Commission's financial statements are free of material misstatement, we will also perform tests of its compliance with certain provisions of laws, regulations, contracts, and grants. However, providing an opinion on compliance with those provisions is not an objective of our audit.

Generally accepted accounting principles provide for certain required supplementary information (RSI) to supplement the basic financial statements. Our responsibility with respect to any RSI is to apply certain limited procedures in accordance with generally accepted auditing standards. However, the RSI will not be audited and, because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance, we will not express an opinion or provide any assurance on the RSI.

Our responsibility for the supplementary information accompanying the financial statements, as described by professional standards, is to evaluate the presentation of the supplementary information in relation to the financial statements as a whole and to report on whether the supplementary information is fairly stated, in all material respects, in relation to the financial statements as a whole. Our responsibility for other information included in documents containing the entity's audited financial statements and auditor's report does not extend beyond the financial information identified in the report. We have no responsibility for determining whether such other information contained in these documents is properly stated.

**Planned Scope and Timing of the Audit**

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested.

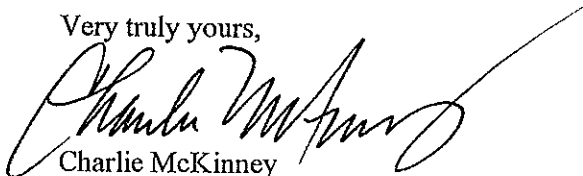
Our audit will include obtaining an understanding of the entity and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Material misstatements may result from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violation of laws or government regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. We will generally communicate our significant findings at the conclusion of the audit. However, some matters could be communicated sooner, particularly if significant difficulties are encountered during the audit where assistance is needed to overcome the difficulties or if the difficulties may lead to a modified opinion. We will also communicate any internal control related matters that are required to be communicated under professional standards.

Our audit will include the audit of all of the components of the entity. Due to time constraints, we will have the CPA firms of Teed & Associates, PLLC and Perry & Associates, CPAs, A. C. conducting the audits of the Jefferson County Development Authority and Jefferson County Farmland Protection Board.

We expect to begin our audit on approximately June 26, 2014 and issue our report on approximately August 29, 2014.

This information is intended solely for the use of the Jefferson County Commission and management of the Jefferson County Commission and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,



Charlie McKinney  
Assistant Chief Inspector  
Chief Inspector's Division  
West Virginia State Auditor's Office

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| <b>Week Ending Date</b>                                | <b>FY15<br/>July 19, 2014</b> |
|--|-------------------------------|
| <b>To be Deposited on:</b>                             | July 25, 2014                 |
| Amount Played  | 61,912,180.66                 |
| Amount Won   | 55,606,890.93                 |
| Amount Promo   | 243,086.00                    |
| MWAP Contribution                                      | <u>3,853.85</u>               |
| <b>Adjusted Gross Terminal Revenue</b>                 | <b><u>6,058,349.88</u></b>    |
| Administrative Costs @ 4%                              | 242,334.00                    |
| Excess Lottery Fund @ 4%                               | <u>0.00</u>                   |
| <b>Net Terminal Revenue</b>                            | <b><u>5,816,015.88</u></b>    |
| Surcharge @ 10%  | 0.00                          |
| State Share Excess @ 58%                               | 0.00                          |
| Track Share of Capital Reinvestment @ 42%              | <u>0.00</u>                   |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | 0.00                          |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | 0.00                          |
| <b>Adjusted Net Terminal Revenue</b>                   | <b><u>5,816,015.88</u></b>    |
| Racetrack @ 46.50% / 42%                               | 2,704,447.38                  |
| Lottery Fund @ 30% / 0%                                | 1,744,804.76                  |
| Excess Lottery Fund @ 0% / 41%                         | 0.00                          |
| Excess Lottery Fund @ 12.85% / 9.55%                   | 747,358.04                    |
| Race Track Purses @ 7% / 4%                            | 366,409.00                    |
| Workers' Compensation Debt Reduction @ 7% / 4%         | 0.00                          |
| Employee Pension Fund @ 1% / .5%                       | 58,160.16                     |
| Greyhound Development @ .75%                           | 39,258.11                     |
| Thoroughbred Development @ .75%                        | 39,258.11                     |
| Racing Commission @ 1%                                 | 0.00                          |
| County/Municipality @ 2%                               | 116,320.32                    |
| <b>3% Funds:</b>                                       |                               |
| Tourism Promotion Fund @ 1.375%                        | 0.00                          |
| Development Office Promotion Fund @ .375%              | 0.00                          |
| Research Challenge Fund @ .5%                          | 0.00                          |
| Capitol Renovation and Improvement Fund @ .6875%       | 0.00                          |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 0.00                          |
| <b>1% Funds:</b>                                       |                               |
| State Capitol Complex Parking Garage @ 1%              | 0.00                          |
| Cultural Facilities and Capitol Resources @ .5%        | 0.00                          |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | <u>0.00</u>                   |
|  | <b><u>5,816,015.88</u></b>    |

