

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, AUGUST 28, 2014**  
**9:30 A.M.**

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

**REVISED - 8/26/2014 - See Item #10**

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- July 31, 2014
- August 7, 2014

**APPROVAL OF PURCHASE ORDERS**

- August 28, 2014

**APPROVAL OF ACCOUNTS PAYABLE**

- August 21, 2014
- August 28, 2014

**PAYROLL APPROVAL**

- August 14, 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
  - Split Tickets - Discussion/Action
  
2. 10:00 a.m. Pete Dougherty, Sheriff
  - Approval of mandated salary increase - Discussion/Action

3. 10:15 a.m. Martin Burke, Jefferson County Historic Landmarks Commission  
- Request for a Property Tax Exoneration - Discussion/Action
4. 10:30 a.m. Doug Rockwell  
- Discussion of a proposal to delete Seasonal Use Permits from the Zoning Ordinance - Discussion/Action
5. 10:45 a.m. **BREAK**
6. 11:00 a.m. Barbara Miller, Office of Homeland Security and Emergency Management  
- Contract with J.H. Consulting for Threat and Hazard Identification and Risk Assessment plan update at the cost of \$2,500 - Discussion/Action  
- 2014 Emergency management Planning Grant Application in the amount of \$111,475.15 - Discussion/Action  
- Discussion about the State Homeland Security Grant for Generator Purchase - Discussion/Action
7. 11:15 a.m. Jennifer Brockman, Department of Planning and Zoning  
- Approval to fill the vacant position of either the County Planner or Zoning Administrator - Discussion

#### **NEW BUSINESS**

8. Discussion of Hotel/Motel Tax and the collection of same. How to determine if those who are required to pay are collecting and remitting the tax. Request the Prosecuting Attorney be included in the discussion (Executive Session may be necessary to discuss possible litigation) - Discussion/Action (PN)
9. Ratify the decision made on August 7, 2014 - Approval of the Grant Contract Agreement for the West Virginia Community Corrections Grant - Discussion/Action
10. Review and approve proposed draft comments to BZA regarding the Seasonal Use Permit and Zoning Variance being requested by All Good Festival and Camp Out - Discussion/Action (LW)
11. Acknowledgment of the appointment of Andy Blake, Ranson City Manager, as Ranson representative for the Jefferson County Development Authority Board - Discussion/Action

12. Decision on the 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 - Discussion/Action
13. Decision on the SB 595 Vested Development Time Extension Proposal - Discussion/Action
14. Approval of Use of County Commission Meeting Room on Sunday, September 21, 2014 for semi-annual WV Rural Letter Carriers district meeting - Discussion/Action
15. Approval of the changes in the maintenance contract amounts with Software Systems, Inc. - Discussion/Action

#### **COUNTY ADMINISTRATOR REPORTS**

- 2013 Sheriff's Commission

#### **COUNTY COMMISSION REPORTS**

16. 12:15 p.m. **ADJOURN**

#### **CORRESPONDENCE/INFORMATION**

Notice of Jefferson County Commission Office Closure on Monday, September 1, 2014 in observance of Labor Day.

Notice of Intent to Appoint to the Jefferson County Emergency Services Agency Board.

Notice of Intent to Appoint to the Jefferson County Farmland Protection Board.

Impact Fee Status Report for July, 2014.

Memorandum from the Jefferson County Department of Engineering Office of Impact Fees - Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.

Memorandum from the Jefferson County Department of Engineering Office of Impact Fees - Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.

Memorandum from the Jefferson County Department of Engineering Office of Impact Fees - Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks and Recreation Impact Fee Account.

Memorandum from the Jefferson County Department of Engineering Office of Impact Fees - Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.

Letter to Barb Miller, Director of Homeland Security and Emergency Management, from the National Hazard Mitigation Association in appreciation for the department's participation in the 2014 Natural Hazards Workshop, Practitioners Symposium, and Resilient Neighborhoods Workshop.

Press Release from the Jefferson County Farmland Protection Board regarding the protection of the Nicewarner Farm.

Press Release from the National Park Service regarding the Battlefield Preservation Grant in the amount of \$25,300 awarded to the Jefferson County Farmland Protection Board.

National Park Service Special Resource Study/Boundary Study/Environmental Assessment on the Shepherdstown Battlefield.

Jefferson County Public Service District Regular Board Meeting Minutes from July 7, 2014.

Jefferson County Public Service District Special Board Meeting Minutes from July 30, 2014.

Letter from the WV Department of Transportation, Division of Highways regarding the 2015-2020 Statewide Transportation Improvement Program.

Memorandum from the WV Development Office regarding the FY 2014 Land and Water Conservation Fund Notice and Invitation to Submit Applications.

Notice from Comcast regarding the closure of the Comcast Customer Service Center in Ranson, WV.

Jefferson High School Football Boosters sponsorship information.

Comments from James G. Gibson, resident, regarding the Comprehensive Plan draft.

Comments from Kathleen Knudsen, resident, regarding feral cats in Charles Town.

Comments from Virginia Campbell, resident, regarding the Ambulance Service Fee.

WV Lottery Weekly Settlement for Charles Town - week ending August 2, 2014.

WV Lottery Weekly Settlement for Charles Town - week ending August 9, 2014.

WV Lottery Weekly Settlement for Charles Town - week ending August 16, 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 31, 2014

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A meeting of the Jefferson County Commission was held on Thursday, July 31, 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 31, 2014 meeting is available through the Jefferson County Commission Office.)

#### PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

**Motion by Mr. Manuel to approve the minutes for the July 17, 2014 Regular Meeting with noted with correction. Motion seconded and unanimously approved.**

**Motion by Ms. Widmyer to approve the minutes for the July 24, 2014 Impact Fee Work with noted correction. Motion seconded and unanimously approved.**

#### APPROVAL OF PURCHASE ORDERS

**Motion by Ms. Noland to approve Purchase Orders in the amount of \$9,752.63 to include Purchase Order Numbers 51954, 51955, 51956, 51985, 51386, 52688, 51987, 51988, and 51989. Motion seconded and unanimously approved.**

#### APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
072660	412	COMCAST		\$ -	\$ 104.90	\$ 104.90

072660	425	COMCAST		\$ -	\$ 455.25	\$ 455.25
072661	717	AUTOZONE		\$ -	\$ 420.56	\$ 420.56
072662	406	BERKELEY PRINTING/DESIGN	52432	\$ 230.00	\$ -	\$ 230.00
072663	425	B-K OFFICE SUPPLY INC	52639	\$ 500.00	\$ -	\$ 500.00
072664	402	CSSI-COMplete SYSTEM SPR	52474	\$ 212.00	\$ -	\$ 212.00
072665	424	CENTRAL ELEVATOR	52632	\$ 160.00	\$ -	\$ 160.00
072665	425	CENTRAL ELEVATOR	52632	\$ 480.00	\$ -	\$ 480.00
072666	425	DEHAVEN BERKELEY SPRINGS		\$ -	\$ 34.90	\$ 34.90
072667	413	ESS ELECTION SYSTEMS &	52471	\$ 10,401.68	\$ -	\$ 10,401.68
072668	425	FIDELITY ENGINEERING	52635	\$ 385.00	\$ -	\$ 385.00
072668	425	FIDELITY ENGINEERING	52640	\$ 534.79	\$ -	\$ 534.79
072669	717	GUY'S BUICK-GMC TRUCK IN	52634	\$ 256.25	\$ -	\$ 256.25
072670	440	JEFFERSON PUBLISH CO INC	52583	\$ 236.40	\$ -	\$ 236.40
072670	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 59.02	\$ 59.02
072671	712	JEFFERSON MEMORIAL CENTE	52237	\$ 60.00	\$ -	\$ 60.00
072672	424	JEFFERSON RENTAL	52641	\$ 340.72	\$ -	\$ 340.72
072673	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
072674	717	JERRY'S FORD/LINCOLN/MER	52636	\$ 366.24	\$ -	\$ 366.24
072675	405	RALPH A LORENZETTI JR		\$ -	\$ 81.73	\$ 81.73
072676	405	LYNDSEY W. MATSCHAT		\$ -	\$ 75.04	\$ 75.04
072677	402	MATTHEW BENDER & CO	52472	\$ 268.59	\$ -	\$ 268.59
072677	403	MATTHEW BENDER & CO	51477	\$ 902.59	\$ -	\$ 902.59
072677	405	MATTHEW BENDER & CO	52687	\$ 2,537.00	\$ -	\$ 2,537.00
072678	405	PANHANDLE PSYCHOLOGICAL	52682	\$ 525.00	\$ -	\$ 525.00
072679	424	RCS SECURITY	52637	\$ 4,269.40	\$ -	\$ 4,269.40
072679	424	RCS SECURITY	52637	\$ 562.50	\$ -	\$ 562.50
072679	425	RCS SECURITY		\$ -	\$ 444.00	\$ 444.00
072680	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
072680	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
072680	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
072680	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
072680	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
072680	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
072680	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
072680	440	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41
072680	700	RICOH USA, INC./GA		\$ -	\$ 295.90	\$ 295.90
072680	712	RICOH USA, INC./GA		\$ -	\$ 267.08	\$ 267.08
072681	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 3,917.49	\$ 3,917.49
072682	424	TRENNARY SERVICE CO	52643	\$ 7,755.50	\$ -	\$ 7,755.50
072683	425	VALLEY HARDWARE COMPANY		\$ -	\$ 71.01	\$ 71.01

072684	428	VISION INTERNET PROVIDER		\$ -	\$ 4,290.00	\$ 4,290.00
072685	405	THOMSON REUTER - WEST		\$ -	\$ 2,151.45	\$ 2,151.45
072686	401	WV STATE AUDITOR**		\$ -	\$ 17,300.00	\$ 17,300.00
072687	700	WILLIAM WALTERS		\$ -	\$ 138.31	\$ 138.31
<b>TOTAL</b>						<b>\$ 63,745.23</b>
<b>TOTAL</b>				<b>\$ 30,983.66</b>	<b>\$ 32,761.57</b>	<b>\$ 63,745.23</b>

**Motion by Ms. Tabb to approve the Accounts Payable for July 24, 2014 in the amount of \$63,745.23. Motion seconded and passes on a vote of 4-1 with Ms. Widmyer opposing.**

**PUBLIC COMMENT:**

Walt Pellish, Commission President – stated he had completed his radiation treatments and would undergo a PET scan on August 18<sup>th</sup> to monitor his progress.

Jacqueline Milliron, resident – presented the Commission with a water and sewer rate profile for Charles Town and Ranson, hoping the document would demonstrate the need for one county-wide utility board, and urged the Commission for their support.

**PRESENTATIONS**

1. Angie Banks, Assessor – requested the approval of the following Exonerations:

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Charles J. and Pamela Davis	Charles Town Corp.	Personal Property	305375	\$334.42

- **Motion by Ms. Tabb to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Micha and Golda Kiger	Shepherdstown	Personal Property	315495	\$376.19

- **Motion by Ms. Noland to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Charles D. Betoney	Charles Town	Personal Property	300674	\$192.80

- **Motion by Ms. Widmyer to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Patsy L. Dopson	Charles Town	Personal Property	301509	\$7.06

- **Motion by Mr. Manuel to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Anna M. Harder	Charles Town	Personal Property	302059	\$75.24

- **Motion by Ms. Widmyer to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Dennis A. Libby	Shepherdstown	Personal Property	315610	\$87.00

- **Motion by Ms. Noland to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Pasquilino Ammirato	Shepherdstown	Personal Property	314427	\$33.00

- **Motion by Ms. Noland to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Juliette Suau	Shepherdstown	Personal Property	316377	\$112.86

- **Motion by Ms. Tabb to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Maria Helena Austin	Kabletown	Personal Property	309032	\$14.12

- **Motion by Ms. Noland to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Alisa J. Cardoso	CTC	Personal Property	305706	\$94.74
Robert C. Jackson				\$300.98

- **Motion by Ms. Tabb to approve the split ticket as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET #	AMOUNT
Chastidy Bender	Middleway	Personal Property	311043	\$23.52
Mark Bender				\$122.26

- **Motion by Ms. Noland to approve the split ticket as presented by the Assessor. Motion seconded and unanimously approved.**

2. Laura Storm, Circuit Clerk – requested the approval to hire Jamie S. Wolfe as a full-time Deputy Clerk at a Grade II, Step C with a salary of \$28, 267.27, effective August 11, 2014.

- **Motion by Ms. Widmyer to approve the hire of Jamie S. Wolfe as full-time Deputy Clerk within the Circuit Clerk’s Office at a Grade II, Step C with a salary of \$28, 267.27, effective August 11, 2014. Motion seconded and unanimously approved.**

3. Interview and Appointment to the Jefferson County Property Safety Enforcement Agency Board for one two-year term ending February 8, 2016.

- **Motion by Ms. Tabb to appoint Richard Myers as a citizen representative on the Jefferson County Property Safety Enforcement Agency Board for one two-year term ending February 8, 2016. Motion seconded and unanimously approved.**

4. Interview and Appointment to the Jefferson County Building Commission for one five-year term ending July 27, 2019.
  - **Motion by Mr. Manuel to reappoint Larry Togans to the Jefferson County Building Commission for one five-year term ending July 27, 2019. Motion seconded and unanimously approved.**
5. The Commission recessed for break at 10:45 am.  
The Commission reconvened at 11:00 am.
6. Jill Strain, Resident of Jefferson County – requested an exoneration due to an error she made on her personal property tax bill.
  - **Motion by Ms. Noland to approve an exoneration for ticket number 304423 as calculated by the Assessor. Motion seconded and unanimously approved.**
7. Susanne Lawton, General Manager for the Jefferson County Public Service District - provided the Commission with a discussion of the possible funding options for the PSD’s water and sewer projects and the outcome of the meeting between the JCPSD and the Cities of Charles Town and Ranson.
8. Roger Goodwin, Chief County Engineer – requested the 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.
  - **Motion by Ms. Widmyer to authorize the partial release of \$770,736.00 from the construction bond amount for Asbury United Methodist Church – Asbury United Methodist Church Addition (File #S11-05.) Motion seconded and unanimously approved.**
9. Ordinance to dissolve and reconstruct the Jefferson County Emergency Services Agency Board.
  - It was the consensus of the Commission to strike the following from page 1: *“Whereas, at this time, citizens are circulating a petition to authorize imposition of a Fire Fee...”*
  - **Motion by Ms. Tabb to amend Section 3, # 2, Subsection B to state: “One representative of the emergency medical services community in Jefferson County selected from three nominations by the Fire and Rescue Association.” Motion seconded and passes on a vote of 4-1 with Ms. Widmyer opposing.**

- It was the consensus of the Commission to add the following to Section 3 for clarity: *“Employees of the Agency are not eligible to serve as members of the Board.”*
- It was the consensus of the Commission to add the following to Section 3, letter 1: *“...with the exception of the County Commission member.”*
- **Motion by Ms. Tabb to approve the Ordinance to Dissolve and Reconstitute the Jefferson County Emergency Services Agency with the changes agreed upon during the July 31, 2014 Regular Meeting. Motion seconded and unanimously approved.**
- **Motion by Mr. Manuel to amend Ms. Tabb’s motion to state the Ordinance is effective immediately. Motion seconded and unanimously approved.**
  - It was the consensus of the Commission to add to the Ordinance a sentence stating, “Until the Commission has acted to appoint new members, current members are asked to remain serving.”

10. Annual performance review of the County Administrator.

- It was the consensus of the Commission to reschedule this item for the regularly scheduled meeting on August 7, 2014.

11. Approval of Contract Lease – Department of Health and Human Resources.

- **Motion by Mr. Manuel to approve the contract lease with the Department of Health and Human Resources pending legal review. Motion seconded and unanimously approved.**

12. Approval of the Jefferson County Employee Events Schedule for FY15.

- It was the consensus of the Commission to approve the Jefferson County Employee Events Schedule for FY15.

13. Approval of Resolution and Contract – Victims of Crime Act (VOCA) Grant.

- **Motion by Ms. Noland to approve the 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. Motion seconded and unanimously approved.**

14. The Commission recessed for lunch at 12:30 pm.

The Commission reconvened at 1:30 pm.

### **COUNTY ADMINISTRATOR REPORTS**

- County Policies and Procedures – Ms. Keyser stated she was currently updating the County Policies and Procedures and would be uploading them onto the County website so they would be easily accessible to both employees the public in one central location.
- IT RFP – Ms. Keyser stated she sent out the RFPs for IT on Monday and has already received multiple responses. She stated they would be unsealed on Tuesday, September 2<sup>nd</sup>.
- Computer Aided Dispatch – Ms. Keyser notified the Commission that CAD would “go live” on Monday, September 8<sup>th</sup>.
- Auditor – Ms. Keyser stated the auditor was still working in the basement of the Hunter House and would continue to work through the month of August.
- County Website – Ms. Keyser stated the contract with Vision Internet for the new County website had been signed, and she was awaiting further contact from Vision before moving forward.
- “Meet Your Commissioners” – Ms. Keyser stated they needed to scheduled a date for another “Meet Your Commissioners” event. It was the consensus of the Commission to schedule the next “Meet Your Commissioners” event on the evening of Thursday, October 2, 2014 at John’s Diner in the Kabletown District.

### **COUNTY COMMISSIONERS’ REPORTS**

Jane Tabb

- Participated in the 4<sup>th</sup> of July parade in Shepherdstown.
- Attended a PSD meeting.
- Attended a JCESA special meeting.
- Attended a Comprehensive Plan briefing with her appointees.
- Attended the Farm Day dinner.
- Attended a business roundtable with WV Attorney General Patrick Morrisey.

Patsy Noland

- Attended a meeting with her 4-H Club to discuss fair exhibits.
- Attended a JCESA special meeting.

Walt Pellish

- Attended a Solid Waste Authority meeting.
- Attended a business roundtable with WV Attorney General Patrick Morrisey.

Dale Manuel

- Attended a Day Report Center meeting.
- Attended the public hearing on the Envision Jefferson 2035 Comprehensive Plan.

Lyn Widmyer

- Attended a business roundtable with WV Attorney General Patrick Morrissey.
- Attended the public hearing on the Envision Jefferson 2035 Comprehensive Plan.
- Met with Sheriff Pete Dougherty to discuss the short term needs for beds and shelter space for a mental health facility.

15. Public Hearing on the 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 I, 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.

President Pellish opened the Public Hearing at 1:32 pm. Annette van Hilst spoke on behalf of the Perkins family and provided the Commission with the history behind the property and the reasoning behind the rezoning request, including the request's compatibility with the Comprehensive Plan. President Pellish then opened the floor for public comment; however, no one came forward to provide public comment on this matter.

There being no further comment, Commissioner Pellish closed the public hearing at 1:37 pm and stated the record would remain open for two weeks to allow time for written comment.

16. The Commission recessed at 1:45 pm.  
The Commission reconvened at 7:00 pm.

17. Public Hearing on SB 595 Vested Development Time Extension Proposal

President Pellish opened the Public Hearing at 7:02 pm. Jennie Brockman, Director of Planning and Zoning, provided the Commission and the audience with some background information on SB595, explaining that in 2012, the Commission approved a policy related to Vested Property Rights in Jefferson County, which extended relevant time frames relating to plans and plats vested under the provision of SB 595 in 2010 to July 1, 2015. The new proposed extension would grant an additional two years, expiring July 1, 2017.

President Pellish opened the floor for Public Comment. Public Comments were made by the following:

Barbara Humes, resident and member of the Envision Jefferson 2035 Steering Committee – stated she was not in favor of the time extension, as there is a reason why time limits are set. Ms. Humes also stated the Commission should hold the developers to a higher standard to ensure their work is completed in a timely manner under the current, established time frame.

David Hartley, Eastern Panhandle Homebuilders Association – spoke in favor of the time extension, stating it would be too difficult for builders to have to start from scratch again. Mr. Hartley also stated it would most likely be difficult for developers to secure financing for a second time, and current projects could be jeopardized should the Commission not grant the extension.

There being no further public comment, Commissioner Pellish closed the Public Hearing at 7:12 pm and stated the record would remain open for two weeks to allow time for written comments.

18. The Commission meeting was adjourned at 7:15 pm.

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WALT PELLISH, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant

## **Minutes**

### **Jefferson County Commission**

**Thursday, August 7, 2014**

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A meeting of the Jefferson County Commission was held on Thursday, August 7, 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, August 7, 2014 meeting is available through the Jefferson County Commission Office.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Manuel led the Pledge of Allegiance.

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

**Motion by Ms. Tabb to approve Purchase Orders in the amount of \$2,094.89 to include Purchase Order Numbers 51478 and 52478. Motion seconded and unanimously approved.**

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

**Motion by Ms. Widmyer to approve the Accounts Payable for July 31, 2014 in the amount of \$410,720.44. Motion seconded and unanimously approved.**

**Motion by Ms. Tabb to approve the Payroll for July 31, 2014 in the amount of \$241,419.81. Motion seconded and unanimously approved.**

**Motion by Ms. Noland to approve the Accounts Payable for August 7, 2014 in the amount of \$421,828.31. Motion seconded and unanimously approved.**

#### **PUBLIC COMMENT:**

Walt Pellish, Commission President – introduced Paco Sauvage, a foreign exchange student from France who will be living with the Pellishes for a few weeks in order to immerse himself in the English language and learn about local government in the United States.

Paco Sauvage – introduced himself to the Commission and the audience and explained he was hoping to strengthen his English while residing in the States so he would excel on the admittance exam for the university he was hoping to attend.

David Tabb, resident – provided the Commission with an update on his opinions regarding the happenings in the County.

**PRESENTATIONS**

1. Angie Banks, Assessor – requested the removal of two parcels from the 2014 Land Book:

- 1 Lt. Ridge Street Bluff owned by Dixie Donald Kilham – no deed book reference, no location on tax map.
  - Blk 130 #45 owned by Dixie Donald Kilham – no deed book reference, no location on tax map.
- **Motion by Ms. Tabb to approve the removal of the parcels as presented by the Assessor. Motion seconded and unanimously approved.**

Requested the approval of the following exoneration and split ticket:

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Thomas Kush	Kabletown	Personal Property	309978	\$404.42

- **Motion by Ms. Noland to approve the exoneration as presented by the Assessor. Motion seconded and unanimously approved.**

NAME	DISTRICT	TYPE	TICKET NO.	AMOUNT
Lisa M. Hamilton	CTC	Personal Property	305604	\$248.03
Aaron M. Hamilton				\$44.59

- **Motion by Ms. Tabb to approve the split ticket as presented by the Assessor. Motion seconded and unanimously approved.**
2. Pete Dougherty, Sheriff – requested the approval to add Richard Hahn, Jody Pearrell, and Richard Powell to the approved list of bailiffs.
    - **Motion by Mr. Manuel to approve the addition of Richard Hahn, Jody Pearrell, and Richard Powell to the approved bailiff list. Motion seconded and unanimously approved.**
  3. Barbara Miller, Director of Homeland Security and Emergency Management – introduced Brandon C. Vallee, newly hired Administrative Assistant/Public Information Officer/Volunteer Coordinator.
  4. Heather McIntyre, Jefferson County Chamber of Commerce – requested a letter of support for the 39<sup>th</sup> Annual Fall Mountain Heritage Arts and Crafts Festival at Sam Michael’s Park on September 26-28, 2014.
    - **Motion by Ms. Widmyer to approve a letter of support for the 39<sup>th</sup> Annual Fall Mountain Heritage Arts and Crafts Festival and to authorize the President of the Commission to affix his signature to the document. Motion seconded and unanimously approved.**
  5. The Commission recessed for break at 10:30 am.  
The Commission reconvened at 10:45 am.
  6. Interviews and Appointments to the Jefferson County Development Authority for one unexpired term ending April 5, 2017.
    - Ms. Noland offered her nomination to Michael Shepp.
    - Ms. Widmyer offered her nomination to Tara Orndorff.

Mr. Shepp received three votes (Commissioners Noland, Pellish, and Tabb)

Ms. Orndorff received two votes (Commissioners Widmyer and Manuel)

    - After receiving the majority vote, Michael Shepp was appointed to the Jefferson County Development Authority for one unexpired term ending April 5, 2017.
  7. E. Michael & Hilda M. Tetter – requested the approval of an exoneration from vehicle personal property tax due to an error in reporting.

- **Motion by Mr. Manuel to grant an exoneration of personal property tax for E. Michael and Hilda M. Tetter in the amount of \$436.51. Motion seconded and unanimously approved.**
8. Don J. Orser – requested the vacation of six erroneous tax year 2013 tax bills designated as “2012 Back Taxes.”
- **Motion by Ms. Noland to dismiss Mr. Orser’s request on the grounds of *res judicata*. Motion seconded and unanimously approved.**
9. Roger Goodwin, Chief County Engineer – requested the approval for staff to proceed with advertising for bids to complete the sitework at the Rose Hill Estates Subdivision .
- This item was removed from the agenda at the request of Roger Goodwin, Chief County Engineer.
10. Annual Performance Review of County Administrator
- **Motion by Ms. Noland to enter into Executive Session, citing §6-9A-4 (2)(A) – “Matters arising from the appointment, employment, retirement, promotion, transfer, demotion, disciplining, resignation, discharge, dismissal or compensation of a public officer or employee, or prospective public officer or employee unless the public officer or employee or prospective public officer or employee requests an open meeting...” Motion seconded and unanimously approved.**
  - **Motion by Mr. Manuel to come out of Executive Session. Motion seconded and unanimously approved.**

**UNFINISHED BUSINESS**

11. Request the West Virginia Public Service Commission to conduct an operational/performance audit on the Jefferson County Public Service District.
- It was the consensus of the Commission to investigate this request further to discover who would be responsible for paying for the management audit for the Jefferson County Public Service District.
12. Discussion for the potential request of \$2,000 to be donated for security cameras for the purpose of capturing video of litterers.

- It was the consensus of the Commission to schedule a presentation from Billy Madert, head of the Jefferson County Solid Waste Authority, to further discuss this matter.
13. The Commission broke for lunch at 12:30 pm.  
The Commission reconvened at 1:30 pm.
14. Annette Gavin, Jefferson County Convention Visitor's Bureau – provided the Commission with a presentation on the JCCVB marketing strategies to include website, all assets, and marketing campaigns.

### **FINANCIAL DIRECTOR REPORTS**

- Revised Purchasing Policy – Mr. Stanton explained the changes made to the Purchase Order policy, explaining that staff would now only create purchase orders for approval on purchases at or above \$5,000. Invoices are to be submitted directly to Finance with a signature and account number from which the funds will be taken in order to be processed.
  - **Motion by Ms. Tabb to approve the revised Purchase Order and Invoice Policy. Motion seconded and unanimously approved.**
- Audit Engagement Letter
  - **Motion by Mr. Manuel to authorize the President of the Commission to sign the audit engagement letter for FY13, as presented. Motion seconded and unanimously approved.**
- State Budget Revision #3 –
  - **Motion by Mr. Manuel to approve State Budget Revision #3 of the General Fund in the amount of \$53,450.00 for the payment of items which were expected to be paid in FY14 and were not budgeted in FY15. Motion seconded and unanimously approved.**
- Review of Capital Outlay Fund – Mr. Stanton provided the Commissioners with a color-coded listing of the capital outlay projects, including approved projects and possible pending projects. Mr. Stanton stated he would bring this listing back for review on a regular basis.

### **COUNTY ADMINISTRATOR REPORTS**

- Ordinance to Dissolve and Reconstruct the Jefferson County Emergency Services Agency – Ms. Keyser informed the Commission the Ordinance to Dissolve and Reconstruct the Jefferson County Emergency Services Agency was available to

the public on the County's website, and staff would be notifying the current JCESA board members and Josh Smith, President of the Fire and Rescue Association about the action take during the July 31, 2014 regular meeting. Staff would also be drafting an ad for the three citizen representatives to be appointed to the new board.

- Regular Meeting Scheduled for August 28, 2014 – Ms. Keyser stated the regular meeting scheduled for August 28, 2014 would be kept to a morning session to allow time for the Board of Zoning Appeals meeting during the same afternoon.
- Community Corrections Grant for the Jefferson Day Report Center – Ms. Keyser informed the Commission about the Community Corrections Grant received by the Jefferson Day Report Center. She stated the Commission would need to approve and sign the contract for the grant, and it would be on the agenda for ratification during the August 28, 2014 meeting.
  - **Motion by Mr. Manuel to approve the contract and Resolution for the Community Corrections grant and authorize the President of the Commission to affix his signature to the appropriate documents. Motion seconded and unanimously approved.**
- Ethics and Robert's Rules Training – Ms. Keyser stated Ms. McDonald, Deputy County Administrator, would be scheduling Ethics and Robert's Rules of Order training sessions in the fall for the benefit of current boards, commissions, and committees members.

## **COUNTY COMMISSIONERS' REPORTS**

Jane Tabb

- Attended a PSD meeting.
- Attended the Public Hearing on SB 595.

Walt Pellish

- Attended a Solid Waste Authority meeting.
- Attended the Public Hearing on SB 595.

Patsy Noland

- Attended the State Auditor's In-Service Training in Huntington, WV.
- Attended the Public Hearing on SB 595.

Dale Manuel

- Attended a PSD meeting.
- Attended the Public Hearing on SB 595.
- Attended a ribbon cutting and celebration of the new addition to the Harpers Ferry Middle School.

Lyn Widmyer

- Attended a PSD meeting.
- Attended a Historical Society picnic.

15. The Commission meeting was adjourned at 2:48 pm.

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WALT PELLISH, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant



**PURCHASE ORDERS TO BE APPROVED**

**August 28, 2014**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
HOMELAND SECURITY & EM. MGMT	52021	\$ 5,000.00	Futurity	License for Damage Assesment Software
	52023	\$ 7,784.61	Microsoft Store	Surface Pro 3 Bundles & Docking Stations
	52024	\$ 9,306.80	Apple Store for Govt.	10 Apple iPad Air & 2 year Apple Care
	52025	\$ 6,969.62	CDW-G	Panasonic Toughpads, Dock Stations, Mounts
OTHER BUILDINGS	52651	\$ 13,800.00	Boland	Service & Materials for Cold Generator at PSC
<b>GRAND TOTAL</b>		<b>\$ 42,861.03</b>		



Payroll Approval

Checks Dated: 8-14-2014

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 364,838.25		\$ 364,838.25
6.2% Tax Payable OASDI	\$ 21,842.75		\$ 21,842.75
1.45% Tax Payable HI	\$ 5,108.31		\$ 5,108.31
Fed Withholding	\$ 41,959.84		\$ 41,959.84
WV State Withholding	\$ 15,588.91		\$ 15,588.91
PERS Retirement Deduct	\$ 12,676.47		\$ 12,676.47
Hosp. Pre-Tax	\$ 9,907.38		\$ 9,907.38
Cancer/ICU Pre-Taxed	\$ 1,272.09		\$ 1,272.09
Cancer/ICU Not Pre-Taxed	\$ 928.79		\$ 928.79
Optional Life Not Pre-Taxed	\$ 528.25		\$ 528.25
Christmas Club	\$ 5,308.00		\$ 5,308.00
Wage Attach #1	\$ 1,339.39		\$ 1,339.39
Wage Attach #2	\$ 83.25		\$ 83.25
Wage Attach #3	\$ 212.31		\$ 212.31
Wage Attach #4	\$ 154.83		\$ 154.83
DSRS Retirement Deduct 8.5%	\$ 5,451.47		\$ 5,451.47
457 - Nationwide	\$ 749.00		\$ 749.00
457I - ING	\$ 3,040.00		\$ 3,040.00
MD State Tax	\$ 280.20		\$ 280.20
D/VF	\$ 1,355.98		\$ 1,355.98
VA. State Tax	\$ 88.87		\$ 88.87
COLONIAL(PLUS)	\$ 258.09		\$ 258.09
<b>Total Deductions</b>	<b>\$ 128,134.18</b>	<b>\$ -</b>	<b>\$ 128,134.18</b>
<b>Net Wages Total</b>	<b>\$ 236,704.07</b>	<b>\$ -</b>	<b>\$ 236,704.07</b>
Pay Dates	14-Aug-2014		

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



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **August 28, 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
- Split Tickets

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.



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



Name: Sheriff Dougherty

Department or Organization: Sheriff's Office

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: Aug. 28, 2014

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

Date Requested – 2<sup>nd</sup> Choice: Sept. 4, 2014

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

Approval of mandated salary increase.

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

Approval of mandated salary increase through civil service for Sheriff's employee, based on employee's length of service

Is this a funding request? Y/N Yes

If so, how much? \$1,000 already included in the Sheriff's budget

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

Approve the \$1,000 annual salary increase as mandated through the civil service for Joe Forman, based on employee's length of service.

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

If not attached, explain: Attached

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

*\$1,000 included in FY15 Budget*

**Jefferson County Commislon  
Employee Action Form**

Employee Name:	Joseph Forman	Date Completed:	8/13/2014
Department Number:	700	Work Location:	
Birthdate:		Mail Address:	
Social Security:		Mail Address:	
Home Phone:		Cell Phone:	
From: Salary	\$ 56,065.00	To: Salary	\$ 57,065.00
Reason:			New Hire Promotion Temporary Assignment Annual Increase
		% of Change	1.78%
Grade (I, II, III, etc):		Grade (I, II, III, etc):	
Step (A,B,C etc.):		Step (A,B,C etc.):	
Min/Mid/Max		Min/Mid/Max	
From:	Candidate Non-Exempt Exempt Full-Time Perm > 1820 hrs/annual Full-Time Perm 2080 hrs/annual Full-Time Temp < 6 mos Part-time Perm < 1040 hrs/annual Part-time Temp/Intern Contract Termination/Retirement	To:	Candidate Non-Exempt Exempt Full-Time Perm > 1820 hrs/annual Full-Time Perm 2080 hrs/annual Full-Time Temp < 6 mos Part-time Perm < 1040 hrs/annual Part-time Temp/Intern Contract Termination/Retirement
From:	Active Personal Unpaid FMLA Workers Comp WC Rate:	To:	Active Military Personal Paid Return to Work FMLA Return to Work Workers Comp WC Code WC Rate:
Additional Info:			
Effective Date: 7/30/2014			
Sheriff Approval	<i>Peter H. Sengler</i>	HR Approval	
Commislon Approval		Hiring Mgr Appr	
Hiring Mgr Notified		Payroll Done	

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



Name: Martin Burke

Department or Organization: **Jefferson County Historic Landmarks Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **August 28, 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*): **Property tax exoneration**

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

The JCHLC will be requesting a 2014 property tax exoneration in the amount of \$389.70 for the Lowe Tract on Trough Rd. Shepherdstown, WV. The property is a .6 acre parcel the JCHLC owns next to the Shepherdstown Cement Mill. We are asking for the exoneration because JCHLC is a unit of the JC government and as such generally exempt from property tax under WV Code Chapter 11-3-9 a(3).

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: Statement of Taxes Due 2014; Map of location of Lowe Tract; Request for Exoneratation – Lowe Tract

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

Contact information:

Email address: martinburke@frontiernet.net Phone Number: 304-876-3883

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

not applicable

## **REQUEST FOR 2014 PROPERTY TAX EXONERATION**

Lowe Tract – 3125 Trough Rd. Shepherdstown, WV 25443

Jefferson County Historic Landmarks Commission

August 28, 2014

The Jefferson County Historic Landmarks Commission (JCHLC) requests a 2014 property tax exoneration in the amount of \$389.70 for the Lowe Tract, Map 9 Parcel 0012, at 3125 Trough Rd. Shepherdstown, WV. The property is a .6 acre parcel the JCHLC owns and is contiguous with the Shepherdstown Cement Mill parcel. We are asking for the exoneration because JCHLC is a unit of the Jefferson County government and as such generally exempt from property tax under WV Code Chapter 11-3-9 a(3).

JCHLC did pay approximately \$198.00 of 2013 property taxes in January 2014, but believe we should be exonerated from all future tax assessments associated with this property.

The Civil War Trust, Inc. purchased the Lowe Tract on September 30, 2013 and at closing property title was assigned to the JCHLC. In assuming property title, the Landmarks Commission agreed to serve as government sponsor for an American Battlefield Protection Land Acquisition Grant, manage the demolition of the Lowe house; place a conservation easement on the property, and hold the property until such time as it could be transferred to the National Park Service (NPS). All of these conditions have been met except transfer to NPS.

