

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, OCTOBER 30, 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

- October 16, 2014
- October 23, 2014

APPROVAL OF PURCHASE ORDERS

- October 30, 2014

APPROVAL OF ACCOUNTS PAYABLE

- October 30, 2014

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS

1. 9:45 a.m. Pete Dougherty, Sheriff
- Deputy First Class (DFC) Designation - Discussion/Action
2. 10:00 a.m. Teresa Shumate, Assistant Director of the Shenandoah Women's Center and
Lisa Serriana, Jefferson County Outreach Worker
- Proclamation to declare October as Domestic Violence Awareness Month -
Discussion/Action
3. 10:10 a.m. Interviews and Appointment to the Jefferson County Community Criminal
Justice Board - One 3-year term ending July 3, 2017 for the position of Public
Defender or Criminal Defense Attorney - Discussion/Action
4. 10:20 a.m. Interviews and Appointment to the North Eastern Regional EMS, Inc. Board
for One 2-year term ending October 31, 2016 - Discussion/Action

5. 10:30 a.m. Interviews and Appointment to the HOME Consortium Council for One unexpired term ending June 30, 2016 - Discussion/Action
6. 10:45 a.m. **BREAK**
7. 11:00 a.m. Todd Fagan, Jefferson County GIS/Addressing Office
- Address Compliance Program within Municipalities - Discussion/Action
8. 11:15 a.m. Jennifer Brockman, Director of Planning and Zoning
- Summary of public comments received on October 1, 2014 regarding ZTA 14-02 Mass Event/Seasonal Use Text Amendment (County Commission Public Hearing) - Discussion/Action
9. 11:30 p.m. Tim Stanton, Finance Director
- Review of Cash
- Review of Budget to Actual as of September 30, 2014
- Approval of internal Budget Revisions - Discussion/Action
10. 12:00 p.m. Debbie Keyser, County Administrator
 - ▶ Discussion by the Jefferson County Commission on a proposed FOIA Policy for the County - Discussion/Action
 - ▶ Website Update
 - ▶ Eastern Panhandle Legislative Summit - Discussion/Action
 - ▶ Reminder of the upcoming Ethics and Robert's Rules of Order to be held on November 5, 2014
 - ▶ RFP IT Bid Summary - Discussion/Action
 - ▶ Update on Ambulance Fee Collections - Discussion/Action
 - ▶ Ambulance Fee for citizens with property sold between July 1, 2014 and September 15, 2014 - Homeowner Exonerations - Discussion/Action
 - ▶ Update from our Legal Counsel regarding the closing of the Comcast Ranson Office - Discussion/Action
 - ▶ Negotiations for buildings - Building Space Needs Committee - Possible Executive Session §6-9A-4 - Discussion/Action
 - ▶ Discuss Pending Litigations - Executive Session §6-9A-4 - Discussion/Action

NEW BUSINESS

11. Reconsider the decision of May 29, 2014, to require appointees to sign Jefferson County Code of Ethic forms - Discussion/Action (PN)
12. Day Report Center Funding - Discussion/Action (JT)

13. Approval of Date and Time for the Canvass of the 2014 General Election - Discussion/Action

COUNTY COMMISSION REPORTS

14. 12:45 p.m. **RECESS**

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

15. 7:00 p.m. Work Session - Planning Commission and the County Commission will discuss the Planning Commission's Redlined Version of the Draft 2014 Comprehensive Plan entitled Envision Jefferson 2035m recommended to the County Commission
**The public is welcome and encouraged to attend this work session. No public comments will be accepted during this session.*

16. **ADJOURN**

DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS

- Jefferson County Historic Landmarks Commission Quarterly Report
- Jefferson County Engineering Department Quarterly Report

CORRESPONDENCE/INFORMATION

Notice of Office Closure on Tuesday, November 4, 2014 for the 2014 General Election.

Notice of Office Closure on Tuesday, November 11, 2014 in observance of Veteran's Day.

Notice of intent to appoint to the Jefferson County Building Commission.

Invitation to the Eastern Panhandle Juvenile Drug Court Graduation Ceremony.

Invitation to the Veterans Memorial Pavilion Dedication Ceremony at Sam Michael's Park.

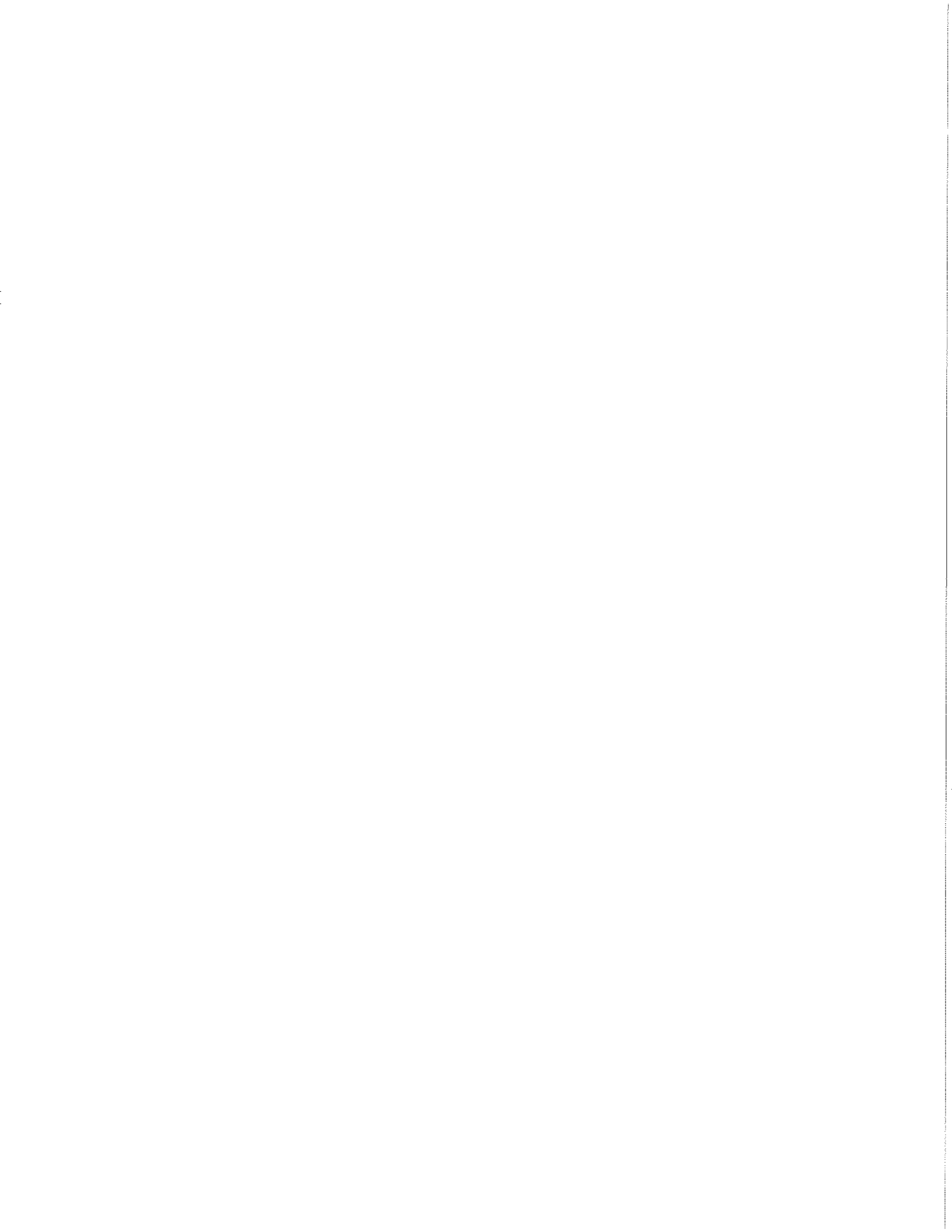
Notice of Public Hearing on the Redlined Version of the Draft 2014 Comprehensive Plan, entitled Envision Jefferson 2035.

Jefferson County Public District regular meeting minutes from September 2, 2014.

Notice from the WV Offices of the Insurance Commissioner regarding flood insurance through the National Flood Insurance Program.