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2015

Charles Town  
 1999 Net Terminal Revenue \$ 45,603,174  
 Benchmark Goal @ 2% \$ 912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 5 days ending:<br>07/05/14 | \$ 106,819.12                | \$ 106,819.12             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:<br>07/12/14   | \$ 111,792.16                | \$ 111,792.16             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/19/14                   | \$ 116,320.32                | \$ 116,320.32             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Subtotal                   | \$ 334,931.60                | \$ 334,931.60             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ 577,131.88

## VIDEO LOTTERY REPORT

| FY 2011    |            | FY 2012    |            | FY 2013    |            | FY 2014    |            | FY 2015   |            |
|------------|------------|------------|------------|------------|------------|------------|------------|-----------|------------|
| Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date      | Amount     |
| 7/3/2010   | 115,402.58 | 7/1-2/2011 | 69,824.12  | 7/7/2012   | 161,637.92 | 7/6/2013   | 123,196.88 | 7/5/2014  | 106,819.12 |
| 7/10/2010  | 205,731.64 | 7/9/2011   | 171,717.28 | 7/14/2012  | 129,458.04 | 7/13/2013  | 128,060.40 | 7/12/2014 | 111,792.16 |
| 7/17/2010  | 161,386.76 | 7/16/2011  | 143,019.52 | 7/21/2012  | 130,037.00 | 7/20/2013  | 115,128.84 | 7/19/2014 | 116,320.32 |
| 7/24/2010  | 160,368.28 | 7/23/2011  | 146,508.00 | 7/28/2012  | 137,164.44 | 7/27/2013  | 123,049.56 |           |            |
| 7/31/2010  | 157,802.08 | 7/30/2011  | 144,510.28 | 8/4/2012   | 132,931.16 | 8/3/2013   | 116,180.80 |           |            |
| 8/7/2010   | 136,494.98 | 8/6/2011   | 151,495.28 | 8/11/2012  | 134,212.88 | 8/10/2013  | 120,078.64 |           |            |
| 8/14/2010  | 78,376.68  | 8/13/2011  | 117,350.38 | 8/18/2012  | 110,241.90 | 8/17/2013  | 124,888.56 |           |            |
| 8/21/2010  | 76,199.02  | 8/20/2011  | 71,614.12  | 8/25/2012  | 66,209.90  | 8/24/2013  | 89,882.12  |           |            |
| 8/28/2010  | 72,460.03  | 8/27/2011  | 63,432.14  | 9/1/2012   | 67,133.42  | 8/31/2013  | 58,913.18  |           |            |
| 9/4/2010   | 76,362.84  | 9/3/2011   | 80,837.76  | 9/8/2012   | 74,029.40  | 9/7/2013   | 67,758.74  |           |            |
| 9/11/2010  | 82,969.36  | 9/10/2011  | 84,845.80  | 9/15/2012  | 61,838.04  | 9/14/2013  | 53,374.22  |           |            |
| 9/18/2010  | 67,638.78  | 9/17/2011  | 66,748.62  | 9/22/2012  | 56,996.90  | 9/21/2013  | 54,277.94  |           |            |
| 9/25/2010  | 70,435.06  | 9/24/2011  | 68,929.80  | 9/29/2012  | 61,611.40  | 9/28/2013  | 54,881.50  |           |            |
| 10/2/2010  | 71,013.86  | 10/1/2011  | 68,871.64  | 10/6/2012  | 62,715.20  | 10/5/2013  | 55,950.74  |           |            |
| 10/9/2010  | 69,311.50  | 10/8/2011  | 70,866.90  | 10/13/2012 | 60,710.18  | 10/12/2013 | 55,837.92  |           |            |
| 10/16/2010 | 75,234.62  | 10/15/2011 | 75,262.66  | 10/20/2012 | 62,333.08  | 10/19/2013 | 61,327.20  |           |            |
| 10/23/2010 | 70,290.80  | 10/22/2011 | 68,757.72  | 10/27/2012 | 58,073.54  | 10/26/2013 | 52,854.06  |           |            |