Martin Burke  
Chair, JCHLC

# STATEMENT OF TAXES DUE

PROPERTY TYPE	COUNTY	DISTRICT	ACCOUNT NO.	YEAR	TICKET NO.	
REAL	JEFFERSON	09-SHEPHERDSTOWN DIST	00027581	2014	27929	
PROPERTY DESCRIPTION		RATE	CLASS	ASSESSMENT	ASSESSMENT LESS EXEMPTION	HALF YEAR TAX
2 LTS-& PCL TROUGH ROAD		1.175600	2	54000	34000	199.85
MAP/PARCEL: 9 0012 0000 0000				<b>HOMESTEAD EXEMPTION</b>		

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


JEFF CO HIST LANDMARKS COMM  
 LOWE AGNES BANKS  
 P O BOX 23  
 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.
LOWE AGNES BANKS	JEFFERSON	00027581		
MAP/PARCEL: 9 0012 0000 0000				 2014 27929

PAYMENT SCHEDULE - SECOND HALF		
IF PAID BY:	2ND HALF	FULL YEAR
March 1, 2015	194.85	403.69
March 31, 2015	199.85	408.69
April 1, 2015	199.85	410.19
April 30, 2015	201.35	411.69

DISTRICT	PROPERTY TYPE
09-SHEPHERDSTOWN DIST	REAL
IF EITHER HALF IS NOT PAID BY APRIL 30TH, IT WILL BE PUBLISHED AS REQUIRED BY LAW WITH FEES ADDED	
STATE	1.70
COUNTY CURRENT	95.47
SCHOOL CURRENT	131.92
SCHOOL PER IMPROVE.	14.55
SCHOOL EXCESS LEVY	156.06

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.
LOWE AGNES BANKS	JEFFERSON	00027581		
MAP/PARCEL: 9 0012 0000 0000				 2014 27929

PAYMENT SCHEDULE - FIRST HALF		
IF PAID BY:	1ST HALF	FULL YEAR
September 1, 2014	194.85	389.70
September 30, 2014	199.85	394.70
October 31, 2014	201.35	396.20
November 30, 2014	202.85	397.70
December 31, 2014	204.35	399.20
January 31, 2015	205.85	400.70
February 28, 2015	207.34	402.19
March 1, 2015	208.84	403.69
March 31, 2015	208.84	408.69

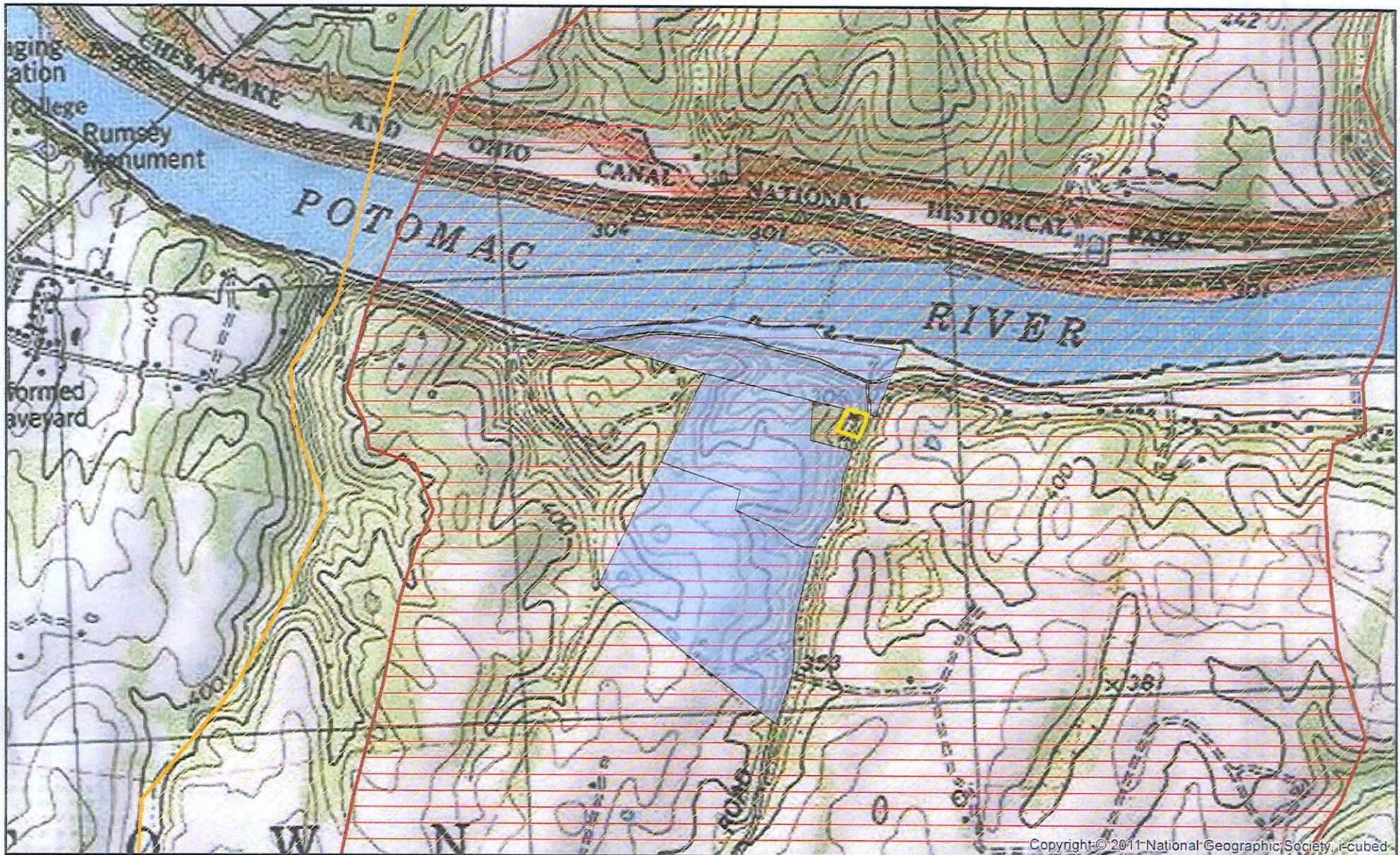
09-SHEPHERDSTOWN DIST      REAL

TEAR OFF AND RETURN THIS PORTION WITH YOUR PAYMENT IF YOU ARE PAYING EITHER THE FIRST HALF OR THE FULL YEAR TAXES

PLEASE CIRCLE THE AMOUNT PAID  
 TO AVOID INTEREST CHARGES  
 PAY THE 1ST HALF BY OCTOBER 1  
 AND THE 2ND HALF BY APRIL 1

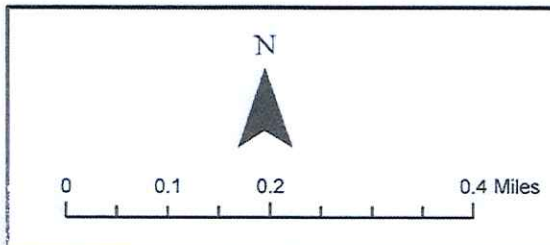
PLEASE INDICATE ANY ADDRESS CHANGES BELOW.

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.



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Prepared for the Civil War Trust



### Low Tract at Shepherdstown Battlefield (Jefferson County, WV)

Created on 3/08/13 by JM

- Low Tract (0.66 Acres)
- Preserved in Whole or in Part by the Trust
- Battlefield Core Area
- Battlefield Study Area

155. DELINQUENT TAXES—Sheriff should suspend land from sale for delinquent taxes when title has been acquired by State. A county clerk should refuse to deliver a deed to a purchaser at a delinquent tax sale where title has been acquired by the State. The United States acquires title free of property tax liens. Purchaser of land at sale conducted by Deputy Commissioner of Forfeited and Delinquent Lands acquires title free of prior tax liens in favor of Unemployment Compensation Fund. Taxes assessed against land prior to acquisition by Federal, state or local government may be collected from the record owner.

June 15, 1962  
"Centennial '63"

HONORABLE WILLIAM R. PFALZGRAF  
*Prosecuting Attorney of Wood County*  
*Parkersburg, West Virginia*

HONORABLE ELMER D. STRICKLER  
*Prosecuting Attorney of Nicholas County*  
*Summersville, West Virginia*

HONORABLE HOWARD W. CARSON  
*Deputy Commissioner of Forfeited and*  
*Delinquent Lands for Fayette County*  
*Oak Hill, West Virginia*

GENTLEMEN:

We are in receipt of a letter from each of you requesting an opinion relating to the status of delinquent taxes on real estate which was subsequently acquired by either a federal, state, or local government. In view of the fact that a discussion of each of the problems submitted involves the application of the same, or similar, legal principles, we have prepared one opinion covering the problem submitted by each of you.

In Wood County the State Road Commission acquired title to a tract of land in October, 1959. The grantor, who was the owner on January 1, 1959, failed to pay the 1959 taxes, and the property was sold by the sheriff for the nonpayment of taxes assessed for that year. The purchaser at the tax sale applied to the clerk of the county court for a deed to this property, and the clerk wants to know whether he should refuse to execute and deliver a deed in compliance with Chapter 11A, Article 3, Section 25, of the Code of West Virginia. Also submitted to us is the question of whether or not the sheriff should, in the future, suspend from sale land upon which taxes are delinquent when it appears that the title to such land has been acquired by the State.

In Nicholas County the United States government purchased several tracts of land between July 1, 1961, and December 31, 1961; the question presented is: Who is liable for the taxes assessed for the year 1962?

In Fayette County the Deputy Commissioner of Forfeited and Delinquent Lands for Fayette County instituted a suit against the former owners of certain tracts of land, which were sold to the State in December, 1958, for

*Hanson*  
*Yancey*  
*Dunn*  
*Consideration*  
*of 1962*

the nonpayment of 1957 taxes thereon, and which became irredeemable in June, 1960. On February 20, 1958, a notice of tax lien had been filed in the office of the Clerk of the County Court of Fayette County by the Unemployment Compensation Fund against one of these former owners (Zeb Pendergrass) for the period of April 1, 1953, to June 30, 1954, in the principal sum of \$3,385.70. The questions presented here are:

(1) Whether or not the act of purchasing the land by the State, at the time it was sold by the sheriff for nonpayment of delinquent taxes, operated to extinguish existing tax liens held by other State agencies to the extent that the State of West Virginia now holds the land free of all such liens; and

(2) Whether or not this real estate, if sold pursuant to the required procedure in forfeited and delinquent land suits, will be conveyed by the State to purchasers, absolved and freed of the tax lien in favor of the State's unemployment compensation fund.

All property which is owned by the federal, state and local governmental bodies and which is dedicated to public use is generally construed as immune from taxation in the absence of any statutory or constitutional provision regarding same. The doctrine of immunity, in the absence of constitutional or statutory provisions, rests upon the theory of dual sovereignty in our form of government. It is necessary that this immunity exist in order that each government may be able to deal with its problems without interference or embarrassment on the part of the other government.

In West Virginia, however, as in many states, the question of exemption from taxation is fixed by constitutional and statutory provisions. Article X, Section 1, of the Constitution of West Virginia provides that public property may be exempted from taxation by the Legislature. Chapter 11, Article 3, Section 9, of the Code of West Virginia, which was enacted pursuant to the foregoing constitutional provision, exempts from taxation property belonging to the United States, other than property permitted by the United States to be taxed, property belonging exclusively to the State, and property belonging to a county, district, city, village, or town, which is used for public purposes.

This brings us to the question presented for solution from Wood County. In this connection, we call attention to an opinion issued by this office March 20, 1950, published in Report and Opinions of the Attorney General, 1948-50, at page 521. We have re-examined this opinion and believe that it clearly states the law with reference to the situation referred to therein. The general rule is well settled to the effect that the acquisition of title to land by the state, federal, or a local governmental body, for public use, serves to extinguish all prior tax liens on the real estate.

In the case of *Armstrong Corporation v. Martin*, 119 W.Va. 50, 192 S.E. 125, the Court held, in Syllabus 1 thereof:

"At a tax sale, when land is purchased by the State, its tax lien is merged in its purchased title."

In the case of *Hardman v. Ward*, 136 W.Va. 370, 67 S.E. 2d 573, our Court held, in Syllabus 2 thereof:

"A tax sale based upon an invalid assessment is void, and a deed made by the county court clerk to a tax purchaser, pursuant to such

sale, constitutes a cloud on the owner's title, which the latter has the right to have removed in a court of equity."

The courts give various reasons for arriving at the general conclusion that a government's acquisition of a land title, for public use, extinguishes all prior tax liens thereon.

The leading case seems to be *State v. Locke*, 29 N.M. 148, 219 P. 790, 30 A.L.R. 410. The Court held that:

"\* \* \* when property is acquired by the state in its sovereign capacity, it thereupon becomes absolved, freed, and relieved from any further liability for taxes previously assessed against it, and which are unpaid at the time it becomes so acquired; that, from the moment of its acquisition, the power to enforce the lien is arrested or abated. The claim of the state for such taxes becomes merged in its ownership of the fee. \* \* \*"

There is some authority to the contrary, but the above case of *State v. Locke* is in accord with what we believe to be the majority of the decisions. The two West Virginia cases cited above indicate that our Court would follow the principle enunciated in *State v. Locke, supra*.

We are, therefore, of the opinion that the county clerk should refuse to deliver a tax deed to the purchaser at the sale held by the sheriff for the delinquent taxes assessed for the year 1959, for the reasons stated hereinabove. It is our further opinion that the sheriff, where he has personal knowledge thereof, should suspend from sale for nonpayment of delinquent taxes any property purchased by the federal government, the State, or by any local government and held for public use. The liability of the original owner of the property for the payment of taxes is hereinafter discussed.

In reply to the question received from Nicholas County, we direct your attention to Chapter 11A, Article 1, Section 2, of the Code of West Virginia, as amended, which is as follows:

*"Lien for Real Property Taxes.*—There shall be a lien on all real property for the taxes assessed thereon, and for the interest and other charges upon such taxes, at the rate and for the period provided by law, which lien shall attach on the first day of July, one thousand nine hundred sixty-one, and each July first thereafter for the taxes payable for the ensuing fiscal year."

The lien for taxes assessed against real estate, by statute, formerly attached as of the first day of January. This provision was changed by Chapter 153, Acts of the Legislature, 1959, to the thirty-first day of December of each year; and again changed by Chapter 142, Acts of the Legislature of 1961, to the first day of July, 1961, and each July first thereafter for taxes payable for the ensuing fiscal year.

In view of the foregoing, a lien exists on the lands purchased by the United States government in Nicholas County, between July 1, 1961, and January 1, 1962, for the taxes assessed by the levying bodies of Nicholas County for the year 1962. In the case of *United States v. Alabama*, 313 U.S. 274, 85 L.Ed. 1327, the Supreme Court of the United States held that a lien imposed by state statute as of the tax day for taxes was a valid lien against the United

States where it acquired the property after the tax day, even though the lien was not fully perfected until final assessment was made of the taxation, but such a lien cannot be enforced against the United States. The court further held that a tax sale is a proceeding against the United States which cannot be proceeded against without its consent; that the sale of the land for non-payment of delinquent taxes, after the land was acquired by the United States, was void.

We are of the opinion that the United States government now holds the property purchased in Nicholas County after July 1, 1961, but prior to January 1, 1962, free of any right to enforce such tax lien against the property. The lien for said taxes is transferred to the fund represented by the purchase price paid for the land, provided all the fund has not yet been paid over to the seller. If any funds are withheld from the purchase price, the same should be applied in discharge of taxes assessed for the year 1962. The grantor of such land remains personally liable for the payment of the taxes assessed for the year 1962. (See Code 11A-1-2.)

In reply to the question presented by the Deputy Commissioner of Forfeited and Delinquent Lands for Fayette County, this is to advise that we are of the opinion that the purchase by the State of lands sold for delinquent taxes by the sheriff extinguishes all existing liens held by other State agencies. The opinion of our Court in the case of *Armstrong Corporation v. Martin, supra*, indicates that our Supreme Court would follow the reasoning set forth in what is generally regarded as the leading case of *State v. Locke, supra*. In the *Locke* case the Court held that the claim of the State for taxes became merged in the State's ownership of the fee, observing that the reason for such a rule is as follows:

“ . . . The object of taxing property is to produce the revenues with which to conduct the business of the state; it is entirely inconsistent with our theory of government for the property of the state to be taxed, or sold for taxes, in order to produce the money to be expended by the state. Such a procedure is but taking the money out of one pocket and putting it in the other. Another consideration, which should not be overlooked, is that if public property, that is to say, property owned by the state, is to be burdened with a tax lien, the public might lose it entirely through oversight or carelessness of its agents in failing to pay the taxes when due, and allowing the same to be sold and the title pass to third parties.”

In an opinion dated October 1, 1952, published in Report and Opinions of the Attorney General, 1952-54, at page 67, it was concluded, in regard to liens held by the State on the property of one receiving old age public assistance, that when such property was later purchased by the West Virginia Turnpike Commission, the prior lien thereon was extinguished, the opinion saying:

“We can see no reason why the majority rule which we found applicable with respect to property and inheritance tax should not control in the case of this lien. Although not a tax lien, it is a lien in favor of the state held by a state agency for a debt due the state. It would be just as incongruous to allow the state's property to be sold to satisfy this lien as it would be in the case of a tax lien. Although we have found no case directly on this point, the cases supporting the majority rule as to tax liens are so analogous that they

may be safely relied on. *The state's lesser right as lienholder is merged in its greater right as landowner here also, we believe.*"  
(Italics ours.)

It is our considered opinion that the State's lesser right as lienholder in favor of the Unemployment Compensation Fund is merged in its greater right as landowner of the real estate which the Deputy Commissioner of Forfeited and Delinquent Lands is obligated to sell (and which was formerly owned by Zeb Pendergrass); therefore, the purchaser(s) of such real estate will hold the same free of the lien now existing in favor of the State Unemployment Compensation Fund. In a suit in which the land is sold, if the property should sell for a sum in excess of the amount necessary to discharge the taxes and interest chargeable thereon, including all court costs, then, under Chapter 11A, Article 4, Section 29, of the West Virginia Code, the Director of the Unemployment Compensation Fund may file an application with the Circuit Court claiming the surplus to satisfy the lien of the Unemployment Compensation Fund.

In view of the fact that local governmental bodies are entitled to collect the taxes levied prior to the acquisition of the real property by either the United States, the States, or local governmental bodies, we express the opinion that the acquisition of title to real estate by such governmental bodies, by purchase or condemnation, does not discharge the original owner from liability to pay the tax assessed thereon. Chapter 11A, Article 1, Section 2, of the Code of West Virginia clearly provides for:

*"Collection by Suit.*—Taxes are hereby declared to be debts owing by the taxpayer, for which he shall be personally liable. After delinquency, the sheriff may enforce this liability by appropriate action in any court of competent jurisdiction. No such action shall be brought after five years from the time the action accrued."

Chapter 142, Acts of the Legislature, 1961, Code 11A-1-2, changed the date upon which taxes become a lien upon the property to the first day of July for the ensuing year. All taxes levied upon real property are declared to be debts of the taxpayer, for which he is personally liable, and Chapter 11A, Article 2, provides for collection of such taxes by suit, distraint, summary proceedings and sale of the property.

If a governmental body acquires land by purchase, it should provide for the payment of the prior assessed taxes due the local governmental body as a part of the consideration for conveyance of such land and should see that the taxes thereon are paid, notwithstanding the fact that the governmental body acquires title to the property free of the tax lien thereon.

If title is acquired by condemnation, the delinquent taxes should be paid out of the award. Chapter 11A, Article 2, Section 7, of the Code of West Virginia, is, in part, as follows:

" \* \* \* No person so applied to shall make any payment or deliver any of the property to the delinquent taxpayer *until the taxes are paid.* From the time of the making of such application the taxes shall constitute a lien on any such money now or to become due from the person applied to and on such property held by him. \* \* \*"  
(Italics ours.)

Volume 29 C.J.S., page 1102, Section 196, reads, in part, as follows:

"Award substituted for land. Where land is taken for a public use, the damages awarded take the place of the land with respect to all rights and interests dependent on and incident to it, and the owners of the property condemned have the same interest in the fund as they had in the land taken."

Chapter 54, Article 2, Section 12, of the Code of West Virginia provides for the vesting of title in the applicant, in a condemnation proceeding, upon payment of the award to the person entitled thereto or into court. Code 54-2-18 provides that the Court may have inquiry made by a commissioner to ascertain what persons are entitled to the award and in what proportion.

In the case of *Board of Capitol Managers v. Brasie*, 72 Colo. 153, 210 P. 63, the court held:

"The decree in the condemnation proceeding divested the respondent of all title, and vested it in the state of Colorado free and clear of any liens or incumbrances whatsoever, but it did not have the effect of extinguishing the lien or altering the obligation to pay the special taxes. The decree released the land from the lien, but not so with the money arising out of the land. The effect of the decree was to transfer the lien from the land to the money in the registry of the court which was placed there as the equivalent of the land by virtue of the condemnation proceedings."

A similar conclusion was reached in *Ross v. Kendall*, 183 Mo. 338, 81 S.W. 1107 and *Carpenter v. City of New York*, 60 N.Y. Supp. 633.

We do not find any statute that imposes a legal duty upon the agents of a governmental body, in the course of acquiring title to land for public use, to provide for payment of the taxes assessed against the land so acquired. Such agents are usually made aware of the existence of such tax liens as a result of title examinations made prior to purchase or acquisition. Governmental bodies should cooperate with one another as a matter of reciprocity. The local governmental bodies are entitled to collect the taxes which were assessed on land prior to its acquisition for public use and, while the amount thereof is ordinarily rather inconsequential in terms of the total revenue, it is conceivable that on certain occasions a state, federal or local government may acquire property of great value and then the loss of the taxes assessed on the land would become a substantial factor in balancing the local budget.

We are therefore of the opinion that all state, federal or local governmental agencies which acquire property by purchase or condemnation should provide for payment of the taxes out of the consideration paid for the land, or if the property is condemned, should give some form of notice to the holder of the tax lien, in order that the holder thereof may make application to the court for the payment of the taxes out of the proceeds derived from the sale of the land.

In summary, we are of the opinion that:

(1) Acquisition of title to land, for public use, by the United States, the State of West Virginia, or a local governmental body, serves to extinguish all prior tax liens on such property including all existing liens held by any agency of the State of West Virginia;

(2) A county clerk should refuse to deliver a tax deed to a purchaser at a tax sale held by the sheriff for the nonpayment of delinquent taxes assessed upon property the title to which has been acquired by the State of West Virginia;

(3) A sheriff should suspend from sale being held for the nonpayment of delinquent taxes any property which has been purchased, for public use, by the federal government, the State of West Virginia, or any local government;

(4) Taxes assessed for the year 1962 are owed by the record owner of that property on July 1, 1961, and may be collected from that record owner even though the title to such real estate has been acquired by a governmental body subsequent to July 1, 1961;

(5) Purchasers of land at a sale conducted by the Deputy Commissioner of Forfeited and Delinquent Lands acquired title, absolved and freed of any prior tax liens in favor of the State's Unemployment Compensation Fund; and

(6) Governmental agents engaged in acquiring title to land for public use should take care to see that out of the purchase price paid for the land all prior assessed taxes due local governmental bodies are paid, notwithstanding the fact that the governmental bodies acquire title to the property free of the tax liens thereon.

Very truly yours,

C. DONALD ROBERTSON, *Attorney General*

By CLAUDE A. JOYCE, *Assistant*

156. HIGHWAY—May not use public highways for auto racing.

June 15, 1962  
"Centennial '63"

HONORABLE BURL A. SAWYERS  
*State Road Commissioner*  
Charleston 5, West Virginia

DEAR MR. SAWYERS:

We are in receipt of your request for an opinion upon the following:

"The Department of Commerce, through its Commissioner, Hulett C. Smith, has proposed a road race for the Fall of 1962 and as a Centennial attraction in 1963. It is hoped that such a race would be sanctioned by the Sports Car Club of America.

"It is proposed that such a race would be held on public highways in Putnam County, which are a part of the state road system.

"Therefore, may this Commission permit the use of highways which are a part of the state road system for racing purposes and prohibit the use of such roads by all other forms of traffic during the conduct of said races?"

## SECTION 4

### 4. TIME AND BASIS OF ASSESSMENTS (W. Va. Code § 11-3-1)

The term "assessment" can be defined broadly or narrowly. The assessed value is the result of an involved assessment process. The process includes discovery, appraisal, mapping, notice, and all other considerations resulting in an entry on the property book.

SB 401 defines "assessment date" as July 1 of the year preceding the tax year.

July 1 is the annual West Virginia assessment day for taxes payable for the ensuing calendar year. That means July 1 is a critical date for valuation, ownership and tax classification of non-utility property. All property must be valued as of that day, every year. The ownership on that day sets the tax obligation; and the use of the property on that day sets the tax class. An assessor can help ensure uniformity by strictly adhering to the assessment date.

W.Va. Code § 11-5-3 defines "Tax Year" as the calendar year following the July first assessment day or, in the case of a public service business assessed pursuant W. Va. Code § 11-6-1, the calendar year beginning on the January first assessment day.

W. Va. Code § 11-3-1 should be thoroughly understood, since it forms part of the foundation for your assessment work. It further provides authority to the Tax Commissioner to review and oversee your work.

SB 401 defines "assessment year" as the 12 month period that begins on the assessment date.

ALL NONPUBLIC UTILITY PROPERTY is appraised annually as of July 1, at market value and assessed at 60 percent.

All property is valued at its estimated market value annually, using one or more of the three acceptable measures of value (cost, market and/or income). Exceptions: Active Farm Land (See W. Va. Code § 11-3-1) and Managed Timberland (See Section 16)

SB 401 removes existing proviso that the value of Class II residential property shall be determined giving primary consideration to the INCOME.

- Active farm lands are valued based upon rents of property used for farming purposes when property owner makes application and qualifies annually. (WV Code §11-1A-10) See (CSR 110-1A-1 et seq.) Corporations or companies can apply for agricultural - use. The Constitution requires all farms, regardless of ownership, to receive Class II. However, these corps cannot receive the special farm use valuation.
- Managed timberland is valued on the basis of the potential of the timberland to produce a future net income. (See W. Va. Code § 11-1C-10, 11-1C-11, 11-1C-11A and CSR 110-1H et seq.)
- The owner on the July 1 assessment day is responsible for the ensuing property taxes. There is no statutory method for prorating a property tax. (W. Va. Code § 11-3-1)

**§11-3-1. Time and basis of assessments; true and actual value; default; reassessment; special assessors; criminal penalty.**

(a) All property, except public service businesses assessed pursuant to article six of this chapter, shall be assessed annually as of July 1 at sixty percent of its true and actual value, that is to say, at the price for which the property would sell if voluntarily offered for sale by the owner thereof, upon the terms as the property, the value of which is sought to be ascertained, is usually sold, and not the price which might be realized if the property were sold at a forced sale.

(b) Any conflicting provisions of subsection (a) of this section notwithstanding, the true and actual value of all property owned, used and occupied by the owner thereof exclusively for residential purposes shall be arrived at by also giving consideration to the fair and reasonable amount of income which the same might be expected to earn, under normal conditions in the locality wherein situated, if rented: *Provided*, That the true and actual value of all farms used, occupied and cultivated by their owners or bona fide tenants shall be arrived at according to the fair and reasonable value of the property for the purpose for which it is actually used regardless of what the value of the property would be if used for some other purpose; and that the true and actual value shall be arrived at by giving consideration to the fair and reasonable income which the same might be expected to earn under normal conditions in the locality wherein situated, if rented: *Provided, however*, That nothing herein shall alter the method of assessment of lands or minerals owned by domestic or foreign corporations.

(c) The taxes upon all property shall be paid by those who are the owners thereof on the assessment date whether it be assessed to them or others.

(d) If at any time after the beginning of the assessment year, it be ascertained by the Tax Commissioner that the assessor, or any of his or her deputies, is not complying with this provision or that they have failed, neglected or refused, or is failing, neglecting or refusing after five days' notice to list and assess all property therein at sixty percent of its true and actual value as determined under this chapter, the Tax Commissioner may order and direct a reassessment of any or all of the property in any county, district or municipality, where any assessor, or deputy, fails, neglects or refuses to assess the property in the manner herein provided. And, for the purpose of making assessment and correction of values, the Tax Commissioner may appoint one or more special assessors, as necessity may require, to make assessment in any county and any such special assessor or assessors, as the case may be, has the power and authority now vested by law in assessors, and the work of such special assessor or assessors shall be accepted and treated for all purposes by the county boards of review and equalization and the levying bodies, subject to any revisions of value on appeal, as the true and lawful assessment of that year as to all property valued by him or her or them. The Tax Commissioner shall fix the compensation of all special assessors appointed, which, together with their actual expenses, shall be paid out of the county fund by the county commission of the county in which any such assessment is ordered, upon the receipt of a certificate of the Tax Commissioner filed with the clerk of the county commission showing the amounts due and to whom payable, after such expenses have been audited by the county commission.

(e) Any assessor who knowingly fails, neglects or refuses to assess all the property of his or her county, as herein provided, shall be guilty of malfeasance in office and, upon conviction thereof, shall be fined not less than \$100 nor more than \$500, or imprisoned not less than three nor more than six months, or both, in the discretion of the court, and upon conviction, shall be removed from office.

(f) For purposes of this chapter and chapter eleven-a of this code, the following terms have the meanings ascribed to them in this section unless the context in which the term is used clearly indicates that a different meaning is intended by the Legislature:

(1) "Assessment date" means July 1 of the year preceding the tax year.

(2) "Assessment year" means the twelve-month period that begins on the assessment date.

(3) "Tax year" or "property tax year" means the next calendar year that begins after the assessment date.

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



Name: Doug Rockwell

Department or Organization: Self

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: Aug. 28, 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*):

Discussion between the Jefferson County Commission and Doug Rockwell regarding his proposal to delete Seasonal Use Permits from the Zoning Ordinance.

Please provide the County Commission with a description of your request or presentation, including any background information:  
Doug Rockwell is proposing Section 9.8 for Seasonal Use Permits be deleted from the Zoning Ordinance.

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*):

Move to delete Section 9.8 - Seasonal Use Permits - from the Jefferson County Zoning Ordinance effective Aug. 28, 2014.

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

If not attached, explain: Attached

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

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

MEMO

DATE: August 20, 2014  
TO: JEFFERSON COUNTY COMMISSION  
FROM: Douglas S. Rockwell



Enclosed herewith is a copy of the proposed amendment on Mass Events presented at the August 12, 2014 public hearing of the planning commission. The draft contains the existing sections of the zoning ordinance on seasonal uses. Section 9.8 reads “seasonal uses must be considered by the Board. . .” What is it that must be considered? Is it only the activity, i.e., number of attendees, length of time per day, number of days, type of activity, creation of light, noise, and dust, or sanitation facilities? Must the board also consider the land, i.e., the zoning district, location, size, physical characteristics, immediate neighborhood, stormwater, parking, or roads?

Where are the standards the applicant must meet and the Board must follow when considering a seasonal use request? There are none! The Board’s authority is limited to granting applications. It cannot deny an application because there are no standards which have to be satisfied. It cannot impose conditions and limitations because no authority exists to do so. A court of law would probably not uphold any decision of the Board denying or granting with conditions an application. This is not a variance. When addressing seasonal uses, only this County Commission can decide what standards to create and implement such by amending the Zoning Ordinance. The Board of Zoning Appeals lacks the lawful authority to do either.

**THIS PROBLEM WILL CONTINUE UNTIL SECTION 9.8 SEASONAL USES IS DELETED.**

In February this Commission requested from the Planning Commission a proposed ordinance relating to mass events. The enclosed draft reflects their effort to date. In the draft the Planning Commission intends to delete Section 9.8. However, there is no established date for the adoption of a formal amendment by the Planning Commission. The law requires that all zoning amendments be recommended by the Planning Commission. Without a recommended amendment, this Commission cannot AMEND the zoning ordinance. Therefore if the Planning Commission never acts this Commission can never AMEND Section 9.8. There is a distinction between “amend” and “delete”. WEBSTER defines delete as “to erase”. This County Commission should delete Section 9.8 NOW!

On July 31, 2014 a new application for seasonal use with a variance request was filed by the All Good Festival for an event to be held in the summer of 2015. The application is signed by Nancy Stolipher, Doug Stolipher, and Mark Stolipher owners of the land on which the event is to be held. They are the mother, father, and brother of Steve Stolipher, President of the Planning Commission. The public hearing on the application is scheduled for the afternoon of August 28, 2014.

Doug Rockwell requests time before this Commission to further discuss this matter.

Thank you

**PROPOSED AMENDMENTS TO THE ZONING ORDINANCE  
RELATED TO MASS EVENTS (ZTA 14-02)**

**DELETE THE FOLLOWING SECTIONS:**

**Section 2.2 Terms Defined**

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

**~~Section 9.8 Seasonal Uses<sup>5,7</sup>~~**

~~Seasonal uses must be considered by the Board of Zoning Appeals pursuant to a Public Hearing. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21,</sup>~~

**ADD THE FOLLOWING SECTIONS:**

**Section 2.2 Terms Defined**

Mass Event Any outdoor gathering of more than 1000 people on any parcel; regardless of the length of time or type of activity. A Mass Event may be permitted to occur in the Rural Zoning District or any commercial zoning district and is prohibited on a property in any residential zoning district.

**Section 8.16 Mass Event Regulations**

A Mass Event is any outdoor gathering of more than 1000 people on any parcel; regardless of the length of time or type of activity. Such event shall be permitted to occur in the Rural Zoning District or any Commercial Zoning District, provided that it processes according to the following requirements:

A. Approval of all Mass Events shall require the submission of an application and Public Hearing before the Board of Zoning Appeals, in accordance with the following criteria:

1. Each Mass Event must be the subject of separate application and Public Hearing.
2. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
3. Each Mass Event application shall require a Public Hearing before the Board of Zoning Appeals at least 180 days in advance of the planned event. The application fee for said hearing shall be based on the projected number of attendees and whether participants may spend the night at the event:

a. 1,000 – 2,000 attendees	\$200
b. 2,000 – 5,000 attendees	\$300
c. 5,000 – 10,000 attendees	\$400
d. Over 10,000 attendees	\$500

4. In addition to the application fee for the Board of Zoning Appeals hearing, the applicant for any Mass Event must post a Letter of Credit (LOC) or Cash-in-Escrow Bond, payable to the Jefferson County Commission, from a bank or financial institution within a 150 mile radius of Charles Town, WV, to cover any unexpected costs to the County related to the Mass Event, based on the sliding scale below. Said LOC or Cash Bond shall be posted after

approval by the Board of Zoning Appeals, but at least 45 days in advance of the event and shall be submitted as an additional condition of the issuance of a zoning certificate.

- a. 1,000 – 2,000 attendees/day           \$2,000/day
- b. 2,000 – 5,000 attendees/day         \$5,000/day
- c. 5,000 – 10,000 attendees/day       \$10,000/day
- d. Over 10,000 attendees/day          \$15,000/day

The applicant shall be required to meet with County staff, including representatives of legal, finance, planning, zoning and the agencies referenced in Subsection 6 below, within 60 days of the close of the event to discuss any issues or concerns with the event and to determine if there were any unexpected costs to the County. Each agency referenced in Subsection 6 and any other County or Regional agency which incurred costs related to the Mass Event shall provide a full accounting of costs incurred and a letter of release stating that all of their costs had been reimbursed by the applicant, which shall be provided at the 60-day meeting. Any unexpected costs to the County related to the Mass Event which were not paid by the applicant shall be chargeable against the bond required to be posted herein. After 90 days, the applicant may request the return of any remaining value to the Letter of Credit (LOC) or Cash Bond, which shall require action of the County Commission.

- 5. The Public Hearing must comply with notice requirements of the Zoning Ordinance. In addition, the applicant must send written notice and a copy of the application first class mail postage pre-paid to all adjoining land owners and all land owners within 1000 feet with land fronting on any proposed access route.
- 6. The following supplemental site preparedness information shall be addressed and shall accompany the application prior to the Board of Zoning Appeals Public Hearing:
  - a. Applicant for Mass Event must consult with local law enforcement, EMS/Fire, 911 agencies, a licensed garbage removal company, and a licensed towing company. The applicant shall develop a written agreement with and a contract to cover all costs of said agencies which satisfy their public safety and clean up or maintenance concerns. Such written proof of said agreements and each signed contract shall be submitted with the application for consideration at the Public Hearing required herein and, again, prior to issuance of a Zoning Certificate if the hearing is greater than 270 days prior to the event.
  - b. Applicant for the Mass Event must have and submit with the application written approval from the County Health Department for the provision of adequate potable water and proper sanitation facilities for the event. Applicant will also contact the WV Division of Highways to inform them of the proposed temporary event/use and discuss any traffic control and entrance concerns they might have with the proposed temporary activity. Applicant shall submit a signed letter of agreement from both the County Health Department and the WV Division Of Highways with the application for consideration at the Public Hearing required herein and, again, prior to issuance of Zoning Certificate if the hearing is greater than 270 days prior to the event.
  - c. The applicant shall provide written proof of appropriate general commercial liability insurance coverage which specifically covers the Mass Event based on the following sliding scale:

i. 1,000 – 2,000 attendees/day	\$500,000
ii. 2,000 – 5,000 attendees/day	\$750,000
iii. 5,000 – 10,000 attendees/day	\$1,000,000
iv. Over 10,000 attendees/day	\$2,000,000

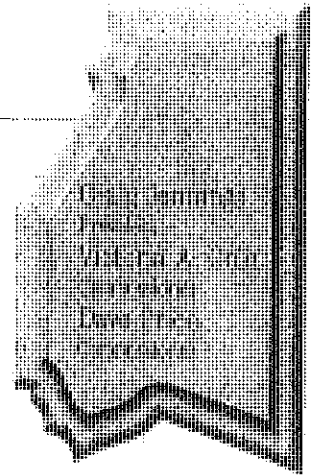
The Board of Zoning Appeals may take into consideration any past Mass Event on the same parcel by the same applicant in considering whether to grant the application and/or additional conditions or restrictions placed upon the event.

7. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant must also submit a Concept Plan in accordance with the requirements found below, which shall be administratively reviewed and approved.
  8. During the event, any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee equal to the additional Event Fee for every hour in which a violation occurs for each restriction that is violated. In addition, the County may seek other legal and equitable relief.
- B. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant shall submit a Concept Plan, in accordance with the Minor Site Plan Process, for administrative review and approval, and in accordance with the requirements found below:
1. The Concept Plan shall be to scale; on a 24"x36" sheet; showing appropriate areas for parking, performance areas, bathrooms, food, concessions, public entrance, separate emergency entrance, area for on-site stacking of vehicles for admissions processing, garbage collection area, location of performance lighting and amplification, and any other information required by planning or engineering staff at the Public Hearing at least 120 days before the event. The Concept Plan shall also show all structures located on neighboring properties with 500 feet of the property upon which the Mass Event is proposed to occur.
  2. Staff will review the application and Concept Plan for completeness within 10 days of receipt.
  3. There will be a 30 day period for staff to review the application and the Concept Plan once the application is deemed complete. Staff shall approve any application and Concept Plan that meet the requirements of all applicable laws, ordinances and regulations and shall reject any application that fails to meet the requirements of all applicable laws, ordinances and regulations.
  4. A Mass Event shall meet the following site requirements and such requirements will be depicted on the Concept Plan:
    - a. A setback of 500 feet from the property line is required for any performance area;
    - b. A setback of 250 feet from the property line is required for any area in which camping is permitted;
    - c. A setback of 250 feet from the property line is required for all dumpsters and trash collection areas;

- d. A setback of 50 feet from the property line is required for all parking areas, provided that all parking areas meet a minimum distance requirement of 250' from any structures on adjoin properties; and
  - e. A setback of 250 feet from the property line is required for any alcohol, food, or other sales or concessions.
  - f. Any variance from these requirements shall be included in the Mass Event Application and shall process a Variance application which shall be presented to the Board of Zoning Appeals for their approval.
5. A Mass Event is subject to the following conditions and restrictions and such notes shall be placed on the Concept Plan:
- a. No outdoor amplified performances after 3 a.m. or before 10 a.m. (amplified announcements are permitted).
  - b. No outdoor performance lighting after 3 a.m. or before 10 a.m.
  - c. All sale of alcohol shall be regulated by the West Virginia Alcohol Beverage Control (ABC) Administration.
  - d. No Mass Event may last more than four days, including attendee arrival and departure dates. Only one Mass Event may occur per year on any given parcel or a portion of any given parcel.
  - e. All lighting and all sound shall be aligned so as to minimize impact on nearby residents and shall conform to the requirements of Section 8.9 of the Jefferson County Zoning and Land Development Ordinance.
  - f. Mass Event site shall provide ample potable water supply and proper sanitation facilities.
  - g. All trash shall be removed daily.
  - h. Any variation from these requirements shall be included in the Mass Event Application which is presented to the Board of Zoning Appeals for their approval.
6. Upon approval of the Mass Event by the Board of Zoning Appeals and administrative approval of the Concept Plan, an application for a Zoning Certificate, signed by the applicant and the landowner(s), shall be submitted a minimum of 60 days prior to the Mass Event and all LOC or Bond documents as well as proof of liability insurance shall be submitted with the Zoning Certificate application. The Zoning Certificate for a Mass Event shall be reviewed and issued within 30 days of submission of a complete application.