WV Lottery Weekly Settlement for Charles Town - weekend ending October 18, 2014.

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



Minutes

Jefferson County Commission

Thursday, October 16, 2014

A meeting of the Jefferson County Commission was held on Thursday, October 16, 2014 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Dale Manuel, Patsy Noland, Walt Pellish, and Jane Tabb. Commissioner Lyn Widmyer 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, October 16, 2014 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Ms. Noland to approve the minutes for the October 1, 2014 Public Hearing as presented. Motion seconded and unanimously approved.

Motion by Mr. Manuel to approve the minutes for the October 2, 2014 Regular Meeting as presented. Motion seconded and unanimously approved.

PAYROLL APPROVAL

Motion by Ms. Tabb to approve the Payroll for October 9, 2014 in the amount of \$237,728.41. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
073083	428	ACCURATE SYSTEMS INC		\$ -	\$ 3,200.00	\$ 3,200.00
073084	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
073085	PAYROLL	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31

073086	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
073087	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
073088	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
073089	424	CHARLES TOWN UTILITIES		\$ -	\$ 92.77	\$ 92.77
073089	425	CHARLES TOWN UTILITIES		\$ -	\$ 853.36	\$ 853.36
073090	425	THE CONSERVATION FUND		\$ -	\$ 500.00	\$ 500.00
073091	PAYROLL	CHILD SUPPORT ENFORCE AG		\$ -	\$ 27.69	\$ 27.69
073092	425	DEHAVEN BERKELEY SPRINGS		\$ -	\$ 22.00	\$ 22.00
073093	PAYROLL	DIVERSIFIED COLLECTION		\$ -	\$ 154.83	\$ 154.83
073094	405	EMBASSY SUITES		\$ -	\$ 151.00	\$ 151.00
073095	401	RICOH USA, INC		\$ -	\$ 29.06	\$ 29.06
073095	403	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
073095	404	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
073095	405	RICOH USA, INC		\$ -	\$ 87.21	\$ 87.21
073095	406	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
073095	425	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
073095	433	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
073095	440	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
073095	700	RICOH USA, INC		\$ -	\$ 58.14	\$ 58.14
073095	712	RICOH USA, INC		\$ -	\$ 29.07	\$ 29.07
073096	PAYROLL	VOYA FINANCIAL		\$ -	\$ 3,040.00	\$ 3,040.00
073097	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 64.14	\$ 64.14
073098	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,790.00	\$ 5,790.00
073099	717	JERRY'S LEESBURG FORD		\$ -	\$ 162.81	\$ 162.81
073100	403	MATTHEW BENDER & CO		\$ -	\$ 230.10	\$ 230.10
073101	406	MONROE SYS FOR BUSINESS		\$ -	\$ 194.19	\$ 194.19
073102	711	BARBARA J. MILLER		\$ -	\$ 138.00	\$ 138.00
073102	711	BARBARA J. MILLER		\$ -	\$ 92.00	\$ 92.00
073103	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
073104	404	TONI MILBOURNE		\$ -	\$ 600.00	\$ 600.00
073105	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
073106	424	POTOMAC EDISON/OH		\$ -	\$ 2,159.87	\$ 2,159.87
073106	425	POTOMAC EDISON/OH		\$ -	\$ 12,678.06	\$ 12,678.06
073107	717	ROACH OIL COMPANY		\$ -	\$ 1,204.69	\$ 1,204.69
073108	425	RCS SECURITY		\$ -	\$ 606.00	\$ 606.00
073109	402	RECORD MANAGEMENT SOLUTN	52467	\$ 35.00	\$ -	\$ 35.00
073109	403	RECORD MANAGEMENT SOLUTN	51476	\$ 30.00	\$ -	\$ 30.00
073110	PAYROLL	RETIREE HLTH BENEFIT TRS		\$ -	\$ 6,974.00	\$ 6,974.00
073111	403	SOFTWARE SYSTEMS, INC		\$ -	\$ 325.25	\$ 325.25
073111	424	SOFTWARE SYSTEMS, INC		\$ -	\$ 481.92	\$ 481.92

073112	405	SPECIALTY BUS SUPPLIES	52683	\$ 1,047.69	\$ -	\$ 1,047.69
073113	405	STAPLES CREDIT PLAN	52684	\$ 63.71	\$ -	\$ 63.71
073114	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 44,045.92	\$ 44,045.92
073114	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,301.08	\$ 10,301.08
073114	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 43,046.55	\$ 43,046.55
073115	405	BRANDON C.H. SIMS		\$ -	\$ 435.12	\$ 435.12
073116	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 7,284.17	\$ 7,284.17
073116	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 738.75	\$ 738.75
073117	403	UNITED SYSTEMS & SOFTWARE		\$ -	\$ 227.00	\$ 227.00
073118	424	US POSTAL SERVICE		\$ -	\$ 20,000.00	\$ 20,000.00
073119	401	VITAL SIGNS		\$ -	\$ 10.00	\$ 10.00
073120	425	WM OF WEST VIRGINIA, INC		\$ -	\$ 672.01	\$ 672.01
073121	405	WV STATE BAR		\$ -	\$ 100.00	\$ 100.00
073122	412	WPS, INC		\$ -	\$ 680.58	\$ 680.58
073123	GRANT	WVU HEALTHCARE		\$ -	\$ 52,496.40	\$ 52,496.40
073124	402	XEROX CORPORATION	52468	\$ 1,415.02	\$ -	\$ 1,415.02
073124	439	XEROX CORPORATION	52329	\$ 551.60	\$ -	\$ 551.60
TOTAL						\$ 225,603.26
TOTAL				\$ 3,143.02	\$ 222,460.24	\$ 225,603.26

Motion by Ms. Tabb to approve the Accounts Payable for October 9, 2014 in the amount of \$225,603.26. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
073126	424	AT&T/IL		\$ -	\$ 0.72	\$ 0.72
073127	425	B-K OFFICE SUPPLY INC		\$ -	\$ 1,074.00	\$ 1,074.00
073127	712	B-K OFFICE SUPPLY INC		\$ -	\$ 25.30	\$ 25.30
073128	424	BOLAND SERVICES	52629	\$ 270.00	\$ -	\$ 270.00
073128	425	BOLAND SERVICES	52367	\$ 1,325.00	\$ -	\$ 1,325.00
073129	413	CASSTO & HARRIS INC		\$ -	\$ 85.44	\$ 85.44
073130	402	CSSI-COMplete SYSTEM SPR	52479	\$ 16,956.00	\$ -	\$ 16,956.00
073131	425	COVENANT BUILDING MAINT		\$ -	\$ 6,478.58	\$ 6,478.58
073132	ALLOC	FRIENDSHIP FIRE COMPANY		\$ -	\$ 43,375.00	\$ 43,375.00
073133	717	FISHER AUTO PARTS		\$ -	\$ 277.90	\$ 277.90
073134	700	THOMAS HANSEN		\$ -	\$ 112.81	\$ 112.81
073135	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 182.28	\$ 182.28
073136	425	JEFFERSON UTILITIES INC		\$ -	\$ 559.76	\$ 559.76
073137	712	LANGUAGE LINE SERVICES		\$ -	\$ 1,180.42	\$ 1,180.42
073138	712	MORGAN AWARDS LLC		\$ -	\$ 16.00	\$ 16.00

