

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, OCTOBER 2, 2014
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- September 11, 2014 - Special Session
- September 18, 2014 - Regular Meeting

APPROVAL OF PURCHASE ORDERS

- October 2, 2014

APPROVAL OF ACCOUNTS PAYABLE

- September 25, 2014
- October 2, 2014

PAYROLL APPROVAL

- September 25, 2014

ANNOUNCEMENTS

- *Report if there are changes in the agenda, if applicable*

PUBLIC COMMENT

PRESENTATIONS

1. 9:45 a.m. Angie Banks, Assessor
- Exonerations - Discussion/Action

2. 10:00 a.m. Pete Dougherty, Sheriff
- Additions to the Approved Bailiff List - Discussion/Action
- Presentation of Designating Animal Control Offices as Humane Officers -
Discussion/Action

3. 10:15 a.m. Jennifer Maghan, County Clerk
- Approval to hire replacement of Deputy Clerk at Grade II, Step A-C - Discussion/Action
4. 10:30 a.m. Jason Poffenberger, Citizen
- Refund request for building permit fees in the amount of \$95.76 - Discussion/Action
5. 10:45 a.m. **BREAK**
6. 11:00 a.m. Bill Polk, Maintenance Director
- Approval of the 12th Cycle Courthouse Improvement Grant application through the Courthouse Facilities Improvement Authority - Discussion/Action
7. 11:15 a.m. Tim Stanton, Finance Director
- Review of August 2014 YTD Budget to Actual - Discussion/Action
- Approval of FY15 Budget Transfer - Discussion/Action
- Discussion of JCESA mortgage payment - Discussion/Action
- Review of unaudited FY14 Financial Statements with Sally Gran of the County Clerk's Office and Jennifer Maghan, County Clerk - Discussion/Action
8. 11:50 a.m. Elizabeth Wheeler, Jefferson County Farmland Protection Board President
- Approval of the updated Farmland Protection Board Program and Program Program Appendix - Discussion/Action
9. 12:05 p.m. Tim Stanton, Finance Director and Bill Polk, Maintenance Director
- Discussion of building/space contract negotiations - Possible Executive Session - §6-9A-4 - Discussion/Action
10. 12:30 p.m. **Break for Lunch**

NEW BUSINESS

11. Adoption of Proclamation of Breast Cancer Awareness Month - Discussion/Action (PN)
12. Acknowledgment of the appointment of Margaret Walker, Director of the Eastern Panhandle Safe Community Program, to the Jefferson County Community Criminal Justice Board as a Victim Advocate - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Ambulance Fee Update
- Ethics/Robert's Rules of Order Training

COUNTY COMMISSION REPORTS

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

13. 1:30 p.m. Jennifer Brockman, Director of Planning and Zoning  
- Envision Jefferson 2035 Comprehensive Plan - Status Update of 2014  
Comprehensive Plan effort and discussion of next steps - Discussion/Action

14. 2:00 p.m. **ADJOURN**

**DEPARTMENTS, BOARDS, COMMISSIONS, AND AGENCIES WRITTEN REPORTS**

- Jefferson County GIS/Addressing Department Quarterly Written Report

**CORRESPONDENCE/INFORMATION**

"Meet Your Commissioners" Notice for October 2, 2014.

Animal Control Open House Notice for October 26, 2014.

Initial Study Report and Notice of Initial Study Report Meeting on the Millville Hydroelectric Project.

Letter from Gil Narro Garcia, resident, regarding the deletion of references to "view shed" from the Comprehensive Plan.

Letter from Todd Metzgar, resident, regarding the Ambulance Service Fee.,

Letter from Christy Mickles, resident, regarding the Ambulance Service Fee.

Letter from Elliot Kirschbaum, resident, regarding the Ambulance Service Fee.

E-mail from Mike and Barbara Milleson, residents, regarding the proposed All Good Music Festival and Camp-out.

E-mail from Matthew and Amanda Glover, residents, regarding the proposed All Good Music Festival and Camp-out.

E-mail from David and Connie Adkins, residents, regarding the proposed All Good Music Festival and Camp-out.

Letter from Thomas and Jan Loy, residents, regarding the proposed All Good Music Festival and Camp-out.

Letter from Sid White, resident, regarding the local outbreak of cankerworm caterpillars.

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

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

**SPECIAL SESSION:**

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

At a Special Session of the County Commission of said County and State continued and held at County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414 on September 11, 2014 at 11:00 am (An audio file of the September 11, 2014 meeting is available through the Jefferson County Commission Office.)

**PRESENT:** Walt Pellish, President  
Jane Tabb, Vice President  
Dale Manuel, Commissioner  
Patsy Noland, Commissioner  
Lyn Widmyer, Commissioner  
Debbie Keyser, County Administrator  
Stephanie Grove, Assistant Prosecuting Attorney  
Steve Groh, Assistant Prosecuting Attorney  
Jessica Carroll, Administrative Assistant

**RE: Discussion of the Proposed Bonding Ordinance for Large Events**

Commissioner Pellish called the meeting to order at 11:00 am and Commissioner Manuel led the Pledge of Allegiance.

**Public Comment**

Bob Aitcheson, resident – spoke in favor of the Bonding Ordinance, stating the County needs to protect itself from potential unexpected costs for hosting mass events.

Mark Dyck, resident – stated he welcomed any questions the Commission may have regarding the All Good Festival, and also stated that the applicants have spoken directly with the Sheriff on the issue of bonding for their event.

1. Proposed Bonding Ordinance for Large Events.

Ms. Grove, Assistant Prosecuting Attorney, informed the Commission they have no general authority to enact a bonding ordinance, as the Commission's authority to bond is attached to the County's land use statutes and infrastructure requirements found in §8-A.

2. Update regarding the Planning Commission's recommendation on the Mass Gathering Ordinance

Commissioner Manuel stated the Planning Commission had voted to recommend the County Commission pass the Zoning Ordinance Text Amendment related to Mass Gatherings/Events. Ms. Grove stated the next step was for the County Commission to schedule a public hearing on the Zoning Ordinance Text Amendment related to Mass Gatherings/Events (ZTA-14-02).

- **Motion by Mr. Manuel to schedule a public hearing for the Zoning Ordinance Text Amendment related to Mass Gatherings/Events (ZTA-14-02) on Wednesday, October 1, 2014 at 7:00 p.m. Motion seconded and unanimously approved.**

Ms. Keyser stated she had completed the "Frequently Asked Questions" document pertaining to the Ambulance Service Fee in order to address some of the common concerns of the public. It was the consensus of the Commission to publish this document on the County website and send it to the subscribers of the County e-mail alerts system.

The meeting was adjourned at 11:37 a.m. on a motion by Ms. Noland. Motion was seconded and approved unanimously.

---

WALT PELLISH, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Executive Administrative Assistant

## Minutes

### Jefferson County Commission

Thursday, September 18, 2014

---

A meeting of the Jefferson County Commission was held on Thursday, August 28, 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 Patsy Noland, Walt Pellish, Jane Tabb, and Lyn Widmyer. Commissioner Dale Manuel was absent with prior notice. Also present were Debbie Keyser, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddy, Bailiff. (An audio file of the Thursday, September 18, 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 Ms. Noland to approve the minutes for the August 28, 2014 Regular Meeting as presented. Motion seconded and unanimously approved.**

**Motion by Ms. Tabb to approve the minutes for the September 4, 2014 Regular Meeting as presented. Motion seconded and unanimously approved.**

#### PAYROLL APPROVAL

**Motion by Ms. Widmyer to approve the Payroll for September 11, 2014 in the amount of \$240,178.45. Motion seconded and unanimously approved.**

#### APPROVAL OF ACCOUNTS PAYABLE

| CHKNO  | DEPT | VENDOR                | PONUM | POAMT | NOAMT       | CHECK AMOUNT |
|--------|------|-----------------------|-------|-------|-------------|--------------|
| 072917 | 428  | ACCURATE SYSTEMS INC  |       | \$ -  | \$ 4,000.00 | \$ 4,000.00  |
| 072918 | 424  | ALLIANCE ELECTRIC LLC |       | \$ -  | \$ 1,170.00 | \$ 1,170.00  |
| 072919 | 406  | ANGELA L BANKS        |       | \$ -  | \$ 75.80    | \$ 75.80     |

|        |         |                          |       |           |              |              |
|--------|---------|--------------------------|-------|-----------|--------------|--------------|
| 072920 | 425     | B-K OFFICE SUPPLY INC    |       | \$ -      | \$ 1,771.34  | \$ 1,771.34  |
| 072921 | PAYROLL | BUREAU F/CHILD SUPPORT   |       | \$ -      | \$ 49.85     | \$ 49.85     |
| 072922 | PAYROLL | BUREAU F/CHILD SPRT ENF  |       | \$ -      | \$ 212.31    | \$ 212.31    |
| 072923 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -      | \$ 461.54    | \$ 461.54    |
| 072924 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -      | \$ 119.54    | \$ 119.54    |
| 072925 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -      | \$ 530.77    | \$ 530.77    |
| 072926 | 413     | CASTO & HARRIS INC       |       | \$ -      | \$ 802.12    | \$ 802.12    |
| 072927 | 424     | CHARLES TOWN UTILITIES   |       | \$ -      | \$ 52.60     | \$ 52.60     |
| 072927 | 425     | CHARLES TOWN UTILITIES   |       | \$ -      | \$ 928.14    | \$ 928.14    |
| 072928 | 428     | CDW-GOVERNMENT LLC       |       | \$ -      | \$ 217.64    | \$ 217.64    |
| 072929 | PAYROLL | CHILD SUPPORT ENFORCE AG |       | \$ -      | \$ 27.69     | \$ 27.69     |
| 072930 | 425     | COVENANT BUILDING MAINT  |       | \$ -      | \$ 6,478.58  | \$ 6,478.58  |
| 072931 | 425     | DAYCON                   |       | \$ -      | \$ 1,501.17  | \$ 1,501.17  |
| 072932 | PAYROLL | DIVERSIFIED COLLECTION   |       | \$ -      | \$ 154.83    | \$ 154.83    |
| 072933 | 424     | J.C.EHRLICH              |       | \$ -      | \$ 30.00     | \$ 30.00     |
| 072933 | 425     | J.C.EHRLICH              |       | \$ -      | \$ 585.49    | \$ 585.49    |
| 072934 | ALLOC   | FRIENDSHIP FIRE COMPANY  |       | \$ -      | \$ 10,000.00 | \$ 10,000.00 |
| 072935 | 717     | GUY'S BUICK-GMC TRUCK IN |       | \$ -      | \$ 125.00    | \$ 125.00    |
| 072936 | 402     | SALLY GRAN               |       | \$ -      | \$ 15.00     | \$ 15.00     |
| 072937 | ALLOC   | INDEPENDENT FIRE COMPANY |       | \$ -      | \$ 10,000.00 | \$ 10,000.00 |
| 072938 | 401     | RICOH USA, INC           |       | \$ -      | \$ 29.06     | \$ 29.06     |
| 072938 | 403     | RICOH USA, INC           |       | \$ -      | \$ 58.14     | \$ 58.14     |
| 072938 | 404     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072938 | 405     | RICOH USA, INC           |       | \$ -      | \$ 87.21     | \$ 87.21     |
| 072938 | 406     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072938 | 425     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072938 | 433     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072938 | 440     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072938 | 700     | RICOH USA, INC           |       | \$ -      | \$ 58.14     | \$ 58.14     |
| 072938 | 712     | RICOH USA, INC           |       | \$ -      | \$ 29.07     | \$ 29.07     |
| 072939 | PAYROLL | VOYA FINANCIAL           |       | \$ -      | \$ 3,040.00  | \$ 3,040.00  |
| 072940 | 425     | JEFFERSON UTILITIES INC  |       | \$ -      | \$ 559.76    | \$ 559.76    |
| 072941 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -      | \$ 5,348.00  | \$ 5,348.00  |
| 072942 | 440     | HAINES KIMBLE            |       | \$ -      | \$ 97.00     | \$ 97.00     |
| 072943 | 401     | LEWIS CO CIRCUIT CLERK   |       | \$ -      | \$ 46.21     | \$ 46.21     |
| 072944 | 433     | LYLE SIGNS, INC.         | 51386 | \$ 984.00 | \$ -         | \$ 984.00    |
| 072944 | 433     | LYLE SIGNS, INC.         |       | \$ -      | \$ 336.00    | \$ 336.00    |
| 072944 | 433     | LYLE SIGNS, INC.         |       | \$ -      | \$ 22.01     | \$ 22.01     |
| 072945 | PAYROLL | HELEN M. MORRIS, TRUSTEE |       | \$ -      | \$ 150.00    | \$ 150.00    |
| 072946 | PAYROLL | NATIONWIDE RETIREMENT    |       | \$ -      | \$ 749.00    | \$ 749.00    |

|              |         |                          |       |             |               |               |
|--------------|---------|--------------------------|-------|-------------|---------------|---------------|
| 072947       | 712     | NAEMD/IAEMD              |       | \$ -        | \$ 80.00      | \$ 80.00      |
| 072948       | 406     | THE OBSERVER             |       | \$ -        | \$ 130.00     | \$ 130.00     |
| 072949       | 424     | PATRIOT FIRE AND SECURIT |       | \$ -        | \$ 170.00     | \$ 170.00     |
| 072949       | 425     | PATRIOT FIRE AND SECURIT |       | \$ -        | \$ 170.00     | \$ 170.00     |
| 072950       | 424     | POTOMAC EDISON/OH        |       | \$ -        | \$ 2,400.15   | \$ 2,400.15   |
| 072950       | 425     | POTOMAC EDISON/OH        |       | \$ -        | \$ 12,273.99  | \$ 12,273.99  |
| 072950       | 425     | POTOMAC EDISON/OH        |       | \$ -        | \$ 3,045.66   | \$ 3,045.66   |
| 072951       | 402     | RECORD MANAGEMENT SOLUTN | 52467 | \$ 35.00    | \$ -          | \$ 35.00      |
| 072951       | 403     | RECORD MANAGEMENT SOLUTN | 51476 | \$ 30.00    | \$ -          | \$ 30.00      |
| 072952       | ALLOC   | SHEPHERDSTOWN FIRE CO    |       | \$ -        | \$ 10,000.00  | \$ 10,000.00  |
| 072953       | 403     | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 771.10     | \$ 771.10     |
| 072953       | 403     | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 673.00     | \$ 673.00     |
| 072953       | 403     | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 122.00     | \$ 122.00     |
| 072953       | 424     | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 963.84     | \$ 963.84     |
| 072954       | 405     | SPECIALTY BUS SUPPLIES   | 52683 | \$ 993.18   | \$ -          | \$ 993.18     |
| 072955       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -        | \$ 10,377.26  | \$ 10,377.26  |
| 072955       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -        | \$ 44,371.86  | \$ 44,371.86  |
| 072955       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -        | \$ 43,088.13  | \$ 43,088.13  |
| 072956       | 401     | STAPLES CREDIT PLAN      |       | \$ -        | \$ 274.26     | \$ 274.26     |
| 072956       | 712     | STAPLES CREDIT PLAN      |       | \$ -        | \$ 6.35       | \$ 6.35       |
| 072957       | 425     | SHERWIN-WILLIAMS         |       | \$ -        | \$ 45.15      | \$ 45.15      |
| 072958       | 405     | BRANDON C.H. SIMS        |       | \$ -        | \$ 556.98     | \$ 556.98     |
| 072959       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -        | \$ 10,165.99  | \$ 10,165.99  |
| 072959       | PAYROLL | SHERIFF OF JEFFERSON CO  |       | \$ -        | \$ 1,465.50   | \$ 1,465.50   |
| 072960       | 717     | THOMASSEN AUTO GROUP     |       | \$ -        | \$ 123.63     | \$ 123.63     |
| 072960       | 717     | THOMASSEN AUTO GROUP     |       | \$ -        | \$ 137.73     | \$ 137.73     |
| 072961       | 424     | CAPITAL TRISTATE         |       | \$ -        | \$ 368.05     | \$ 368.05     |
| 072961       | 425     | CAPITAL TRISTATE         |       | \$ -        | \$ 907.78     | \$ 907.78     |
| 072962       | PAYROLL | UNICARE EAP              |       | \$ -        | \$ 322.20     | \$ 322.20     |
| 072963       | 425     | WM OF WEST VIRGINIA, INC |       | \$ -        | \$ 672.01     | \$ 672.01     |
| 072964       | PAYROLL | WVCORP                   |       | \$ -        | \$ 32,606.50  | \$ 32,606.50  |
| 072965       | 402     | XEROX CORPORATION        | 52468 | \$ 1,356.31 | \$ -          | \$ 1,356.31   |
| 072965       | 439     | XEROX CORPORATION        | 52329 | \$ 604.69   | \$ -          | \$ 604.69     |
|              |         |                          |       |             |               |               |
| <b>TOTAL</b> |         |                          |       |             |               | \$ 230,356.66 |
| <b>TOTAL</b> |         |                          |       | \$ 4,003.18 | \$ 226,353.48 | \$ 230,356.66 |

**Motion by Ms. Noland to approve the Accounts Payable for September 11, 2014 in the amount of \$230,356.66. Motion seconded and passes on a vote of 3-1 with Ms. Widmyer opposing.**

| CHCKNO | DEPT  | VENDOR                   | PONUM | POAMT       | NOAMT        | CHECK AMOUNT |
|--------|-------|--------------------------|-------|-------------|--------------|--------------|
| 072967 | 424   | AT&T/IL                  |       | \$ -        | \$ 0.53      | \$ 0.53      |
| 072968 | ALLOC | AHA/ART&HUMANITIES ALLNC |       | \$ -        | \$ 1,051.00  | \$ 1,051.00  |
| 072969 | 424   | BOLAND SERVICES          | 52629 | \$ 270.00   | \$ -         | \$ 270.00    |
| 072969 | 425   | BOLAND SERVICES          | 52367 | \$ 1,325.00 | \$ -         | \$ 1,325.00  |
| 072970 | 403   | COAST TO COAST COMPUTER  |       | \$ -        | \$ 464.00    | \$ 464.00    |
| 072971 | 425   | DEHAVEN BERKELEY SPRINGS |       | \$ -        | \$ 18.85     | \$ 18.85     |
| 072972 | 405   | FEDEX                    |       | \$ -        | \$ 38.76     | \$ 38.76     |
| 072973 | 717   | FISHER AUTO PARTS        |       | \$ -        | \$ 412.72    | \$ 412.72    |
| 072974 | 401   | GLOBAL SCIENCE & TECH    |       | \$ -        | \$ 5,000.00  | \$ 5,000.00  |
| 072975 | 404   | TERESA HENDRICKS         |       | \$ -        | \$ 36.01     | \$ 36.01     |
| 072976 | 425   | JEFF CO PUBLIC SER DEPT  |       | \$ -        | \$ 205.12    | \$ 205.12    |
| 072977 | ALLOC | JEFFERSON COUNTY HISTORI |       | \$ -        | \$ 1,556.27  | \$ 1,556.27  |
| 072978 | 717   | J & K PRECISION AUTO CAR |       | \$ -        | \$ 88.00     | \$ 88.00     |
| 072979 | 405   | MATTHEW BENDER & CO      |       | \$ -        | \$ 267.19    | \$ 267.19    |
| 072980 | 406   | N.A.D.A. APPRAISAL GUIDE |       | \$ -        | \$ 80.00     | \$ 80.00     |
| 072981 | ALLOC | JEFF CO PARKS &          |       | \$ -        | \$ 23,667.78 | \$ 23,667.78 |
| 072982 | 402   | PIFER OFFICE SUPPLY, INC |       | \$ -        | \$ 161.46    | \$ 161.46    |
| 072982 | 404   | PIFER OFFICE SUPPLY, INC |       | \$ -        | \$ 278.93    | \$ 278.93    |
| 072983 | 401   | RICOH USA, INC./GA       |       | \$ -        | \$ 252.73    | \$ 252.73    |
| 072983 | 403   | RICOH USA, INC./GA       |       | \$ -        | \$ 287.58    | \$ 287.58    |
| 072983 | 404   | RICOH USA, INC./GA       |       | \$ -        | \$ 123.90    | \$ 123.90    |
| 072983 | 405   | RICOH USA, INC./GA       |       | \$ -        | \$ 423.90    | \$ 423.90    |
| 072983 | 406   | RICOH USA, INC./GA       |       | \$ -        | \$ 123.90    | \$ 123.90    |
| 072983 | 425   | RICOH USA, INC./GA       |       | \$ -        | \$ 48.10     | \$ 48.10     |
| 072983 | 433   | RICOH USA, INC./GA       |       | \$ -        | \$ 197.41    | \$ 197.41    |
| 072983 | 440   | RICOH USA, INC./GA       |       | \$ -        | \$ 197.41    | \$ 197.41    |
| 072983 | 700   | RICOH USA, INC./GA       |       | \$ -        | \$ 295.90    | \$ 295.90    |
| 072983 | 712   | RICOH USA, INC./GA       |       | \$ -        | \$ 267.08    | \$ 267.08    |
| 072984 | 401   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 468.50    | \$ 468.50    |
| 072984 | 402   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 27.00     | \$ 27.00     |
| 072984 | 404   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 732.00    | \$ 732.00    |
| 072984 | 406   | SOFTWARE SYSTEMS, INC    |       | \$ -        | \$ 56.00     | \$ 56.00     |
| 072985 | 425   | SHENANDOAH VALLEY WATER  |       | \$ -        | \$ 590.10    | \$ 590.10    |
| 072986 | 215   | SHERIFF OF JEFFERSON CO  |       | \$ -        | \$ 3,077.14  | \$ 3,077.14  |
| 072986 | 215   | SHERIFF OF JEFFERSON CO  |       | \$ -        | \$ 19,227.45 | \$ 19,227.45 |

|        |       |                         |       |             |               |               |
|--------|-------|-------------------------|-------|-------------|---------------|---------------|
| 072986 | 401   | SHERIFF OF JEFFERSON CO |       | \$ -        | \$ 0.06       | \$ 0.06       |
| 072988 | GRANT | UNITED BANKCARD CENTER  | 52023 | \$ 7,784.61 | \$ -          | \$ 7,784.61   |
| 072988 | GRANT | UNITED BANKCARD CENTER  | 52024 | \$ 8,780.00 | \$ -          | \$ 8,780.00   |
| 072988 | 401   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 285.00     | \$ 285.00     |
| 072988 | 401   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 164.00     | \$ 164.00     |
| 072988 | 401   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 240.49     | \$ 240.49     |
| 072988 | 401   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 95.70      | \$ 95.70      |
| 072988 | 401   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 50.46      | \$ 50.46      |
| 072988 | 401   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 75.00      | \$ 75.00      |
| 072988 | 401   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 5.60       | \$ 5.60       |
| 072988 | 402   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 34.95      | \$ 34.95      |
| 072988 | 403   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 70.00      | \$ 70.00      |
| 072988 | 405   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 92.00      | \$ 92.00      |
| 072988 | 405   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 483.91     | \$ 483.91     |
| 072988 | 413   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 271.03     | \$ 271.03     |
| 072988 | 415   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 82.19      | \$ 82.19      |
| 072988 | 424   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 1,640.73   | \$ 1,640.73   |
| 072988 | 424   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 538.74     | \$ 538.74     |
| 072988 | 424   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 19.20      | \$ 19.20      |
| 072988 | 425   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 454.32     | \$ 454.32     |
| 072988 | 425   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 7,891.42   | \$ 7,891.42   |
| 072988 | 425   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 59.97      | \$ 59.97      |
| 072988 | 425   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 3,881.80   | \$ 3,881.80   |
| 072988 | 425   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 100.27     | \$ 100.27     |
| 072988 | 428   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 588.26     | \$ 588.26     |
| 072988 | 439   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 27.20      | \$ 27.20      |
| 072988 | 439   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 12.71      | \$ 12.71      |
| 072988 | 439   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 33.26      | \$ 33.26      |
| 072988 | 440   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 235.00     | \$ 235.00     |
| 072988 | 440   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 150.00     | \$ 150.00     |
| 072988 | 440   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 193.75     | \$ 193.75     |
| 072988 | GRANT | UNITED BANKCARD CENTER  |       | \$ -        | \$ 5,209.98   | \$ 5,209.98   |
| 072988 | GRANT | UNITED BANKCARD CENTER  |       | \$ -        | \$ 243,766.20 | \$ 243,766.20 |
| 072988 | 451   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 86.62      | \$ 86.62      |
| 072988 | 700   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 48.74      | \$ 48.74      |
| 072988 | 700   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 95.98      | \$ 95.98      |
| 072988 | 700   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 203.98     | \$ 203.98     |
| 072988 | 700   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 1,275.00   | \$ 1,275.00   |
| 072988 | 700   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 74.70      | \$ 74.70      |
| 072988 | 700   | UNITED BANKCARD CENTER  |       | \$ -        | \$ 382.69     | \$ 382.69     |

|              |       |                         |  |                     |                      |                      |
|--------------|-------|-------------------------|--|---------------------|----------------------|----------------------|
| 072988       | 711   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 418.38            | \$ 418.38            |
| 072988       | 711   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 75.00             | \$ 75.00             |
| 072988       | 711   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 31.98             | \$ 31.98             |
| 072988       | 711   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 16.99             | \$ 16.99             |
| 072988       | 711   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 101.76            | \$ 101.76            |
| 072988       | 712   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 7,729.42          | \$ 7,729.42          |
| 072988       | 712   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 75.27             | \$ 75.27             |
| 072988       | 716   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 149.62            | \$ 149.62            |
| 072988       | 716   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 1,258.28          | \$ 1,258.28          |
| 072988       | 717   | UNITED BANKCARD CENTER  |  | \$ -                | \$ 264.26            | \$ 264.26            |
| 072989       | ALLOC | JEFFERSON CO CONVENTION |  | \$ -                | \$ 26,275.05         | \$ 26,275.05         |
|              |       |                         |  |                     |                      |                      |
| <b>TOTAL</b> |       |                         |  |                     |                      | <b>\$ 383,199.25</b> |
| <b>TOTAL</b> |       |                         |  | <b>\$ 18,159.61</b> | <b>\$ 365,039.64</b> | <b>\$ 383,199.25</b> |

**Motion by Ms. Tabb to approve the Accounts Payable for September 18, 2014 in the amount of \$383,199.25. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Martin Burke, resident – spoke regarding his concerns on the excessive noise at Summit Point, particularly concerning the gunfire and bomb explosions from BSR, Inc.

David Tabb, resident – provided the Commission with an update on his case against the Prosecuting Attorney, and spoke about his feelings on The Spirit of Jefferson, the Ambulance Service Fee, and the Hotel/Motel tax.

Susan Rissler Sheely, resident – spoke about her concerns on the proposed tolling extension of the Thorn Hill Subdivision and urged the Commission to deny the extension.

**PRESENTATIONS**

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

| NAME          | DISTRICT      | TYPE              | TICKET # | AMOUNT |
|---------------|---------------|-------------------|----------|--------|
| Britt Ericson | Harpers Ferry | Personal Property | 307180   | 39.98  |
| Gerald Keller |               |                   |          | 159.88 |

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

| NAME | DISTRICT | TYPE | TICKET # | AMOUNT |
|------|----------|------|----------|--------|
|------|----------|------|----------|--------|

|               |                    |                   |        |       |
|---------------|--------------------|-------------------|--------|-------|
| Donald Taylor | Charles Town Corp. | Personal Property | 306422 | 30.66 |
|---------------|--------------------|-------------------|--------|-------|

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

| NAME             | DISTRICT           | TYPE        | TICKET # | AMOUNT |
|------------------|--------------------|-------------|----------|--------|
| Barry White Book | Charles Town Dist. | Real Estate | 6947     | 420.75 |

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

| NAME          | DISTRICT  | TYPE        | TICKET # | AMOUNT |
|---------------|-----------|-------------|----------|--------|
| Earnest Yates | Kabletown | Real Estate | 19877    | 420.75 |

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

| NAME        | DISTRICT           | TYPE        | TICKET # | AMOUNT |
|-------------|--------------------|-------------|----------|--------|
| Thomas Hite | Charles Town Dist. | Real Estate | 6947     | 420.75 |

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

2. Presentation of Resolution and retirement gift to David Holmes, dispatcher for the E-911 center, in recognition of his 32 years of service to Jefferson County.
3. Interviews and Appointments to the Jefferson County Farmland Protection Board for two four-year terms ending September 7, 2018 with one position representing farm/soil conservation and the other position representing the non-farmer.
  - Ms. Noland offered her nomination for Nick Kercheval as the farm/soil conservation representative and for Liz McDonald as the non-farmer representative.

After receiving unanimous votes, Nick Kercheval was appointed to the Jefferson County Farmland Protection Board as the farm/soil conservation representative and Liz McDonald was appointed as the non-farmer representative, each for one four-year term ending September 7, 2018.

4. Roger Goodwin, Chief County Engineer
  - a. Requested the approval of the extension of the tolling of bonding agreement for the Thorn Hill Subdivision (JCPC File No. 02-17).
  - o It was the consensus of the Commission to postpone their decision on this item until the October 2, 2014 Regular Meeting to allow Legal to conduct further research on the issue and also provide the Commission with clarification on the time limit for the possible extension.
  - b. Requested the approval for staff to proceed with advertising for bids to complete the work necessary to remediate the property associated with Property Safety Enforcement Agency Case 12-001 (Bierer) located at 169 Daisy Lane, Lot 12, Walnut Grove Subdivision.
  - **Motion by Ms. Noland to allow Engineering staff to advertise for bids to carry out the work required for Property Safety Case 12-001 (Bierer), as outlined in the Circuit Court Order. Motion seconded and unanimously approved.**
  - c. Requested the approval for staff to proceed with advertising for bids to complete the work necessary to remediate the property associated with Property Safety Enforcement Agency Case 12-002 (Williams) located at 111 Fairway Drive, Lot 16, Sleepy Hollow Estates Subdivision.
  - **Motion by Ms. Widmyer to allow Engineering staff to advertise for bids to carry out the work required for Property Safety Case 12-002 (Williams), as outlined in the Circuit Court Order. Motion seconded and unanimously approved.**
5. The Commission recessed for break at 10:45 am.  
The Commission reconvened at 11:00 am.
6. Barb Miller, Director of Homeland Security and Emergency Management and Debbie Keyser, County Administrator – provided the Commission with a discussion of the potential purchase of used generator as a back-up power source for the County IT department.
  - **Motion by Ms. Tabb to proceed with the purchase of a used generator from the Freshwater Institute in the amount of \$500. Motion seconded and unanimously approved.**
  - **Motion by Ms. Noland to approve the generator grant for \$60,000, with no matching funds needed. Motion seconded and unanimously approved.**

7. Barb Miller, Director of Homeland Security and Emergency Management – requested the approval of the Memoranda of Understanding between the Jefferson County Board of Education and the Jefferson County Department of Homeland Security and Emergency Management.
  - **Motion by Ms. Noland to approve the MOUs between the Jefferson County Board of Education and Jefferson County Homeland Security and Emergency Management. Motion seconded and unanimously approved.**
8. Troy Truax, AICP – Michael Baker, Jr. Inc. – Eastern Panhandle Transportation Authority Strategic Plan SWOT – Mr. Truax provided the Commission with a discussion of the public transportation facilities within the County, and each Commissioner provided input on ways the facilities could be improved, including transportation for senior citizens, shuttle services for tourists, bus trips to Loudoun County and possibly Washington, DC. Mr. Truax also discussed funding issues and possibilities to hopefully increase funding at a local and state level.

### **COUNTY ADMINISTRATOR REPORTS**

- Salary Increase for Jamie S. Wolfe, Deputy Clerk in the Circuit Clerk’s Office – Ms. Keyser notified the Commission of the step increase for an employee in the Circuit Clerk’s Office and stated the increase is within the Circuit Clerk’s budget.
- COOP Plan – Ms. Keyser stated all departments have been working on the COOP Plan and she has included a separate IT department in this year’s plan.
- Movie Productions within the County – Ms. Keyser stated multiple production companies have shown interest in using the County buildings as filming locations for various television shows and movies. Ms. Keyser stated she would be working on a policy regarding the use of County buildings in film productions.
- Website Update – Ms. Keyser stated the website survey was finished and once some photographs have been submitted, Vision would be providing sample homepages for review within a few weeks.
- IT RFP Update – Ms. Keyser stated she received two responses to the IT RFP, and the RFPs would be reviewed by the IT Team in order to make a recommendation to the Commission at a later date.
- Ambulance Fee Deadline Extension – Ms. Keyser stated the Commission staff has posted approximately \$112,000 dollars of ambulance fee money to date. She also stated everyone in the Commission office has been working together to get the monies processed in a timely manner.

- **Motion by Ms. Noland to ratify the vote made during the September 4, 2014 Regular Meeting to extend the ambulance fee due date from September 30, 2014 to October 31, 2014. Motion seconded and unanimously approved.**

## COUNTY COMMISSIONERS' REPORTS

Jane Tabb

- Attended the 9/11 Memorial Ceremony.
- Attended a JCESA meeting with the newly formed board.
- Attended the Special Session on the Proposed Bonding Ordinance.
- Attended a PSD meeting.
- Attended an Agricultural Education meeting.
- Currently participating in the Stink Bug Count.

Walt Pellish

- Attended the United Way dinner for the Day of Caring at Hospice.
- Attended the Hospice Fundraiser at the Bavarian Inn.
- Attended the Special Session on the Proposed Bonding Ordinance.
- Attended a Development Authority meeting.

Patsy Noland

- Attended the 9/11 Memorial Ceremony.
- Attended a CVB meeting.
- Attended a Region 9 meeting.
- Attended a Council on Aging meeting.
- Attended the Special Session on the Proposed Bonding Ordinance.

Lyn Widmyer

- Attended the National Park Service meeting on the Shepherdstown Battlefield.
- Attended a Telemon board meeting.
- Attended the Special Session on the Proposed Bonding Ordinance.
- Attended a training session at the Bolivar-Harpers Ferry Library on how to access the library's online catalog via Kindle and iPad.

9. The Commission meeting was adjourned at 12:02 pm.

---

WALT PELLISH, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant

**PURCHASE ORDERS TO BE APPROVED**

**October 2, 2014**

| DEPARTMENT         | PURCHASE ORDER | AMOUNT              | VENDOR                  | DESCRIPTION                      |
|--------------------|----------------|---------------------|-------------------------|----------------------------------|
| COUNTY CLERK       | 52479          | \$ 16,956.00        | Complete System Support | 1 yr. Customer Support Agreement |
| <b>GRAND TOTAL</b> |                | <b>\$ 16,956.00</b> |                         |                                  |

| DESCRIPTION                 | Fund 001 CO.         | Fund 003 Dog     | Total                |
|-----------------------------|----------------------|------------------|----------------------|
| Gross Wages                 | \$ 363,393.53        | \$ 638.80        | \$ 364,032.33        |
| 6.2% Tax Payable OASDI      | \$ 21,737.33         | \$ 39.31         | \$ 21,776.64         |
| 1.45% Tax Payable HI        | \$ 5,083.69          | \$ 9.19          | \$ 5,092.88          |
| Fed Withholding             | \$ 41,418.96         | \$ 64.36         | \$ 41,483.32         |
| WV State Withholding        | \$ 15,545.28         | \$ 31.66         | \$ 15,576.94         |
| PERS Retirement Deduct      | \$ 12,755.73         | \$ 28.74         | \$ 12,784.47         |
| Hosp. Pre-Tax               | \$ 10,151.88         |                  | \$ 10,151.88         |
| Cancer/ICU Pre-Taxed        | \$ 1,272.09          |                  | \$ 1,272.09          |
| Cancer/ICU Not Pre-Taxed    | \$ 928.79            |                  | \$ 928.79            |
| Optional Life Not Pre-Taxed | \$ -                 |                  | \$ -                 |
| 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% | \$ 5,092.59          |                  | \$ 5,092.59          |
| 457 - Nationwide            | \$ 749.00            |                  | \$ 749.00            |
| 457I - ING                  | \$ 3,040.00          |                  | \$ 3,040.00          |
| MD State Tax                | \$ 294.02            |                  | \$ 294.02            |
| D/VF                        | \$ 1,372.10          |                  | \$ 1,372.10          |
| VA. State Tax               | \$ 70.96             |                  | \$ 70.96             |
| COLONIAL(PLUS)              | \$ 258.09            |                  | \$ 258.09            |
| <b>Total Deductions</b>     | <b>\$ 126,868.29</b> | <b>\$ 173.26</b> | <b>\$ 127,041.55</b> |
| <b>Net Wages Total</b>      | <b>\$ 236,525.24</b> | <b>\$ 465.54</b> | <b>\$ 236,990.78</b> |
| Pay Dates                   | <b>25-Sep-2014</b>   |                  |                      |

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



Name: Angie Banks, Assessor

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 2, 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*): **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 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

This page intentionally left blank.

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



Name: Pete Dougherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: **October 2, 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*): Bailiff Hire

Please provide the County Commission with a description of your request or presentation, including any background information: I have identified two additional individuals I would like to add to the list of approved bailiffs, Cassie Johnson and Kerry Keener.

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

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
I move to approve the hire of Cassie Johnson and Kerry Keener for the position of part-time Bailiff.

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: [pdougherty@jcsdww.com](mailto:pdougherty@jcsdww.com) Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

|  |
|--|
|  |
|--|

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



Name: Pete Dougherty

Department or Organization: Animal Control

Estimation of amount of time needed for appointment: 5-10 minutes.

Date Requested – 1<sup>st</sup> Choice: 10/2/2014

*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*): Humane Officers

Please provide the County Commission with a description of your request or presentation, including any background information:  
[Presentation of designating Animal Control Officers as Humane Officers.](#)

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

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
I move to approve the designation of the current Animal Control Officers as Humane Officers for a period of one year.

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: [pdougherty@jcsdvw.com](mailto:pdougherty@jcsdvw.com). Phone Number: 304-728-3205

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

[Click here to enter text.](#)



# 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

September 19, 2014

## Appointment of Humane Officers

Commissioners:

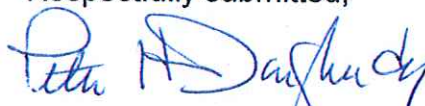
Per West Virginia Code 7-10-1 the sheriff may, with the approval of the county commission, appoint county dog warden[s] to act as humane officers in addition to regular law enforcement deputies. Persons designated as humane officers are charged with investigating complaints of cruel or inhumane treatment of animals within the county.

Jefferson County currently has five animal control officers. Those officers have extensive training and experience and are well prepared to investigate if an animal has been abused or neglected under the appropriate statutes. Animal Control Officers are often recognized in the courts as "experts" at trial. This designation will enhance efforts to investigate alleged crimes involving animals. It will allow them to file complaints directly with the courts. This designation will result in no change in compensation or current procedures when law enforcement deputies are needed to assist in removing animals or executing search warrants..

I respectfully request you concur in my request and approve to designate, Denise Lambiotte, Jess Ebersole, Christina Pope, Dot Turley and Elaina Maze as Humane Officers. I would ask that this appointment be for one year. A summary of their experience and training is listed below.

Your support for this designation is appreciated.

Respectfully submitted,

  
Peter H. Dougherty, Sheriff

## **SUMMARY OF ANIMAL CONTROL OFFICERS TRAINING/EXPERIENCE**

### **JESS EBERSOLE-HIRE DATE: 8/8/2005**

Euthanasia Certified  
Compassion Fatigue  
ICS 800, 700,200,100  
National Animal Cruelty Investigator School Level I-April 2014  
National Animal Cruelty Investigator School Level III- November 2012  
National Animal Control Association Training Level I  
National Animal Control Association Training Level II  
National Animal Control Training Summit  
Animal Ritual Crimes  
Pet CPR  
Previous Animal Control Officer Job with Washington Co. MD

### **CHRISTINA POPE – HIRE DATE 3/3/2008**

Euthanasia Certified  
Compassion Fatigue  
ICS 800, 700, 200, 100, 288, 0005, 00111, 00010, 00011  
Equine Cruelty Investigations- October 2013  
Agricultural Preparedness Responder- July 2011  
Emergency Disaster Response Trailer Training – July 2013  
National Animal Control Association Level I - August. 2008  
National Animal Control Association Level II – April, 2013  
National Animal Cruelty Investigator School Level I – April, 2014

### **DOT TURLEY – HIRE DATE 1/27/2013**

Euthanasia Certified  
Veterinary Technician for 21 years  
National Animal Control Association Level I – December 2013  
Horse owner past 45 years

**ELAINA MAZE – HIRE DATE 7/17/2013**

Euthanasia Certified

Equine Cruelty Investigations- October 2013

Horse owner, 25 years

Previously worked for a Veterinarian and at an Equine Center

**DENISE LAMBIOTTE – HIRE DATE 5/10/2010**

American Humane Association Equine Cruelty Investigations – Sept. 1992

30 years' experience in Animal Control

Associates degree as a Veterinary Technician

Previously licensed Veterinary Technician

Yearly Cruelty Continuing Education in NC – 1984-2006

This page intentionally left blank.

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



Name: Jennifer Maghan

Department or Organization: **County Clerk**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: **October 2, 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: Hiring Deputy County Clerk at a **grade II, step A-C**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**Need to hire a new Deputy Clerk to replace a long time employee that will be relocating soon.**

Is this a funding request? **No** Click here to enter text.

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

Recommended motion: To accept motion with the understanding that we will need to hire soon to replace clerk leaving due to relocation.

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: Jennifer Maghan/Gail Magaha

Email address: [gmagaha@jeffersoncountywv.org](mailto:gmagaha@jeffersoncountywv.org) Phone Number: 304-728-3216.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

This page intentionally left blank.

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



Name: Jason Poffenberger

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: Oct. 2

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

Date Requested – 2<sup>nd</sup> Choice: Oct 16

Subject (Wording to be placed on agenda):

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

Request refund for bldg. permit fees, as work will no longer be completed, and bldg. permit application has been withdrawn

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:

Jason Poffenberger  
jpoffen@yahoo.com

Phone Number:

681-252-3537

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

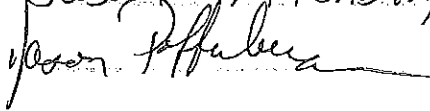
not applicable

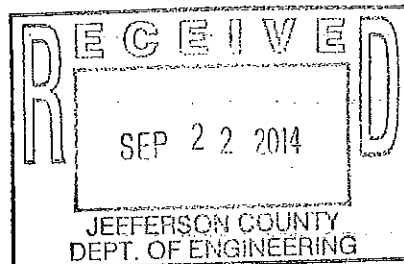
To Engineering Department,

Please disregard my application for a building permit for a carport. The application was submitted on 9/12/14. I would also like my permit fees reimbursed in the amount of \$9576.