# Preston County Commission

Courthouse Annex  
106 W. Main Street, Suite 202  
Kingwood, West Virginia 26537  
Phone (304) 329-1805  
Fax (304) 329-3192  
TDD (304) 329-0652  
[www.prestoncountywv.org](http://www.prestoncountywv.org)



November 13, 2013

Jefferson County Board of Zoning Appeals  
Attention: Board Chairman

Dear Chairman Lee and Board Members,

The All Good Festival was in our county for several years, I have been asked by Robert Aitcheson to give my knowledge of just what the Festival will bring to your community. Here is just some of the issues that we dealt with during the time the All Good Festival called Preston County home:

## TRAFFIC CONTROL ISSUES.

- The festival site was located at two different locations during its time in Preston County. Both sites were on farm land off a small rural dirt roadway. At times traffic was backed up approximately 15 miles on the two lane highways leading into the rural dirt roadway into the site. This traffic jams lasted for hours. Local citizens who lived near the site used by the All Good Festival complained that they had to take vacation days during the festival because they couldn't get to work due to the huge traffic headache.

## DRUG USE BY FESTIVAL GOERS

- All Good Festival brings with it heavy drug use. This claim is substantiated by the fact that during the four or five days the All Good Festival was held Preston County had more felony arrests during that

time than the number of felony arrests in a typical "one year" time frame. Nearly all, if not all, the arrests both felony and misdemeanor by participants of the All Good Festival were drug related.

#### NEGATIVE IMPACT TO LOCAL CITIZENS

- Loss of days at work due to traffic jams
- Fear and anxiety because of the lack of respect of festival goers. People who were attending the festival urinated and defecated on people's property, trespassing and destroying property.
- Noise caused from the bands and the festival participants. This noise lasted into the night.

#### STRAIN ON LOCAL LAW ENFORCEMENT

- Just to keep order at an event where approximately 30,000 or more people are expected forces you into getting mutual aid agreements with state police and other law enforcement agencies. We had to pay \$35 per hour per officer for the extra help

#### INCREASE COST TO THE COUNTY FOR REGIONAL JAIL

- Due to the number of felony and misdemeanor arrests of All Good Festival participants the cost for the Preston County Commission to the Regional Jail sky rocketed along with costs associated with transporting those offenders to the regional jail located approximately 2 hours away from Preston County.

#### INCREASE COST TO LOCAL HOSPITAL

- The local hospital estimated their loss caused by people who were brought to the facility from the All Good Festival due to those that didn't pay and the need for extra staff at approximately \$50,000. This does not take into account the amount of money lost at Mon General or Ruby Memorial hospitals who also had patients from the festival

It is important to note that the All Good Festival seemed to be happy in Preston County for years until the Preston County Commission enacted the Mass Gathering Ordinance and permitting process and the All Good Festival paid the permit fee of \$164,000. The fee was used to help cover costs associated with the Festival event.

I hope you find the information I have provided helpful in making the decision that is before you. I would be happy to come before the Zoning Board to discuss this matter further. I would have been at the meeting schedule for November 14, 2013, however I was not able to attend due to a scheduling conflict. I am available today for a conference call. My number is 304-288.2350.

Good luck.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "T. Craig Jennings", written over a horizontal line.

T. Craig Jennings  
President

Cc: Robert D. Aitcheson  
Jennj Lee, Clerk

Dear Mr. Aitcheson,

November 25, 2013

Shortly after I took office as the Preston County Sheriff in January of 2009, plans were to actively provide a police presence at the "All Good Music Festival" located near Masontown, West Virginia. This event had been located in Preston County for several years and recently, brought in over 30,000 visitors from all around the United States. This actually doubled the county's population for nearly four days. Problems with having this very large event had never been properly addressed by law enforcement. During my first year as Sheriff, the Preston County Sheriff's Department worked diligently with Mr. Tim Walther and his representatives to make this event as safe and lawful as possible for the citizens of Preston County as well as for those attending the festival.

Prior to the 2009 "All Good Music Festival", it was agreed that Mr. Walther would continue to provide security personnel to manage the crowd related to the All Good Festival patrons inside the grounds and near the gates. The Preston County Sheriff's Department would provide non-uniformed personnel inside the festival grounds and uniformed officers would patrol the routes leading to the festival from the Masontown area. Mr. Walther agreed to provide a secure area on the festival grounds for continuous police activities. This worked very well as everyone was dedicated to making this event as safe and lawful as possible. After our presence during 2009, it was determined more police officers would be required to address the many problems seen inside the grounds as well as those seen outside.

During the 2010 "All Good Music Festival" the number of police officers were increased and special details were developed to address the problems seen during 2009. Mr. Walther continued his support by providing the secure area for discrete police operations. These operations consisted mainly of addressing the prevention of the sale of narcotics and the many illegal drugs observed the year before.

The Preston County Commission passed a "Mass Gathering Ordinance" to assist with the financial needs of Preston County. During 2011, the funds collected from the "All Good Music Festival" relating to this ordinance, secured much needed funds to assist with hiring more police officers and equipment needed to manage the large number of arrests associated with this event.

The 2011 "All Good Music Festival" was the last event in Preston County. During this event, the Preston County Sheriff's Department hired over one hundred (100) police officers from over ten (10) outside police agencies throughout the State of West Virginia. Additionally, nearly twenty (20) undercover drug officers associated with the West Virginia State Police Bureau of Criminal Investigations as well as other local drug task force members assisted with our police efforts. Many State Police, Sheriffs Department and City Police

Department K-9 teams were also employed during the event to assist with the drug problem observed at prior events. The Preston County Sheriff's Department also purchased a large bus to assist with the transportation of the many individuals that were arrested and transported to the Magistrate for arraignment. Additional officers and police vehicles were required to keep up with the many transports throughout the event to supplement the efforts of the bus and drivers.

During the 2011 "All Good Music Festival", our officers were able to make over 75 felony drug arrests and more than 200 drug and traffic citations were issued. This festival brought in a variety of individuals from around the country along with an assortment of illicit drugs. Due to the "open air drug sales mentality" inside the festival grounds, more officers could have been employed and many more drug arrests could have been made. At one point, our investigative team decided our legal system in Preston County was becoming saturated and it would be unable to manage if we continued.

In this letter, I am representing my observations and have provided as many facts as possible. Mr. Walther and his staff continued to support law enforcement efforts to suppress the drug activity and he certainly did not represent to me he condoned the drug activity of the patrons of this festival. It was understood by me, the "All Good Music Festival" attracts certain types of people and individual communities should make their own decisions as to what is allowed in their respective areas.

Sincerely,

Dallas D. Wolfe III

January 14, 2004

**TRAFFIC ENGINEERING DIRECTIVE  
301-3**

Supersedes TED 301-2

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**SUBJECT: CENTERLINE, EDGELINE, AND LANELINE MARKINGS**

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**I. Centerline Markings**

- A. When Centerline Markings are placed on two-way highways, they shall be yellow and shall be marked as passing and/or no passing zones in accordance with the applicable section of the Manual on Uniform Traffic Control Devices (MUTCD). Passing shall be designated by a broken yellow line of 10 feet in length with a 30-foot gap; and no passing shall be designated by a solid yellow line.
- B. All two way highways with pavement widths of 16 feet or more which have a surface type of G1 (mixed bituminous) or better and an ADT of 400 or more should be marked with standard centerline markings consisting of passing and/or no passing zones. All two way highways with pavement widths of less than 16 feet shall not be marked with a centerline.
- C. Where there are frequently spaced intersections of city streets and driveways with a presence of curbs, sidewalks, and gutters, a double solid yellow centerline should be used to restrict passing which could create an accident potential in the built up area. The area in question should be reviewed by the Traffic Engineering Division or by the District Traffic Engineer.

**II. Edgeline Markings**

- A. Edgelines shall be white except that on each roadway of divided streets and highways and on one way roadways in the direction of travel, left edgelines shall be yellow.
- B. Edgelines shall be placed on all interstate highways and ramps and should be placed on all US and WV numbered highways having a pavement width of 18 feet or more. Edgelines should also be placed on all county routes having a pavement width of 18 feet or more, a surface type of G1 (mixed bituminous) or better, and an ADT of 400 or more.
- C. Standard width of all edgelines shall be 4 inches.
- D. Edgelines and centerlines shall be renewed as necessary to provide reasonable reflectivity at night.
- E. For wide intersections, for intersections in curves and at other locations where

it is deemed necessary to provide guidance for through traffic through an intersection, the edgelines should be extended through the intersection. The extension of the edgeline through the intersection should consist of 4-inch wide by 2-foot long lines, separated by a 6-foot space. Where additional emphasis is needed, the edgeline extensions may be up to 8 inches wide.

### III. Lane Line Markings

- A. All lane line and channelizing markings on concrete pavements shall be placed to the left of the center longitudinal joint of the roadway.
- B. Lane lines shall have a standard width of 4 inches and be a broken white line of 10 feet in length with a 30-foot gap.
- C. Channelizing lines for lane drops at exit ramps shall be 8 inches wide. The need for channelizing lines and special lane drop markings should be evaluated by the Traffic Engineering Division. These lane drop markings shall be in accordance with Section 3B.05 and Figure 3B-10 as contained in the MUTCD.

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Barry Warhafftig, P.E.  
Director-Traffic Engineering Division

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



Name: Barbara J. Miller, CEM, CFM

Department or Organization: Jefferson County Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice August 28, 2014

*If a specific date is needed, please provide reason for specific date:* Deadline for EMPG Grant Application

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

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

1. Contract with J.H. Consulting for Threat and Hazard Identification and Risk Assessment plan update at the cost of \$2,500
2. 2014 Emergency Management Planning Grant Application in the amount of \$111,475.15
3. Discussion about the State Homeland Security Grant for Generator Purchase

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

1. WV Department of Homeland Security and Emergency Management is requiring all recipients of the Emergency Management Planning Grant to update their THIRAs (Threat and Hazard Identification and Risk Assessment) plans during this calendar year. This is an update to an existing plan with the contractor that developed the original plan. Funding for this project is in our approved budget.

Is this a funding request? In current approved budget

If so, how much? \$2,500

2. The Emergency Management Planning Grant provides funding to reimburse the County Commission for up to ½ of staff salaries and some planning dollars. The requirements for this year's grant include: Training and exercise requirements for all members of the staff, updates to the THIRA, the Emergency Operations Plan, and a review of our EOP using the Comprehensive Planning Guide v.2 released by FEMA, weekly reports to West Virginia Homeland Security and Emergency Management using the ETEAM application. The program period for this grant is January 1 through December 31, 2014.

Is this a funding request? It is an opportunity to have some funding reimbursed.

If so, how much? The request is for the Commission to have funding reimbursed to them.

3. You may recall that you approved a State Homeland Security Grant application to purchase a generator for the Mason Building, which houses the back up Emergency Operations Center, the IT Department, our county's servers, etc. in May. This grant was held up for historic review by SHPO, as well as, FEMA Region 3. The grant period for this money ends on August 31, so there is not time to do this project. The WV Department of Military Affairs and Public Safety, who administers the State Homeland Security Grant, has agreed to put this request into the next grant cycle this fall, and they allowed me to purchase other equipment using the funding. We were able to purchase damage assessment software, iPads and Microsoft Surface Pro 3s with docking stations, cameras and accessories, and the Panasonic Toughbook computers, mounting equipment and hardware that will be needed for our department's CAD mobile data. These purchases came to a total of approximately \$35,000. Additionally, the state has now received the needed approvals regarding the historic review for the generator.

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

1. I move to approve the contract with J.H. Consulting in the amount of \$2,500 for an update to the Jefferson County THIRA plan.
2. I move to approve the 2014 Emergency Management Planning Grant Application in the amount of \$111,475.15.
3. Discussion only, no motion needed.

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: [bmiller@jeffersoncountywv.org](mailto:bmiller@jeffersoncountywv.org) Phone Number: 304-728-3290 .

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

## CONSULTING AGREEMENT

This Consulting Agreement, effective as of August 21, 2014 is between Jefferson Commission, with an address of P.O. Box 250, Charles Town, WV 25414, hereinafter referred to as "Commission", and JH Consulting, LLC of West Virginia, a limited liability company with an address of 29 East Main Street, Suite 1, Buckhannon, WV 26201, hereinafter referred to as "Contractor".

WHEREAS Contractor provides services related to emergency preparedness, including but not limited to assessing vulnerability, operations planning, and exercising;

WHEREAS Commission desires to obtain from Contractor certain emergency preparedness services, and Contractor desires to provide such services to Commission, all on the terms and conditions set forth in this Agreement.

The parties agree as follows:

1. **Services to Be Provided.** Subject to the availability of Contractor resources, Contractor will provide services as detailed in the Scope of Work, attached hereto as Exhibit A. It is expressly understood and agreed that for the purposes of this Agreement, the services are undertaken by Contractor in the capacity of an independent contractor. Contractor shall be entitled to give priority to its own business needs in determining the availability of its employees to provide the services.
2. **Term and Termination.** The Agreement shall begin as of the date first stated above and continue until September 30, 2014 unless either party serves written notice thirty (30) days in advance of its intent to cancel the Agreement.
3. **Compensation, Payment, and Expense Reimbursement.** Contractor will provide Commission with invoices for services on or before September 15, 2014. Upon completion of the Scope of Work, Commission will pay invoice within 60 days of the date of the invoice for the amount of \$2,500.00. Payments not received in a timely manner will incur interest at the rate of 5% per annum.
4. **Data Ownership and Security.** Commission shall retain ownership of the data and all work produced by the Contractor and will be transferred upon completion of the contractual obligations and payment of all outstanding invoices.
5. **Client Confidentiality.** The Contractor and all support staff agree to comply with all federal and state laws concerning the confidentiality of information concerning individuals rendering services by the Commission. Such information shall only be used for the purpose of carrying out this Agreement. Disclosure of information for any other purpose is prohibited except upon the written consent of the eligible individual or appropriate order of a court. Information is not considered confidential if it: (i) is generally available to the public at the time of the disclosure; (ii) is already known to Contractor at the time of the disclosure, (iii) has been disclosed to Contractor by a third party under no obligation of confidentiality, or (iv) has been established independently by Contractor.
6. **Contractor Work Product.** Commission agrees to keep Contractor's work product confidential and will not disseminate Contractor's work product to third parties or cause it to be modified without Contractor's consent.
7. **Liability and Indemnification.** Neither party shall be liable to the other for the death or injury to any employee of the other, or loss of or cause of damage to its property, unless caused solely by its own negligence or willful action. Each party shall indemnify and hold harmless the other for any loss, damage or injury, including reasonable attorneys' fees and expenses, (a) caused by a breach of this Agreement by such party, or (b) suffered by any third party and arising out of such party's performance of this Agreement.

8. **Disclaimer; No Assurance of Success.** Except as otherwise provided herein, Contractor makes no warranties, representations, or assurances of success of any kind or nature, express or implied, relating to the services, including any warranties of merchantability and fitness for a particular purpose. Contractor specifically disclaims any and all warranties or representations concerning the services.
9. **Limitations of Liability.** Contractor shall not be responsible for any third party actions or inactions preventing Contractor from providing services. Furthermore, Contractor shall not be liable to Commission with respect to services or this Agreement under any contract, negligence, tort, strict liability, or other legal or equitable theory for any amounts representing loss of revenues, loss of profits, loss of business, cost of the procurement of substitute goods or services, loss of anticipated benefits and/or indirect or consequential, special, incidental, contingent, exemplary or punitive damages, even if Contractor was advised, had other reason to know, or in fact knew of the possibility of such damages.
10. **Amendment of Agreement.** This Agreement is the entire Agreement between the parties and may not be amended at any time except by a written Agreement signed by both parties.
11. **No Third Party Beneficiaries.** This Agreement is not intended to create any third party beneficiary rights in any person not a party to this Agreement, regardless of whether any other person may be named herein.
12. **Assignment.** Commission may not assign or transfer, by operation of law or otherwise, any of its rights or obligations under this Agreement to any third party without the prior written consent of Contractor, except pursuant to an assignment of its interests to an entity within its control group.
13. **Force Majeure.** The date for performance of either party's obligations hereunder shall be postponed to the extent any event of force majeure delays the performance of the obligations of either party hereunder.
14. **Signatures.** Each person executing this Agreement represents and warrants that he or she has the authority to act for and bind the entity on whose behalf he or she purports to act.
15. **Notice.** Any notice, request, or approval or other document required or permitted to be given under this Agreement shall be in writing unless otherwise provided herein; and shall be deemed to have been sufficiently given if delivered in person, dispatched by U.S. mails, or sent by other electronic means where receipt can be verified, as follows.

If to Contractor, addressed to: Jeffery W. Harvey, Managing Member, JH Consulting, LLC, 29 East Main Street, Suite 1, Buckhannon, WV 26201

If to Commission, addressed to: Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414

Either party may change its address for receipt of notices by delivering a notice thereof pursuant to this Section 16.

16. **Severability.** Should any portion of this Agreement be found unenforceable to operation of statute or by administrative or judicial decision, the operation of the balance of this Agreement is not affected thereby, provided, however, the absence of the illegal provision does not render the performance of the remainder of the Agreement impossible.
17. **Applicable Law.** This Agreement is to be construed in accordance with the laws of the State of West Virginia.

18. **Entire Agreement.** This Agreement contains the entire agreement between the parties, and supersedes all prior negotiations, understandings, and writings between the parties as to the matters covered herein.
19. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument.
20. **Binding Effect.** This Agreement shall be binding upon the legal representatives, heirs, successors, and assigns of the respective parties.
21. **Waiver.** Any waiver by any party of any act, failure to act, or breach on the part of the other party shall not constitute a waiver of such waiving party of any prior or subsequent act, failure to act, or breach by such other party.
22. **Survival.** The terms and provisions of Sections 3 through 10 shall survive the termination of this Agreement.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first written above.

**Contractor**

\_\_\_\_\_  
Jeffery W. Harvey, Managing Member  
JH Consulting, LLC of West Virginia

\_\_\_\_\_  
Date

**LEPC**

\_\_\_\_\_  
Walter Pellish, President  
Jefferson County Commission

\_\_\_\_\_  
Date

**“EXHIBIT A”  
Scope of Work**

**Tasks**

- Plans to include completion of State Requirements for Threat and Hazardous Risk Assessments (THIRA), specific to step 4 as outlined by West Virginia Division of Homeland Security and Emergency Management.

**Deliverables**

- State Requirements for Threat and Hazardous Risk Assessments “THIRA”: Two reproducible paper copies, one (1) reproducible, distribute electronic copy, and one (1) master electronic copy of the “THIRA” final report
- Submission to West Virginia Division of Homeland Security and Emergency Management: Three (3) reproducible paper copies, three (3) reproducible, distributable electronic copies, and one (1) master electronic copy.

**Timeframe**

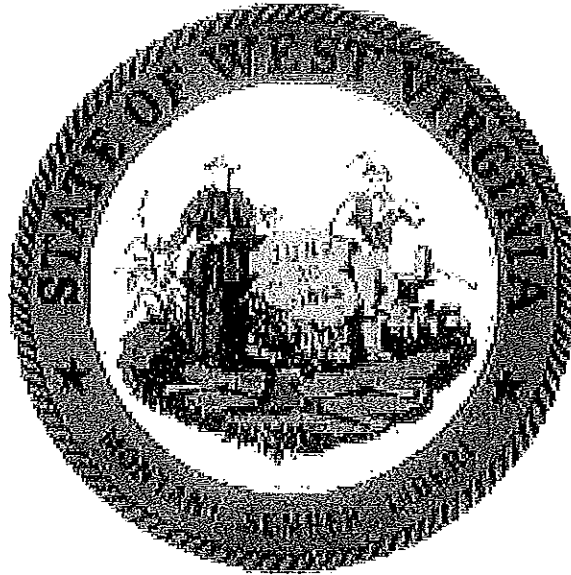
- Completion of the Threat and Hazardous Risk Assessments on or before September 30, 2014.

# **WEST VIRGINIA**

## **EMPG PROGRAM**

### **Sub-grant Application 2014 Funds**

**Effective August 9, 2014  
Supersedes Previous Editions**



**Earl Ray Tomblin, Jr.  
Governor**

**Joseph C. Thornton, Cabinet Secretary  
West Virginia Department of Military Affairs and Public Safety**

**Jimmy Gianato, Director,  
Division of Homeland Security and Emergency Management (DHSEM)**

<p><b>WEST VIRGINIA</b> Division of Homeland Security and Emergency Management (DHSEM)</p> <p><b>2014 EMPG PROGRAM</b></p>	<p><b>REQUEST FOR PROPOSALS</b></p> <p><b>2014 FUNDS</b></p>
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The West Virginia Division of Homeland Security and Emergency Management is announcing the availability of 2014 Emergency Management Performance Grant (EMPG) funds. Program funds are available to units of state or local governments to be utilized in a manner which is consistent with and supportive of the overall implementation of the State's Homeland Security Strategy.

- Local jurisdictions (counties and the City of Charleston) are eligible and invited to apply for EMPG funds in amounts to be determined for the purpose of establishing, continuing and improving local emergency management functions.

The EMPG is administered by DHSEM with funding provided by the U.S. Department of Homeland Security, Federal Emergency Management Agency.

DHSEM must receive applications for this program **no later than 4:00pm on September 15, 2014**. Applications received after this date, or incomplete applications will not be considered for funding. Faxed applications will not be accepted. Enclosed is a EMPG Application and General Information and Requirements Guide, which identifies the program purpose areas and provides program and application guidelines.

Should you have any questions or need further assistance regarding this matter, please contact Tommy Dingess, Director of Administration, with the West Virginia Division of Homeland Security and Emergency Management at (304) 558-5380, or via email at: [tommy.l.dingess@wv.gov](mailto:tommy.l.dingess@wv.gov).

### **Program Guidelines**

To assist with completing the application, the complete 2014 program guidelines can be obtained on the internet at the following link: <http://www.fema.gov/media-library/assets/documents/92287>. All funds expended must comply with the guidance outlined in the federal guidelines and must meet the additional guidelines established by the state. Failure to meet all of the requirements may result in loss of funding and a requirement that any funds received by the local jurisdiction be returned to the State.

**WEST VIRGINIA**  
Division of Homeland Security and  
Emergency Management (DHSEM)

2014 EMPG  
PROGRAM

**GRANT APPLICATION**  
**INSTRUCTIONS**

**COMPLETED APPLICATION MUST INCLUDE:**

- Applicant:** Name, address, phone and fax number of the agency applying for funds.
- Project Director:** Name, address, phone, fax and email of the individual charged with the implementation and day-to-day operations of the project. **This person cannot also be listed as the Authorized Official or the Fiscal Officer. This person is normally the local director of emergency services.**
- Fiscal Officer:** Name, address, phone, fax and email of the person responsible for the fiscal records/reports of the project. **This person cannot also be listed as the Authorized Official or the Project Director. This person is normally the local clerk or treasurer.**
- Authorized Official:** The President of the County Commission or the Mayor/City Manager, as appropriate. **This person cannot also be listed as the Project Director or Fiscal Officer.**
- Funds Requested:** Funds requested (DHSEM) by the applicant agency.
- Project Matching/  
Funds:** EMPG is a 50% matching grant. Local jurisdictions must commit the 50% match to be eligible.
- Project Period:** Project Period January 1, 2014 through December 31, 2014.
- Certification:** Entered by Authorized Official: Typed or printed name, title and original signature of the County Commission President or Mayor/City Manager. This is the individual who would be authorized to enter into a contractual agreement with the DHSEM.

If you should have any questions or need further assistance in the preparation of this application, please contact DHSEM at (304) 558-5380

The Authorized Official must sign where indicated on page 1 of the grant application before submission.

**Program Guidelines**

To assist with completing the application, the complete 2014 program guidelines can be obtained on the internet at the following link: <http://www.fema.gov/media-library/assets/documents/92287>.

**RETURN COMPLETED ORIGINAL APPLICATION WITH ORIGINAL SIGNATURES IN BLUE INK TO:**

Division of Homeland Security and Emergency Management  
2014 EMPG Grant Application  
1900 Kanawha Blvd., East  
Building 1, Room EB-80  
Charleston, WV 25305

## WEST VIRGINIA

Division of Homeland Security and  
Emergency Management (DHSEM)

2014 EMPG  
PROGRAM

## GRANT APPLICATION SUBMISSION CHECKLIST

Prior to submitting the application, indicate that the following tasks have been completed by checking the boxes below:

- The application has been completely filled out.
- Format of the project description (page 7) MUST follow the same outline shown on page 6 of the application and is as detailed as possible.
- Math has been double-checked, is accurate and rounded to the nearest whole dollar amount.
- Authorized Official has signed page 1 of the grant application. That page, with the ORIGINAL SIGNATURE IN BLUE INK, must be returned with the COMPLETE application, UNSTAPLED/UNBOUND, to this office. ORIGINAL ONLY – NO COPIES
- Applicant has been listed as the County Commission (or designated agent), or Municipality.
- Completed and signed in blue ink USDOJ Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements.
- Completed and signed in blue ink Standard Form LLL.
- A copy of the jurisdiction's most recent Single Audit Report is attached to the application.

*Note: DHSEM reserves the right not to consider an application for funding if it is not complete.*

**WEST VIRGINIA**  
Division of Homeland Security and  
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**GRANT APPLICATION**

PAGE 1

1. Applicant: Jefferson County Commission  
Address: P.O. Box 250  
Charles Town, WV 25414  
Phone/Fax: 304-728-3290/304-728-3320

5. Funds Requested: \$ \$111,475.15  
Project Matching Funds  
(50%): \$ \$111,475.15

2. Project Director: Barbara J. Miller  
Address: P.O. Box 250  
Charles Town, WV 25414  
Phone/Fax: 304-728-3290/304-728-3320  
Email: bmiller@jeffersoncountywv.org

6. Type of Agency:  
 County  Municipality  Other  
DUNS # 074-741-4548  
FEIN 55-6000333

3. Fiscal Officer: Jennifer Maghan, Clerk  
Address: P.O. Box 208  
Charles Town, WV 25414  
Phone/Fax: 304-728-3347/304-728-3279  
Email: jmaghan@jeffersoncountywv.org

7. Project Period:  
Beginning Date: January 1, 2014  
Ending Date: December 31, 2014

4. Geographic Area Served: Jefferson County  
West Virginia  
Pop. (2010 Census): 53,500

8. Type of Application:  
 Initial  Continuation  Revision

9. Project Title and *Brief* Description:

To provide for and enhance Emergency Management in Jefferson County, West Virginia

10. Certification:

To the best of my knowledge, the information contained in this application is true and correct. The submission thereof has been duly authorized by any governing body, and the applicant will comply with all of the attached Special Conditions and Assurances if the sub-grant is awarded, including all emergency services staff having undergone criminal background checks in accordance with W. Va. Code Chapter 15-5-15.

Authorized Official: Walter Pellish  
TYPED OR PRINTED NAME OF AGENCY HEAD

Title: President

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

Date: August 28, 2014

<b>WEST VIRGINIA</b> <b>Division of Homeland Security and</b> <b>Emergency Management (DHSEM)</b>  <b>2014 EMPG</b> <b>PROGRAM</b>	<b>BUDGET INSTRUCTIONS</b>  <b>PAGE 2</b>
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Allowable costs are divided into the categories of (1) Planning; (2) Organization; (3) Equipment; (4) Training; (5) Exercises; and, (6) Management and Administrative.

**NOTE: CONSULT THE GENERAL INFORMATION AND REQUIREMENTS GUIDE REGARDING DETAILS OF ALLOWABLE COSTS WITHIN EACH CATEGORY LISTED BELOW.**

**Planning – Page 3-1 of Application**

FY 2014 EMPG Program funds may be used for a range of emergency management planning activities. Planning provides a methodical way to engage the **whole community** in thinking through the life cycle of potential crises, determining required capabilities, and establishing a framework for roles and responsibilities. Planning must include participation from all stakeholders in the community who are able to contribute critical perspectives and may have a role in executing the plan. Planning should be flexible enough to address incidents of varying types and magnitudes. Planning activities for the 2014 EMPG **MUST** include, as a minimum, the following work products: (1) Review and update the most recent All-Hazards Mitigation Plan developed for the Pre-Disaster Mitigation (PDM) Program and Hazard Mitigation Grant Program (HMGP) to include identifying a wider range of threats, based on the Threat and Hazard Identification and Risk Assessment (THIRA), as guidance for this assessment become available during the year; (2) Review and make recommendations for updates to local emergency operations plans based on the *Evaluation Matrix for Compliance with CPG 101 v.2*, released in May 2011; and, (3) Submit revisions to local emergency operations plans, based on needs identified as the jurisdiction's top two priorities. See Page 3-1 of the Budget and Page 6, Project Description Instructions, for details of specific requirements for the 2014 program.

**Organizational – Page 3-2 of Application**

EMPG funds may be used for all-hazards emergency management operations, staffing, and other day-to-day activities in support of emergency management. Proposed staffing activities should still be linked to achieving goals outlined in the EMPG work plan. In accordance with W. Va. Code Chapter 15-5-15, all emergency services staff must have undergone criminal background checks. All EMPG-funded jurisdictions will be required to submit weekly Jurisdiction Situation Reports via ETeam and are due not later than Tuesday of each week. Such reports will include, at a minimum, current operational status, current and following week significant activities, exercises, and training events. Further, local directors **MUST** be either paid full-time or, if paid part-time, provide proof of other funding sources before other funding is approved for projects or equipment. In addition, local jurisdictions with paid part-time directors **MUST** allow sufficient time to the director to complete all requirements under this grant, including training, exercises, planning, and emergency response operations.

**Equipment – Page 3-3 of Application**

EMPG funds may be used for equipment acquisitions. Approved equipment is on the Authorized Equipment Listing (AEL) which is located on the internet at: <https://www.llis.dhs.gov/knowledgebase/authorizedequipmentlist> .NOTE: You must register to utilize the web-site. Only equipment noted as EMPG eligible on the AEL will be considered for funding. (Be sure to check the EMPG column of the AEL for eligibility.) Further, subgrantees must provide evidence of ability to sustain equipment purchases. Examples are: maintenance contracts/agreements; licenses; subscriptions; local budget line item references; etc. With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

In an effort to improve emergency preparedness and response interoperability, all new or upgraded radio systems and new radio equipment should be compatible with a suite of standards called ANSI/TIA/EIAA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice

**Budget Instructions**  
**Page 2 (Continued)**

and low-moderate speed data interoperability in the new nationwide 700 MHz frequency band. The Integrated Wireless Network (IWN) of the U.S. Justice and Treasury Departments has also chosen the Project 25 suite of standards for their new radio equipment. In an effort to realize improved interoperability, all radios purchased under this grant should be APCO 25 compliant. In addition, any State level guidelines and initiatives that are developed by the WV Statewide Interoperable Executive Committee (SIEC) and its successor the West Virginia Statewide Interoperable Radio Network (SIRN) regarding communications will be followed by the sub-grantee.)

**Training – Page 3-4 of Application**

FY 2014 EMPG Program funds may be used for a range of emergency management-related training activities to enhance the capabilities of State and local emergency management personnel through the establishment, support, conduct, and attendance of training. Training activities should align to a current, Multi-Year TEP developed through an annual TEPW. Further guidance concerning the Training and Exercise Plan and the Training and Exercise Plan Workshop can be found at <https://hseep.dhs.gov>. Training should foster the development of a community oriented approach to emergency management that emphasizes engagement at the community level, strengthens best practices, and provides a path toward building sustainable resilience. All EMPG Program funded personnel shall participate in no less than three exercises in a 12 month period and shall complete the following training requirements and record proof of completion.

**NIMS Training:**

IS 100.b                      IS 700.a  
IS 200.b                      IS 800.b

**FEMA Professional Development Series:**

IS 120.a                      IS 235.b                      IS 241.a                      IS 244.a  
IS 230.b                      IS 240.a                      IS 242.a

- Conducting all-hazards emergency management training, including FY 2014 NIMS training requirements.
- Attending Emergency Management Institute (EMI) training or delivering EMI train-the-trainer courses as allowed previously under EMPG and not limited to terrorism-related courses.
- Other EMPG-related training activities.

Integrated Public Alert and Warning System (IPAWS) – Directors and selected staff (Directors only have Transmit Authority, at this time)

IS 247.a

**NOTE: Personnel only are required to complete the above training once, but are required to maintain proof of completion in local records and available for inspection.**

Further, local emergency management directors will, after completing the above coursework, continue pursuing emergency management related coursework. Such coursework should address training needs for the director identified in the Multi-Year Training Plan dated 2013. See Page 3-4 of the Budget below for additional details.

**Exercises – Page 3-5 of Application**

Exercise program managers should develop, execute, and evaluate exercises that address priorities established by the agency or jurisdiction. These priorities should be based on the National Preparedness Goal, Emergency Operations Plans, threat and hazard identification/risk assessments, current process and procedures, results from previous exercises and real world events. Exercise activities should generally align to priorities outlined in the current Training and Exercise Plan (TEP). Further guidance concerning the TEP can be found at <https://hseep.dhs.gov>. The current WV TEP is posted at <http://www.dmaps.wv.gov> in the Exercise Section. Funding may be used for activities such as the following:

- Conducting all-hazards exercises, based on the likely hazards/scenarios identified in the THIRA that a jurisdiction may encounter.
- Conducting emergency management exercises, while incorporating other stakeholders, utilizing ICS and other NIMS principles.
- Other EMPG-related activities, such as HSEEP defined non-operational exercises, (Seminars, Workshops, Table Top's).
- Actual events may fulfill part of the "Exercise Requirement" if a waiver has been submitted to and approved by WVDHSEM.

**Budget Instructions  
Page 2 (Continued)**

**Management and Administration -- Page 3-6 of Application**

EMPG sub-grantees may utilize up to 5% of their "total" award from the State of West Virginia for Management and Administrative (M&A) purposes. **95% of the total EMPG award for allowable planning, equipment, training and/or exercise costs + 5% of the total EMPG award for allowable M&A = 100% TOTAL PROJECT COST.**

**Match -- Pages 3-6 and 4 of Application**

The EMPG Grant is a 50% Federal/50% Local 'hard' match (ie, direct cash funding). Federal funds obtained through EMPG **CANNOT** be matched with other Federal funds.

**FUNDING STRATEGY -- (Page 4 of Application)**

**Funding Source (bottom of Page 4, first column):**

Separately list each source of funds that will be used in the program (i.e., county commission, municipality, etc.). These are shown on the application.

**Amount (bottom of Page 4, second column):**

Enter the amount received or anticipated for each source.

**Status (bottom of Page 4, last column):**

Indicate the status of each funding source as follows:

- A** = Application submitted and under review -- typically, this refers to your request for federal budget.
- C** = Funds committed -- typically, this category is appropriate for local match.
- R** = Funds received, appropriated or on hand -- use this code if local matching funds have been included in local budget resolutions, etc...