073139	401	NAT'L ASSN OF COUNTIES	\$ -	\$ 965.00	\$ 965.00
073140	424	NEOPOST USA INC.	\$ -	\$ 330.00	\$ 330.00
073141	425	RCS SECURITY	\$ -	\$ 619.20	\$ 619.20
073142	425	SHENANDOAH VALLEY WATER	\$ -	\$ 579.50	\$ 579.50
073143	425	CAPITAL TRISTATE	\$ -	\$ 1,440.69	\$ 1,440.69
073145	401	UNITED BANKCARD CENTER	\$ -	\$ 30.69	\$ 30.69
073145	402	UNITED BANKCARD CENTER	\$ -	\$ 34.95	\$ 34.95
073145	403	UNITED BANKCARD CENTER	\$ -	\$ 26.95	\$ 26.95
073145	406	UNITED BANKCARD CENTER	\$ -	\$ 99.00	\$ 99.00
073145	413	UNITED BANKCARD CENTER	\$ -	\$ 24.25	\$ 24.25
073145	415	UNITED BANKCARD CENTER	\$ -	\$ 83.74	\$ 83.74
073145	424	UNITED BANKCARD CENTER	\$ -	\$ 253.44	\$ 253.44
073145	424	UNITED BANKCARD CENTER	\$ -	\$ 23,133.38	\$ 23,133.38
073145	424	UNITED BANKCARD CENTER	\$ -	\$ 15.45	\$ 15.45
073145	425	UNITED BANKCARD CENTER	\$ -	\$ 470.96	\$ 470.96
073145	425	UNITED BANKCARD CENTER	\$ -	\$ 154.20	\$ 154.20
073145	425	UNITED BANKCARD CENTER	\$ -	\$ 621.80	\$ 621.80
073145	425	UNITED BANKCARD CENTER	\$ -	\$ 26.99	\$ 26.99
073145	428	UNITED BANKCARD CENTER	\$ -	\$ 848.00	\$ 848.00
073145	439	UNITED BANKCARD CENTER	\$ -	\$ 31.02	\$ 31.02
073145	439	UNITED BANKCARD CENTER	\$ -	\$ 150.00	\$ 150.00
073145	439	UNITED BANKCARD CENTER	\$ -	\$ 61.00	\$ 61.00
073145	439	UNITED BANKCARD CENTER	\$ -	\$ 148.39	\$ 148.39
073145	439	UNITED BANKCARD CENTER	\$ -	\$ 8.47	\$ 8.47
073145	440	UNITED BANKCARD CENTER	\$ -	\$ 109.00	\$ 109.00
073145	440	UNITED BANKCARD CENTER	\$ -	\$ 178.20	\$ 178.20
073145	440	UNITED BANKCARD CENTER	\$ -	\$ 270.00	\$ 270.00
073145	451	UNITED BANKCARD CENTER	\$ -	\$ 99.50	\$ 99.50
073145	700	UNITED BANKCARD CENTER	\$ -	\$ 75.21	\$ 75.21
073145	700	UNITED BANKCARD CENTER	\$ -	\$ 92.36	\$ 92.36
073145	700	UNITED BANKCARD CENTER	\$ -	\$ 123.37	\$ 123.37
073145	700	UNITED BANKCARD CENTER	\$ -	\$ 630.26	\$ 630.26
073145	700	UNITED BANKCARD CENTER	\$ -	\$ 359.21	\$ 359.21
073145	700	UNITED BANKCARD CENTER	\$ -	\$ 33.94	\$ 33.94
073145	700	UNITED BANKCARD CENTER	\$ -	\$ 192.00	\$ 192.00
073145	700	UNITED BANKCARD CENTER	\$ -	\$ 826.60	\$ 826.60
073145	700	UNITED BANKCARD CENTER	\$ -	\$ 149.99	\$ 149.99
073145	711	UNITED BANKCARD CENTER	\$ -	\$ 94.34	\$ 94.34
073145	711	UNITED BANKCARD CENTER	\$ -	\$ 28.47	\$ 28.47
073145	711	UNITED BANKCARD CENTER	\$ -	\$ 185.00	\$ 185.00

073145	711	UNITED BANKCARD CENTER		\$ -	\$ 44.99	\$ 44.99
073145	712	UNITED BANKCARD CENTER		\$ -	\$ 143.05	\$ 143.05
073145	712	UNITED BANKCARD CENTER		\$ -	\$ 174.20	\$ 174.20
073145	712	UNITED BANKCARD CENTER		\$ -	\$ 2,431.96	\$ 2,431.96
073145	716	UNITED BANKCARD CENTER		\$ -	\$ 56.88	\$ 56.88
073146	PAYROLL	WV BUREAU OF EMPLOYMENT		\$ -	\$ 6,671.25	\$ 6,671.25
TOTAL						\$ 115,046.06
TOTAL				\$ 18,551.00	\$ 96,495.06	\$ 115,046.06

Motion by Mr. Manuel to approve the Accounts Payable for October 16, 2014 in the amount of \$115,046.06. Motion seconded and unanimously approved.

PUBLIC COMMENT:

David Tabb, resident – provided the Commission with an update on his feelings about multiple County related topics.

PRESENTATIONS

1. Jennifer Myers, Director of Jefferson County Parks and Recreation – requested the release of the remaining funds in the Parks and Recreation Land Improvement account for Phase I development of James Hite Park.
 - **Motion by Mr. Manuel to approve the release of the remaining funds in the Parks and Recreation Land Improvement account for Phase I development of James Hite Park. Motion seconded and unanimously approved.**

2. Franklin Greenwalt, Citizen – requested a waiver of \$150.00 fee for a Board of Zoning Appeals Review of Variance.
 - **Motion by Ms. Noland to approve the request to waive the fee for a Board of Zoning Appeals Review of Variance, with the exception of the costs for two legal advertisements. Motion seconded and unanimously approved.**

3. Lynn Fields, Deputy Probate Clerk – requested the approval of estates opened since the last quarterly review and to close the estates that have met all statutory requirements.
 - **Motion by Ms. Noland to approve the newly opened estates and the closure of estates that have met all statutory requirements for this quarter. Motion seconded and unanimously approved.**

NEW BUSINESS

4. Request from the Maryland Geocaching Society to use the County Commission meeting room on Saturday, November 22, 2014 from 8:00 am – 10:00 am.
 - **Motion by Ms. Noland to approve the use of the County Commission meeting room by the Maryland Geocaching Society on Saturday, November 22, 2014 from 8-10 am. Motion seconded and unanimously approved.**
5. Possible appointment of two additional members to the Jefferson County Building Commission.
 - **Motion by Ms. Tabb to approve the advertisement of the two vacancies, and once qualified applicants have come forward, appoint two additional members to the Jefferson County Building Commission. Motion seconded and unanimously approved.**

FINANCIAL DIRECTOR REPORTS

- Approval/Signature of FY14 Audit Engagement Letter
 - **Motion by Ms. Tabb to approve the FY14 Audit Engagement Letter and authorize the President of the Commission to sign the appropriate documents. Motion seconded and unanimously approved.**
- State Budget Revision #5
 - **Motion by Mr. Manuel to approve State Budget Revision #5 as presented by Mr. Stanton. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

- Ambulance Fee Update – Ms. Keyser stated \$344,100 in ambulance fees have been collected to date. She also stated the Commission office has hired part-time help for the next two weeks to expedite the process of entering checks into the GST database.
- Community Communications Discussion – Ms. Keyser stated she believes more public outreach is needed beyond the County website and legal advertisements in the local newspapers, so she is hoping to form a Communications Committee with help from the different departments and contingent agencies, including the Development Authority and the Convention and Visitor's Bureau. Ms. Keyser hopes to explore the possibilities of Facebook, Twitter, and possibly a smart phone application so citizens may stay aware of the happenings in the County. Ms. Keyser also stated that, ideally, the launch of these social media sites would coincide with the launch of the new County website.

- Website Update – Ms. Keyser provided the Commission with a timeline of the progression of the new website with a final live launch estimated to occur in June 2015.
- FOIA Policy – Ms. Keyser provided the Commission with a copy of the FOIA policy to which she has made some changes. She asked the Commission to review the policy and e-mail her with any changes or suggestions, and she'd plan to place the policy on a future agenda for discussion/action.
- Chili Day and Cookie Exchange – Ms. Keyser stated that Chili Day was very successful this year with a total of fourteen contributors, and she thanked staff for their participation. Ms. Keyser also stated there was some interest in having a holiday cookie exchange in December and more information on that event would be forthcoming.
- Domestic Violence Awareness Month – Ms. Keyser reminded the Commission that October is Domestic Violence Month and stated two representatives from the Shenandoah Women's Center would be present during the October 30, 2014 Regular Meeting to present the Commission with a Proclamation on the issue.
- Pending Litigation – Ms. Keyser stated legal needed to meet with the Commission to provide an update on pending litigation. It was decided the Commission would meet on Thursday, October 23, 2014 at 12:30 pm prior to the Impact Fee workshop to discuss this matter in Executive Session.
- Email and Internet Outage – Ms. Keyser stated the downtown campus was without e-mail, internet, and access to shared drives on Tuesday, October 14 due to a power outage which caused a failure of the AS400. Ms. Keyser stated IT staff was working with SSI to hopefully prevent another occurrence.