Phone #: 304-579-5575

Address: 190 Millwright Road  
Kearneysville WV 25430

Jason Poffenberger  




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



Name: **Bill Polk**

Department or Organization: **Maintenance Department**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **October 2, 2014**

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

Subject (Wording to be placed on agenda): **Approval of 12<sup>th</sup> Cycle Grant Application – West Virginia Courthouse Facilities Improvement Authority**

Please provide the County Commission with a description of your request or presentation, including any background information: **This grant will provide funding for renovations to the Jefferson County Courthouse. This is an 80/20 grant with the maximum CFIA contribution of \$100,000. We are requesting grant funds to repair deteriorated cornices, soffits, gutters and downspouts. There is now a safety issue with loose cornices that could potentially fall and harm someone.**

Is this a funding request? **Yes. This is an 80/20 matching grant**

If so, how much? **We estimate the total project cost to be \$350,000. The CFIA contribution would be \$100,000 and the County would be responsible for the remaining \$250,000.**

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

**Move to the approve the 12<sup>th</sup> Cycle Courthouse Improvement Grant application through the Courthouse Facilities Improvement Authority.**

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

If not attached, explain:

Is equipment needed? **No**

Contact information:

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

Phone Number: 304-728-3355

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

Click here to enter text.

# 2014 – 12<sup>th</sup> Grant Cycle



## Application for Funding Assistance

Application Postmark Deadline: OCTOBER 3, 2014

### Contact Information:

Melissa Garretson Smith, Executive Director

2003 Quarrier Street, Charleston, WV 25311

Telephone (304) 558-5435

Facsimile (304) 558-9174

Email: [melissa.smith@wvcfia.com](mailto:melissa.smith@wvcfia.com)

[www.cfia.wv.gov](http://www.cfia.wv.gov)

---

# **Tab I**

## **County Applicant Information and Category Selection**

1. County Applicant: Please list county name, complete mailing address, and general telephone number for county applicant.

**Jefferson County Commission**  
**P.O. Box 250**  
**Charles Town, WV 25414**  
**304-728-3284**

2. Project Director: Name, mailing address, email address and telephone number of individual responsible for the daily implementation of the project. This person cannot also be listed as the Authorized Official or the Fiscal Director.

**William Polk**  
**Maintenance Director**  
**128 Industrial Blvd.**  
**Kearneysville, WV 25430**

[bpolk@jeffersoncountywv.org](mailto:bpolk@jeffersoncountywv.org)  
**304-728-3355**

3. Fiscal Director: Name, mailing address, email address and telephone number of the individual responsible for the financial records of the project. This person cannot also be listed as the Project Director or the Authorized Official.

**Jennifer Maghan**  
**Jefferson County Clerk**  
**P.O. Box 208**  
**Charles Town, WV 25414**

[jmaghan@jeffersoncountywv.org](mailto:jmaghan@jeffersoncountywv.org)  
**304-728-3215**

4. Authorized Official: Name, mailing address, email address and telephone number of County Commission President. This is the individual who would be authorized to enter into a contractual agreement.

**Walt Pellish**  
**President**  
**P.O. Box 250**  
**Charles Town, WV 25414**

[walterpellish@mac.com](mailto:walterpellish@mac.com)  
**304-728-3284**

---

5. Federal Employer's Identification Number (F. E. I. N. #):  
**55-6000333**

6. Are you applying for grant funds that will be applied to the main courthouse building?

Yes

No, please explain

7. Provide a brief description of your construction project in the space below:

**The Jefferson County Courthouse is in dire need of roofing improvements and repairs. With the CFIA grant funds, Jefferson County proposes to repair deteriorating cornices, soffits, gutters and downspouts. The condition of these items is causing further damage to other parts of the Courthouse, including interior walls and exterior paint and masonry. These deteriorated conditions have also become a safety issue. The cornices have become extremely loose and have the potential to fall and cause personal injury or further damage to the Courthouse.**

8. Applicants May Only Apply for Funding under one Category. Please place an X in the box next to the category for which you are requesting funding assistance.

Project Categories:

Life Safety

Structural Improvements

Roofing

Electrical

Exterior Improvements

Interior Improvements

Mechanical (HVAC/Plumbing)

Doors and Windows

Accessibility

New Construction / Space

## **Tab II**

# **Define the Project**

### **Category 3: Roofing**

Types of Projects:

Roofing (metal, membrane, shingles, slate, tile, etc.), Flashing, Roof Insulation, Coping, Roof Sheathing, Roof Replacement, Roof Drainage, Overflow Scuppers, Roof Curbs, Gutters and Downspouts, New Roofing, Roofing Repair, Eaves, Soffits, Roof Vents, Snow Guards.

#### **Tab II: Define the Project**

- Is the project occurring at the main courthouse facility? If not, describe the facility.

**Yes, the project is occurring at the main courthouse facility. The Historic Jefferson County Courthouse is located at 100 East Washington Street in Charles Town, West Virginia.**

- Provide a general description of the facility, including a description of the roofing system.

**The Jefferson County Courthouse was constructed in 1836 in Greek Revival Style. It is a two-story, red brick, gable end building with a large square domed clock tower centrally located in the front of the building. There is a large two-story gabled entrance portico supported by Doric columns. The roofs are standing seam metal painted green. The cornices are wooden or metal with the gutter built into the cornices. The cornices have decorative brackets and frieze bands. There are downspouts and leaders at the corners of each section and in the center of the side gable walls on the front section. There is an external gutter and downspout on the hyphen on the east elevation.**

- Is the current roof original to the facility?

**No records could be located but we believe that the roof is original to the Courthouse.**

- Describe the scope of the current deficiency with the roofing system. Document the project with appropriate photographs and attach them to the application.

**Gutter and Downspouts:**

The gutter and downspouts on the Courthouse are badly deteriorated. There are rust stains on the downspouts and stains in the cornice and frieze indicating water leaks. There are open joints in the gutters and indication of rust inside of the gutters. The downspouts do not connect to a storm sewer and are turned away from the wall slightly at the base of the wall allowing water to enter the walls. There are areas of the gutter that are sloped toward the building and misaligned downspout. This is causing water to run in to the wall of the building.

**Cornices and Soffits:**

The cornices of the Courthouse are badly deteriorated. There are rust and gaps in the metal sections. The wood sections have loose brackets, trim and peeling paint. There are areas of stain in the cornice and frieze of the wood indicating water leaks. Pictures are attached showing loose pieces of the cornices that are in danger of falling. This has now become a safety issue. The soffits are also badly deteriorated. There are holes and rust in the soffits.

- Is the current roof work causing damage to other building systems (structure, interior finishes, etc.)? If yes, describe and document the damage.

Yes, this is causing damage to other building systems. The damage is allowing water to infiltrate the walls of the Courthouse causing interior plaster damage. This water infiltration is also causing further damage to the brick and masonry of the Courthouse.

- Has the roof work been tested for hazardous materials (asbestos mastic, caulking, etc.)?

The Courthouse has a metal roof that is painted. Although it has not been tested, the paint is presumed to contain lead. The roof will not be removed at this time.

## **Tab III**

# **Describe the Proposed Improvements**

**Tab III: Describe the Proposed Improvements**

- Describe the proposed improvements in detail.

**Gutters and Downspouts:**

**Deteriorated trough gutters and downspouts will be replaced on the Courthouse. We will replace the leaders and connect to the downspouts. The new downspouts will be placed so drainage is away from the building.**

**Cornices and Soffits:**

**Deteriorated or loose cornices will be replaced or repaired. Soffits will be repaired. Missing brackets will be replaced. Cornices and soffits will be repainted.**

- Provide information about the new roof work that will be used in the project. If possible, provide manufacturer's product data, MSDS sheets, and section details indicating new work and its relationships to existing conditions.

**There will be no new roofing material used for this project.**

# **Tab IV**

## **Project Budget**

#### **Tab IV. Project Budget Information**

Attach an overall detailed budget for the proposed improvements. Consider the requirements listed within the “Special Conditions and Assurances” section of this application, in particular numbers 4 and 5, when developing your project budget. Include testing, design fees, demolition costs, construction costs, and a project contingency in the budget.

1. Provide an estimated total cost of the proposed modification:

**Due to Jefferson County’s close proximity to Washington D.C., our budget must be estimated using the prevailing wages for the Washington D.C. metro area. Unfortunately, this means our costs are higher than other areas in West Virginia.**

**Our estimated cost for the total project is approximately \$350,000**

- **Gutters & Downspouts \$175,000**
- **Cornice & Soffit Repairs Estimate \$175,000**

2. The amount of funding assistance requested and the specific uses of the funding:

**Jefferson County is requesting the full amount of \$100,000. The funds will be used toward repair to the gutters, downspouts, cornices and soffits. The exterior of the Courthouse continues to deteriorate at an accelerating rate. These deteriorating conditions are causing further damage and safety issues. Without these grant funds, Jefferson County will most likely not be able to fund this project due to budget constraints.**

# **Tab V**

**Historical Significance**

**SHPO Contact**

## **Tab V. Historical Significance**

Provide proof that SHPO has been contacted regarding your potential project. Provide a letter from SHPO, name of a contact person at SHPO or a general statement that explains your communication with SHPO. Attach a description of how the proposed project will impact the historic characteristics of the courthouse facility and how the project will either maintain or enhance the historic characteristics.

### ***Historical Significance:***

The Jefferson County Courthouse, located at the corner of George and Washington Streets in Charles Town, West Virginia, was first constructed in 1836. During the Civil War, the Courthouse was badly damaged. At that time, the county seat was temporarily moved to Shepherdstown, WV. After the war, the Courthouse was restored and enlarged and the county seat was returned to Charles Town.

The Jefferson County Courthouse was the site of two treason trials. The first being the trial of John Brown after he led a raid on the Federal Armory and Arsenal in Harpers Ferry. Brown was charged with murder, inciting slaves to rebel, and treason. He was found guilty on all counts. On December 2, 1959, he was taken a short distance away from the Courthouse and was hanged.

The second treason trials were held in 1922 after Southern West Virginia coal miners attempted to unionize, which resulted in the Battle of Blair Mountain. Jefferson County was chosen as the venue for the trials.

### ***Project Impact to the Historic Characteristics and How the Project will Maintain or Enhance the Historic Characteristics:***

The proposed project will impact the historic characteristics of the Jefferson County Courthouse only in a positive manner. We will ensure that the historical integrity of the Courthouse remains intact during the project by working with our local historical experts and consulting with the State Historic Preservation Office. Due to the accelerating deterioration of the Courthouse, it is imperative that the repairs to the gutter, downspouts, cornices and soffits are done in order to prevent further damage and deterioration. By preventing the further deterioration to the exterior of the Courthouse, everyone who visits, works or conducts business in the Jefferson County Courthouse can continue to do so for many years to come.

**Laura Kuhn**

---

**From:** Bill Polk <bpolk@jeffersoncountywv.org>  
**Sent:** Tuesday, September 16, 2014 8:43 AM  
**To:** 'Laura Kuhn'  
**Subject:** FW: Courthouse Facilities Grants e-mails answer

---

**From:** Gray, Belinda D [<mailto:Belinda.D.Gray@wv.gov>]  
**Sent:** Monday, September 15, 2014 3:56 PM  
**To:** [bpolk@jeffersoncountywv.org](mailto:bpolk@jeffersoncountywv.org)  
**Subject:** FW: Courthouse Facilities Grants e-mails answer

Dear Mr. Polk,

It is our understanding that the Jefferson County Commission will be applying for funding through the Courthouse Facilities Improvement Grants Program. Should you receive funding, we will provide comments at that time. If you receive funding, you will need to provide the information outlined in the Project Review Checklist found at <http://www.wvculture.org/shpo/sect106projchecklist.pdf> at that time. This e-mail serves as notification that you have made initial contact with this office regarding the review process and can be included with your application materials.

Sincerely,

*Belinda D. Gray*

Office Manager/ Review & Compliance Assistant  
Division of Culture & History  
1900 Kanawha Blvd. East  
Capitol Complex  
Building 9 Room 347  
Charleston WV 25305  
[belinda.d.gray@wv.gov](mailto:belinda.d.gray@wv.gov)

---

No virus found in this message.

Checked by AVG - [www.avg.com](http://www.avg.com)

Version: 2013.0.3485 / Virus Database: 4015/8205 - Release Date: 09/13/14

# **Tab VI**

## **Letters of Support**

September 17, 2014

William Polk  
Director of Maintenance  
Jefferson County Commission  
128 Industrial Blvd.  
Kearneysville, WV 25430

RE: West Virginia Courthouse Facility Improvement Authority  
12<sup>th</sup> Cycle Grant Application

Dear Mr. Polk:

I would like to take this opportunity to write to you expressing my support for your efforts to obtain a much needed grant on behalf of the Jefferson County Commission through the West Virginia Courthouse Facilities Improvement Authority.

Your proposal to use the grant funds to repair the gutters, downspouts, cornices and soffits on the Jefferson County Courthouse is greatly needed. These improvements would greatly benefit Jefferson County's Historic Courthouse for all who visit and work in the Courthouse.

Sincerely,



Name Angela L. Banks

Title Assessor of Jefferson County

# **Tab VII**

## **Supporting Documents**

**Courthouse Facilities Improvement Authority - 12<sup>th</sup> Cycle Grant Application**

**County Commission of Jefferson County  
Statement of Need**

The Historic Jefferson County Courthouse is located on the corners of Washington and George Streets in Charles Town, West Virginia. The Courthouse was constructed in 1836. The county seat was moved to Shepherdstown due to damage sustained during the Civil War. After the war, the Courthouse was repaired and enlarged and the county seat was returned to Charles Town. The Jefferson County Courthouse was the site of two treason trials. Most notably was the trial of John Brown after he led the raid on the Federal Armory and Arsenal in Harpers Ferry.

Today the Jefferson County Courthouse is still a working Courthouse. It houses the offices of the County Clerk, Assessor, Circuit Judge, and the Circuit Courtroom. Many people visit, work and do business in the Courthouse on a daily basis. The National Park Service also conducts tours in the Courthouse.

The Courthouse is now in great need of repairs to the exterior. We have determined that at this time, the priority for repairs should first go to the deteriorating gutters, downspouts, cornices and soffits. Due to the condition of these items, water infiltration is causing further damage to the masonry and paint on the exterior and damage to walls on the interior of the Courthouse. We also have a very serious issue with loose cornices. These loose cornices have the potential of falling. Falling cornices could cause further property damage to the Courthouse. More importantly, is the potential of items falling and causing bodily injury or death.

Jefferson County has made great strides in repairing the Courthouse over the past several years. With previous grant funds received from the Courthouse Facilities Improvement Authority, we were able to repair the columns on the front of the Courthouse. The soffits and cornices on the façade have also been repaired using over \$400,000 of Jefferson County funds. A picture has been included with this grant packet that shows the completed work on the front of the Courthouse that contrasts with the deteriorated conditions on the side of the Courthouse. Recently, Jefferson County has also begun work on the landscaping of the courtyard in front of the Courthouse. New flag poles have been installed, old shrubbery has been removed and concrete work has been done on the sidewalks. This courtyard work was also funded by Jefferson County.

As stated above, Jefferson County is moving forward with the upkeep and repairs to the Courthouse. Unfortunately, with budget constraints, we are unable to do all the renovations and repairs that are needed. With the approval of these grant funds, Jefferson County can make these repairs. If not repaired, these items will continue to cause further damage to the Courthouse. We are also deeply concerned with the safety hazard that these deteriorated conditions present.

We are hopeful that the Board will look favorably upon our application.



## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT

*Walt Pellish*

VICE PRESIDENT

*Jane Tabb*

### RESOLUTION

COMMISSIONER

*Dale Manuel*

COMMISSIONER

*Patsy Noland*

COMMISSIONER

*Lyn Widmyer*

The County Commission of Jefferson County met on Thursday, October 2, 2014, with a quorum present and passed the following resolution.

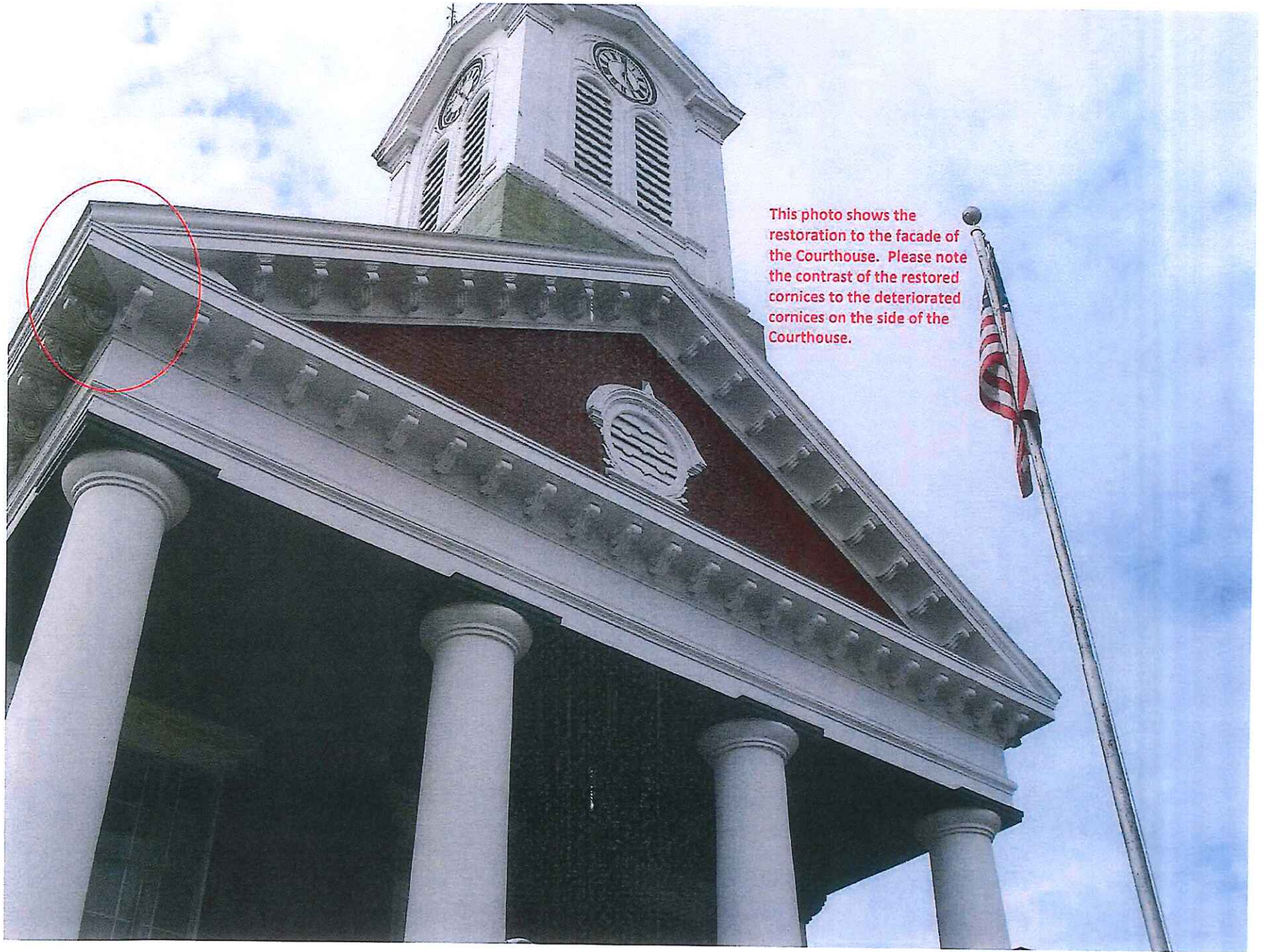
Be it resolved, that the County Commission of Jefferson County hereby authorizes Walt Pellish, Commission President of the County Commission of Jefferson County, to act on its behalf to enter into a contractual agreement with Courthouse Facilities Improvement Authority to receive and administer funds pursuant to provision of the Courthouse Facility Improvement Fund program.

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

Jennifer Maghan  
County Clerk

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*



This photo shows the restoration to the facade of the Courthouse. Please note the contrast of the restored cornices to the deteriorated cornices on the side of the Courthouse.



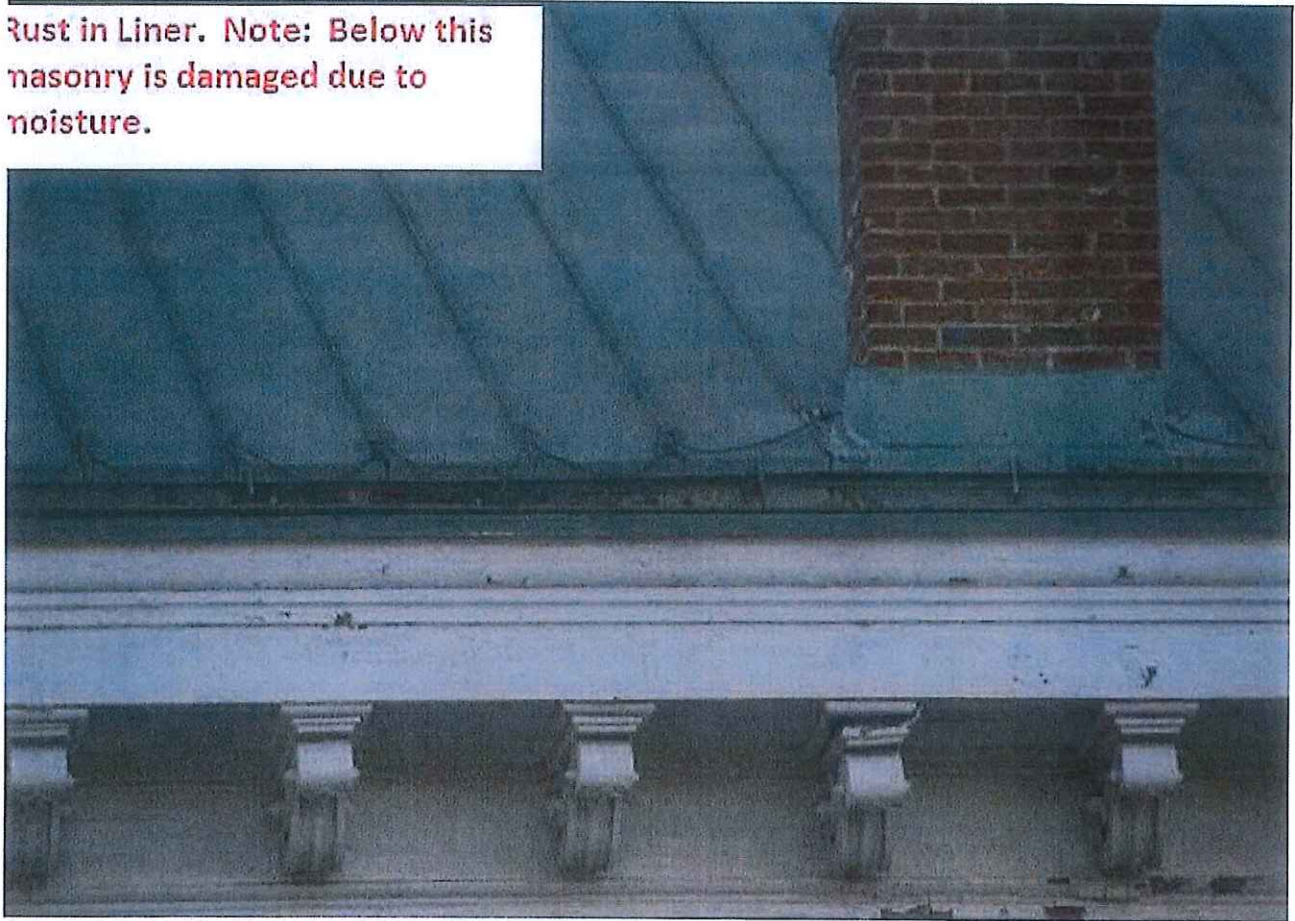
Loose Cornice - Possible  
Safety Hazard







Rust in Liner. Note: Below this masonry is damaged due to moisture.





Downspout - Note discharge on grade at base of wall and wet conditions and moss



Interior plaster damage in vicinity of gutter leak

**Signature Page**

**Provide the name and signature of the Authorized Official (County Commission President) and the names, signatures, official positions (of elected officials) whose areas of responsibility are affected by the requested improvements. For clarification purposes, the signatures could be those of the Circuit Judge, Sheriff, Circuit Clerk, Assessor, County Clerk, Magistrate, Family Court Judge, Prosecuting Attorney, or any combination depending on the improvements anticipated.**

---

**Walt Pellish, County Commission President**

---

**David H. Sanders, Circuit Judge**

---

**Jennifer Maghan, County Clerk**

---

**Laura Storm, Circuit Clerk**

---

**Angela Banks, Assessor**

---

**Ralph Lorenzetti, Prosecuting Attorney**

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



Name: Tim Stanton, Finance Director

Department or Organization: County Commission





Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice: October 2, 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*):

-  Review of August 2014 YTD Budget to Actual
-  Approval of FY15 Budget Transfer
-  Discussion on JCESA mortgage payment
  
-  Review of unaudited FY14 Financial Statements – Tim Stanton, Sally Gran, Jennifer Maghan

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*):

- Motion to approve State budget revision number 5 of the General Fund
- Motion to approve disbursement of \$81,000 for payment of the JCESA mortgage from the Capital Outlay Fund
  
- Motion to approve publication of FY14 unaudited Financial Statements

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

**August 2014 YTD Budget to Actual  
Expenditures by Department**

**FY15 Revenue and Expenditure  
Compiled September 17, 2014  
Expenditures by Department**

|                               | FY15 budget       | FY14 actual<br>as of 8/31/13 | FY15 actual<br>as of 8/31/14 | Variance<br><br>(unfavorable) | % Rec'd/Exp  |
|-------------------------------|-------------------|------------------------------|------------------------------|-------------------------------|--------------|
| <b>Revenue</b>                |                   |                              |                              |                               |              |
| Fund Balance Roll Forward     | 2,957,781         |                              |                              |                               |              |
| Taxes                         | 12,059,566        | 3,688,961                    | 4,007,722                    | (8,051,844)                   | 33.23        |
| Tax Penalties                 | 301,220           | 56,117                       | 49,885                       | (251,335)                     | 16.56        |
| Property Transfer             | 468,000           | 118,789                      | 118,523                      | (349,477)                     | 25.33        |
| Gas/oil                       | 30,000            | -                            | -                            | (30,000)                      | -            |
| Horse Racing                  | 14,219            | 2,736                        | 2,476                        | (11,743)                      | 17.41        |
| Wine Liquor                   | 25,433            | 6,037                        | 6,712                        | (18,721)                      | 26.39        |
| Hotel Occupancy               | 520,000           | 113,478                      | 99,481                       | (420,519)                     | 19.13        |
| Decal fees                    | 75                | 22                           | 8                            | (67)                          | 10.67        |
| Bldg Permits                  | 170,000           | 34,706                       | 41,196                       | (128,804)                     | 24.23        |
| Misc Permits                  | 150               | 10                           | 22                           | (128)                         | 14.67        |
| Grants                        | 80,000            | 126,127                      | -                            | (80,000)                      | -            |
| Payment in lieu of taxes      | 9,949             | 9,949                        | 11,676                       | 1,727                         | 117.36       |
| Sheriff Service Process       | 18,000            | 3,125                        | 3,650                        | (14,350)                      | 20.28        |
| Sheriff Earnings              | 28,000            | 3,601                        | 8,238                        | (19,762)                      | 29.42        |
| Clerk Earnings                | 206,500           | 34,490                       | 29,492                       | (177,008)                     | 14.28        |
| Circuit Clerk Earnings        | 65,183            | 10,340                       | 11,266                       | (53,917)                      | 17.28        |
| Prosecuting Earnings          | 1,129             | 200                          | 299                          | (830)                         | 26.48        |
| Accident reports              | 3,500             | 510                          | 700                          | (2,800)                       | 20.00        |
| Map Sales                     | 4,200             | 617                          | 317                          | (3,883)                       | 7.55         |
| Rent                          | 47,175            | 7,894                        | 7,700                        | (39,475)                      | 16.32        |
| 911 Fees                      | 1,885,058         | 289,773                      | 108,614                      | (1,776,444)                   | 5.76         |
| Franshise Agreements          | 402,796           | 102,803                      | 105,398                      | (297,398)                     | 26.17        |
| IRP fees                      | 10,140            | 2,475                        | 3,184                        | (6,956)                       | 31.40        |
| Jail fees                     | 85,650            | 85,651                       | 96,912                       | 11,262                        | 113.15       |
| Interest                      | 17,273            | 1,673                        | 2,579                        | (14,694)                      | 14.93        |
| Misc revenue                  | 50                | 6                            | 6                            | (44)                          | 12.00        |
| Sheriff Commission            | 12,000            | 11,738                       | 11,619                       | (381)                         | 96.83        |
| Table Games                   | 960,000           | 204,330                      | 151,310                      | (808,690)                     | 15.76        |
| Video Lottery                 | 3,408,293         | 1,022,841                    | 986,474                      | (2,421,819)                   | 28.94        |
| Reimbursements                | 299,000           | 120,747                      | 90,269                       | (208,731)                     | 30.19        |
| Trans from other funds        | -                 | -                            | -                            | -                             | #DIV/0!      |
| Concealed Weapons             | -                 | -                            | -                            | -                             | #DIV/0!      |
| General School Reimbursements | 264,000           | 45,024                       | 53,492                       | (210,508)                     | 20.26        |
| Trns Assessor Val fund        | 494,949           | -                            | -                            | (494,949)                     | -            |
| <b>Total Revenue</b>          | <b>24,849,289</b> | <b>6,104,770</b>             | <b>6,009,220</b>             | <b>(15,882,288)</b>           | <b>24.18</b> |
| <b>Expenditures</b>           |                   |                              |                              |                               |              |
| Commission                    | 1,696,273         | 310,223                      | 384,120                      | 1,312,153                     | 22.64        |
| County Clerk                  | 858,405           | 144,819                      | 111,086                      | 747,319                       | 12.94        |
| Circuit Clerk                 | 684,454           | 118,166                      | 99,482                       | 584,972                       | 14.53        |
| Treasurer                     | 617,390           | 133,025                      | 114,466                      | 502,924                       | 18.54        |
| Prosecuting Attny             | 1,810,398         | 355,901                      | 277,546                      | 1,532,852                     | 15.33        |
| Assessor                      | 550,090           | 117,948                      | 85,914                       | 464,176                       | 15.62        |
| Assessor AVF                  | 494,949           | 67,175                       | 73,268                       | 421,681                       | 14.80        |

FY15 Revenue and Expenditure  
 Compiled September 17, 2014  
 Expenditures by Department

|                                          | FY15 budget       | FY14 actual<br>as of 8/31/13 | FY15 actual<br>as of 8/31/14 | Variance<br><br>(unfavorable) | % Rec'd/Exp  |
|------------------------------------------|-------------------|------------------------------|------------------------------|-------------------------------|--------------|
| Statewide Computer                       | 57,075            | 16,104                       | -                            | 57,075                        | -            |
| Agricultural Agent                       | 128,837           | 26,564                       | 19,600                       | 109,237                       | 15.21        |
| Elections                                | 362,740           | 35,276                       | 28,643                       | 334,097                       | 7.90         |
| Magistrate Court                         | 1,000             | 151                          | 80                           | 920                           | 8.00         |
| Courthouse (Maintenance)                 | 1,127,137         | 213,037                      | 168,885                      | 958,252                       | 14.98        |
| Other Buildings                          | 649,750           | 102,925                      | 56,352                       | 593,398                       | 8.67         |
| Data Processing                          | 333,996           | 19,681                       | 23,835                       | 310,161                       | 7.14         |
| Regional Dev Authority                   | 19,795            | 19,794                       | 19,794                       | 1                             | 99.99        |
| Economic Development                     | 454,310           | 89,582                       | 111,136                      | 343,174                       | 24.46        |
| GIS                                      | 243,212           | 43,349                       | 36,028                       | 207,184                       | 14.81        |
| Planning                                 | 398,865           | 88,196                       | 59,221                       | 339,644                       | 14.85        |
| Engineering                              | 746,095           | 138,520                      | 116,850                      | 629,245                       | 15.66        |
| Zoning                                   | 71,133            | 17,716                       | 11,166                       | 59,967                        | 15.70        |
| Transfer to Financial Stabilization Fund | 1,089,932         | -                            | -                            | 1,089,932                     | -            |
| Contingency                              | 2,189,000         | -                            | -                            | 2,189,000                     | -            |
| Law Enforcement                          | 3,482,272         | 657,695                      | 537,084                      | 2,945,188                     | 15.42        |
| Service of Process                       | 18,000            | 1,672                        | -                            | 18,000                        | -            |
| Regional Jail                            | 1,100,000         | 88,377                       | -                            | 1,100,000                     | -            |
| Emergency Services                       | 269,887           | 42,701                       | 31,140                       | 238,747                       | 11.54        |
| Communication Center                     | 2,011,821         | 360,068                      | 278,476                      | 1,733,345                     | 13.84        |
| Fire Depts                               | 373,625           | -                            | 40,000                       | 333,625                       | 10.71        |
| JCESA                                    | 1,297,562         | 452,363                      | 262,200                      | 1,035,362                     | 20.21        |
| Animal Control                           | 334,588           | 52,192                       | 45,971                       | 288,617                       | 13.74        |
| Central Garage                           | 353,094           | 58,390                       | 46,817                       | 306,277                       | 13.26        |
| Parks and Recs                           | 493,529           | 114,202                      | 83,469                       | 410,060                       | 16.91        |
| Arts and Humanities                      | 10,400            | 3,997                        | 939                          | 9,461                         | 9.03         |
| Historical Commission                    | 15,400            | 3,997                        | 1,390                        | 14,010                        | 9.03         |
| Visitors Center                          | 260,000           | 49,968                       | 23,466                       | 236,534                       | 9.03         |
| Library                                  | 234,000           | 65,000                       | 58,500                       | 175,500                       | 25.00        |
| Public Transportation                    | 10,275            | 3,425                        | 2,569                        | 7,706                         | 25.00        |
| Clerk Capital Equip                      |                   | 4,883                        | -                            |                               |              |
| <b>Total Expenditures</b>                | <b>24,849,289</b> | <b>4,017,082</b>             | <b>3,209,493</b>             | <b>21,639,796</b>             | <b>12.92</b> |
| Net                                      | -                 | 2,087,688                    | 2,799,727                    |                               |              |

**August 2014 YTD Budget to Actual  
Expenditures by Object Code**

**FY15 Revenue and Expenditure**  
**Compiled September 17, 2014**  
**Expenditures by Object Code**

|                               | <b>FY15 budget</b> | <b>FY15 actual<br/>as of 8/31/14</b> | <b>Variance<br/><br/>(unfavorable)</b> | <b>% Rec'd/Exp</b> |
|-------------------------------|--------------------|--------------------------------------|----------------------------------------|--------------------|
| <b>Revenue</b>                |                    |                                      |                                        |                    |
| Fund Balance Roll Forward     | 2,957,781          |                                      |                                        |                    |
| Taxes                         | 12,059,566         | 4,007,722                            | (8,051,844)                            | 33.23              |
| Tax Penalties                 | 301,220            | 49,885                               | (251,335)                              | 16.56              |
| Property Transfer             | 468,000            | 118,523                              | (349,477)                              | 25.33              |
| Gas/oil                       | 30,000             | -                                    | (30,000)                               | -                  |
| Horse Racing                  | 14,219             | 2,476                                | (11,743)                               | 17.41              |
| Wine Liquor                   | 25,433             | 6,712                                | (18,721)                               | 26.39              |
| Hotel Occupancy               | 520,000            | 99,481                               | (420,519)                              | 19.13              |
| Decal fees                    | 75                 | 8                                    | (67)                                   | 10.67              |
| Bldg Permits                  | 170,000            | 41,196                               | (128,804)                              | 24.23              |
| Misc Permits                  | 150                | 22                                   | (128)                                  | 14.67              |
| Grants                        | 80,000             | -                                    | (80,000)                               | -                  |
| Payment in lieu of taxes      | 9,949              | 11,676                               | 1,727                                  | 117.36             |
| Sheriff Service Process       | 18,000             | 3,650                                | (14,350)                               | 20.28              |
| Sheriff Earnings              | 28,000             | 8,238                                | (19,762)                               | 29.42              |
| Clerk Earnings                | 206,500            | 29,492                               | (177,008)                              | 14.28              |
| Circuit Clerk Earnings        | 65,183             | 11,266                               | (53,917)                               | 17.28              |
| Prosecuting Earnings          | 1,129              | 299                                  | (830)                                  | 26.48              |
| Accident reports              | 3,500              | 700                                  | (2,800)                                | 20.00              |
| Map Sales                     | 4,200              | 317                                  | (3,883)                                | 7.55               |
| Rent                          | 47,175             | 7,700                                | (39,475)                               | 16.32              |
| 911 Fees                      | 1,885,058          | 108,614                              | (1,776,444)                            | 5.76               |
| Franchise Agreements          | 402,796            | 105,398                              | (297,398)                              | 26.17              |
| IRP fees                      | 10,140             | 3,184                                | (6,956)                                | 31.40              |
| Jail fees                     | 85,650             | 96,912                               | 11,262                                 | 113.15             |
| Interest                      | 17,273             | 2,579                                | (14,694)                               | 14.93              |
| Misc revenue                  | 50                 | 6                                    | (44)                                   | 12.00              |
| Sheriff Commission            | 12,000             | 11,619                               | (381)                                  | 96.83              |
| Table Games                   | 960,000            | 151,310                              | (808,690)                              | 15.76              |
| Video Lottery                 | 3,408,293          | 986,474                              | (2,421,819)                            | 28.94              |
| Reimbursements                | 299,000            | 90,269                               | (208,731)                              | 30.19              |
| Trans from other funds        | -                  | -                                    | -                                      | #DIV/0!            |
| Concealed Weapons             | -                  | -                                    | -                                      | #DIV/0!            |
| General School Reimbursements | 264,000            | 53,492                               | (210,508)                              | 20.26              |
| Trns Assessor Val fund        | 494,949            | -                                    | (494,949)                              | -                  |
| <b>Total Revenue</b>          | <b>24,849,289</b>  | <b>6,009,220</b>                     | <b>(15,882,288)</b>                    | <b>24.18</b>       |

**FY15 Revenue and Expenditure  
 Compiled September 17, 2014  
 Expenditures by Object Code**

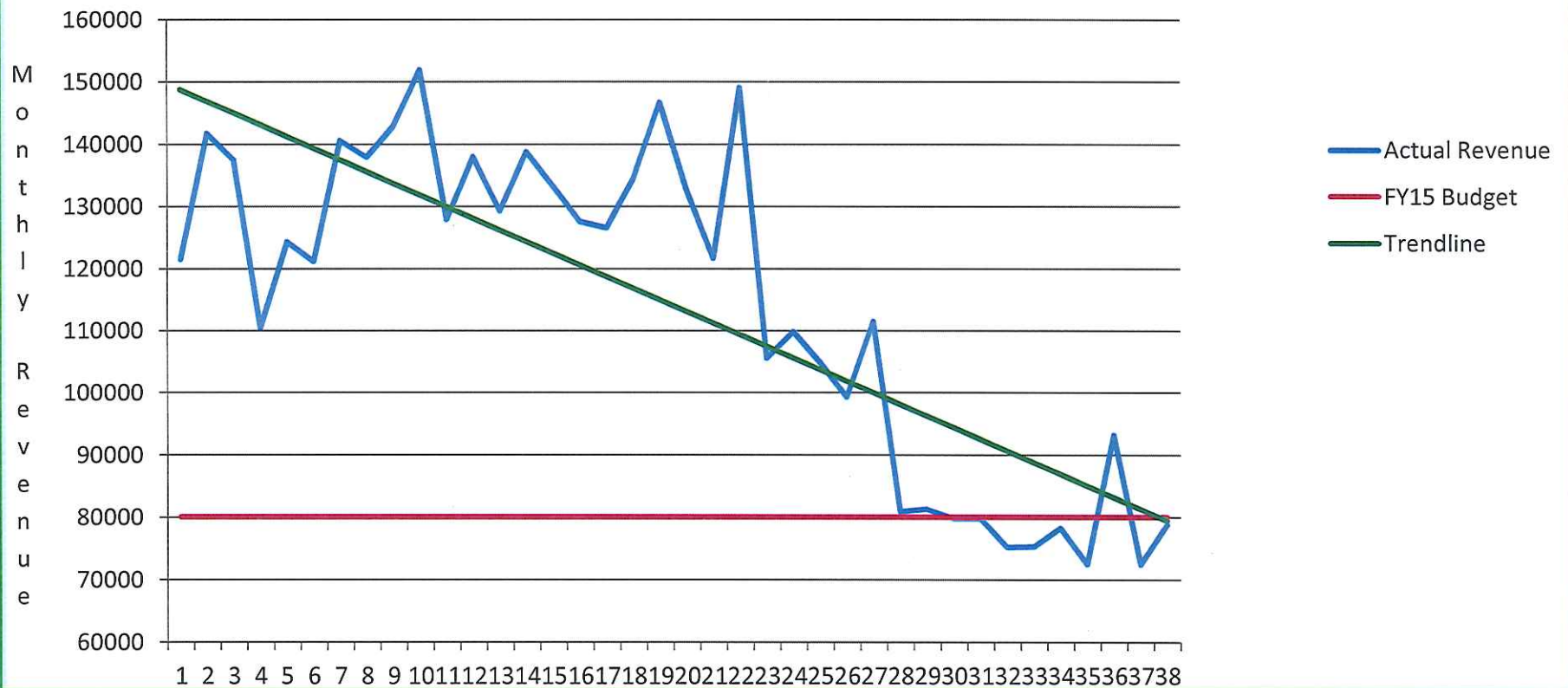
|                                 | <b>FY15 budget</b> | <b>FY15 actual<br/>as of 8/31/14</b> | <b>Variance<br/><br/>(unfavorable)</b> | <b>% Rec'd/Exp</b> |
|---------------------------------|--------------------|--------------------------------------|----------------------------------------|--------------------|
| <b>Expenditures</b>             |                    |                                      |                                        |                    |
| Salaries                        | 9,819,972          | 1,474,571                            | 8,345,401                              | 15.02              |
| FICA                            | 751,184            | 138,459                              | 612,725                                | 18.43              |
| Health Insurance                | 2,043,158          | 304,828                              | 1,738,330                              | 14.92              |
| Retirement                      | 1,288,435          | 241,869                              | 1,046,566                              | 18.77              |
| Telephone                       | 230,608            | 12,668                               | 217,940                                | 5.49               |
| Printing                        | 24,019             | 4,660                                | 19,359                                 | 19.40              |
| Utilities                       | 291,700            | 22,739                               | 268,961                                | 7.80               |
| Travel                          | 56,969             | 3,186                                | 53,783                                 | 5.59               |
| Bldg Repairs                    | 70,000             | 1,725                                | 68,275                                 | 2.46               |
| Equip Repairs                   | 200,908            | 2,354                                | 198,554                                | 1.17               |
| Auto Repairs                    | 8,000              | 44                                   | 7,956                                  | 0.55               |
| Postage                         | 109,711            | 34,025                               | 75,686                                 | 31.01              |
| Equipment Rent                  | 139,600            | 22,388                               | 117,212                                | 16.04              |
| Ads/Legal Publications          | 48,926             | 1,274                                | 47,652                                 | 2.60               |
| Training                        | 54,955             | 2,127                                | 52,828                                 | 3.87               |
| Dues                            | 83,375             | 14,977                               | 68,398                                 | 17.96              |
| Professional Services           | 256,146            | 36,837                               | 219,309                                | 14.38              |
| Audit Costs                     | 35,000             | 17,300                               | 17,700                                 | 49.43              |
| Bonds/Workers Comp              | 441,000            | 185,064                              | 255,936                                | 41.96              |
| Sheriff Court Costs             | 1,000              | -                                    | 1,000                                  | -                  |
| Contracted Services             | 401,190            | 42,005                               | 359,185                                | 10.47              |
| Bank Charges                    | 500                | -                                    | 500                                    | -                  |
| Retired Insurance Prem          | 81,103             | 13,948                               | 67,155                                 | 17.20              |
| Materials/supplies              | 427,304            | 32,485                               | 394,819                                | 7.60               |
| Record Books                    | 8,450              | 2,114                                | 6,336                                  | 25.02              |
| Vehicle Fuel                    | 229,750            | 34,254                               | 195,496                                | 14.91              |
| Jail Costs                      | 1,100,000          | -                                    | 1,100,000                              | -                  |
| Uniforms                        | 40,875             | 2,937                                | 37,938                                 | 7.19               |
| State Computer                  | 57,875             | -                                    | 57,875                                 | -                  |
| Computer Software               | 11,500             | -                                    | 11,500                                 | -                  |
| Computer Hardware               | 70,500             | -                                    | 70,500                                 | -                  |
| Tech Support                    | 121,250            | -                                    | 121,250                                | -                  |
| Tech Fees & Lic                 | 72,945             | 675                                  | 72,270                                 | 0.93               |
| Transfer to other funds         | 1,089,932          | -                                    | 1,089,932                              | -                  |
| Contributions to other entities | 2,992,449          | 559,980                              | 2,432,469                              | 18.71              |
| Contingency                     | 2,189,000          | -                                    | 2,189,000                              | -                  |
| <b>Total Expenditures</b>       | <b>24,849,289</b>  | <b>3,209,493</b>                     | <b>21,639,796</b>                      | <b>12.92</b>       |
| <br>Net                         | <br>-              | <br>2,799,727                        |                                        |                    |