**WEST VIRGINIA**  
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**ITEMIZATION OF FUNDS BY CATEGORY**

**PAGE 3-1**  
**(PLANNING ONLY)**

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<p><b>Planning:</b></p> <p>Briefly describe how your jurisdiction will meet the following mandatory planning requirements.</p> <p>a. Review and update the most recent All-Hazards Mitigation Plan developed for the Pre-Disaster Mitigation (PDM) Program and Hazard Mitigation Grant Program (HMGP) to include identifying a wider range of threats, based on the Threat and Hazard Identification and Risk Assessment (THIRA), as guidance for this assessment become available during the year. Jefferson County will work with the Jefferson County LEPC members and other subject matter experts to update and improve upon our THIRA.</p> <p>b. Review and make recommendations for updates to local emergency operations plans based on the <i>Evaluation Matrix for Compliance with CPG 101 v.2</i>, released in May 2011. See link below: <a href="http://www.fema.gov/xls/about/divisions/npd/CPG_101_v2_past.xls">www.fema.gov/xls/about/divisions/npd/CPG_101_v2_past.xls</a>. Jefferson County HSEM staff will review and make recommendations for updates to the local EOP.</p> <p>c. Prepare and submit revisions to the local emergency operations plan, based on the top two priorities identified in b. above. Submissions to be made with final financial documentation. Jefferson County HSEM will work with a local contractor to update the EOP, including the top two priorities identified.</p> <p>d. Update the Jefferson County Continuity of Government Plan</p>	<p><u>1250.00</u></p> <p><u>5000.00</u></p> <p><u>2500.00</u></p>	<p><u>1250.00</u></p> <p><u>5000.00</u></p> <p><u>2500.00</u></p>	
<p>PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6</p>	<p>↓</p>	<p>↓</p>	<p>↓</p>

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

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**ITEMIZATION OF FUNDS BY CATEGORY**

**PAGE 3-2**  
**(ORGANIZATIONAL ONLY)**

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<p><b><u>Organizational:</u></b></p> <p>EMPG funds may be used for all-hazards emergency management operations, staffing, and other day-to-day activities in support of emergency management. Proposed staffing activities should still be linked to achieving goals outlined in the EMPG work plan. In accordance with W. Va. Code Chapter 15-5-15, all emergency services staff must have undergone criminal background checks.</p> <p>All EMPG-funded jurisdictions will be required to submit weekly Jurisdiction Situation Reports via ETeam and are due not later than Tuesday of each week. Such reports will include, at a minimum, current operational status, current and following week significant activities, exercises, and training events.</p> <p>Further, local directors <b>MUST</b> be either paid full-time or, if paid part-time, provide proof of other funding sources before other funding is approved for projects or equipment. In addition, local jurisdictions with paid part-time directors <b>MUST</b> allow sufficient time to the director to complete all requirements under this grant, including training, exercises, planning, and emergency response operations.</p> <p><u>Director: Barbara J. Miller, Salary &amp; Benefits</u></p> <p><u>Deputy Director: Terri Mehling from 01/01/14-04/25/14</u>  <u>Terri resigned and left prior to any of the 2014 exercises.</u></p> <p><u>Deputy Director: Jessica Owens</u>  <u>Jessica was the PIO/AA/VC from 01/01/14-04/30/2014 and</u>  <u>Was promoted to Deputy Director on 05/01/2014</u></p> <p><u>Administrative Assistant/Public Information Officer/Volunteer Coordinator: Brandon Vallee</u>  <u>Brandon was hired on 08/04/2014.</u></p>	<p>50,992.49</p> <p>12,170.11</p> <p>29,336.38</p> <p>10,226.17</p>	<p>50,992.49</p> <p>12,170.11</p> <p>29,336.38</p> <p>10,226.17</p>	
PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6	↓	↓	↓

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

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**ITEMIZATION OF FUNDS BY CATEGORY**

**PAGE 3-3**  
**(EQUIPMENT ONLY)**

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<p><b>Equipment:</b>            (Please see Authorized Equipment List (AEL) at <a href="https://www.lils.dhs.gov/knowledgebase/authorizedequipmentlist">https://www.lils.dhs.gov/knowledgebase/authorizedequipmentlist</a> while preparing budget. With respect to communications initiatives and equipment, the sub-grantee agrees to the following:</p> <p><i>In an effort to improve emergency preparedness and response interoperability, all new or upgraded radio systems and new radio equipment should be compatible with a suite of standards called ANSI/TIA/EIAA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability in the new nationwide 700 MHZ frequency band. The Integrated Wireless Network (IWN) of the U.S. Justice and Treasury Departments has also chosen the Project 25 suite of standards for their new radio equipment. In an effort to realize improved interoperability, all radios purchased under this grant should be APCO 25 compliant. In addition, any State level guidelines and initiatives that are developed by the WV Statewide Interoperable Executive Committee (SIEC) and its successor the West Virginia Statewide Interoperable Radio Network (SIRN) regarding communications will be followed by the sub-grantee.)</i></p>			
PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6	↓	↓	↓

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

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**ITEMIZATION OF FUNDS BY CATEGORY**

**PAGE 3-4**  
**(TRAINING ONLY)**

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<p><b>Training:</b></p> <p>EMPG funds may be used to enhance the capabilities of state and local emergency preparedness and response personnel through development of state and local homeland security training programs which are consistent with and supportive of the overall implementation of the State Homeland Security Strategy Goals and Objectives.</p> <p>ALL personnel in positions funded in whole or in part by 2014 EMPG funds must complete, not later than the end of the performance period, the following training courses, available through the Emergency Management Institute's Independent Study Program:</p> <p>National Incident Management System (NIMS) Training:            IS 100.b IS 200.b IS 700.a IS 800.b</p> <p>AND</p> <p>FEMA Professional Development Series:            IS 120.a IS 235.b IS 241.a IS 244.a            IS 230.b IS 240.a IS 242.a</p> <p>Integrated Public Alert and Warning System (IPAWS) -- Directors and selected staff (Directors only have Transmit Authority, at this time):            IS 247.a</p> <p><b>NOTE: Personnel only are required to complete the above training once, but are required to maintain proof of completion in local records and available for inspection.</b></p> <p>Further, full-time or part-time directors will, after completing the above coursework, continue pursuing emergency management related coursework. Such coursework should address training needs for the director identified in the Multi-Year Training Plan dated 2013. The requirement is to complete a total of 40 hours of emergency management training during the grant performance period. This training requirement includes 24 hours of classroom instruction at EMI or through State-approved courses, and 16 hours of approved non-classroom courses. All online FEMA, NFA, or DHS courses that are emergency management related can be used to fulfill the non-classroom requirement. All other courses must be prior approved. Such approval will be based on written submission to WVDHSEM. These submissions must be presented at least 60 days prior to the start date before credit is granted. The request must include the course description, objectives, and list of instructors' names and, for conferences, the agenda and list of speakers. <u>Copies of Completion Certificates must be included with the appropriate Quarterly Report for approved courses.</u></p>			
PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6	↓	↓	↓

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

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ITEMIZATION OF FUNDS BY CATEGORY

PAGE 3-5  
 (EXERCISES ONLY)

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<p><b>Exercises:</b></p> <p>EMPG funds may be used to design, develop, conduct, and evaluate emergency management related exercises. Exercises must be consistent with the principles and methodology outlined in the Homeland Security Exercise and Evaluation Program (HSEEP), as well as applicable emergency management standards. All exercises will use HSEEP documentation procedures. In order to receive EMPG grant credit, the jurisdiction must complete an <i>After Action Report (AAR)</i>, an <i>Improvement Plan (IP)</i>, and include them in their quarterly submission along with a <i>Roster</i> signed by all exercise participants. Documentation can be submitted once completed and approved by the Exercise Planning Committee prior to the quarterly submission but is not mandatory. Exercises can be, and are recommended to be, developed and administered at a multi-jurisdictional level. As required in the 2014 EMPG Guidance, <b>ALL</b> employees in positions partially or fully funded by EMPG funds <b>MUST</b> participate in a minimum of three (3) exercises in a 12-month period. This includes all support staff such as administrative assistants, secretaries, deputy directors, etc. The exercise time period for the 2014 grant begins July 01, 2014 and ends June 30, 2015. Exercises taking place after Jan 01, 2014 and prior to July 01, 2014 will still be credited, if credit was not requested for the 2013 EMPG Program.</p> <p>NOTE: Actual Events may fulfill part of the exercise requirement, if a waiver has been submitted to and approved by WVDHSEM.</p>			
PLEASE CARRY TOTALS TO THE BOTTOM OF PAGE 3-6	↓	↓	↓

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

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ITEMIZATION OF FUNDS BY CATEGORY

PAGE 3-6  
 (MANAGEMENT AND ADMINISTRATIVE)

Budget Category	Matching Funds	Federal EMPG Funds	Approved (DHSEM Use Only)
<u>Management and Administrative:</u> (Maximum of 6% of request/award)			
<b>TOTAL MATCHING FUNDS:</b>	\$111,475.15		
<b>TOTAL FEDERAL EMPG FUNDS:</b>		\$111,475.15	
<b>TOTAL APPROVED PROJECT:</b>			222,950.30

\* All funds must be rounded to the nearest whole dollar amount. Please make additional copies of this page as necessary.\*

<b>WEST VIRGINIA</b> Division of Homeland Security and Emergency Management (DHSEM)  2014 EMPG PROGRAM	<b>BUDGET SUMMARY</b>  PAGE 4
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Applicant: <input style="width: 90%;" type="text"/>	Type of Application: <input style="width: 90%;" type="text"/>
	<input type="checkbox"/> Initial <input type="checkbox"/> Revision

Category	EMPG Funds (A) *	Matching Funds (B) **	Total Funds (A + B)
Planning	8750.00	8750.00	
Organization	102,725.15	102,725.15	
Equipment			
Training			
Exercises			
Management and Admin (max 5%)			
<b>Total Budget</b>	<b>111,475.15</b>	<b>111,475.15</b>	<b>222,950.30</b>

<b>FUNDING STRATEGY</b>
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Funding Source(s)	Amount	Status
EMPG Funds:	\$111,475.15	
Matching Funds (If Applicable):	\$111,475.15	
<b>Total:</b>	<b>\$222,950.30</b>	

\* Total of column A shall be placed in the space on page 1 – item number 5, for Funds Requested.

\*\* Total of column B shall be placed in the space on page 1 – item number 5, for Project Matching Funds.

*All funds must be rounded to the nearest whole dollar amount.*

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**BUDGET NARRATIVE**

**PAGE 5**

Provide here a justification and explanation of the budget items shown on pages 3 and 4 of this application. This should contain specific criteria and data used to arrive at estimates and/or costs for all items listed. In completing the project budget narrative, please identify data by the major budget category involved (i.e. Planning, Organizational, Equipment, Training, Exercises and Management and Administrative).

**Applications submitted which do not provide a sufficient narrative may be subject to exclusion. Use additional blank pages as necessary.**

**PLANNING:** (This category **MUST** include a brief statement about how the jurisdiction's planning efforts will assist the jurisdiction in becoming fully NIMS-compliant and to meet the mandatory planning requirements.)

**ORGANIZATIONAL:** (This category **MUST** describe the status of the local emergency services director (full- or part-time paid) and other staffing necessary to maintain a functional structure for local emergency management.) EMPG funds may be used for all-hazards emergency management operations, staffing, and other day-to-day activities in support of emergency management. Proposed staffing activities should still be linked to achieving goals outlined in the EMPG work plan. In accordance with W. Va. Code Chapter 15-5-15, all emergency services staff must have undergone criminal background checks. All EMPG-funded jurisdictions will be required to submit weekly Jurisdiction Situation Reports via ETeam and are due not later than Tuesday of each week. Such reports will include, at a minimum, current operational status, current and following week significant activities, exercises, and training events. Further, local directors **MUST** be either paid full-time or, if paid part-time, provide proof of other funding sources before other funding is approved for projects or equipment. In addition, local jurisdictions with paid part-time directors **MUST** allow sufficient time to the director to complete all requirements under this grant, including training, exercises, planning, and emergency response operations.

**EQUIPMENT:** (This category **MUST** include a brief statement regarding how each piece of equipment will be used to enhance the capabilities for emergency response and also include the AEL item number. This statement and AEL item number for each piece of equipment will be used to assist in determining whether the items are allowable under existing guidelines. With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

In an effort to improve emergency preparedness and response interoperability, all new or upgraded radio systems and new radio equipment should be compatible with a suite of standards called ANSI/TIA/EIAA-102 Phase I (Project 25). These standards have been developed to allow for backward compatibility with existing digital and analog systems and provide for interoperability in future systems. The FCC has chosen the Project 25 suite of standards for voice and low-moderate speed data interoperability in the new nationwide 700 MHz frequency band. The Integrated Wireless Network (IWN) of the U.S. Justice and Treasury Departments has also chosen the Project 25 suite of standards for their new radio equipment. In an effort to realize improved interoperability, all radios purchased under this grant should be APCO 25 compliant. In addition, any State level guidelines and initiatives that are developed by the WV Statewide Interoperable Executive Committee (SIEC) and its successor the West Virginia Statewide Interoperable Radio Network (SIRN) regarding communications will be followed by the sub-grantee.)

**TRAINING:** (This category **MUST** include a brief statement regarding how proposed training will help in terms of emergency management purposes and initiatives. This statement will be used to assist in determining whether the training(s) is allowable under existing guidelines. Also, include the official names of each training course with brief descriptions.)

**EXERCISES:** (This category **MUST** include a brief statement regarding how proposed exercises will help evaluate and validate the capabilities which are the focus of the exercise scenario and outline the specific types of expenditures which will support the development, conduct, and assessment of the exercise. Reminder: Exercises must be compliant with HSEEP, and notification should be provided in advance to WVDHSEM.)

**MANAGEMENT AND ADMINISTRATIVE:**

\*Use additional blank pages as necessary\*

**WEST VIRGINIA**  
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**PROJECT DESCRIPTION INSTRUCTIONS**

**PAGE 6**

On page 7 of this Application, please explain the project utilizing the following outline. State clearly and in concise detail the goals, objectives and intentions of the project; precisely what will be done; who will be involved; and the anticipated result. Add pages as necessary.

**PURPOSE:** The purpose of the EMPG is to enhance the local jurisdiction by assisting in the development and maintenance of an emergency management program.

**REQUIREMENTS:** Describe in some detail how your jurisdiction will implement the following requirements during the performance period of this grant. Include a prioritized list of all substantial and concrete goals in each performance area of this project that the jurisdiction will attempt to achieve and the reasons why each of these goals can be met. These goals may be both short and long range. Carefully communicate and relate the goal(s) back to the goals on the WV State Homeland Security Strategy Goals and Objectives. In other words, which Statewide Strategy goals are being addressed during this performance period. In order to continue to receive funds under this grant, all jurisdictions must meet the following criteria:

1. **Planning (minimum grant requirements must be met) – You must develop/update/revise a minimum of three (3) planning products during the year. The mandatory plan component developments/revisions for this year are:**
  - a. Review and update the most recent All-Hazards Mitigation Plan developed for the Pre-Disaster Mitigation (PDM) Program and Hazard Mitigation Grant Program (HMGP) Mitigation Plan to include identifying a wider range of threats, based on the Threat and Hazard Identification and Risk Assessment (THIRA), as guidance for this assessment become available during the year.
  - b. Review and make recommendations for updates to local emergency operations plans based on the *Evaluation Matrix for Compliance with CPG 101 v.2*, released in May 2011.
  - c. Prepare and submit revisions to the local emergency operations plan, based on the top two priorities identified in b. above. Submissions to be made with final financial documentation.

Revisions can be submitted in paper copy or by electronic means (i.e. floppy diskette or email to: [Bill.D.Kershner@wv.gov](mailto:Bill.D.Kershner@wv.gov)). **NOTE: Pen-and-ink corrections are no longer accepted.**

2. **Organizational – The jurisdiction must employ either a full-time or part-time paid emergency services director. Substantial organizational costs relating to emergency management functions may be reimbursed under this portion of the grant. Each participating jurisdiction must have internet access and email support and must actively participate in the State's electronic emergency management system. Each participating jurisdiction must have a designated and equipped emergency operations center and must ensure that emergency management contact information is regularly updated and provided to WVDHSEM.**

EMPG funds may be used for all-hazards emergency management operations, staffing, and other day-to-day activities in support of emergency management. Proposed staffing activities should still be linked to achieving goals outlined in the EMPG work plan. In accordance with W. Va. Code Chapter 15-5-15, all emergency services staff must have undergone criminal background checks. All EMPG-funded jurisdictions will be required to submit weekly Jurisdiction Situation Reports via ETeam and are due not later than Tuesday of each week. Such reports will include, at a minimum, current operational status, current and following week significant activities, exercises, and training events. **Further, local directors MUST be either paid full-time or, if paid part-time, provide proof of other funding sources before other funding is approved for projects or equipment. In addition, local jurisdictions with paid part-time directors MUST allow sufficient time to the director to complete all requirements under this grant, including training, exercises, planning, and emergency response operations.**

## Project Description Instructions Page 6 (Continued)

At a minimum, weekly Jurisdiction Situation Reports and other designated reports, must be entered into E-Team and include a brief situation summary for the jurisdiction as of the report time. In addition, all emergency management incidents must be entered in a timely manner. Familiarity with E-Team is essential as it will be the primary means of making Requests for Assistance to the State. Failure to do these weekly reports could result in suspension of funding.

3. **Equipment** – The jurisdiction must submit an itemized list of equipment to be purchased under this grant. All equipment purchase listings must include brief justification for the individual items or systems and describe how the equipment will assist the jurisdiction to meet specific goals and objectives contained in the West Virginia State Homeland Security Strategy Goals and Objectives. ALL equipment included must be on the AEL and purchases must be prior-approved by the DHSEM.

4. **Training** – ALL personnel in positions funded in whole or in part by 2014 EMPG funds must complete, not later than the end of the performance period, the following training courses, available through the Emergency Management Institute's Independent Study Program:

National Incident Management System (NIMS) Training:  
IS 100.b      IS 200.b      IS 700.a      IS 800.b

AND

FEMA Professional Development Series:  
IS 120.a      IS 235.b      IS 241.a      IS 244.a  
IS 230.b      IS 240.a      IS 242.a

**NOTE:** Personnel only are required to complete the above training once, but are required to maintain proof of completion in local records and available for inspection.

Integrated Public Alert and Warning System (IPAWS) – Directors and selected staff (Directors only have Transmit Authority, at this time)

IS 247.a

Further, full-time or part-time directors will, after completing the above coursework, continue pursuing emergency management related coursework. Such coursework should address training needs for the director identified in the Multi-Year Training Plan dated 2013. The requirement is to complete a total of 40 hours of emergency management training during the grant performance period. This training requirement includes 24 hours of classroom instruction at EMI or through State-approved courses, and 16 hours of approved non-classroom courses. All online FEMA, NFA, or DHS courses that are emergency management related can be used to fulfill the non-classroom requirement. All other courses must be prior approved. Such approval will be based on written submission to WVDHSEM. These submissions must be presented at least 60 days prior to the start date before credit is granted. The request must include the course description, objectives, and list of instructors' names and, for conferences, the agenda and list of speakers. Copies of Completion Certificates must be included with the appropriate Quarterly Report for approved courses.

5. **Exercises** –

Exercises must be designed to test some portion of the local emergency operations plan. All exercises will be developed, administered and documented using the Homeland Security Exercise and Evaluation Program (HSEEP) methodology. Exercises can be, and are recommended to be, developed and administered at a multi-jurisdictional level. All exercises **MUST** be NIMS compliant and **MUST** be designed, developed, conducted and evaluated in accordance with HSEEP. Further detailed information on HSEEP can be found at: <http://hseep.dhs.gov>. Exercise activities should generally align to priorities outlined in the current Training and Exercise Plan (TEP). The current WV Training and Exercise Plan can be found at <http://www.dmaps.wv.gov/>. As required in the 2014 EMPG Guidance, **ALL** employees in positions partially or fully funded by EMPG funds **MUST** participate in a minimum of three (3) exercises in a 12-month period. This includes support staff such as administrative assistants or secretaries.

## **Project Description Instructions**

### **Page 6 (Continued)**

#### **OBJECTIVE(S)**

Specific statements of desired achievement, which reflect project emphasis. Objectives should be clearly qualified, time-framed and measurable terms of planned levels of project performance to be achieved. The results of objectives must be specific, not general, and must be recognizable and understandable. **It is extremely important to realize that objectives must be achievable and feasible within the specific performance period of this grant. Carefully communicate and relate the objective(s) back to the objectives in the West Virginia State Homeland Security Strategy Goals and Objectives. In other words, which State Homeland Security Strategy objectives are being addressed.**

#### **IMPLEMENTATION (Key Activities/Milestones)**

Describe the major activities necessary to implement the project including an operational schedule for the project. This should incorporate specific activities, services, and procedures to be followed, and how achievement will be documented. For extremely comprehensive projects, a milestone chart is recommended which provides a clear time-line estimating the time necessary for each phase of this project. This is a very important tool used to organize data into categories for follow-up purposes measuring the "What", "Where", "Who", "When" and "How" for each objective. The information placed in this chart can be used as a management tool to monitor progress.

#### **PROJECT ASSESSMENT / EVALUATION**

Specify the indicators and measures to be used to assess the results of this project.

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**Planning:**

Jefferson County will update their THIRA, the County's Continuity of Government Plan, and certain sections of the Emergency Operations Plan.

**Organizational:**

The County employs a Full Time Paid Homeland Security and Emergency Management Director, a Full-Time Paid Deputy Director that also serves as planner and program manager; and a Full-Time Paid Administrative Assistant that also serves as our Public Information Officer and volunteer coordinator.

Equipment: N/A

**Training:**

All of the JCHSEM employees will complete all required training. Additionally, all employees have completed additional training. Copies of all certificates will be sent with our request for reimbursement.

**Exercises:**

Jefferson County Homeland Security and Emergency Management has participated in the following exercises for the year 2014: the "Cold as Ice" series to include a planning meeting, TTX, Functional, and Full Scale, designed and administered by the U.S. Environmental Protection Agency (EPA), and a Tabletop Exercise, "A Train Kept A Rollin", designed and administered by J.H. Consulting in conjunction with the Jefferson County LEPC, and The Virtual TTX Series-Flood Focus, designed and administered by the Federal Emergency Management Agency. All of these were HSEEP compliant exercises, utilizing the National Incident Management System.

**Objectives:**

Jefferson County has a comprehensive emergency management program that is a jurisdiction-wide system that provides for management and coordination of preparedness, response, recovery, and mitigation activities for all hazards. The system encompasses all organizations, agencies, departments, entities, and individuals responsible for emergency management and homeland security functions, including the County, as well as, all municipalities. Over the course of this grant period, Jefferson County HSEM will employ a full time director, a full time deputy director who also serves as planner and program manager; and a full time administrative assistant who also serves as the PIO and volunteer coordinator to accomplish its mission. We will continue to build partnerships, further institutionalizing the whole community model of emergency management (Strategic Goal #1, Strategic Goal #2)

We have many opportunities for businesses and individuals to get involved, including the following committees: Steering Committee, which also serves as the advisory committee to the Emergency Manager and the County's Citizen Corps Council; Public Awareness, Education and Training Committee; Partnership and Volunteer Development Committee; Risk Assessment and Mitigation Planning Committee; Counter Terrorism Committee; and ad hoc committees that serve a special purpose, such as the Community Rating System Committee of the National Flood Insurance Program. (Strategic Goal #1; Strategic Goal #2, Strategic Goal #3, and Strategic Goal #5)

We will provide many training opportunities within our jurisdiction, including the C.E.R.T. (Community Emergency Response Team), Training on ETEAM and EOC training for those who serve in our Emergency Operations Center; and participate in events such as the Jefferson County Fair and National Pet Preparedness Day at PetCo and Bark in the Park (pet preparedness) at Jefferson Memorial Park. Additionally, we provide Disaster Ready Kids Programs in our Daycare Centers and Schools and provide preparedness information to Senior Citizens. ( Strategic Goal #2, Strategic Goal #3, and Strategic Goal #5)

Our staff will attend training throughout the year, including: Trusted Agents (TA) operator role for the WV Personal Identity Verification-Interoperable (PIV-I) System by NextgenID, Inc; WV State Floodplain Management Association Conference; Rapid Needs Assessment Course; Basic Public Information Officer Course, Warning Coordination Course, Natural Hazards Mitigation Association's Disaster Workshop and Resilient Neighbors Network conference in Denver, CO; Emergency Management Leadership Courses at the Emergency Management Institute; Shelter Fundamentals by Red Cross; First Aid/CPR/AED (American Heart Association); Advanced Public Information Officer; PCII Training; CERVIS Program Training; ETEAM Training, EOC Training; and a variety of online FEMA IS courses. (Strategic Goal #1, Strategic Goal #2, Strategic Goal #3, Strategic Goal #4, and Strategic Goal #5)

#### Implementation (Key Activities/Milestones)

Committee meetings are held either monthly, bi-monthly, or quarterly, depending upon the meeting. Planning: We will update annexes within our EOP, based on CPG-1-1 information, update our THIRA and our County Government COOP; C.E.R.T. will be held this year, participation in the Jefferson County Fair; conduct our Disaster Ready Kids Programs, National Preparedness Month activities and senior citizens preparedness. Our staff will be attending training and participating in exercises as listed above.

#### Project Assessment/Evaluation:

We will evaluate the progress of this grant throughout the year and at the end of the grant period to assess results of the project.

***\* Use additional blank pages as necessary. \****

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This program is conditioned upon and subject to compliance with the following Special Conditions and Assurances. By attaching a signature to page one (1), item ten (10), of this grant application, the applicant certifies and assures that it will comply with the following Special Conditions and Assurances, Regulations, Policies, Guidelines and Requirements of the WVDHSEM, as further clarified in the Administrative Manual for this program; U.S. Department of Homeland Security; and all other relevant Federal/State Regulations, Policies and Guidelines. These Special Conditions and Assurances apply to all EMPG federal and matching funds expended for purposes associated with this project.

All correspondence to the WVDHSEM, which is required and/or occurs as a result or action of any of the following Special Conditions and Assurances, or as a result of the administration of any WVDHSEM grant program, should be addressed to:

WV Division of Homeland Security and Emergency Management  
ATTN: 2014 EMPG  
1900 Kanawha Blvd., East Capitol Complex  
Building 1, Room EB-80  
Charleston, WV 25305

**1. LAWS OF WEST VIRGINIA:**

This application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by the WVDHSEM. In accordance with W. Va. Code Chapter 15-5-15, all emergency services staff must have undergone criminal background checks.

**2. LEGAL AUTHORITY:**

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

**3. RELATIONSHIP:**

The relationship of the sub-grantee to the WVDHSEM shall be that of an independent contractor, not that of a joint enterprise. The sub-grantee shall have no authority to bind the WVDHSEM for any obligation or expense without the express prior written approval from the WVDHSEM.

**4. OPERATIONAL WITHIN 90 DAYS:**

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a statement to WVDHSEM explaining the delay in implementation. Upon receipt of the 90-day letter, WVDHSEM may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

**5. WRITTEN APPROVAL OF CHANGES:**

The sub-grantee must obtain prior written approval from WVDHSEM for all project changes (programmatic, fiscal or otherwise). Additionally, any budget revisions greater than 10% in aggregate must be approved by WVDHSEM.

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**6. CIVIL RIGHTS COMPLIANCE:**

Sub-Grantee will comply with all federal civil rights laws, including Title VI of the Civil Rights Act of 1964, as amended. These laws prohibit discrimination on the basis of race, color, religion, national origin, and sex in the delivery of services.

National origin discrimination includes discrimination on the basis of limited English proficiency (LEP). To ensure compliance with Title VI, grantees will take reasonable steps to ensure that LEP persons have meaningful access to their programs. Meaningful access may entail providing language assistance services, including oral and written translation, where necessary.

Sub-Grantees are encouraged to consider the need for language services for LEP persons served or encountered both in developing their proposals and budgets and in conducting their programs and activities.

**7. PRESS RELEASE:**

Release of information pertaining to this sub-grant must include the following information:

1. grant amount;
2. State involvement (WV Division of Homeland Security and Emergency Management, WVDHSEM); and,
3. Federal involvement (U.S. Dept. of Homeland Security), along with the name of the Federal Source (EMPG) including the CFDA # 97.042

**8. Compliance With Office of Mgt. and Budget Circulars:**

Sub-Grantee will comply with all applicable Federal OMB Circulars including: A-21, A-87, A-102, A-110, A-122, A-133, and A-102.

**9. ACCESS TO RECORDS and EQUIPMENT:**

WVDHSEM, through any authorized representative, shall have access to and the right to examine all records, books, papers, documents, and equipment related to the sub-grant and to relevant books and records of contractors.

**10. CONFLICT OF INTEREST:**

No public official or employee of the sub-grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can be expected to result in any benefit to that individual or that individual's immediate family.

**11. POLITICAL ACTIVITY:**

The restrictions of the Hatch Act, Pub. L. 93-433, 5 U.S.C. Chapter III, (as amended), concerning the political activity of government employees are applicable to state grantee staff members and other state and local government employees whose principal employment is in connection with activities financed, in whole or in part, by Title I grants. Under a 1975 amendment to the Hatch Act, such state and local government employees may take an active part in political management and campaigns, except they may not be candidates for office.

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**12. RELEASE OF INFORMATION:**

All records, papers and other documents kept by recipients of grant funds are required to be made available to the WVDHSEM. These records and other documents submitted to the WVDHSEM and its grantees, including plans and application for funds, reports, etc., are subsequently required to be made available to the U.S. Department of Homeland Security under the terms and conditions of the Federal Freedom of Information Act, 5. U.S.C. §552.

The WVDHSEM recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under federal control is subject to requests made pursuant to the Freedom of Information Act, 5, U.S.C. §552, all determinations concerning the release of information of this nature are made on a case-by-case basis by the Federal Division of Homeland Security FOIA Office, and may likely fall within one or more of the available exemptions under the Act.

Sub-Grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult the WVDHSEM regarding concerns or questions about the release of potentially sensitive information under state and local laws.

**13. NATIONAL AND STATE EVALUATION EFFORTS:**

The Sub-grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

**14. OBLIGATION OF PROJECT FUNDS:**

Funds may not, without prior written approval from the WVDHSEM, be obligated prior to the effective start date or subsequent to the termination date of the project period.

**15. USE OF FUNDS:**

Funds awarded through the WVDHSEM may be expended **ONLY** for the purposes and activities specifically covered by the sub-grantee approved project description and budget. Further, this applies to funds awarded through budget revisions by DHSEM.

**16. COMPLIANCE WITH FEDERAL PROCEDURES:**

The applicant assures that it will comply with the provisions of 28 Code of Federal Regulation (CFR) applicable to grants and cooperative agreements, including but not limited to: [www.whitehouse.gov/OMB/grants/index.html](http://www.whitehouse.gov/OMB/grants/index.html)

- Part 11, Applicability of Office of Management and Budget Circulars;
- Part 18, Administrative Review Procedures;
- Part 20, Criminal Justice Information Systems;
- Part 22, Confidentiality of Identifiable Research and Statistical Information;
- Part 23, Criminal Intelligence Systems Operating Policies;
- Part 30, Intergovernmental Review of Department of Justice Programs and Activities; and,
- Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures
- Parts 66, 67, 69, 83

**17. ALLOWABLE AND UNALLOWABLE COSTS:**

Allowable and unallowable costs incurred under this grant shall be determined in accordance with the general principles and standards for selected cost items set forth in the pertinent Program Guidance or the Office of Grant Operations Financial Guide and OMB Circular A-87.

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**18. NON-SUPLANTING:**

Federal funds must be used to supplement existing funds for program activities and may not replace (supplant) non-Federal funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from Federal grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The sub-grantee hereby certifies that Federal funds made available under this grant will not be used to supplant state and local funds. Approved full-time positions must hire an additional individual to "backfill" the position.

**19. MATCHING CONTRIBUTION:**

If matching funds are allocated, the applicant assures that those funds shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Cash matching contributions are subject to the same expenditure guidelines established by the WVDHSEM and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all cash matching contributions. There is no waiver provision for any cash match requirements.

**20. PROJECT INCOME:**

All income earned by the sub-grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by the WVDHSEM and the U.S. Department of Homeland Security for this grant program. All sub-grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.

**21. CONSULTANT FEES:**

Approval of this sub-grant does not necessarily indicate an approval of specific consultant rates. Please discuss rates with the WVDHSEM.

**22. SUSPENSION OF FUNDING:**

WVDHSEM may suspend, in whole or in part, terminate, or impose other sanctions on any sub-grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- Failure to submit reports;
- Filing a false certification in this application or in another report or document; or,
- Other just cause.

**23. SANCTIONS FOR NONCOMPLIANCE:**

In the event of the sub-grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, the WVDHSEM shall impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the sub-grantee until the sub-grantee complies;
- Cancellation, termination or suspension of the contract, in whole or in part; or,
- Refrain from extending any further assistance to the sub-grantee until satisfactory assurance of future compliance has been received.

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**24. SUBMISSION/RELEASE OF PROPOSED PUBLICATIONS:**

The sub-grantee shall submit one copy of all reports and proposed publications resulting from this agreement to the WVDHSEM twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the United States Department of Homeland Security, and the WV State Homeland Security State Administrative Agency. Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the U.S. Department of Homeland Security, nor the WV State Homeland Security State Administrative Agency."

**25. PROPERTY ACCOUNTABILITY:**

The sub-grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a sub-grant by the WVDHSEM. This obligation continues as long as the property is retained by the sub-grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from the WVDHSEM. Sub-Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program, with copies provided to the WVDHSEM. The WVDHSEM reserves the right to inspect and review any equipment purchased with this sub-grant.

**26. REPORTS:**

Each subgrantee shall submit such reports as the WVDHSEM shall deem reasonably necessary to the execution of monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

Programmatic Reporting: Sub-Grantees must complete and remit for PLANNING to WVDHSEM the requirements shown on PAGE 6. Sub-Grantees must complete and remit for TRAINING to WVDHSEM 48 hours of training as identified PAGE 6 CONTINUED. Sub-Grantees must complete and remit for Exercise to WVDHSEM. EXERCISE OBJECTIVES AS OUTLINED ON PAGE 8 CONTINUED.

Financial Reporting: Sub-Grantees MUST submit to WVDHSEM complete requests for reimbursements with all backup documentation. Sub-Grantees must include signed AEL equipment list, financial recap sheets, form 85-20, and all relevant documentation for your requests. Instructions will be provided separately.

**27. PURCHASING:**

When making purchases relevant to the sub-grant, the sub-grantee will, at a minimum, abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government.

**28. PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:**

Sub-Grantee acknowledges that the WVDHSEM, and subsequently the U.S. Department of Homeland Security, reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support. Sub-Grantee agrees to consult with the WVDHSEM regarding the allocation of any patent rights that arise from, or are purchased with, this funding.

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**29. Environmental & Historic preservation (EHP)**

Subgrantee shall comply with all applicable Federal, State, and local EHP requirements and shall provide any information requested to ensure compliance with applicable laws.

**30. INFORMATION SYSTEMS & COMMUNICATIONS EQUIPMENT**

The grantee agrees:

- a. That all computer programs (software produced under this grant) will be made available to the WVDHSEM for transfer to authorized users in the criminal justice/homeland security community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- b. To provide a complete copy of the computer programs and documentation, upon requests, to the WVDHSEM. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- c. That whenever possible all application programs will be written in standardized programming languages (i.e. Cobol, Fortran, C, C++, XML, etc.) or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.

With respect to communications initiatives and equipment, the sub-grantee agrees to the following:

Communications equipment is required to be compatible with the SAFECOM P25 trunked radio hierarchy and the WV Interoperable Radio Project. Per Executive Order 13-07 all communications equipment requests must be reviewed and approved by the State Interoperability Coordinator.

**31. TIME EXTENSIONS:**

In general, time extensions for this program are unallowable. Unexpended sub-grant funds remaining at the close of the sub-grant period shall be deobligated.

**32. USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:**

Sub-Grantee understands and agrees that it cannot use any sub-grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

**33. PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:**

- I.) Federal Office of Management and Budget (OMB) Circular A-133 sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. This grant shall adhere to the audit requirements set forth in OMB Circular A-133 at the time of award.

As of 10/1/04, the requirements set forth by OMB Circular A-133 are as follows: Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. Non-Federal entities that expend less than \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office.

- II.) OMB Circular A-110 sets forth standards for obtaining consistency and uniformity for the audit of institutions of higher education, hospitals, and other non-profit organizations expending Federal awards. This grant shall adhere to the audit requirements set forth in OMB Circular A-110.

As if 10/1/04, the requirements set forth by OMB Circular A-110 are as follows: Recipients and sub recipients that are institutions of higher education or other non-profit organizations (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 USC 7501-7507) and revised OMB Circular A-133.

- III.) If an audit must be conducted pursuant to OMB Circular A-133 and A-110, a copy of the audit shall be submitted to the WVDHSEM as well as to the Federal clearinghouse.

As of 10/1/04, the Federal clearing house is as follows:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 E. 10<sup>th</sup> Street  
Jeffersonville, IN 47132

**34. PROGRAM ACCOUNTABILITY – STATE AUDIT REQUIREMENTS:**

- I.) Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, sets forth the audit requirements of corporations, associations or other organizations which receive state funds or grants. These audit requirements do not apply to units of local and state government. If applicable, this grant shall adhere to the audit requirements set forth in §12-4-14 at the time of award. All funds disbursed by SAA are appropriated by the WV Legislature; therefore all funds disbursed by the WVDHSEM are considered state funds. The WVDHSEM will notify the Legislative Auditor when a sub-grant is awarded which falls under the requirements of the WV Code.

As of 9/13/05, the requirements set forth by §12-4-14 are as follows: Any corporation, partnership, association, individual or other legal entity (not to include a state spending unit or a local government as defined in § 6-9-1a of the West Virginia Code, as amended) which receives one or more state grants or sub grants in the amount of \$50,000 or more in the aggregate in a state fiscal year shall file with the WVDHSEM a Report of the disbursement of these state funds. An OMB A-133 Audit or an audit conducted by a certified public accountant may be substituted for the Report. The Report shall be filed within two years of the end of the fiscal year in which the grant or subgrant closes. The Report shall be made by an independent certified public accountant and the scope of the Report is limited to showing how the state grant or subgrant funds were spent. The Report does not have to be a full-scope audit or review of the entity receiving state funds. Any entity failing to file a required Report is barred from subsequently receiving state grant or subgrant funds until the Report is filed and is otherwise in compliance with the provisions of West Virginia Code. If a Report is not required under this section of the WV Code then the grantee or sub-grantee shall file with SAA a sworn statement of expenditures made under the grant or sub-grant.

The Sub-Grantee assures that it has read, understands and is in full compliance with all requirements as set forth in Chapter 12, Article 4, Section 14 of the West Virginia Code, as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with this section of the West Virginia Code, as amended.

# WEST VIRGINIA

Division of Homeland Security and  
Emergency Management (DHSEM)

2014 EMPG  
PROGRAM

## SPECIAL CONDITIONS AND ASSURANCES

PAGE 15

### 35. EQUAL EMPLOYMENT OPPORTUNITY PLAN:

Each sub-grantee certifies that it has executed and has on file, an Equal Employment Opportunity Plan which conforms to the provisions of 28 CFR Section 42.301, et. seq., Subpart E, or that in conformity with the foregoing regulations, no Equal Employment Opportunity Plan is required.

### 36. VETERANS PREFERENCE:

This program includes a provision that grantees utilizing funds to hire additional personnel give suitable preference in employment to military veterans. WVDHSEM defines "suitable preference" as the requirement that a sub-grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

### 37. IMMIGRATION AND NATURALIZATION VERIFICATION:

The sub-grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of Federal funds to verify that employees are eligible to work in the United States.

### 38. PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:

It is the sense of the Congress, as conveyed through the FY 1997 Appropriations Act that, as well as the desire of WVDHSEM, to the greatest extent practicable, all equipment and products purchased with Federal funds made available under this grant should be American-made.

### 39. PERSONNEL TRAINING:

For projects involving payment of personnel or overtime pay, the WVDHSEM reserves the right to require training as a condition of the sub-grant before or at any time during the project period. Proof of training/certification on grant funded equipment must be provided, if applicable.

### 40. ACCOUNTING REQUIREMENTS:

Sub-Grantee agrees to record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording must separate all project costs from the sub-grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material, as defined in the pertinent Administrative Manual, must be retained and be available for audit purposes.

### 41. OFFICE OF GRANT OPERATIONS FINANCIAL GUIDE:

Sub-Grantee agrees to comply with all requirements as set forth in the current edition of the OGO Financial Guide.

### 42. EQUIPMENT:

Sub-Grantees purchasing equipment with grant funds are required to adhere to the established bidding procedures for their respective units of government and/or agencies. All equipment must have a primary function of being used in support of the EMPG program.

### 43. MARKING OF EQUIPMENT AND PUBLICATIONS:

Sub-Grantee will ensure that, when practicable, any equipment purchased and publications produced with grant funding shall be prominently marked as follows: "Supported with funds provided by the U.S. Department of Homeland Security and the WVDHSEM."



U.S. DEPARTMENT OF JUSTICE  
OFFICE OF JUSTICE PROGRAMS  
OFFICE OF THE COMPTROLLER

## CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

### 1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

### 2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a

public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

### 3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN 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. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about—

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will—

(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 406177.

Check  if the State has elected to complete OJP Form 406177.

**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  
P.O. Box 250  
Charles Town, WV 25414

55-6000333

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

2014 EMPG

4. Typed Name and Title of Authorized Representative

Walter Pellish, County Commission President

5. Signature

6. Date

**DISCLOSURE OF LOBBYING ACTIVITIES**

Approved by OMB

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352

0348-0046

(See reverse for public burden disclosure.)