COUNTY COMMISSIONERS' REPORTS

Jane Tabb

- Attended a PSD meeting.
- Attended a JCESA special meeting.
- Attended a Farmland Protection Board meeting.
- Attended an Extension Service Committee meeting.
- Attended Middleway Days.
- Participated in the Leadership Jefferson Ag Module.

Walt Pellish

- Attended "Meet Your Commissioners" at John's Diner.

Patsy Noland

- Attended "Meet Your Commissioners" at John's Diner.
- Attended the WVACO Fall Board Meeting in Morgantown.

- Attended a Region 9 meeting.
- Participated in a NACO Northeast Caucus Conference Call.
- Attended a 4-H Leaders meeting.

Dale Manuel

- Attended “Meet Your Commissioners” at John’s Diner.
- Attended a Parks and Recreation special meeting.
- Attended a Parks and Recreation regular meeting.
- Attended Employee Chili Day.
- Attended a Day Report Center meeting.
- Attended a Senior Center meeting.
- Attended a Jefferson Center meeting.
- Attended Middleway Days.
- Attended a Planning Commission meeting.
- Attended an E911 Advisory Board meeting.
- Attended the NAACP candidate forum.
- Attended a tour of the Stevenson Building.
- Attended the Sam Michael’s preschool fieldtrip to the Bakerton Fire Company.

6. The Commission meeting was adjourned at 11:02 a.m. on a motion by Mr. Manuel.
Motion was seconded and unanimously approved.

WALT PELLISH, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

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 October 23, 2014 at 12:30 pm (An audio file of the October 23, 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
 Roger Goodwin, Chief County Engineer
 Michelle Mason, Impact Fee Specialist
 Carson Bise, Impact Fee consultant for TischlerBise
 Jessica Carroll, Executive Administrative Assistant

RE: Workshop for the Jefferson County, West Virginia Impact Fees Recalculation and Fee Schedule Update Project

Commissioner Pellish called the meeting to order at 12:30 pm.

1. Stephanie Grove, Assistant Prosecuting Attorney - discussion of pending litigation in Executive Session, citing §6-9A-4.
 - **Motion by Ms. Widmyer to approve the settlement agreement as discussed in Executive Session for cases 313CV156 and 313CV95. Motion seconded but fails on a vote of 2-3 with Ms. Noland, Mr. Pellish, and Ms. Tabb opposing.**

PUBLIC COMMENT

Ward Ziggler, resident – urged the Commission to consider alleviating the school impact fees for age restricted communities and facilities, such as nursing homes, retirement communities and assisted living centers.

Jeff Plautz, resident and Treasurer of Independent Fire Company – stated he hoped the County would still continue to permit the volunteer fire companies to utilize impact fee monies to support their operations.

Walt Pellish, Commission President – asked the audience to wish Commissioner Noland a happy early birthday as her birthday is Friday, October 24.

2. Impact Fees Recalculation Project - Workshop between the County Commission, the consultant TischlerBise, county attorney, and representatives of the four impact fee entities (Schools, Parks and Recreation, Fire/EMS and Law Enforcement) – after discussing the data compiled by the Impact Fee Committee, it was the consensus of the Commission to request the Committee take another look at the numbers presented for raw land values, as the values presented seemed to be too high for the current economic climate.

The meeting was adjourned at 3:02 pm on a motion by Mr. Manuel. Motion was seconded and unanimously approved.

WALT PELLISH, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Executive Administrative Assistant

PURCHASE ORDERS TO BE APPROVED

October 30, 2014

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
EMERGENCY COMMUNICATIONS	52253	\$ 55,466.16	Motorola Solutions	Service Maint. Contract and Equipment
GRAND TOTAL		\$ 55,466.16		



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Pete Dougherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1st Choice: **October 30, 2014**
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Deputy First Class (DFC) Designation**

Please provide the County Commission with a description of your request or presentation, including any background information: Deputy Charles Hess is now eligible for his DFC designation and associated compensation. These amounts were reflected in my budget and this is not a request for additional funding.

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 Deputy Hess to Deputy First Class.

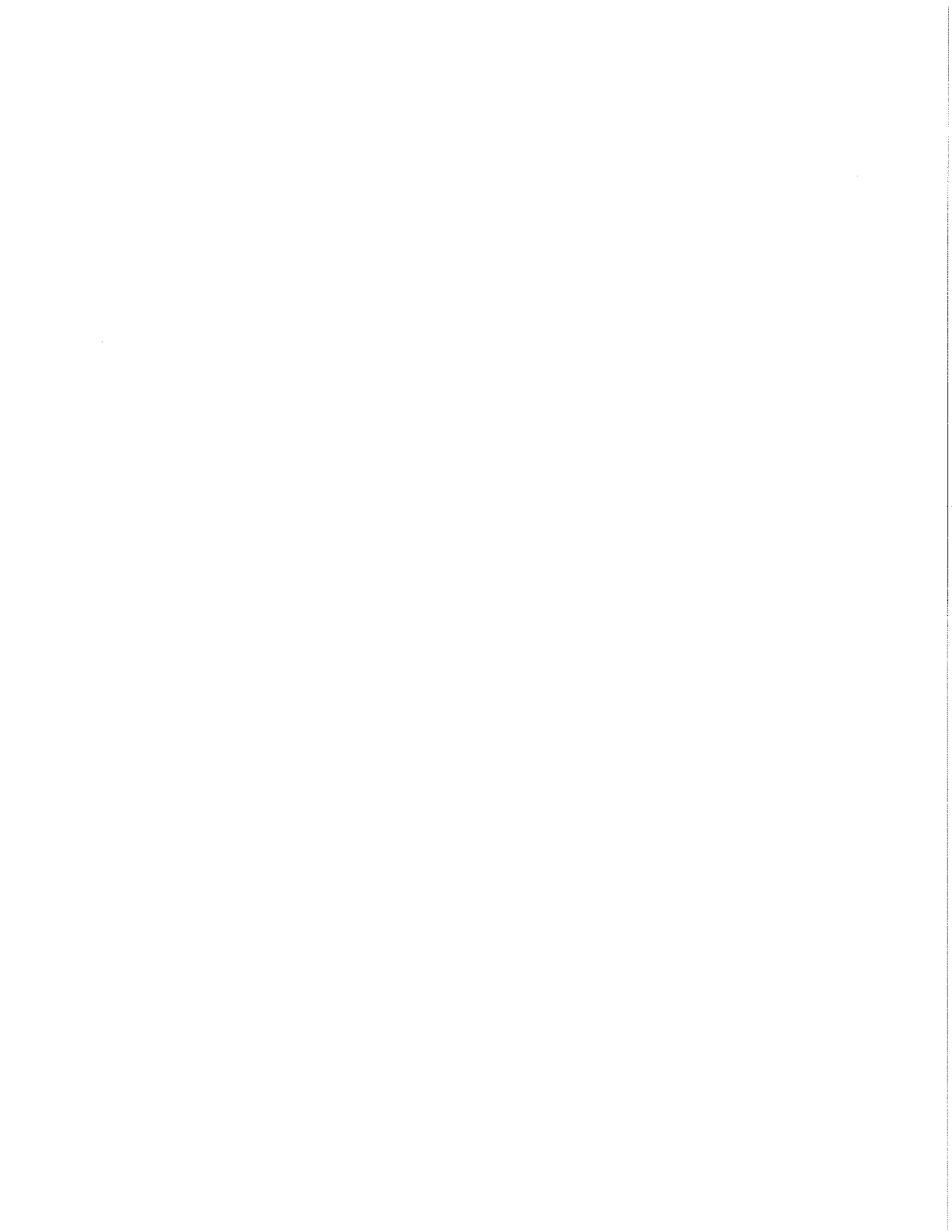
Attach supporting documents for request, or request may be denied.
If not attached, explain:

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

Contact information:
Email address: pdougherty@jcsdvw.com Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Teresa Schumate, Assistant Director of the Shenandoah Women's Center and Lisa Serriana, Jefferson County Outreach Worker

Department or Organization: **Shenandoah Women's Center**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **October 30, 2014**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Proclamation to declare October as Domestic Violence Awareness Month**

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 sign the proclamation declaring October as Domestic Violence Awareness Month.