| 10/30/2010 | 65,615.04  | 10/29/2011 | 60,507.98  | 11/3/2012  | 56,545.30  | 11/2/2013  | 57,543.54  |           |            |
| 11/6/2010  | 61,337.62  | 11/5/2011  | 70,673.88  | 11/10/2012 | 56,110.96  | 11/9/2013  | 54,666.76  |           |            |
| 11/13/2010 | 64,595.28  | 11/12/2011 | 67,627.10  | 11/17/2012 | 57,432.36  | 11/16/2013 | 56,495.96  |           |            |
| 11/20/2010 | 56,010.08  | 11/19/2011 | 60,690.60  | 11/24/2012 | 65,888.86  | 11/23/2013 | 48,628.62  |           |            |
| 11/27/2010 | 71,170.90  | 11/26/2011 | 74,140.54  | 12/1/2012  | 50,243.34  | 11/30/2013 | 59,645.66  |           |            |
| 12/4/2010  | 53,215.08  | 12/3/2011  | 59,429.94  | 12/8/2012  | 50,770.96  | 12/7/2013  | 47,306.24  |           |            |
| 12/11/2010 | 46,944.00  | 12/10/2011 | 51,395.44  | 12/15/2012 | 47,022.38  | 12/14/2013 | 29,229.02  |           |            |
| 12/18/2010 | 42,076.76  | 12/17/2011 | 55,981.32  | 12/22/2012 | 46,838.96  | 12/21/2013 | 44,581.02  |           |            |
| 12/25/2010 | 50,450.28  | 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  | 12/28/2013 | 62,117.14  |           |            |
| 1/1/2011   | 85,152.12  | 12/31/2011 | 94,661.00  | 1/5/2013   | 71,673.52  | 1/4/2014   | 62,963.88  |           |            |
| 1/8/2011   | 54,301.30  | 1/7/2012   | 74,863.40  | 1/12/2013  | 50,416.30  | 1/11/2014  | 37,935.94  |           |            |
| 1/15/2011  | 54,005.90  | 1/14/2012  | 58,901.92  | 1/19/2013  | 51,211.88  | 1/18/2014  | 49,418.64  |           |            |
| 1/22/2011  | 60,924.74  | 1/21/2012  | 61,819.92  | 1/26/2013  | 46,966.26  | 1/25/2014  | 42,720.80  |           |            |
| 1/29/2011  | 48,036.94  | 1/28/2012  | 62,898.78  | 2/2/2013   | 52,067.92  | 2/1/2014   | 47,681.60  |           |            |
| 2/5/2011   | 60,777.44  | 2/4/2012   | 72,154.66  | 2/9/2013   | 52,222.20  | 2/8/2014   | 45,434.52  |           |            |
| 2/12/2011  | 67,471.84  | 2/11/2012  | 66,429.04  | 2/16/2013  | 64,243.52  | 2/15/2014  | 41,076.08  |           |            |
| 2/19/2011  | 72,018.54  | 2/18/2012  | 77,455.88  | 2/23/2013  | 64,115.70  | 2/22/2014  | 61,523.98  |           |            |
| 2/26/2011  | 75,544.02  | 2/25/2012  | 77,611.78  | 3/2/2013   | 62,602.74  | 3/1/2014   | 57,744.78  |           |            |
| 3/5/2011   | 74,535.34  | 3/3/2012   | 75,963.86  | 3/9/2013   | 59,213.26  | 3/8/2014   | 50,439.94  |           |            |
| 3/12/2011  | 66,979.48  | 3/10/2012  | 76,808.62  | 3/16/2013  | 62,366.36  | 3/15/2014  | 54,414.66  |           |            |
| 3/19/2011  | 73,113.26  | 3/17/2012  | 76,883.92  | 3/23/2013  | 59,841.02  | 3/22/2014  | 50,734.62  |           |            |
| 3/26/2011  | 68,490.80  | 3/24/2012  | 72,108.36  | 3/30/2013  | 57,567.98  | 3/29/2014  | 51,174.60  |           |            |
| 4/2/2011   | 70,846.58  | 3/31/2012  | 74,244.22  | 4/6/2013   | 63,108.84  | 4/5/2014   | 55,229.90  |           |            |
| 4/9/2011   | 67,076.78  | 4/7/2012   | 75,382.98  | 4/13/2013  | 56,849.30  | 4/12/2014  | 48,653.18  |           |            |
| 4/16/2011  | 64,698.56  | 4/14/2012  | 71,065.34  | 4/20/2013  | 55,432.12  | 4/19/2014  | 54,469.22  |           |            |
| 4/23/2011  | 67,674.14  | 4/21/2012  | 68,055.08  | 4/27/2013  | 58,612.74  | 4/26/2014  | 51,637.18  |           |            |