<p><b>1. Type of Federal Action:</b></p> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<p><b>2. Status of Federal Action:</b></p> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<p><b>3. Report Type:</b></p> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change <p><b>For Material Change Only:</b>                  year _____ quarter _____                  date of last report _____</p>
<p><b>4. Name and Address of Reporting Entity:</b></p> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: _____	<p><b>5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:</b></p>  Congressional District, if known: _____	
<p><b>6. Federal Department/Agency:</b></p>	<p><b>7. Federal Program Name/Description:</b></p> <p>CFDA Number, if applicable: _____</p>	
<p><b>8. Federal Action Number, if known:</b></p>	<p><b>9. Award Amount, if known:</b></p> \$ _____	
<p><b>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):</b></p>	<p><b>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</b></p>	
<p><i>(attach Continuation Sheet(s) SF-LLLA, if necessary)</i></p>		
<p><b>11. Amount of Payment (check all that apply):</b></p> \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned	<p><b>13. Type of Payment (check all that apply):</b></p> <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other; specify: _____	
<p><b>12. Form of Payment (check all that apply):</b></p> <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____		
<p><b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</b></p>   <p align="center"><i>(attach Continuation Sheet(s) SF-LLLA, if necessary)</i></p>		
<p><b>15. Continuation Sheet(s) SF-LLLA attached:</b>      <input type="checkbox"/> Yes      <input type="checkbox"/> No</p>		
<p><small>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the Fed above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</small></p>	<p>Signature: _____                  Print Name: <u>Walter Pellish</u>                  Title: <u>County Commission President</u>                  Telephone No.: <u>304-728-3282</u>      Date: <u>08/23/14</u></p>	
<p><b>Federal Use Only:</b></p>	<p align="right">Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)</p>	

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLLA Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, State and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payments made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the officer(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLLA Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.



**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: **August 28, 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*): Subject: **Approval to fill the vacant budgeted position of either the County Planner or Zoning Administrator**

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

The current County Planner has resigned effective September 5, 2014. This position is budgeted in the FY 15 budget for the Department of Planning. The Zoning Administrator position is also currently vacant; however this position is unfunded. I would like to request that the County Commission permit me to advertise the Zoning Administrator position instead of the County Planner position and that I take on the Planner duties as well the Director duties for FY15. My background, experiences, and personal strengths are strongly identified with the Planner position's job description. While I have the ability to manage the tasks of the Zoning Administrator position, I would feel more comfortable having a separate professional performing the tasks considering that the Zoning Administrator decisions can be appealed. It would strengthen my role as the Department Director if the Zoning Administrator tasks were handled separately.

If you are inclined to approve this concept, budget revisions would be required to move the salary line item from the Planning budget to the Zoning budget. The cost of both positions is the same and would have no net effect on the County's approved budget. However, it is hoped that both of these positions could be filled at a point in the future that the County budget would support this level of staffing.

Is this a funding request? Y/N **The request relates to filling a position that is in the FY15 budget**  
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 to authorize the filling of the vacant Zoning Administrator position and revising the budgets as necessary.**

**OR**

**I move to authorize the filling of the vacant budgeted County Planner position.**

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 **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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

*The cost of both positions is the same and would have no net effect on the County's approved budget. The request is just a transfer of funds from Planning to Zoning.*

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



Name: Patsy Noland

Department or Organization: County Commissioner.

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

Date Requested – 1<sup>st</sup> Choice: **Next available** 3-28-14  
*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*): Discussion of Hotel/Motel Tax and the collection of same. How to determine if those who are required to pay are collecting and remitting the tax. Request the Prosecuting Attorney be included in the discussion. (Executive Session may be necessary to discuss possible litigation.)

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? \$

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: commissionerpnoland@gmail.com Phone Number:

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

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **August 28, 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*): **Ratify the decision made on August 7, 2014 - Approval of the Grant Contract Agreement for the West Virginia Community Corrections Grant**

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**

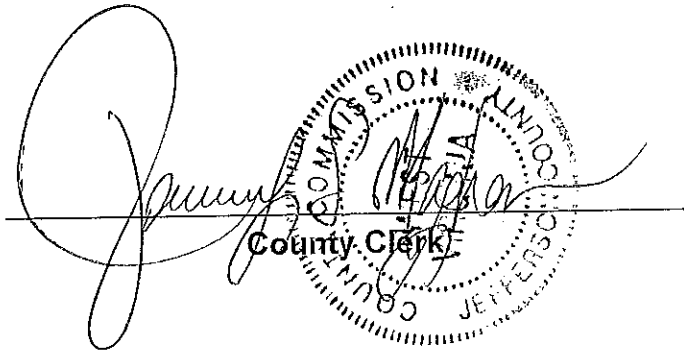
not applicable

**RESOLUTION**

The **Commission** of **Jefferson County** met on August 7, 2014 (date) with a quorum present and passed the following resolution.

Be it resolved that the County Commission hereby authorizes **The Honorable Walter Pellish, President** of the **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 Community Corrections Fund.

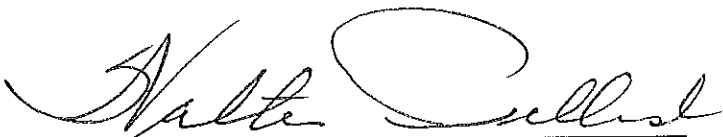
Signed:



County Clerk

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 agree that "notice" described in this document may be by personal service, or by certified mail, return receipt requested, and evidence of such certified mail shall be postage prepaid, return receipt requested. Notice shall be given at 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**  
**P.O. 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**

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

(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, 810 Seventh Street NW., Washington, DC 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 PO Box 250 Charles Town WV 25414

15-CC-03 WV Community Corrections 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



8/7/2014

5. Signature

6. Date





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



Name: Lyn Widmyer

Department or Organization: Click here to enter text.

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

Date Requested – 1<sup>st</sup> Choice: **August 28**

*If a specific date is needed, please provide reason for specific date: **Must be done before BZA meeting of August 28** .*

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

Subject (*Wording to be placed on agenda*): **Review and approve proposed draft comments to BZA regarding the Seasonal Use Permit and Zoning Variance being requested by All Good Festival and Camp Out.**

Please provide the County Commission with a description of your request or presentation, including any background information: **The Board of Zoning Appeals is considering a request for a 5 day music event. Festival events are a wonderful way to attract people to Jefferson County. However, to assure that attendees have a good experience and to assure that county agencies (police, fire, emergency medical and health) are not saddled with unexpected expenses and to assure adjoining neighbors are not unduly affected by noise and traffic, careful planning is essential. The application simply needs more work in these areas.**

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*): **Move to have the County Commission present the attached draft comments regarding the All Good Festival and Camp Out application to the BZA**

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.

**Proposed Jefferson County Commission Testimony  
to BZA regarding application for All Good Festival and Camp Out  
(drafted by Lyn Widmyer)**

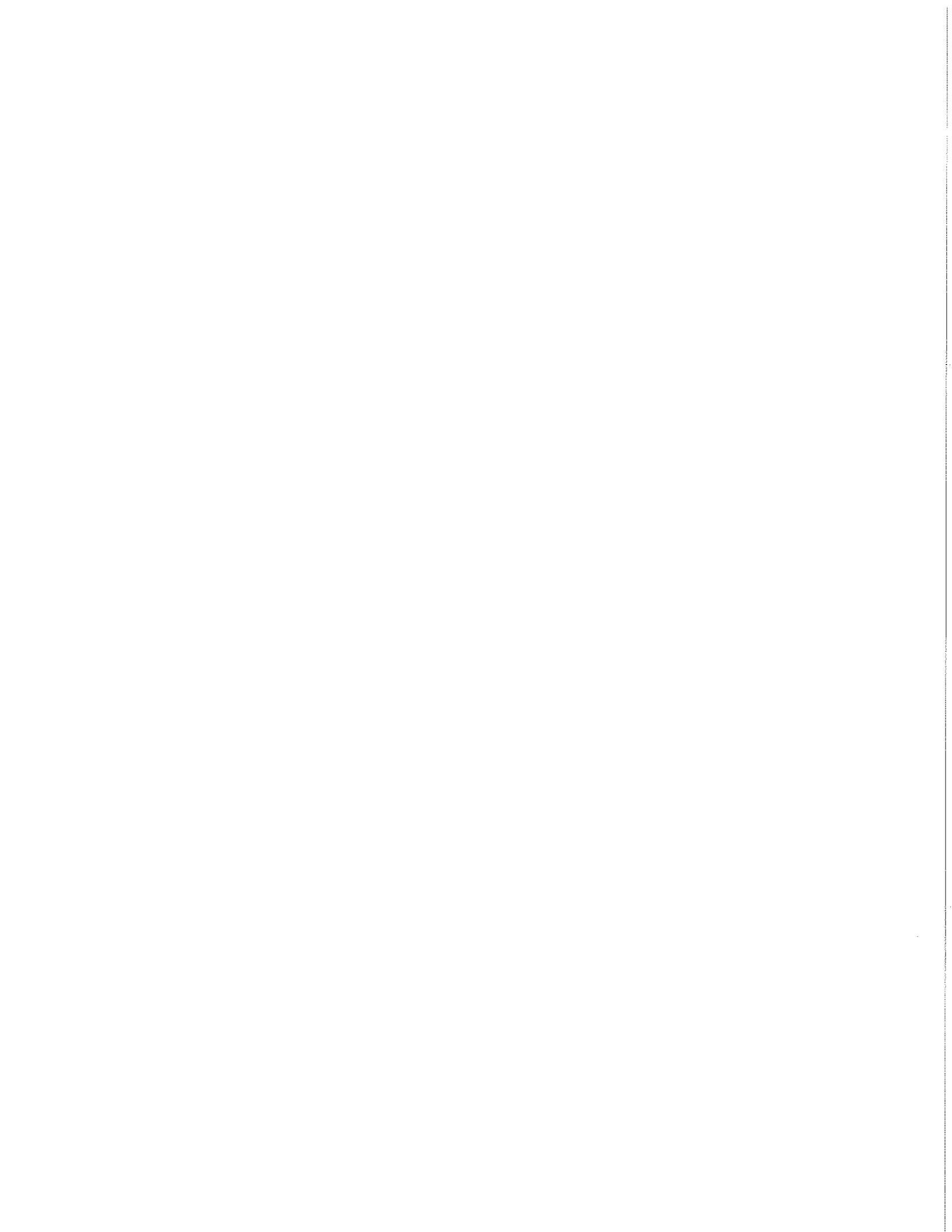
**The application for a zoning variance is inappropriate.** The definition of seasonal use is “a use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.” The All Good Festival application is for 5 days (not including set up). Variances are generally for setbacks or height to address unique conditions of the building lot. The proposed variance has nothing to do with a development hardship related to the land or lot. Such a variance would undermine the intent of the zoning ordinance, which clearly establishes a 3 day limit. This is beyond the purview of the BZA.

**The application for a Seasonal Use Permit needs more thought and more explanation.**

Expressing the intent to be a “good neighbor” is laudable and appreciated, but the application should support this intent with facts and commitments, particularly in the following areas:

1. The only financial commitment for reimbursing the county for any staff costs is \$60,000. Where did this number come from? This figure seems low particularly in light of the commitment made to Preston County for the same festival in 2011: *Walther Productions helped cover those costs this year, giving the county \$164,000 under a new mass gathering ordinance. About \$100,000 went to the sheriff's department, while the prosecutor's office got \$17,600. Another \$24,000 went toward regional jail fees, and \$20,000 went to Preston Memorial Hospital. The remaining \$2,400 went to Preston 911 (Source: Charleston Gazette, October 11, 2011)*
2. The applicant agrees to work with the Jefferson County Sheriff to prepare a safety plan and emergency planning to include fire and ambulance. The applicant states, “as agreed to by the parties, the agreement **may** include financial compensation to cover county costs.” The commitment should be: “the agreement **will** include financial compensation to cover county costs.”
3. No timeline is given as to the next step in the process, what agreements will be in place by what date or when meetings will be held with health, police and EMS agencies. The application simply states a safety plan agreement will be completed 45 days prior to the event. Final approval of this application should be dependent on an agreement to a safety plan by the sheriff, the JCESA, the Jefferson County Health Department and the County Commission (because of budgetary impacts).

The goal of the All Good Festival and Camp Out is to “bring music fans together to enjoy a tradition of live music and community amid the beautiful splendor of Jefferson County.” Proper attention to health, safety and law enforcement concerns will assure the festival achieves this goal.



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



Name: David Hamill

Department or Organization: **Mayor, City of Ranson**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **August 28, 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*): **Acknowledgement of the appointment of Andy Blake, Ranson City Manager, as the Ranson representative for the Jefferson County Development Authority 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



# City of Ranson



## Office of the Mayor

312 South Mildred Street  
Ranson, West Virginia 25438-1621  
Phone (304) 724-3872 FAX (304) 728-8579  
E-mail: [ablake@cityofransonwv.net](mailto:ablake@cityofransonwv.net)

*Council Members*  
*Mike Anderson*  
*Dave Cheshire*  
*Scott Coulter*  
*Donnie Haines*  
*Debbie McClure*  
*Duke Pierson*

*A. David Hamill - Mayor*

*Stacey A. Dodson Pfaltzgraff - City Clerk*

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

Dear President Pellish:

On Tuesday, August 5, 2014, the Ranson City Council unanimously chose Ranson City Manager Andy Blake to represent the City of Ranson on the Jefferson County Development Authority. On behalf of the Ranson City Council, I would respectfully request that Andy Blake be appointed by the Jefferson County Commission to the Jefferson County Development Authority to fill the spot previously held by David Mills.

Please let me know if you have any questions or concerns.

Sincerely,

A. David Hamill  
Mayor

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.

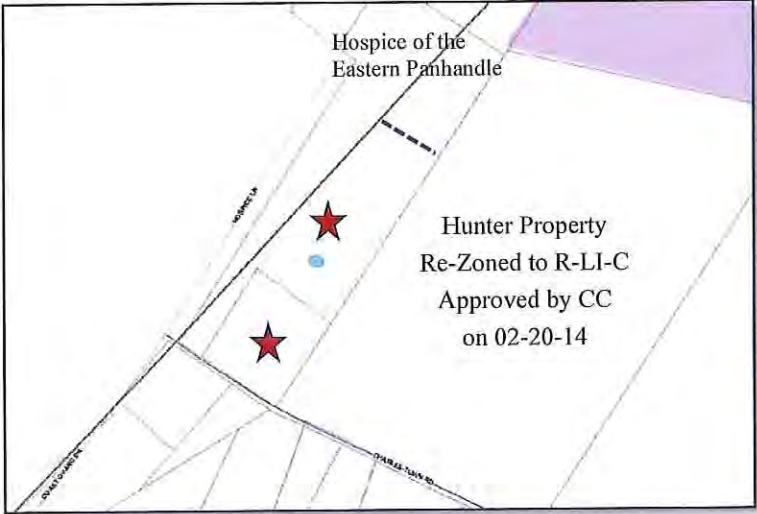
You may provide oral or written comments at the hearing, **1:30 PM, Thursday, July 31, 2014, in the Charles Town Library meeting room at 200 East Washington Street**, at the side entrance on Samuel Street. In addition, you may also provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org), 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  Zoned: Rural</p>  <p>Hunter Property  Re-Zoned to R-LI-C  Approved by CC  on 02-20-14</p>
SURROUNDING PROPERTIES:	North: Berkeley County and Rural (Hospice), East: R-LI-C South: Rural, West: Berkeley County
LOT AREA:	Total Lot Area: 23.62 Parcel 1.2 – 16.62 acres (12.67 acres within Jefferson County) 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***



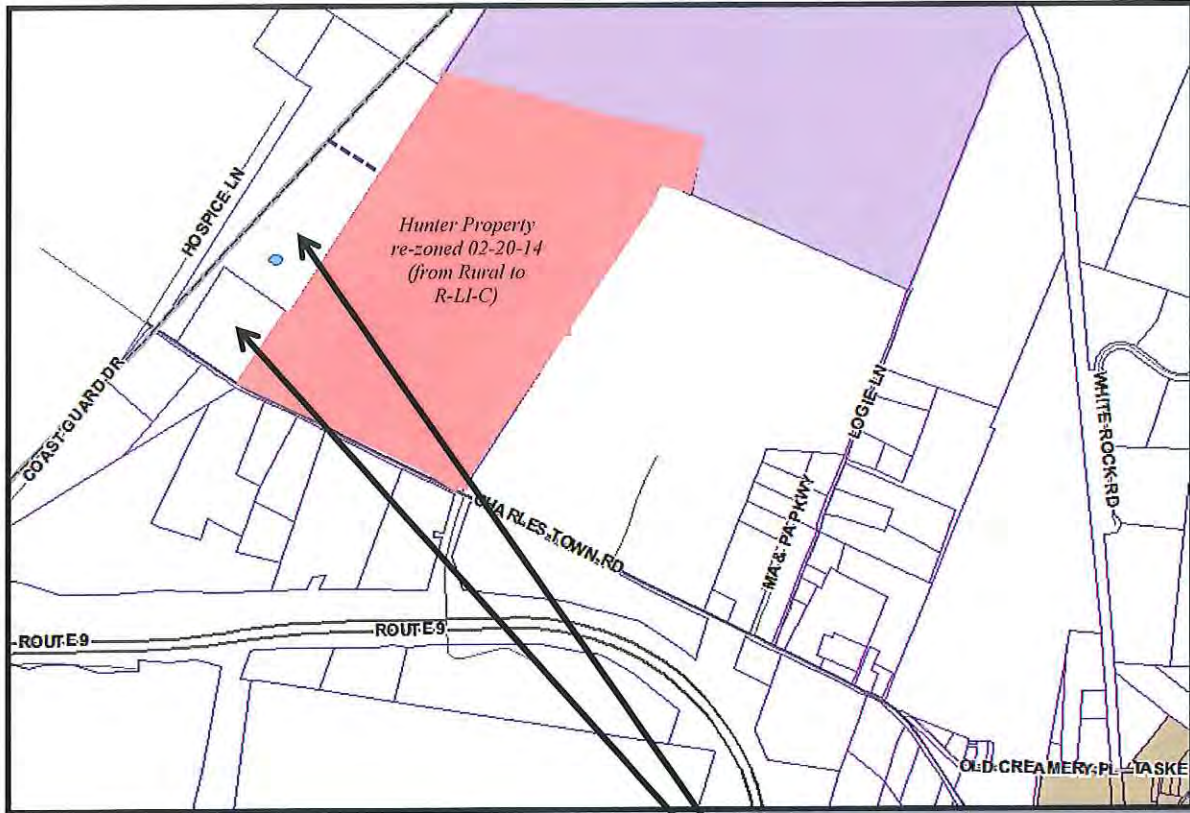
**Introduction and Purpose**

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**  
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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 re-zoning could also be able to 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 be 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**

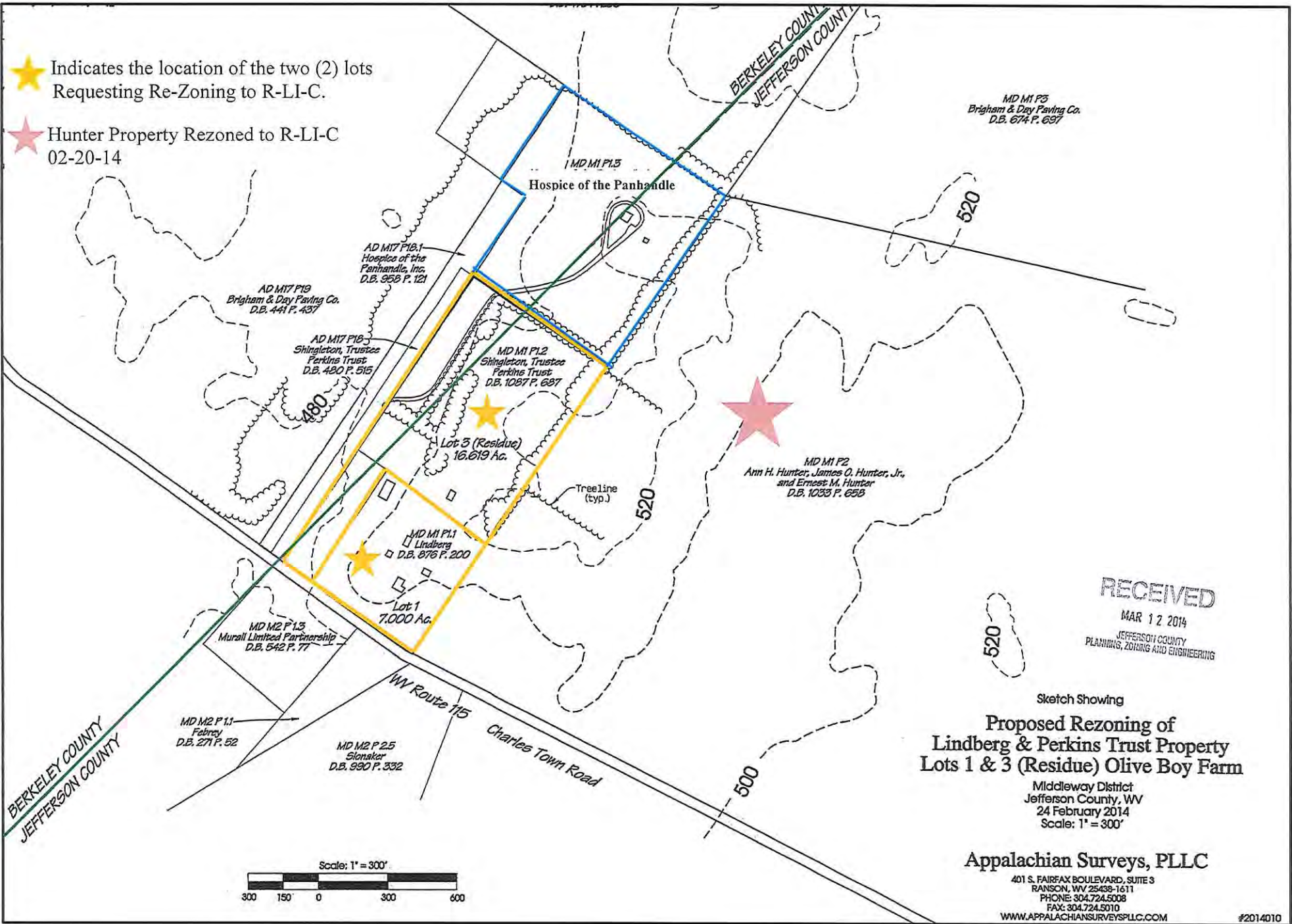
Staff finds the proposed rezoning to be consistent with the 2004 Comprehensive Plan. Adjacent to this lot to the east is undeveloped Residential – Light Industrial – Commercial zoning; just to the northeast, but not contiguous, is undeveloped Industrial-Commercial zoning with railroad access; and these 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

MD M1 P1.5  
Hospice of the Panhandle

AD M17 P18.1  
Hospice of the Panhandle, Inc.  
D.B. 958 P. 121

AD M17 P19  
Brigham & Day Paving Co.  
D.B. 441 P. 437

AD M17 P18  
Shingleton, Trustee  
Perkins Trust  
D.B. 430 P. 515

MD M1 P1.2  
Shingleton, Trustee  
Perkins Trust  
D.B. 1087 P. 687

Lot 3 (Residue)  
16.619 Ac.

Tree Line (typ.)

MD M1 P2  
Ann H. Hunter, James O. Hunter, Jr.,  
and Ernest M. Hunter  
D.B. 1033 P. 658

MD M1 P1.1  
Lindberg  
D.B. 876 P. 200

Lot 1  
7.000 Ac.

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  
Slonaker  
D.B. 990 P. 332

RECEIVED  
MAR 12 2014  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

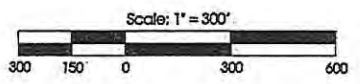
Sketch Showing

### 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: 304.724.5008  
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)**

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MAR 12 2014

JEFFERSON COUNTY  
 PLANNING, ZONING AND ENGINEERING

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

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

Rural (R-A)	Residential Growth (R-G)	Industrial Commercial (I-C)	Residential- Light Industrial- Commercial (R-L-C)	Village (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).*

*[Handwritten signature]*  
 Signature of Property Owner      Date 2/27/14

X *[Handwritten signature]*      Date 3.8.14

X *[Handwritten signature]*      Date 3.8.14

# Z14-01

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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 2/27/14  
Date

X   
Eric Lindberg 3-8-14  
Date

X   
Stacy Lindberg 3-8-14  
Date






# Lots 1 and 3 Olive Boy Farm




#214-01



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  
 Approximate Study (Zone A)  
 Detailed Study (Zone AE, AH, AO)  
 Floodway  
 Flood Water Depth (HEC-RAS)

 Cross Section Line  
 Base Flood Elevation Line  
 DFIRM Panel (Map) Index

**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

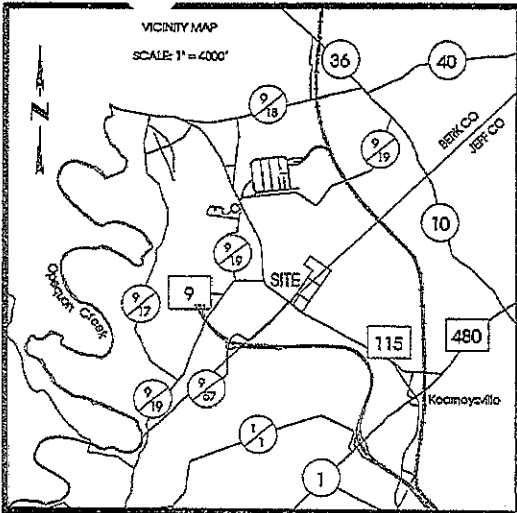
**Contacts:** Jefferson County

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

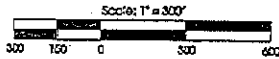
**Flood Profile:** No Profile

**HEC-RAS Model:** No Model

**Parcel Number:**



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



BERKELEY COUNTY  
JEFFERSON COUNTY

MD M2 P 13  
Fetroy  
D.B. 271 P. 52

MD M2 P 25  
Slonaker  
D.B. 337 P. 332

MD M2 P 13  
Murrell Limited Partnership  
D.B. 542 P. 77

MD M1 P13  
Lindberg  
D.B. 076 P. 220

AD M17 P10  
Shingleton, Trustee  
Perkins Trust  
D.B. 430 P. 615

AD M17 P10  
Brigham & Day Farming Co.  
D.B. 441 P. 437

AD M17 P10.1  
Hoopes of the  
Parkersville, Inc.  
D.B. 359 P. 121

MD M1 P15  
Hoopes of the Parkersville, Inc.  
D.B. 1251 P. 147

AD M17 P9  
Brigham & Day Farming Co.  
D.B. 425 P. 220

MD M1 P3  
Brigham & Day Farming Co.  
D.B. 674 P. 697

MD M1 P2  
Ann H. Hunter, James G. Hunter, Jr.  
and Ernest M. Hunter  
D.B. 1233 P. 658

Lot 3 (Residue)  
18.619 Ac.

Lot 1  
7.000 Ac.

WW Route 115  
Charles Town Road

Trueline  
(519)

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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. EMBURY BOULEVARD, SUITE 3  
RANSON, WV 25439-1611  
PHONE: 304.724.6008  
FAX: 304.724.5910

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



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

*[Signature]*  
 Patsy H. H. H. H., President  
 Jefferson County Commission

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

**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

## Jessica Carroll

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**From:** Ken Lowe [klowe@clarionshepherdstown.com]  
**Sent:** Tuesday, August 05, 2014 11:25 AM  
**To:** Walt Pellish; Jane Tabb; Patsy Noland; Dale Manuel; Lyn Widmyer;  
info@jeffersoncountywv.org  
**Subject:** Extending Timer Period for Planned and Platted Subdivisions  
**Attachments:** Resume2 - KFL,Jr..doc

Jefferson County Commissioners,

First of all, I am a sixth (6<sup>th</sup>) generation Jefferson County native and developer/owner of several projects in the Eastern Panhandle including: Lowe Gardens, Colonial Hills, Quail Ridge, Clarion Hotel, Comfort Suites, Comfort Inn, Liberty Business Park, Yellow Brick Bank Restaurant, etc. In addition, I have served as a member of the West Virginia Cable Television Advisory Council, Member West Virginia Development Council, Commissioner of Tourism, and most recently Chairman, West Virginia Infrastructure and Jobs Development Council. Please find attached (Resume) other pertinent information outlining my participation and involvement in "creating a better West Virginia." For the record, I am also the President/Owner/Broker of Ken Lowe Management Company, developer of "Kensington," an impressive thirty-six (36) Georgetown Home subdivision with Williamsburg matrix approved and located directly in front of the Clarion Hotel & Conference Center. This subdivision, "Kensington," is a product that will suit Shepherdstown and should be well received. As the economy continues to improve, interest by builders will accelerate and construction shall proceed.

The cost of survey, engineering and planning fees exceeds \$127,000 so far and to now go backward is absurd. These homes will generate thousands of dollars in real estate taxes and thus, approximately 80% of that amount going to the school system, even though it is anticipated that these residents who reside within "Kensington" will not have kids in school.

Coincidentally, all infrastructure, water, sewer, roads, sidewalks, street lighting, utilities have been paid by the developer, not Jefferson County, nor the Corporation of Shepherdstown.

This project speaks volumes regarding the quality of life that so much epitomizes what Jefferson County/Shepherdstown is all about and most certainly deserves an extended time beyond 2017. Flexibility and futuristic "thinking and actions" are exactly what we are in need of in today's world of leader-less politics, poorly designed foreign policy, and rewarding those who don't pursue a course of action, entrepreneurship (creation of job and taxes), and hard-working desire contributing to our economy.

I am available should you want more information -

Ladies and Gentlemen, this is a "no brainer" and "win-win" situation!

Ken Lowe

## Jessica Carroll

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**From:** Debbie Keyser [dkeyser@jeffersoncountywv.org]  
**Sent:** Monday, August 04, 2014 11:55 AM  
**To:** 'Jessica Carroll'  
**Subject:** FW: Extension of Subdivision Approvals

Oops... Forgot to include you...

Debbie

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**From:** Debbie Keyser [mailto:dkeyser@jeffersoncountywv.org]  
**Sent:** Monday, August 04, 2014 11:55 AM  
**To:** 'Jennifer Brockman'; 'Sandy McDonald'; 'Dale Manuel '; 'Jane Tabb'; 'Lyn Widmyer'; 'Patricia Noland (commissionerpnoland@gmail.com)'; 'pellish walter'  
**Subject:** FW: Extension of Subdivision Approvals

Written Comment regarding SB 595 Vested Development Time Extension Proposal

Debbie

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**From:** Ed Smariga [mailto:edsmariga@buckeyedevelopment.net]  
**Sent:** Monday, August 04, 2014 11:49 AM  
**To:** dkeyser@jeffersoncountywv.org  
**Subject:** Extension of Subdivision Approvals

Ms Keyser-

As regards the proposed extension of approvals to subdivisions, we request that the Jefferson County Commission consider extending current subdivision approvals for a reasonable amount of time, given the poor market conditions. Thank you for consideration of this item.

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*Ed Smariga*  
*Buckeye Development, LLC*  
*125 South Carroll St., Ste. 150*  
*Frederick, MD 21701*  
*Tel: 301-696-0900*  
*Cell: 703-926-7030*  
[esmariga@buckeyedevelopment.net](mailto:esmariga@buckeyedevelopment.net)

This email and any files transmitted with it are confidential and intended solely for the use of the individual or entity to whom they are addressed. If you have received this email in error please notify the system manager. This message contains confidential information and is intended only for the individual named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited. Although the company has taken reasonable precautions to ensure no viruses are present in this email, the company cannot accept responsibility for any loss or damage arising from the use of this email or attachments. Buckeye Development LLC, 125 S. Carroll St., Ste. 150, MD 21701 (301) 696-0900 [www.buckeyedevelopment.net](http://www.buckeyedevelopment.net)

## Jessica Carroll

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**From:** Alexandra Beaulieu [abeaulieu@jeffersoncountywv.org]  
**Sent:** Monday, August 18, 2014 4:56 PM  
**To:** Jessica Carroll  
**Subject:** FW: Vested Development Time Extension Proposal

Jessica,

Below is the comment from Ms. Eleanor Finn.

Thank you,  
Alex

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**From:** Jennifer Brockman [<mailto:jbrockman@jeffersoncountywv.org>]  
**Sent:** Monday, August 04, 2014 10:33 AM  
**To:** 'Alex Beaulieu'  
**Subject:** FW: Vested Development Time Extension Proposal

For 595 file please

Jennie Brockman  
Director, Planning and Zoning

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**From:** Eleanor Finn [[mailto:eleanor\\_finn@yahoo.com](mailto:eleanor_finn@yahoo.com)]  
**Sent:** Friday, August 01, 2014 9:41 AM  
**To:** Jennifer Brockman  
**Subject:** Fw: Vested Development Time Extension Proposal

----- Forwarded Message -----

**From:** Eleanor Finn <[eleanor\\_finn@yahoo.com](mailto:eleanor_finn@yahoo.com)>  
**To:** Walter Pellish <[walterpellish@me.com](mailto:walterpellish@me.com)>; Jane Tabb <[vinemont@frontiernet.net](mailto:vinemont@frontiernet.net)>; Dale Manuel <[dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net)>; Patsy Noland <[pnoland@jeffersoncountywv.org](mailto:pnoland@jeffersoncountywv.org)>; Lyn Widmyer <[lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com)>  
**Cc:** Debbie Keyser <[dkeyser@jeffersoncountywv.org](mailto:dkeyser@jeffersoncountywv.org)>; Eleanor Finn <[eleanor\\_finn@yahoo.com](mailto:eleanor_finn@yahoo.com)>  
**Sent:** Thursday, July 31, 2014 3:31 PM  
**Subject:** Vested Development Time Extension Proposal

Commissioners:

I am opposed to any extension for development which is not requiring adherence to current codes which may well have changed since 2010. There was an effort May 31, 2012 to extend the validity of subdivision plans which were outstanding as of January 1, 2010 and had received prior approval of the Planning Commission by March 1, 2010, to July 1, 2015. And also to extend until July 1, 2015 the requirement for the vesting of property rights that require a certain action within a time period for any land development plan or subdivision. This applied to all special and conditional use permits. (Per County agenda 5/31/12)

I opposed such extensions at the time and still do. The fact that the economy is picking up and some development may go forward is good. However, such development should be subject to the most up-to-date codes, regulations and guidance from the new Comprehensive plan. New stormwater regulations and any other changes since that time have been made for public safety and public benefit reasons. The Commission, hopefully, has learned from some of the failures of developers in the last few years.

The County must be vigilant about development in Jefferson County and aware of the effect of what we do to the larger environment of our rivers and the Chesapeake Bay.

I hope you will not agree to any further extension

Thank you.

Eleanor Finn  
37 Butcher Court  
Shepherdstown, WV 25443



Jefferson County  
Development Authority

PO BOX 237  
CHARLES TOWN  
WV 25414

304.728.3255  
304.725.3133 fax

[www.JCDA.net](http://www.JCDA.net)

July 31, 2014

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

Dear Commissioner Pellish,

On behalf of the Jefferson County Development Authority, I am writing to express our support for the Planning Commission request to approve a policy extending the time frames for plans and plats vested under the provision of SB 595. This request would extend the date from July 1, 2015 to July 1, 2017.

The JCDA supports the Planning Commission's proposed language to extend the subdivision plans or plots that were valid and outstanding as of January 1, 2010 and received preliminary approval prior to March 1, 2010 from July 1, 2015 to July 1, 2017.

The JCDA believes that this extension is reasonable and will provide the development community with more time and flexibility to complete these projects. Furthermore, this policy change will also allow the Planning Commission and their staff to handle these requests altogether rather than in a time-consuming, piecemeal fashion.

Thank you very much for your consideration. Please contact me if you have any questions.

With Best Regards,

John Reisenweber  
Executive Director



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



Name: Richard Morrison

Department or Organization: **WV Rural Letter Carriers**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **August 28, 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*): **Approval of Use of County Commission Meeting Room on Sunday, September 21, 2014 for semi-annual WV Rural Letter Carriers district meeting**

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

COUNTY COMMISSION MEETING ROOM

REQUEST FORM

Date Requested: Sept 21, 2014  
Meeting Time: 1:00 PM to 4:00 PM  
Organization Name: West Virginia Rural Letter Carriers  
Purpose of Meeting: Semi annual district meeting District 3

Please attach a brief description of your organization. (You may attach other printed materials.) Current + Retired rural mail carriers of USPS.

Please check the boxes on all that apply to your organization:

- Has previously used the library
- Is a not-for-profit organization
- Can provide a certificate of insurance
- Indemnification Form provided in lieu of certificate of insurance

By signing this Request, I acknowledge that I have read and fully understand the Jefferson County Commission Meeting Room Policy for the use of the County Commission Meeting Room located at 200 East Washington Street lower level of the Old Charles Town Library. I agree to assume personal responsibility for my organization's compliance with these regulations, the behavior of all those attending any meeting or program, and the care of the meeting room and all property within the room.

Person Making Request: (printed): Richard W Morrison  
Signature of Person Making Request: [Signature] Date: 8/6/14  
Contact Person: Richard  
(If other than the representative signing above)  
Representative's Address: 1301 Memorial Park Ave  
Martinsburg WV 25401  
Telephone: 304-267-0986 Fax: \_\_\_\_\_

E-mail:

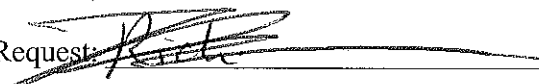
Richard W Morrison @ yahoo.com

**COUNTY COMMISSION MEETING ROOM**

**INDEMNIFICATION FORM**

As the individual or the authorized representative of the organization making the reservation, I agree to indemnify and hold harmless the Jefferson County Commission, its agents and representatives, from any and all lawsuits, action, claims or demands of any character or nature arising out of or brought on account of injuries or damages sustained by any person(s) as a consequence or result of using the meeting room, its furnishings or its equipment.

Person Making Request: (printed): Richard W Morrison

Signature of Person Making Request:  Date: 8/6/14

Contact Person: \_\_\_\_\_  
(If other than the representative signing above)

Representative's Address: 1301 Memorial Park Ave  
Martinsburg WV 25401

Telephone: 304-267-0986 Fax: \_\_\_\_\_

E-mail: RICHARD W MORRISON@yahoo.com

**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: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **August 28, 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*): **Approval of the changes in maintenance contract amounts with Software Systems, Inc.**

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

Received

AUG 11 2014

Jefferson County Commission

July, 31, 2014

TO: All Software Systems, Inc. Maintenance Contract Customers

SUBJECT: Changes in Maintenance Contract Amounts

Please find enclosed your new maintenance contract amounts. As a reminder, the level 2 and level 3 amounts are based on your "usage" for the period 7/1/2013 through 6/30/2014. Each month, we include in our billing, a page with a header that says "Maintenance Information". It also notes that you are not to pay that amount, but it is the value of the services you have received under your maintenance contract. If you total all those pages you've gotten over the past year, and divide by 12, you will see that the proposed level 2 and level 3 charges are the same as the number you calculate. We do this so that you will recognize what factors influence the price of our support. You are effectively paying this year for services you received last year. This is done in an effort to allow you to spread equal payments across the entire year, rather than having ups and downs in the amount due all year long.