FY15 Budget Variances  
As of August 31, 2014

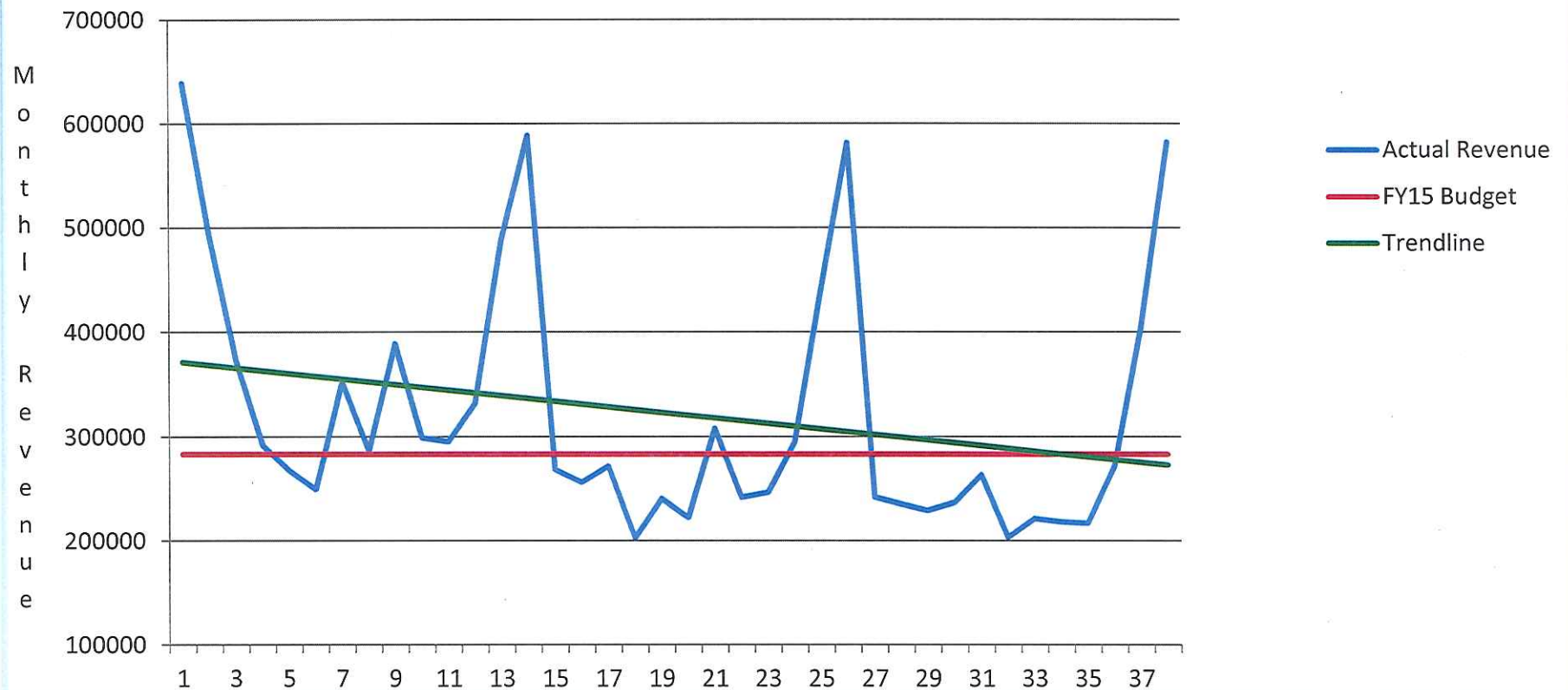
|                                   |                          | (unfavorable)    |                                      |
|-----------------------------------|--------------------------|------------------|--------------------------------------|
| 001-401-02-226-001-GG-000         | Workers Comp insurance   | 3,383            | Based on premium renewal             |
| 001-362-CS-000                    | Jail Fee Revenue         | 11,262           | Based on actual to budget            |
| 001-325-IG-000                    | Payment in Lieu of Taxes | 1,727            | Based on actual to budget            |
| 001-424-02-218-000-GG-000         | Postage                  | (12,000)         | \$9,000 related to ambulance billing |
| 001-704-03-345-000-PS-000         | Jail Costs               | <u>(160,000)</u> | Trend does not support budget        |
| Projected Deficit                 |                          | (155,628)        |                                      |
| Contingency Reserve Available     |                          | <u>321,151</u>   |                                      |
| Possible Increase in Fund Balance |                          | 165,523          |                                      |

Finalized Variances

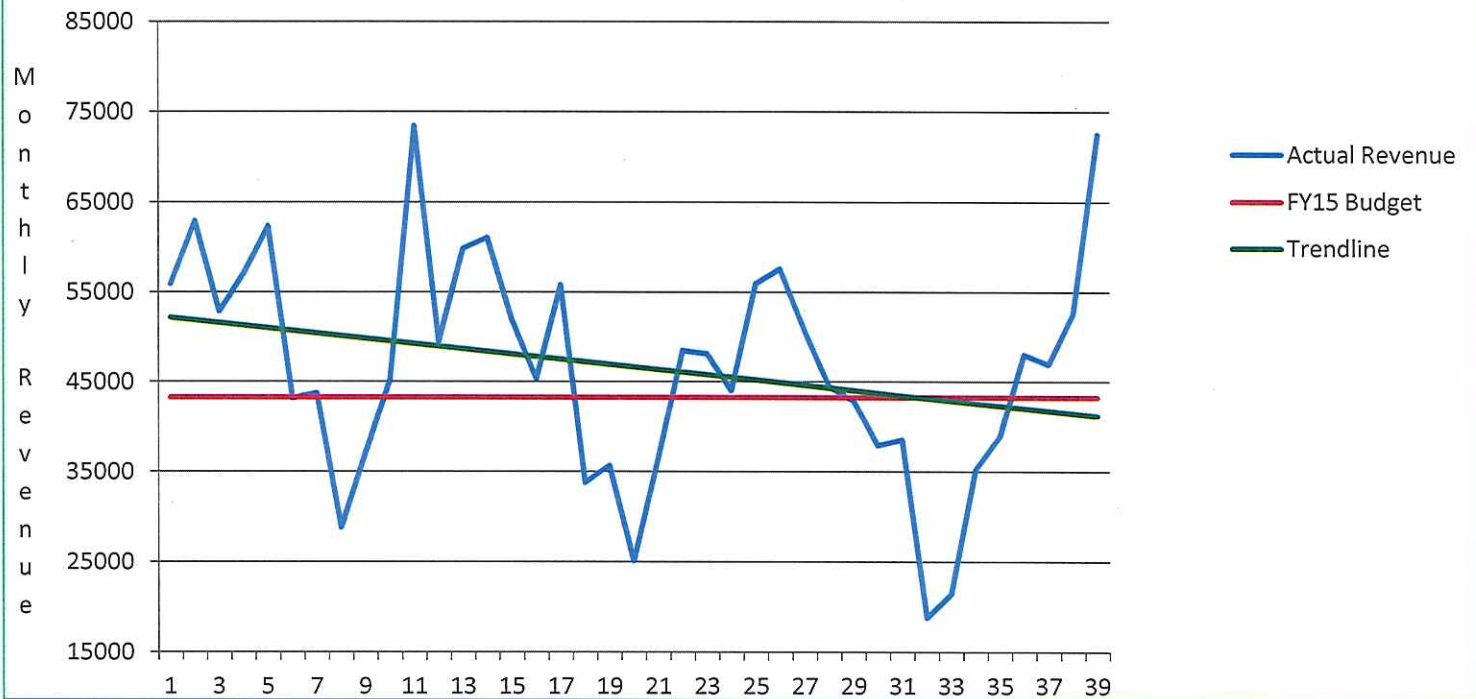
# Table Games 001-370-OT-000 38 month Period July 2011 -August 2014



# Video Lottery 001-373-OT-000 38 month Period July 2011 - August 2014



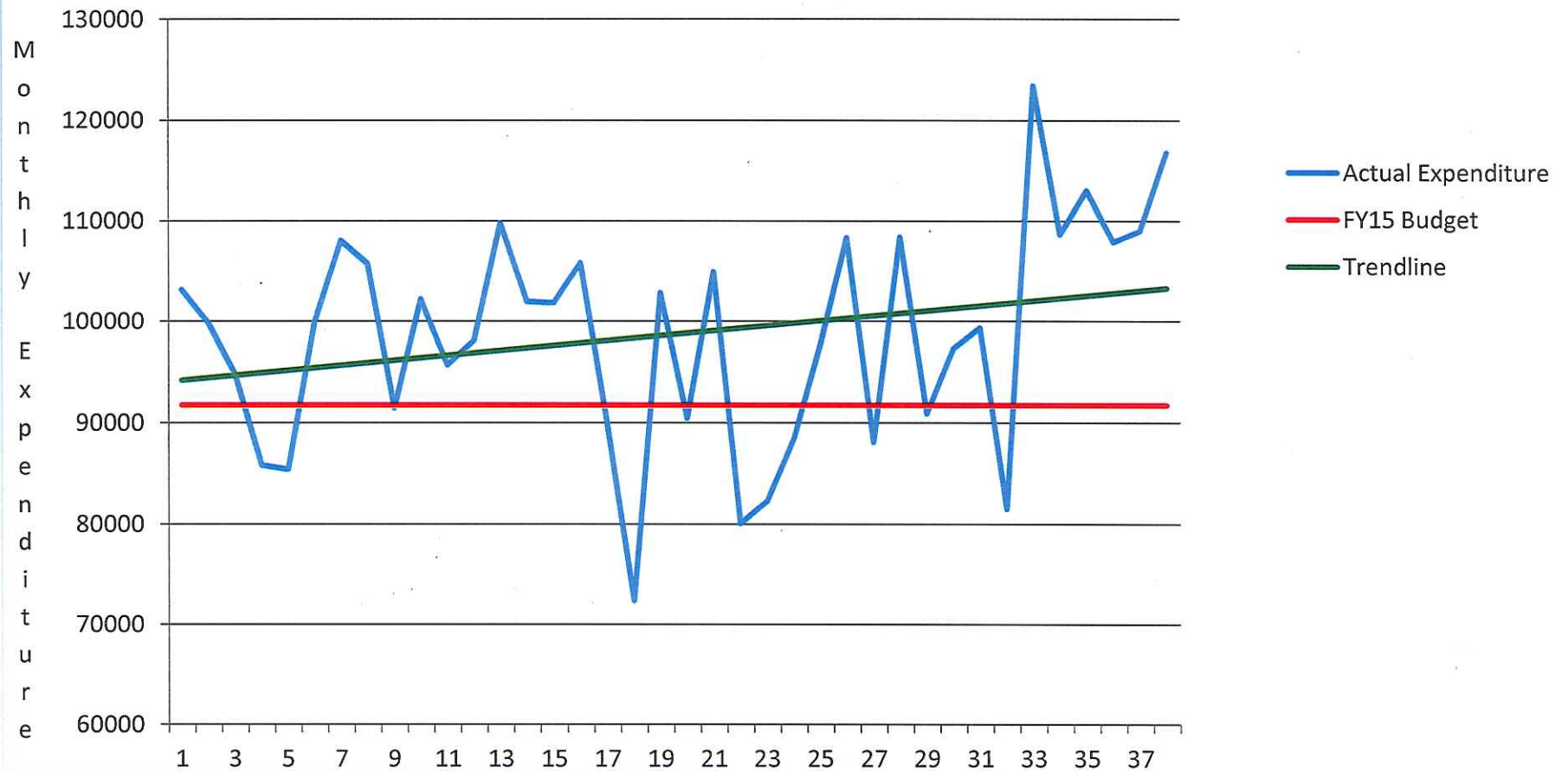
# Hotel/Motel Revenue 001-309-OT-000 39 month Period July 2011 - September 2014



# Jail Costs

## 001-704-03-344-000-PS-000

### 38 month Period July 2011 - August 2014



**FY14 Unaudited Financial Statements**

JEFFERSON COUNTY, WEST VIRGINIA  
STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES -  
GOVERNMENTAL FUNDS  
For the Fiscal Year Ended June 30, 2014

|                                                      | General             | Coal<br>Severance<br>Tax | County<br>Capital<br>Outlay | Impact<br>Fees      | Other Nonmajor<br>Governmental<br>Funds | Total<br>Governmental<br>Funds |
|------------------------------------------------------|---------------------|--------------------------|-----------------------------|---------------------|-----------------------------------------|--------------------------------|
| <b>REVENUES</b>                                      |                     |                          |                             |                     |                                         |                                |
| Taxes:                                               |                     |                          |                             |                     |                                         |                                |
| Ad valorem property taxes                            | \$ 11,825,266       | \$ --                    | \$ --                       | \$ --               | \$ --                                   | \$ 11,825,266                  |
| Alcoholic beverages tax                              | 28,477              | --                       | --                          | --                  | --                                      | 28,477                         |
| Hotel occupancy tax                                  | 490,521             | --                       | --                          | --                  | --                                      | 490,521                        |
| Animal tax                                           | --                  | --                       | --                          | --                  | --                                      | --                             |
| Gas and oil severance tax                            | 5,294               | --                       | --                          | --                  | --                                      | 5,294                          |
| Amusement tax                                        | --                  | --                       | --                          | --                  | --                                      | --                             |
| Other taxes                                          | 1,241,783           | --                       | --                          | --                  | --                                      | 1,241,783                      |
| Coal severance tax                                   | --                  | 152,785                  | --                          | --                  | --                                      | 152,785                        |
| Licenses and permits                                 | 200,312             | --                       | --                          | 2,475,002           | 73,113                                  | 2,748,427                      |
| Intergovernmental:                                   |                     |                          |                             |                     |                                         |                                |
| Federal                                              | 180,101             | --                       | --                          | --                  | 65,242                                  | 245,343                        |
| State                                                | --                  | --                       | --                          | --                  | 157,577                                 | 157,577                        |
| Charges for services                                 | 2,403,246           | --                       | --                          | --                  | 65,282                                  | 2,468,528                      |
| Fines and forfeits                                   | --                  | --                       | --                          | --                  | 315,059                                 | 315,059                        |
| Interest and investment earnings                     | 15,693              | 1,336                    | 28,401                      | 5,309               | 2,240                                   | 52,979                         |
| Refunds                                              | 382,778             | --                       | --                          | --                  | --                                      | 382,778                        |
| Reimbursements                                       | --                  | --                       | 18,832                      | --                  | 2,902                                   | 21,734                         |
| Payments in lieu of taxes                            | 16,597              | --                       | --                          | --                  | --                                      | 16,597                         |
| Contributions and donations                          | --                  | --                       | --                          | --                  | --                                      | --                             |
| Miscellaneous                                        | 4,410,350           | --                       | --                          | --                  | 1,807,603                               | 6,217,953                      |
| <b>Total revenues</b>                                | <b>21,200,418</b>   | <b>154,121</b>           | <b>47,233</b>               | <b>2,480,311</b>    | <b>2,489,018</b>                        | <b>26,371,101</b>              |
| <b>EXPENDITURES</b>                                  |                     |                          |                             |                     |                                         |                                |
| Current:                                             |                     |                          |                             |                     |                                         |                                |
| General government                                   | 11,202,959          | 110,107                  | 163,522                     | 3,268,540           | 1,627,554                               | 16,372,682                     |
| Public safety                                        | 9,712,701           | 427,000                  | --                          | --                  | 110,115                                 | 10,249,816                     |
| Health and sanitation                                | 14,058              | 13,451                   | --                          | --                  | --                                      | 27,509                         |
| Culture and recreation                               | 1,072,714           | --                       | --                          | --                  | --                                      | 1,072,714                      |
| Benefits paid                                        | --                  | --                       | --                          | --                  | --                                      | --                             |
| Insurance premiums                                   | --                  | --                       | --                          | --                  | --                                      | --                             |
| Social services                                      | 6,850               | --                       | --                          | --                  | 11,760                                  | 18,610                         |
| Capital outlay                                       | 29,580              | --                       | 897,631                     | --                  | 100,409                                 | 1,027,620                      |
| <b>Total expenditures</b>                            | <b>22,038,862</b>   | <b>550,558</b>           | <b>1,061,153</b>            | <b>3,268,540</b>    | <b>1,849,838</b>                        | <b>28,768,951</b>              |
| Excess (deficiency) of revenues<br>over expenditures | ( 838,444)          | ( 396,437)               | ( 1,013,920)                | ( 788,229)          | 639,180                                 | ( 2,397,850)                   |
| <b>OTHER FINANCING SOURCES (USES)</b>                |                     |                          |                             |                     |                                         |                                |
| Transfers in                                         | 761,379             | --                       | 2,156                       | --                  | 92,053                                  | 855,588                        |
| Transfers (out)                                      | ( 9,327)            | --                       | --                          | --                  | ( 846,261)                              | ( 855,588)                     |
| <b>Total other financing<br/>sources (uses)</b>      | <b>752,052</b>      | <b>--</b>                | <b>2,156</b>                | <b>--</b>           | <b>( 754,208)</b>                       | <b>--</b>                      |
| <b>Net change in fund balances</b>                   | <b>( 86,392)</b>    | <b>( 396,437)</b>        | <b>( 1,011,764)</b>         | <b>( 788,229)</b>   | <b>( 115,028)</b>                       | <b>( 2,397,850)</b>            |
| Fund balances - beginning                            | 3,111,489           | 404,758                  | 5,659,849                   | 2,724,238           | 979,146                                 | 12,879,480                     |
| <b>Fund balances - ending</b>                        | <b>\$ 3,025,097</b> | <b>\$ 8,321</b>          | <b>\$ 4,648,085</b>         | <b>\$ 1,936,009</b> | <b>\$ 864,118</b>                       | <b>\$ 10,481,630</b>           |

The notes to the financial statements are an integral part of this statement.

JEFFERSON COUNTY, WEST VIRGINIA  
BALANCE SHEET - GOVERNMENTAL FUNDS  
June 30, 2014

|                                                             | General             | Coal<br>Severance<br>Tax | County<br>Capital<br>Outlay | Impact<br>Fees      | Other Nonmajor<br>Governmental<br>Funds | Total<br>Governmental<br>Funds |
|-------------------------------------------------------------|---------------------|--------------------------|-----------------------------|---------------------|-----------------------------------------|--------------------------------|
| <b>ASSETS AND DEFERRED OUTFLOWS</b>                         |                     |                          |                             |                     |                                         |                                |
| <b>Assets:</b>                                              |                     |                          |                             |                     |                                         |                                |
| <b>Current:</b>                                             |                     |                          |                             |                     |                                         |                                |
| Cash and cash equivalents                                   | \$ 3,661,102        | \$ 8,321                 | \$ 4,648,085                | \$ --               | \$ 844,111                              | \$ 9,161,619                   |
| Investments                                                 | --                  | --                       | --                          | --                  | --                                      | --                             |
| Receivables:                                                |                     |                          |                             |                     |                                         |                                |
| Taxes                                                       | 720,058             | --                       | --                          | --                  | --                                      | 720,058                        |
| Accounts                                                    | 159,112             | --                       | --                          | --                  | --                                      | 159,112                        |
| Grants                                                      | --                  | --                       | --                          | --                  | --                                      | --                             |
| Other Receivables                                           | --                  | --                       | --                          | --                  | 51,117                                  | 51,117                         |
| Loans                                                       | --                  | --                       | --                          | --                  | --                                      | --                             |
| Due from:                                                   |                     |                          |                             |                     |                                         |                                |
| Other funds                                                 | 34,187              | --                       | --                          | --                  | 22,304                                  | 56,491                         |
| Other governments                                           | --                  | --                       | --                          | --                  | --                                      | --                             |
| Component units                                             | --                  | --                       | --                          | --                  | --                                      | --                             |
| Inventory, at cost                                          | 11,499              | --                       | --                          | --                  | --                                      | 11,499                         |
| Prepaid expenses                                            | 7,644               | --                       | --                          | --                  | --                                      | 7,644                          |
| Restricted cash                                             | --                  | --                       | --                          | 1,936,009           | --                                      | 1,936,009                      |
| Intergovernmental receivable-restricted                     | --                  | --                       | --                          | --                  | --                                      | --                             |
| <b>Total assets</b>                                         | <b>4,593,602</b>    | <b>8,321</b>             | <b>4,648,085</b>            | <b>1,936,009</b>    | <b>917,532</b>                          | <b>12,103,549</b>              |
| <b>Deferred Outflows:</b>                                   |                     |                          |                             |                     |                                         |                                |
|                                                             | --                  | --                       | --                          | --                  | --                                      | --                             |
| <b>Total deferred outflows of resources</b>                 | <b>--</b>           | <b>--</b>                | <b>--</b>                   | <b>--</b>           | <b>--</b>                               | <b>--</b>                      |
| <b>Total assets and deferred outflows of resources</b>      | <b>\$ 4,593,602</b> | <b>\$ 8,321</b>          | <b>\$ 4,648,085</b>         | <b>\$ 1,936,009</b> | <b>\$ 917,532</b>                       | <b>\$ 12,103,549</b>           |
| <b>LIABILITIES, DEFERRED INFLOWS AND FUND BALANCES</b>      |                     |                          |                             |                     |                                         |                                |
| <b>Liabilities:</b>                                         |                     |                          |                             |                     |                                         |                                |
| Accounts payable                                            | 341,854             | --                       | --                          | --                  | --                                      | 341,854                        |
| Payroll payable                                             | 386,186             | --                       | --                          | --                  | --                                      | 386,186                        |
| Compensated absences payable                                | --                  | --                       | --                          | --                  | --                                      | --                             |
| Other accrued expenses                                      | 86,189              | --                       | --                          | --                  | --                                      | 86,189                         |
| Benefits Payable- HRA                                       | 205,617             | --                       | --                          | --                  | --                                      | 205,617                        |
| OPEB payable                                                | --                  | --                       | --                          | --                  | --                                      | --                             |
| Benefits Payable                                            | --                  | --                       | --                          | --                  | --                                      | --                             |
| Due to:                                                     |                     |                          |                             |                     |                                         |                                |
| Component unit                                              | --                  | --                       | --                          | --                  | --                                      | --                             |
| Other funds                                                 | 3,077               | --                       | --                          | --                  | 53,414                                  | 56,491                         |
| Unearned revenue:                                           |                     |                          |                             |                     |                                         |                                |
| Deferred revenue                                            | --                  | --                       | --                          | --                  | --                                      | --                             |
| Taxes                                                       | --                  | --                       | --                          | --                  | --                                      | --                             |
| License fees                                                | --                  | --                       | --                          | --                  | --                                      | --                             |
| Charges for services                                        | --                  | --                       | --                          | --                  | --                                      | --                             |
| Customer advances                                           | --                  | --                       | --                          | --                  | --                                      | --                             |
| Other                                                       | --                  | --                       | --                          | --                  | --                                      | --                             |
| Liabilities payable from restricted assets                  | --                  | --                       | --                          | --                  | --                                      | --                             |
| <b>Total liabilities</b>                                    | <b>1,022,923</b>    | <b>--</b>                | <b>--</b>                   | <b>--</b>           | <b>53,414</b>                           | <b>1,076,337</b>               |
| <b>Deferred Inflows:</b>                                    |                     |                          |                             |                     |                                         |                                |
| Unavailable revenue - taxes                                 | 542,682             | --                       | --                          | --                  | --                                      | 542,682                        |
| Deferred revenue                                            | 2,900               | --                       | --                          | --                  | --                                      | 2,900                          |
| <b>Total deferred inflows of resources</b>                  | <b>545,582</b>      | <b>--</b>                | <b>--</b>                   | <b>--</b>           | <b>--</b>                               | <b>545,582</b>                 |
| <b>Total liabilities and deferred inflows of resources</b>  | <b>1,568,505</b>    | <b>--</b>                | <b>--</b>                   | <b>--</b>           | <b>53,414</b>                           | <b>1,621,919</b>               |
| <b>Fund balances:</b>                                       |                     |                          |                             |                     |                                         |                                |
| Nonspendable                                                | 19,143              | --                       | --                          | --                  | --                                      | 19,143                         |
| Restricted                                                  | --                  | 8,321                    | --                          | 1,936,009           | 804,474                                 | 2,748,804                      |
| Committed                                                   | --                  | --                       | 4,648,085                   | --                  | --                                      | 4,648,085                      |
| Assigned                                                    | 3,005,954           | --                       | --                          | --                  | 59,644                                  | 3,065,598                      |
| Unassigned                                                  | --                  | --                       | --                          | --                  | --                                      | --                             |
| <b>Total fund balances</b>                                  | <b>3,025,097</b>    | <b>8,321</b>             | <b>4,648,085</b>            | <b>1,936,009</b>    | <b>864,118</b>                          | <b>10,481,630</b>              |
| <b>Total liabilities, deferred inflows and fund balance</b> | <b>\$ 4,593,602</b> | <b>\$ 8,321</b>          | <b>\$ 4,648,085</b>         | <b>\$ 1,936,009</b> | <b>\$ 917,532</b>                       | <b>\$ 12,103,549</b>           |

The notes to the financial statements are an integral part of this statement.

JEFFERSON COUNTY, WEST VIRGINIA  
STATEMENT OF ACTIVITIES  
For the Fiscal Year Ended June 30, 2014

| Functions / Programs                  | Program Revenues    |                      |                                    |                                  | Net (Expense) Revenues and Changes in Net Position |                      |                     |                       |                   |                     |                    |                      |              |
|---------------------------------------|---------------------|----------------------|------------------------------------|----------------------------------|----------------------------------------------------|----------------------|---------------------|-----------------------|-------------------|---------------------|--------------------|----------------------|--------------|
|                                       | Expenses            | Charges for Services | Operating Grants and Contributions | Capital Grants and Contributions | Primary Government                                 |                      | Board of Health     | Development Authority | Component Units   |                     |                    |                      |              |
|                                       |                     |                      |                                    |                                  | Governmental Activities                            | Total                |                     |                       | Historic Landmark | Farmland Protection | Emergency Services | Parks and Recreation |              |
| <b>Primary government:</b>            |                     |                      |                                    |                                  |                                                    |                      |                     |                       |                   |                     |                    |                      |              |
| Governmental activities:              |                     |                      |                                    |                                  |                                                    |                      |                     |                       |                   |                     |                    |                      |              |
| General government                    | \$ 15,872,096       | \$ 2,783,587         | \$ 143,221                         | \$ 21,205                        | \$ (12,924,083)                                    | \$ (12,924,083)      |                     |                       |                   |                     |                    |                      |              |
| Public safety                         | 10,632,983          | --                   | 238,494                            | --                               | (10,394,489)                                       | (10,394,489)         |                     |                       |                   |                     |                    |                      |              |
| Streets and transportation            | --                  | --                   | --                                 | --                               | --                                                 | --                   |                     |                       |                   |                     |                    |                      |              |
| Health and sanitation                 | 27,509              | --                   | --                                 | --                               | (27,509)                                           | (27,509)             |                     |                       |                   |                     |                    |                      |              |
| Administrative and general            | --                  | --                   | --                                 | --                               | --                                                 | --                   |                     |                       |                   |                     |                    |                      |              |
| Culture and recreation                | 1,170,233           | --                   | --                                 | --                               | (1,170,233)                                        | (1,170,233)          |                     |                       |                   |                     |                    |                      |              |
| Benefits paid                         | --                  | --                   | --                                 | --                               | --                                                 | --                   |                     |                       |                   |                     |                    |                      |              |
| Insurance premiums                    | --                  | --                   | --                                 | --                               | --                                                 | --                   |                     |                       |                   |                     |                    |                      |              |
| Social services                       | 18,610              | --                   | --                                 | --                               | (18,610)                                           | (18,610)             |                     |                       |                   |                     |                    |                      |              |
| Capital projects                      | 988,318             | --                   | --                                 | --                               | (988,318)                                          | (988,318)            |                     |                       |                   |                     |                    |                      |              |
| Education                             | --                  | --                   | --                                 | --                               | --                                                 | --                   |                     |                       |                   |                     |                    |                      |              |
| Interest on long-term debt            | --                  | --                   | --                                 | --                               | --                                                 | --                   |                     |                       |                   |                     |                    |                      |              |
| <b>Total governmental activities</b>  | <b>28,709,749</b>   | <b>2,783,587</b>     | <b>381,715</b>                     | <b>21,205</b>                    | <b>(25,523,242)</b>                                | <b>(25,523,242)</b>  |                     |                       |                   |                     |                    |                      |              |
| <b>Component units:</b>               |                     |                      |                                    |                                  |                                                    |                      |                     |                       |                   |                     |                    |                      |              |
| Board of Health                       | 708,698             | 225,819              | 532,679                            | --                               | --                                                 | --                   | \$ 49,800           | \$ --                 | \$ --             | \$ --               | \$ --              | \$ --                | \$ --        |
| Economic Development                  | 662,010             | --                   | --                                 | --                               | --                                                 | --                   | --                  | (662,010)             | --                | --                  | --                 | --                   | --           |
| Historic Landmark                     | 83,462              | --                   | 41,773                             | --                               | --                                                 | --                   | --                  | --                    | (41,689)          | --                  | --                 | --                   | --           |
| Farmland Protection                   | 331,861             | --                   | 125,210                            | --                               | --                                                 | --                   | --                  | --                    | --                | (206,651)           | --                 | --                   | --           |
| Emergency Services Agency             | 2,345,607           | 69,142               | 399,700                            | --                               | --                                                 | --                   | --                  | --                    | --                | --                  | (1,876,765)        | --                   | --           |
| Parks and Recreation                  | 1,118,820           | 474,530              | 170,758                            | --                               | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | (473,532)            | --           |
| <b>Total component units</b>          | <b>\$ 5,250,458</b> | <b>\$ 769,491</b>    | <b>\$ 1,270,120</b>                | <b>\$ --</b>                     | <b>\$ --</b>                                       | <b>\$ --</b>         | <b>49,800</b>       | <b>(662,010)</b>      | <b>(41,689)</b>   | <b>(206,651)</b>    | <b>(1,876,765)</b> | <b>(473,532)</b>     | <b>\$ --</b> |
| <b>General revenues:</b>              |                     |                      |                                    |                                  |                                                    |                      |                     |                       |                   |                     |                    |                      |              |
| Ad valorem property taxes             |                     |                      |                                    |                                  | 11,871,205                                         | 11,871,205           | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Alcoholic beverages tax               |                     |                      |                                    |                                  | 28,477                                             | 28,477               | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Utility services tax                  |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Hotel occupancy tax                   |                     |                      |                                    |                                  | 490,521                                            | 490,521              | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Animal tax                            |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Gas and oil severance tax             |                     |                      |                                    |                                  | 5,294                                              | 5,294                | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Amusement tax                         |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Other taxes                           |                     |                      |                                    |                                  | 1,258,380                                          | 1,258,380            | --                  | --                    | --                | 1,222,813           | --                 | 224,509              | --           |
| Coal severance tax                    |                     |                      |                                    |                                  | 152,785                                            | 152,785              | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Licenses and permits                  |                     |                      |                                    |                                  | 2,748,427                                          | 2,748,427            | --                  | --                    | --                | --                  | --                 | --                   | --           |
| <b>Intergovernmental:</b>             |                     |                      |                                    |                                  |                                                    |                      |                     |                       |                   |                     |                    |                      |              |
| Federal                               |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| State                                 |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Local                                 |                     |                      |                                    |                                  | --                                                 | --                   | 4,188               | 438,882               | 19,458            | --                  | 1,870,903          | 440,917              | --           |
| Unrestricted investment earnings      |                     |                      |                                    |                                  | 52,979                                             | 52,979               | 4,932               | 4,740                 | --                | 6,226               | 1,655              | 1,370                | --           |
| Refunds                               |                     |                      |                                    |                                  | 382,778                                            | 382,778              | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Reimbursement                         |                     |                      |                                    |                                  | 21,734                                             | 21,734               | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Net gain(loss) on sale of investments |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Restricted investment earnings        |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Contributions from other entities     |                     |                      |                                    |                                  | --                                                 | --                   | --                  | 16,000                | 8,439             | --                  | --                 | --                   | --           |
| Gain on sale of capital assets        |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Unallocated depreciation              |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| Miscellaneous                         |                     |                      |                                    |                                  | 6,217,953                                          | 6,217,953            | 8,526               | 40,312                | --                | --                  | 20,296             | --                   | --           |
| Transfers                             |                     |                      |                                    |                                  | --                                                 | --                   | --                  | --                    | --                | --                  | --                 | --                   | --           |
| <b>Total general revenues</b>         |                     |                      |                                    |                                  | <b>23,230,533</b>                                  | <b>23,230,533</b>    | <b>17,646</b>       | <b>499,934</b>        | <b>27,897</b>     | <b>1,229,039</b>    | <b>1,892,854</b>   | <b>666,796</b>       |              |
| <b>Change in net position</b>         |                     |                      |                                    |                                  | <b>(2,292,709)</b>                                 | <b>(2,292,709)</b>   | <b>67,446</b>       | <b>(162,076)</b>      | <b>(13,792)</b>   | <b>1,022,388</b>    | <b>16,089</b>      | <b>193,264</b>       |              |
| <b>Net position - beginning</b>       |                     |                      |                                    |                                  | <b>32,161,526</b>                                  | <b>32,161,526</b>    | <b>1,336,702</b>    | <b>2,699,726</b>      | <b>701,092</b>    | <b>466,593</b>      | <b>907,222</b>     | <b>1,148,463</b>     |              |
| <b>Net position - ending</b>          |                     |                      |                                    |                                  | <b>\$ 29,868,817</b>                               | <b>\$ 29,868,817</b> | <b>\$ 1,404,148</b> | <b>\$ 2,537,650</b>   | <b>\$ 687,300</b> | <b>\$ 1,488,981</b> | <b>\$ 923,311</b>  | <b>\$ 1,341,717</b>  |              |

The notes to the financial statements are an integral part of this statement.

JEFFERSON COUNTY, WEST VIRGINIA  
STATEMENT OF NET POSITION  
June 30, 2014

|                                           | Primary Government         |                     |                          | Component Units       |                              |                       |                         |
|-------------------------------------------|----------------------------|---------------------|--------------------------|-----------------------|------------------------------|-----------------------|-------------------------|
|                                           | Governmental<br>Activities | Board of<br>Health  | Development<br>Authority | Historic<br>Landmarks | Farmland<br>Protection Board | Emergency<br>Services | Parks and<br>Recreation |
| <b>ASSETS</b>                             |                            |                     |                          |                       |                              |                       |                         |
| <b>Current assets:</b>                    |                            |                     |                          |                       |                              |                       |                         |
| Cash and cash equivalents                 | \$ 9,161,619               | \$ 1,577,140        | \$ 804,750               | \$ 10,612             | \$ 1,436,481                 | \$ 226,393            | \$ 712,917              |
| Receivables:                              |                            |                     |                          |                       |                              |                       |                         |
| Taxes                                     | 720,058                    | --                  | --                       | --                    | --                           | --                    | --                      |
| Accounts                                  | 159,112                    | 11,732              | 2,550                    | --                    | 49,627                       | 22,263                | --                      |
| Special assessments                       | 51,117                     | --                  | --                       | --                    | --                           | --                    | --                      |
| Inventory, at cost                        | 11,499                     | --                  | --                       | --                    | --                           | --                    | --                      |
| Prepaid expenses                          | 7,644                      | --                  | 9,505                    | --                    | 3,000                        | 74,703                | --                      |
| Total current assets                      | <u>10,111,049</u>          | <u>1,588,872</u>    | <u>816,805</u>           | <u>10,612</u>         | <u>1,489,108</u>             | <u>323,359</u>        | <u>712,917</u>          |
| <b>Restricted assets:</b>                 |                            |                     |                          |                       |                              |                       |                         |
| Other Assets                              | --                         | --                  | 14,483                   | --                    | --                           | --                    | --                      |
| Restricted cash                           | 1,936,009                  | --                  | 9,535                    | --                    | --                           | --                    | --                      |
| <b>Capital assets:</b>                    |                            |                     |                          |                       |                              |                       |                         |
| <b>Nondepreciable:</b>                    |                            |                     |                          |                       |                              |                       |                         |
| Land                                      | 866,554                    | --                  | 7,085,232                | 231,650               | --                           | 550,000               | 688,335                 |
| Construction in progress                  | 1,066,301                  | --                  | --                       | --                    | --                           | --                    | --                      |
| <b>Depreciable:</b>                       |                            |                     |                          |                       |                              |                       |                         |
| Buildings                                 | 19,024,780                 | --                  | --                       | 493,200               | --                           | 1,366,998             | 129,841                 |
| Structures and improvements               | 1,950,028                  | --                  | --                       | --                    | --                           | --                    | --                      |
| Infrastructure                            | --                         | --                  | --                       | --                    | --                           | --                    | --                      |
| Vehicles                                  | 1,963,988                  | --                  | --                       | --                    | --                           | --                    | --                      |
| Machinery and equipment                   | 5,920,615                  | --                  | 39,019                   | --                    | --                           | 539,462               | --                      |
| Leasehold improvements                    | --                         | --                  | --                       | --                    | --                           | --                    | --                      |
| Less: accumulated depreciation            | (11,285,549)               | --                  | (14,962)                 | (48,162)              | --                           | (636,676)             | (77,671)                |
| Loan acquisition costs                    | --                         | --                  | 23,460                   | --                    | --                           | --                    | --                      |
| Total noncurrent assets                   | <u>21,442,726</u>          | <u>--</u>           | <u>7,156,767</u>         | <u>676,688</u>        | <u>--</u>                    | <u>1,819,784</u>      | <u>740,505</u>          |
| Total assets                              | <u>31,553,775</u>          | <u>1,588,872</u>    | <u>7,973,572</u>         | <u>687,300</u>        | <u>1,489,108</u>             | <u>2,143,143</u>      | <u>1,453,422</u>        |
| <b>DEFERRED OUTFLOWS</b>                  |                            |                     |                          |                       |                              |                       |                         |
|                                           | --                         | --                  | --                       | --                    | --                           | --                    | --                      |
| Total deferred outflows of resources      | <u>--</u>                  | <u>--</u>           | <u>--</u>                | <u>--</u>             | <u>--</u>                    | <u>--</u>             | <u>--</u>               |
| <b>LIABILITIES</b>                        |                            |                     |                          |                       |                              |                       |                         |
| <b>Current liabilities payable</b>        |                            |                     |                          |                       |                              |                       |                         |
| <b>from current assets:</b>               |                            |                     |                          |                       |                              |                       |                         |
| Accounts payable                          | 341,854                    | 5,016               | 1,005                    | --                    | 127                          | 22,533                | --                      |
| Refunds payable                           | --                         | --                  | --                       | --                    | --                           | --                    | --                      |
| Payroll payable                           | 386,186                    | 13,612              | --                       | --                    | --                           | 38,640                | 15,854                  |
| Other accrued expenses                    | 86,189                     | --                  | --                       | --                    | --                           | --                    | --                      |
| Contracts payable                         | --                         | --                  | --                       | --                    | --                           | --                    | --                      |
| Benefits Payable-HRA                      | 205,617                    | --                  | --                       | --                    | --                           | --                    | --                      |
| OPEB payable                              | --                         | 166,096             | --                       | --                    | --                           | --                    | 82,346                  |
| interest payable                          | --                         | --                  | 7,017                    | --                    | --                           | 1,214                 | --                      |
| <b>Noncurrent liabilities:</b>            |                            |                     |                          |                       |                              |                       |                         |
| Notes payable - due within one year       | --                         | --                  | 257,806                  | --                    | --                           | 26,121                | --                      |
| Notes payable - due in more than one year | --                         | --                  | 5,170,094                | --                    | --                           | 1,123,537             | --                      |
| Leases payable - due within one year      | --                         | --                  | --                       | --                    | --                           | --                    | --                      |
| Compensated absences payable              | 665,112                    | --                  | --                       | --                    | --                           | 7,787                 | 13,505                  |
| Total liabilities                         | <u>1,684,958</u>           | <u>184,724</u>      | <u>5,435,922</u>         | <u>--</u>             | <u>127</u>                   | <u>1,219,832</u>      | <u>111,705</u>          |
| <b>DEFERRED INFLOWS</b>                   |                            |                     |                          |                       |                              |                       |                         |
| Unavailable revenue - taxes               | --                         | --                  | --                       | --                    | --                           | --                    | --                      |
| Total deferred inflows of resources       | <u>--</u>                  | <u>--</u>           | <u>--</u>                | <u>--</u>             | <u>--</u>                    | <u>--</u>             | <u>--</u>               |
| <b>NET POSITION</b>                       |                            |                     |                          |                       |                              |                       |                         |
| Net investment in capital assets          | 19,506,717                 | --                  | 24,057                   | 676,688               | --                           | 703,140               | 740,505                 |
| Restricted for:                           |                            |                     |                          |                       |                              |                       |                         |
| Other purposes                            | --                         | --                  | 24,018                   | --                    | 145,320                      | 81,000                | --                      |
| Unrestricted                              | <u>10,362,100</u>          | <u>1,404,148</u>    | <u>2,489,575</u>         | <u>10,612</u>         | <u>1,343,661</u>             | <u>139,171</u>        | <u>601,212</u>          |
| Total net position                        | <u>\$ 29,868,817</u>       | <u>\$ 1,404,148</u> | <u>\$ 2,537,650</u>      | <u>\$ 687,300</u>     | <u>\$ 1,488,981</u>          | <u>\$ 923,311</u>     | <u>\$ 1,341,717</u>     |

The notes to the financial statements are an integral part of this statement.