|           |           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 4/30/2011 | 66,807.50 | 4/28/2012 | 72,880.66 | 5/4/2013  | 61,102.92 | 5/3/2014  | 54,757.72 |
| 5/7/2011  | 66,379.74 | 5/5/2012  | 71,582.30 | 5/11/2013 | 57,428.70 | 5/10/2014 | 51,011.76 |
| 5/14/2011 | 66,699.76 | 5/12/2012 | 63,357.92 | 5/18/2013 | 61,172.80 | 5/17/2014 | 51,148.34 |
| 5/21/2011 | 63,210.44 | 5/19/2012 | 78,984.36 | 5/25/2013 | 57,131.24 | 5/24/2014 | 53,082.60 |
| 5/28/2011 | 64,724.06 | 5/26/2012 | 67,396.24 | 6/1/2013  | 65,920.66 | 5/31/2014 | 62,642.98 |
| 6/4/2011  | 74,952.34 | 6/2/2012  | 76,959.44 | 6/8/2013  | 55,233.74 | 6/7/2014  | 49,517.18 |
| 6/11/2011 | 62,203.12 | 6/9/2012  | 63,584.86 | 6/15/2013 | 54,067.52 | 6/14/2014 | 50,266.50 |
| 6/18/2011 | 61,200.76 | 6/16/2012 | 59,436.12 | 6/22/2013 | 54,690.28 | 6/21/2014 | 48,768.14 |
| 6/25/2011 | 65,470.44 | 6/23/2012 | 55,921.30 | 6/29/2013 | 55,991.38 | 6/28/2014 | 49,250.32 |
| 6/30/2011 | 34,351.16 | 6/30/2012 | 58,207.40 | 6/30/2013 | 11,509.54 | 6/30/2014 | 12,010.70 |