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

A Proclamation

Whereas, 1 in every 4 women will experience domestic violence during her lifetime;

Whereas, 2/3 of all women murdered in West Virginia are killed by a family or household member;

Whereas, approximately 15.5 million children are exposed to domestic violence every year;

Whereas, every 9 minutes, a call is made to a domestic violence hotline in West Virginia;

Whereas, when a family member is abused, it can have long-term damaging effects on the victim that also leave a mark on family, friends, and the community at large;

Whereas, families are indispensable to a stable society, and they should be a place of support to instill responsibility and values in the next generation;

Whereas domestic violence is widespread and is devastating to society as a whole, but particularly women and children;

Whereas, violence against women and children is a prevalent social ill due to the historical imbalance of power in gender and age;

Whereas, the problem of domestic violence is not confined to any group or groups of people, but crosses all economic, racial, gender, educational, religious, and societal barriers, and is sustained by societal indifference;

Whereas, the crime of domestic violence violates an individual's privacy, dignity, security, and humanity due to the systematic use of physical, emotional, sexual, psychological, and economic control and/or abuse;

Whereas, victims should have help to find the compassion, comfort, and healing they need, and domestic abusers should be punished to the full extent of the law;

Whereas, victims of violence should have access to medical and legal services, counseling, transitional housing, and other supportive services so that they can escape the cycle of abuse;

Whereas, we encourage domestic violence victims and their families to seek assistance from licensed Domestic Violence resource centers like Shenandoah Women's Center of Berkeley, Jefferson and Morgan Counties (304-263-8292) and the National Domestic Violence Hotline (1-800-799-SAFE);

Whereas, it is important to recognize the compassion and dedication of the individuals who provide services to victims of domestic violence and work to increase public understanding of this significant problem;

Whereas, it is battered women themselves who have been in the forefront of efforts to bring peace, equality, and healing to our homes and communities;

Whereas, local programs, state coalitions, national organizations, and other agencies nationwide are committed to increasing public awareness of domestic violence and its prevalence, and to eliminating it through prevention and education;

Whereas, important partnerships have been formed among criminal and juvenile justice agencies, healthcare providers, allied professionals, and victim services to assist victims of domestic violence and their families;

Whereas, the United States President and Congress as well as other federal agencies have expressed a commitment to eliminating domestic violence both nationally and internationally;

Whereas, our Nation must dedicate ourselves to protecting vulnerable members of our society;

Whereas, our Nation has a moral obligation to work to prevent domestic violence and to address its brutal and destructive effects;

Whereas, our Nation must make ending domestic violence a national priority;

NOW THEREFORE, in recognition of the important work done by domestic violence programs and victims' service providers, I _____, of _____ County, WV do hereby proclaim the month of October 2014 as Domestic Violence Awareness Month and urge all citizens to actively participate in the scheduled activities and programs sponsored by the Shenandoah Women's Center to work towards the elimination of personal and institutional violence against women and girls.

Contact information for Shenandoah Women's Center:

Berkeley County: 304-263-8522

Jefferson County: 304-725-7080

Morgan County: 304-258-1078

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **October 30, 2014**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interviews and Appointment to the Jefferson County Community Criminal Justice Board: One three-year term ending July 03, 2017 for the position of Public Defender or Criminal Defense Attorney**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, October 16, 2014, or as soon thereafter as the Commission may decide:

Jefferson County Community Criminal Justice Board: one three-year term ending July 03, 2017 for the position of public defender or criminal defense attorney

From §62-11C-6 - Community Criminal Justice Board:

“(3) If a public defender corporation exists in the county represented at least one attorney employed by any public defender corporation existing in the county represented. or, if no public defender office exists, one criminal defence attorney from the county represented.”

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

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284 or you may contact Ronda Eddy, Executive Director of the Jefferson Day Report Center, at (304) 728-3527.

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

October 1 and October 8

THANKS - JEFFERSON COUNTY COMMISSION

DAVID A. CAMILLETTI
ATTORNEY AT LAW, LC

WWW.CAMILLETTILAW.COM

October 10, 2014

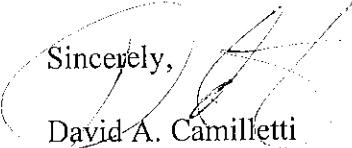
Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

RE: Criminal Justice Board

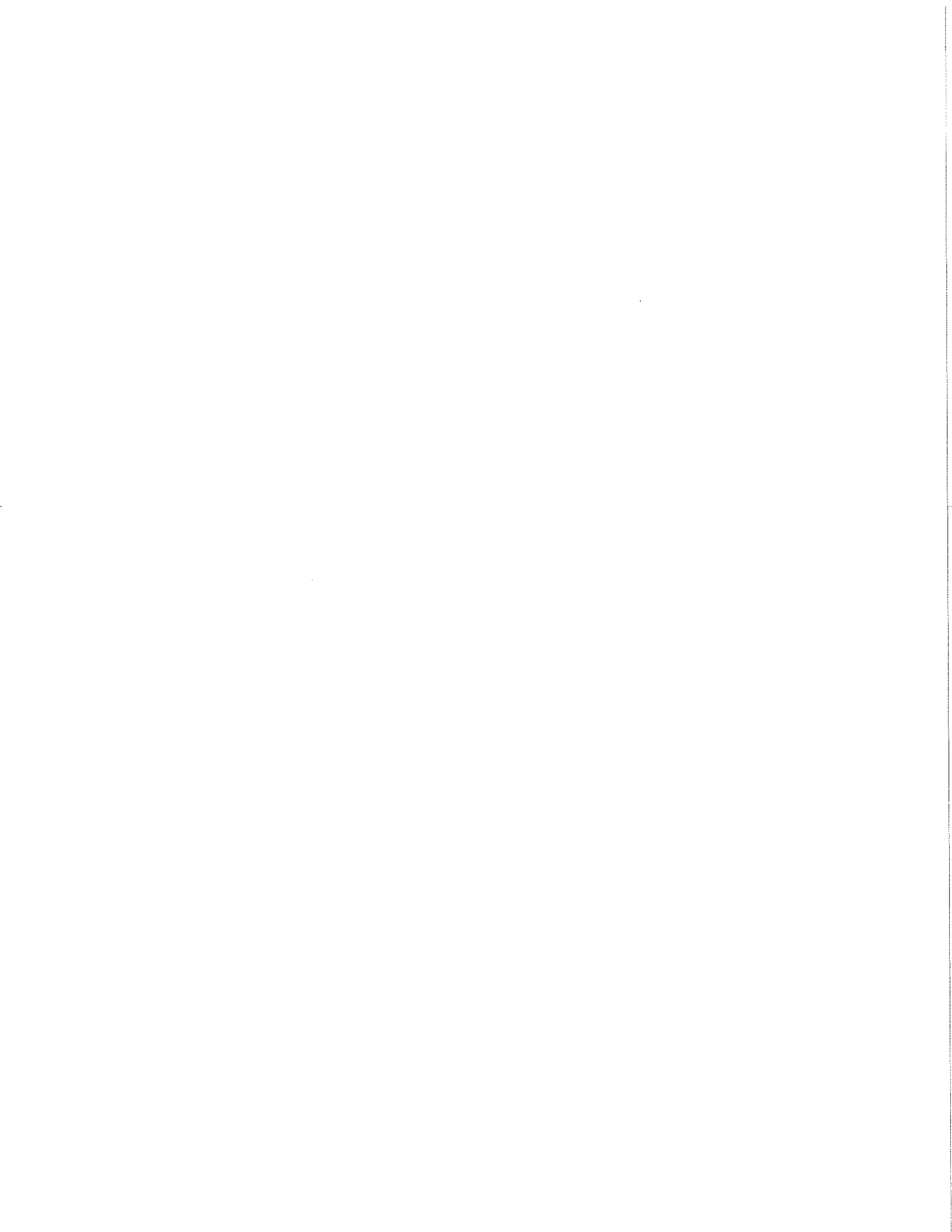
Dear Commission,

Please accept my request for consideration as a member of the Criminal Justice Board. I am applying as a local defense attorney from Jefferson County. As you all know I have been practicing criminal defense law in and around Jefferson County for over 20 years. My experience in all areas of the criminal justice system and my interest in promoting community programs for offenders makes this a logical next step for my involvement in our county.