JEFFERSON COUNTY, WEST VIRGINIA  
RECONCILIATION OF THE BALANCE SHEET - GOVERNMENTAL FUNDS  
TO THE STATEMENT OF NET POSITION  
June 30, 2014

---

|                                                                                                                                     |                      |
|-------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| Total fund balances on the governmental fund's balance sheet                                                                        | \$ 10,481,630        |
| Amounts reported for governmental activities in the statement of net position are different because:                                |                      |
| Capital assets used in governmental activities are not financial resources and are therefore not reported in the funds. (Note IV-C) | 19,506,717           |
| Certain revenues are not available to fund current year expenditures and therefore are deferred in the funds. (Note IV - B )        | 545,582              |
| Long-term liabilities are not due and payable in the current period and therefore are not reported in the funds. (Note II - A )     | <u>( 665,112)</u>    |
| Net position of governmental activities                                                                                             | <u>\$ 29,868,817</u> |

The notes to the financial statements are an integral part of this statement.

JEFFERSON COUNTY, WEST VIRGINIA  
RECONCILIATION OF THE STATEMENT OF REVENUES, EXPENDITURES  
AND CHANGES IN FUND BALANCES OF GOVERNMENTAL FUNDS TO  
THE STATEMENT OF ACTIVITIES  
For the Fiscal Year Ended June 30, 2014

---

Amounts reported for governmental activities in the statement of activities are different because:

|                                                                                                                                                                                                                                                                                                         |                       |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------|
| Net change in fund balances - total governmental funds                                                                                                                                                                                                                                                  | \$ (2,397,850)        |
| Capital outlays are reported as an expenditure in the governmental funds but are considered an asset at the government-wide level. This is the amount of capital assets that were purchased during the fiscal year. (Note II-B)                                                                         | 1,062,564             |
| Capital outlays are reported as an expenditure in the governmental funds. In the statement of activities the cost of those assets is allocated over their estimated useful lives and reported as depreciation expense. This is the amount of depreciation expense charged during the year. (Note II-B). | (992,321)             |
| Revenues in the statement of activities that do not provide current financial resources are not reported as revenues in the funds. This is the difference between prior and current year deferred revenues. (Note II-B)                                                                                 | 45,939                |
| Prior year deferred revenues: \$ 499,643                                                                                                                                                                                                                                                                |                       |
| Current year deferred revenues: \$ 545,582                                                                                                                                                                                                                                                              |                       |
| Some expenses reported in the statement of activities do not require the use of current financial resources and, therefore, are not reported as expenditures in governmental funds. (Note II-B)                                                                                                         | <u>(11,041)</u>       |
| Change in net position of governmental activities                                                                                                                                                                                                                                                       | <u>\$ (2,292,709)</u> |

The notes to the financial statements are an integral part of this statement.

# **Budget Transfer Request**

**REQUEST FOR REVISION TO APPROVED BUDGET**

CONTROL NUMBER

Ora Ash, Director  
 West Virginia State Auditor's Office  
 200 West Main Street  
 Clarksburg, WV 26302  
 Phone: 627-2415 ext. 5114  
 Fax: 627-2417

Subject to approval of the state auditor, the governing body requests that the budget be revised prior to the expenditure or obligation of funds for which no appropriation or insufficient appropriation currently exists. (§ 11-8-26a)

**2015**  
 FY  
**1**  
 FUND  
**5**  
 REV. NO.  
**1 of 1**  
 PG. OF NO.

Jefferson County Commission  
 GOVERNMENT ENTITY

Person To Contact Regarding  
 Budget Revision: **Tim Stanton**  
 Phone: **304-724-8425 ext 1008**  
 Fax: **304-725-7916**

P.O. Box 250  
 STREET OR PO BOX  
 Charles Town 25414  
 CITY ZIP CODE

COUNTY  
 Government Type

**REVENUES: (net each acct.)**

| ACCOUNT NUMBER                                      | ACCOUNT DESCRIPTION     | PREVIOUSLY APPROVED AMOUNT | (INCREASE)     | (DECREASE) | REVISED AMOUNT |
|-----------------------------------------------------|-------------------------|----------------------------|----------------|------------|----------------|
| 299                                                 | Unassigned Fund Balance | 2,957,781                  | 67,316         |            | 3,025,097      |
| 344                                                 | Ambulance Fees          |                            | 600,000        |            | 600,000        |
|                                                     | #N/A                    |                            |                |            |                |
|                                                     | #N/A                    |                            |                |            |                |
|                                                     | #N/A                    |                            |                |            |                |
|                                                     | #N/A                    |                            |                |            |                |
| <b>NET INCREASE/(DECREASE) Revenues (ALL PAGES)</b> |                         |                            | <b>667,316</b> |            |                |

COUNTIES-TRANSFERS TO THE GENERAL FUND FROM OTHER FUNDS MUST HAVE PRIOR APPROVAL OF AUDITOR'S OFFICE

**EXPENDITURES: (net each account category)**

(WV CODE 7-1-9)

| ACCOUNT NUMBER                              | ACCOUNT DESCRIPTION                      | PREVIOUSLY APPROVED AMOUNT | (INCREASE)     | (DECREASE) | REVISED AMOUNT |
|---------------------------------------------|------------------------------------------|----------------------------|----------------|------------|----------------|
| 696                                         | Transfer to Financial Stabilization Fund | 1,089,932                  | 52,316         |            | 1,142,248      |
| 715                                         | Ambulance Authority                      | 1,297,562                  | 600,000        |            | 1,897,562      |
| 808                                         | Solid Waste Authority                    |                            | 15,000         |            | 15,000         |
|                                             | #N/A                                     |                            |                |            |                |
|                                             | #N/A                                     |                            |                |            |                |
|                                             | #N/A                                     |                            |                |            |                |
|                                             | #N/A                                     |                            |                |            |                |
|                                             | #N/A                                     |                            |                |            |                |
|                                             | #N/A                                     |                            |                |            |                |
|                                             | #N/A                                     |                            |                |            |                |
|                                             | #N/A                                     |                            |                |            |                |
|                                             | #N/A                                     |                            |                |            |                |
| <b>NET INCREASE/(DECREASE) Expenditures</b> |                                          |                            | <b>667,316</b> |            |                |

APPROVED BY THE STATE AUDITOR  
 BY: Director, Local Government Services Division Date

AUTHORIZED SIGNATURE OF ENTITY APPROVAL DATE

## Budget Revision Summary

### Budget Revision #5 of FY15

The following adjustments are being made. 1) Adjusting budget for Fund Balance carry forward based on completion of unaudited financial statements with offset to Financial Stabilization Transfer. 2) Record budget for pass thru of ambulance fee revenue 3) Adjust for unbudgeted allocation of cameras for Solid Waste Authority with offset to Financial Stabilization/Contingency account.

The following accounts are to be increased:

|                           |                                  |           |
|---------------------------|----------------------------------|-----------|
| 001-299-00-002            | Fund Balance                     | \$67,316  |
| 001-344-CS-000            | Ambulance Fee Revenue            | \$600,000 |
| 001-715-02-235-PS-000     | Remittance of Ambulance Fees     | \$600,000 |
| 001-696-05-566-000-GG-000 | Financial Stabilization Transfer | \$52,316  |
| 001-808-05-567-000-HS-000 | Waste Authority Allocation       | \$15,000  |

RESOLUTION

At a regular session of the Jefferson County Commission, held on the 2nd day of October 2014, the following Order was made and entered:

SUBJECT: The revision of the Levy Estimate (Budget) for the County of Jefferson. The following resolution was offered.

RESOLVED: That subject to approval of the State Auditor as ex officio chief inspector of public offices, the Jefferson County Commission does hereby direct that the budget be revised as shown on budget revision number #5 to the General County Fund, a copy of which is entered as part of this record.

The adoption of the foregoing Resolution having been moved by \_\_\_\_\_, and duly seconded by \_\_\_\_\_ the vote was as follows:

|                |       |
|----------------|-------|
| Dale Manuel    | _____ |
| Jane Tabb      | _____ |
| Patsy Noland   | _____ |
| Walter Pellish | _____ |
| Lyn Widmyer    | _____ |

Whereupon, Commissioner Pellish declared said Resolution duly adopted, and it is therefore ADJUDGED and ORDERED that said Resolution be, and the same is, hereby adopted as so stated above, and Walter Pellish, President of the Jefferson County Commission, is authorized to affix his signature to the attached "Request for Revision to Approved Budget" to be sent to the State Auditor for approval.

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

This page intentionally left blank.

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



Name: Liz Wheeler

Department or Organization: **JC Farmland Protection Board**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **October 2, 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 updated JCFPB Program and Program Appendix.**

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*):

I move to approve the updated Program and Program Appendix for the Jefferson County Farmland Protection Board, as presented.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable

# Jefferson County Farmland Protection Board Land Evaluation Criteria

| Applicant:                |                      |                            |                                                                                                           |                             |                            |                       |                            |  |
|---------------------------|----------------------|----------------------------|-----------------------------------------------------------------------------------------------------------|-----------------------------|----------------------------|-----------------------|----------------------------|--|
| Legislative Criteria      | Weight               | Point Description          | Points                                                                                                    | Value Assessed by Landowner | Value x Weight = Raw Score | Value Assessed by FPB | Value x Weight = Raw Score |  |
| A                         | Development Pressure | 11.0% <b>Section Total</b> | The Land is in the Rural Zone                                                                             | 100                         |                            |                       |                            |  |
|                           |                      |                            | The Land is in a non rural zone, but is currently being farmed                                            | 50                          |                            |                       |                            |  |
|                           |                      |                            | The Land is in a non rural zone and not currently farmed                                                  | 0                           |                            |                       |                            |  |
|                           |                      |                            |                                                                                                           |                             |                            |                       |                            |  |
| B                         | Total Acreage        | 10.0% <b>Section Total</b> | Greater than or Equal to 200                                                                              | 100                         |                            |                       |                            |  |
|                           |                      |                            | Greater than or Equal to 100 and less than 200                                                            | 80                          |                            |                       |                            |  |
|                           |                      |                            | Greater than or Equal to 75 and less than 100                                                             | 50                          |                            |                       |                            |  |
|                           |                      |                            | Greater than or Equal to 40 and less than 75                                                              | 20                          |                            |                       |                            |  |
|                           |                      |                            | Greater than or Equal to 20 and less than 40                                                              | 10                          |                            |                       |                            |  |
|                           |                      |                            | Less than 20                                                                                              | 0                           |                            |                       |                            |  |
|                           |                      |                            |                                                                                                           |                             |                            |                       |                            |  |
| C                         | Soils                | 25.0% <b>Section Total</b> | a. Soils Profile (conducted by NRCS)                                                                      | (0-100)                     |                            |                       |                            |  |
|                           |                      |                            |                                                                                                           |                             |                            |                       |                            |  |
| D                         | Conservation         | 5.0% <b>Section Total</b>  | b. Has an NRCS Conservation Plan                                                                          | 100                         |                            |                       |                            |  |
|                           |                      |                            | c. Does not have an NRCS Conservation Plan                                                                | 0                           |                            |                       |                            |  |
|                           |                      |                            |                                                                                                           |                             |                            |                       |                            |  |
| E                         | Contiguous Land      | 13.0% <b>Section Total</b> | 76 - 100% of the area of adjacent tracts are assessed as agriculture                                      | 100                         |                            |                       |                            |  |
|                           |                      |                            | 51 - 75% of the area of adjacent tracts are assessed as agriculture                                       | 80                          |                            |                       |                            |  |
|                           |                      |                            | 26 - 50% of the area of adjacent tracts are assessed as agriculture                                       | 60                          |                            |                       |                            |  |
|                           |                      |                            | 1- 25% of the area of adjacent tracts are assessed as agriculture                                         | 40                          |                            |                       |                            |  |
|                           |                      |                            | No adjacent tracts are assessed as agriculture                                                            | 0                           |                            |                       |                            |  |
| F                         | Pricel Easement      | 10.0% <b>Section Total</b> | <b>Value of the Asking Price vs the Easement</b>                                                          |                             |                            |                       |                            |  |
|                           |                      |                            | Equal to 100 %                                                                                            | 13                          |                            |                       |                            |  |
|                           |                      |                            | Less than 100% and Greater than or Equal to 85%                                                           | 38                          |                            |                       |                            |  |
|                           |                      |                            | Less than 85% and Greater than or Equal to 70%                                                            | 63                          |                            |                       |                            |  |
|                           |                      |                            | Less than 70% and Greater than or Equal to 50%                                                            | 88                          |                            |                       |                            |  |
|                           |                      |                            | Less than 50%                                                                                             | 100                         |                            |                       |                            |  |
| G                         | Historical           | 7.0% <b>Section Total</b>  | <b>a. Associated with important place, event, or person</b>                                               |                             |                            |                       |                            |  |
|                           |                      |                            | i Property on National Register                                                                           | 24                          |                            |                       |                            |  |
|                           |                      |                            | ii Property is of national, state or local significance                                                   | 16                          |                            |                       |                            |  |
|                           |                      |                            | iii Property is Adjacent to such Area                                                                     | 12                          |                            |                       |                            |  |
|                           |                      |                            | <b>b. Adjoins State or National Park, existing permanent easement or Permanently Protected Open Space</b> | 24                          |                            |                       |                            |  |
|                           |                      |                            | <b>c. Property Contains Unique Natural Features</b>                                                       |                             |                            |                       |                            |  |
|                           |                      |                            | i Contains a cave                                                                                         | 6                           |                            |                       |                            |  |
|                           |                      |                            | ii Contains other features targeted by the Nature Conservancy                                             | 6                           |                            |                       |                            |  |
|                           |                      |                            | iii Contains or is contiguous to endangered or threatened habitat                                         | 6                           |                            |                       |                            |  |
|                           |                      |                            | iv Contains stone fences                                                                                  | 6                           |                            |                       |                            |  |
| H                         | Source Water         | 16.0% <b>Section Total</b> | <b>a. Property contains important natural features</b>                                                    |                             |                            |                       |                            |  |
|                           |                      |                            | i Includes frontage on major stream                                                                       | 9                           |                            |                       |                            |  |
|                           |                      |                            | ii Includes areas in 100 year floodplain                                                                  | 11                          |                            |                       |                            |  |
|                           |                      |                            | iii Contains at least 10 acres of mature forest                                                           | 7                           |                            |                       |                            |  |
|                           |                      |                            | <b>b. Source Water Protection</b>                                                                         |                             |                            |                       |                            |  |
|                           |                      |                            | i Contains a stream or tributary                                                                          | 25                          |                            |                       |                            |  |
|                           |                      |                            | ii Contains a year-round spring                                                                           | 16                          |                            |                       |                            |  |
|                           |                      |                            | iii Contains a wetland                                                                                    | 16                          |                            |                       |                            |  |
| iv Contains a sinkhole(s) | 16                   |                            |                                                                                                           |                             |                            |                       |                            |  |
| I                         | Debt                 | 3.0% <b>Section Total</b>  | Debt on the real estate is less than value of easement                                                    | 100                         |                            |                       |                            |  |
|                           |                      |                            | Debt is greater than the value of the easement                                                            | 0                           |                            |                       |                            |  |
|                           |                      |                            |                                                                                                           |                             |                            |                       |                            |  |
| <b>Total:</b>             |                      | 100.0%                     | <b>Total Raw Score (100 Possible):</b>                                                                    |                             |                            |                       |                            |  |

To be completed by landowner.

THE  
JEFFERSON COUNTY  
FARMLAND PROTECTION  
PROGRAM  
2015

Prepared By

The Jefferson County Farmland Protection Board

# TABLE OF CONTENTS

Comment [EW1]: Add new deed template to Appendix when we get it, which may be in late August.2014

|                                                                                |           |
|--------------------------------------------------------------------------------|-----------|
| Title Page                                                                     | 1         |
| TABLE OF CONTENTS.....                                                         | 2         |
| GLOSSARY OF TERMS.....                                                         | 4         |
| <b>I. BACKGROUND.....</b>                                                      | <b>10</b> |
| CONSERVATION AND PRESERVATION EASEMENTS ACT.....                               | 10        |
| VOLUNTARY FARMLAND PROTECTION ACT.....                                         | 10        |
| JEFFERSON COUNTY COMMISSION RESOLUTION.....                                    | 11        |
| FARMLAND PROTECTION BOARD COMPOSITION.....                                     | 11        |
| PURPOSE.....                                                                   | 11        |
| GENERAL PRINCIPLES OF LAND PROTECTION.....                                     | 13        |
| <b>II. PROGRAM.....</b>                                                        | <b>14</b> |
| ELIGIBILITY REQUIREMENTS.....                                                  | 14        |
| FARMLAND PROTECTION RANKING CRITERIA.....                                      | 15        |
| <i>Definitions for Land Evaluation Criteria</i> .....                          | 15        |
| EASEMENT PURCHASES - RULES AND GUIDELINES.....                                 | 21        |
| EASEMENT DONATIONS - RULES AND GUIDELINES.....                                 | 22        |
| EASEMENTS: SPECIAL/TARGETED GRANTS.....                                        | 22        |
| NATURE OF DEVELOPMENT RIGHTS ACQUIRED.....                                     | 22        |
| <i>A Conservation Easement</i> .....                                           | 23        |
| <i>Easement Holder</i> .....                                                   | 23        |
| <i>Duration of the Easement</i> .....                                          | 24        |
| <i>Restrictions Under the Easement-Voluntary Farmland Protection Act</i> ..... | 24        |
| <i>Deed of Conservation Easement</i> .....                                     | 24        |
| VALUE OF CONSERVATION EASEMENT.....                                            | 25        |
| <i>Fair Market Value</i> .....                                                 | 25        |
| <i>Agricultural Value</i> .....                                                | 26        |
| <i>Maximum Easement Value</i> .....                                            | 26        |
| <i>Offering Price</i> .....                                                    | 26        |
| <i>Payment to Landowners</i> .....                                             | 26        |
| <i>An Example</i> .....                                                        | 26        |
| <i>Determination of Values</i> .....                                           | 26        |
| OFFERING TO SELL OR DONATE.....                                                | 27        |
| THIRD PARTY MINERAL RIGHTS.....                                                | 28        |
| AMENDMENT POLICY.....                                                          | 28        |
| <b>III. ADMINISTRATIVE.....</b>                                                | <b>29</b> |
| PROCESS FLOWCHART.....                                                         | 29        |
| BASELINE DOCUMENTATION.....                                                    | 29        |
| CLOSING.....                                                                   | 30        |
| INSPECTION AND ENFORCEMENT.....                                                | 30        |
| <b>IV. OUTREACH AND FUNDING.....</b>                                           | <b>31</b> |
| OUTREACH.....                                                                  | 31        |
| FUNDING.....                                                                   | 32        |

**APPENDIX**

|                                                                                                               |                                |
|---------------------------------------------------------------------------------------------------------------|--------------------------------|
| <b>Sale or Donation of Conservation Easement<br/>Application Form</b>                                         | <b>Appendix - Page 2 - 6</b>   |
| <b>Baseline Documentation Form and Checklist</b>                                                              | <b>Appendix - Page 7 - 12</b>  |
| <b>Easement Monitoring Inspection Form</b>                                                                    | <b>Appendix - Page 13 - 15</b> |
| <b>Closing Checklist</b>                                                                                      | <b>Appendix - Page 16</b>      |
| <b>Conservation Easement Requirements for<br/>Co-Holding With The Land Trust of the<br/>Eastern Panhandle</b> | <b>Appendix - Page 17</b>      |
| <b>Sample Voluntary Stewardship Pledge Agreement</b>                                                          | <b>Appendix - Page 18</b>      |
| <b>Sample Deed of Conservation Easement</b>                                                                   | <b>Appendix - Page 19 - 38</b> |
| <b>Subordination Agreement and Limited Lien Waiver</b>                                                        | <b>Appendix - Page 39 - 40</b> |
| <b>Administrative Process Flowchart</b>                                                                       | <b>Appendix - Page 41 - 45</b> |
| <b>Signature Page</b>                                                                                         | <b>Appendix - Page 46</b>      |

---

## Glossary of Terms

**Acquisition of easement** The holding or co-holding of land-use restrictions under a Deed of Conservation Easement, whether obtained through purchase, gift, devise, bequest, grant or contract to co-hold with another holder.

**Agribusiness** “Any business or operation which supports agriculture, either through the production or processing of agricultural products i.e. Farm machinery dealer, food processor, feed mill, dairy coop, etc.”

**Agricultural** The production of plants and animals useful to man, including, but not limited to, forage, grain and field crops; pasturage, dairy and dairy products; poultry and poultry products; equestrian uses; livestock and fowl uses and livestock and fowl products; bees and apiary products; fruits and vegetables of all kinds; nursery, floral and greenhouse products; silviculture; aquaculture; viticulture which would include grape growing and wine making, microbrewery or grain mill; and the primary processing and storage of the agricultural production of the Property.

**Agricultural value** The agricultural value of land is the price at the valuation date which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property subject to the restriction placed upon it by the Deed of Conservation Easement.

**Agritourism Activities** conducted on a working farm and offered to the public or to invited groups for the purpose of recreation, education, or active involvement in the farm operation. These activities must be related to agriculture or natural resources. This term includes but is not limited to farm tours, hay rides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above and similar uses.

**Appraisal** The Jefferson County Farmland Protection Board (Board) has determined that the Uniform Appraisals Standards for Federal Land Acquisitions (UASFLA or Yellow Book) will be used for the purchase of all farmland conservation easements by Jefferson County.

**Cave** An underground passage of at least 50 feet in length. Caves have unique and fragile ecosystems that provide safe harborage for many species of flora and fauna. They are also unique in that they are direct vectors to the groundwater, and therefore must be protected from opportunities for surface contamination.

**Cluster Development** A preservation tool intended to allow structures to be grouped on a portion of a development site in order to preserve the remaining open space, agriculture land, forest land, or unique features of the remainder of the site.

**Co-hold** The act of having more than one grantee listed on the Deed of Conservation Easement.

**Commercial (structures)** Any wholesale, retail, or service business, or housing activity excluding single residential dwellings, but including apartment buildings, condominiums, or similar housing types. Structures needed for agricultural activities shall not be considered commercial structures.

**Commercial forestry** The harvesting of timber, whether such trees are naturally present on the property or have been planted and grown for commercial purposes, for profit or trade. The growing of Christmas trees, orchards and nursery stock; or the removal, sale and renewal of such, shall not be deemed to be commercial forestry. In addition, ornamental plants and woodland products grown for human consumption are not considered commercial forestry. Uses of timber products on-site are allowable as permitted under the Deed of Conservation Easement.

**Conservation easement** A non-possessory interest of a holder in real property, whether appurtenant or in gross, imposing limitations or affirmative obligations, the purposes of which include, but are not limited to, (a) retaining or protecting for the public benefit the natural, scenic or open-space values of real property; (b) assuring its availability for agricultural, forest, recreation or open-space use; (c) protecting natural resources and wildlife; (d) maintaining or enhancing land, air or water quality; and/or (e) preserving the historical, architectural or cultural aspects of real property. Conservation easements under Article 24 - Voluntary Farmland Protection Programs must be perpetual and must be held by at least one "holder".

**Farm, farmland, or agricultural land** A tract, or contiguous tracts of land, of any size, used or useable for agriculture, horticulture or grazing; and includes all real property designated as wetlands that are part of a property used or usable as farmland.

**Fair market value** The fair market value of the land is the price at the valuation date for the highest and best use of the property which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property if the property was not subject to any restriction imposed under the Deed of Conservation Easement.

**Ground water recharge potential** Areas that have certain hydro-geologic soil characteristics that contribute to a significant replenishment of the groundwater aquifers, as determined by the Eastern Panhandle Conservation District.

**Holder** A grantee in the Deed of Conservation Easement defined as (a) a governmental body empowered to hold an interest in real property under the laws of the state of West Virginia; or (b) a charitable corporation, charitable association or charitable trust registered with the Secretary of State and exempt from taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, or other federal or state statutes or rules, the purposes or powers of which include retaining or protecting the natural, scenic, agricultural or open-space values of real property; assuring the availability of real property for agricultural, forest, recreational or open-space use; protecting natural resources and wildlife; maintaining or enhancing land, air or water quality; or preserving the historical, architectural, archaeological or cultural aspects of real property.

**Home-based Business** Any occupation or business conducted entirely within the single residential structure or allowable accessory buildings, which is clearly incidental to the residential use of the building. Any occupation or business requiring a West Virginia Division of Environmental Protection permit to operate, such as an auto-repair business or a dry cleaning business, shall not be considered an allowable home-based business. In addition, any business requiring the on-site use of explosives or highly flammable or extremely hazardous materials as defined by the U.S. Environmental Protection Agency shall be disallowed.

**Industrial (structures)** Any manufacturing process, material processing, warehousing, research and testing laboratories, product distribution centers, woodworking shops, furniture assembly, machine shops, recycling centers and uses of a similar nature. Structures needed for agricultural activities shall not be considered industrial structures.

**Jefferson County Comprehensive Plan** A composite of mapped and written text, the purpose of which is to guide the systematic physical development of the County and is adopted by the County Commission.

**Karst** A type of geology formed over limestone, dolomite, or gypsum resulting in dissolving or solution of the underlying calcareous rock.

**Major stream, marshes and lakes** Defined as the following streams, creeks, marshes, lakes, or rivers in or bordering Jefferson County:

Altona Marsh  
Bullskin Run  
Cattail Run  
Dry Run  
Elk Branch  
Elks Run  
Evitts Run  
Flowing Springs Run  
Forge Run  
Furnace Run  
Hog Run  
Hopewell Run  
Lake Louise  
Long Marsh Run  
North Fork Bullskin Run  
Opequon Creek  
Potomac River  
Rattlesnake Run  
Rocky Branch  
Rockymarsh Run  
Shenandoah River  
Town Run  
Town Run Marsh  
Turkey Run

**Mature forests** Woodlands that have had no significant tree removal for 30 years or more.

**Maximum easement value** The maximum easement value is the difference between the *fair market value* of the land and the *agricultural value* of the land.

**Minor stream** Any stream or creek which runs year round, not listed as a major stream.

**Mountainous terrain** Parcels with at least 20 percent of the parcel comprised of slopes 25 percent or greater.

**Natural Resource Conservation Service Plan** A document that applies to highly erodible cropland and describes the conservation system applicable to the highly erodible cropland and the decisions of the landowner with respect to location, land use, tillage systems and conservation treatment measures and schedules. It is approved by the local soil and conservation district in consultation with the local committees established under the Soil Conservation and Domestic Allotment Act and NRCS.

**Offering price** The amount the landowner is asking to be reimbursed for the sale of the conservation easement to the Jefferson County Farmland Protection Board. The offering price can be the maximum easement value, or it can be some fraction of this value.

**Open Space** Property left undeveloped in order to preserve natural features or scenic qualities. Such property may be held by a private owner or held as common area for the benefit of multiple property owners. Open space may consist of natural areas (meadows, fields or forested areas), agricultural areas, wetlands, streams or bodies of water, storm water management areas, and lawns (with or without trees). Areas requiring an extensive commitment of land resources as required by golf courses, racetracks for uses other than equestrian use, tennis clubs, baseball, soccer and other ball fields and similar uses shall not be considered open space.

**Other farmland** Land defined as farmland not otherwise classified as prime, unique, or of state-wide or local significance.

**Pollution** The introduction of substances in the environment of such character and in such quantities that the quality of the environment is substantially impaired or rendered offensive to life.

**Preservation easement** A conservation easement which also includes a nonpossessory interest in an historical building.

**Prime farmland/soil** Land that has the best combination of physical and chemical characteristics for producing food, feed, forage, fiber, and oilseed crops and is available for these uses. It includes cropland, pasture land, range land, and forest land. Properties containing prime or unique soils can be identified through a soils map prepared by the U.S. Geological Survey and maintained by the Eastern Panhandle Conservation District.

|     |                                                     |
|-----|-----------------------------------------------------|
| Bp  | Bigpool silt loam                                   |
| Cs  | Combs fine sandy loam                               |
| DsB | Downsville gravelly loam, 3 to 8 percent slopes     |
| EgB | Edgemont gravelly loam, 3 to 8 percent slopes       |
| Fk  | Funkstown silt loam                                 |
| HbB | Hagerstown silt loam, 3 to 8 percent slopes         |
| La  | Lappans (marl) loam                                 |
| Ln  | Lindside silt loam                                  |
| MhA | Monongahela silt loam, 0 to 3 percent slopes        |
| OaB | Oaklet silt loam, 3 to 8 percent slopes             |
| PmB | Poplimento silt loam, 3 to 8 percent slopes         |
| Sp  | Speedwell silt loam                                 |
| VeB | Vertrees silt loam, 3 to 8 percent slopes           |
| WtB | Whiteford channery silt loam, 3 to 8 percent slopes |

**Public property-unimproved parkland, wildlife management areas** Lands including public park lands that are substantially unimproved or state-designated wildlife management areas. Unimproved park land can include open space areas designated for hiking, horseback riding, or general recreation. Parkland shall be considered to be improved, if the park consists primarily of lighted ball fields, skate parks, pool areas, or similar facilities.

**Qualifying property** Property which meets the minimum eligibility requirements and the donation

guidelines (if applicable) to be considered for sale or donation to the Jefferson County Farmland Protection Board. Qualifying property must be ranked by the Farmland Protection Ranking Criteria as established by the Jefferson County Farmland Protection Board. Status as qualifying property does not guarantee acceptance into the Jefferson County Farmland Protection Program.

**Single residential dwelling** A detached residential dwelling, excluding apartment buildings, townhouses and condominiums. The residential dwelling must appear as a single family home, but may house one or more families or occupants. The residential dwelling shall in no case exceed 12,000 square feet.

**Single residential dwelling, existing at time of sale of easement (§8-24-80(c))** A single residential dwelling which (a) is either completed at the time the conservation or preservation easement is executed; or (b) meets the requirements of a retained development right.

**Sink or sinkhole** A depression in the land surface formed by solution or collapse which directs surface runoff into the subsurface or to an underground drainage flow. They are common in areas of limestone, carbonate rock, or salt beds. The karst areas of Jefferson County have a substantial number of sinkholes.

**Sketch plat** Property layout showing the entire parcel as it exists on the current tax map. Plat can be hand drawn but at an approximate reasonable scale (1 inch = 50 feet, 1 inch = 100 feet or 1 inch = 200 feet). The plat shall have USGS contour lines superimposed on it. It should show in simple form existing improvements, such as structures and driveways, and natural features, such as watercourses, ponds, woods and rock outcrops. The sketch plat should show the area and acreage intended for easement dedication. It should also show all adjoining properties identified by owner and acreage. Sketch plat should be accompanied by a tract location map and a soils report indicating the soil types on the parcel and a map delineating the boundaries of each soil type.

**State-wide or locally-significant farmland/soil** Other productive farmland that is important either locally or to the state. The property must contain at least 50 percent of one or more of the following soil types and land contours, or must be otherwise designated as significant farmland by the Eastern Panhandle Conservation District:

- AmB Airmont cobby loam, 0 to 8 percent slopes, stony
- BaC Bagtown gravelly loam, 8 to 15 percent slopes, very stony
- CaB Carbo silty clay loam, 3 to 8 percent slopes, very rocky
- CaC Carbo silty clay loam, 8 to 15 percent slopes, very rocky
- DsC Downsville gravelly loam, 8 to 15 percent slopes
- DsD Downsville gravelly loam, 15 to 25 percent slopes
- DyB Duffield-Ryder complex, 3 to 8 percent slopes
- DyC Duffield-Ryder complex, 8 to 15 percent slopes
- DyD Duffield-Ryder complex, 15 to 25 percent slopes
- EgC Edgemont gravelly loam, 8 to 15 percent slopes
- EgD Edgemont gravelly loam, 15 to 25 percent slopes
- Fa Fairplay (marl) silt loam Farmland of unique importance
- HbC Hagerstown silt loam, 8 to 15 percent slopes
- HeC Hagerstown silty clay loam, 8 to 15 percent slopes
- HeB Hagerstown silt loam, 3 to 8 percent slopes, very rocky
- HeC Hagerstown silt loam 8 to 15 percent slopes, very rocky
- MoB Monongahela fine sandy loam, 3 to 8 percent slopes
- OaC Oaklet silt loam, 8 to 15 percent slopes

|     |                                                                |
|-----|----------------------------------------------------------------|
| OeB | Oaklet silt loam, 3 to 8 percent slopes, very rocky            |
| OeC | Oaklet silt loam, 8 to 15 percent slopes, very rocky           |
| OkC | Oaklet silty clay loam, 8 to 15 percent slopes, very rocky     |
| PmC | Poplimento silt loam, 8 to 15 percent slopes                   |
| PpB | Poplimento silt loam, 3 to 8 percent slopes, very rocky        |
| PpC | Poplimento silt loam, 8 to 15 percent slopes, very rocky       |
| PpD | Poplimento silt loam, 15 to 25 percent slopes, very rocky      |
| RpC | Ryder-Poplimento complex, 8 to 15 percent slopes               |
| RrC | Ryder-Poplimento complex, 8 to 15 percent slopes, very rocky   |
| RrD | Ryder-Poplimento complex, 15 to 25 percent slopes, very rocky  |
| ThC | Thurmont gravelly loam, 8 to 15 percent slopes                 |
| ThD | Thurmont gravelly loam, 15 to 25 percent slopes                |
| Tm  | Toms silt loam Farmland of statewide importance                |
| VeC | Vertrees silt loam, 8 to 15 percent slopes                     |
| VrB | Vertrees silt loam, 3 to 8 percent slopes, very rocky          |
| VrC | Vertrees silt loam, 8 to 15 percent slopes, very rocky         |
| VsC | Vertrees silty clay loam, 8 to 15 percent slopes, very rocky   |
| WrB | Wharton-Clearbrook channery silt loams, 3 to 8 percent slopes  |
| WrC | Wharton-Clearbrook channery silt loams, 8 to 15 percent slopes |
| WtC | Whiteford channery silt loam, 8 to 15 percent slopes           |

**Stewardship** The long-term monitoring and management of conservation easements by the Board and co-holders of easements, including possible enforcement of the terms of the easement.

**Stewardship Funds** Monies set aside by the Board or co-holders of easements to pay for monitoring, management and possible enforcement of easements. A landowner may be asked to make a donation to a stewardship fund.

**Subordinated loan** A loan secured by easement property where the lender has agreed to abide by the terms of the Deed of Conservation Easement in the event of foreclosure of the property.

**Subsurface mineral rights** The right to mine or otherwise extract minerals, oil or gas from below the surface estate. Mineral rights separated from the fee simple ownership of the property are known as third-party mineral rights.

**Title** The person or entity offering land for a conservation easement must have title to the property. A title search will be made by the Jefferson County Farmland Protection Board or its attorney prior to any purchase of an easement. The board will obtain title insurance for all deeds of conservation easement.

**Wetlands** An area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. The substratum is predominantly hydric soil.

**Woodland(s)** Areas of substantial tree cover that are currently unusable for farming. Woodland shall be considered land of a farm only if it is part of or appurtenant to a tract of land which is farm or held by common ownership of a person or entity owning a farm. In no event may woodland include land used for commercial forestry or the growing of timber for commercial purposes or any other use inconsistent with farm use.

## **I. Background**

### **Conservation and Preservation Easements Act**

In June 1995, West Virginia enacted the Conservation and Preservation Easements Act by amending Chapter 20 of the West Virginia Code through the addition of Article 12. Through this Conservation and Preservation Easements Act, the West Virginia Legislature recognized the importance and significant public benefit of conservation and preservation easements in its ongoing efforts to protect the natural, historic, agricultural, open-space and scenic resources of the state. This enabling legislation was required to allow perpetual conservation and preservation easements to be created within the state. Currently, all fifty states have enacted conservation and preservation easement enabling statutes.

Within the Conservation and Preservation Easements Act, conservation and preservation easements are defined, and the basics are outlined as to how easements are to be created and the various rights and duties concerning the easement. The Voluntary Farmland Protection Act first incorporates the concepts created under this Conservation and Preservation Easements Act, and then expands upon them to allow the creation of the state and county Voluntary Farmland Protection Programs.

### **Voluntary Farmland Protection Act**

On March 10, 2000, the West Virginia Legislature unanimously passed into law WV Code §8-24-72 through §8-24-84(2000), known as the Voluntary Farmland Protection Act. The Act went into effect on June 8, 2000 and amended a 1982 statute of similar code location that once allowed the creation of Farmland Preservation Committees. This statute has since been amended and is now included in WV Code §8A-12-1 et seq.

Through this Act, the legislature declares that agriculture is a unique "life support" industry and that a need exists to assist those agricultural areas of the state which are experiencing the irreversible loss of agricultural land. The Act further authorized the creation of county farmland protection board(s) and program(s) and creation of the WV Agricultural Land Protection Authority; detailed the contents and requirements of the farmland protection program(s); outlined the powers and duties of the farmland protection boards and the authority; detailed the methods of farmland protection; detailed the value of a conservation easements; outlined the criteria for acquisition of easements; outlined the use of land after a conservation easement is acquired; outlined funding for the farmland protection program(s); and authorized the commissioner of agriculture to promulgate rules.

On March 9, 2002, the West Virginia Legislature modified the Voluntary Farmland Protection Act to allow each county with a farmland protection program to provide funding for such program through a real estate transfer tax. The County Commission of each eligible county may enact an additional tax on the privilege of transferring real estate to be used solely to fund the county's farmland protection program. The maximum rate allowable is \$1.10 per \$500 (\$2.20 per \$1,000) or fraction thereof of the real estate transfer value. These monies must be used exclusively for the purpose of funding farmland preservation.

## **Jefferson County Commission Resolution**

On July 13, 2000, the Jefferson County Commission authorized by resolution the creation of the Jefferson County Farmland Protection Board, becoming one of the first counties in West Virginia to utilize the Voluntary Farmland Protection Act. The Commission affirmed that the agriculture community of Jefferson County provides sources of agriculture products for the citizens of the state; enhances tourism, protects worthwhile community values, institutions and landscapes which are inseparably associated with traditional farming; and controls the urban expansion which is consuming land, topsoil and woodland of the county. The Board, as appointed by the Commission, was authorized to create and administer the Jefferson County Farmland Protection Program in consultation with the Eastern Panhandle Conservation District, and as approved by the Commission.

## **Farmland Protection Board Composition**

The composition of every farmland protection board is dictated by the Voluntary Farmland Protection Act at WV Code §8A-12-1 et seq..

The Jefferson County Farmland Protection Board is composed of seven members, each serving without compensation but eligible for reimbursement of actual expenses while engaged in the discharge of official duties. All members are required to be county residents. Each member is a voting member, except for the Jefferson County Commissioner, who shall serve in a non-voting, advisory capacity. All members are appointed by the Jefferson County Commission and serve at the will and pleasure of the Commission.

The specific composition of the Board is as follows:

- 1) One Jefferson County Commissioner.
- 2) Executive Director of the Jefferson County Development Authority.
- 3) One farmer who is a member of the Jefferson County Farm Bureau.
- 4) One farmer who is a member of the Eastern Panhandle Soil Conservation District.
- 5) One farmer who need not be a member of any farm organization.
- 6) One county resident who is not a member of the foregoing organizations.
- 7) One county resident who is not a member of the foregoing organizations.

## **Purpose of Farmland Protection in Jefferson County**

Nationwide, America is losing farmland. According to the American Farmland Trust, the United States is losing 2.2 million acres of rural lands to urban sprawl every year. This means that, across the United States, over 4 acres of rural lands are consumed every single second.

In an effort to address the loss of farmland, over 20 states have implemented farmland protection programs. In 1996, the U.S. Department of Agriculture funded a farmland protection effort with a 6-year goal of protecting between 170,000 and 340,000 acres of farmland.

West Virginia has not escaped the loss of farmland. From 1964 to 1997, The U.S. Department of Agriculture reports that West Virginia lost an incredible 17,732 farms and 1,823,060 acres of farmland. From 1982 through 1997, 25 of the most productive counties in West Virginia had a combined loss of 103,519 acres of productive farmland – and 40% of the loss came from the three county Eastern Panhandle area. The U.S. Department of Agriculture also reports that West Virginia lost 21,676 acres of orchard land from 1964 to 1997. To address the loss of agriculture land and woodland as open space, the West Virginia legislature passed into law on March 10, 2000 the Voluntary Farmland Protection Act.