---

TOTALS 4,016,541.01

4,124,906.80

3,580,645.18

3,261,565.02

334,931.60

---

### Table Game Revenue

| <b>Date</b>            | <b>Amount</b>       | <b>Date</b>            | <b>Amount</b>       | <b>Date</b>            | <b>Amount</b>       | <b>Date</b>            | <b>Amount</b>     |
|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|-------------------|
| July/August, 2010      | 154,185.68          | July, 2011             | 141,718.01          | July, 2012             | 138,663.64          | July, 2013             | 99,274.36         |
| September, 2010        | 94,247.84           | August, 2011           | 137,473.92          | August, 2012           | 133,245.83          | August, 2013           | 111,427.75        |
| October, 2010          | 105,903.60          | September, 2011        | 110,375.25          | September, 2012        | 127,532.40          | September, 2013        | 80,857.74         |
| November, 2010         | 108,717.67          | October, 2011          | 124,273.94          | October, 2012          | 126,482.02          | October, 2013          | 81,066.09         |
| December, 2010         | 118,721.11          | November, 2011         | 121,118.87          | November, 2012         | 134,443.93          | November, 2013         | 79,853.94         |
| January, 2011          | 106,189.21          | December, 2011         | 140,509.93          | December, 2012         | 146,677.92          | December, 2013         | 79,617.31         |
| February, 2011         | 105,776.45          | January, 2012          | 137,812.68          | January, 2013          | 132,650.35          | January, 2014          | 75,093.81         |
| March, 2011            | 120,927.10          | February, 2012         | 142,770.01          | February, 2013         | 121,636.62          | February, 2014         | 75,170.90         |
| April, 2011            | 130,654.61          | March, 2012            | 151,845.46          | March, 2013            | 149,033.62          | March, 2014            | 78,201.51         |
| May, 2011              | 130,492.02          | April, 2012            | 127,862.26          | April, 2013            | 105,545.23          | April, 2014            | 72,380.72         |
| June, 2011             | 121,576.41          | May, 2012              | 137,905.13          | May, 2013              | 109,747.38          | May, 2014              | 93,191.89         |
|                        |                     | June, 2012             | 129,235.38          | June, 2013             | 104,803.37          | June, 2014             | 72,350.70         |
| <b>Total 2010-2011</b> | <b>1,297,391.70</b> | <b>Total 2011-2012</b> | <b>1,602,900.84</b> | <b>Total 2012-2013</b> | <b>1,530,462.31</b> | <b>Total 2013-2014</b> | <b>998,486.72</b> |

**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             | 297,823.08          |
| August, 2011           | 412,421.76          | August, 2012           | 399,737.49          | August, 2013           | 334,283.25          |
| September, 2011        | 331,125.75          | September, 2012        | 382,597.20          | September, 2013        | 242,573.22          |
| October, 2011          | 372,821.82          | October, 2012          | 379,446.06          | October, 2013          | 243,198.27          |
| November, 2011         | 363,356.61          | November, 2012         | 403,331.79          | November, 2013         | 239,561.82          |
| December, 2011         | 421,529.79          | December, 2012         | 440,033.75          | December, 2013         | 238,851.93          |
| January, 2012          | 413,438.04          | January, 2013          | 397,951.05          | January, 2014          | 225,281.43          |
| February, 2012         | 428,310.03          | February, 2013         | 381,857.07          | February, 2014         | 225,512.70          |
| March, 2012            | 455,536.38          | March, 2013            | 447,100.86          | March, 2014            | 234,604.53          |
| April, 2012            | 383,586.78          | April, 2013            | 316,635.69          | April, 2014            | 217,142.18          |
| May, 2012              | 413,715.39          | May, 2013              | 329,242.14          | May, 2014              | 279,575.67          |
| June, 2012             | 387,706.12          | June, 2013             | 314,410.11          | June, 2014             | 217,052.10          |
| <b>Total 2011-2012</b> | <b>4,808,702.50</b> | <b>Total 2012-2013</b> | <b>4,608,334.13</b> | <b>Total 2013-2014</b> | <b>2,995,460.18</b> |