If you have any questions about how these numbers were computed, please first refer to the documentation we supplied with each monthly invoice last year (the "maintenance" sheets). If you still have problems understanding the numbers, please let us know.

**Please enter the level of maintenance you want for each system in the column second from the right. Also, then please initial each line. If you do not make an entry in the "2014-2015" column, we will assume you wish to continue the same level as last year.**

Please also note that we have assumed most counties would continue the same level of maintenance this year as last year. The invoice for July 2014 reflects new rates for the same level of maintenance you had last year. If you determine you wish to change the level of maintenance, we will adjust the amount, and make corresponding changes to the charges for services performed in July 2014.

We look forward to bringing you additional program enhancements this year under the Level 1 terms of your maintenance contracts, and as usual are anxious to help you with all your computing needs.

Jefferson County Commission  
 Jefferson County Courthouse  
 PO Box 250  
 Charles Town WV 25414



Please find below the 2014-2015 maintenance charges proposed for your office(s). Level 1 charges are for program updates as per our maintenance contract. Level 2 charges are for telephone support. In the following list, you will find the number of calls we received from your staff, returned to your staff, or had our computer call your computer to evaluate a problem or transfer a program update. We also compute a Level 3 charge based on time spent performing data conversions and other on-site tasks. Some or all of the applications listed below were covered by maintenance contracts last year. We have indicated the level of maintenance you selected last year for each application. Unless we hear from you, we will continue to bill you for the same levels you selected last year, at the new rates. If you wish to make changes in your level of coverage, or have other questions about our maintenance contracts, please give us a call. If you are making changes, or wish to confirm your selections, please indicate the level of maintenance you require, and initial that line on this form. Please return any forms requesting changes in maintenance coverage as soon as possible.

<u>Application</u>	<u>Level 1 Charge</u>	<u>Number of Calls</u>	<u>Level 2 Charge</u>	<u>Level 3 Charge</u>	<u>Last Yr</u>	<u>Select New Level of Maintenance 2014-15</u>	<u>Initials</u>
Assessor Supplementals	\$50.00	2 + lv2	\$50.00	N/A	2	_____	_____
			<u>\$6.00</u>				
			\$56.00				
Annual Financial Statement	\$25.00	0 + lv2	\$25.00	N/A	2	_____	_____
			<u>\$2.00</u>				
			\$27.00				
Jury Selection and Processing	\$50.00	0 + lv2	\$50.00	N/A	1	_____	_____
			<u>\$2.00</u>				
			\$52.00				
Circuit Court Processing	\$310.00	86 + lv2	\$310.00	N/A	2	_____	_____
			<u>\$313.00</u>				
			\$623.00				

ACCEPTED: \_\_\_\_\_ DATE: \_\_\_\_\_

Received

AUG 11 2014

Jefferson County Commission

Jefferson County Commission  
Jefferson County Courthouse  
PO Box 250  
Charles Town WV 25414

Please find below the 2014-2015 maintenance charges proposed for your office(s). Level 1 charges are for program updates as per our maintenance contract. Level 2 charges are for telephone support. In the following list, you will find the number of calls we received from your staff, returned to your staff, or had our computer call your computer to evaluate a problem or transfer a program update. We also compute a Level 3 charge based on time spent performing data conversions and other on-site tasks. Some or all of the applications listed below were covered by maintenance contracts last year. We have indicated the level of maintenance you selected last year for each application. Unless we hear from you, we will continue to bill you for the same levels you selected last year, at the new rates. If you wish to make changes in your level of coverage, or have other questions about our maintenance contracts, please give us a call. If you are making changes, or wish to confirm your selections, please indicate the level of maintenance you require, and initial that line on this form. Please return any forms requesting changes in maintenance coverage as soon as possible.

<u>Application</u>	<u>Level 1 Charge</u>	<u>Number of Calls</u>	<u>Level 2 Charge</u>	<u>Level 3 Charge</u>	<u>Last Yr</u>	<u>Select New Level of Maintenance 2014-15</u>	<u>Initials</u>
Sheriff's Accounting	\$250.00	4 + lv2	\$250.00 <u>\$11.00</u> \$261.00	N/A	2	_____	_____
System/Hardware	N/A	119 + lv2	N/A <u>\$377.00</u> \$377.00	N/A	2	_____	_____
Tax Collection	\$250.00	9 + lv2	\$250.00 <u>\$26.00</u> \$276.00 + lv3	\$250.00 \$26.00 <u>\$93.00</u> \$369.00	3	_____	_____
Tax Internet Inquiry	\$100.00	0 + lv2	\$100.00 <u>\$2.00</u> \$102.00	N/A	2	_____	_____

ACCEPTED: \_\_\_\_\_ DATE: \_\_\_\_\_



# Office of Sheriff and Treasurer of Jefferson County

Law Enforcement Office  
102 Industrial Blvd  
Kearneysville, WV 25430  
304-728-3205  
Fax: 304-728-3299

Tax Office  
PO Box 9  
Charles Town, WV 25414  
304-728-3220  
Fax: 304-728-4034

*OK to pay  
Debbie Keyser*

August 7, 2014

Jefferson County Commission  
124 East Washington St  
Charles Town WV 25414

Re: Sheriff's Commission

Dear Commissioners:

Attached is a copy of the computation of the 2013 Sheriff's Commission report for your approval.

Should you have any questions or are in need of additional information, please don't hesitate to ask.

Sincerely,

Peter H. Dougherty  
Sheriff and Treasurer  
Jefferson County

08/06/2014  
10.13.06

Sheriff's Commission  
Sheriff of JEFFERSON County, West Virginia  
07/01/2013-06/30/2014  
Total Sheet

Current Year Taxes	49,612,143.28
Additional Levies	<u>95,165.69</u>
A. Total Taxes Levied	49,707,308.97
Less: Exoneration without refund & Bankruptcy	-71,246.20
Exoneration with refund	<u>-490.51</u>
B. Total Net Levy	49,635,572.26
Less: Ending Accounts Receivable	<u>-3,261,589.83</u>
C. Net Current Year Taxes	46,373,982.43
Less: 85% of Net Levy	<u>-42,190,236.42</u>
D. Current Year Taxes over 85%	4,183,746.01
Less: 5% of Net Levy	<u>-2,481,778.61</u>
E. Collections over 90% Level	1,701,967.40
Less: 5% of Net Levy	<u>-2,481,778.61</u>
F. Collections over 95% Level	-779,811.21
2.5% of Collections over 85% Level	104,593.65
1.0% of Collections over 90% Level	17,019.67
1.5% of Collections over 95% Level	<u>.00</u>
Total	<u>121,613.32</u>
Total Sheriff's Commission (\$15,000 or less)	<u>15,000.00</u>

Jefferson County Commission Offices will be closed on Monday, September 1, 2014 in observance of Labor Day.



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, **September 04, 2014** or as soon thereafter as the Commission may decide:

**Jefferson County Emergency Services Agency Board - 3 Citizen Representative Positions - two terms expiring June 30, 2015 and one term expiring June 30, 2016.**

**Per the Ordinance to Dissolve and Reconstitute the Jefferson County Emergency Services Agency: Section 3 - Joint Emergency Services Board**

*(f) No citizen member of the Board may provide fire service or emergency ambulance service in Jefferson County. Nor may any member of the Board have any immediate family member who provides fire service or emergency ambulance service in Jefferson County.*

*(g) No member of the Board, nor their immediate family member, shall have any interest in any firm, partnership, corporation or association engaged in the business of providing ambulance or fire service, nor in the manufacture, sale or lease of ambulance or fire equipment or facilities. For purposes of this ordinance, immediate family member shall mean a spouse or other person with whom a member is living as husband and wife and any child or children, grandchild or grandchildren and parent or parents.*

*(h) Employees of the Agency are not eligible to serve as members of the Board.*

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. 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:**

**August 13, 20, and 27**

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, **September 18, 2014**, or as soon thereafter as the Commission may decide:

**Jefferson County Farmland Protection Board - two 4-year terms ending September 7, 2018**

**Positions available**

- one representative for farm and soil conservation
- one non-farmer/public representative

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. 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:**

**August 27**

**September 3, 10**

**THANKS - JEFFERSON COUNTY COMMISSION**

# Impact Fee Status Report

## July 2014

### Office of Impact Fees

#### Summary

Date Range: Tuesday 1 through 31 Thursday July 2014

Report Date: 4 August 2014

Process Number Range: 1400120 - 1400135

Total Applications: 16

Total Non-Exempt: 13

*Of which:*

Commercial: 1

Residential: 12

*Of which:*

County: 7

Municipal: 6

Total Exempt: 3

*Of which:*

Commercial: 0

Residential: 3

*Of which:*

County: 3

Municipal: 0

Tables 1 through 7 summarize impact fee processing for July 2014. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

**Table 1. Form 100 Tallies**

	Exempt	Commercial	Residential	Total
1 – 31 July 2014	3	1	12	16
Fees collected		\$0.00	\$139,070.00	\$139,070.00
<i>Of which</i>				
School Impact Fee			\$122,099.00	\$122,099.00
Law Enforcement Fee		\$7.00	\$1,244.00	\$1,251.00
Parks & Recreation Fee			\$8,084.00	\$8,084.00
Fire & EMS Fee		\$133.00	\$7,503.00	\$7,636.00

**Table 2. Financial Data – Office of Impact Fees General Account (3111776)**

Description	Amount
Opening Statement Balance (1 July 2014)	\$264,081.67
July Deposits (1 – 31 July 2014)	\$139,070.00
School June Transactions (withdraws via transfer on 7 July 2014)	(\$232,325.27)
Law June Transactions (withdraws via transfer on 7 July 2014)	(\$2,096.62)
Parks & Rec June Trans. (withdraws via transfer on 7 July 2014)	(\$15,382.70)
Fire & EMS June Trans. (withdraws via transfer on 7 July 2014)	(\$14,277.08)
Interest Earned (31 July 2014)	\$40.65
<b>Ending Statement Balance (31 July 2014)</b>	<b>\$139,110.65</b>
<i>Outstanding Credits (deposits through 1 July 2014)</i>	<i>\$0.00</i>

**Table 3. Financial Data – School Impact Fee Account (3107582)**

Description	Amount
Opening Balance (1 July 2014)	\$1,244,418.44
June Transactions (deposits via transfer on 7 July 2014)	\$232,325.27
Requisition 14R0106 - Bus Garage	(\$1,000,000.00)
Interest Earned (31 July 2014)	\$292.94
<b>Ending Balance (31 July 2014)</b>	<b>\$477,036.65</b>

**Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)**

Description	Amount
Opening Balance (1 July 2014)	\$30,034.77
June Transactions (deposits via transfer on 7 July 2014)	\$2,096.62
Interest Earned (31 July 2014)	\$13.48
<b>Ending Balance (31 July 2014)</b>	<b>\$32,144.87</b>

**Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)**

Description	Amount
Opening Balance (1 July 2014)	\$477,683.50
June Transactions (deposits via transfer on 7 July 2014)	\$15,382.70
Requisitions 14R0103, 14R0105, and 14R0107 - Sam Michael's Park	(\$46,271.00)
Interest Earned (31 July 2014)	\$201.14
<b>Ending Balance (31 July 2014)</b>	<b>\$446,996.34</b>

**Table 6. Financial Data – Fire & EMS Impact Fee Account (3122816)**

Description	Amount
Opening Balance (1 July 2014)	\$183,872.14
June Transactions (deposits via transfer on 7 July 2014)	\$14,277.08
Requisition 14R0104 - Middleway Generator	(\$13,684.00)
Interest Earned (31 July 2014)	\$78.85
<b>Ending Balance (31 July 2014)</b>	<b>\$184,544.07</b>

**Table 7. Total Impact Fees as of 1 July 2014 /1**

Description	Amount
Office of Impact Fees General Account	\$139,110.65
School Impact Fee Account	\$477,036.65
Law Enforcement Fee Account	\$32,144.87
Parks & Recreation Impact Fee Account	\$446,996.34
Fire & EMS Impact Fee Account	\$184,544.07
<b>Total Impact Fees</b>	<b>\$1,279,832.58</b>

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

**Table 8. Pending August 2014 Fee Transfers /1**

Account	31 July 2014 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$477,036.65	\$122,134.77	\$599,171.42
Law Enforcement Fee Account	\$32,144.87	\$1,251.41	\$33,396.28
Parks & Recreation Impact Fee Account	\$446,996.34	\$8,086.44	\$455,082.78
Fire & EMS Impact Fee Account	\$184,544.07	\$7,638.03	\$192,182.10
<b>Total Impact Fees</b>	<b>\$1,140,721.93</b>	<b>\$139,110.65</b>	<b>\$1,279,832.58</b>

/1 This table represents each of the impact fee category account totals as of 30 July 2014 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in July 2014 are listed in table 1 of the General Account (3111776); these transactions will be processed in August 2014. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.



# Form 100 Transaction Summary

## Jefferson County Government – Office of Impact Fees

*Impact Fee Applications Processed between dates Tuesday 1 through Thursday 31 July 2014*

Process Number	Date	Case Name	Case Name	Form	Impact Fee	Category	Fee	Form			
1400120	07/02/2014	McKim	Connie	04 Harpers Ferry	920	182	5B	22	\$0.00	07/02/2014	Form 200
1400121	07/08/2014	McDowell	Irene	07 Middleway	461	679	3	2	\$0.00	07/08/2014	Form 200
1400127	07/17/2014	Longfield LLC		04 Harpers Ferry	1125	300	1	1	\$0.00	07/17/2014	Form 200

**Category Count: 3**

**Category Total \$0.00**

Process Number	Date	Case Name	Case Name	Form	Impact Fee	Category	Fee	Form			
1400122	07/08/2014	Robinson	Velda	02 Charles Town	1068	119	8	32.13	\$4,705.00	07/08/2014	Form 260
1400123	07/15/2014	Julie Duval	Arcadia	03 Charles Town	23	67	12A	124	\$12,808.00	07/15/2014	N/A
1400124	07/15/2014	Julie Duval	Arcadia	03 Charles Town	23	67	12A	164	\$12,808.00	07/15/2014	N/A
1400125	07/16/2014	Dan Ryan		09 Shepherdstown	1127	26	7	1.19	\$13,070.00	07/16/2014	N/A
1400126	07/16/2014	Dan Ryan		03 Charles Town			11D	112	\$12,808.00	07/16/2014	N/A
1400128	07/18/2014	Sales	Richard	02 Charles Town	1130	91	16	140	\$13,070.00	07/18/2014	N/A
1400129	07/24/2014	Jefferson		03 Charles Town	1042	27	10C	21.1	\$12,808.00	07/24/2014	N/A
1400130	07/24/2014	Jefferson		03 Charles Town	1042	27	10C	21.1	\$12,808.00	07/24/2014	N/A
1400131	07/24/2014	Mireider	Christy	02 Charles Town	1134	256	16	143	\$13,070.00	07/24/2014	N/A
1400132	07/25/2014	Pete Kubic	Kubic	02 Charles Town	942	510	1	81	\$140.00	07/25/2014	N/A
1400133	07/25/2014	McClenahan	Thomas	06 Kabletown	1142	582	23A	48	\$13,070.00	07/25/2014	N/A
1400134	07/29/2014	Anderson	Merle	07 Middleway	1138	685	29	3	\$5,097.00	07/29/2014	N/A
1400135	07/30/2014	Charles	Ryan Homes	08 Ranson Corp	982	137	8D	12G	\$12,808.00	07/30/2014	N/A

**Category Count: 13**

**Category Total \$139,070.00**

**TOTAL APPLICATIONS: 16**

**Grand Total \$139,070.00**

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Monday, 4 August 2014  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Schools Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of July 2014.

This transfer consists of two components:

- Impact Fee Process Numbers **1400120** through **1400135**, inclusive. Within this range there were 12 non-exempt impact fee payments. This amounts to **\$122,099.00**.
- Interest earned by the Office of Impact Fees General Account in July 2014 amounts to **\$40.65**, of which **\$35.77** is attributed to fees collected for Schools.

**As per the attached invoice, the total amount of this transfer is \$122,134.77.**

**Check # 956**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 14029

**Date:** 8/4/2014

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of July 2014 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582).

\$122,099.00

Interest earned by the Office of Impact Fees General Account July 2014.

\$35.77

Impact Fee Process Numbers 1400120 through 1400135, inclusive. Within this range, there were 12 non-exempt impact fee payments.

**Total: \$122,134.77**

**Notes/Comments** Transfer of funds into School Impact Fee Account (3107582).

**Check Number:** 956



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Schools

Check Number 956

Trace 20140804:50493.52

Date 8/4/2014

Series 1

Recipient Sheriff of Jefferson County

Account 3107582

Amount \$122,099.00

Signature 1 Walt Pellish

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for School Impact Fees Collected in July 2014.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
7/9/2014	1400122	2003-3	11/24/2005	\$4,089.00
7/16/2014	1400123	2003-3	11/24/2005	\$11,358.00
7/16/2014	1400124	2003-3	11/24/2005	\$11,358.00
7/17/2014	1400125	2003-3	11/24/2005	\$11,358.00
7/17/2014	1400126	2003-3	11/24/2005	\$11,358.00
7/21/2014	1400128	2003-3	11/24/2005	\$11,358.00
7/25/2014	1400129	2003-3	11/24/2005	\$11,358.00
7/25/2014	1400130	2003-3	11/24/2005	\$11,358.00
7/25/2014	1400131	2003-3	11/24/2005	\$11,358.00
7/29/2014	1400132	2003-3	11/24/2005	\$0.00
7/29/2014	1400133	2003-3	11/24/2005	\$11,358.00
7/30/2014	1400134	2003-3	11/24/2005	\$4,430.00
7/31/2014	1400135	2003-3	11/24/2005	\$11,358.00
<b>Total amount for this withdraw</b>				<b>\$122,099.00</b>
<b>Total amount for this account</b>				<b>\$122,099.00</b>
<b>Total amount all accounts</b>				<b>\$122,099.00</b>

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Monday, 4 August 2014  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of January 2014.

This transfer consists of two components:

- Impact Fee Process Numbers **1400120** through **1400135**, inclusive. Within this range there were 7 non-exempt impact fee payments. This amounts to **\$1,251.00**.
- Interest earned by the Office of Impact Fees General Account in January 2014 amounts to **\$40.65**, of which **\$0.41** is attributed to fees collected for Law Enforcement.

**As per the attached invoice, the total amount of this transfer is \$1,251.41.**

**Check # 957**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 14030

**Date:** 8/4/2014

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of July 2014 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120). \$1,251.00

Interest earned by the Office of Impact Fees General Account July 2014. \$0.41

Impact Fee Process Numbers 1400120 through 1400135, inclusive. Within this range, there were 7 non-exempt impact fee payments.

**Total: \$1,251.41**

**Notes/Comments** Transfer of funds into Law Enforcement Impact Fee Account (3120120).

**Check Number:** 957



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 957

Trace 20140804:50581.14

Date 8/4/2014 Series 2

Recipient Sheriff of Jefferson County

Account 3120120

Amount \$1,251.00

Signature 1 Walt Pellish

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Law Enforcement Impact Fees Collected in July 2014.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
7/9/2014	1400122	2005-1	3/22/2005	\$94.00
7/16/2014	1400123	2005-1	3/22/2005	\$0.00
7/16/2014	1400124	2005-1	3/22/2005	\$0.00
7/17/2014	1400125	2005-1	3/22/2005	\$262.00
7/17/2014	1400126	2005-1	3/22/2005	\$0.00
7/21/2014	1400128	2005-1	3/22/2005	\$262.00
7/25/2014	1400129	2005-1	3/22/2005	\$0.00
7/25/2014	1400130	2005-1	3/22/2005	\$0.00
7/25/2014	1400131	2005-1	3/22/2005	\$262.00
7/29/2014	1400132	2005-1	3/22/2005	\$7.00
7/29/2014	1400133	2005-1	3/22/2005	\$262.00
7/30/2014	1400134	2005-1	3/22/2005	\$102.00
7/31/2014	1400135	2005-1	3/22/2005	\$0.00
<b>Total amount for this withdraw</b>				<b>\$1,251.00</b>
<b>Total amount for this account</b>				<b>\$1,251.00</b>
<b>Total amount all accounts</b>				<b>\$1,251.00</b>

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Monday, 4 August 2014  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of January 2014.

This transfer consists of two components:

- Impact Fee Process Numbers **1400120** through **1400135**, inclusive. Within this range there were 12 non-exempt impact fee payments. This amounts to **\$8,084.00**.
- Interest earned by the Office of Impact Fees General Account in January 2014 amounts to **\$40.65**, of which **\$2.44** is attributed to fees collected for Parks & Recreation.

**As per the attached invoice, the total amount of this transfer is \$8,086.44.**

**Check # 958**

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

Number: 14031

Date: 8/4/2014

**Bill To:**Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414**Pay To:**Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414**P.O. Number****Vendor Number**

<b>Description</b>	<b>Amount</b>
Impact Fee payments collected for month of July 2014 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808).	\$8,084.00
Interest earned by the Office of Impact Fees General Account July 2014.	\$2.44
Impact Fee Process Numbers 1400120 through 1400135, inclusive. Within this range, there were 12 non-exempt impact fee payments.	
<b>Total:</b>	<b>\$8,086.44</b>

**Notes/Comments** Transfer of funds into Parks & Recreation Impact Fee Account (3122808).**Check Number:** 958



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 958

Trace 20140804:50620.79

Date 8/4/2014

Series 3

Recipient Sheriff of Jefferson County

Account 3122808

Amount \$8,084.00

Signature 1 Walt Pellish

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Parks and Rec Impact Fees Collected in July 2014.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
7/9/2014	1400122	2005-2	5/12/2005	\$271.00
7/16/2014	1400123	2005-2	5/12/2005	\$752.00
7/16/2014	1400124	2005-2	5/12/2005	\$752.00
7/17/2014	1400125	2005-2	5/12/2005	\$752.00
7/17/2014	1400126	2005-2	5/12/2005	\$752.00
7/21/2014	1400128	2005-2	5/12/2005	\$752.00
7/25/2014	1400129	2005-2	5/12/2005	\$752.00
7/25/2014	1400130	2005-2	5/12/2005	\$752.00
7/25/2014	1400131	2005-2	5/12/2005	\$752.00
7/29/2014	1400132	2005-2	5/12/2005	\$0.00
7/29/2014	1400133	2005-2	5/12/2005	\$752.00
7/30/2014	1400134	2005-2	5/12/2005	\$293.00
7/31/2014	1400135	2005-2	5/12/2005	\$752.00
<b>Total amount for this withdraw</b>				<b>\$8,084.00</b>
<b>Total amount for this account</b>				<b>\$8,084.00</b>
<b>Total amount all accounts</b>				<b>\$8,084.00</b>

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

**COPY**

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Debbie Keyser, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Monday, 4 August 2014  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Fire & EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Fire & EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of January 2014.

This transfer consists of two components:

- Impact Fee Process Numbers **1400120** through **1400135**, inclusive. Within this range there were 13 non-exempt impact fee payments. This amounts to **\$7,636.00**.
- Interest earned by the Office of Impact Fees General Account in January 2014 amounts to **\$40.65**, of which **\$2.03** is attributed to fees collected for Fire & EMS.

**As per the attached invoice, the total amount of this transfer is \$7,638.03.**

**Check # 959**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 14032

**Date:** 8/4/2014

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of July 2014 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Fire & EMS Impact Fees Bank Account (3122816). \$7,636.00

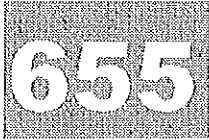
Interest earned by the Office of Impact Fees General Account July 2014. \$2.03

Impact Fee Process Numbers 1400120 through 1400135, inclusive. Within this range, there were 13 non-exempt impact fee payments.

**Total: \$7,638.03**

**Notes/Comments** Transfer of funds into Fire & EMS Impact Fee Account (3122816).

**Check Number:** 959



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Fire & EMS

Check Number 959

Trace 20140804:50656.23

Date 8/4/2014 Series 4

Recipient Sheriff of Jefferson County

Account 3122816

Amount \$7,636.00

Signature 1 Walt Pellish

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Fire and EMS Impact Fees Collected in July 2014.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
7/9/2014	1400122	2005-3	5/12/2005	\$251.00
7/16/2014	1400123	2005-3	5/12/2005	\$698.00
7/16/2014	1400124	2005-3	5/12/2005	\$698.00
7/17/2014	1400125	2005-3	5/12/2005	\$698.00
7/17/2014	1400126	2005-3	5/12/2005	\$698.00
7/21/2014	1400128	2005-3	5/12/2005	\$698.00
7/25/2014	1400129	2005-3	5/12/2005	\$698.00
7/25/2014	1400130	2005-3	5/12/2005	\$698.00
7/25/2014	1400131	2005-3	5/12/2005	\$698.00
7/29/2014	1400132	2005-3	5/12/2005	\$133.00
7/29/2014	1400133	2005-3	5/12/2005	\$698.00
7/30/2014	1400134	2005-3	5/12/2005	\$272.00
7/31/2014	1400135	2005-3	5/12/2005	\$698.00
<b>Total amount for this withdraw</b>				<b>\$7,636.00</b>
<b>Total amount for this account</b>				<b>\$7,636.00</b>
<b>Total amount all accounts</b>				<b>\$7,636.00</b>

Received

AUG 11 2014

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2014

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Alessandra Jerolleman,  
PhD, MPA, CFM

August 5, 2014

Ms. Barbara J. Miller, CEM, CFM  
Director

Jefferson County Commission

Jefferson County Homeland Security and Emergency Management  
28 Industrial Blvd., Suite 101  
Kearneysville, WV 25430

**RE: Resilient Neighbors Network**

Dear Ms. Miller:

On behalf of the Natural Hazard Mitigation Association I would like to extend my sincere thanks for your participation in the 2014 Natural Hazards Workshop, Practitioners Symposium and Resilient Neighbors Network Workshop in Broomfield, Colorado. Your presentation on Quality Public Participation in Hazard Mitigation Planning and Jefferson County's ability to involve a variety of stakeholders in the process, was very informative and well received by our members. We look forward to your continued participation in the Resilient Neighbors Network and hope to see you at our future workshops and symposiums.

Jefferson County, West Virginia has long been viewed as a leading community in hazard mitigation planning. It was interesting learning that your county had the first multi-jurisdictional hazard mitigation plan approved in FEMA Region III and that your community has maintained its Risk Assessment and All Hazards Committee since 2002. Your participation in the Resilient Neighbors Network is very much appreciated. The ten communities comprising the RNN are setting an example for the rest of the nation to follow to become more resilient in the wake of natural disasters. Hopefully with ideas developed by the RNN our nation as a whole can become more resilient and break the cycle of disaster – rebuild – disaster – rebuild over and over again.

Sincerely,



Alessandra Jerolleman, PhD, MPA, CFM  
Executive Director

cc: Jefferson County Commission; P.O. Box 250; Charles Town, WV 25414

*The Natural Hazard Mitigation Association (NHMA) promotes hazard mitigation, climate adaptation and the reduction of risk. This is accomplished through: the creation of a forum for the "Whole Community" to share their ideas and experiences; development of a thoughtful and unified voice for hazard mitigation and climate adaptation in the public marketplace for ideas; promotion of greater awareness of the social, economic and environmental component of safe and sustainable development; creation of more equitable, safe and sustainable programs which both benefit the community as a whole. We seek to protect the property and rights of all, with a special emphasis on protecting the most vulnerable populations in our communities.*

*Membership is open to anyone interested in supporting the goal of reducing disaster losses including climate change and mitigation managers, experts, professionals, students, government officials, community activists, academics, and others who are working in the field of hazard mitigation & climate adaptation.*



**FOR IMMEDIATE RELEASE**  
**DATE: August 19, 2014**

[www.wvfarmlandprotection.org/co\\_jeff\\_main.cfm](http://www.wvfarmlandprotection.org/co_jeff_main.cfm)

**Contact:**  
Elizabeth Wheeler,  
Program Administrator  
304-724-1414  
FarmlandProtection@jcda.net

### **Jefferson County's Protected Farmland Expands to 4,028 acres with 40<sup>th</sup> Farm**

Charles Town, WV. On August 19, 2014, Jefferson County added another 76.5 acres of protected farmland to more than 3,950 acres currently dedicated for agricultural use with the recent \$290,640.00 bargain sale purchase of an agricultural conservation easement for the Circle N Farm in the Charles Town District. The USDA Natural Resources Conservation Service (NRCS) and the Jefferson County Farmland Protection Board provided matching funds for the purchase. The Land Trust of the Eastern Panhandle is the co-holder of the easement.

The property is owned by William and Deloris Nicewarner. It is the fortieth farm in the county permanently preserved through the Jefferson County Farmland Protection Program. More than 93% of the land includes prime and statewide important agricultural soils. The farm supports grain crops, hay production and beef cattle.

Between 2007 and 2012, the number of farms in Jefferson County decreased from 546 to 501, representing a loss of 5,126 acres, according to the 2012 US Department of Agriculture Census.

"It has never been more important to preserve farms and sustain our agricultural heritage if we are to remain a viable agricultural economy," stated County Commissioner Jane Tabb. "The Farmland Protection Program enables us to support our local farmers and protect our quality of life."

Mr. Nicewarner said, "My father bought this land in 1944 in case the Depression happened again, so we could feed ourselves. Mother always wanted it to stay in the family. Our three sons help us with the farm. We'll use some of the funds we receive to upgrade the farm, and fix up the buildings."

Mrs. Nicewarner said, "Bill's mother would be tickled to death that we are protecting the farm. Development is growing up around us too much, and we want to keep the little bit we have for our sons, grandchildren and great grandchildren."

"Protecting our county's farmland goes hand in hand with protecting the quality of life in Jefferson County," said Elizabeth Wheeler, Board Administrator. "Local farms provide us with healthy food, support the economy, and protect water supplies, wildlife habitat and the scenic and historical landscapes that make Jefferson County such a beautiful place to live and visit."

This is the 40<sup>th</sup> conservation easement completed by the Jefferson County Farmland Protection Board. To date, the Board has protected 4,028 acres of farmland in Jefferson County. The Board recently approved the application of another 434 acres to NRCS for matching funds in 2015.

### **About the Jefferson County Farmland Protection Board**

The Jefferson County Farmland Protection Board was established under a state law passed in 2000 that allows West Virginia counties to levy a transfer tax on real estate to purchase development rights from landowners who wish to protect their land for agricultural purposes.

An agricultural conservation easement is a voluntary, legally recorded deed restriction that is placed on a specific property used for agricultural production. It is a flexible legal tool that enables landowners to permanently protect the agricultural, natural, scenic and historic values of their property from development and subdivision. The county certifies the development values for each farm based on an independent appraisal conducted by licensed appraisers and reviews by federal staff appraisers. Property owners retain full use and ownership of the land. Because an easement is perpetual, it is transferred with the property when the property is sold, thereby forever protecting it.

For more information about the Jefferson County Farmland Protection Board, contact the Board at: 304/724-1414 or [farmlandprotection@jcda.net](mailto:farmlandprotection@jcda.net).

##



National Park Service  
U.S. Department of the Interior

Office of Communications  
1849 C Street, N.W.  
Washington, DC 20240

202-208-6843 phone  
[www.nps.gov](http://www.nps.gov)

## National Park Service News Release

FOR IMMEDIATE RELEASE –

Mike Litterst, [mike\\_litterst@nps.gov](mailto:mike_litterst@nps.gov), (202) 513-0354

Kristen McMasters, [kristen\\_mcmasters@nps.gov](mailto:kristen_mcmasters@nps.gov), (202) 354-2037

### National Park Service Awards Jefferson County Farmland Protection Board \$25,300 Battlefield Preservation Grant

**WASHINGTON** – The Jefferson County Farmland Protection Board has received a grant of \$25,300 from the National Park Service's American Battlefield Protection Program to raise awareness about the preservation of the three congressionally-recognized Civil War battlefields in the county -- Summit Point, Smithfield Crossing (Middleway) and Shepherdstown.

Summit Point and Smithfield Crossing were fought 150 years ago this month, at the beginning of General Philip Sheridan's 1864 Shenandoah Valley campaign. Shepherdstown occurred at the end of the battle of Antietam in 1862, when Union forces pursued Confederate troops across the Potomac at Packhorse Ford. Essential features of the three battlefields remain but will be at risk as development resumes.

Over the past decade, the Farmland Protection Board and the Land Trust of the Eastern Panhandle have used funds from the ABPP to begin protecting the three sites, concluding eight conservation easements covering a total of 857 acres in the three battlefield areas. Funds from the new grant will support the development of a communications plan and outreach strategy to alert property owners to the potential availability of funds for additional easements.

“The American Battlefield Protection Program supports projects that safeguard, preserve and tell the stories of America’s battlefields,” said National Park Service Director Jonathan B. Jarvis. “These places are symbols of individual sacrifice and national heritage that we must protect to help this and future generations understand the struggles that shaped and defined us as a nation.”

This grant is one of 21 from the National Park Service totaling \$1.358 million to preserve and protect significant battle sites from all wars fought on American soil. Funded projects preserve battlefields from the Colonial Indian Wars through World War II and include site mapping, GPS/GIS data collection, archeological studies, National Register of Historic Places nominations, preservation and management plans.

Federal state, local and Tribal governments, non-profit organizations, and educational institutions are eligible for National Park Service battlefield grants which are awarded annually. Since 1996 more than \$15 million has been awarded by the American Battlefield Protection Program to help preserve significant historic battlefields associated with wars on American soil. Additional information is online at [www.nps.gov/abpp](http://www.nps.gov/abpp).

[NPS](http://www.nps.gov)

*About the National Park Service, More than 20,000 National Park Service employees care for America's 401 national parks and work with communities across the nation to help preserve local history and create close-to-home recreational opportunities. Visit us at [www.nps.gov](http://www.nps.gov), on Facebook [www.facebook.com/nationalparkservice](http://www.facebook.com/nationalparkservice), Twitter [www.twitter.com/natlarkservice](http://www.twitter.com/natlarkservice), and YouTube [www.youtube.com/nationalparkservice](http://www.youtube.com/nationalparkservice)*

**Editor's note:** For additional information about this project, please contact Elizabeth Wheeler, Jefferson County Farmland Protection Board, at 304-724-1414 or [farmlandprotection@jcda.net](mailto:farmlandprotection@jcda.net)

**EXPERIENCE YOUR AMERICA™**

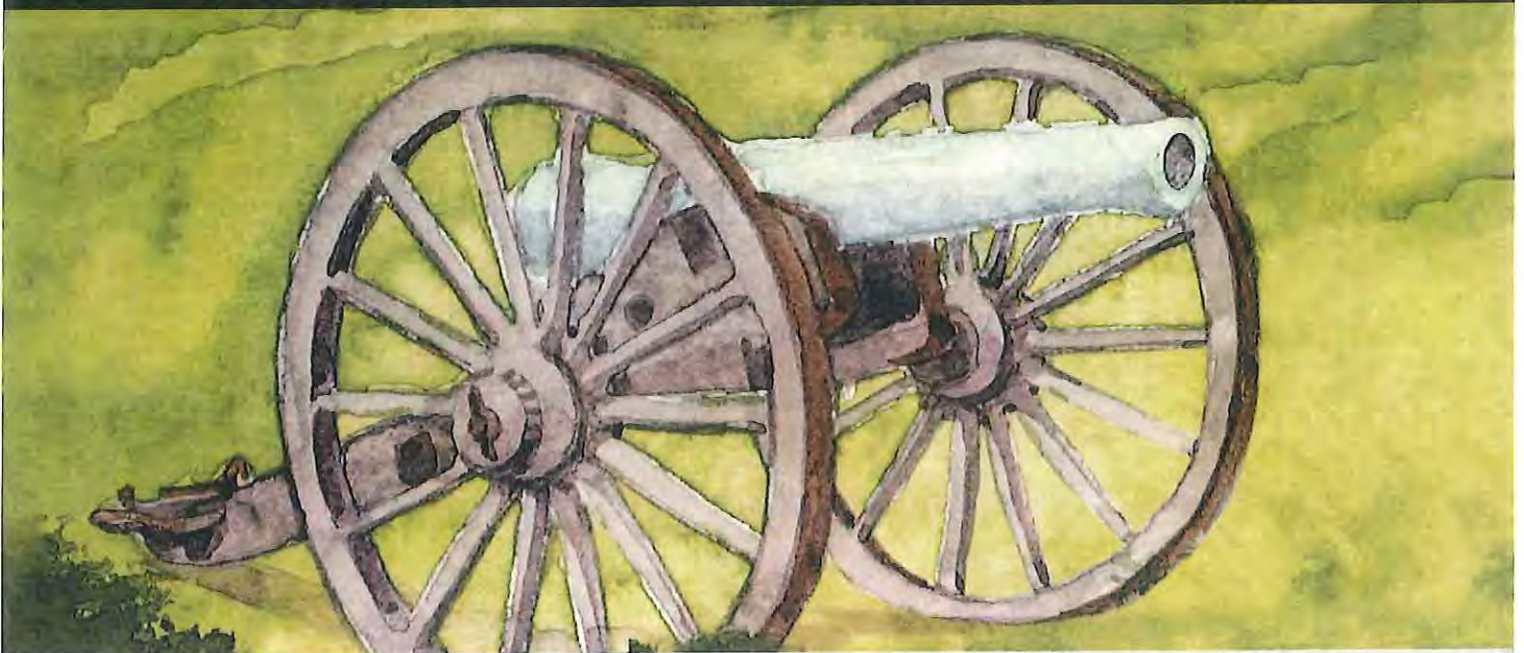
The National Park Service cares for special places saved by the American people so that all may experience our heritage.

# Shepherdstown Battlefield

Special Resource Study/Boundary Study/Environmental Assessment

Newsletter 2

National Park Service  
U.S. Department of the Interior



Dear Interested Party,

The National Park Service is beginning the public review phase of a special resource study and boundary study of Shepherdstown Battlefield, located near the town of Shepherdstown, West Virginia. In 2009, Congress passed legislation directing the National Park Service to evaluate the national significance of the battlefield and its potential for inclusion in the national park system. The legislation directing the Department of the Interior to undertake this study also directed the National Park Service to evaluate the suitability and feasibility of including the study area within the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield. This special resources study has taken place in coordination with Antietam National Battlefield, Harpers Ferry National Historical Park, and Chesapeake and Ohio Canal National Historical Park over the last two years.

Please join us for public meetings to be held on September 9 and 11, 2014. Locations and times can be found inside the newsletter. At the meeting, Civil War historian Thomas McGrath (North Country Community College, The College of Essex, and Franklin) will present his research on the events that occurred during the two-day battle at Shepherdstown and the impact of the battle on U.S. history. The National Park Service study team will explain the study outcomes, answer your questions, and gather your comments about the study findings, the proposed boundary adjustment, and other issues related to the study.