Agriculture is an integral part of Jefferson County's economy, landscape and natural resource base. In the 2012 National Agricultural Census (the most recent census), Jefferson County's farmland was 66,965 acres or 49 percent of the 135,680 acres comprising the county.

The industry consists of predominately family owned businesses with 95 percent of farms in 2012 owned by individuals or families. Partnerships and family corporations account for 5 percent of the remaining farms. In 1974, there were 434 farms in Jefferson County. Since that time the number of farms has increased to 501 farms according to the 2012 Census of Agriculture. In that same time period, the average farm size has also decreased from 227 acres to 134. In 1997, over 34 percent of Jefferson County farms were 180 acres or more in size, while only 17 percent were greater than 180 acres in 2012. There was a steady decline from 1974 to 2012 of the number of farms that are 50 to 179 acres. In 2012, farms between 50 and 179 acres were 22 percent of all farms in the county. The agricultural census in 2012 shows an increase in the number of farms between 10 and 49 acres (37% in 2012) and those that are less than 10 acres (15% of the total farms).

The crops grown and the intensity of agricultural land use have changed dramatically between 1974 and 2012, the most recent census. The most dramatic changes occurred in the land in orchards which declined from 3,325 acres to 585 acres and in the number of dairy cows which declined from 6,883 cows to 2,373 cows. Both of these agricultural enterprises are capital intensive. There were fewer farms with beef cows in 2012 than in 1974, but 15,596 cattle were on 239 farms. The acres in pasture have decreased from 20,310 in 1974 to 18,903 in 2012 while the crop acreage has increased from 15,045 acres to 41,372 acres. Farms and acres of "truck crops" have also increased since 1974 and in 2012 truck farming occurred on 28 farms with an average size of less than 5 acres. The revitalization of the Charles Town horse race track has had a major impact on agriculture services and opportunities for conventional agricultural producers. In Jefferson County in 2012 there were 176 farms with a total of 1,769 horses.

What is more telling about the status of agriculture in 2012 in Jefferson County are the characteristics of those farms that have farm sales over \$10,000. In 1997 this was 151 farms or 42 percent of the farms; in 2012, 184 farms had farm sales over \$10,000 and were 37 percent of all farms. Over time fewer farmers have full-time employment on the farm. In 2012, the number of farm operators employed was 767 men and women. Of these 46 percent were full-time farmers or farm workers, while 27 percent reported full-time off-farm employment (i.e. 200 days/annum or more).

## **Purpose of this Program for Farmland Protection**

This program establishes uniform standards and guidelines for the eligibility of properties and the ranking criteria utilized to prioritize funds allocation to purchase conservation easements, or to pay associated costs for the purchased or donated easements. The guidelines established by this program outline the various methods of farmland protection available to prospective participating property owners, and the procedures to be followed in applying for program consideration (WV Code §8A-12-3b).

## General Principles of Land Protection

Every land trust or farmland protection board in the United States operates under well-established industry principles. Some of these principles are designed to meet legal or Federal tax requirements, while others are in keeping with sound, time-tested principles of land protection. The following principles have been used by the Jefferson County Farmland Protection Board in its program design where possible, and will be used in any decision-making process:

- The property owner is willing to sell or donate the conservation easement over the property through a legally binding agreement that is perpetual and enforceable.
- The property owner(s) have clear title to the property.
- The property is either free of any mortgage, lien or tax assessment, the lender is willing to subordinate the loan to conservation easement, or the loan is not in excess of the agricultural value. If a secured loan exists, the donor understands that Federal tax benefits are not available.
- The conservation easement preserves open space, natural resources, an ecosystem, forestland, farmland, and/or native plants or animals.
- The property is either farmland or is in a relatively undisturbed natural condition, or contains natural features that need to be preserved.
- The property is not unduly subject to pollution or adverse influences from surrounding sources. The property itself is not polluted or subject to liability for any pollution clean-up.
- Protection of the property will be consistent with established public policy. (For instance, it may be inappropriate to accept a conservation easement on a piece of property already indicated for intended public roads.)
- The property is of sufficient size that the conservation resources of the property are likely to remain intact.
- The conditions required to be agreed to by the property owner do not contain provisions which are unworkable or inconsistent with the overall intent of the conservation easement. (The provisions, for instance, could not diminish the property's primary conservation value or be unenforceable.)
- The conservation easement is within the Jefferson County Farmland Protection Board's means and ability to monitor and enforce, and/or the landowner is willing to provide compensation to a stewardship fund to assist in this effort to make the effort financially feasible.
- The acceptance of the conservation easement will not create an unusual or special liability exposure.
- Adequate and permanent access to the property is available.
- A survey has been completed on the property at some point in time, and current property lines can be verified by this survey.

## II. Program

### Eligibility Requirements

Property must meet the following minimum criteria in order to be considered for either a purchased or donated conservation easement:

1. The property shall be located in Jefferson County, and the existing use and development of the land shall be in conformance with the Jefferson County Comprehensive Plan and all applicable land use and development ordinances. This provision shall not be construed to prevent continued use of structures that are non-conforming to setback requirements, provided that the continued use complies with applicable requirements of the zoning ordinance.
2. A property in the non-rural zone is eligible. This factor is reflected in the ranking criteria.
3. The property shall be at least 20 acres of land which meets one or more of the following criteria (§8A-12-15)
  - used or usable for agriculture, horticulture or grazing (qualifying property)
  - wetlands that are part of the qualifying property
  - woodlands that are
    - (a) part of or appurtenant to a qualifying property tract; or
    - (b) held by common ownership of a person or entity owning qualifying property
4. No commercial or industrial structure shall be located on the parcel. (§8A-12-16-4b)
5. Clear title to the property must be established and the application must be signed by the property owner(s).
6. The property shall not have any current or past uses that would render the establishment of a conservation easement inconsistent with the intent of the Act or this Program. Such determination shall be made by the Jefferson County Farmland Protection Board after consideration of all facts and circumstances.
7. An easement may be acquired on a designated portion of a parcel, allowing the remainder to be unencumbered for residential development or other use. In such cases, the easement shall be so worded that residential density that may have been permitted as a permitted or conditional use on the portion of the property that is encumbered by the easement is extinguished and cannot be applied toward development of the portion of the parcel that is unencumbered.
8. Properties which have current deeds of conservation easements are not eligible for Farmland Protection Board conservation easements.
9. Any application for inclusion into the easement program must include an application and other information found on page 5 of the Appendix. This includes a sketch plat defined on p. 8 of this document.

Additional program criteria must be met for acceptance of a donated easement. Purchased easements and expenses on donated easements shall be ranked in accordance with the program criteria.

# Farmland Protection Ranking Criteria

## Definitions for Land Evaluation Criteria

This criterion was developed following the criteria set forth in West Virginia State Code, Section 8A-12-

15, *Criteria for Acquisition of Conservation and protection easements by county farmland protection boards and the authority*. Each of the following major and minor criteria have been "weighted" as to their importance to viable farming/open space. This criterion will be applied to each deeded parcel separately.

### A. Development Pressure

- a. Compatibility with the Comprehensive Plan - Points are awarded based on the location of the land and its potential uses based on the Jefferson County Comprehensive Plan. Greater weight will be given to land in the agricultural zone.

Points are awarded using the following: The Land is in the Rural Zone - 20 points

The Land is in a non-rural zone, but is currently being farmed - 10 points

The Land is in a non-rural zone and not currently farmed - 0 points

### B. Total Acreage

- a. A traditional farming enterprise that has the potential to be viable, is connected to directly to the acreage used in that operation. The rationale applied to this criteria is that the larger the farm, the better the chance for it to remain an economically viable farm.

### C. Soils

- a. A Soils Profile is an evaluation conducted by the Natural Resource Conservation

Service. This profile is based on the types of soil on the land and its relative productivity of corn. This is an objective method of farm productivity developed by NRCS in the early 1980's. This profile would have a scoring range between 0 and 100.

- b. NRCS Conservation Plan - Any farm that wishes to participate in Federal Programs must have an approved plan on how the land will be used over a period of time. These plans can be revised annually and ensure that measures are in place to minimize soil erosion and maintain water quality.

- ### D. Contiguous to other Land Used for Agriculture
- This criterion takes into account what percentage of the contiguous tracts of land are being assessed by the County Assessor as agriculture use. This will be calculated by adding up the acres in contiguous tracts, categorizing the tracts, and calculating the percentage of the acreage that is assessed as being used for agriculture. Farming activities are sometimes seen as a nuisance and can create unwanted noises, smells and exposure to neighbors that are not familiar with accepted farming practices. The more the farm is surrounded by like uses, the better opportunity there is not to be impeded through nuisance law suits.

- ### E. Value of the Asking Price Versus the Value of the Easement-
- Through appraisal

procedures established by the board, the value of the land will be determined for its use for agriculture and its value for other uses such as commercial or residential development. The difference between those two values is the value of the easement. The owner of the easement must determine if the full value is required to complete the transaction or some more or less amount is required.

Limited dollars for the purchase of easements can be spread out over more acres if the landowner is willing to take less than the appraised value of the easement. The board has determined that the Uniform Appraisals Standards for Federal Land Acquisitions (UASFLA or Yellow Book) will be used for the purchase of all farmland conservation easements by Jefferson County.

## **F. Historical and Natural Features**

- a. Land is Associated with an Important Place, Person or Event
  - i. Property on National Register - The National Register of Historic Places is the Nation's official list of cultural resources worthy of protection. Authorized under the National Historic Protection Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our historic and archeological resources. Properties listed in the Register include districts, sites, buildings, structures, and objects that are significant in American history, architecture, archeology, engineering, and culture. The National Register is administered by the National Park Service, which is part of the U.S. Department of the Interior. National Register properties are distinguished by having been documented and evaluated according to uniform standards. These criteria recognize the accomplishments of all peoples who have contributed to the history and heritage of the United States and are designed to help state and local governments, Federal agencies, and others identify important historic and archeological properties worthy of protection and of consideration in planning and development decisions.
  - ii. Property is of National, State or Local Significance - These properties are of importance as defined by the Jefferson County Historic Landmarks Commission or the Jefferson County Historical Society and may not be on the National Register.
  - iii. Property is Adjacent to Such Area - The significance and historical value of such properties is only enhanced if neighboring lands are kept open.
- b. Adjoins State or National Park, Existing Permanent Easement or Permanently Protected Open Space.
- c. Contains Important Natural Features
  - i. Includes Frontage on Major Stream - The major streams of Jefferson County include the Potomac and Shenandoah Rivers and its tributaries in Jefferson County as identified by the Jefferson County Watersheds Coalition. This nonprofit organization monitors streams in Jefferson County including Bullskin Run, Elk Run, Evitts Run, Flowing Springs Run, Rattlesnake Run, Rocky Marsh Run and Town Run.
  - ii. Includes Area in 100 Year Flood Plain - The 100 year plain is determined by maps developed by the Federal Emergency Management Agency.
  - iii. Contains at Least 10 Acres of Mature Forest - This will be determined by an onsite evaluation by the State Service Forester.
  - iv. Contains Stone Fences - Along with marking the boundaries of their property, protecting crops from wandering livestock was an early concern of farmers. A stone wall was one of the first methods of marking boundaries and is a historical reminder of the past.
- d. Property Contains Unique Natural Features
  - i. Contains a Cave - Caves alone have their own unique and fragile ecosystem and

provide safe harborage for many species of flora and fauna. They are also unique in that they are direct vectors to the groundwater and therefore must be protected from opportunities for surface contamination.

- ii. Contains a Year-round Spring - This is defined as a spring that has flow through the normal course of the year under normal rainfall conditions.
  - iii. Contains a Wetland - The National Wetlands Inventory (NWI) of the U.S. Fish & Wildlife Service produces information on the characteristics, extent, and status of the Nation's wetlands and deep water habitats. The National Wetlands Inventory Center information is used by Federal, State, and local agencies, academic institutions, U.S. Congress, and the private sector. The NWIC has mapped 90 percent of the lower 48 states, and 34 percent of Alaska. Maps are provided to the NRCS or can be obtained to identify wetlands in the county. These sensitive areas provide havens for many species of wildlife and
  - iv. Contains a Sinkhole(s) - Sinkholes are direct links between surface water and groundwater. They are common where the rock below the land surface is limestone, carbonate rock, salt beds, or rocks that can naturally be dissolved by ground water circulating through them. As the rock dissolves, spaces and caverns develop underground. Sinkholes are dramatic because the land usually stays intact for a while until the underground spaces just get too big. If there is not enough support for the land above the spaces then a sudden collapse of the land surface can occur. Since these are ever changing, a visual inspection of the farm will be required to determine if there is one or more on the land.
- G. Debt** - These two critical measurements of debt relate to the practical involvement of the lending institutions carrying the first and possibly second mortgages. If the value of the easement is less than the value of what is owed on the real estate then the lending institution may not accept the purchase of easements.
- H. Length of Easement** - While the Senate Bill requires that this be a part of the criteria, the bill also states that easements will be for perpetuity.
- I. Land Evaluation Criteria: How to Evaluate Your Property** - Referring to the Land Evaluation Criteria Chart (see application), the landowner can make a preliminary calculation of the points his property would accumulate. There is no point limit or threshold that automatically grants a landowner acceptance into the FPB program. The points serve as a method for the Board to fairly evaluate each property. The point total for each property would be used to rank all offered properties; properties with the highest total numbers of points would gain priority for funding and acceptance into the program.

All criteria on the chart are weighted, which reflect the value that the Board has placed on that item. In addition, the subsets of criteria associated with "F - Historical" are also weighted. Consequently, points must be multiplied by their respective weight factor before a total is calculated. For example, under "B - Total Acreage", a 150 acre tract would be awarded a value of 80, which must be multiplied by the weight factor of 10% to yield 8 points. If a property contains a sinkhole, look in "H - Source Water - iv - which contains a sinkhole(s) to see that would be awarded a value of 16 which must be multiplied by 16% for "e - Source Water Protection" to yield .48 points.

A Total Raw Score is the sum of the complete evaluation of a property by awarding values for certain features and characteristics and multiplying these values by the weight factors. The Total Raw Score could conceivably approach 100. The Final Score is then used by the Board to prioritize properties.

## **Easement Purchases - Rules and Guidelines**

The Jefferson County Farmland Protection Board may purchase conservation easements. The following considerations are applicable for any purchases:

1. Funds for purchasing conservation easements must be available and allocated
2. A completed application must be submitted by the landowner(s)
3. The property must meet all eligibility requirements
4. All application submissions shall be scored using the Farmland Protection Ranking Criteria
5. The purchase must be approved by the Jefferson County Farmland Protection Board
6. The purchase must be approved by the Jefferson County Commission
7. Properties at least twenty acres in size, in which the purchase or donation of the easement would extinguish future subdivision potential of the property, except conveyances as specifically allowed and limited by the appropriate zoning ordinances.

A sale of conservation easement application form must be submitted to the Jefferson County Farmland Protection Board in order to be considered. The Jefferson County Farmland Protection Board, in its sole discretion, may reject an offer for sale if the property has any current or past uses that would render the establishment of a conservation easement inconsistent with the intent of the Act or this program. Such circumstances include, but are not limited to, possible contamination on the subject property, surrounding land uses, conservation values of the property, and the scope and difficulty of the protection and monitoring of the property. A written confirmation of the rejection, if applicable, shall be provided to the applicant, including the reasons for rejection.

The Jefferson County Farmland Protection Board may allocate funds to offset any or all costs associated with the conservation easement, including, but not limited to, legal fees, closing costs, survey fees and appraisal costs. Reimbursement policies will be established on a yearly basis, no later than June 30, for the following fiscal year by the Jefferson County Farmland Protection Board. Any costs to be the responsibility of the landowner(s) will be clearly indicated.

The Farmland Protection Ranking Criteria are used to evaluate the characteristics of properties offered into the program. In the event that the offering price of properties voluntarily offered to the program in any given year exceeds the funding available for the purchase of those conservation easements, the priority of acquisition shall be determined by relative ranking of the property. The Farmland Protection Ranking Criteria consist of a number of factors and criteria descriptive of the characteristics of the property. Each criterion is assigned numerical points signifying its importance relative to all other criteria. Once the score for each property has been calculated, all properties shall be ranked. Those properties ranked the highest will be given priority to purchase.

## **Easement Donations - Rules and Guidelines**

Donations of conservation easements meeting the following guidelines may be accepted by the Jefferson County Farmland Protection Board:

1. Properties at least twenty acres in size, in which the purchase or donation of the easement would extinguish future subdivision potential of the property, except conveyances as specifically allowed and limited by the appropriate zoning ordinances.
2. Subdivision residue lots and designated open space areas that retain no further development rights.
3. Properties less than twenty (20) acres in size shall not normally be accepted by the Jefferson County Farmland Protection Board, however such properties may be considered on a case-by-case basis, particularly if they contain unique features or are otherwise considered worthy of protection.

A donation application form must be submitted to the Jefferson County Farmland Protection Board in order to be considered. The Jefferson County Farmland Protection Board, in its sole discretion, may accept or reject an offer for donation after considering all facts and circumstances. Such circumstances include, but are not limited to, possible contamination on the subject property, surrounding land uses, conservation values of the property, and the scope and difficulty of the protection and monitoring of the property. A written confirmation of the acceptance or rejection shall be provided to the applicant, including the reasons for rejection, if applicable. Any residential construction on a conservation easement property must comply with Jefferson County Comprehensive Plan and its ordinances.

The Jefferson County Farmland Protection Board may allocate funds to offset any or all costs associated with the conservation easement, including, but not limited to, legal fees, closing costs, survey fees and appraisal costs. Costs not funded by the Jefferson County Farmland Protection Board shall be the responsibility of the landowner making the donation offer, including stewardship funds for the perpetual monitoring of the property. Reimbursement policies will be established on a yearly basis no later than June 30 for the following fiscal year by the Jefferson County Farmland Protection Board after consideration of the funds available to it. Donation properties shall be ranked for potential reimbursement according to the "Farmland Protection Ranking Criteria".

### **Easements: Special/Targeted Grants**

In the event private, local, state or Federal monies become available to purchase a particular category of property, or properties with certain characteristics, the Farmland Protection Ranking Criteria may be waived by the Jefferson County Farmland Protection Board. This procedure shall be undertaken only when the grant terms render other ranked properties ineligible to apply for the grant.

## **Nature of Development Rights Acquired**

### **A Conservation Easement**

The ownership of property is often characterized as a bundle of rights. Typically, a landowner owns all of these rights through the deed; possession of all of these rights is called fee simple ownership. A landowner can sell or donate some of these rights and still retain ownership of the land. For instance, a landowner might sell the timber rights on the property, but still retain all other rights over the property. Under the Jefferson County Farmland Protection Program, the landowner agrees to give up certain development rights and specific commercial uses of the property. The protection of farmland all over the country typically is accomplished by limiting the risk that the farmland is converted into a commercial development or a residential subdivision. The Jefferson County Farmland Protection Program also utilizes this method of protection. The possession of the property, maintenance, right of access, and the right to sell the property or to leave it to heirs remains with the landowner.

The mechanism for acquiring these development rights is called a conservation easement. These easements are also sometimes referred to as open space easements. The Jefferson County Farmland Protection Board may acquire these rights by purchasing the easement or through the acceptance of a donation. The sale or donation of development rights is accomplished through a Deed of Conservation Easement, which is recorded with the original deed to the land.

### **Easement Holder**

The Jefferson County Farmland Protection Board is the grantee under the Deed of Conservation Easement, and agrees to protect the property according to its mandate and the desires of the property owner executing the easement. The Jefferson County Farmland Protection Board is a quasi-governmental board established by the Jefferson County Commission. State law mandates the background of appointees that must serve on the board, and the Jefferson County Commission appoints the candidates. All appointees must live in Jefferson County. A majority of the voting members of the board must be active farmers in Jefferson County.

The Deed of Conservation Easement is held and administered locally, here in Jefferson County. In addition, with the approval of the Jefferson County Farmland Protection Board, a landowner shall designate a co-holder under the Deed of Conservation Easement. Typically, private land trusts may be utilized to co-hold easements with governmental and quasi-governmental entities as desired by the landowner. For instance, The Land Trust of the Eastern Panhandle and The Nature Conservancy are examples of private land trusts; to ensure the ability of the co-holder to maintain, protect and enforce the rights, responsibilities and actions pursuant of the Deed of Conservation Easement, the private land trust organization appreciates a voluntary stewardship payment. A sample of the Voluntary Stewardship Agreement is attached in Appendix 6. The landowner may also grant the easement to a private land trust as the grantee and apply to have the Jefferson County Farmland Protection Board act as co-holder.

### **Duration of the Easement**

A conservation easement must be perpetual in order to qualify for potential Federal income tax and estate tax benefits. The Jefferson County Farmland Protection Program will only consider offers of perpetual conservation easements. Under a perpetual easement, even though you may sell or bequeath the land, subsequent owners will be bound by the terms of the easement. Although there is a common law "rule against perpetuities" which otherwise prevents any agreement from being recorded as perpetual, conservation easements have become an exception to this rule. Almost all 50 states have passed state laws to allow for perpetual conservation easements. West Virginia passed its own Conservation and Preservation Easements Act (Article 12, Chapter 20) in 1995. Perpetual easements have been accepted into farmland protection programs and by land trusts all over the United States for over 30 years. To date, the courts have upheld the legitimacy of perpetual conservation easements and have acted against those who would seek to undo them.

### **Restrictions Under the Easement --Voluntary Farmland Protection Act**

The Voluntary Farmland Protection Act passed by the State of West Virginia in 2000 establishes certain restrictions and prohibitions regarding easement property accepted into any county program, but also allows the county programs flexibility to establish their own specific criteria within this framework. The restrictions set by the Act are as follows:

- The landowner may not develop the land for any commercial, industrial, residential or other non-farm purposes. (Current residences and retained development rights as defined under the Jefferson County Farmland Protection Program are allowable.)
- The landowner must agree not to further subdivide the property aside from the residential development rights agreed to under the Deed of Conservation Easement.
- Woodland included in the easement must not be used in commercial forestry or the growing of timber for commercial purposes.

Under state law, home-based businesses not requiring a West Virginia Division of Environmental Protection Permit to operate are allowable. Each residential dwelling provided for under the Deed of Conservation Easement is allowed two acres for all residential activities. In addition, activities performed for religious, charitable or educational purposes or to foster tourism are allowable on the eased property.

### **Deed of Conservation Easement**

Through the Deed of Conservation Easement, the Jefferson County Farmland Protection Program outlines the terms, conditions and restrictions on the property under easement to protect both the grantor and the grantee, and to clarify the understanding of each party. Certain portions of the Deed of Conservation Easement are negotiable and subject to change, while others are mandated

by either Federal laws, state laws or practice, or land trust industry practice. Typically, each conservation easement is unique and the Deed of Conservation Easement should reflect this uniqueness.

The purpose of this program is to preserve land for farm use. As such, the Jefferson County Farmland Protection Program has incorporated the broad prohibitions under the Voluntary Farmland Protection Act into its program, as outlined above. In addition, the Jefferson County Farmland Protection Program has enacted additional guidelines addressing specific conditions and limitations under which new residential building lots may be created (e.g. parent to child conveyances). Also, uses that are not compatible with or conducted in support of the agriculture industry or agri-tourism uses are not permitted within the terms of the easement, regardless of whether the proposed use is permitted by the Zoning Ordinance. Proposed uses shall be considered on a case-by-case basis by the Farmland Protection Board.

Generally, the Deed of Conservation Easement allows the property owner the full right to reside and enjoy the property. This "quiet enjoyment" as it is termed allows hunting, touring, swimming, fishing, biking and like activities. At the same time, the Deed of Conservation Easement ensures that the property is protected from obvious destructive activities such as dumping, polluting, mining, and removal of natural resources. The Deed of Conservation easement incorporates the state prohibitions on commercial forestry and unlimited subdivision.

Agricultural activities and construction are allowed on any portion of the property with up to a two percent overall (does not exceed a total of two percent) impervious limitation. Activities for religious, charitable, or education purposes, or to foster tourism are allowed to the extent they are compatible with and supportive of the rural character of the property.

In addition, the Jefferson County Farmland Protection Board encourages each landowner participating in the program to protect any other unique, historic, scenic, or natural resource value on the property through specific provisions in the Deed of Conservation Easement. See **Appendix: Deed of Conservation Easement** for a model of a conservation easement. Again, the Deed of Conservation Easement can be modified to fit the circumstances and characteristics of each property.

## **Value of Conservation Easement**

A landowner may make an offer to sell a conservation easement on qualifying property. Such offers shall be ranked utilizing the Jefferson County Farmland Protection Ranking Criteria in order to fairly allocate any available funds for purchasing easements. Offers may be made by the landowner from one dollar up to the maximum value of the easement as defined under the WV Code§8-12-14). The *fair market value* and the *agricultural value* of the property are defined:

### ***Fair Market Value***

The fair market value of the land is the price at the valuation date for the highest and best use of the property which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property if the property was not subject to any restriction imposed under the Deed of Conservation Easement.

### ***Agricultural Value***

The agricultural value of land is the price at the valuation date which a vendor, willing but not obligated to sell, would accept for the property, and which a purchaser, willing but not obligated to buy, would pay for the property subject to the restrictions placed upon it by the Deed of Conservation Easement.

### ***Appraisal***

The board has determined that the Uniform Appraisals Standards for Federal Land Acquisitions (UASFLA or Yellow Book) will be used for the purchase of all farmland conservation easements by Jefferson County.

### **Maximum Easement Value**

The maximum easement value is the difference between the *fair market value* of the land and the *agricultural value* of the land.

### **Offering Price**

The offering price is the amount the landowner is asking to be reimbursed for the sale of the conservation easement to the Jefferson County Farmland Protection Board. The offering price can be the maximum easement value, or it can be some fraction of this value. Landowners gain points in the ranking criteria by offering to sell the easement for less than the maximum value.

### **Payment to Landowners**

Subject to the availability of funds, payments made to landowners shall be the smaller of the offering price or the maximum easement value, but in no case shall exceed the maximum easement value.

### **An Example**

The hypothetical fair market value of a 100-acre parcel of unrestricted land in Jefferson County is \$5,000 an acre or \$500,000 for the entire parcel. The land is suitable for a housing subdivision and is in an area that is currently being developed. The agricultural value of the land is \$2,000 an acre or \$200,000 for the entire parcel. The maximum value of the conservation easement on this parcel is \$300,000 (\$500,000 fair market value less \$200,000 agricultural value).

If the offering price was \$100,000, or one-third of the full easement value, the landowner would gain points under the Jefferson County Farmland Protection Ranking Criteria system. Subject to the availability of funds, the owner would be compensated \$100,000 for the conservation easement.

### **Determination of Values**

The Uniform Appraisals Standards for Federal Land Acquisitions (UASFLA or Yellow Book) appraisal will be used for the purchase of all farmland conservation easements by Jefferson County. A qualifying appraisal is one completed within twelve months of the date of closing.

Due to the costs involved, the Jefferson County Farmland Protection Board will require that the landowner-applicant pay for the qualifying USAFLA appraisal completed by a certified appraiser only when the property has been qualified under the Jefferson County Farmland Protection Ranking Criteria for possible county funding and for submission for matching federal funding through the Natural Resources Conservation Service (NRCS). At the time an offer is made by the landowner for purchase of an easement, the Jefferson County Farmland Protection Board shall make an initial estimate of the maximum easement value for the purpose of allowing the easement offer to move forward in the process. This initial estimate of value will be non-binding and made expressly subject to the review and approval of the USAFLA appraisal.

An updated appraisal shall be undertaken and paid for by the Jefferson County Farmland Protection Board only when such an updated appraisal is a part of the closing process for easements accepted into the program.

In addition, in order for the landowner to take advantage of potential Federal income tax and estate tax benefits, an appraisal to Internal Revenue Service (IRS) standards must be completed within 60 days of the easement sale in order to comply with Federal tax requirements. The landowner is responsible for the cost of the IRS appraisal.

In the unlikely event that differing appraisal values would affect the outcome of the ranking of properties, or would affect the actual purchase value of the property, the landowner and/or the Jefferson County Farmland Protection Board may request that the value determination be submitted to arbitration.

## **Offering to Sell or Donate**

An application form for either a sale or donation must be submitted to the Jefferson County Farmland Protection Board in order to be considered. Such application must be complete, including all documents as required by the application. A landowner may offer all, or part, of their land into the Jefferson County Farmland Protection Program.

A landowner may make an offer and rescind it up until the time of the closing of the Deed of Conservation Easement. Any fees or costs of closing incurred by the Jefferson County Farmland Protection Board shall be the responsibility of the landowner if an offer is made and then rescinded. A landowner may also submit a new offer in order to increase the points under the farmland protection ranking criteria, and possible acceptance into the program. An offer made during the fiscal year (July 1 through June 30 of the following year), shall expire at the end of the fiscal year. Certain deadlines for submissions may apply. Any unaccepted offers may be re-submitted by the landowner for consideration in any subsequent year, but a new application must be made.

The Jefferson County Farmland Protection Board may make a counter-offer to the landowner in order to secure the property or properties in the event that adequate funds are not available to purchase all properties with outstanding offers. Such counter-offers shall be made in writing to the applicant. The applicant shall have sixty days to accept the offer through the submission of a revised offer in the form of a revised application. The absence of a revised application within the sixty days shall be deemed as a rejection of the counter-offer.

A written confirmation of the acceptance or rejection of any offer shall be provided to the applicant, including the reasons for rejection, if applicable.

## **Third Party Mineral Rights**

Properties where the subsurface mineral rights are owned by a third party are subject to special requirements. A tax deduction for the easement may be taken only if:

1. Ownership of the surface estate was separated from ownership of the mineral right before June 13, 1976; and
2. The probability of surface mining occurring on the property is "so remote as to be negligible."

The Jefferson County Farmland Protection Board will accept easements on such properties only if:

1. The third party mineral owner agrees to prohibit any surface mining; and
2. The third party oil and gas owner agrees to construct a maximum number of wellheads as determined by the Board; or
3. The probability of surface mining is considered to be extremely unlikely as determined by the Board after consideration of all facts and circumstances. Such considerations shall include, but shall not be limited to:
  - Past or current surface mining in the vicinity
  - The identity of the third party owner and whether they are still in existence
  - The probable extent of such minerals and the resultant financial attractiveness

## **Amendment Policy**

Jefferson County Farmland Protection Board (JCFPB) acquires and holds conservation easements on Jefferson County farmland in behalf of the Jefferson County Commission and the residents of the County. The purpose of these easements is to conserve the agricultural resources of the County for the future use and enjoyment of them by County residents, to provide green spaces and other amenities that benefit the quality of life, and to assist in ensuring the future economic well-being of County residents engaged in agriculture and agriculture-related businesses. By holding conservation easements the JCFPB is accepting an obligation to monitor and enforce those agreements. Though easements are written to last in perpetuity, we understand that in rare circumstances it may be necessary or beneficial to amend an easement to clarify vague language, correct oversights or errors in the original document, allow an unanticipated but acceptable use, or add new provisions to strengthen the easement.

It is the JCFPB's policy to amend conservation easements only in a manner that complies with applicable state and federal law and only for uses that have a beneficial effect on the conservation values protected by the conservation easement. It is the JCFPB's policy also that the Board must approve conservation easement amendments with a 5/6 majority of voting members after consultation with co-holders and grantees with the JCFPB in an easement.

**Any amendment under consideration by the JCFPB must meet the following provisions:**

- An amendment must have a beneficial effect on the conservation values protected by the easement.
- No amendment will provide private inurement for members of the JCFPB, staff or private benefit to the landowner or other parties as prohibited by IRS Regulations.
- Any action that requires a change in the terms of the conservation easement or affects the protected conservation values will require a written and recorded amendment.
- Conservation easements may be amended under the following circumstances:
  - To fulfill agreements specified in the conservation easement;
  - To correct an error in original drafting;
  - To clarify an ambiguity in the conservation easement;
  - To adjust a conservation easement to acknowledge a condemnation by a public agency;
  - To add new provisions that strengthen the preservation and protection of conservation values;
  - Amendments may be considered for other reasons provided they have a beneficial effect on the conservation values protected by the conservation easement.

### **III. Administrative**

#### **Process Flowchart**

Priority for the timing of submissions under this program to the funding sponsor will be determined by deadline dates published by the funding sponsor or by particular urgency expressed by the Farmland Protection Board or funding sponsor. Requests for support under this program will be considered as they are received until the maximum commitment to awarded projects and those pending award notification is reached during the fiscal year West Virginia Comprehensive Development Plan and exhibits included therein. If a more recent Comprehensive Plan is developed, the newer version shall be applicable unless similar exhibits are not included. See the Appendix for an outline of the administrative process and timing for completing a conservation easement.

#### **Baseline Documentation**

Baseline documentation is the record of the condition of the property and features that are to be protected at the time the conservation easement is donated. Prior to the actual sale or donation of the easement, the baseline documentation must be completed. The purpose of the documentation is to create a record for administration of the easement and protection of natural features contained in the Deed of Conservation Easement. Such documentation is very helpful in future years in documenting the original condition of the property. In addition, baseline documentation is required under IRS regulations for donated easements claimed as a charitable deduction.

Baseline documentation may include:

- Survey maps from the U. S. Geological Service
- A map of the property showing all existing man-made improvements, vegetation, land use history and distinct natural features
- An aerial photograph of the property
- On-site photographs taken at appropriate locations

- GIS maps
- A survey by a WV licensed Surveyor or Engineer OR a legal description by metes and bounds needs to be completed

See **Appendix-Baseline Documentation Form and Checklist** for the form that will be completed by the Jefferson County Farmland Protection Board.

If the Deed of Conservation Easement contains restrictions with regard to a particular natural resource to be protected, such as water quality, the condition of the resource at or near the time of the gift must be established. In addition, the baseline documentation must be accompanied by a statement signed by the donor and the Jefferson County Farmland Protection Board clearly referencing the documentation and affirming that it is an accurate representation of the property.

Any selective timber cutting for personal use, subsurface mineral rights, etc., must be clearly documented in the baseline documentation.

## **Closing**

Once the easement purchase or donation has been negotiated with the landowner(s) and agreed to through formal action of the Jefferson County Farmland Protection Board, several steps remain to be completed. All purchases must be approved by the Jefferson County Commission. Important paperwork and procedures as indicated by the closing checklist (see **Appendix - Closing Checklist**) must be completed. Finally, the Deed of Conservation Easement must be closed much like any other real estate transaction. A date and time shall be agreed upon with the Jefferson County Farmland Protection Board's closing attorney. The landowner(s) may have an attorney present for the closing, but this is not a requirement. All landowners will need to be present at the closing to sign the Deed of Conservation Easement and the closing documents.

## **Inspection and Enforcement**

An important part of any easement program involves periodic inspections to ensure that the conservation restrictions agreed to by the donor and the Jefferson County Farmland Protection Board are adhered to. Such inspections are normally done on an annual basis. Easement violations typically occur with owners subsequent to the original owner of the property who enacted the easement. Even though the original landowner enacting the easement has sold or bequeathed the land, subsequent owners are bound by the terms of the easement. The easement is said to "run with the land." The Jefferson County Farmland Protection Board has a duty, as evidenced in the Deed of Conservation Easement, and as desired by the original landowner grantor, to enforce the easement restrictions so that the easement property remains protected. Subsequent owners are bound by the conservation restrictions, and are put on notice at the time of purchase of the property through the recorded Deed of Conservation Easement. The current owner shall be required by the Deed of Conservation Easement to provide annual access to the property for monitoring purposes by the Farmland Protection Board or its designated agent.

Where the conservation easement is jointly held by a private land trust, the responsibility for the easement monitoring and coordinated enforcement efforts shall be clearly delineated. The Jefferson County Farmland Protection Board may complete the easement monitoring through its staff, or may subcontract this work through an appropriate agent. The Eastern Panhandle Conservation District currently assists landowners to prepare and implement soil and water conservation plans. It also assists in the design of Best Management Practices and verifies compliance with farm management plans. The Jefferson County Farmland Protection Board shall ensure that the periodic inspection program is carried out, and work closely with all involved parties for a consistent and coordinated inspection program that is satisfactory to the donor.

Generally there are three keys to preventing an easement violation:

1. A good relationship with the property owner
2. A Deed of Conservation Easement with clear restrictions
3. A program of regular, systematic, and well-documented monitoring

In the event of an easement violation, the Jefferson County Farmland Protection Board would make every attempt to work with the landowner to rectify the easement violation. In the event that a satisfactory resolution cannot occur, the Jefferson County Farmland Protection Board may work through the Jefferson County Attorney or through private attorneys to meet its perpetual obligation to protect the property. See **Appendix-Easement Monitoring Form** for a sample of the form completed during an annual inspection.

## **IV. Outreach and Funding**

### **Outreach**

The WV Voluntary Farmland Protection Act at §8-24-73d (c) requires each farmland protection board to promote the protection of agriculture within the county by offering information and assistance to landowners with respect to the acquisition of easements.

Therefore, the Jefferson County Farmland Protection Board will evaluate and utilize, on a continual basis, the development of several methods of outreach within each annual budget. Such methods of outreach might include:

1. The development of articles within the Eastern Panhandle Conservation District quarterly newsletter.
2. The development of articles within the Jefferson County Farm Bureau Newsletter.
3. The development of articles within the USDA - Farm Service Agency quarterly newsletter.
4. The development of articles within local media venues (The Journal, Morning Herald, Buyer's Guide, etc.).
5. The development of a Jefferson County farmland protection web page with links from the Jefferson County Commission Web page and other associated farm agency web pages.
6. The development of handouts, flyers and other promotional materials as appropriate.

## **Funding**

The Jefferson County Commissioners created a special Farmland Protection Fund to carry out the purposes of the Jefferson County Farmland Protection Program. The Farmland Protection Fund will hold money or property from general or special fund appropriations by the county or state, a distribution from the West Virginia Agricultural Land Protection Authority, private or governmental grants, private contribution, fund raising or gifts, earnings from investments, interest, dividends or distributions. The Farmland Protection Fund monies shall not be commingled with other public funds.

All payments or withdrawals of Farmland Protection Funds shall be based upon proper vouchers, invoices or documentation for such disbursements; or shall be a conservation or preservation easement purchase approved by the Jefferson County Farmland Protection Board. All disbursements shall be signed and/or countersigned as directed by the Jefferson County Farmland Protection Board.

The Jefferson County Farmland Protection Fund is a special fund managed by the Jefferson County Administrator.

The West Virginia Voluntary Farmland Protection Act authorized the Jefferson County Farmland Protection Board to seek out any and all county, state, Federal and private funding available, consistent with the purpose of the Farmland Protection Program, to establish and operate the program. However, the Jefferson County Farmland Protection Board is also authorized to decline, reject, or deny private grants, contributions or gifts that represent or have the appearance of representing an impropriety which could result in the temporary or permanent loss of public faith and trustworthiness in the Farmland Protection Program or the Jefferson County Farmland Protection Board.

The Jefferson County Farmland Protection Board clearly recognizes for this program to succeed at its fullest, funding for the actual compensation for the placement of conservation easements must be secured and this funding level will need to be substantial. However, many of these Federal grant opportunities require some degree of state or local match. To that end, the Jefferson County Farmland Protection Board will evaluate the feasibility of obtaining such local matching funds from several sources. Examples of those sources include:

1. Governor's Contingency Fund.
2. Legislative Digest Grants.
3. Private foundation gifts or grants.
4. Any future county impact fee dedicated to farmland protection.
5. Any future county transfer tax fee dedicated to farmland protection.

In addition, the WV Voluntary Farmland Protection Act requires the establishment of a state level WV Agriculture Land Protection Authority. This Authority is required to assist the Jefferson County Farmland Protection Board in applying for and obtaining all state and federal funding available consistent with the purposes of the farmland protection program.

To accomplish that function, WV Code §8A-12-1 et seq. requires the WV Department of Agriculture to include within its budget funding for the Authority for the next fiscal year. The Authority is then required to distribute within 60 days after the end of its fiscal year at least 80% of that fiscal year's remaining budget to county farmland protection boards that have certified to the Authority that there is pending an application for one or more conservation easements. This state level funding is called the WV Farmland Protection Fund.

This funding, similar to the county farmland protection fund, is authorized by §8A-12-1 et seq. to be comprised of any money made available to the fund by general or special fund appropriations; grants or transfers from governmental or private sources; money realized by investments, interests, dividends or distributions; monies appropriated by the Legislature. In addition, the Authority is authorized to seek and apply for all available funds from Federal, state and private sources.

**Jefferson County Farmland Protection Board  
P.O. Box 731  
Charles Town, West Virginia 25414-0731**

## APPENDIX

The forms in this Appendix are samples only, and should not be used for application purposes. Forms are subject to revision by the Jefferson County Farmland Protection Board without prior notice.



P. O. Box 731 • Charles Town, WV 25414

304.724.1414 • farmlandprotection@jcda.net

## Sale or Donation of Conservation Easement Application Form FY 2015

**ATTENTION:** Applicants must have a conservation plan prepared or approved by NRCS to be approved for a conservation easement.

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

### General Information

Name of Owner(s): \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_

Home Phone: (\_\_\_\_) \_\_\_\_\_

Work Phone: (\_\_\_\_) \_\_\_\_\_

This application is for:

- Purchase of a conservation easement  
 Donation of a conservation easement \*\*

### Property Information

Physical Address or Location of Property:

\_\_\_\_\_  
\_\_\_\_\_

Directions to Property:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Deed Reference Information

Magisterial District:  
Charles Town    Harper's Ferry    Kabletown    Middleway    Shepherdstown

Deed Book Number: \_\_\_\_\_ Deed Page Number: \_\_\_\_\_

Tax Map Number: \_\_\_\_\_ Tax Parcel Number: \_\_\_\_\_

Indicate if the property is:

|                                                                 |     |    |
|-----------------------------------------------------------------|-----|----|
| Subject to a sales contract.<br><i>If yes, attach contract.</i> | Yes | No |
| Currently listed for sale.<br><i>If yes, attach details.</i>    | Yes | No |

Indicate if the property was:

|                                                                   |     |    |
|-------------------------------------------------------------------|-----|----|
| Listed for sale within the last two years.                        | Yes | No |
| In the estate process or was inherited within the last two years. | Yes | No |

**A. Development Pressure**  
 Property is located:

|                                                |     |    |
|------------------------------------------------|-----|----|
| In the rural zone.                             | Yes | No |
| In non-rural zone, but currently being farmed. | Yes | No |
| In non-rural zone and not currently farmed.    | Yes | No |

**B. Acreage**  
 Total Acreage: \_\_\_\_\_  
 Acreage offered for easement: \_\_\_\_\_  
 Does the property have a current farm-use valuation for tax purposes?    Yes    No  
 If yes, list current farm-use valuation: \$ \_\_\_\_\_  
 If yes, include copy of valuation from Jefferson County Tax Assessor.