Sincerely,



David A. Camilletti
Attorney at Law



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **October 30, 2014**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interviews and Appointment to the North Eastern Regional EMS, Inc. Board for one two-year term ending October 31, 2016.**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, October 30, 2014 , or as soon thereafter as the Commission may decide:

North Eastern Regional EMS, Inc. - one two-year term ending October 31, 2016.

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

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

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

October 15 and October 22

THANKS - JEFFERSON COUNTY COMMISSION

October 14, 2014

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

Dear Commissioners,

Please accept this letter as my formal request to be reappointed to the NEREMS, Inc. Board for another two year term.

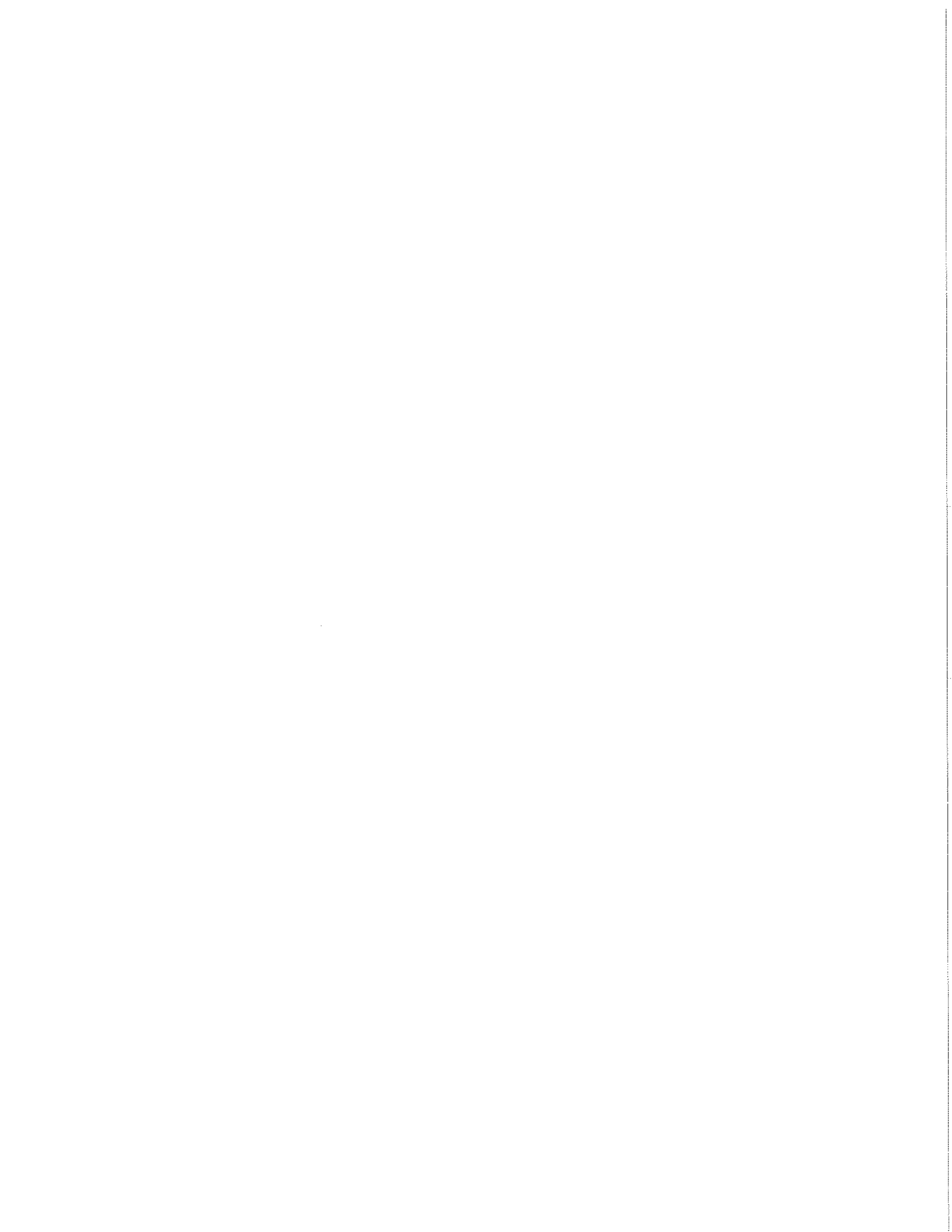
I believe with my experience in the emergency medical services arena for over forty years, I can be an asset to this Board to better the EMS services in the State of West Virginia.

Questions about my appointment, please contact me anytime.

Sincerely,

Douglas M Pittinger

Douglas M. Pittinger, Director
Jefferson County Emergency Services Agency



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: **October 30, 2014**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interview and Appointment to the HOME Consortium Council for one unexpired term ending June 30, 2016.**

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, June 19, 2014 , or as soon thereafter as the Commission may decide:

HOME Consortium Council - one unexpired term ending June 30, 2016

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

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

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

May 28 & June 4, 11

THANKS - JEFFERSON COUNTY COMMISSION

Marie Galazzi

October 20, 2014

76 Mountaineer Court
Charles Town, WV 25414

Jefferson County Commissioners
124 E. Washington Street
PO Box 250
Charles Town, WV 25414

Dear Commissioners Tabb, Pellish, Widmyer, Noland and Manuel:

I would like to be considered for membership, representing Jefferson County, on the **Eastern Panhandle Home Consortium of West Virginia**.

My experience with housing programs includes:

- Serving as executive director of Partnership for Affordable Housing, Inc.
- Overseeing the first-time homebuyer Housing Assistance Program for Jefferson County
- Managing the Homebuyer Education Program
- Managing the Homebuyer Credit Counseling Program
- Partnering with local non-profits' housing programs
- Coordinating a HUD self-help housing program
- Certified trained Homebuyer Counselor

Please let me know if there are any questions I may answer for you. I can be reached at marieg513@frontiernet.net, 304 728-4398 home or 304 671-5542 cell.

Sincerely,

Marie Galazzi

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Todd Fagan**

Department or Organization: **Jefferson County GIS/Addressing Office**

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1st Choice: **10/30/14**

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

Date Requested – 2nd Choice: 11/7/14

Subject (*Wording to be placed on agenda*): **Address Compliance Program within Municipalities**

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

Our office has completed a 3 ½ year Address Compliance Program to ensure proper address posting throughout all unincorporated County areas. Of nearly 19,000 addresses reviewed, our staff has brought well over 5,000 of these structures into compliance with County Ordinance regarding posting of valid address numbers. The program was a profound success that we all should be proud of. Emergency responders and citizens alike now enjoy the benefit of better property identification in the field.

Approximately 30% of all Jefferson County addresses lie within Municipal boundaries and were not subject to phase 1 of our program. Some town staff have reached out to our office to see if we could assist them with similar inspections and enforcement. We believe continuation of the program within the towns will provide great benefit to responders and town staff in these areas, while providing a valuable opportunity for the County to QA the remainder of our addressing and mapping data.

Staff is seeking approval to collaborate with each municipality; providing inspection, research and notification services while the Towns are responsible for research assistance, judgment calls and legal enforcement. We lay the ground work and, if necessary, Town staff handle violations and possible fines. Staff will present more details and answer Commission questions during the appointment presentation.

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*):

Move to approve continuation of the County's Address Compliance Program within Incorporated Towns pending approval from each Town's Council and cooperation with Town staff.