Comments received during this public review period will be forwarded, along with the study, to the Secretary of the Interior. The Secretary of the Interior will then make a recommendation to Congress based on the study's findings and the public comments. The adjustment of the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield would require an act of Congress.

Thank you for taking the time to learn about and comment on this study. You may provide your thoughts at the public meeting or online at: <http://parkplanning.nps.gov/SHBA>.

We look forward to hearing from you!

Sincerely,

*Lisa A. Mendelson-Ielmini*

Lisa Mendelson-Ielmini  
Acting Regional Director, National Capital Region  
National Park Service





## INTRODUCTION

Shepherdstown Battlefield has been a focus of public interest for several years. One of the most recent publications on Shepherdstown Battlefield is *Shepherdstown: Last Clash of the Antietam Campaign, September 19-20, 1862*, by Thomas McGrath (2008). In 2010, the American Battlefield Protection Program of the National Park Service, in their *Update to the Civil War Sites Advisory Commission Report on the Nation's Civil War Battlefields, State of West Virginia*, identified Shepherdstown Battlefield as a site needing additional protection. Also, nonprofit organizations (independent of the National Park Service) have been working to preserve the lands associated with the battle for the last decade. In 2009, legislation championed by the late Senator Robert Byrd (Public Law 111-11, Title VII, Subtitle C, Section 7205) was passed by the U.S. Congress directing the Department of the Interior to undertake this special resource study. This study evaluates the importance of the battle to U.S. history in addition to the suitability and feasibility of adjusting the boundary of either Harpers Ferry National Historical Park or Antietam National Battlefield to include the Shepherdstown Battlefield.

## HISTORICAL OVERVIEW OF THE BATTLE OF SHEPHERDSTOWN

When shots rang out at Fort Sumter on April 12, 1861, sectional tensions boiled over, drawing America into Civil War. As the battle lines were drawn between North and South, the border states witnessed some of the worst fighting of the war and saw significant loss of American lives. Confederate General Robert E. Lee's 1862 Maryland Campaign became a defining moment of the American Civil War and the history of the nation. Considered the bloodiest one-day battle in American history, the Battle of Antietam proved to be a tactical draw for both sides, yet a strategic victory for the Union. Following the Battle of Antietam, Confederate forces began their withdrawal across the Potomac River into Virginia. This hasty withdrawal on September 18, 1862, would also set in motion the final conflict of the Maryland Campaign—the Battle of Shepherdstown.

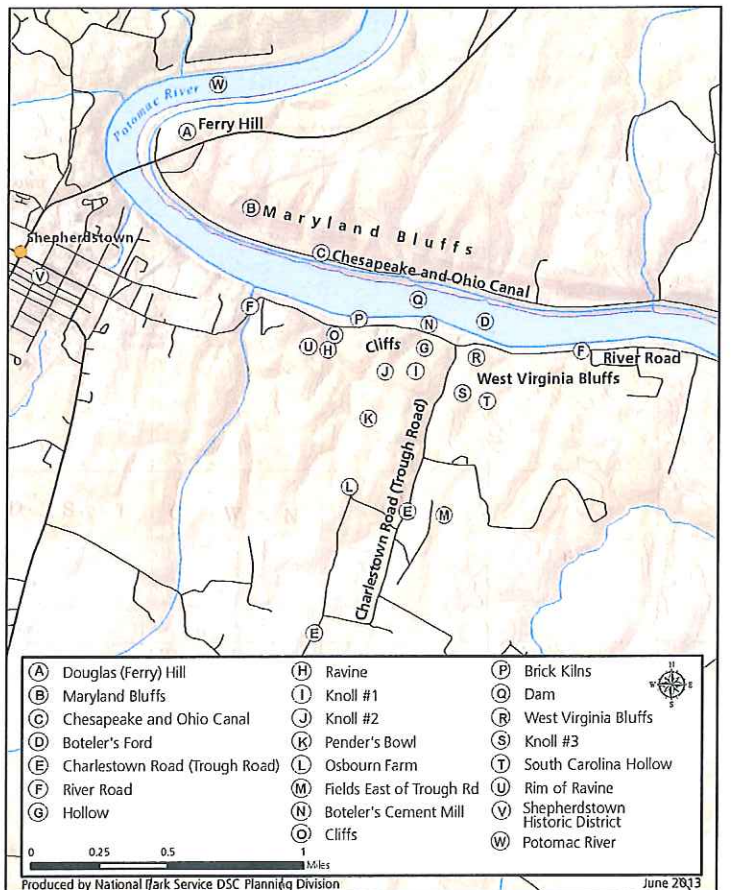
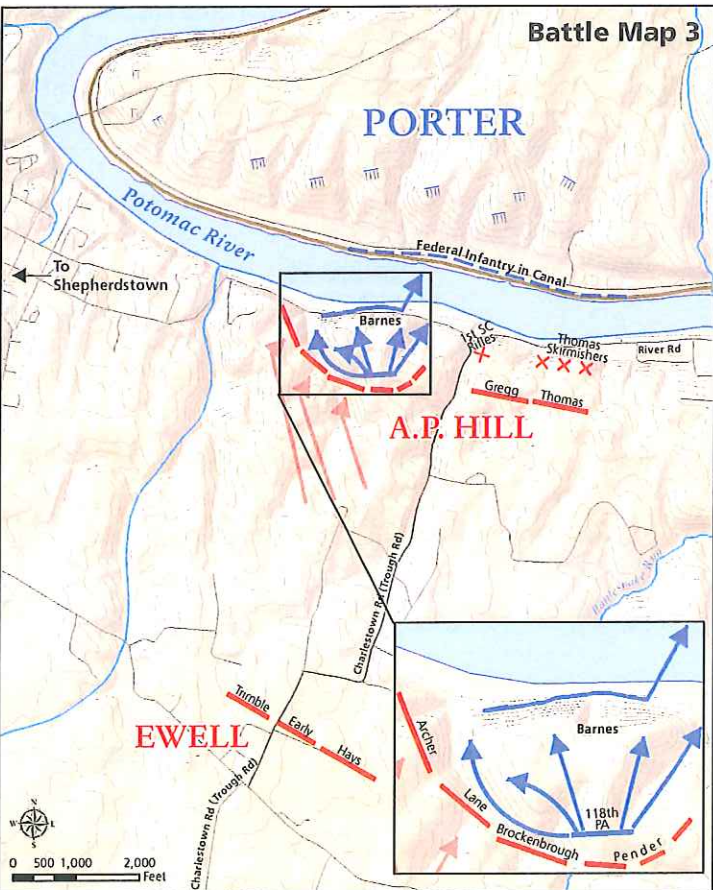
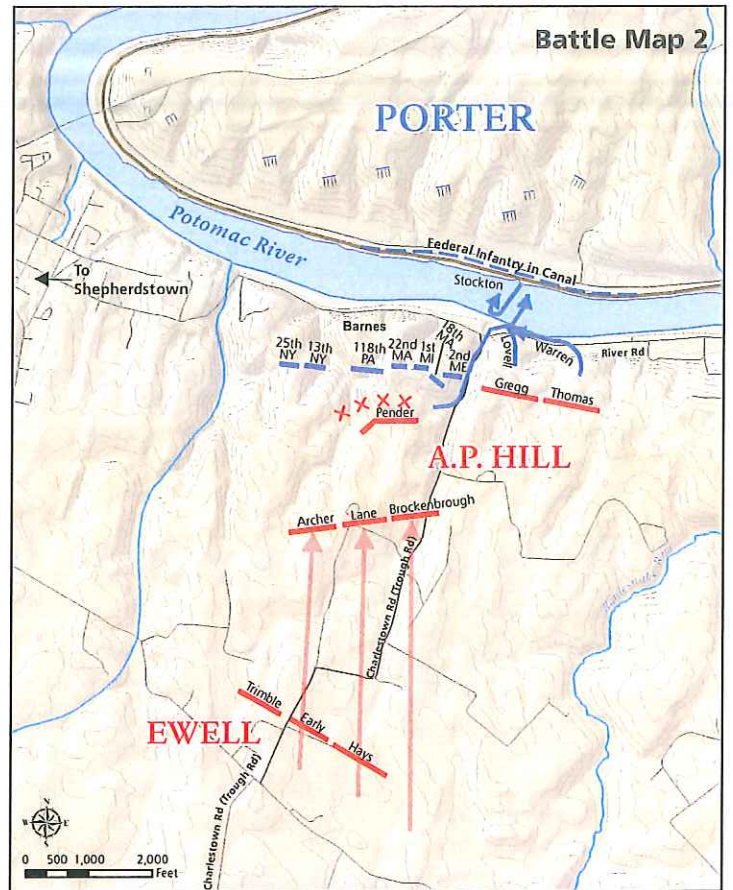
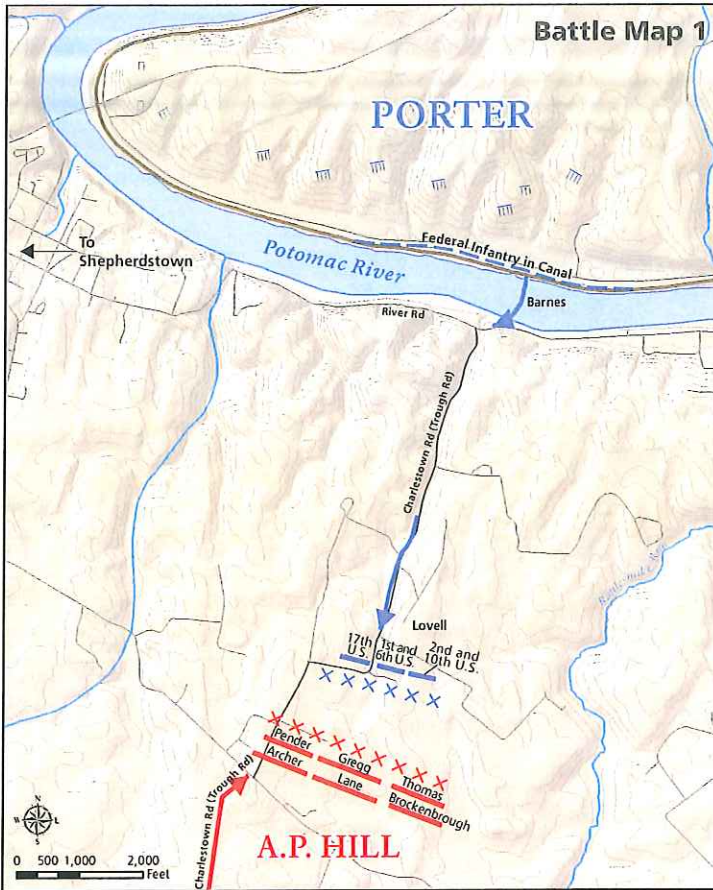
Approximately 1.5 miles downstream from Shepherdstown, Boteler's Ford (also known as Blackford's / Shepherdstown / Pack Horse Ford) served as the primary crossing point of the Potomac River for the Confederate Army of Northern Virginia. As Lee's forces moved back into Virginia after the Battle of Antietam, he appointed Brig. Gen. William Nelson Pendleton to protect this vital river crossing with 44 cannons placed in artillery positions on the bluffs above the south side of the river. Federal forces set up significantly more artillery positions on the northern banks of the river on the Maryland bluffs and took advantage of the then-drained Chesapeake and Ohio Canal to use as a trench for sharpshooters. Both sides exchanged artillery fire, but it was not until the movement of Federal soldiers into Virginia on September 19, 1862, and the capture of Confederate artillery that the skirmish erupted into a bloody battle.

On the afternoon of September 19, 1862, elements of the Union Fifth Corps crossed the river at Boteler's Ford, capturing 4 of 44 artillery pieces before returning to the northern banks of the Potomac River at dusk. A panicked Pendleton fled the battlefield, not having fully assessed the situation. Pendleton reported to Lee that his artillery had been captured by the Federals. Following this report, Lee quickly changed his plans and prepared for battle, sending A. P. Hill's division, which included the brigades of Pender, Gregg, Thomas, Archer, Lane, and Brockenbrough, to counter the Federals at Boteler's Ford, while withdrawing the remainder of his Confederate forces farther south into the Shenandoah Valley.

On September 20, Federal forces under the command of Maj. Charles Lovell were taken by surprise by a large contingent of Confederate troops taking positions on both sides of Charlestown Road (Trough Road) and preparing to march north toward Boteler's Ford. As Federal forces pulled back toward the river and Confederate troops advanced, skirmishes broke out as soldiers on both sides moved into positions readying for battle. As fighting erupted, Federal artillery on the north side of the Potomac River opened fire. The forces of Union Colonel James Barnes, which had spread out along River Road and the knolls along the south side of the river, retreated across Boteler's Ford.

In the midst of the chaos, the green 118th Pennsylvania (Corn Exchange Regiment) found itself isolated and outflanked. Besides having only been in the service for three weeks, the men were armed with rifles that malfunctioned. The results were sadly predictable. The Pennsylvanians panicked and made a rush for the river. Some fell from the bluffs above the river. Others sought refuge in the nearby cement mill and kilns. Soon blue-coated bodies floated on the river as men of the 118th were shot while attempting to get back to the Maryland shore. The battle lasted less than an hour and the Confederates withdrew to escape the wrath of Union artillery fire from across the river. With more than 675 casualties, the Battle of Shepherdstown was the bloodiest battle in what became the State of West Virginia. It was also the last major action of the Maryland Campaign. Lee's failure in Maryland gave President Abraham Lincoln the impetus to issue the "Preliminary Emancipation Proclamation" on September 22, 1862, just two days after the Battle of Shepherdstown.







## WHAT IS A SPECIAL RESOURCE STUDY?

The National Park Service was created to conserve unimpaired outstanding natural, cultural, and recreational resources. The treasures in this system have been set aside by the American people to protect, preserve, and share our nation's greatest stories. Usually a new unit of the national park system is established by an act of Congress. Before passing such legislation, Congress requires reliable information about the quality of resources in the area under consideration and the potential for visitor enjoyment and efficient management. The National Park Service collects this information and provides a recommendation to the Department of the Interior, which then provides a report of its findings to Congress through a special resource study. This process ensures that only those candidate sites that are most deserving of national designation are included within the national park system.

## THIS SPECIAL RESOURCE STUDY IS ALSO A BOUNDARY STUDY

When Congress directed the Department of the Interior to undertake this study effort, the Department of the Interior asked the National Park Service to determine if it would be appropriate to adjust the boundaries of either Harpers Ferry National Historical Park or Antietam National Battlefield to include the Shepherdstown Battlefield. Therefore, the study also includes a boundary adjustment study. To be clear, boundary adjustments can mean the inclusion of a distinct land area, not physically attached to an existing park, within the legislated boundary of that park. As described below, there is some overlap between the criteria for special resource studies and boundary studies.



## SPECIAL RESOURCE STUDY CRITERIA

(NPS MANAGEMENT POLICIES 2006, SECTION 1.3):

For the Secretary of the Interior to recommend new park lands, an area must meet all of the following criteria:

- Contain nationally significant natural and/or cultural resources.
- Be a suitable new unit of the national park system that represents a natural or cultural theme or type of recreational resource that is not already adequately represented in the national park system or is not comparably represented and protected for public enjoyment by another land-managing entity.
- Be a feasible new unit of the national park system as determined by size and appropriate configuration to ensure long-term protection of the resources and to accommodate public use. It must have potential for efficient administration at a reasonable cost. Important feasibility factors include land ownership, acquisition costs, life cycle maintenance costs, access, threats to the resource, and staff or development requirements.
- Require direct National Park Service management that cannot or will not be accomplished by another government entity or by the private sector.

## BOUNDARY STUDY CRITERIA

(NPS MANAGEMENT POLICIES 2006, SECTION 3.5):

For the Secretary of the Interior to recommend Shepherdstown Battlefield and related sites as an addition to an existing park unit, an area must meet one of the following criteria:

- Protect significant resources and values or enhance opportunities for public enjoyment related to park purposes.
- Address operational and management issues such as the need for access or the need for boundaries to correspond to logical boundary delineations such as topographic or other natural features or roads.
- Or otherwise protect park resources that are critical to fulfilling park purposes.

The addition would also have to meet both of the following criteria:

- Be a feasible addition to the national park system—the criteria are the same as the feasibility criteria for special resource studies described above.
- Require direct National Park Service management that cannot or will not be accomplished by another government entity or by the private sector.



## SUMMARY OF SPECIAL RESOURCE STUDY FINDINGS

The National Park Service evaluated the national significance of the battlefield at Shepherdstown and the associated resources under the National Park Service National Historic Landmark Program criteria for national significance and determined that the study area was not nationally significant. Therefore, Shepherdstown Battlefield and its associated resources do not qualify as a new, independent unit of the national park system. A complete discussion of the finding can be found in the public review document in “Chapter 3: Evaluation of Shepherdstown Battlefield as a Potential New Unit of the National Park System”.

## SUMMARY OF BOUNDARY STUDY FINDINGS

The evaluation of Shepherdstown Battlefield under boundary study criteria determined that the battlefield would be a suitable and feasible addition to either Harpers Ferry National Historical Park or Antietam National Battlefield. As such, each of these boundary adjustment options is included in the study. These options are:

**Option A: Antietam National Battlefield Boundary Adjustment, and**

**Option B: Harpers Ferry National Historical Park Boundary Adjustment**

If Congress were to authorize a legislative boundary that would encompass the Shepherdstown battlefield as part of Harpers Ferry National Historical Park or Antietam National Battlefield, there would be no immediate change to existing landownership and the National Park Service would not carry out any actions that would affect the battlefield lands. Uses of battlefield lands would continue as they were before the legislative boundary adjustment. Any changes to land ownership or use would be in the future as the National Park Service is able to acquire battlefield land from willing sellers and donors. Scenic or conservation easements could also be purchased from willing sellers and donors both within and adjacent to the boundary, in order to provide additional viewshed and resource protection.

Once the legislative boundary is authorized, the National Park Service would update the land protection plan for either Harpers Ferry National Historical Park or Antietam National Battlefield where specific priorities for land interests and land acquisitions would be identified. It is anticipated that protection of battlefield resources in the expanded boundary would occur through a mix of fee simple acquisition and conservation easements from willing sellers and donors. Fee simple acquisition would be the preferred acquisition tool only for highly sensitive resource areas and critical visitor access points.

Once land is under National Park Service ownership, future actions may include maintenance, protection, monitoring, and additional interpretation of the battlefield through cooperative



management between Antietam National Battlefield and Harpers Ferry National Historical Park. To the greatest extent possible, the use of existing nearby NPS infrastructure, such as the Ferry Hill site managed by the Chesapeake and Ohio Canal National Historical Park, could be used to provide interpretation of the battlefield. This would be achieved in accordance with the Chesapeake and Ohio Canal National Historical Park’s existing general management plan, long-range interpretive plan, and park foundation document. Additionally, the National Park Service could seek opportunities to work with state and local governments and interested nonprofit organizations to provide additional assistance with the maintenance, protection, and interpretation of the battlefield.

A complete description of the alternatives and application of the boundary study criteria to those alternatives are included in chapter 4 of the public review document.

## IDENTIFICATION OF THE PREFERRED ALTERNATIVE

In addition to taking into consideration public input received during scoping, NPS operational requirements, and the expert opinions of historians and other subject matter experts, the National Park Service evaluated the proposed legislative boundary described in alternative 2 according to criteria for boundary adjustments defined in NPS *Management Policies 2006*, section 3.5. The study found that “Alternative 2, Option A, Antietam National Battlefield Boundary Adjustment” would be the most effective and efficient alternative and would also provide the greatest opportunities for visitor enjoyment. The study informed the development of the preferred alternative.

Alternative 2, option A would allow Antietam National Battlefield to expand upon existing interpretive themes, provide visitors with a more complete understanding of the Maryland Campaign, and protect significant resources and values, while enhancing opportunities for public enjoyment related to park purpose and enabling legislation. This option also allows for the protection of resources critical to fulfilling park purpose.

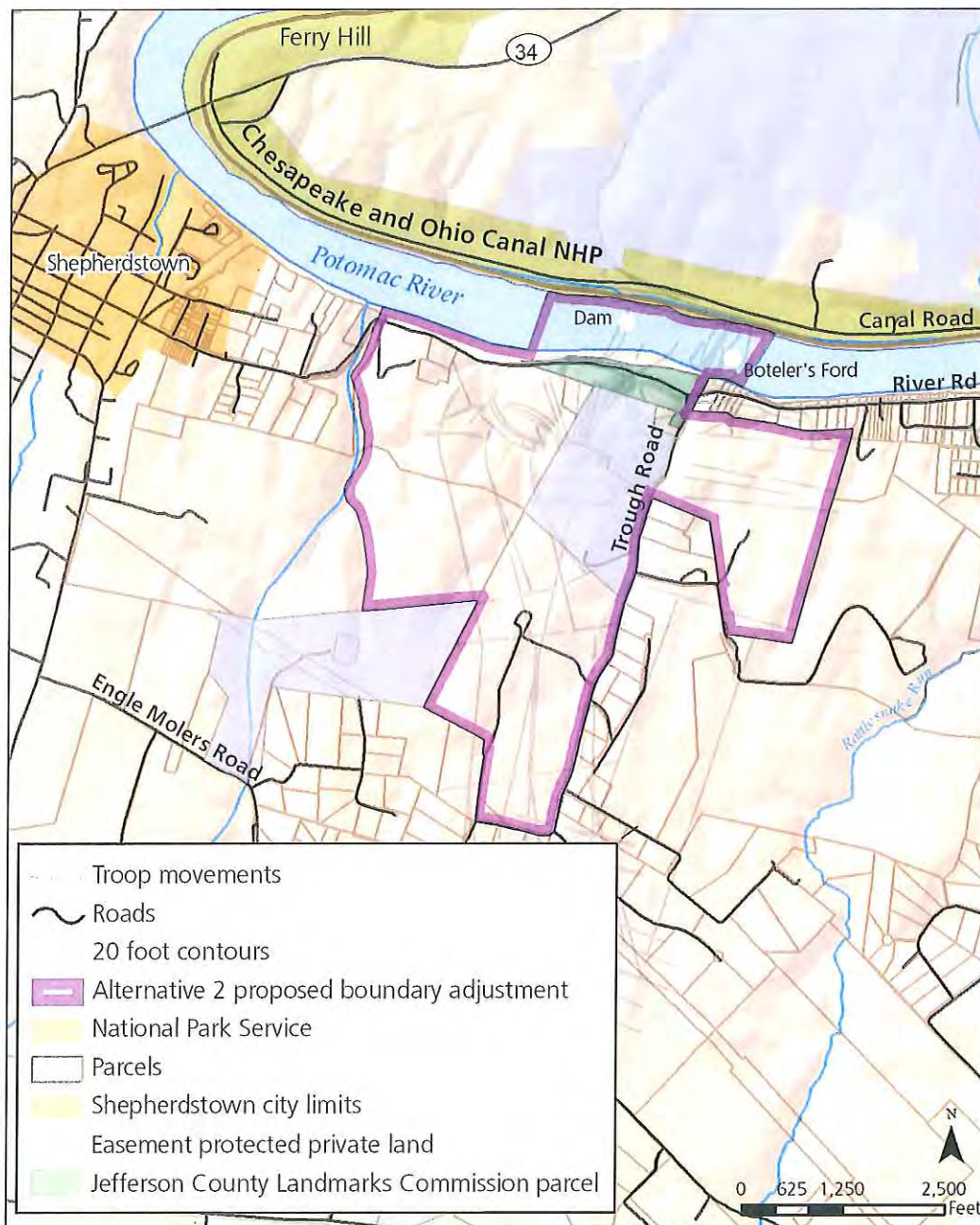


## PROPOSED LEGISLATIVE BOUNDARY

The proposed boundary for the Shepherdstown battlefield totals approximately 510 acres. The boundary generally follows the West Virginia and Maryland shores of the Potomac River to the north. The eastern boundary follows Trough Road (County Route 31/1) with the exception of a 94 acre tract east of the road. The southern boundary continues to follow Trough (County Route 31/1) road. The western boundary follows property lines and topographic features (ravine bottom). The proposed boundary is shown in figure 6.

The proposed legislative boundary focuses on the core battlefield area where significant loss of life occurred and/or where important battle actions took place. As a result, staging areas, troop movements, and artillery positions on both the northern and southern edges of the core battlefield were excluded from the proposed boundary. Additional exclusions to form the proposed boundary included

- parcels lacking historic integrity
- parcels with existing protection through preservation easements that were not core to the battlefield
- existing National Park Service lands





## HOW TO PARTICIPATE IN THIS STUDY

The National Park Service places a high value on public participation and strives to encourage participation in all aspects of decision making. Listed below are several ways to get involved.\*

- **Project Website** – The project website (<http://parkplanning.nps.gov/SHBA>) contains updates and other information about the special resource study, as well as the public review document. It will also be open to receive public comments during the review period: **August 8 - October 3, 2014**. Please take time to review the study and provide comments directly on the project website.
- **Public Meeting to Review the Study** – A meeting to discuss the study is scheduled to take place at The Antietam National Battlefield Visitor Center in Sharpsburg, Maryland on September 9, 2014 and at the Clarion Hotel and Conference Center in Shepherdstown, West Virginia on September 11, 2014. Presentations by Thomas McGrath and NPS staff will start promptly, followed by an open house format where you can speak individually with NPS staff to learn more about the study outcomes and provide comments. Large maps and information on the proposed alternatives will be on display for discussion.
- **Letters to the National Park Service** – If you would like to mail postal letters to the National Park Service, please address them to the Regional Director, National Capital Region, C/O Jordan Hoaglund-Planning, National Park Service, Denver Service Center, 12795 West Alameda Parkway, PO Box 25287 Denver, CO 80225-0287.

*\*Note: To help us be able to contact members of the public about this project, please provide your e-mail address as part of your comment on our project website during this public scoping comment period.*

## WE WOULD LIKE TO HEAR YOUR THOUGHTS, IDEAS, AND CONCERNS ABOUT THE FOLLOWING:

1. What do you think about the management options proposed in the alternatives?
2. What do you think about the proposed boundary?
3. Do you have any other ideas or comments you would like to share with us?

*Thank you for your participation!*

## PUBLIC OPEN HOUSE INFORMATION

### Tuesday, September 9, 2014

5 p.m. to 8 p.m. (presentations will start at 5 p.m. and be repeated at 6:30 p.m.)

Antietam National Battlefield Visitor Center  
5831 Dunker Church Rd, Sharpsburg, MD 21782  
301-432-5124

Located about a mile north of Sharpsburg, MD, on the Sharpsburg Pike/MD 65

For directions please call the number above or visit:  
<http://www.nps.gov/anti>

### Thursday, September 11, 2014

5 p.m. to 8 p.m. (presentations will start at 5 p.m. and be repeated at 6:30 p.m.)

Clarion Hotel & Conference Center;  
233 Lowe Drive, Shepherdstown, WV 25443;  
304-876-7000

Located off Kearneysville Pike/Rt. 480 in Shepherdstown, WV.

For directions, please call the number above or visit:  
[www.clarionhotel.com](http://www.clarionhotel.com).

Timeframe	Study Process	Key Steps and Outcomes
Winter 2012	Information Gathering and Public Scoping	<ul style="list-style-type: none"> <li>• Contract Civil War historians to provide research on the battle at Shepherdstown.</li> <li>• National Historic Landmark Program review of national significance.</li> <li>• Public scoping to gather public input.</li> </ul>
Spring – Winter 2012	Prepare Study	<p>The <i>Special Resource Study</i> includes:</p> <ul style="list-style-type: none"> <li>• Resource description and historical background.</li> <li>• Evaluation of suitability and feasibility for inclusion in the national park system.</li> <li>• A range of alternatives.</li> <li>• An environmental assessment that will evaluate the impacts of each potential alternative.</li> </ul>
Summer 2014	Public Review of Study <b>WE ARE HERE</b>	<ul style="list-style-type: none"> <li>• Review period to solicit feedback on the study.</li> </ul>
Fall 2014	Finalize study and transmit to the Secretary of the Interior	<ul style="list-style-type: none"> <li>• Incorporate comments from the public review into the study.</li> <li>• Prepare a final determination about whether the study area meets criteria.</li> <li>• Transmit the study to the Secretary of the Interior, who will then make a recommendation to Congress.</li> </ul>

# Jefferson County Public Service District

Received  
Received  
AUG 11 2014  
AUG 11 2014

Jefferson County Public Service District  
Regular Board Meeting  
July 7, 2014

Jefferson County Commission  
Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, July 7, 2014 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Peter Appignani; Secretary, Richard Weese; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joe Freeze; District Legal Counsel, Jim Kelsh; from Thrasher Engineering, Wayne Morgan; and Liaison for the County Commission, Commissioner Jane Tabb.

## CALL TO ORDER

Chairman Peter Appignani called the meeting to order at 7:00PM.

## Approval of agenda

The Board removed the item discussing the approval of the revised agreement with Mockingbirdhil, Inc.

## Public Comments

Lyn Widmyer, County Commissioner but representing herself, requested the Board be prepared to answer two questions at the County Commission meeting on July 17<sup>th</sup>. She would like to know how the District will provide its local share for the proposed water and sewer projects and what public meetings/public outreach the District has had prior to submitting the applications to the West Virginia Infrastructure and Jobs Development Council.

Dale Manual, County Commissioner and District customer, would like to know how the District plans to finance these projects since there is limited funding available through the state agencies.

Scott Tatina, a ratepayer of Jefferson Utilities, questioned how the District came up with the \$14.9 million for the purchase of Jefferson Utilities since the company has no value and no profit.

Martha Zimmerman, a District customer, expressed her concern with the high rates of sewer and water.

Nancy Stotler, Manager of Cambridge, expressed her concern that many residents in their development are on a fixed income and increasing the rates would make it tough for them to pay these bills.

Jacquelyn Milliron, Breckenridge resident, requested the Board not sign anymore contracts until the District has money to cover the costs.

## OLD BUSINESS

### Review Minutes of June 2 regular board meeting

The minutes of the June 2, 2014 regular board meeting were approved as presented.

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to accept the June 2, 2014 regular meeting minutes as presented. Unanimously approved.**

### Review Minutes of June 2 work session

The minutes of the June 2, 2014 work session were approved as presented.

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to accept the June 2, 2014 work session as presented. Unanimously approved.**

### Update on the water systems improvement project for Glen Haven and Cavaland

- Approval of resolution for payment # 3

Last month Ms. Lawton informed the Board that construction had begun for the upgrade project. She stated that the Board will need to approve the third draw from the bond proceeds to pay the contractor for materials and

labor, Gwin Dobson & Foreman, Region 9, and, Bowles Rice. Mr. Appignani read the resolution for payment #3 to the contractor as follows:

RESOLUTION OF THE PUBLIC SERVICE BOARD OF THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT APPROVING INVOICES RELATING TO ENGINEERING AND OTHER SERVICES FOR THE CAVALAND & GLEN HAVEN WATER SYSTEM IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT THEREOF,

WHEREAS, the Public Service Board of the Jefferson County Public Service District has reviewed the invoices attached hereto and incorporated herein by reference in relation to the Cavaland & Glen Haven Water System Improvements Project (the "Project") funded by the funding agency(s) shown below and find as follows:

- A. That none of the items for which payment is proposed to be made has formed the basis for any disbursement heretofore made.
- B. That each item for which payment is proposed to be paid is or was necessary in connection with the Project and constitutes a cost of the Project.
- C. That each of such costs has been otherwise properly incurred.
- D. That the payment for each of the items proposed is due and owing.

NOW, THEREFORE, BE IT RESOLVED by the Public Service Board of the Jefferson County Public Service District that the payment of the attached invoices as summarized below is hereby authorized and directed.

VENDOR	DWTRF LOAN	DWTRF GRANT	IJDC	TOTAL
Underground Contractors, Inc	\$ 260,830.29	\$ -	\$ -	\$ 260,830.29
Gwin, Dobson & Foreman	\$ 13,900.00	\$ -	\$ -	\$ 13,900.00
Region 9 PDC	\$ 2,070.00	\$ -	\$ -	\$ 2,070.00
Bowles Rice LLP	\$ 5,000.00			\$ 5,000.00
<b>TOTAL</b>	<b>\$281,800.29</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ 281,800.29</b>

ADOPTED BY: the Jefferson County Public Service District at a meeting held on the 7th day of July, 2014.

**Action: Motion by Mr. Strider and seconded by Mr. Weese to adopt the resolution as read by Mr. Appignani. Unanimously approved.**

- Request from Dr. Matthew Welder, Glen Haven resident, for river lot water meter

Ms. Lawton informed the Board of the request by Mr. Welder for the installation of a water meter on his river lot. Since this meter was not included in the project costs, Mr. Welder will cover the initial installation costs of \$1900 but would like to be reimbursed by the District. Mr. Kelsh explained that the District is responsible for the first meter and the customer is responsible for the second. Mr. Weese stated that if the customer wants a second meter he will have to pay for it. Mr. Appignani and Mr. Strider both agreed. Ms. Lawton will inform Mr. Welder of the Board's decision.

**Action: No action required by the Board.**

Update on easement/ownership of two pump stations

Ms. Lawton has been working with Attorney Robert Glenn, from Jackson Kelly, on attaining easements for pump station 3-8 and 3-9. Mr. Glenn found that pump station 3-8 (Job Corp) has a license agreement with the District which is set to expire in 2024. He recommended the District deal with renewal at that time. For pump station 3-8 (Jefferson High School), Mr. Glenn recommended the District contact the Board of Education to get a revised plat and easement. The Board agreed with Mr. Glenn's recommendations.

**Action: No action required by the Board.**

Discuss the District's financial status (status of paying bills)

The District's coverage rate is at 110% this month. Ms. Lawton stated that the District will need an estimated \$50,000 in payments to cover the disbursements for this month.

Mr. Appignani requested information from staff regarding the number of terminations each month since the last rate increase.

**Action: No action required by the Board.**

Options and process path for creating/revising PSD strategic plan

Dunn Engineering is waiting to see how the proposed water and sewer projects will move forward and then return to the Board with a contract for a plan.

**Action: No action required by the Board.**

Discuss request for funding to West Virginia Infrastructure and Jobs Development Council for sewer collection and transmission upgrades

Last month the Board approved the filing of the application to IJDC for a \$15.3 million sewer collection and transmission upgrade project requesting a \$1 million grant and \$14.3 loan with 1%, 38 year terms. Mr. Kelsh stated that the application will be discussed at the July 29<sup>th</sup> funding meeting and the August 6<sup>th</sup> full council meeting. Mr. Weese asked Mr. Kelsh to justify the importance of why the District rushed to submit the applications before June 10<sup>th</sup>. Mr. Kelsh explained that financing options would become limited due to state agencies using the median household income numbers from the 2010 census rather than the 2000 census which puts Jefferson County at a much higher income rate. The funding options would have increased interest rates and shorter time periods for paying back loans.

Commissioner Jane Tabb questioned the letter the District had received from the City of Ranson. Mr. Kelsh explained that the City of Ranson is concerned their system is being overburdened with the District's sewer flows.

**Action: No action required by the Board.**

Discuss request for funding to West Virginia Infrastructure and Jobs Development Council for acquisition of water utility assets of Jefferson Utilities, Inc. and Water Project to replace and upgrade Keyes Ferry Acres, Westridge Hills, and Harpers Ferry Campsites

Last month the Board approved submitting an application to the West Virginia Infrastructure and Jobs Development Council (IJDC) which included a \$14.9 million purchase of JUI and a \$10.2 million upgrade project for the mountain water systems. Mr. Kelsh stated that the application will be discussed at the July 29<sup>th</sup> funding meeting and the August 6<sup>th</sup> full council meeting.

**Action: No action required by the Board.**

Discuss finalization of contract on pump station 5-3 replacement

Ms. Lawton informed the Board that the contractor has requested final payment for the work completed, but Ms. Lawton is holding this payment until the inflow & infiltration issue at this pump station is addressed.

**Action: No action required by the Board.**

## **NEW BUSINESS**

Review public information materials on Jefferson Utilities, Inc. water and sewer assets project, mountain water project, and sewer collection and transmission project

Ms. Lawton has been working with Wayne Morgan and Devanna Corley from Thrasher Engineering on developing a public communication plan relating to the proposed sewer and water projects the District recently sent applications to IJDC for. The Board will send comments to Ms. Lawton on the draft document. They would like to get the document on the website and out to the public before the next Board meeting.

**Action: No action required by the Board.**

Appoint committee to select engineering firm for final design of sewer collection and transmission upgrade project

- Select engineering firms to interview

Ms. Lawton stated that to stay consistent with previous projects, she preferred to include the three (3) board members, County Commission liaison, and herself on the selection committee. The Board agreed with this request and would like to interview all three firms that applied. Mr. Weese didn't see a rush in interviewing the firms until after the findings from the IJDC meetings in Charleston. He doesn't see paying extra costs if the project doesn't get funding approval. Mr. Strider expressed his concern that IJDC is looking at the readiness of projects and the District should begin the interview process to get a firm hired. Mr. Appignani suggested postponing scheduling the interviews until the August board meeting.

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to interview the three firms by the selection committee which includes the three (3) board members, the General Manager, and the County Commission liaison. Unanimously approved.**

Update on Statuses of Current Public Service Commission Cases

PSC case # 13-1832-PSD-PC (Capital Improvement Fee disbursement) – Mr. Kelsh is waiting for a response from the PSC.

PSC case # 14-0606-PSD-C (Lutman Properties, LLC complaint) – There have been no changes since last month.

PSC case # 14-0582-PSD-PC (Termination Agreement with Mockingbirdhil, Inc) – Mr. Kelsh is waiting to hear back from Mr. Eckstine to revise the termination agreement.

PSC case # 13-1683-S-CN (Charles Town sewer certificate) – Mr. Kelsh stated that the certificate was granted May 27<sup>th</sup> and Charles Town is now waiting for the Chesapeake Bay funding to be resolved.

PSC case # 13-1175-S-C (Old Standard, LLC complaint) & Circuit Court case # 14-C-51 – Both cases have been stayed for 120 days pending the outcome of both the proposed sewer collection project and the JUI purchase.

**Action: No action required by the Board.**

Discuss presentation for County Commission meeting on July 17<sup>th</sup>

The County Commission has requested the District attend their July 17<sup>th</sup> meeting to discuss the proposed water and sewer projects. Commission Lyn Widmyer and Dale Manual were in the audience informing the Board the discussion will be more of a work session. The three (3) Board members; Cam Siegrist, the Districts Bond Counsel; Wayne Morgan from Thrasher; and Ms. Lawton will be attending the meeting.

**Action: No action required by the Board.**

Discussion of any Expenses over Budget

There were no items over budget this month.