**C. Soil Evaluation**  
 Please provide:  
 A soil profile conducted by NRCS. *Attach soil map with acreage for each soil type.*  
 A NRCS Conservation Plan *Attach letter from NRCS office stating the farm has a working conservation plan.*  
 Properties must have a conservation plan through the NRCS office to be eligible for a conservation easement.

**D. Contiguous Property List all adjacent land tracts:**

| Property Owner | Tax Map | Parcel | Acreage | Check if Ag Use |
|----------------|---------|--------|---------|-----------------|
|                |         |        |         |                 |
|                |         |        |         |                 |
|                |         |        |         |                 |
|                |         |        |         |                 |
|                |         |        |         |                 |
|                |         |        |         |                 |
|                |         |        |         |                 |
|                |         |        |         |                 |
|                |         |        |         |                 |
|                |         |        |         |                 |

**E. Historical, Water, and other Natural or Manmade Features of the Property**

*Historical features*

Please indicate if the property is:

|                                                                                                         |     |    |
|---------------------------------------------------------------------------------------------------------|-----|----|
| On the National Register of Historical Places                                                           | Yes | No |
| Of national, state or local significance                                                                | Yes | No |
| Adjacent to one of the above two properties                                                             | Yes | No |
| Adjacent to any state or national park, existing permanent easement or permanently protected open space | Yes | No |

**Include documentation for each feature.**

*Water features*

Please indicate of the property:

|                                          |     |    |
|------------------------------------------|-----|----|
| Fronts on a major stream, creek or river | Yes | No |
| Contains a stream or tributary           | Yes | No |
| Contains a year-round spring             | Yes | No |
| Contains a wetland                       | Yes | No |
| Contains a sinkhole(s)                   | Yes | No |
| Includes areas in 50 year flood plain    | Yes | No |

**Include documentation for each feature.**

*Other natural or manmade features*

Please indicate if the property:

|                                                               |     |    |
|---------------------------------------------------------------|-----|----|
| Contains at least 10 acres of mature forest                   | Yes | No |
| Contains or is contiguous to endangered or threatened habitat | Yes | No |
| Contains a cave                                               | Yes | No |
| Contains stone fences or walls                                | Yes | No |
| Contains other features targeted by the Nature Conservancy    | Yes | No |

**Include documentation for each feature.**

**F. Secured Debts or Liens on the property**

*Holder 1*      Amount:      \$ \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone Number: (\_\_\_\_\_) \_\_\_\_\_

Will the lender (Holder 1) agree to subordinate the loan?      Yes      No  
*If yes, include documentation of agreement to subordinate.*

*Holder 2*      Amount:      \$ \_\_\_\_\_

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

Address: \_\_\_\_\_

Phone Number: (\_\_\_\_\_) \_\_\_\_\_

Will the lender (Holder 2) agree to subordinate the loan? Yes No  
*If yes, include documentation of agreement to subordinate.*

G. **Length of Easement**  
This conservation easement is in perpetuity. Yes No

II. **Price/Easement**  
Appraisal Value: Fair Market Value \$ \_\_\_\_\_  
Agricultural Value \$ \_\_\_\_\_  
Conservation Easement Value \$ \_\_\_\_\_

Price at which Owner agrees to sell Conservation Easement: \$ \_\_\_\_\_  
Owner's Non-cash charitable contribution: \$ \_\_\_\_\_

**A UASFLA( Uniform Appraisal Standards for Federal Land Acquisition ) or "Yellow Book" appraisal will be required following the Board's acceptance of your application for matching funds from NRCS.\*\***

**Official Contact**

Name, address and phone number of the contact person who is authorized by all property owners to receive correspondence from the JCFPB and negotiate the terms of the easement:

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

Phone Number: \_\_\_\_\_

Address: \_\_\_\_\_

Email: \_\_\_\_\_

**Signatures**

All owners must sign this application giving consent to make application to the Jefferson County Farmland Protection Board for a conservation easement sale/donation; and if accepted, agree to the terms of the JCFPB Program, including the owners offering price.

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

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

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

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

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

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

## Documentation Checklist

**The following documents must be attached:**

1. Sketch plat of property\*
2. Sketch plat of area of property offered for the easement
3. Deed description (legal description included in deed to current owner)
4. Tax map (available from Jefferson County Assessor's Office)
5. Soil map (available from NRCS)
6. Soil profile (available from NRCS)
7. Appraisal must be the Uniform Appraisal Standards for Federal Land Acquisition (UASFLA or "Yellow Book") for compliance with our program.\*\*
8. NRCS letter confirming NRCS-USDA Conservation Plan
9. Letter of subordination from financial institution if applicable
10. All other documents requested herein if applicable:
  - Current Farm-use Valuation from Jefferson County Tax Assessor
  - Sales contract if property is subject to sale
  - Forestry plan from WV Forestry Division if property has 20+ acres forest/woodland
  - Documentation of all historical, natural and manmade features

**NOTE: All applications must be completed and signed by all deed holders of the property to be considered. Additional information may be required from the applicant.**

\*A current survey of the property must be completed if the current survey is more than 10 years old. If the owner wishes to take out a parcel or retain a development right or only put some of the property into easement there must be a survey. This survey should be done BEFORE the appraisal is done, so that the appraiser has accurate acreages and areas to assess. The JCFPB will pay for the first survey. If the owner makes any changes in the property offered, e.g. additional out-parcels or exceptions, then the owner must pay to have the property re-surveyed.

\*\*If a property is qualified and accepted for conservation easement funding, the Board will require the landowner to provide the UASFLA or "Yellow Book" appraisal. The appraisal is required for submission to the NRCS for consideration for matching funds. West Virginia and Federal law prohibit the purchase of a conservation easement for more than the value established by the UASFLA appraisal. A bargain sale (sale of the easement value for below the appraised value) may be tax deductible.

**For further information about the Jefferson County Farmland Protection Program, contact [FarmlandProtection@jcda.net](mailto:FarmlandProtection@jcda.net) or call 304-724-1414**



**Thank you!**

Jefferson County Farmland Protection Board  
P.O. Box 731  
Charles Town, West Virginia 25414-0731

**Baseline Documentation Form and Checklist**  
To be completed by the Jefferson County Farmland Protection Board

*Background Information*

Property owner(s) \_\_\_\_\_ Telephone \_\_\_\_\_

Address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Property name (if any) \_\_\_\_\_

Location \_\_\_\_\_

Deed Reference Book \_\_\_\_\_ Parcel \_\_\_\_\_

Tax Map Numbers \_\_\_\_\_

County \_\_\_\_\_ Title search \_\_\_\_\_

Total acreage \_\_\_\_\_ Acreage offered for easement \_\_\_\_\_

Other notes \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**PART ONE: ACQUISITION DATA**

***Parcel Identification***

***Property Size*** \_\_\_\_\_ acres

Determined by: Survey  Deed  Tax Map  Estimate

***Parcel A Easement*** \_\_\_\_\_ acres

Determined by: Survey  Natural Boundaries

Describe \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Parcel B Easement*** \_\_\_\_\_ acres

Determined by: Survey  Natural Boundaries

Describe \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

***Parcel C Easement*** \_\_\_\_\_ acres

Determined by: Survey  Natural Boundaries

Describe \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Other notes \_\_\_\_\_



Soil types on property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Describe surrounding land uses:** (residential development; commercial development; industrial development; highways; farming; logging; water control; drainage; etc.)

**History of property's uses:** (see building department; local government real estate office; neighbors)

**List improvements on property:** (buildings; stone walls; barns; shelters; gates; dams bridges; fences; trails; roads; etc.)

*Natural Resource Inventory*

**Natural Features**

Scenic quality \_\_\_\_\_

Vegetation or flora \_\_\_\_\_

Forested land \_\_\_\_\_

Mountainous land \_\_\_\_\_

Caves \_\_\_\_\_

Sink holes \_\_\_\_\_

Shale barrens, limestone cliffs \_\_\_\_\_

Other natural features \_\_\_\_\_

**Agricultural**

Farmland \_\_\_\_\_

Orchards \_\_\_\_\_

**Water Resources**

Streams, creeks or rivers \_\_\_\_\_

Springs \_\_\_\_\_

Wetlands \_\_\_\_\_

Ground water recharge potential \_\_\_\_\_

**Other**

Size adequate to support wildlife \_\_\_\_\_

Local wildlife \_\_\_\_\_

Endangered species \_\_\_\_\_

Archeological site \_\_\_\_\_

Historical significance \_\_\_\_\_

**PART THREE: DOCUMENTATION REVIEW**

*Conservation Easement - Attachments*

- Deed ○
- Title search ○
- Assessors map ○
- Property survey ○
- Easement location survey ○
- Highway map ○
- USGS map ○
- Photographs ○
- Professional natural resource evaluation ○
- Conservation district evaluation ○

**MONITORING INSPECTION FORM**

**Deed of Conservation Easement** \_\_\_\_\_

**Background Information**

Inspection date \_\_\_\_\_

Owner(s) name \_\_\_\_\_

Owner(s) address \_\_\_\_\_

\_\_\_\_\_

Owner(s) telephone # \_\_\_\_\_

Location of property \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Conservation Easement Description**

Summary of easement provisions \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Date conservation easement acquired \_\_\_\_\_

Name and address of conservation easement donor \_\_\_\_\_

\_\_\_\_\_

Name and address of current owner (if different) \_\_\_\_\_

\_\_\_\_\_

Length of ownership of present owner \_\_\_\_\_

**On-Site Inspection**

Names of inspection team \_\_\_\_\_  
\_\_\_\_\_

Name of owner/representative to whom inspection notice sent \_\_\_\_\_  
\_\_\_\_\_

Did the owner/representative accompany the inspection team? Yes  No

Name \_\_\_\_\_

Time spent on the property \_\_\_\_\_

Are the terms of the conservation easement agreement being adhered to? Yes  No

Describe \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Were any violation or potential violations observed? Yes  No

Describe \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Describe acts or uses now taking place permitted under the terms of the conservation easement agreement that were not previously observed \_\_\_\_\_

Improvements (including structures, pipelines, powerlines, etc.) \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Present use of the property \_\_\_\_\_  
\_\_\_\_\_

Uses of surrounding properties \_\_\_\_\_  
\_\_\_\_\_



## Closing Checklist

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

Property: \_\_\_\_\_

Board  
Approval: \_\_\_\_\_

### Prior to Settlement

- ✓ Deed of Conservation Easement – Approved by NRCS/Landowner Attorney/JCFPB Attorney (if applicable)
- ✓ Title search and title insurance policy
- ✓ Baseline Documentation/ Stewardship agreement
- ✓ Draft Settlement Sheet
- ✓ NRCS Closing Letter signed by Closing agent (if applicable)\*
- ✓ Conservation plan
- ✓ Survey (if partial plat)
- ✓ Form SR-270 Request for Advance or Reimbursement (if applicable)\*
- ✓ Subordination Agreements from Lienholder (if applicable)
- ✓ Approval of Deed of Conservation Easement by:
  - JC Prosecuting Attorney
  - JC Planning, Zoning, and Engineering
  - Jefferson County Commission

### At Settlement

- ✓ Deed of Conservation Easement\*
- ✓ Baseline Documentation Certification\*
- ✓ Final Settlement Sheet\*
- ✓ Final Appraisal Ordered (In the case of a donation of value)\*

### After Settlement

- ✓ Recorded Deed of Conservation Easement and plat\*
- ✓ Baseline Documentation (with Recorded Deed)\*
- ✓ Recorded Subordination Agreement\*
- ✓ IRS Form 8283\* (required for donation deduction)
- ✓ Final Appraisal

\* Copy to be sent to NRCS (when applicable)

Approval for closing: \_\_\_\_\_

## CONSERVATION EASEMENT REQUIREMENTS FOR CO-HOLDING WITH THE LAND TRUST OF THE EASTERN PANHANDLE

The Land Trust of the Eastern Panhandle shall assure that conservation easements or other interests in land acquired under this agreement:

- run with the land in perpetuity or a minimum of thirty years, in the case where a conservation easement is acquired for a term less than perpetuity, the Land Trust of the Eastern Panhandle must secure approval of the NRCS National Office.
- prevent the land from being converted to nonagricultural uses
- provide for the management and administration of the easement or other interests in land by the Land Trust of the Eastern Panhandle
- require management of the property in accordance with a conservation plan that is developed utilizing the standards and specifications of the NRCS field office technical guide, 7 CFR, Part 12, and is approved by the Conservation District
- where parcels are being enrolled in FPP based on historical and archaeological resources, a paragraph identifying standards and guidelines for treatment and maintenance of these resources is required within the deed. These guidelines should be based on the Secretary of Interior's Standards and Guidelines for Historic Preservation. The Land Trust of the Eastern Panhandle will ensure that title restriction to protect any historical and archaeological structure(s) is appended to the deed and included in any succeeding transfers, and
- include the following "Contingent Right in the United States of America" provision where title is held by the Land Trust of the Eastern Panhandle:

"in the event that the Land Trust of the Eastern Panhandle fails to enforce any of the terms of this easement (or other interests in land), as determined in the sole discretion of the Secretary of the United States Department of Agriculture, the said Secretary of Agriculture and his or her successors and assigns shall have the right to enforce the terms of the easement through any and all authorities available under Federal or State law. In the event that the Land Trust of the Eastern Panhandle attempts to terminate, transfer, or otherwise divest itself of any rights, title, or interests of this easement (or other interests in land) or extinguish the conservation easement without the prior consent of the Secretary of the United States Department of Agriculture and payment of consideration to the United States, then, at the option of such Secretary, all right, title, and interest in this easement (or other interests in land) shall become vested in the UNITED STATES OF AMERICA"

- include signature of a responsible NRCS official on the Conservation deed, accepting the United States' property interest in the deed

# *Sample*

## **Voluntary Stewardship Pledge Agreement**

This undersigned, collectively, being the intended Grantors of a conservation easement on certain parcels of property in Jefferson County, West Virginia, hereby pledge, pursuant to the conditions contained herein, the sum or THREE THOUSAND DOLLARS (\$3,000.00) to the Land Trust of the Eastern Panhandle, which will be a co-holder of the easement with the Jefferson County Farmland Protection Board, as a fund to be held by the Land Trust for the purpose of maintaining, protecting and enforcing the rights, responsibilities and actions pursuant to the aforesaid Deed of Conservation Easement.

This Pledge Agreement is to be effective commencing with the date on which the Deed of Conservation Easement is recorded with the Clerk of Jefferson County, West Virginia, and payment is to be made immediately thereafter.

IN WITNESS THEREOF, the undersigned have undertaken this Pledge Agreement:

\_\_\_\_\_  
Name

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Jefferson County Farmland Protection Board  
P.O. Box 731  
Charles Town, West Virginia 25414-0731

**Model Conservation Easement Checklist**

CAPTION

- 1 Title of Document
- 2 Identification of Parties

RECITALS

- 3 Title Representation and Legal Description of Property
- 4 Specific Conservation Values
- 5 Baseline Documentation
- 6 Affirmative Purpose of the Conveyance: Conservation Values
- 7 Purpose or Directive of the Grantee/Co-holder
- 8 Grantee's Commitment

GRANT

- 9 Grant

PURPOSE

- 10 Purpose

TERMS, CONDITIONS AND RESTRICTIONS

- 11 Terms, Conditions and Restrictions

GENERAL PROVISIONS

- 12 Access
- 13 Rights of the Grantee
- 14 Grantee Notification/ Approval
- 15 Grantee's Remedies

GENERAL PROVISIONS (continued)

- 16** Multiple Grantees
- 17** Acts Beyond the Grantor's Control
- 18** Costs, Legal Requirements and Liabilities
- 19** Control
- 20** Taxes
- 21** Hold Harmless
- 22** Extinguishment
- 23** Condemnation
- 24** Assignment
- 25** Subsequent Transfers
- 26** Estoppel Certificates
- 27** Notices
- 28** Recordation
- 29** Amendment
- 30** Other Provisions

- Controlling Law
- Severability
- No Forfeiture
- Successors
- Captions

SIGNATURES, ACKNOWLEDGMENTS, AND EXHIBITS

- 31** Signatures, Acknowledgments, and Exhibits

**1** Title of Document

**DEED OF CONSERVATION EASEMENT**

**2** Identification of Parties

This **DEED OF CONSERVATION EASEMENT** ("Easement") is made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by \_\_\_\_\_, having an address at \_\_\_\_\_ ("Grantor"), to the JEFFERSON COUNTY FARMLAND PROTECTION BOARD ("Grantee") having its mailing address at P.O.. Box 731, Charles Town, WV 25414 and to the United States of America ("United States"), acting by and through the United States Department of Agriculture, Natural Resources Conservation Service ("NRCS") with its mailing address is 1550 Earl Core Road, Morgantown, WV 26505, acting on behalf of the Commodity Credit Corporation, as its interest appears herein, for the purpose of forever conserving the agricultural productivity of the Property and its value for resource preservation and as open space For purposes of this agreement, references to the rights, duties and obligations of Grantor and Grantees apply equally and in full force to any successors to the parties to this agreement.

**Comment [NB1]:** Use when Authority is involved: the WEST VIRGINIA AGRICULTURAL LAND PROTECTION AUTHORITY, a public board authorized under West Virginia Code 8A-12-1, et seq., and a 501-c-3 organization ("Authority", "Co-holder") having its mailing address at 1900 Kanawha Blvd, East, Charleston, WV 25313, collectively "Grantees".

**3** Title Representation and Legal Description of the Property

WITNESSETH:

WHEREAS, Grantor is the sole owner in fee simple of certain real property in Jefferson County, West Virginia, consisting of \_\_\_\_\_ acres of land, more or less, and more particularly described in Exhibit A, incorporated herein by reference (the "Property"). The Property is also described in a deed of record in the office of the Clerk of the County Commission, Jefferson County at Deed Book \_\_\_, Page \_\_\_;

**4** Specific Conservation Values

WHEREAS, the Property possesses agricultural, including prime, unique and significant soils; open space and natural values (collectively, "Conservation Values") of great importance to Grantors, the people of Jefferson County, and the people of the State of West Virginia, and all current and future generations of mankind;

WHEREAS, the Farm and Ranch Lands Protection Program (16 USC 3838h and 3838i) purchases conservation easements to protect prime, unique, and other productive soils from conversion to non-agricultural uses. Under the authority of the Farm and Ranch Lands Protection Program, the United States Department of Agriculture's Natural Resources Conservation Service has provided \$\_\_\_\_\_ to Grantee for the acquisition of this conservation easement, entitling the United States to the rights identified herein;

WHEREAS, the Authority has provided \$\_\_\_\_\_ and the Jefferson County Farmland Protection Board has provided \$\_\_\_\_\_ to purchase a conservation easement on \_\_\_\_\_ acres of the Property; and has accepted a donation of a conservation easement on the remaining \_\_\_ acres of the Property.

**Comment [NB2]:** Use for donation.

**5 Baseline Documentation**

WHEREAS, the specific Conservation Values of the Property are documented in an inventory of relevant features of the Property, on file at the offices of Grantees and incorporated by reference ("Baseline Documentation"), which consists of reports, maps, photographs, and other documentation that the parties agree provide an accurate representation of the Property at the time of this contract and which is intended to serve as an objective information baseline for monitoring compliance with the terms of this Easement;

**6 Affirmative Purpose of the Conveyance: Conservation Values**

WHEREAS, Grantor and Grantees have the exclusive common purpose of preserving the agriculture and open space character of the Property;

WHEREAS, Grantor further intends, as owner of the Property, to convey to Grantees the right to preserve and protect the Conservation Values of the Property in perpetuity;

WHEREAS, the Legislature of the State of West Virginia ("Legislature") has recognized the importance and significant public benefit of conservation and preservation easements in its ongoing efforts to protect the natural, historic, agricultural, open-space and scenic resources of the State of West Virginia;

**7 Purpose or Directive of the Grantee/ Co-holder**

WHEREAS, the Legislature has declared that agriculture is a unique life support industry, and recognizes the need to support the irreversible loss of agricultural land. The legislature authorizes the State of West Virginia and its counties so desiring to protect agricultural land and woodland as open-space land, to develop programs and to accept qualifying properties voluntarily entered into the program;

WHEREAS, the County Commission of Jefferson County, West Virginia ("County Commission") has declared that the agriculture community of Jefferson County provides sources of agricultural products for the citizens of the state; enhances tourism, protects worthwhile community values, institutions and landscapes which are inseparably associated with traditional farming; and controls urban expansion which is consuming land, topsoil and woodland of the county;

WHEREAS, the County Commission has resolved to provide persons of Jefferson County an opportunity to voluntarily protect agricultural land by creating the Jefferson County Farmland Protection Board and authorizing it to create and administer the Jefferson County Farmland Protection Program;

WHEREAS, the Jefferson County Farmland Protection Board is a public agency established to provide landowners with an opportunity to voluntarily protect agricultural land in Jefferson County by the voluntary placement of conservation or preservation easements on eligible property;

WHEREAS, the Trust is a publicly supported, tax-exempt nonprofit corporation, under Section 501(c)(3) and Section 509 (a) (2) of the Internal Revenue Code of 1986 as amended("the Code"),

qualified under section 170(h) of the Code to receive qualified conservation contributions, is authorized under West Virginia law to accept and hold conservation easements in the State of West Virginia, and has as its primary purpose to promote the preservation, protection, or enhancement of land for conservation purposes in its natural, scenic, agricultural, forested, and/or open space condition; and

**Comment [NB3]:** Use when Land Trust is Grantee

**8** **Grantee's Commitment**

WHEREAS, Grantees affirm that this Easement represents a unique and valuable asset to the quality of life in Jefferson County and the state of West Virginia and that by the acceptance of this Easement that it will act in good faith to uphold the conservation easement and not seek to benefit from its conversion or elimination. They agree by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the Conservation Values of the Property for the benefit of this generation and the generations to come in the future.

**9** **Grant and Purpose** **10**

NOW, THEREFORE, in consideration of the above and the mutual covenants, good and valuable consideration, terms, conditions and restrictions contained herein, and pursuant to the laws of West Virginia, Grantor hereby voluntarily grants, bargains, and conveys to Grantees and the United States a conservation easement in perpetuity over the Property of the nature and character and to the extent hereinafter set forth in this Easement. It is the purpose of this Easement to assure that the Property will be retained forever in its natural, agricultural, and open space condition and to prevent any use of the Property that will significantly impair or interfere with the Conservation Values of the Property, including its prime, unique, and important soils.

To achieve these objectives, the terms, conditions, and restrictions of this Easement are hereinafter set forth. The parties agree that the United States is granted the same rights as the Grantees under the terms of this Easement. However, the United States will only exercise its rights set forth below at section II 4 (c). Until such time, if ever, the United States exercises its rights under this Easement, Grantees are the primary manager and enforcer of this Easement.

**I. TERMS, CONDITIONS AND RESTRICTIONS**

**11** **Terms, Conditions and Restrictions**

Grantor reserves to himself, and to his personal representatives, heirs, successors, and assigns, all rights accruing from their ownership of the Property, including the right to engage in or permit or invite others to engage in all uses of the Property that are not expressly prohibited herein and are not inconsistent with the purpose of this Easement. The following terms, conditions and restrictions clarify and govern the intent of Grantor and Grantees:

**1. Use and Quiet Enjoyment.** Grantor has the right to reside on the Property and to benefit from all aspects of the quiet enjoyment of the Property. Grantor has the right to engage in any and all personal recreational uses of the Property, including but not limited to hiking; touring; swimming; camping, biking; hunting and fishing; that require no development of the land and are consistent with the Conservation Values.

**2. Agricultural Uses of the Land.** Grantor may engage in any and all agricultural uses of the Property. For example, the production of plants and animals useful to man, including, but not limited to, forage, grain and field crops; pasturage, dairy and dairy products; poultry and poultry products; equestrian uses; livestock and fowl uses and livestock and fowl products; bees and apiary products; fruits nuts and vegetables of all kinds; nursery, floral and greenhouse products; aquaculture; a grain mill; and the processing and storage of the agricultural products produced principally on the Property are permitted. Any secondary agricultural activity, including but not limited to farm mechanics, blacksmithing, or related activities, shall be considered an agricultural activity. However, such activities or businesses must be undertaken in the permitted agricultural or residential structures and must be consistent with the Conservation Values.

**3. Agricultural Structures.** Grantor has the right to maintain, construct, and place agricultural structures contributing to the production, primary processing, direct marketing and storage of agricultural products produced principally on the Property Agricultural structures shall be constructed or placed within the area described in Exhibit C (“Farmstead Complex Area”), and shall be limited by the maximum square footage as described in *Terms, Conditions and Restrictions-Maximum Impervious Surface Coverage*.

**4. Retail Sale of Farm Products.** Businesses directly related to the retail sale of farm products produced primarily on the Property that are supportive and agriculturally compatible may be established on the Property. Such businesses include roadside stands or structures to facilitate the direct sale to the public of agriculture products, as long as not more than 2,000 square feet of structures are erected to facilitate such retail sales.

**5. Activities for Religious, Charitable or Educational Purposes or to Foster Tourism.** Activities or businesses undertaken for charitable or educational purposes or to foster tourism may be conducted on the Property in order to foster rural economic uses while protecting the rural character of the Property. Such activities or businesses must be compatible with and supportive of the rural character of the Property, and must remain incidental to the agricultural and open space character of the Property.

- (a) Non-agricultural commercial and industrial structures and uses are prohibited. Activities or businesses undertaken for charitable or education purposes or to foster tourism must be undertaken in the agricultural structures permitted under *Agricultural Structures* or *Residential Dwellings*; no other structures are permitted on the Property.
- (b) The stables, horseback riding arenas both within and outside the barn, and supporting pavilion(s) and buildings are considered agricultural buildings. Such buildings shall be located within the Farmstead Complex Area described in Exhibit C, and shall be limited by the maximum square feet as described in *Terms, Conditions and Restrictions-Maximum Impervious Surface Coverage*.
- (c) Accommodation of tourists and visitors is permitted but only within permitted residential structures and appurtenances, and/or agricultural structures, except for rural recreational activities such as hayrides, corn mazes, etc.
- (d) Accommodation of overnight guests is permitted, but only within permitted residential structures.
- (e) Commercial operation of dune buggies, motorcycles, all-terrain vehicles, hang gliders, aircraft, jet skis, motorized boats or any other types of mechanized vehicles whether or not considered to foster tourism is prohibited.

Comment [jlh4]: Optional

- (f) Extensive commitment of land resources as required by golf courses, racetracks, tennis clubs, baseball, soccer and other ball fields and similar uses whether or not considered to foster tourism is prohibited.

**6. Home-based Businesses.** Any home-based business that does not require a Division of Environmental Protection permit to operate may be conducted on the Property, provided that:

- (a) The occupation or business use must be conducted entirely within the single residential dwelling or appurtenances allowable under *Terms, Conditions and Restrictions—Residential Dwellings*.
- (b) The use of the dwelling for the home occupation shall be clearly incidental and subordinate to the use of the dwelling for residential purposes.

**7. Residential Dwellings.** Grantor and Grantees acknowledge the existence of \_\_\_ single residential dwelling on the Property as more fully described in Exhibit B. In addition, Grantor may construct \_\_\_ additional single residential dwellings on the Property, each to be located within a separate two acre building envelope as indicated in Exhibit D (the “Retained Development Rights”). No other single residential dwellings shall be constructed or placed on the Property.

- (a) Each single residential dwelling shall be contained in a building envelope (“Residential Area”) no greater than two (2) acres per each dwelling. The Retained Development Rights may be constructed anywhere within the building envelopes described in Exhibit D.
- (b) Grantor has the right to maintain, repair, enlarge or replace each allowed single residential dwelling as they may so desire, except that the impervious surface of each such single residential dwelling is limited to 5,000 square feet.
- (c) Grantor has the right to construct appurtenances such as garages, sheds and recreational facilities within each building envelope, except that the total allowed impervious surface within each building envelope, including the single residential dwelling(s), shall not exceed 9,000 square feet.
- (d) The single residential dwelling may house one or more families or occupants, but shall not be converted to a multi-family dwelling.

**8. Transfer of Development Rights.** All other development rights not specifically reserved under this Easement are hereby extinguished and shall not be transferred to any other property pursuant to a transfer of development rights program or any other means or used to calculate permitted development density.

The Property and any portion thereof shall not be included as part of the gross area of other property not subject to this Conservation Easement for the purposes of determining density, lot coverage, or open spaces requirements under otherwise applicable laws, regulations or ordinances controlling land use and building density. No development rights which have been encumbered or extinguished by this Conservation Easement shall be transferred to any other lands pursuant to a transferable development rights scheme or cluster development arrangement or otherwise; provided, however, that with prior written permission of Grantees, this paragraph shall not preclude such transfer of development rights resulting from the destruction or demolition of any existing residential building on the Property.

**Comment [NB5]:** Replace language with the following if there is no B & D: Grantor and Grantees acknowledge the existence of no single residential dwelling on the Property. No single residential dwellings shall be constructed or placed on the Property.  
  
Delete paragraphs a, b, c & d if there is no Exhibit B & D.

**Comment [j6]:** Alternative language for Jefferson Co

9. **Subdivision.** It is the intention of Grantor to protect the open space values of the Property. Accordingly, subdivision of land is prohibited except the single residential dwellings permitted above in *Terms, Conditions and Restrictions – Residential Dwellings*, may be subdivided to create the Residential Areas as described in Exhibits B and D, attached. The Residential Areas may not be conveyed separately from the remainder of the Property.

Comment [jlh7]: Optional

10. **Maximum Impervious Surface Coverage.** The total surface coverage of impervious surfaces on the Property shall be subject to the limitations defined below.

- (a) Impervious surfaces shall be defined as any material which covers land and inhibits the percolation of stormwater directly into the soil, including, but not limited to, buildings, roofs, the area covered by permanent or nonpermanent structures, macadam and pavement, gravel and stone driveways and parking areas.
- (b) The total surface coverage of the Property by all impervious surfaces, including all single residential dwellings, structures considered as an appurtenance to such dwellings, structures associated with agricultural uses, driveways and parking areas, shall not exceed \_\_\_\_\_ square feet, which is less than 2% of the total Conservation Easement area.

11. **Removal of Natural Resources.** Ditching, draining, diking, filling, excavating, removal of topsoil or sand, gravel or rock on the Property is prohibited, except when such activities are conducted in order to carry out activities permitted under this Easement, are in accordance with a conservation plan, do not exceed one (1) acre in total area and are restored within a reasonable time period. The exploration, development, mining or extraction of minerals, oil, gas or any other hydrocarbon substance from the surface of the Property is prohibited.

Comment [j8]: This alternative language is only used when an application is received with a non-developmental mineral lease is in effect.

12. **Management of Woodland Resources.** Easement property with contiguous forest that exceeds the greater of 40 acres or 20 percent of the easement area will have a forest management plan. The agricultural use of timber and woodland products on the Property is permitted under a current forest management plan subject to approval by the Grantees and the United States of America.

Forest management plan shall not be required for the following permitted non-commercial activities and do not require prior approval of the Grantees or the United States of America:

- (a) removal of trees posing an imminent hazard to the health or safety of persons or livestock;
- (b) cutting of trees for firewood, or for other domestic uses of Grantor;
- (c) cutting of trees for the construction or maintenance of permitted structures or landscaping within the Residential Area or for access otherwise permitted in this Easement;
- (d) removal of trees for the maintenance or the improvement to existing pastures or fence lines
- (e) removal of invasive species both plant and insect

Forest management and timber harvesting activities must be carried out in accordance with all applicable local, State, Federal, and other governmental laws and regulations and be consistent with this Deed of Conservation Easement and the protection of Conservation Values of the Property.

Such forest management and timber harvesting must be performed in accordance with a written forest management plan consistent with this Conservation Easement Deed prepared and signed by a licensed professional forester. The United States of America and the Grantees will approve the plan to ensure it is consistent with the agricultural conservation value of the easement. Said plan must have been prepared not more than 10 years prior to the date any harvesting is expected to commence.

**13. Other Construction.** Except as specifically permitted above,, there shall be no constructing or placing of any buildings; manufactured homes; swimming pools or other recreational facilities; commercial lighting or any other temporary or permanent structure or facility on or above the premises. Existing roads as identified in the Baseline Documentation Report may be maintained and repaired in their current state. New roads may be constructed only if they are necessary for agricultural operations or access to the retained development rights (Exhibit D) on the Property. Paved roads are subject to the impervious surface limitations referenced above.

**14. Fences.** Existing fences may be repaired and replaced and new fences may be built on the Property as necessary for agricultural operations on the Property, including customary management of livestock and to delineate the boundary of the Property.

**15. Signs.** Except for no trespassing signs, for-sale signs, signs identifying this Easement, and signs to advertise an on-site activity or business, all other signs, advertisements and billboards of any nature are prohibited. The permitted signs may not exceed 15 square feet per sign.

**16. Wastes.** Dumping or storage of trash, garbage, hazardous substances, abandoned vehicles or machines or other material on the Property is prohibited. However, composting of biodegradable material used or produced on the Property to improve gardens and pastures on the Property is permitted so long as composting and its application is consistent with a conservation plan.

**17. Utilities.** Grantor shall not sell, lease or grant an easement covering any portion of the Property where such sale, lease or easement is for the purpose of construction and installation of underground or above-ground utility systems, including, but not limited to, water, sewer, power, fuel, sewerage pumping stations, and cellular telephone or other communication towers. Grantor may install utilities necessary for the permitted residential and agricultural structures.

**18. Streams, Wetland and Water Bodies.** There shall be no pollution, alteration, depletion of surface water, natural water courses, lakes, ponds, marshes, wetlands, springs, subsurface water or any other water bodies, nor shall there be activities conducted on the Property which would be detrimental to water purity or which could alter natural water level and/or flow in or over the Property. Nothing in this paragraph shall prohibit the creation or dredging of farm ponds and allow the reasonable use of the available water of the Property for agricultural purposes permitted by this easement. Structures and facilities associated with irrigation, farm pond impoundment, and soil and water conservation on the Property shall be considered an agricultural use. Expansion and construction of ponds and structures outside the Farmstead Complex Area shall in accordance with the conservation plan. Farm ponds both inside and outside the Farmstead Complex Area shall not exceed two (2) acres in area.

## II. GENERAL PROVISIONS

### **12** Access

1. **Access.** No right of access by the general public to any portion of the Property is conveyed by this Easement.

**13** Rights of the Grantee

**2. Rights of the Grantees.** To accomplish the purpose of this Easement the following rights are conveyed to Grantees or their agent by this Easement:

- (a) To preserve and protect the Conservation Values of the Property;
- (b) To enter upon the Property on a yearly basis (or more frequently if violations are observed or suspected) in order to monitor Grantor's compliance with and otherwise enforce the terms of this Easement; provided that such entry shall be upon prior reasonable notice to Grantor, and Grantees shall not unreasonably interfere with Grantor's use and quiet enjoyment of the Property; and
- (c) To prevent any activity on or use of the Property that is inconsistent with the purpose of this Easement and to require the restoration of such areas or features of the Property that may be damaged by any inconsistent activity or use, pursuant to *General Provision—Grantees' Remedies*.

**14** Grantee Notification/Approval

**3. Grantee Notification/Approval.** Grantor reserves for himself the right to engage in any and all activities not expressly prohibited herein and not inconsistent with the purpose of this Easement without seeking the approval of Grantees.

**15** Grantee's Remedies

**4. Grantees' Remedies.**

(a) **Notice of Violation; Corrective Action.** If Grantees determine that Grantor is in violation of the terms of this Easement or that a violation is threatened, Grantees shall give written notice to Grantor of such violation and demand corrective action within 60 days sufficient to cure the violation and, where the violation involves injury to the Property resulting from any use or activity inconsistent with the purpose of this Easement, to restore the portion of the Property so injured to its prior condition in accordance with a plan approved by Grantees.

(b) **Injunctive Relief.** The Grantees, their successors or assigns, jointly or severally shall have the right to enforce these restrictions by injunction and other appropriate proceedings, including, but not limited to, the right to require Grantor to restore the Property to the condition existing at the time of this Easement in order to correct any violation(s) of this Easement. Grantees' rights under this paragraph apply equally in the event of either actual or threatened violations of the terms of this Easement, and Grantor agrees that Grantees shall be entitled to the injunctive relief in addition to such other relief to which Grantees may be entitled, including specific performance of the terms of this Easement, without the necessity of proving either actual damages or the inadequacy of otherwise available legal remedies.

(c) **Costs of Enforcement.** Any costs incurred by Grantees in enforcing the terms of this Easement against Grantor, including without limitation costs of suit and attorneys' fees, and costs or restoration necessitated by Grantor's violation of the terms of this Easement shall be borne by Grantor. If Grantor prevails in action to enforce the terms of this Easement, Grantor's costs of suit, including, without limitation, attorneys' fees, shall be borne by Grantees. Costs incurred by Grantees in enforcing the terms of this Easement against third party shall be borne by Grantees. The preceding two sentences shall not apply to the United States should the United States exercise its rights under (c) below.

(d) **Forbearance.** Forbearance by Grantees to exercise their rights under this Easement in the event of any breach of any term of this Easement by Grantor shall not be deemed or construed to be a waiver by Grantees of such term or of any subsequent breach of the same or any other term of this Easement or of any of Grantees' rights under this Easement. No delay or omission by Grantees in the exercise of any right or remedy upon any breach by Grantor shall impair such right or remedy or be construed as a waiver.

(e) **Rights of Enforcement.** Under this Conservation Easement, the United States is granted the right of enforcement in order to protect the public investment. The Secretary of the United States Department of Agriculture (the Secretary) or his assigns, on behalf of the United States, may exercise these rights under the following circumstances: In the event that the Grantees fail to enforce any terms of this Conservation Easement, as determined in the sole discretion of the Secretary, the Secretary and his or her successors or assigns may exercise the United States' rights to enforce the terms of this Conservation Easement through any and all authorities available under Federal or State Law. The notice will set forth the nature of the noncompliance by the Grantee and a 60-day period to cure. If Grantee fails to cure within the 60-day period, NRCS will take the action specified under the notice. NRCS reserves the right to decline to provide a period to cure if NRCS determines that imminent harm may result to the conservation values or other interest in the land it seeks to protect.

(f) **Conservation Plan.** As required by section 12381 of the Food Security Act of 1985, as amended, the Grantor, his heirs, successors, or assigns, shall conduct all agricultural operations on the highly erodible lands within the Property in a manner consistent with a conservation plan prepared in consultation with the NRCS and approved by the Conservation District. This conservation plan shall be developed using the standards and specifications of the NRCS Field Office Technical Guide and 7 CFR part 12 that are in effect on the date of this Easement. However, the Grantor may develop and implement a conservation plan that proposes a higher level of conservation and is consistent with the NRCS Field Office Technical Guide standards and specifications. The NRCS shall have the right to enter upon the Property, with advance notice to the Grantor and Grantees, in order to monitor compliance with the conservation plan.

The United States, acting by and through the Natural Resources Conservation Service its successors or assigns, shall have the right to enter the Property after notifying Grantor for the purposes of ensuring that the Conservation Plan is being implemented appropriately. All notices to the Grantor under this Section may be made either in writing or verbally, at the discretion of the party providing the notice.

In the event of noncompliance with the conservation plan, the NRCS shall work with the Grantor to explore methods of compliance and give the Grantor a reasonable amount of time, not to exceed twelve months, to take corrective action. If the Grantor does not comply with the conservation plan, the NRCS will inform Grantees of the Grantor's noncompliance. The Grantees shall take all reasonable steps (including efforts at securing voluntary compliance and, if necessary, appropriate legal action) to secure compliance with the conservation plan following written notification from NRCS that (a) there is a substantial, ongoing event of circumstance of non-compliance with the conservation plan, (b) NRCS has worked with the Grantor to correct such noncompliance, and (c) Grantor has exhausted its appeal rights under applicable NRCS regulations.

Grantor shall be liable for any costs incurred by NRCS as a result of the Grantor's negligence or failure to comply with the Conservation Easement's requirements as it relates to conservation plan violations.

If the NRCS standards and specifications for highly erodible land are revised after the date of this Grant Based on an Act of Congress, NRCS will work cooperatively with the Grantor to develop and implement a revised conservation plan. The provisions of this section apply to the highly erodible land conservation requirements of the Farm and Ranch Lands Protection Program and are not intended to affect any other natural resources conservation requirements to which the grantor may be or become subject.

The conservation plan described above, and all provisions of this section, apply only to the highly erodible land and wetlands conservation requirements. Such highly erodible land and wetlands, if any, is described in the Baseline Documentation and incorporated here by reference. The Grantor agrees that the NRCS shall share, through written communication with the Grantees, information related to monitoring for compliance with the conservation plan; findings of compliance or noncompliance; and any proceedings under appeal rights applicable under NRCS regulations related to a violation of the conservation plan.

In addition, as of the date of this Easement, the Grantor and NRCS certify that the Grantor is in compliance with all highly erodible land and wetland conservation provisions.

**16** Multiple Grantees

(g) **Holder and Co-holders Rights and Obligations.** Holder shall have the primary responsibility for the stewardship and monitoring of this easement, determining if a violation has occurred, and for approving any amendments to the Deed of Conservation Easement. These duties may be fulfilled directly by Holder or their agent or the Holder may arrange to have the Co-holder fulfill these duties. Holder will share with the Co-holders monitoring and stewardship information, including but not limited to written notices to Holder and monitoring reports.

The Holder is responsible for any costs incurred in enforcing the terms of the easement, including any attorney's fees and any costs of the suit. Holder can recover costs from Grantor or third party as described in Grantee's Remedies above. The Holder and Co-holders shall make every good faith effort to determine a unified course of action should a potential or actual violation of the easement arise.

Co-holders shall have the right to enforce the terms of the Easement if Holder becomes unable or refuses to enforce the Easement, or if the Co-holders in their sole discretion find that the Holder's enforcement action or consent fails to protect the conservation purposes of the Easement. In such cases the Co-holders are responsible for any costs incurred in enforcing the terms of the easement, including attorney's fees and any costs of suit.