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

If not attached, explain: **Summary Outline of Plan attached on following pages**

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

Contact information: **Todd Fagan**

Email address: **tfagan@jeffersoncountywv.org**

Phone Number: **304-724-6759**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Jefferson County GIS/Addressing Office

DEPARTMENTAL MEMORANDUM

TO: Jefferson County Commission
Debbie Keyser, County Administrator

FROM: Todd Fagan, GIS Director

DATE: October 23rd, 2014

SUBJECT: Continuing the Address Compliance Program within Municipalities



(1) Address Compliance Program – Phase I (unincorporated County areas only)

- (a) Majority of field surveys are **100% complete**
- (b) 72% compliant on 1st field survey, raised to 99% or more after letters, communication and violation notices
- (c) **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, 9 filed).
- (d) Overwhelming positive results, <1% of non-compliant owners made it to Magistrate Court. 99% post their address accordingly.
- (e) 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.)

(2) Address Compliance Program – Phase II (incorporated Towns)

- (a) MUNICIPALITIES: Begin with the Town of Bolivar and seek approval from each municipality thereafter.
- (b) GOALS: Increase public awareness of important safety issue, increase compliance rate, and limit the potential for confusion or delays in future response to addresses in each of the 5 municipalities.
- (c) FIELD WORK: Inspect address numbers at driveway entrances and on structures to determine property compliance. Field surveys are also an opportunity to collect missing addresses (apartments or suites) or updated features like hydrants and roads, and to inspect for road sign conditions and site classification; commercial vs residential.
- (d) UPDATE MAPS: Update 911 map and show the compliance progress for each municipality.
- (e) COMMUNICATION: Communication & cooperation with the Town Councils and their staff.
- (f) ENFORCEMENT: Similar to Phase I, except criminal complaints will be handled by each Town/Corporation's Magistrate.
- (g) BENEFITS: Public safety, assist school bus drivers, assist county/city staff such as appraisers, inspectors, and emergency managers, assist USPS and other commercial deliveries. Additional benefit to assist voter registration, Sheriff's Tax Office and Assessor with mailing address errors.

(3) Town of Bolivar (pilot case)

- (a) Town Council has signed a resolution to support County staff to inspect and enforce the Jefferson County E9-1-1 Addressing Ordinance within their jurisdiction.
- (b) 587 address points to survey within the town limits.
- (c) Estimating 3-4 initial field surveys with approximately 150-200 address points in each survey.
- (d) Estimated time to complete = 6-10 FTE days over a 4 month period.
- (e) All Criminal Complaints will be handled by the Town Council.

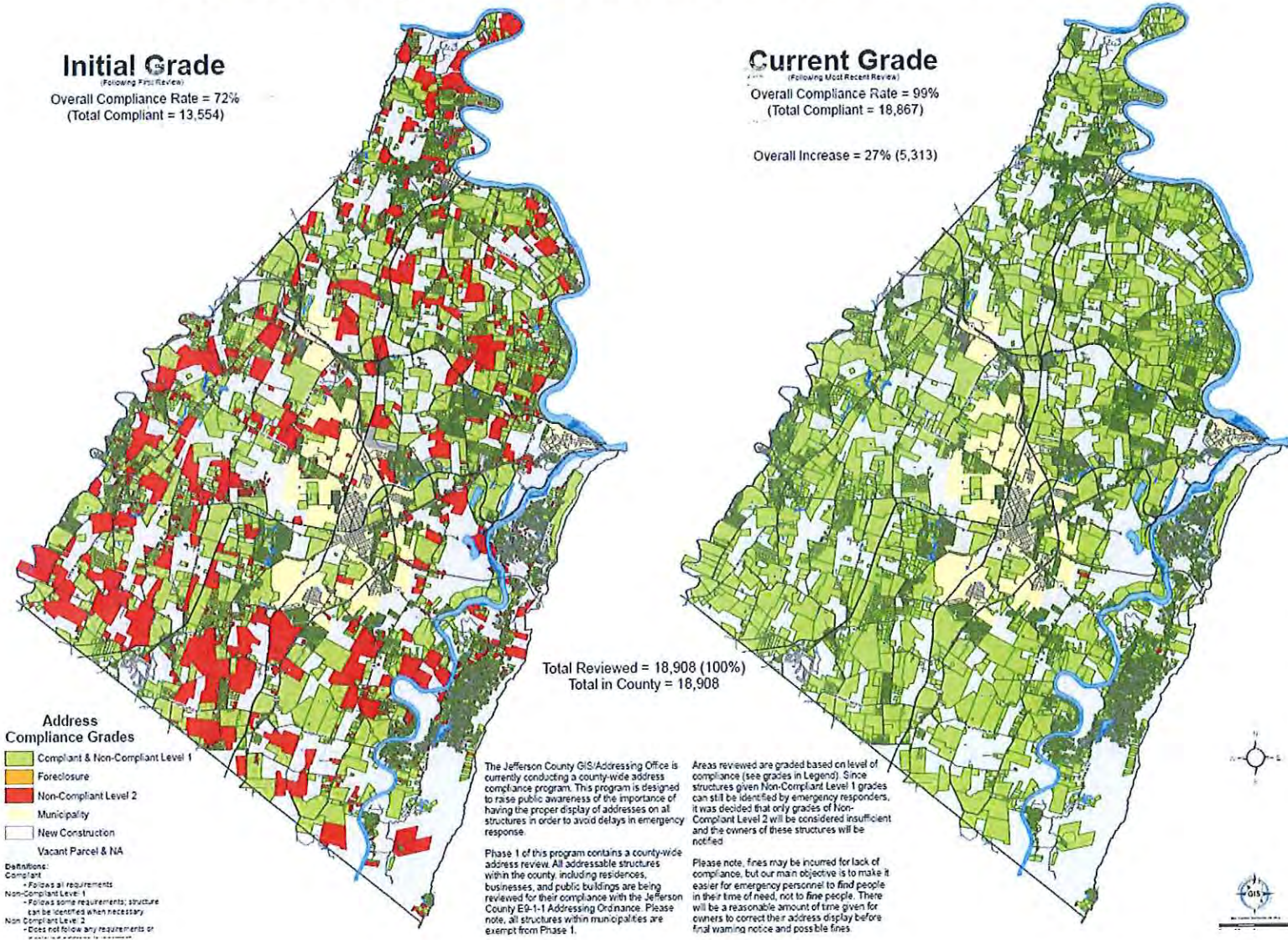
(4) Other Municipalities

MUNICIPALITY	Total Addresses	ESTIMATED TIME TO COMPLETE
BOLIVAR	587	6-10 DAYS OVER 4 MONTHS
HARPERS FERRY	277	3-5 DAYS OVER 4 MONTHS
SHEPHERDSTOWN	672	8-12 DAYS OVER 4 MONTHS
RANSON	2,427	12-15 DAYS OVER 8-9 MONTHS
CHARLES TOWN	2,775	15-18 DAYS OVER 10-12 MONTHS
TOTAL	6,738	~ 50 FTE days over period of 2-3 years to complete
Unincorporated Jefferson County	18,784	3.5 YEARS

(5) Summary

Address Compliance within the Towns is a natural progression and conclusion to Jefferson County's entire re-addressing effort, which started before our Ordinance adoption in 2002. If allowed to finish, we can be one of the few, if not only, counties in West Virginia to fully re-assign addresses and ensure that all property owners are aware of and compliant with new addresses. Our addressing data quality will be 100% assured and there will be very few errors remaining to potentially create confusion when identifying any structure for both emergency and non-emergency situations. This program was very successful in the County's unincorporated areas and we hope to identify and resolve any hidden issues within the Towns before they become a problem in a critical time of need.