**Action: No action required by the Board.**

Disbursements

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve disbursements for Public Service District water expenses in the amount of \$13,891.69. Unanimously approved.**

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve disbursements for the Public Service District sewer expenses in the amount of \$209,745.93. Unanimously approved.**

Approve transfer of \$1,226.42 from the renewal & replacement account to the Sewer Operating account for a force main air release valve

Approve transfer of \$642.52 from the renewal & replacement account to the Sewer Operating account for repairs at the SHN-2 pump station

Approve transfer of \$5,120.50 from the renewal & replacement account to the Sewer Operating account for a new transfer switch at pump station 2-13

Approve transfer of \$1,499.96 from the renewal & replacement account to the Sewer Operating account for an air release valve at pump station 3-7

Approve transfer of \$2,139.69 from the renewal & replacement account to the Sewer Operating account for a new PLC at pump station 5-1

Approve transfer of \$4,013.35 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds

Approve transfer of \$128.74 from the Water Security Deposit account to the Water Operating account for security deposit refunds

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve transfer of \$1,226.42 from the renewal & replacement account to the Sewer Operating account for a force main air release valve, approve transfer of \$642.52 from the renewal & replacement account to the Sewer Operating account for repairs at the SHN-2 pump station, approve transfer of \$5,120.50 from the renewal & replacement account to the Sewer Operating account for a new transfer switch at pump station 2-13, approve transfer of \$1,499.96 from the renewal & replacement account to the Sewer Operating account for an air release valve at pump station 3-7, approve transfer of \$2,139.69 from the renewal & replacement account to the Sewer Operating account for a new PLC at pump station 5-1, approve transfer of \$4,013.35 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds, and approve transfer of \$128.74 from the Water Security Deposit account to the Water Operating account for security deposit refunds. Unanimously approved.

#### General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

**Action:** No action required by the Board.

#### Other staff reports

None discussed.

**Action:** No action required by the Board.

#### Correspondence

None discussed.

#### Public Comment

Charles Cheezum, a District customer, expressed his gratitude to Mr. Weese for the dialogues and discussions held at tonight's meeting. He also questioned the last four agenda items under Executive Session that refer to "approving" legal and accounting agreements. Mr. Cheezum asked the Board if these items would be voted on when the District came out of Executive Session, not during.

Bill Edwards, homeowner representative from Beallair Conservancy Board, appreciated Mr. Weese's comments and questioned if a joint venture or coordination between the three utilities' (the District, Charles Town, and Ranson) could be acquired.

Todd Milliron, Breckenridge resident, thanked Mr. Weese for his comments. He stated he was glad to see the success of the Glen Haven and Cavaland water project and also happy with the Board's decision to have a 30-day waiting period for the engineering firm interviews for the sewer project. Mr. Milliron expressed his concern about the District needing a strategic plan in place before any other projects since there is funding available to complete.

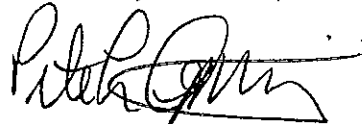
Jacquelyn Milliron, Breckenridge resident, asked Mr. Weese if he would be interested in meeting with the ratepayers to listen to their ideas and views on certain issues.

- Action:** Motion made by Mr. Strider and seconded by Mr. Weese to convene in executive session for the purpose of discussing litigation and contract negotiations. Unanimously approved.
- Action:** Motion made by Mr. Weese and seconded by Mr. Strider to return to public session. Unanimously approved.
- Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve the engagement letter with Bowles Rice for the JUI Acquisition and Mountain Water Project. Approved 2-1. Mr. Appignani voted against the motion.
- Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve the engagement letter with Bowles Rice for the sewer collection and transmission project. Approved 2-1. Mr. Appignani voted against the motion.
- Action:** Motion made by Mr. Weese and seconded by Mr. Strider to approve the engagement letter with Cox Hollida & Professionals for the water and sewer projects . Approved 2-1. Mr. Appignani voted against the motion.
- Action:** Motion made by Mr. Weese and seconded by Mr. Strider to adjourn. Unanimously approved.

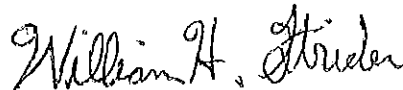
There being no further business at this time, the meeting was adjourned at 9:12PM.

The next regular meeting is scheduled for Monday, August 4, 2014 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Peter L. Appignani  
Chairman



William H. Strider  
Treasurer

# Jefferson County Public Service District

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## Jefferson County Public Service District Special Board Meeting July 30, 2014

The special meeting of the Jefferson County Public Service District was held at 11:00AM on Wednesday, July 30, 2014 at the District's office in Kearneysville. Those in attendance included: Chairman, Peter Appignani; Treasurer, Bill Strider; PSD General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, Jim Kelsh; and Liaison for the County Commission, Commissioner Jane Tabb.

Chairman Appignani called the meeting to order at 11:00AM. Mr. Weese was absent from the meeting.

Approval of revised resolution for payment #3 for Glen Haven and Cavaland water project

Mr. Appignani stated there was an error on the resolution that was approved at the July regular board meeting so the Board needs to approve the revised resolution.

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to approve resolution #3 as read by Mr. Strider: RESOLUTION OF THE PUBLIC SERVICE BOARD OF THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT APPROVING INVOICES RELATING TO ENGINEERING AND OTHER SERVICES FOR THE CAVALAND & GLEN HAVEN WATER SYSTEM IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT THEREOF, totaling \$281,800.29. Approved 2-0.

**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to adjourn. Approved 2-0.

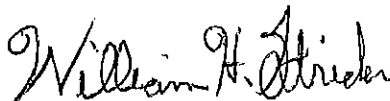
There being no further business at this time, the meeting was adjourned at 11:02AM.

The next regular meeting is scheduled for August 4, 2014 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Peter L. Appignani  
Chairman



William H. Strider  
Treasurer



Received

AUG 11 2014

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

Jefferson County Commission

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

Earl Ray Tomblin  
Governor

Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

August 6, 2014

To Whom It May Concern:

The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures over the next four years. This letter has been sent to inform you a draft copy of the 2015 – 2020 STIP has been made available for public comment. A copy of the document may be viewed and/or downloaded on the web at [www.transportation.wv.gov](http://www.transportation.wv.gov). If you cannot access the web and would like to receive a copy of the document, you may send a request to the address below.

All written comments are to be received no later than September 9, 2014, and should be mailed to:

Mr. Robert L. Pennington, P. E.  
Acting Deputy State Highway Engineer –  
Programming and Planning  
West Virginia Division of Highways  
Building 5, Room 148  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0430

Thank you for your consideration in this matter. Should you need additional information, please contact Mr. Ryland W. Musick, Jr., Director of our Programming Division, at (304) 558-7432.

Very truly yours,

Robert L. Pennington, P. E.  
Acting Deputy State Highway Engineer –  
Programming and Planning

RLP:Cs

Attachment

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



Received

AUG 18 2014

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

### Division of Highways

Jefferson County Commission  
Earl Ray Tomblin  
Governor

1900 Kanawha Boulevard East • Building Five • Room 110  
Charleston, West Virginia 25305-0430 • (304) 558-3505

Paul A. Mattox, Jr., P. E.  
Secretary of Transportation/  
Commissioner of Highways

August 11, 2014

To Whom It May Concern:

The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures for federal fiscal years 2014 - 2019. One of the requirements to funding any project with FHWA or FTA funds is that each proposed project undergo a public "review and comment period". Therefore, additions or deletions to the STIP and certain changes to projects currently in the STIP must meet this requirement before federal funds can be obtained. Accordingly, I am again requesting your assistance in making available (to anyone who wishes to review them) the attached listing of proposed amendments to the approved 2014 - 2019 STIP.

All written comments are to be received no later than August 26, 2014, and should be mailed to:

Mr. Robert L. Pennington, P. E.  
Acting Deputy State Highway Engineer -  
Programming and Planning  
West Virginia Division of Highways  
Building 5, Room 148  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0430

Thank you for your consideration in this matter. Should you need additional information, please contact Mr. Ryland W. Musick, Jr., Director of our Programming Division, at (304) 558-7432.

Very truly yours,

Robert L. Pennington, P. E.  
Acting Deputy State Highway Engineer -  
Programming and Planning

RLP:Cs

Attachment

- cc: Mr. Kevin Burgess, Federal Highway Administration - w/o attachment
- Mr. Reginald B. Lovelace, Federal Transit Administration - w/o attachment
- Ms. Kathleen Zubrzycki, Federal Transit Administration - w/o attachment
- Ms. Susan O'Connell, Division of Public Transit - w/o attachment

**STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2014-2019  
PROGRAM AMENDMENT**

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	FEDERAL DOLLAR COST	TOTAL PHASE COST	FEDERAL COST CHANGE
<b>PROJECT COMMENTS</b>														
TYLER	2015	6		5/28/2015	STP-OFF	CON	CO01807	LEMASTER BRIDGE DEMO	DEMO EX BR	S348 17/8 7777?	STP018777?	\$200,000	\$250,000	\$0
<b>ADD NEW PROJECT</b>														
WYOMING	2015	10		6/28/2015	NHPP	CON	WV121	MULLENS - E CO 12/1 (DESIGN/BUILD)AC	GR, DR	X355 121 01665 02	NHPP0121016	\$7,600,000	\$9,500,000	\$0
<b>ADD NEW PROJECT (COMBINED X355-121-16.65 02 AND X355-121-16.65 04), 79% TOTAL COST INCREASE (&gt;\$2M)</b>														
WYOMING	2016	10		11/28/2015	NHPP	CON	WV121	MULLENS - E CO 12/1 (DESIGN/BUILD)AC	GR, DR	X355 121 01665 02	NHPP0121016	\$7,600,000	\$9,500,000	\$0
<b>ADD NEW PROJECT (COMBINED X355-121-16.65 02 AND X355-121-16.65 04), 79% TOTAL COST INCREASE (&gt;\$2M)</b>														
WYOMING	2017	10		11/28/2016	NHPP	CON	WV121	MULLENS - E CO 12/1 (DESIGN/BUILD)AC	GR, DR	X355 121 01665 02	NHPP0121016	\$15,000,000	\$18,750,000	\$0
<b>ADD NEW PROJECT (COMBINED X355-121-16.65 02 AND X355-121-16.65 04), 79% TOTAL COST INCREASE (&gt;\$2M)</b>														
WYOMING	2014	10		9/15/2014	NHPP	CON	WV121	MULLENS - E CO 12/1 (DESIGN/BUILD)AUTH AC	GR, DR	X355 121 01665 02	NHPP0121016	\$27,000,000	\$33,750,000	\$0
<b>ADD NEW PROJECT (COMBINED X355-121-16.65 02 AND X355-121-16.65 04), 79% TOTAL COST INCREASE (&gt;\$2M)</b>														
WYOMING	2015	10		6/28/2015	NHPP	CON	WV121	MULLENS CONN - E CO 12/1 (DESIGN/BUILD)AC	GR, DR	X355 121 01665 02	NHPP0121???	\$4,800,000	\$6,000,000	(\$12,800,000)
<b>CANCEL - PROJECT COMBINED W/ X355-121-16.65 04</b>														
WYOMING	2016	10		11/28/2015	NHPP	CON	WV121	MULLENS CONN - E CO 12/1 (DESIGN/BUILD)AC	GR, DR	X355 121 01665 02	NHPP0121???	\$4,800,000	\$6,000,000	(\$12,800,000)
<b>CANCEL - PROJECT COMBINED W/ X355-121-16.65 04</b>														
WYOMING	2017	10		11/28/2016	NHPP	CON	WV121	MULLENS CONN - E CO 12/1 (DESIGN/BUILD)AC	GR, DR	X355 121 01665 02	NHPP0121???	\$6,000,000	\$7,500,000	(\$11,600,000)
<b>CANCEL - PROJECT COMBINED W/ X355-121-16.65 04</b>														
WYOMING	2014	10		8/28/2014	NHPP	CON	WV121	MULLENS CONN - E CO 12/1	GR, DR	X355 121 01665 02	NHPP0121???	\$2,000,000	\$2,500,000	(\$15,600,000)
<b>CANCEL - PROJECT COMBINED W/ X355-121-16.65 04</b>														
WYOMING	2015	10		6/28/2015	NHPP	CON	WV121	MULLENS CONNECTOR (DESIGN/BUILD)AC	GR, DR	X355 121 01665 04	NHPP0121016	\$3,200,000	\$4,000,000	(\$6,800,000)
<b>CANCEL - PROJECT COMBINED W/ X355-121-16.65 02</b>														
WYOMING	2016	10		11/28/2015	NHPP	CON	WV121	MULLENS CONNECTOR (DESIGN/BUILD)AC	GR, DR	X355 121 01665 04	NHPP0121016	\$3,200,000	\$4,000,000	(\$6,800,000)
<b>CANCEL - PROJECT COMBINED W/ X355-121-16.65 02</b>														
WYOMING	2017	10		11/28/2016	NHPP	CON	WV121	MULLENS CONNECTOR (DESIGN/BUILD)AC	GR, DR	X355 121 01665 04	NHPP0121016	\$6,000,000	\$7,500,000	(\$4,000,000)
<b>CANCEL - PROJECT COMBINED W/ X355-121-16.65 02</b>														
WYOMING	2014	10		8/28/2014	NHPP	CON	WV121	MULLENS CONNECTOR (DESIGN/BUILD)AUTH AC	GR, DR	X355 121 01665 04	NHPP0121016	\$2,000,000	\$2,500,000	(\$8,000,000)
<b>CANCEL - PROJECT COMBINED W/ X355-121-16.65 02</b>														



## WEST VIRGINIA DEVELOPMENT OFFICE

1900 Kanawha Boulevard East • Charleston, WV 25305-0311  
(304) 558-2234 • (800) 982-3386 • WVDO.org

### MEMORANDUM

**TO:** All City and County Chief Elected Officials  
Regional Planning and Development Councils  
West Virginia Parks and Recreation Association  
Other Interested Parties

**FROM:** Mary Jo Thompson, Director  
Community Development Division

**DATE:** July 31, 2014

**SUBJECT:** **FY 2014 LAND AND WATER CONSERVATION FUND (LWCF) NOTICE;  
INVITATION TO SUBMIT APPLICATIONS**

Received

AUG 07 2014

Jefferson County Commission

This invitation to submit LWCF applications for 50 percent funding of outdoor recreation projects for the Fiscal 2014 funding cycle is being announced in response to the state's apportionment notice, which we anticipate in the amount of approximately \$463,000. Based on demand, we expect to recommend funding one grant up to \$100,000 (project total, \$200,000), three grants up to \$60,000 (each project totaling \$120,000), and four grants up to \$30,000 (each project totaling \$60,000). To allow for minor deviations from the proposed grant limits, the Community Development Director reserves the right to adjust award recommendations by ten percent with the remaining, unobligated fund balance at any time during the funding cycle.

Complete, single applications will be due in our office on or before **5:00 PM, Friday, October 31, 2014**. LWCF application forms are available for download from the West Virginia Development Office website, [www.wvcommerce.org](http://www.wvcommerce.org) under the "People and Places" link. National Park Service (NPS) Environmental Assessment forms, citizen's participation details and other application material can be found there as well in fillable PDF format. All projects must be justified according to funding priorities contained in the West Virginia Statewide Comprehensive Outdoor Recreation Plan (WV-SCORP). Projects which encourage healthy lifestyles and/or community or environmental revitalization will be considered funding priorities. Phased projects are encouraged, however each phase needs to result in a "stand-alone" improvement not dependent on subsequent funding for completion.

Besides funding priorities, our Open Project Selection Process (OPSP) evaluates projects according to a number of criteria including the following: originality with respect to concept and use of other resources; the applicant's park history including any deferred maintenance; any parkland conversion issues; any lack of progress with prior or current construction; any competition of the project proposal with the private sector; the project sponsor's handicapped access compliance; and the merits of the project's design as it relates to its completeness, quality, and readiness to be bid. Major application errors and omissions include: lack of detailed budgets, lack of plans, lack of documented match, lack of SHPO or other environmental clearance, lack of UASFLA-qualified appraisal on land acquisition projects, land acquisition without development, and/or a missing narrative for project description or justification.

Trial applications are encouraged prior to the October due date to allow the state staff to advise and recommend any changes or additions necessary to have a complete application. We strongly recommend prior contact with either Jim Marshall or John McGarrity of our staff at 304-558-2234 or by e-mail to [james.s.marshall@wv.gov](mailto:james.s.marshall@wv.gov) or [john.r.mcgarrity@wv.gov](mailto:john.r.mcgarrity@wv.gov). Early contact helps establish the eligibility of the project sponsor, project, and site as well as any major details for a potential grant application. Please call our office should you have any questions about our LWCF program or this information.



600 Hays Avenue  
Staunton, VA 24401

August 18, 2014

Mr. Tim Boyde  
Jefferson County Administrator  
Jefferson County  
124 East Washington Street  
Charlestown, WV 25414

Dear Mr. Boyde:

Comcast would like to advise you on 10/24/2014, the customer service center located at 302 N Mildred St, Ranson, WV 25438 will be closing.

Customers will be receiving notice of this change via the attached bill message.

Please do not hesitate to contact me at (540) 974-5123 with any questions you may have.

Sincerely,

A handwritten signature in cursive script that reads "Paul Comes".

Paul Comes  
Director of Government & Regulatory Affairs

cc: Donna Rattley Washington, Beltway Division Vice President of Government Affairs

Bill Message:

IMPORTANT INFORMATION: On 10/24/2014, the customer service center located at 302 N Mildred St, Ranson, WV 25438 will be closing. Payments, equipment exchanges and other transactions can be made at our Martinsburg Service Center located at 110 Terrace Street, Martinsburg, WV 25404. Hours of operation are Mon-Thurs 8:30 am to 5:00 pm, Fri 9:00 am to 5:30 pm. Closed Sat and Sun. Payments can also be made online at [www.comcast.com/myaccount](http://www.comcast.com/myaccount), by mail to the address listed on your bill payment stub, by phone at 1-800-XFINITY, and by Western Union.



## JHS Football Boosters

### 2014 SEASON SPONSORSHIP OPPORTUNITIES

#### **We need your help to support the JHS Cougar Football Team!**

Excitement is building as we enter the 2014 Football Season, and we're asking you to support the Jefferson High Cougars with a 2014 Season Sponsorship. The JHS Football Boosters strive to support our team in every way possible, and with your investment, we can make this our best year ever. Funds raised from these sponsorships provide JHS Football with much needed equipment, pre-game meals, seven-on-seven camps and other player benefits. Please help us make this a memorable, favorable season for our Jefferson High Cougars.

#### Gold Sponsor - \$600

- Logo on all Booster email and mail communications
- Logo on Booster Facebook page
- Banner at Cougar Field
- Announcement at each home game
- Framed team photo of recognition

**GO JHS!**

#### Maroon Sponsor - \$400

- Name on all Booster email and mail communications
- Recognition on Booster Facebook page
- Banner at Cougar Field
- Announcement at each home game
- Framed team photo of recognition

#### Banner Sponsor - \$200

- Banner at Cougar Field
- Name on all Booster email and mail communications

#### Supporter Sponsor - \$100

- Name on all Booster email and mail communications

All sponsors will also be recognized at a home game (TBD) during the 2014 season with a special ceremony on the field. Any level of support will be greatly appreciated. Thank you for your consideration.

**For more information or to secure a sponsorship, please contact Jae Anderson at 703-656-5190 or via email [jae@cnrlight.com](mailto:jae@cnrlight.com).**



# JHS Football Boosters 2014 Season Sponsorship Form

Company: \_\_\_\_\_

Individual Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ Email: \_\_\_\_\_

Sponsorship Level (circle):

Gold (\$600) Maroon (\$400) Banner (\$200) Supporter (\$100) Other (\$\_\_\_\_)

Please mail checks payable to:

**JEFFERSON HIGH SCHOOL FOOTBALL BOOSTERS**  
48 Foxcroft Circle  
Ranson, WV 25438

For Gold and Banner Sponsors, please email a high resolution logo to  
Jae Anderson at [jae@cnrlight.com](mailto:jae@cnrlight.com) (if we don't have your logo from 2013).

**Thank You For Your Support!**

### 2013 GOLD SPONSORS



### 2013 MAROON SPONSORS

AAAA Ranson Self Storage – Glory Days Grill – Jefferson Utilities – United Bank – WVU University Healthcare Physicians

### 2013 BANNER SPONSORS

Accurate Systems - All Star Limousine - Alta Vista Farm - Ameritech Tire & Auto - Bavarian Inn – BCT – Bright Start Learning Center  
Center for Orthopedic Excellence - CNR Lighting LLC - DL Lewis Construction Co Inc. - Grace Baptist Church - Guy's Buick  
Hoxton Financial - Kable Team Realty - Nibert Auctioneer - RMS Document Shredding - Roc's/Roach Energy - Sheriff Peter Dougherty  
Skinner Law Firm - Sokel Skin Care & Makeup - The Locker Room - Tristate Veterinary Associates PLLC - Two Rivers Treads  
University Healthcare Jefferson Medical Center - Vital Signs - ViVo Hair Salon & Day Spa

James G. Gibson  
201 Needwood Farm Lane  
Harpers Ferry, West Virginia 25425

July 28, 2014

***RE: Comments on Comprehensive Plan to the Planning Commission***

The Steering Committee was a public group that spent a lot of time and effort condensing information for the Planning Commission and County Commission. Shareholder and public comment times were generously provided.

1. The Steering Committee was never told nor did they believe they were taking the place of the PC. If the Steering Committee knew that, I do not think they would have turned it over to the PC at this point.
2. The Steering Committee was a good clearinghouse that got a lot of the legwork out of the way for the PC and the CC. However, legal vetting, policy and political direction are now the next steps and should be done by the PC and CC.
3. There is no deadline based on the way the State Code is written. Otherwise, the current plan technically expired in June, 2014. Therefore, there is no need to have the plan completed by December 2014.
4. One of the only non-ministerial duties that the PC has is the preparation and approval of the Comp Plan. Everything else that they do is ministerial. Why should the PC rush their only significantly meaningful duty?
5. The 2004 comprehensive plan only had about 50 recommendations (and subparts of recommendations) and no land use map, yet the CC took over 6 months to review the PC's approved version. With no deadline, the PC and CC should now slow down and review the document carefully.
6. This proposed Plan has hundreds (over 500) of recommendations (and subparts of recommendations). This is way too ambitious and includes many things that don't even belong in a comprehensive plan (i.e. CC terms should be 4 years instead of 6 years). Many can be removed simply based on: no jurisdiction, illegal or unconstitutional. Every previous commission that worked on a Comp Plan took the time to remove the recommendations that just don't belong in the plan.
7. The County Commission needs to look at the practicality of the Plan from a budgetary standpoint. This is required by State code 8A-3-4b parts 2, 3, and 4.
8. Through the budget process, the CC has the best idea of how much money the County has available and how the people of the County want it spent.

***RE: Comments on Comprehensive Plan to the Planning Commission (pg. 2)***

In my opinion:

1. The Jefferson County's Preferred Growth Area should also include entire UGBs otherwise the towns will be controlling the growth;
2. The Preferred Growth Area should at least be the entire 340 Growth Area as shown in old (2004) Comp Plan;
3. The Plan should clearly state that CUPs and LESA are eliminated for residential subdivisions in the large, rural area, since CUPs and LESA will only be allowed for nonresidential growth in rural areas. Farmers supported the 1988 Zoning Ordinance because of the option for CUPs;
4. The change of cluster density in rural district to 1 lot for every 5 acres requires that 50% of the land should remain in agricultural uses. It should say agricultural uses or open space or forest/woods, etc. That is typical for clusters in a rural district;
5. The Plan should allow for other densities (suburban) than just Urban Level and Rural;
6. The options for Design Standards, Pages 48-53 should be listed as incentives rather than requirements. The extraordinary amount of recommended Design Standards is one of the reasons that the 2008 Zoning Ordinance was rejected by the public; and,
7. The Plan should expressly recommend the continued use of parent to child and child to parent transfers and the 2 lots every 5 years provision in the rural area (regardless of size of parent parcel). These are very important to the public.

The Planning Commission and County Commission should also note that the proposed plan:

1. Does not seem to allow the commission to entertain rezonings outside of the UGBs. The code allows the Commission to make findings to permit rezonings and they shouldn't be limited by the Comprehensive Plan;
2. Limits Rezonings: Page 30, recommendations 2a, b, and c. limit the CC authority to grant rezonings as permitted and authorized in the State Code;
3. Prohibits the mixed use and residential growth districts from being requested for rezonings. Again, that should be up to the County Commission as the legislative body charged with map amendments;
4. States that the 340 East Study was implemented (page 9). Although the study was completed by the Planning Commission, it was never adopted or implemented by the County Commission;
5. Limits the growth on 340 S (W) to the area between the old and new alignment instead of both sides of the new highway. The complete area around the new road should be planned for growth;
6. Includes a vacant lot inventory on page 56 that should only include recorded lots, not lots that are in the 'pipeline'. This is not a good reflection of available lots;
7. Has many recommendations that aren't even legal or authorized by state code (such as two tiered impact fees). Both Commissions and Legal Staff should eliminate these recommendations before adopting the Plan;
8. Includes many recommendations that are economically impossible, impractical or infeasible. Again, these should be eliminated to make the plan more credible;
9. States that the County should 'Establish' TDRs instead of 'Study' the possibility of TDRs. The County and a committee have already determined that TDRs aren't the best tool available. The plan should limit the use of 'shall' and 'should';

*RE: Comments on Comprehensive Plan to the Planning Commission (pg. 3)*

10. Recommends that the Zoning Ordinance should recognize 4 levels of historical structures and various protection requirements. This is not practical and was not accepted by the public in the failed 2008 Zoning Ordinance; and,
11. The proposed plan essentially eliminates 'suburban' residential development. It jumps from 'Urban Level' to Rural without much transition. There should be other level of housing densities discussed.

In summary, I would suggest:

1. That the County Commission publicly state that there is no deadline.
2. Have Legal Staff review the Plan for consistency to State Code 8A-3-4.
3. Remove any sections that just don't belong in the Comprehensive Plan. Eliminate provisions which are economically or politically unattainable.
4. The County Commission should leave to itself the task of prioritizing the "to do" recommendation list (maybe each year from a list of 5) as you are doing this year.
5. To prevent confusion the Planning staff should not start any projects without a written directive from the County Commission or the Planning Commission.

Sincerely,

James G.Gibson  
Member-at-large – Comprehensive Plan Steering Committee

Cc: Jefferson County Planning Staff  
Jefferson County Commissioners  
Jefferson County Planning Commission  
Steve Stolipher, President Jefferson PC

## Jessica Carroll

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**From:** Kathleen Knudsen [knudsen104@gmail.com]  
**Sent:** Wednesday, August 06, 2014 4:46 PM  
**To:** webmaster@jeffersoncountywv.org; cschott@jeffersoncountywv.org;  
sandy@jeffersoncountywv.org; chernandez@jeffersoncountywv.org  
**Subject:** Contact Form Submission

Your submission:

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Your Name: Kathleen Knudsen

Your Email Address: [knudsen104@gmail.com](mailto:knudsen104@gmail.com)

Message: I recently bought a house in Charles Town on South Church Street. Much to my distress I have discovered that there is a problem around my house with feral cats. My yard constantly smells like a litter box. I come home and find sometimes 3 or more cats laying on my porch. My poor dog got sick from ingesting cat poop. It was infected with Giardia. Over a hundred plus dollars later and a very sick dog, he recovered. Add to that my allergies to the cats and asthma, not a good combination.

My question is why there are no ordinances or laws regarding cats? Dogs are required to be leashed, vaccinated and licensed. Even pet rabbits are not allowed to roam at large. So why are cats not regulated? They carry disease. Cat bites can be extremely painful and more often than not required massive amounts of antibiotics.

I strongly suggest that the commission think about cats in the same manner as they do dogs. Animal Control recognizes that Charles Town has a problem.

People I have talked to about my situation also acknowledged that cats are a problem in Charles Town.

If this is ignored, the colonies only get larger and the problem bigger.

It's obvious that my neighborhood has a feral cat problem. Unfortunately, I wish I had known that before I bought the house. Now I have to go through the time and expense to try to humanely discourage these disease carrying cats from thinking my home is their home. It is expensive to use eco-friendly methods. Not to mention, I have had to remove my dog until I am sure, he is safe.

**Jessica Carroll**

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**From:** Virginia M Campbell [ginnycake@frontier.com]  
**Sent:** Wednesday, August 20, 2014 3:27 PM  
**To:** webmaster@jeffersoncountywv.org; cschott@jeffersoncountywv.org;  
sandy@jeffersoncountywv.org; chernandez@jeffersoncountywv.org  
**Subject:** Fee for ambulance service.

## Your submission:

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**Your Name:** Virginia M Campbell

**Your Email Address:** [ginnycake@frontier.com](mailto:ginnycake@frontier.com)

**Subject:** Fee for ambulance service.

**Message:** I just found out last night about the ambulance fee that will be sent out in the mail this month. Dont Residents have the right to vote on these ideas or are they just ordered by you Commissioners. Should not they be put on the voting ballot and elected for by the people. I know since I am an Homestead Exemption it will be half of the price which should be 20.00. But being a widow and on limited income I do have to watch my spending. I am paying for insurance plus medicare and that covers me for ambulance service. Also is that why the accessor showed up at my door one day to check my house out.? Surely I hope that does not increase my taxes for next year. Majority of the residents will not know about this until the bill gets in their mail box this month. As most of us are seniors and do not get a paper and a lot of them do not have computers. I know I sound a disrupt but it irritates me when as a senior and on limited income bills just keep popping up and you know nothing about the one as this one. Maybe I am mis- interrupting this; if I am please advise me.

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

Week Ending Date	FY15 August 2, 2014
To be Deposited on:	August 8, 2014
Amount Played	63,702,038.16
Amount Won	57,354,685.01
Amount Promo	242,513.00
MWAP Contribution	<u>3,532.36</u>
Adjusted Gross Terminal Revenue	<u>6,101,307.79</u>
Administrative Costs @ 4%	244,052.31
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,857,255.48</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	<u>0.00</u>
Track Share of Capital Reinvestment @ 42% - 96%	0.00
Track Share of Capital Reinvestment @ 42% - 4%	0.00
Adjusted Net Terminal Revenue	<u>5,857,255.48</u>
Racetrack @ 46.50% / 42%	2,723,623.80
Lottery Fund @ 30% / 0%	1,757,176.62
Excess Lottery Fund @ 0% / 41%	0.00
Excess Lottery Fund @ 12.85% / 9.55%	752,657.34
Race Track Purses @ 7% / 4%	369,007.10
Workers' Compensation Debt Reduction @ 7% / 4%	0.00
Employee Pension Fund @ 1% / .5%	58,572.56
Greyhound Development @ .75%	39,536.47
Thoroughbred Development @ .75%	39,536.47
Racing Commission @ 1%	0.00
County/Municipality @ 2%	117,145.12
3% Funds:	
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
1% Funds:	
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>
	<u>5,857,255.48</u>

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 ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
5 days ending: 07/05/14	\$ 106,819.12	\$ 106,819.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/12/14	\$ 111,792.16	\$ 111,792.16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/19/14	\$ 116,320.32	\$ 116,320.32	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/28/14	\$ 112,502.48	\$ 112,502.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/02/14	\$ 117,145.12	\$ 117,145.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
<b>Subtotal</b>	<b>\$ 564,579.20</b>	<b>\$ 564,579.20</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>	<b>\$ -</b>

Benchmark Goal @ 2%           \$   912,063.48

Remainder until 1% / 1% Split   \$   347,484.28

VIDEO LOTTERY REPORT

FY 2011			FY 2012			FY 2013			FY 2014			FY 2015		
Date	Amount	Date	Amount	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	7/26/2014	112,502.48					
7/31/2010	157,802.08	7/30/2011	144,510.28	8/4/2012	132,931.16	8/3/2013	116,180.80	8/2/2014	117,145.12					
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 3,261,565.02 564,579.20

**Table Game Revenue**

Date	Amount	Date	Amount	Date	Amount	Date	Amount
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**

<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>
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>

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

<b>Week Ending Date</b>	<b>August 9, 2014</b>
To be Deposited on:	August 15, 2014
Amount Played	60,108,145.04
Amount Won	53,916,246.30
Amount Promo	231,465.00
MWAP Contribution	<u>3,423.90</u>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>5,957,009.84</u></b>
Administrative Costs @ 4%	238,280.39
Excess Lottery Fund @ 4%	<u>0.00</u>
<b>Net Terminal Revenue</b>	<b><u>5,718,729.45</u></b>
Surcharge @ 10%	0.00
State Share Excess @ 58% & 10% of 42%	0.00
Track Share of Capital Reinvestment @ 90% of 42%	<u>0.00</u>
<i>Track Share of Capital Reinvestment @ 96%</i>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 4%</i>	<i>0.00</i>
<b>Adjusted Net Terminal Revenue</b>	<b><u>5,718,729.45</u></b>
Racetrack @ 46.50% / 42%	2,659,209.19
Lottery Fund @ 30% / 0%	1,715,618.81
Excess Lottery Fund @ 0% / 41%	0.00
Excess Lottery Fund @ 12.85% / 9.55%	734,856.75
Race Track Purses @ 90% of 7% / 4%	360,279.96
Employee Pension Fund @ 1% / .5%	57,187.30
Greyhound Development @ 90% of .75%	38,601.42
Thoroughbred Development @ 90% of .75%	38,601.42
County/Municipality @ 2%	<u>114,374.60</u>
	<b><u>5,718,729.45</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 ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR	CHARLES	HARPERS	RANSON	SHEPHERDS
				7.93%	TOWN 39.90%	FERRY 2.17%	33.68%	TOWN 16.32%
5 days ending: 07/05/14	\$ 106,819.12	\$ 106,819.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/12/14	\$ 111,792.16	\$ 111,792.16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/19/14	\$ 116,320.32	\$ 116,320.32	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/26/14	\$ 112,502.48	\$ 112,502.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/02/14	\$ 117,145.12	\$ 117,145.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/09/14	\$ 114,374.60	\$ 114,374.60	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 678,953.80	\$ 678,953.80	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Benchmark Goal @ 2% \$ 912,063.48  
 Remainder until 1% / 1% Split \$ 233,109.68

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		7/26/2014	112,502.48	
7/31/2010	157,802.08		7/30/2011	144,510.28		8/4/2012	132,931.16		8/3/2013	116,180.80		8/2/2014	117,145.12	
8/7/2010	136,494.98		8/6/2011	151,495.28		8/11/2012	134,212.88		8/10/2013	120,078.64		8/9/2014	114,374.60	
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      678,953.80

**Table Game Revenue**

Date	Amount	Date	Amount	Date	Amount	Date	Amount
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>

Date	Amount
July, 2014	78,639.07

<b>Total 2014-2015</b>	<b>78,639.07</b>
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**Table Game Revenue Distribution - Jefferson County School Board**

<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, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08	July, 2014	235,917.21
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>	<b>Total 2014-2015</b>	<b>235,917.21</b>

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

<b>Week Ending Date</b>	<b>August 16, 2014</b>
<b>To be Deposited on:</b>	<b>August 22, 2014</b>
<b>Amount Played</b>	<b>58,578,086.40</b>
<b>Amount Won</b>	<b>52,402,586.27</b>
<b>Amount Promo</b>	<b>229,158.00</b>
<b>MWAP Contribution</b>	<b><u>3,356.04</u></b>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>5,942,986.09</u></b>
<b>Administrative Costs @ 4%</b>	<b>237,719.45</b>
<b>Excess Lottery Fund @ 4%</b>	<b><u>0.00</u></b>
<b>Net Terminal Revenue</b>	<b><u>5,705,266.64</u></b>
<b>Surcharge @ 10%</b>	<b>0.00</b>
<b>State Share Excess @ 58% &amp; 10% of 42%</b>	<b>0.00</b>
<b>Track Share of Capital Reinvestment @ 90% of 42%</b>	<b><u>0.00</u></b>
<i>Track Share of Capital Reinvestment @ 96%</i>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 4%</i>	<i>0.00</i>
<b>Adjusted Net Terminal Revenue</b>	<b><u>5,705,266.64</u></b>
<b>Racetrack @ 46.50% / 42%</b>	<b>2,652,948.99</b>
<b>Lottery Fund @ 30% / 0%</b>	<b>1,711,580.03</b>
<b>Excess Lottery Fund @ 0% / 41%</b>	<b>0.00</b>
<b>Excess Lottery Fund @ 12.85% / 9.55%</b>	<b>733,126.74</b>
<b>Race Track Purses @ 90% of 7% / 4%</b>	<b>359,431.80</b>
<b>Employee Pension Fund @ 1% / .5%</b>	<b>57,052.66</b>
<b>Greyhound Development @ 90% of .75%</b>	<b>38,510.55</b>
<b>Thoroughbred Development @ 90% of .75%</b>	<b>38,510.55</b>
<b>County/Municipality @ 2%</b>	<b><u>114,105.32</u></b>
	<b><u>5,705,266.64</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 ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
5 days ending: 07/05/14	\$ 106,819.12	\$ 106,819.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending: 07/12/14	\$ 111,792.16	\$ 111,792.16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/19/14	\$ 116,320.32	\$ 116,320.32	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/26/14	\$ 112,502.48	\$ 112,502.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/02/14	\$ 117,145.12	\$ 117,145.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/09/14	\$ 114,374.60	\$ 114,374.60	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/16/14	\$ 114,105.32	\$ 114,105.32	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 793,059.12	\$ 793,059.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Benchmark Goal @ 2%         \$   912,063.48  
 Remainder until 1% / 1% Split   \$   119,004.36

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		7/26/2014	112,502.48	
7/31/2010	157,802.08		7/30/2011	144,510.28		8/4/2012	132,931.16		8/3/2013	116,180.80		8/2/2014	117,145.12	
8/7/2010	136,494.98		8/6/2011	151,495.28		8/11/2012	134,212.88		8/10/2013	120,078.64		8/9/2014	114,374.60	
8/14/2010	78,376.68		8/13/2011	117,350.38		8/18/2012	110,241.90		8/17/2013	124,888.56		8/16/2014	114,105.32	
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
<b>TOTALS 4,016,541.01</b>		<b>4,124,906.80</b>		<b>3,580,645.18</b>		<b>3,261,565.02</b>	
							<b>793,059.12</b>

**Table Game Revenue**

Date	Amount	Date	Amount	Date	Amount	Date	Amount
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>

Date	Amount
July, 2014	78,639.07

<b>Total 2014-2015</b>	<b>78,639.07</b>
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**Table Game Revenue Distribution - Jefferson County School Board**

<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, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08	July, 2014	235,917.21
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>	<b>Total 2014-2015</b>	<b>235,917.21</b>