**Comment [jlh9]:** CO-HOLDER LANGUAGE.  
Use when the State Authority and a Land Trust are local partner

**17** Acts Beyond the Grantor's Control

**5. Acts beyond the Grantor's Control.** Nothing contained in this Easement shall be construed to entitle Grantees to bring any action against Grantor for any injury to or change in the Property resulting from causes beyond Grantor's control including, without limitation, fire, flood, storm, and earth movement, or from any prudent action taken by Grantor under emergency conditions to prevent, abate, or mitigate significant injury to the Property resulting from such causes. In the event the terms of this Easement are violated by acts of trespassers that Grantor could not reasonably have anticipated or

prevented, Grantor agrees that Grantees have the right to pursue enforcement action against the responsible parties.

**18** Costs, Legal Requirements and Liabilities

**6. Costs, Legal Requirements and Liabilities.** Grantor, his heirs, successors and assigns retain all responsibilities and shall bear all costs and liabilities of any kind related to the ownership, operation, upkeep, and maintenance of the Property.

**19** Control

**7. Control.** Nothing in this Easement shall be construed as giving rise to any right or ability of Grantees or the United States to exercise physical or managerial control over the day-to-day operations of the Property, or any responsibility to the Property within the meaning of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 as amended (42 U.S.C. §§ 9602 et seq.).

**20** Taxes

**8. Taxes.** Grantor shall pay before delinquency all taxes, assessments, fees and charges of whatever description levied on or assessed against the Property or residences contained thereon by competent authority, including any taxes imposed upon, or incurred as a result of, this Easement.

**21** Hold Harmless

**9. Hold Harmless.** Grantor shall hold harmless, indemnify, and defend Grantees and the United States and its members, directors, officers, employees, agents, and contractors (collectively "Indemnified Parties") from and against all liabilities, penalties, costs, losses, damages, expenses, causes of action, claims, demands, or judgments, including, without limitation, reasonable attorneys' fees, arising from or in any way connected with: an injury to or the death of any person, or physical damage to any property, resulting from any act, omission, condition, or other matter related to or occurring on or about the Property, regardless of cause, unless due solely to the negligence of any of the Indemnified Parties and only that negligent party shall be deprived of this protection.

**10. Environmental Warranty.** "Environmental Law" or "Environmental Laws" means any and all Federal, state, local or municipal laws, rules, orders, regulations, statutes, ordinances, codes, guidelines, policies or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, hazardous materials, worker and community right-to-know, hazard communication, noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection and similar environmental health, safety, building and land use as may now or at any time hereafter be in effect.

"Hazardous Materials" means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials and any other element, compound, mixture, solution or substance which may pose a present or potential hazard to human health or the environment.

Grantor warrants that it is in compliance with and shall remain in compliance with, all applicable Environmental Laws. Grantor warrants that there are no notices by any governmental authority of any violation or alleged violation of, non-compliance or alleged non-compliance with or any liability under any Environmental Law relating to the operations or conditions of the Property.

Grantor warrants that he has no actual knowledge of a release or threatened release of any Hazardous Materials on, at, beneath or from the Property exceeding regulatory limits. Moreover, Grantor hereby promises to indemnify and hold harmless the United States against all costs, claims, demands, penalties and damages, including reasonable attorney fees, arising from or connected with the release or threatened release of any Hazardous Materials on, at, beneath or from the Property, or arising from or connected with a violation of any Environmental Laws by Grantor or any other prior owner of the Property. Grantor's indemnification obligation shall not be affected by any authorizations provided by Grantees to Grantor with respect to the Property or any restoration activities carried out by Grantees at the Property; provided, however, that Grantees shall be responsible for any Hazardous Materials contributed after this date to the Property by Grantees.

## **22** Extinguishment

**11. Proceeds for Extinguishment.** The conveyance of this Easement gives rise to a property right immediately vested in the Grantees and the United States. If circumstances arise in the future that render the purpose of this Easement impossible to accomplish, this Easement can only be terminated or extinguished, whether in whole or in part, upon approval by the USDA-NRCS or its successors and by judicial proceedings in a court of competent jurisdiction. The United States shall receive, at the time of the Conservation Easement is extinguished or terminated, its share of the Conservation Easement based on the appraised fair market value of the Conservation Easement at the time the Conservation Easement is extinguished or terminated. The United States' share shall be proportionate to its percentage of its original investment. At the date the Conservation Easement was purchased, the proportionate values were as follows: Grantor(s) is \_\_\_% of the appraised fair market value of the subject Property. Grantee(s) and United States' is \_\_\_% of the appraised fair market value of the subject Property. The Grantee(s) and United States' proportionate investment of the subject Property are as follows: Land Trust \_\_\_%, Jefferson County Farmland Protection Board \_\_\_%, and United States \_\_\_%.

In making this Easement, Grantor has considered the possibility that uses prohibited by the terms of this Easement may become more economically valuable than permitted uses, and that neighboring properties may in the future be put entirely to such prohibited uses. Grantor believes that any such changes in the use of neighboring properties will increase the benefit to the public of continuation of this Easement, and Grantor and Grantees intend that any such changes shall not be deemed to be circumstances justifying the termination or extinguishment of this Easement.

## **23** Condemnation

**12. Condemnation.** Due to the federal interest in this Easement, the United States must consent to any condemnation action. If the Easement is taken, in whole or in part, by exercise of the power of eminent domain, Grantor shall be entitled to compensation at not less than the fair market value of the Property determined without regard to the existence of the Easement. Grantor, upon receipt of notification of any pending condemnation action brought by any government entity affecting and/or relating to the Property, shall notify the Grantee and the United States, in writing, within fifteen (15) days of receipt of said notification.

**24** Assignment

**13. Assignment.** This Easement is not transferable by the Grantee to any other local, county or state department, board, agency, commission or successor. In the event that the YOUR FPB ceases to operate or exist, and the United States declines to take sole title as set forth above at under II. 4. (e) herein, the rights of the Grantee under this Easement shall be transferred to an organization that is qualified under Section 170(h) of the Internal Revenue Code of 1986, as amended, and is a West Virginia-domiciled organization authorized to acquire and hold conservation easements under the West Virginia Conservation and Preservation Easements Act, (WV Code 20-12-1, et seq., 1995). The USDA-NRCS or its successor must approve any such transfer in advance.

[This Easement is not transferable by the Grantee to any other local, county or state department, board, agency, commission or successor. The Co-Holders may, upon notice to Grantor and with approval of USDA-NRCS or the United States, assign their rights under this Conservation Easement to any organization that is qualified under Section 170(h) of the Internal Revenue Code of 1954, as amended, and is a West Virginia-domiciled organization authorized to acquire and hold conservation easements under the West Virginia Conservation and Preservation Easements Act, (WV Code 20-12-1, et seq., 1995). In the event that the Holder ceases to operate or exist, and the United States declines to take sole title as set forth above at under II. 4. (e) herein, the rights of the Holder under this Easement shall be transferred to Authority and Trust, or an organization that is qualified under Section 170(h) of the Internal Revenue Code of 1954, as amended, and is a West Virginia-domiciled organization authorized to acquire and hold conservation easements under the West Virginia Conservation and Preservation Easements Act, (WV Code 20-12-1, et seq., 1995). The USDA-NRCS or its successor must approve any such transfer in advance.]

**Comment [jlh10]:** Use when Co-Holders are involved. Delete paragraph 1 of 13. Assignments.

The Grantees further covenant and agree that the terms of the transfer or assignment will be such that the transferee or assignee will be required to continue to carry out in perpetuity the conservation purposes which the Easement was originally intended to advance. The transfer of the easement to a new or successor transferee or assignee will not create a financial obligation of any kind on the Grantor.

**25** Subsequent Transfers

**14. Subsequent Transfers.** Grantor agrees to incorporate the terms of this Easement in any deed or other legal instrument by which they divest themselves of any interest in all or a portion of the Property, including, without limitation, a leasehold interest.

**26** Estoppel Certificates

**15. Estoppel Certificates.** Upon request by Grantor, Grantees shall within thirty (30) days execute and deliver to Grantor any document, including an estoppel certificate, which certifies Grantor's compliance with any obligation of Grantor contained in this Easement and otherwise evidences the status of this Easement as may be requested by Grantor.

**27** Notices

**16. Notices.** Any notice, demand, request, consent, approval, or communication that either party desires or is required to give to the other shall be in writing and either served personally or sent by certified mail, return receipt, addressed as follows:

To Grantor: LANDOWNER  
ADDRESS  
CITY, STATE, ZIP CODE

To Grantees: Jefferson County Farmland Protection Board  
P.O. Box 731  
Charles Town, WV 25414

To United States: Natural Resources Conservation Service  
1550 Earl Core Road  
Morgantown, WV 26505

or to such other address as either party from time to time shall designate by written notice to the other.

**28** Recordation

**17. Recordation.** Holder shall record this instrument in timely fashion with the Office of the Clerk of YOUR County, West Virginia and may re-record it at any time as may be required to preserve its rights in this Easement.

**29** Amendment

**18. Amendment.** If circumstances arise under which an amendment to or modification of this Easement would be appropriate, Grantor, Grantees and the United States are free to jointly amend this Easement; provided that no amendment shall be allowed that will invalidate this Easement or be inconsistent with the purpose of this Easement, and shall not affect its perpetual duration. Any such amendment shall be recorded as above specified. No such amendment shall be effective unless in writing and signed by all parties hereto.

**30** Other Provisions

**19. Other Provisions.**

(a) **Controlling Law.** The interpretation and performance of this Easement shall be governed by the laws of the State of West Virginia and the United States.

(b) **Severability.** If any provision of this Easement, or the application thereof to any person or circumstance, is found to be invalid, the remainder of the provisions of this Easement, or the application of such provision to persons or circumstances other than those as to which it is found to be invalid, as the case may be, shall not be affected thereby.

(c) **No Forfeiture.** Nothing contained herein will result in a forfeiture or reversion of the Grantor's title in any respect.

(d) **Successors.** The covenants, terms, conditions, and restrictions of this Easement shall be binding upon, and inure to the benefit of, the parties hereto and their respective personal representatives, heirs, successors, and assigns and shall continue as a servitude running in perpetuity with the Property.

(e) **Captions.** The captions herein have been inserted solely for convenience of reference and are not a part of this Easement and shall have no effect upon construction or interpretation.

(f) **Subordination.** Any mortgage or lien arising after the date of this Easement shall be subordinated to the terms of this Easement.

(g) **Title Warranties.** Grantor warrants that Grantor has good title to the Property; that Grantor has the right to convey this Easement, and that the Property is free and clear of any encumbrances.

(h) **Merger.** If Grantees at some future time acquire the underlying fee title in the Property, the interest conveyed by this Easement will not merge with fee title but will continue to exist and be managed as a separate estate. The Grantor and Grantee explicitly agree that it is their express intent, forming a part of the consideration hereunder, that the provisions of the conservation easement deed set forth herein are to last in perpetuity, and that to that end no purchase or transfer of the underlying fee interest in the Property by or to the local grantee, the United States, or any successor or assignee will be deemed to eliminate these conservation easement terms, or any portion thereof, pursuant to the doctrine of "merger" or any other legal doctrine.

(i) **Boundary Line Adjustments.** Boundary line adjustments are permitted in the case of technical errors made in the survey or legal description. In such cases, boundary line adjustments cannot exceed two (2) acres for the entire Property.

**31** Signatures, Acknowledgments, and Exhibits

DECLARATION OF CONSIDERATION OF VALUE. The undersigned hereby declare under penalty of fine and imprisonment as provided by law, that the conveyance made by this document is a transfer of property right to Federal, state and county governmental entities, and therefore, is exempt from the West Virginia excise tax due on the transfer of real property.

IN WITNESS WHEREOF Grantor and Grantees have set their hand:

GRANTOR:

Landowner name here

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

GRANTEES:

**Jefferson County Farmland Protection Board**

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

STATE OF WEST VIRGINIA

COUNTY OF Jefferson, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by LANDOWNER NAME.

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF WEST VIRGINIA

COUNTY OF \_\_\_\_\_, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by NAME HERE, President on behalf of the Jefferson County Farmland Protection Board

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

STATE OF WEST VIRGINIA

COUNTY OF Jefferson, to-wit:

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ by \_\_\_\_\_ on behalf of the Land Trust of the Eastern Panhandle, Inc.

Comment [EW11]: Use when LTEP is a co-holder

My commission expires: \_\_\_\_\_

\_\_\_\_\_  
Notary Public

**ACCEPTANCE OF PROPERTY INTEREST BY THE NATURAL RESOURCES**

**CONSERVATION SERVICE**

The Natural Resources Conservation Service, an agency of the United States Government, hereby accepts and approves the foregoing conservation easement deed, and the rights conveyed therein, on behalf of the United States of America.

\_\_\_\_\_  
Authorized Signatory for the NRCS

State of West Virginia  
County of Jefferson

On this \_\_\_\_\_ day of \_\_\_\_\_, before me, the undersigned, a Notary Public in and for the State, personally appeared \_\_\_\_\_, known or proved to me to be the person whose signature appears above, and who being duly sworn by me, did say that s/he is the \_\_\_\_\_ (title) of the Natural Resources Conservation Service, United States Department of Agriculture, is authorized to sign on behalf of the agency, and acknowledged and accepted the rights conveyed by the deed to be her/his voluntary act and deed.

In witness whereof, I have hereunto set my hand and official seal the day and year first above written.

\_\_\_\_\_  
Notary Public for the State of \_\_\_\_\_  
Residing at \_\_\_\_\_

My Commission Expires \_\_\_\_\_

**SCHEDULE OF EXHIBITS**

- A. Legal Description of Property Subject to Easement
- B. Residential Dwelling(s)
- C. Farmstead Complex Area
- D. Retained Development Rights

Intentionally Omitted

**Comment [jlh12]:** If you do not have an exhibit B, or C. Then please leave the references in the deed but under Schedule of Exhibits identify which ones are omitted. Exhibit D can be deleted from Section I.7 and the Schedule of Exhibits.

## Subordination Agreement and Limited Lien Waiver

This Subordination Agreement and Limited Lien Waiver effective \_\_\_\_\_, \_\_\_\_\_ is signed by \_\_\_\_\_ (Subordinating Party) who hereby grants, to the extent specified in part II of this document, the following subordination and limited lien waiver to the Jefferson County Farmland Protection Board. The Property described below is encumbered with a farmland protection easement as described in the Deed of Conservation Easement. The Subordinating Party has loaned or has agreed to loan \_\_\_\_\_ (Borrower) certain funds secured by a deed of trust.

The easement property is located in Jefferson County, West Virginia and is identified as follows:

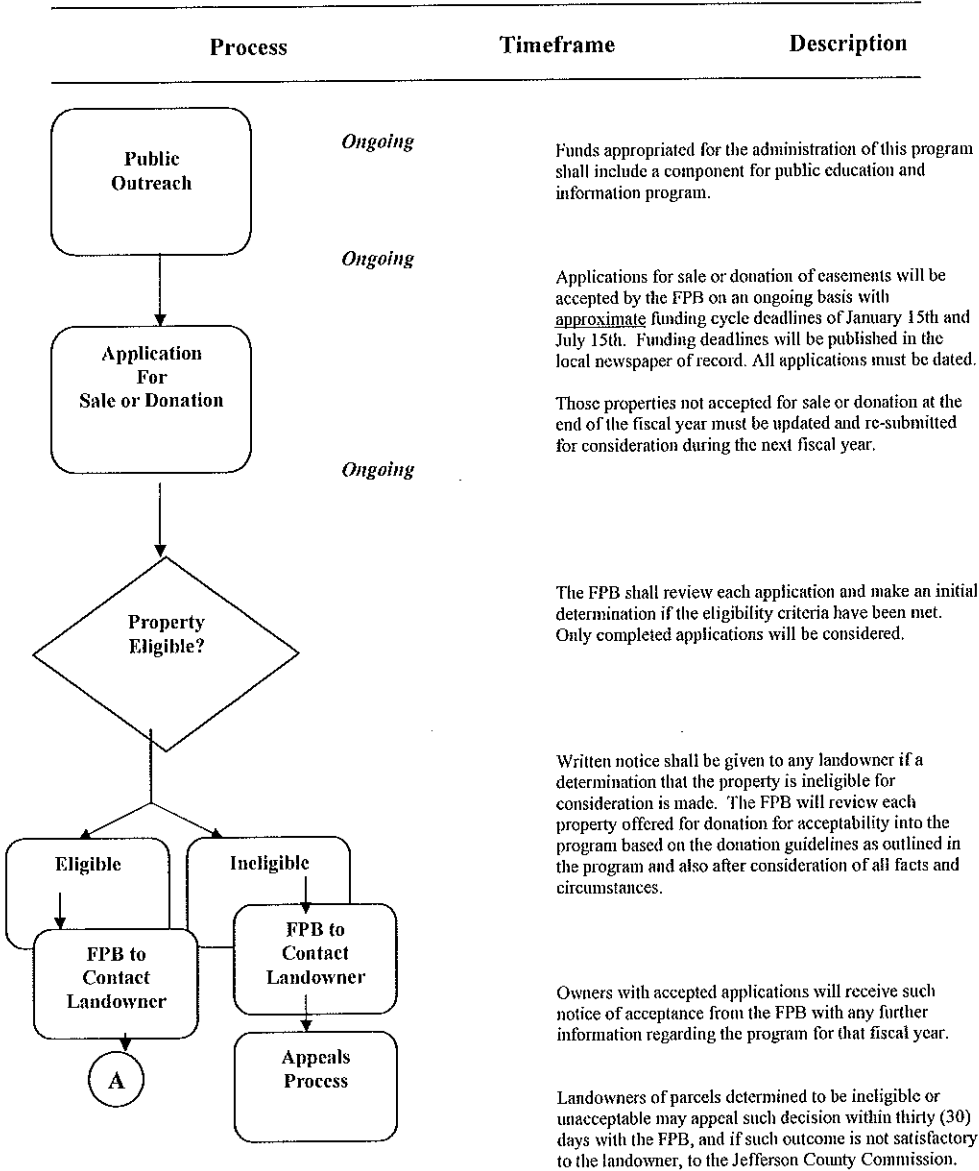
(Legal description of the eased property  
or recordable plat.)

### **PART I – GENERAL TERMS**

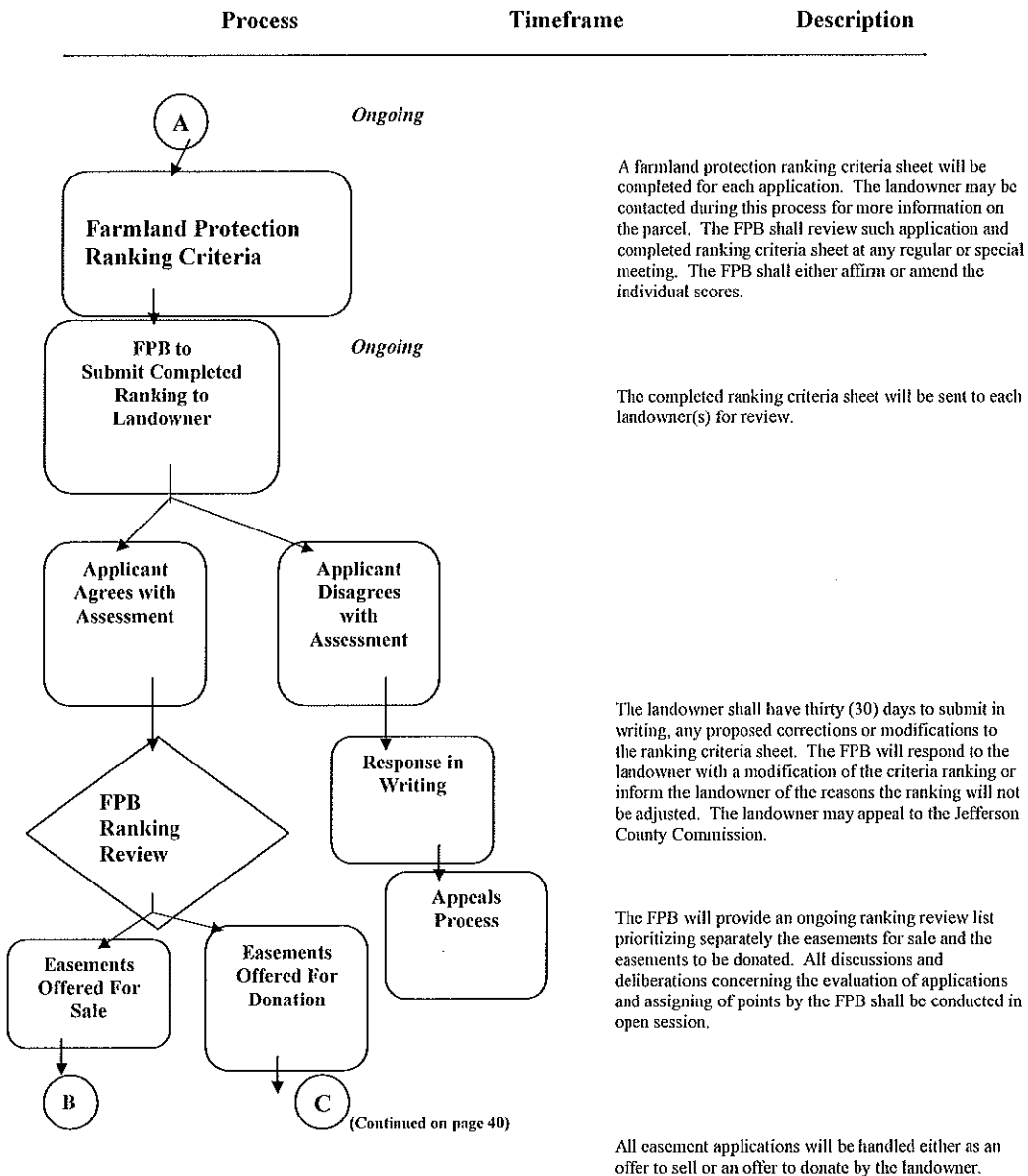
- A. The Subordinating Party is the holder of a note secured by a Deed of Trust recorded in the Land Records of Jefferson County, West Virginia, which constitutes a lien against the Property, hereinafter called the "Deed of Trust." Such Deed of Trust may be modified, supplemented, extended, or removed from time to time.
- B. The Subordination Agreement and Limited Lien Waiver is required to ensure that the farmland protection easement on the Property, as described in the Deed of Conservation Easement, is upheld in the event of loan foreclosure.
- C. The farmland protection easement shall continue in perpetuity. The subordination and limited lien waiver shall be effective during any such time that the Subordinating Party or its heirs, agents, assigns, or successors has any Deed of Trust outstanding against the Property.



### Administrative Process Flowchart



## Administrative Process Flowchart



All easement applications will be handled either as an offer to sell or an offer to donate by the landowner.

**Administrative Process Flowchart**

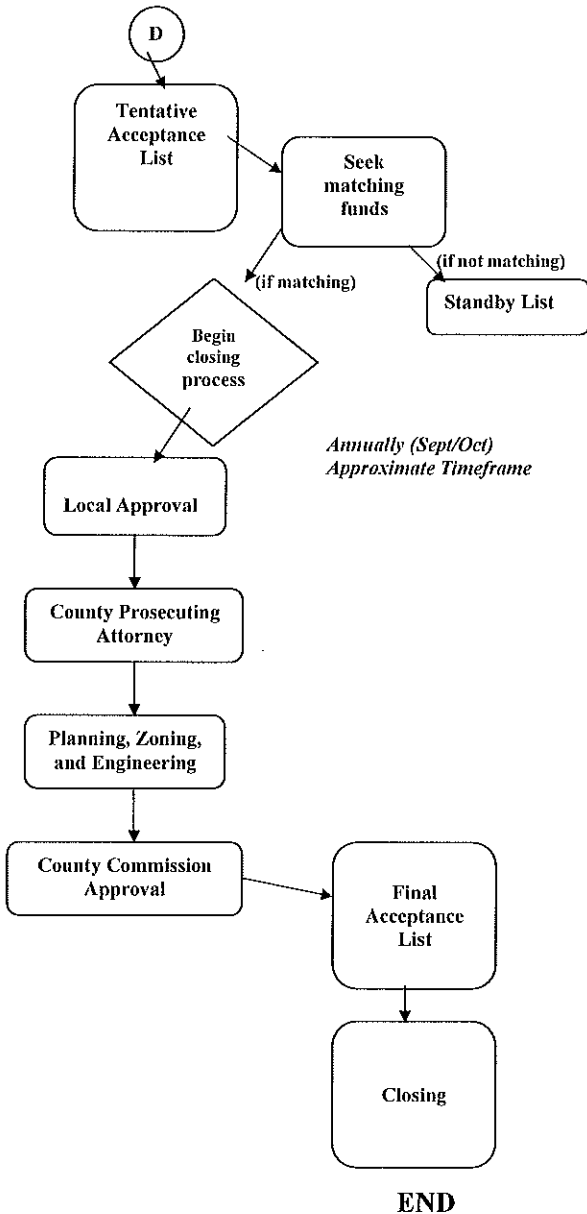
| Process | Timeframe                                                   | Description                                                                                                                                                                                                                                                                                                                 |
|---------|-------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|         | <i>Annually (June/July)</i><br><i>Approximate Timeframe</i> | <p>Easements offered for sale will be summarized and prioritized according to the farmland protection ranking criteria, and an initial ranking list produced.</p> <p>All discussions and deliberations concerning the evaluation of applications and assigning of points by the FPB shall be conducted in open session.</p> |
|         |                                                             | <p>JCFPB and/or landowner seek matching funds through various organizations.</p>                                                                                                                                                                                                                                            |
|         |                                                             | <p>Counteroffers shall be fair and proportionate.</p>                                                                                                                                                                                                                                                                       |
|         |                                                             | <p>Counteroffers must be accepted within 60 days by providing written notice to the FPB. Rejection of the counteroffer shall cause the related easement sale application to be placed on the standby list for the next fiscal year.</p>                                                                                     |
|         |                                                             | <p>A tentative purchase acceptance list will be prepared based on the application offers and/or for accepted counteroffers.</p>                                                                                                                                                                                             |
|         |                                                             |                                                                                                                                                                                                                                                                                                                             |

**Administrative Process Flowchart**

**Process**

**Timeframe**

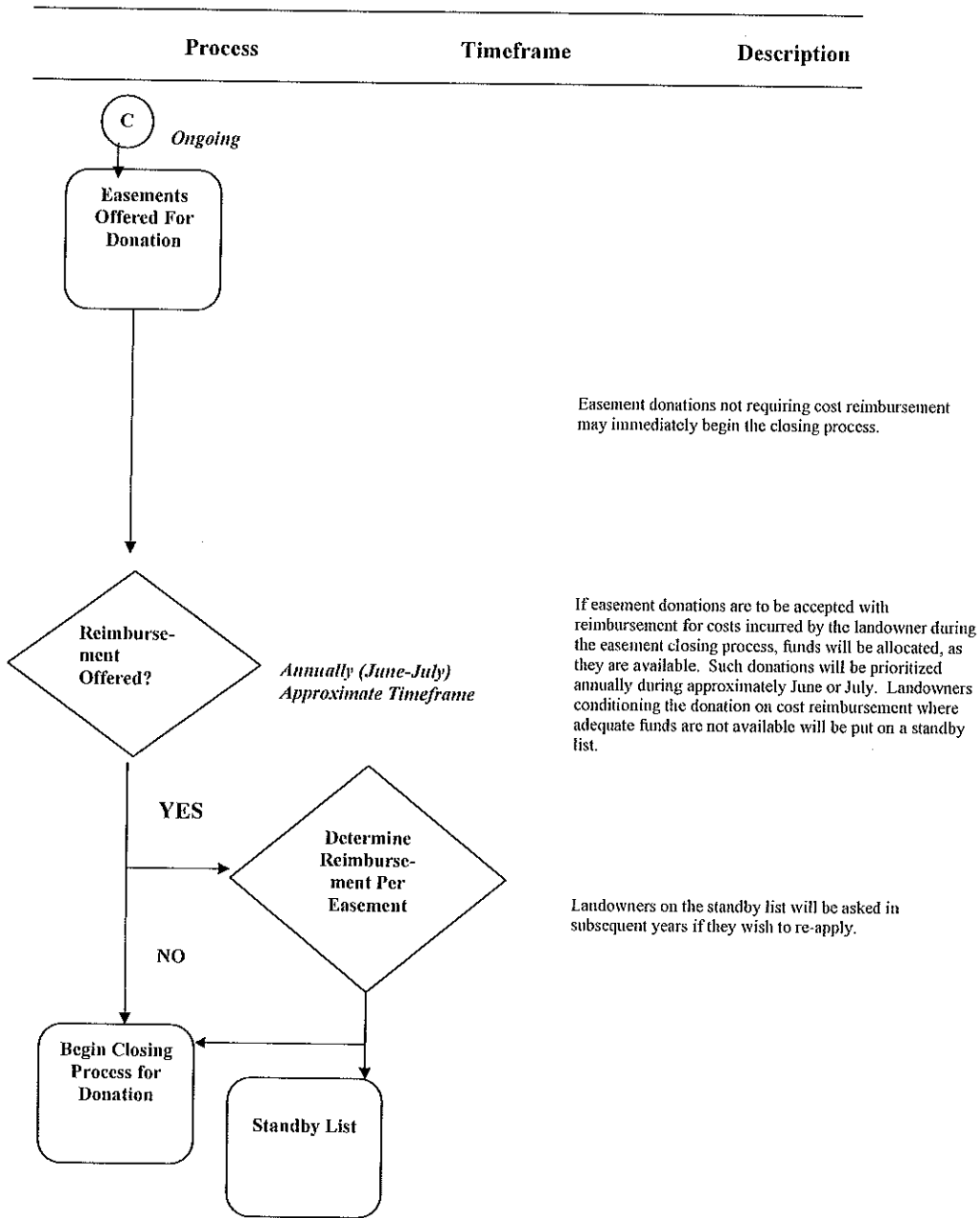
**Description**



The FPB will make a formal motion to endorse the tentative acceptance list. The list will then be submitted to the Jefferson County Commission for approval.

Once the final acceptance list has been approved, the closing process for each easement sale may begin. If closure is not made on approved easement purchases within two (2) years of approval, funds allocated will be returned to the available pool for other easement purchases. The FPB may grant an extension if appropriate extenuating circumstances exist.

**Administrative Process Flowchart**



**WHEREAS**, the Jefferson County Commission on June 15, 2000 by resolution created the Jefferson County Farmland Protection Board; and

**WHEREAS**, the Jefferson County Farmland Protection Board is required by WV Code §8-24-73(2000) to develop a farmland protection program which is consistent with the intention of the Act; and

**WHEREAS**, the Jefferson County Farmland Protection Board approved the Jefferson County Farmland Protection Program on \_\_\_\_\_; and

**THEREFORE BE IT RESOLVED**, by the County Commission of Jefferson County and the Jefferson County Farmland Protection Board that the enclosed Jefferson County Farmland Protection Program is hereby adopted and enacted.

**Jefferson County Commission**

**Jefferson County  
Farmland Protection Board**

Dated this \_\_\_ day of \_\_\_\_\_, 2014

Dated this \_\_\_ day of \_\_\_\_\_, 2014

\_\_\_\_\_  
Jane Tabb, Commissioner

\_\_\_\_\_  
Elizabeth McDonald, President

\_\_\_\_\_  
Patricia Noland, Commissioner

\_\_\_\_\_  
Russell Quinn, Secretary

\_\_\_\_\_  
Lyn Widmyer, Commissioner

\_\_\_\_\_  
Nicholas Kercheval, Vice President

\_\_\_\_\_  
Dale Manuel, Commissioner

\_\_\_\_\_  
John Reisenweber, Treasurer

\_\_\_\_\_  
Walt Pellish, Commissioner

\_\_\_\_\_  
Jane Tabb, Commissioner

\_\_\_\_\_  
Robert Glenn IV

\_\_\_\_\_  
David Ober

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



Name: Tim Stanton, Finance Director

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: October 2, 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*):

↓ Executive Session to discuss building/space contract negotiations

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*):

- Motion to go into executive session to discuss contract negotiations

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.

This page intentionally left blank.

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



Name: **Patricia Noland**

Department or Organization: **County Commission**

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

Date Requested – 1<sup>st</sup> Choice: **October 2, 2014**

If a specific date is needed, please provide reason for specific date: **Beginning of Breast Cancer Awareness Month**

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

Subject (Wording to be placed on agenda): **Adopt Proclamation of Breast Cancer Awareness.**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**As Breast Cancer Awareness month is the month of October, I am requesting that the County Commission adopt the attached Proclamation.**

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):

Attach supporting documents for request, or request may be denied. **See attached Proclamation.**

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

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

Contact information: Patsy Noland

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.

# PROCLAMATION

## West Virginia Breast Cancer Awareness Day and Breast Cancer Awareness Month

In 2014, an estimated 1,340 West Virginia women will be diagnosed with breast cancer and approximately 289 women will die from the disease. Breast cancer continues to be a leading cause of cancer related deaths among WV women. A woman has about a 12% chance of developing breast cancer in her lifetime and about a 3% chance of dying from the disease.

Currently, the best method to reduce deaths due to breast cancer is through early detection of the disease. Women age 50 and older should have a mammogram at least every two years. Women ages 40-49 should talk with their health care provider about their screening schedule. Clinical breast exams by a physician or nurse are recommended every three years for women in their 20s and 30s and every year for women 40 and over. Breast self-exam (BSE) is an option for women starting in their 20s. Women should be told about the benefits and limitations of BSE.

Clinical breast exams, breast self-exams, and mammograms can save lives. Women should talk to their health care provider about their individual screening schedule.

**In recognition of the important lifesaving early detection practices available for breast cancer, the County Commissioners of Jefferson County do hereby proclaim October 2, 2014, as West Virginia Breast Cancer Awareness Day and October 2014 as Breast Cancer Awareness Month. I urge all Jefferson County women to become aware that they are at risk for developing breast cancer and to discuss screening with their health care providers.**

---

---

---

---

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



Name: Ronda Eddy, Executive Director - Jefferson Day Report Center

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **October 2, 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 Appointment of Margaret Walker, Director of the Eastern Panhandle Safe Community Program, to the Community Criminal Justice Board as a Victim Advocate Representative

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

**Safe Community Program- Eastern Panhandle of West Virginia**  
**Margaret Walker - Director**

---

September 10, 2014

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

Dear Ms. Keyser:

As a member of Mothers Against Drunk Driving (MADD), I am lending my support as a resident of Jefferson County to the Jefferson County Criminal Justice Board as a representative of an organization that which advocates for the rights of victims of crime and promotes initiatives to eliminate impaired driving.

As Program Coordinator for the Governor's Highway Safety Program in the Eastern Panhandle, I serve 10 counties; Berkeley, Jefferson, Morgan, Mineral, Hardy, Hampshire, Randolph, Pendelton, Grant and Tucker counties.

Please submit my name and information to the Jefferson County Commission for the appointment to this Board.

Sincerely,



Margaret Walker, Director  
EP Safe Community Program  
229 E Martin Street, Suite 3  
Martinsburg, WV 25401  
304-264-2142 work  
304-702-1313 work cell  
epsafeco@frontier.com

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: 30 minutes

Date Requested – 1<sup>st</sup> Choice: October 2, 2014

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

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

Subject: **Envision Jefferson 2035 Comprehensive Plan – status update of 2014 Comp Plan effort and discussion of next steps**

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

**Requesting time to update the County Commission on the status of the 2014 Comp Plan effort and discuss next steps, including scheduling of upcoming County Commission Workshop and Public Hearing required by WV Code Chapter 8A.**

The Planning Commission is meeting on October 14, 2014 for the purpose of completing a final review of a red-lined version of the Envision Jefferson 2035 Plan incorporating all of their recommended revisions. It is anticipated that the Planning Commission will then forward this revised draft to the County Commission for their consideration. According the WV Code 8A, the County Commission has the following responsibilities related to a Comp Plan once it has been recommended by the Planning Commission. Note: the County Commission is required to take action within 90 days after the recommended plan is forwarded to them.

| §8A-3-7. Submission of comprehensive plan.                                                                                                                                                                                                                                                                          | Potential Dates                                                                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| (a) After the comprehensive plan is prepared and before it is approved, the planning commission shall hold a public hearing. After the public hearing and approval, <u>the planning commission shall submit the recommended comprehensive plan</u> to the applicable governing body for consideration and adoption. | PC anticipated to make recommendation 10/14/14<br><br>{anticipated by 9/11/14 on original time frame}                                        |
| (b) <u>At the first meeting of the applicable governing body</u> following the submission of the recommended comprehensive plan by the planning commission to the governing body, the planning commission shall present the recommended comprehensive plan to the governing body.                                   | Next regular CC meeting is 10/30/14 (recommend workshop format)<br><br>{anticipated on 9/25/14 on original time frame}                       |
| (c) After the presentation of the recommended comprehensive plan by the planning commission to the governing body and prior to adoption, the <u>governing body shall hold a public hearing</u> after giving notice.                                                                                                 | Requires 15 days' notice – options: 11/6/14; 11/13/14 (BZA mtg at 2 pm); or 11/20/14<br><br>{anticipated on 10/23/14 on original time frame} |
| (d) <u>At least fifteen days prior to the date set for the public hearing</u> , the planning commission shall publish a notice of the date, time and place of the public                                                                                                                                            | Note: if Workshop and Public Hearing is set on 10/2/14, adequate notice can be given to                                                      |

|                                                                                                                                                                                                                                                          |                                                                                                                                                           |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|
| hearing as a Class I legal advertisement in compliance with the provisions of article three, chapter fifty-nine of this code. The publication area shall be the area covered by the comprehensive plan.                                                  | 11/6/14                                                                                                                                                   |
| <b>§8A-3-8. Adoption of comprehensive plan by governing body.</b>                                                                                                                                                                                        |                                                                                                                                                           |
| (a) <u>Within the latter of ninety days or three scheduled meetings after the submission of the recommended comprehensive plan to the governing body, the governing body must act</u> by either adopting, rejecting, or amending the comprehensive plan. | 90 days from 10/14/14 is 1/11/15 -- last <u>regular</u> CC meeting prior to this date in 12/18/14<br><br>(anticipated on 12/11/14 on original time frame) |
| (b) If the comprehensive plan is adopted by the governing body, then the governing body may adopt the comprehensive plan as an ordinance or designate what other effect the comprehensive plan may have.                                                 |                                                                                                                                                           |
| (c) If the comprehensive plan is adopted by the governing body and an ordinance is published, the comprehensive plan may be incorporated by reference in the ordinance and the full text of the comprehensive plan does not have to be published.        |                                                                                                                                                           |
|                                                                                                                                                                                                                                                          |                                                                                                                                                           |
| <b>§8A-3-10. Rejection or amendment of comprehensive plan by governing body.</b>                                                                                                                                                                         |                                                                                                                                                           |
| (a) If a governing body rejects or amends the recommended comprehensive plan, then the comprehensive plan must be returned to the planning commission for its consideration, with a written statement of the reasons for the rejection or amendment.     |                                                                                                                                                           |
| (b) The planning commission has forty-five days to consider the rejection or amendment and make recommendations to the governing body.                                                                                                                   |                                                                                                                                                           |
| (c) If the planning commission approves the amendment to the comprehensive plan, then the comprehensive plan shall stand as adopted by the governing body.                                                                                               |                                                                                                                                                           |
| (d) If the planning commission disapproves of the rejection or amendment, then the planning commission shall state its reasons in its written recommendations to the governing body.                                                                     |                                                                                                                                                           |
| (e) Within forty-five days of receipt of the planning commission's written recommendations for disapproval, the governing body must act on the comprehensive plan.                                                                                       |                                                                                                                                                           |
| (f) If the planning commission does not file a written recommendation with the governing body within forty-five days, then the action in rejecting or amending the comprehensive plan is final.                                                          |                                                                                                                                                           |

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

1. I move to schedule the required Joint PC/CC Workshop for the Envision Jefferson 2035 Comprehensive Plan on October 30, 2014 (or \_\_\_\_\_, 2014) at 7:00 pm (or \_\_\_\_\_).

**AND**

2. I move to schedule the Public Hearing for the Envision Jefferson 2035 Comprehensive Plan on November 6, 2014 (or \_\_\_\_\_, 2014) at 7:00 pm (or \_\_\_\_\_). Note that this hearing requires 15 days' notice.

Attachments:

N/A

# Jefferson County GIS/Addressing Office DEPARTMENTAL MEMORANDUM



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

**FROM:** Todd Fagan, GIS Director

**DATE:** September 25, 2014

**SUBJECT:** GIS/Addressing Office Quarterly Update Report- 2014, 3<sup>rd</sup> Quarter

## 1. PROJECTS COMPLETED

### a. Address Compliance Project Status – (map attached on page 2)

- i. Field QA, first checks, **100% complete** in unincorporated areas. **That's right, WE'RE DONE with field work!**
- ii. 72% compliant on 1<sup>st</sup> field check, raised to 99% or more after letters, communication and violation notices
- iii. 18,909 properties reviewed, 5,313 homes and businesses newly posted
- iv. **Just a few stragglers left to track.** Only 96 properties ever reached the criminal complaint stage: 80 cases dismissed, 1 fine paid, 16 active cases (7 warrants, 0 bench trials, 9 filed)
- v. Overwhelming positive results, <1% of non-compliant owners make it to Magistrate Court. 99% post their address accordingly.
- vi. Additional project benefits included GIS address removals (289), businesses and apartments added (40), gates/obstructions mapped (85), illegal signs removed (39), new road names created (39), road signs replaced or repaired (230) and impervious surfaces documented. Field Work has also led to classification of all addressable structures reviewed to date (residential, commercial, industrial, utility, recreational, etc.)

**vii. Please remember to thank Wendy Schutz, program manager, for her hard work and outstanding coordination since this project was approved 3 years ago. This project was a huge success due to her professional knowledge, skills and abilities.**

- b. OHSEM – supported various exercises; “Fire and Ice” Functional (7/1/14), LEPC HazMat Table Top (8/6/14), COOP update (9/17/14), and “Cold as Ice” Full Scale (9/20/14).
- c. Emergency Communications – completed GIS-related CAD tasks such as planning, installation, development, dispatcher map training, and map optimization prior to Go-Live (9/8/14).
- d. EPan GIS Users Forum – 53 attendees, held at APUS (8/12/14).

## 2. PROJECTS IN PROGRESS

### a. 911 CAD

- i. Ongoing technical support for post Go-Live CAD implementation.
- ii. Continued adjustments to modelled data extraction, compilation workflows, mapping content, quickest routing services, etc.

### b. Base Map Data Maintenance

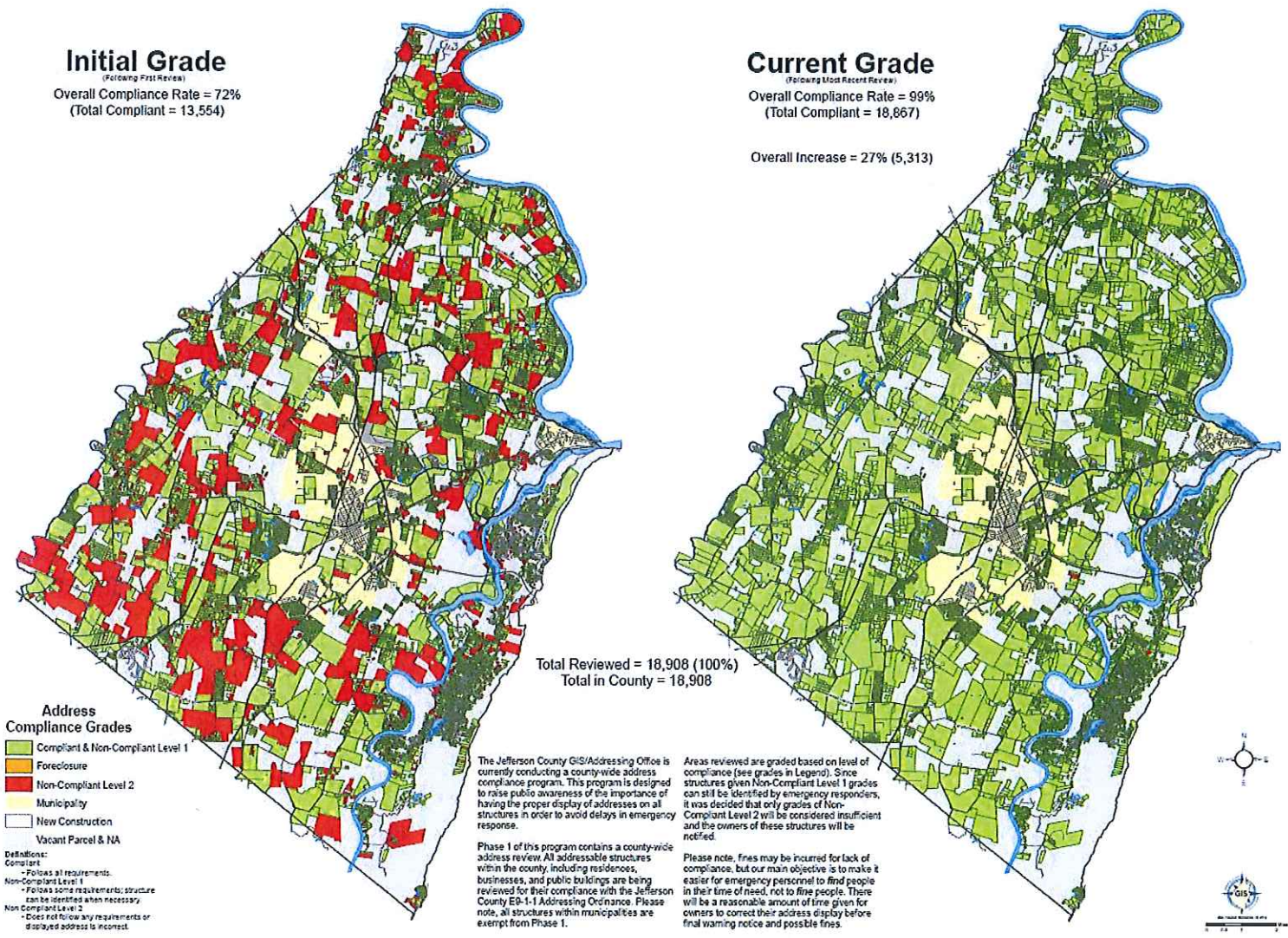
- i. 92% complete “Heads up” digitization of over 35,000 structure footprints using current high resolution aerial photography (32,211 out of 35,000 buildings completed).



3. COMMISSION SHOULD BE AWARE OF:

- a. Address Compliance Program – 30% of all addresses are located in municipalities. Staff is considering collaboration with each of the towns and cities to assist with the same project methodology. Questions are being researched, such as field work and legal enforcement responsibilities, before staff brings a proposal before the Commission for consideration and approval.
- b. Distributed Roads & Addresses to Public Databases – Staff often hears complaints that new roads and 911 addresses are not quickly updated in Google, Mapquest or Bing nor loaded to their GPS devices. Because the public and our emergency responders are more reliant on these technologies, we are more proactive now than ever before in distribution to 3<sup>rd</sup> party web and GPS mapping providers. TomTom and Here.com are on an annual update cycle and staff is learning how to update Google maps interactively with authoritative local data.

## Jefferson County Address Compliance Program - Phase 1 Status





# Meet and Converse with your Jefferson County Commissioners

Where: John's Diner  
847 Berryville Pike  
Charles Town, WV 25414

When: Thursday, October 2, 2014

Time: 5:00 p.m.—7:00 p.m.

*Questions regarding the event should be directed to  
the Jefferson County Commission: 304-728-3284*

**JEFFERSON COUNTY**

**ANIMAL CONTROL**



161 Poor Farm Road  
Kearneysville, WV 25430

**304-728-3289**

**OPEN HOUSE**

**SUNDAY, OCT. 26th 2-5PM**

**Meet Your Animal Control Officers**

**Tour the Shelter**

**VISIT WITH OUR ADOPTABLE DOGS**



September 19, 2014

VIA E-FILING

Kimberly Bose, Secretary  
Federal Energy Regulatory Commission  
888 First Street, N.E.  
Washington, DC 20426

Received

SEP 23 2014

Jefferson County Commission

Initial Study Report and Notice of Initial Study Report Meeting  
Millville Hydroelectric Project (FERC No. P-2343)

Dear Secretary Bose:

PE Hydro Generation, LLC (PE Hydro) is relicensing the Millville Hydroelectric Project (FERC No. 2343) (Project). The Project is located on the Shenandoah River in Jefferson County, West Virginia. PE Hydro is using the Commission's Integrated Licensing Process (ILP) as outlined in 18 C.F.R. Part 5 to relicense the Project.

Per C.F.R. 5.15(c)(1), enclosed is the Initial Study Report, which includes the following:

- Entrainment and Turbine Mortality Analysis
- Eel Passage Analysis
- Historic Properties Survey
- Fisheries Assessment Survey and Habitat Characterization
- Recreational Use Assessment and User Survey

Since data is still being collected, it should be noted that the enclosed Recreational Use Assessment and User Survey and Fisheries Assessment Survey and Habitat Characterization are progress reports.

The Initial Study Report package can be downloaded from FERC's eLibrary website by entering in the project number P-2343, located at: <http://elibrary.ferc.gov/idmws/search/fercgensearch.asp> or by requesting a digital or hard copy from [sarah.woehler@kleinschmidtgroup.com](mailto:sarah.woehler@kleinschmidtgroup.com).

An Initial Study Report meeting, which will be held via conference call, is open to the public. The meeting will be held on Thursday, September 25, 2014 beginning at 1 p.m. Call-in information is:

Conference Bridge: 6036107000  
Conference ID: 8607675069

Kimberly Bose, Secretary  
September 19, 2014

2.

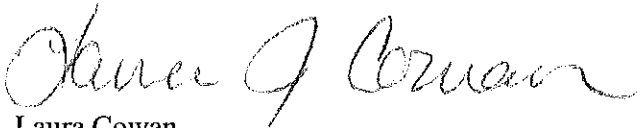
Please RSVP for the meeting to [Sarah.Woehler@kleinschmidtgroup.com](mailto:Sarah.Woehler@kleinschmidtgroup.com).

Within 15 days following the meeting, or by October 10, 2014, PE Hydro will file a summary of the meeting. By November 9, 2014, or within 30 days that the meeting summary is filed, meeting participants may file comments to the meeting summary; these comments must be filed with the FERC either by regular mail at 888 First Street, N.E., Washington, DC 20426 or through the FERC's eFiling system at <http://www.ferc.gov/docs-filing/efiling.asp>.

If there are any questions regarding the provided information or the process, please direct them to Laura Cowan at [Laura.Cowan@Kleinschmidtgroup.com](mailto:Laura.Cowan@Kleinschmidtgroup.com).

Sincerely,

**KLEINSCHMIDT ASSOCIATES**



Laura Cowan  
Project Manager

LJC:TMJ

Attachments: Initial Study Report

cc: Distribution List

**DISTRIBUTION LIST**  
**MILLVILLE INITIAL STUDY REPORT PACKAGE**

**FEDERAL AGENCIES**

John Schmidt  
Field Supervisor  
US Fish and Wildlife Service  
West Virginia Field Office  
Ecological Services  
694 Beverly Pike  
Elkins, WV 26241-9475

Callie McMunigal, Project Leader  
U.S. Fish and Wildlife Service  
Northeast Region  
Appalachian Partnership Coordination  
Office  
400 East Main St.  
White Sulphur Springs, WV 24986

Bob Dach  
Hydropower Program Manager  
US Bureau of Indian Affairs  
Natural Resources  
911 NE 11th Ave  
Portland, OR 97232

David Hayes  
National Park Service  
1100 Ohio Drive SW  
Washington, DC 20242

**STATE AGENCIES**

Kerry Bledsoe  
Fisheries Biologist  
West Virginia Division of Natural  
Resources  
PO Box 99  
1110 Railroad Street  
Farmington, WV 26571-0099

West Virginia Division of Natural  
Resources  
Wildlife Resources  
324 Fourth Ave.  
South Charleston, WV 25303

West Virginia Division of Natural  
Resources  
Office of Land and Streams  
Building 74, Room 200  
324 Fourth Ave.  
South Charleston, WV 25303

West Virginia Division of Natural  
Resources  
Parks and Recreation  
324 Fourth Ave.  
South Charleston, WV 25303

West Virginia Division of Natural  
Resources  
Hunting and Fishing  
324 Fourth Ave.  
South Charleston, WV 25303

West Virginia Historic Preservation Office  
West Virginia Division of Culture and  
History  
The Cultural Center  
1900 Kanawha Boulevard, East  
Charleston, WV 25305-0300

William F. Timmermeyer  
WV Department of Environmental  
Protection  
Environmental Resources Program Manager  
Division of Water and Waste Management  
601 57<sup>th</sup> Street, SE  
Charleston, WV 25304

Brian Long  
West Virginia Department of Environmental  
Protection  
Division of Dam Safety  
601 57<sup>th</sup> St  
Charleston, WV 25304

**DISTRIBUTION LIST  
MILLVILLE INITIAL STUDY REPORT PACKAGE**

**MUNICIPALITIES**

Corporation of Harpers Ferry  
P.O. Box 217  
Harpers Ferry, WV 25425

Jefferson County Commission  
P.O. Box 250  
124 East Washington St., Suite 200  
Charles Town, WV 25414

Jefferson County Parks and Recreation  
235 Sam Michals Rd.  
Shenandoah Junction, WV 25442

**NON-GOVERNMENTAL  
ORGANIZATIONS**

Outdoor Adventures River & Trail Outfitters  
604 Valley Rd.  
Knoxville, MD 21758  
river@rivertrail.com

River Riders, Inc.  
408 Alstadts Hill Rd.  
Harpers Ferry, WV 25425  
trips@riverriders.com

Harpers Ferry Adventure Center  
10987 Harpers Ferry Rd.  
Purcellville, VA 2032  
info@hfadventurecenter.com

BTI Whitewater  
10985 Harpers Ferry Rd.  
Purcellville, VA 20132

Historical River Tours  
1257 Allstadts Hill RD  
Harpers Ferry, WV 25425  
info@historicalrivertours.com

Shepherdstown Pedal and Paddle  
PO Box 1494  
Shepherdstown, WV 25443

J:\3889\001\05 KA Prepared Docs\Studies\001 Distribution List  
ISR.docx

## Jessica Carroll

---

**From:** Gil Narro Garcia [gilnarrogarcia@comcast.net]  
**Sent:** Friday, September 26, 2014 11:24 AM  
**To:** info@jeffersoncountywv.org  
**Cc:** Lyn Widmyer; Stephen Skinner; Peggy Smith  
**Subject:** View Shed Shenanigans

Please see my forthcoming letter to the Journal editor about your outrageous actions to delete references to the “view shed” from the Jefferson County Comprehensive Plan.

Your actions are as transparent as they are underhanded. It is clear to any one with one eye to see that you continue to cater to every devious plan put forth by developers and others who are intent on turning Jefferson County into a rolling multi-story strip joint. It is also clear that you intend to give the green light to cell towers and other visible intrusions into the existing view shed. Your actions render the “Comprehensive” plan sterile and impotent.

How special that you so casually deleted key language that was put into the Comprehensive Plan to prohibit the very visual trash that you have in mind. Because you display no shame nor civic principles, I don’t expect that things will change. But, rest assured that the scoundrels who voted for this significant change will not be re-elected. That change would be a very welcomed sight indeed!

Gil Narro Garcia  
881 Elk Run Estates Dr.  
HF WV 25425  
[gilnarrogarcia@comcast.net](mailto:gilnarrogarcia@comcast.net) 304-535-2235

## Jessica Carroll

---

**From:** Todd Metzgar [toddmetzgar@aol.com]  
**Sent:** Tuesday, September 16, 2014 2:58 PM  
**To:** info@jeffersoncountywv.org  
**Subject:** Remove the ambulance fee burden

To the Jefferson County Commission:

I believe that the County Commission needs to remove the ambulance fee (and the increased E-911 fee) from the county taxpayers. We can no longer voluntarily support our local emergency services because of this new mandated tax (\$40 for an ambulance fee, plus \$180 a year for two cell phones and a landline). We are trying to figure out how to cut bills since our income apparently does not keep up with increased government spending.

Why can almost all other West Virginia counties operate and provide emergency services (even ones of comparable size to Jefferson) without extra emergency service fees, yet they don't have additional millions of dollars annually from gambling and impact fees like Jefferson does?

If such emergency services spending is absolutely necessary, then the Commission should reduce or cut spending for amenities or "goodwill" spending from the budget. And, the current commissioners should have abstained from lobbying for and taking more from taxpayers with a pay raise.

Montani Semper Liberi,  
Todd Metzgar

37 Elk Branch Drive  
Shenandoah Junction, WV 25442  
September 11, 2014

Jefferson County Commission  
124 East Washington Street  
Charles Town, WV 25414

To Whom It May Concern:

I received this bill a couple of days ago. When I first opened it, I can not begin to express the outrage that I felt being charged for a service that I likely will never use. Further, that it is being applied as an addition property tax is unacceptable.

When my husband received orders for Bethesda, MD just last year we chose to live in WV at the recommendation of other military friends who also live in Jefferson County. We were told that the property taxes are lower and that values are better. Unfortunately, since we have been here we have found so many hidden fees and taxes that we can no longer suggest to fellow soldiers that they look here when relocating to the greater DC area. Furthermore, because of this, you have helped us to decide when the military chooses that it is time we move on, we will no longer question whether we should keep our house here to return one day. We do not want to be stationed overseas or anywhere else getting bills for an ambulance service in WV just because we have property here.

Those who utilize the services of ambulances should be the ones responsible for paying for training of said emergency personnel and for the upkeep of the vehicles. If you want to charge a fee in order to increase the amount given for emergency services in the county, it should be applied as a regular increase in our property taxes that we already pay. The property owners of Jefferson County should not receive an additional bill based on their property ownership. Also, the fact that people receive an unexpected bill and have less than a month to factor that into their regular monthly bills applies a great hardship on many members of this county.

Now, to clarify what I meant in my opening paragraph so that you can't say, "How do you know you won't use it? That's why it's called an emergency." First, I said likely will never use. My reasoning for this is that I know if I were to have to call an ambulance the chance that I would be taken to my hospital of choice is very unlikely as it is Walter Reed Military Medical Center in Bethesda. Second, if I have an emergency, I am blessed enough to have my own emergency medical person on site. However, if I do ever have an emergency in which I require an ambulance, you are welcome to send that bill to my insurance provider and be paid by them.

Sincerely,



Christy L. Mickles

Elliot Kirschbaum  
72 Heather LN  
Sept. 8, 2014  
Customer #8923

Jefferson County Commission  
124 East Washington Street  
Charles Town, WV 25414

Re: Ambulance Fee

I am paying the \$20 "Emergency Ambulance Fee Invoice for fiscal year 2014-2015" under protest. I do not think that you have the authority to charge such a fee, which amounts to a surcharge on top of my Real Property Taxes.

Although State law allows the county to charge a user fee for ambulance services, I believe that authorization applies to fees charged for actual use of an ambulance and not for the mere existence of ambulance service.

Should my interpretation prove to be the correct one, as the result of some legal process or otherwise, I will expect this fee to be refunded.

Sincerely,



Elliot Kirschbaum

## Jessica Carroll

---

**From:** Milleson [milleson@frontiernet.net]  
**Sent:** Monday, September 15, 2014 8:31 PM  
**To:** patsynol@gmail.com; dmanuel@frontiernet.net; vinemont@frontiernet.net;  
walterpellish@mac.com; lynwidmyer@gmail.com;  
planningdepartment@jeffersoncountywv.org; info@charlestownwv.us;  
dkeyser@jeffersoncountywv.org; sandy@jeffersoncountywv.org;  
jcarroll@jeffersoncountywv.org; tstanton@jeffersoncountywv.org  
**Subject:** Objection to the All Good Festival in Jefferson County

I have been looking over the information made available about the 5-day All Good Festival and Camp Out that is being proposed on a farm in Summit Point. I own property and live adjacent to the site where the proposed festival will take place. I would like this letter to stand as my objection to the festival being held in the proposed location. It is surrounded by houses and the buffer is not adequate for the magnitude and duration of the festival.

Access for vehicles is a concern because there are no major roads that lead to the farm. All the roads are small and go through residential areas. I certainly can't imagine a band's huge bus rounding the corner at Lewisville and Franklintown roads. I feel that traffic will be horrendous and accidents will occur.

Sanitation and trash are also concerns. There is no public or mass sanitation facility to accommodate the large number of people over several days. Portable units seem inadequate to handle the amount of use. With the number of attendees and the multiple days, the amount of trash will be astronomical. Plus, if a wind picks up, trash will be blown all over the surrounding personal properties.

And of course noise is a large concern. The proposal states no amplified sound after 3am. What about the noise from that large a group of people? Plus, 3am is extremely late to have loud music playing with the area so close to so many houses. Would you want loud music playing until 3am in your back yard?

If the festival is intended to increase tourism in the county why can't it be held at the fairgrounds, Sam Michael Park or some other facility that is designed to support this type of activity and the large number of attendees? Plus, how are a group of people camping out listening to music all day and night, drinking and getting high on drugs going to increase tourism dollars in the county? They won't be leaving the site. The only merchants that will be making money will be drug dealers. And it will actually end up costing the county money to increase police presence to monitor this large of a group.

After researching the festival and its impact on the surrounding areas, I have seen nothing but a negative impact and cannot see how it will positively impact Jefferson County. It obviously is not a positive event or it would still be held where it has been for years.

Thank you for listening to my concerns.

Mike and Barbara Milleson

## Jessica Carroll

---

**From:** 4glovers [4glovers@comcast.net]  
**Sent:** Tuesday, September 16, 2014 11:03 PM  
**To:** zoning@jeffersoncountywv.org  
**Cc:** Paul Espinosa; dmanuel@frontiernet.net; lynwidmyer@gmail.com; patsynol@gmail.com; vinemont@frontiernet.net; stephen.skinner@wvhouse.gov; lawrencefordelegate@hotmail.com; walterpellish@mac.com; info@jeffersoncountywv.org; dkeyser@jeffersoncountywv.org; planningdepartment@jeffersoncountywv.org; Julie.gray@wv.gov; farmlandprotection@jcda.net; bmiller@jeffersoncountywv.org; rodney.b.crowell@wv.gov  
**Subject:** All Good Festival is anything but...

Zoning and Planning Board Members,

It is my sincere hope that clearer heads will prevail with regards to the proposed "All Good Festival and Camp Out." Anybody with a computer or smart phone with internet access can see what isn't "all good" about this festival. A quick Google or YouTube search will reveal the numerous problems that have been associated with this festival. Given all this, I am very concerned for the well-being of my family and home. I live in the Quail Run I subdivision which is directly across Withers-Larue Road and adjacent to the proposed festival site.

I have two boys, 9 and 7 years old. I am not looking forward to trying to explain to them the "life lessons" that will be associated with this event. I am not naive enough to think I can shield them from lewd behavior all of their lives. However, I can choose to turn off the TV or change the channel. I can also control what music they listen to in our house. The same cannot be said about this festival. The train that runs close to our house is about 90 decibels and lasts about 10 minutes. A loud concert can get up to 115dB (pain starts at 125dB). According to OSHA, the daily permissible sustainable noise level at 115dB is for 0.25 hours. That's 15 minutes! If the concert goes on for 15 hours a day for 4 days, that is 240 times the federal mandate.

This is just one of many logistics that I'm sure hasn't been thought out by Mr. Mark Stolipher. I can't imagine he would risk ruining his land for a quick buck. I'm no farmer, but the long term affects of an event of this size has to be crippling to his farming business. Not to mention, the inherent liability that has happened once before with this festival in Masontown, WV. God forbid if there would be another fatality as a result of this festival, then that is something he and his family will have to live with for the rest of their lives. In my humble opinion, you can not put a price on a human life. It goes without saying, that it is no where near the \$570,000 that Mr. Tim Walther and Ms. Junipa Contento were forced to pay the Miller family as financial compensation for the death of their daughter, Nicole Miller, in 2011.

I haven't even mentioned the vast amounts of alcohol and drugs that will be consumed, and not to mention all the garbage and human waste that will be generated from 30,000 people (more than half of Jefferson County's total population which is contained in 209.64 square miles) confined to 347 acres (which is roughly half the size of the location in Masontown, 675 acres, and only roughly half a square mile). Anybody can see that this is a recipe for disaster. I'm probably overreacting and I'm sure the auxiliary police can handle this. They have plenty of experience with the Jefferson County fair and Hyper-Fest every year.

I apologize if I have ranted and raved too much, but the numbers don't lie. This also goes to show how concerned I am with regards to this event and what it can do to the benevolence that is Jefferson County. I ask that you keep the greater good in mind and put an end to these types of mass gatherings once and for all. In closing, I would like to share the

Departments of Planning and Zoning mission statement. Does the "All Good Festival and Camp Out" reflect the mission of the board?

The mission of the Departments of Planning and Zoning is to provide a healthy, pleasant environment for those who live, work and visit Jefferson County, by blending the unique natural and built resources of our community with quality, sustainable development that ensures responsible and sound growth. We are a knowledgeable, respectful, dedicated staff who welcome community based problem solving and public/private cooperation that assists the community in implementing standards which create a positive impact and achieves its ultimate vision.

<http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html>

Sincerely and respectfully,  
Matthew and Amanda Glover  
318 Pheasant Hill Road  
Summit Point, WV 25446

P.S. I respectfully ask The Jefferson County Planning Commission President, Steve Stolipher, be forced to remove himself from any vote on the subject matter if he is related in any way to the property owner (Mark Stolipher) where the festival is planned to take place, as they share the last name. This conflict of interest would taint any fair vote on the controversial matter.

## Jessica Carroll

---

**From:** wvadkins@roadrunner.com  
**Sent:** Tuesday, September 16, 2014 7:32 PM  
**To:** walterpellish@mac.com; patsynol@gmail.com; dmanuel@frontiernet.net; vinemont@frontiernet.net; lynwidmyer@gmail.com; info@jeffersoncountywv.org; dkeyser@jeffersoncountywv.org; planningdepartment@jeffersoncountywv.org; Julie.gray@wv.gov; farmlandprotection@jcda.net; bmiller@jeffersoncountywv.org  
**Cc:** paul.Espinosa@wvhouse.gov; lawrencefordelegate@Hotmail.com; wvadkins@roadrunner.com; Fletcher-Lot#6; Gerben-Lot#47; Paradis-Lot#7; Matt & Mandy Glover; Ashlock-Lot#4; Gallahan-Lot#1; Drury-Lot#3; Burdick-Lot#28; Compton-Lot#27; DeGennaro-Lot#46; Baker-Lot#25; Albert-Lot#30; WaybrightH-Lot#45; ThompsonR-Lot#15; Snyder-Lot#41; Fuller-Lot#44; WaybrightM-Lot#45; Hyre-Lot#5; Bradbury-Lot#49; Straley-Lot#42; Ferro-Lot#32; Harrigan-Lot#18; Lees-Lot#43; Spruill-Lot#10; HoffmanD-Lot#8; ThompsonT-Lot#15; Thompson-Lot#38; HoffmanT-Lot#8; Schlachter-Lot#12; Rosa-Lot#14; Correia-Lot#39; Adkins-Lot#51; Milleson-Lot#31; Layton-Lot#26; Rouden-Lot#2; William O'Neill; William O'Neill; William Herndon; William Herndon; Lafferty-Lot#40  
**Subject:** All Good Festival and Camp Out

Jefferson County --

Board of Zoning Appeals, Planning Commission, Planning and Zoning, Emergency Services Agency, Health Department, Farmland Protection Board

September 16, 2014

Dear Jefferson County Departments,

Please don't tarnish the positive image Jefferson County has spent years developing by approving any planning or zoning variances or ordinances that would allow the "All Good Festival and Camp Out" or similar events to occur in our county!

You have heard all the terrible things the proposed camp out will bring to the county, but have you considered the impact such an enormous event could have on the following:

- Contamination of ground water that feeds local wells
- Local traffic congestion
- Damage to surrounding property
- Damage to farmland
- Damage to rural roads
- Increased illegal drug trade
- Additional expenses for emergency services
- Impact on local judicial system

and the list goes on.

We have lived in Summit Point, Jefferson County for over 20 years and live within a few hundred feet of the proposed event site and we cannot believe any citizen wants our historical county known for a five-day drug fest.

Most of the families near the proposed event have young children who will be home during the summer and if the event is held, the parents or caregivers will have to deal with the noise, trespassers, and traffic. Parents will have trouble getting to and from work due to the traffic congestion. In fact, some parents are already planning to take paid or unpaid leave to protect their families and property.

The Zoning Variance Request (ZV1414) submitted by Mr. Tim Walther and Ms. Junipa Conteto is deceptive by stating it is for a single three-day period, but then requests a music festival and campout for five

consecutive days. In reality, the event will disrupt the community for approximately one month due to setting up, holding the event, and removing their temporary infrastructure.

Also, you will notice on their application the proximity of the railroad to the event. It is our opinion that attendees will disrupt the frequent train commerce and perhaps deaths will occur on the tracks. The frequent running of the trains combined with the influx of thousands of partygoers will also exasperate the traffic congestion on the county roads backing up traffic for miles.

It is our understanding that the promoters and property owners will erect a six-foot chain link fence to contain the estimated 15,000 – 30,000 attendees for the five-day period. They are trying to create a police state for the event. This should send a red flag right away regarding the caliber of people and the illegal activities that will occur; therefore, their request must not be approved by the county.

This type of event will not bring additional tax revenues to the county, but will actually cost the county a great deal more financially not to mention the negative impact on our historical image, future tourism, and future relocations to our county.

The citizens of this county are looking to each of you to do the right thing for all the residents of the county not just the property owner wishing to make a quick buck by holding this event.

We understand there is a mass gathering ordinance being developed to address these type of mass events and we believe it is in the best interest of the county to develop the rules and standards that augment the county and in no way negatively impact our communities. Please delay the review of the "All Good Festival" until the new mass event policy is in place.

One last thing, we don't understand why the county needs to grant approval for mass gathering events on farmland surrounded by tax payers who moved to the rural parts of the county to enjoy the peace and quiet environment when there are two existing venues within the county for such events; Jefferson County Fairgrounds and the Sam Michael Park.

Thank you for taking the time to read our letter and considering the points that we raise.

Yours truly,

David W. Adkins

Connie E. Adkins

203 Pheasant Hill Road  
Summit Point, WV 25446

September 15, 2014

TO: Jefferson Board of Zoning Appeals, Charles Town, WV 25414

RE: All Good Music Festival and Campout Seasonal Use permit and Variance Request

The "All Good Music Festival and Camp Out" variance request to add two days to the definition of a seasonal use event **will adversely affect the public health, safety and welfare and the rights of adjacent property owners and residents.**

**Safety and Traffic Congestion:**

The last All Good Music Festival and Camp Out event held in Preston County supposedly attracted 20,000 to 30,000 people from all over the country (the Charleston Gazette reported 30,000) and because these events will now be held much closer to the eastern population centers, we could easily see a much higher attendance number.

Perhaps the most dangerous aspect of this site (and one that **did not** exist on the "Stiles Farm Site") is that every West Virginia access point from the east (Rt. 340) must cross very busy railroad tracks. The Withers LaRue approach is approximately .05 miles from Rt. 340 and the same distance from the entrance to the festival. I know how busy these tracks are because I live right next to both the proposed site and the railroad tracks. There are **fast** and **numerous** trains traveling next to the site and across the roads leading to the site.

Have there been any studies conducted to determine how this will impact traffic-flow into and away from the site? Will the traffic from 20K to 50K festival-goers and the busy railroad track create another extreme safety hazard and an even more serious level of **danger and liability**? Is it really possible to control access to the site to mitigate the danger? Has Norfolk Southern been consulted? Have the BZA considered how safe ingress and egress will be affected by the close proximity to these rail road tracks? Will granting this variance with the knowledge of this hazard expose the BZA to legal culpability?

The promoter has given no indication in their application or supplemental documents that they understand that this rail road track exists and therefore has failed to meet the variance requirements to explain why it **"will NOT adversely affect the public health, safety and welfare and the rights of adjacent property owners and residents"**.

**For this reason alone, the BZA must deny this request.**

Rt. 340 through Rippon is an extremely busy, two-lane road that is very difficult to safely access from the (unlined) Withers LaRue Road under "normal" conditions. **All** other access points from

Rt. 340 are similarly challenged. All approaches to the site from the west are also on unlined roads that were never designed to carry this much traffic. The heavy truck and automobile traffic on Rt. 340 combined with a non-stop stream of drug and alcohol fueled drivers to and from this festival will create an unprecedented traffic hazard. This is not some lonely dirt road in the middle of Preston County West Virginia, rather this is a road used by many families to get to school and work and by businesses to transport goods to, from and through the eastern panhandle.

Rte. 340 through Rippon has already been identified as being inadequate for the current traffic-load by the WVDOT. It is certainly difficult to navigate, very dangerous and will be totally gridlocked during these festivals. Expanding this event by two days will result in 2 more days of lost revenue because of the inability to drive on Rt. 340, and all adjacent roads. Who will compensate the businesses and working-people unable to operate or get to work?

It seems impossible to have picked a more inappropriate site for this event!

For these reasons, the BZA should deny this request.

#### Noise:

For my family and my neighbors....and anyone else within a few miles that are not being paid to host these events, there will be no hope for any peace (or sleep) during these events. We will simply have to put up with the loud music, bright lights and the truly disruptive "tourists" until at least 3:00 AM each morning. To add insult to injury, the festival will allow amplified announcements to occur around the clock.

While reviewing dozens of Mass Gathering Ordinances, each one included restrictions on "amplified sound" and some included "lawful detonation of fireworks". Most of these regulations require that these activities end no later than 11:00 PM. For good reason, who wants an outdoor amplified rock concert or fireworks display at 2:00 AM? 11:00 PM is an acceptable minimum time for secession of any event in Jefferson County. One thing is very clear when researching these ordinances, the prevention of noise pollution is a very important component in even the most simplistic documents. Since the promoter is stipulating in the supplemental information provided with the application that 3:00 AM is when they want to turn off "amplified music" (but allow amplified announcements to occur at any time), we believe the BZA can add a condition to the application that 11:00 PM is a more appropriate time to end all of the amplified sound and lighting for the health and well-being of the community. Perhaps the best decision the BZA can make is to deny the 2 day extension variance and spare the community from the extended 2 days of the event.

### **Law Enforcement:**

According to the Preston County (WV) Sheriff, 2011 was the last year the "All Good Music Festival" was held in that county. During that event, they hired over 100 additional police officers from ten (10) outside agencies, added nearly 20 undercover drug officers from the WV State Police Bureau of Criminal Investigation, added other local and regional drug agents, some K9 units and actually had to purchase a bus to transport the "attendees" to jail. Police were "only" able to make 75 felony drug arrest and issue over 200 drug and traffic citations before the Preston County judicial system was "saturated". After that, they simply stopped enforcing the laws.

If we try to enforce the same laws here (they do exist here), the results will be the same and that will put all of us in the southern end of Jefferson County at risk and will place an undue burden on all law enforcement agencies in the panhandle. With so much attention being placed on granting the wishes of the "All Good" festival promoters, will we be putting other jurisdictions at risk?

Is it possible that some "attendees" will attempt to navigate around the official gates and trespass on land not hosting the event in an attempt to gain free access to the event? How will the promoters compensate landowners for that intrusion? Will they need to increase liability coverage? Will those owning land close to the site need to hire security? Is the BZA "creating trouble" by allowing this event to take place on this site? Does Jefferson County really need this kind of "business"?

Careful research indicates that this will be a "wild" event with lots of drugs and alcohol and some music added in for good measure. We simply must voice our opposition and offer the opinion that after the promoters' take their money and go back to Maryland, the county will be left with the less-than-optimal aftermath. These events are not appropriate for most locations and are certainly not appropriate for the proposed Rippon site.

For these reasons, the BZA should deny this request.

### **Additional Considerations:**

According to a November 23rd, 2011 article on Fredericksburg.com, the promoters were looking at locations in Spotsylvania County (VA). This publication states that "The festival had been held in the mountains of West Virginia since 2001....but organizers said West Virginia's local officials never warmed up to the idea and passed a mass gathering ordinance that year which was "crippling" and also levied "an outrageous tax."

Tim Walther, president and co-owner of the All Good Music Festival, was quoted in the same article that the event had also outgrown the West Virginia location and they wanted to host the

festival at Caroline's Moss Neck Manor, a 1,200-acre site in Port Royal (VA) off U.S. Rt.17. This site was eventually abandoned due to the county noise ordinance.

Is it possible that Preston County finally realized that the expense associated with this event was much more than the little bit of revenue it generated for the county? If the relatively small and remote Preston County "rejected" this event by finally passing an ordinance that attempted to make it manageable and recoup some of the costs, what makes Jefferson County think it will be worth having here?

Doesn't it make sense that the costs will be much higher here?

The good news for the BZA is that you now have ample reason to reject this request and allow the "mass gathering" document currently before the County Commission to go through the public comment process and be adopted so that this event (and all like it) can be governed by an "actual" mass events ordinance that will protect all of the citizens of Jefferson County.

**In conclusion:**

The BZA **does not** have the authority to change the Jefferson County Planning and Zoning laws by granting a two day extension to the "Seasonal Use" permit. Allowing this variance will **fundamentally** change the land use in the rural district by allowing an event that would not otherwise be permitted. I believe that if the BZA researched this point and wished to "error on the side of the county's best interests", you will deny this request.

For **ALL** of these reasons, the BZA should deny this request and no other applications for "Seasonal Use Permits" for 1000 or more attendees should be considered until the Jefferson County Commission enacts a reasonable and responsible "mass events" ordinance.

Respectfully,

Thomas and Jan Loy

Rippon

CC Jefferson County Commission

CC Clark County Board of Supervisors

CC West Virginia Department of Transportation

CC Clark County Sheriff

CC Jefferson County Planning Commission

CC West Virginia State Police

CC Jefferson County Health Department

CC Norfolk and Southern Corporation

15 September 2014

Dear Commissioner Widmyer,

I live in Shannondale where there was a very serious outbreak of cankerworm caterpillars this spring, also known as loopers/inchworms. This population has been building in our community for the past two years and this year completely exploded. They did extensive damage to our forests over a massive area and browning on the Blue Ridge Mountain could be seen for miles. The mountain looked like the dead of winter. This extreme destruction of our trees presents a major fire risk threat to the thousands of people who live here and there is only one road out in the event of a wildfire. In addition to the safety issues we face major loss of property value, significant expenses of tree removal, erosion and mud slide issues and of course the loss of the beauty and tranquility of our community.

The cankerworm is a common native pest of deciduous forests and can cause serious defoliation over a large area of land. The caterpillars appear on trees in early Spring and destroy young leaves and buds of a wide range of trees. By the time the larvae finish feeding only the major veins of the leaves remain. Trees may be completely defoliated as is the case in our community. If this happens two to three years in succession trees likely will die. Caterpillars feed for 4 or 5 weeks and then enter the soil where they pupate and emerge as egg laying moths in Fall or Spring. The moths emerge from the soil in November and December to lay their eggs that hatch in April and early May as tree buds open.

Predators and natural disease can kill these caterpillars but this has not happened in our community after three years. Predators take a long time to build to sufficient numbers to control this pest and many of our trees are at great risk of dying if they receive another year's assault.

WV Department of Agriculture (WVDA) continues to regularly monitor our situation but does not see signs of collapse of these cankerworms. Control then will require expensive aerial spraying of BT next Spring (\$35 per acre on thousands of acres). Landowners of course contribute toward treatment cost but this will not be sufficient since treatment of such a large area is so expensive. We are in great need of financial help in order to preserve our trees, keep us safe and maintain the natural beauty of our mountain community. This problem threatens the Appalachian Trail, residents of the Blue Ridge, all people in Jefferson county, Harpers Ferry National Historic Park and area tourism.

**We ask that you work with WVDA to establish a cost sharing program like the one for Gypsy Moth suppression. We have successfully worked in tandem before and a small investment now (federal, state and private money) can pay big dividends.**

Sincerely,

A handwritten signature in blue ink that reads "Sid White" followed by a stylized flourish.

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

|                                                  |                     |
|--------------------------------------------------|---------------------|
| Week Ending Date                                 | September 13, 2014  |
| To be Deposited on:                              | September 19, 2014  |
| Amount Played                                    | 53,710,152.19       |
| Amount Won                                       | 48,075,512.93       |
| Amount Promo                                     | 280,672.00          |
| MWAP Contribution                                | <u>3,450.10</u>     |
| Adjusted Gross Terminal Revenue                  | <u>5,350,517.16</u> |
| Administrative Costs @ 4%                        | 214,020.70          |
| Excess Lottery Fund @ 4%                         | <u>0.00</u>         |
| Net Terminal Revenue                             | <u>5,136,496.46</u> |
| 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>         |
| Track Share of Capital Reinvestment @ 96%        | 0.00                |
| Track Share of Capital Reinvestment @ 4%         | 0.00                |
| Adjusted Net Terminal Revenue                    | <u>5,136,496.46</u> |
| Racetrack @ 46.50% / 42%                         | 2,388,470.85        |
| Lottery Fund @ 30% / 0%                          | 1,540,948.98        |
| Excess Lottery Fund @ 0% / 41%                   | 0.00                |
| Excess Lottery Fund @ 12.85% / 9.55%             | 660,039.77          |
| Race Track Purses @ 90% of 7% / 4%               | 323,599.28          |
| Employee Pension Fund @ 1% / .5%                 | 51,364.96           |
| Greyhound Development @ 90% of .75%              | 34,671.35           |
| Thoroughbred Development @ 90% of .75%           | 34,671.35           |
| County/Municipality @ 2%                         | <u>102,729.92</u>   |
|                                                  | <u>5,136,496.46</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<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 5 days ending:<br>07/05/14 | \$ 106,819.12                | \$ 106,819.12             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:               |                              |                           |                      |                  |                           |                           |                  |                             |
| 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             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/23/14                   | \$ 116,097.04                | \$ 116,097.04             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/30/14                   | \$ 117,652.72                | \$ 60,280.02              | \$ 57,372.70         | \$ 4,549.65      | \$ 22,891.71              | \$ 1,244.99               | \$ 19,323.13     | \$ 9,363.22                 |
| 09/06/14                   | \$ 122,840.56                | \$ 61,420.28              | \$ 61,420.28         | \$ 4,870.63      | \$ 24,506.69              | \$ 1,332.82               | \$ 20,686.35     | \$ 10,023.79                |
| 09/13/14                   | \$ 102,729.92                | \$ 51,364.96              | \$ 51,364.96         | \$ 4,073.24      | \$ 20,494.62              | \$ 1,114.62               | \$ 17,299.72     | \$ 8,382.76                 |
| Subtotal                   | \$ 1,252,379.36              | \$ 1,082,221.42           | \$ 170,157.94        | \$ 13,493.52     | \$ 67,893.02              | \$ 3,692.43               | \$ 57,309.20     | \$ 27,769.77                |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

## 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  | 8/23/2014 | 116,097.04 |
| 8/28/2010  | 72,460.03  | 8/27/2011  | 63,432.14  | 9/1/2012   | 67,133.42  | 8/31/2013  | 58,913.18  | 8/30/2014 | 60,280.02  |
| 9/4/2010   | 76,362.84  | 9/3/2011   | 80,837.76  | 9/8/2012   | 74,029.40  | 9/7/2013   | 67,758.74  | 9/6/2014  | 61,420.28  |
| 9/11/2010  | 82,969.36  | 9/10/2011  | 84,845.80  | 9/15/2012  | 61,838.04  | 9/14/2013  | 53,374.22  | 9/13/2014 | 51,364.96  |
| 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

1,082,221.42

**Table Game Revenue**

| <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>     |
|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|-------------------|
| July/August, 2010      | 154,185.68          | July, 2011             | 141,718.01          | July, 2012             | 138,663.64          | July, 2013             | 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> |

| <u>Date</u> | <u>Amount</u> |
|-------------|---------------|
| July, 2014  | 78,639.07     |

|                        |                  |
|------------------------|------------------|
| <b>Total 2014-2015</b> | <b>78,639.07</b> |
|------------------------|------------------|

**Table Game Revenue Distribution - Jefferson County School Board**

| <u>Date</u>                   | <u>Amount</u>              | <u>Date</u>                   | <u>Amount</u>              | <u>Date</u>                   | <u>Amount</u>              | <u>Date</u>                   | <u>Amount</u>            |
|-------------------------------|----------------------------|-------------------------------|----------------------------|-------------------------------|----------------------------|-------------------------------|--------------------------|
| 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><u>Total 2011-2012</u></b> | <b><u>4,808,702.50</u></b> | <b><u>Total 2012-2013</u></b> | <b><u>4,608,334.13</u></b> | <b><u>Total 2013-2014</u></b> | <b><u>2,995,460.18</u></b> | <b><u>Total 2014-2015</u></b> | <b><u>235,917.21</u></b> |