Jefferson County Address Compliance Program - Phase 1 Status



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jennifer Brockman

Department or Organization: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: October 30, 2014
If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2nd Choice: November 6 or as determined by the County Commission

Subject (Wording to be placed on agenda): Summary of Public Comments Received on October 1, 2014 regarding ZTA 14-02 Mass Event/Seasonal Use Text Amendment (County Commission Public Hearing)

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

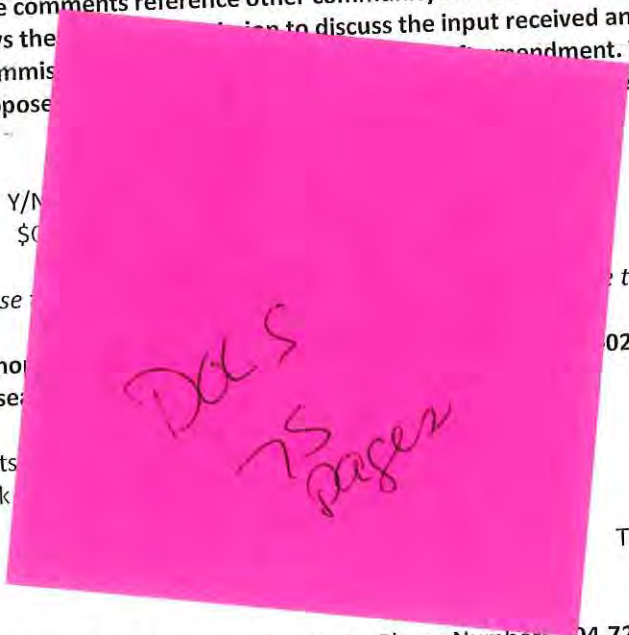
Attached is a summary of the Public Comments received verbally and/or in writing during the October 1, 2014 Public Hearing regarding the proposed Zoning Ordinance Text Amendment, ZTA 14-02 Mass Event/Seasonal Use. All written comments received are attached. Note that some comments reference other community ordinances which are not attached. Staff recommends that a workshop be set that allows the Commission to discuss the input received and to provide guidance to staff as to revisions that the County Commission should consider for the proposed amendment. The Commission should be aware that Legal has worked to revise the proposed amendment and may wish to include them in this workshop.

Is this a funding request? Y/N
If so, how much? \$0

(Please provide the Commission to approve):

ZTA 14-02 Zoning Ordinance Text Amendment

I move to schedule a workshop regarding mass events and seasonal use



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

Telephone for conference call Y/N No

Is equipment needed?

Contact information:
Email address: planningdepartment@jeffersoncountywv.org Phone Number: 504-728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

County Commission Public Hearing 10-01-14
ZTA 14-02 Mass Event/Seasonal Use Text Amendment

	COMMENT	County Commission Direction
1	<ul style="list-style-type: none"> • Consider Washington State’s provision regarding Outdoor Music Festivals <ul style="list-style-type: none"> ○ Grant County, Washington – Sasquatch Festival; 140 Ac 27,000 max attendees ○ due to size of facility (being expanded); ○ [Note: takes place in the Gorge Amphitheatre, a 20,000-seat concert venue located above the Columbia River Gorge in George, Washington] ○ 14’ roads, no shoulders – gave example from Washington State Law ○ Stated that draft inadequately addresses traffic issues Grant Co, WA requires: written confirmation from approving authority? ○ Not less than 20% commissioned police officers or deputy sheriffs (1/200 for crowd control – 1/1000 commissioned officer) • Recommends addressing traffic safety matters in the proposed amendment. 	<ul style="list-style-type: none"> •
2	<p>Expressed concerns re: public health as Chair, Board of Health</p> <ul style="list-style-type: none"> • Issues are population based: <ul style="list-style-type: none"> ○ Board of Health needs to know number of attendees with maximum upper limit to ensure that water, sewage, and camping is adequate ○ Also concerned with length of event as the BOH needs to be able to meet daily needs in addition the proposed event ○ Currently staffed with 3 of 4 sanitarian positions – sanitarians are difficult to find • Locations for such events impacts public health <ul style="list-style-type: none"> ○ Currently largest events in County are the demolition derbies at the Fair Grounds; the Fair; and the Arts and Crafts Festival – all occur on properties with some permanent facilities and for defined shorter time periods 	
3	<ul style="list-style-type: none"> • Shepherdstown Street Fest (annual one day festival) totaled 7,500 attendees in 2014 • Encourages ordinance to stay flexible vs absolutes (harder to deal with) • Encourages CC to pay attention to what PC has done. County does need an ordinance and agrees with most of what PC has proposed 	

4	<ul style="list-style-type: none"> • Referenced letter from Barbara Byrd, Clarke County Commission regarding the All Good Festival dated 09/19/14 • Referenced the Transylvania, South Carolina Ordinance • Opposed to a 3 a.m. sound curfew • Recommends repealing Seasonal Use provisions as stop gap • Bittenger vs. Bolivar said Building Permits could be issued separately from Zoning 	•
5	<ul style="list-style-type: none"> • In favor of the safety aspect of the ordinance • Would like to use the farm one week per year to sustain the farm and give the County the greenspace. • Agricultural uses for every \$1 in taxes, gets 5 cents • Community uses for every 45 cents in taxes, get \$1.00 back 	•
6	<ul style="list-style-type: none"> • Agriculture community existed centuries without much help (built roads, etc.) • If farm doesn't survive, it could be developed with 1000 + homes with cars & traffic. 	•
7	<ul style="list-style-type: none"> • If the festival meets a threshold, needs a team of people to be involved in an approval process from the Health Department, EMS, Law Enforcement, Division of Highways, etc. • Recommended implementing a team of experts to review each event 	•
8	<ul style="list-style-type: none"> • Generally supports the creation of Mass Gathering Regulations. Recommends that the regulations encourage larger events to sprout from or to bring their business to Jefferson County. • Maintain the allowance for variances within the ordinance; make determinations on a case-by-case basis. • Make regulations flexible. 	•
9	<ul style="list-style-type: none"> • Given the type of regulations for Mass Events, it would be more appropriate for the application to be heard in front of the Planning Commission rather than the Board of Zoning Appeals. 	
	<ul style="list-style-type: none"> • Day should be defined as noon to noon or 10:00 a.m. to 10:00 a.m. as opposed to midnight to midnight. With the current definition, almost half a day is lost for a multi-day event. 	
	<ul style="list-style-type: none"> • Add the caveat to Section 8.16.A.2: "unless the person signing is the manager or has the legal authority to sign for all Owners" 	
	<ul style="list-style-type: none"> • Reduce bond amount by 50% if a separate agreement to cover cost is signed with Sheriff. 	

	<ul style="list-style-type: none"> Section 8.16.A.5: Change noticing requirements to reflect "all properties within 1,000 feet of the mass event property"; or "All land owners who front the primary access routes where queuing may occur within 1 mile of the property." 	<ul style="list-style-type: none">
	<ul style="list-style-type: none"> Section 8.16.A.6.a Private contracts between non-governmental agencies should not have to be submitted as part of the public record. They are proprietary. It is premature to expect contracts between non-governmental agencies to be finalized by the public hearing. Suggests: address public and private entities in separate sections. Provide copies of the application to agencies and formalize agreements 30 days prior to the event. Suggests that the applicant submit in writing to the County the name of a licensed garbage removal company and towing company 30 days prior to the event. 	<ul style="list-style-type: none">
	<ul style="list-style-type: none"> Section 8.16.A.6.b Required permits and/or agreement must be submitted 30 days prior to the event. 	<ul style="list-style-type: none">
	<ul style="list-style-type: none"> Section 8.16.6.c - Recommends deleting this paragraph. 	
	<ul style="list-style-type: none"> Section 8.16.8 - Clarify what is the event fee 	
	<ul style="list-style-type: none"> Section 8.16.B.1 Change to "show all structures within 50' of the property line and all residential structures within 500' of the property line." 	<ul style="list-style-type: none">
	<ul style="list-style-type: none"> Section 8.16.B.4 All setbacks should be 50' from any property line and the noted distance from a residential structure. 	<ul style="list-style-type: none">
	<ul style="list-style-type: none"> Section 8.16.B.4.d - Change to "residential structures" 	
	<ul style="list-style-type: none"> Section 8.16.B.5 Change length of time for the event to seven (7) days. Examples: Boy Scout retreat, renaissance festival, or similar function. Last day of an event lasting more than four days would be restricted to departure activities only. 	<ul style="list-style-type: none">

10	Recommends a maximum number of participants. There should be a magnitude upper limit and a duration upper limit accepted by the organizer before County approval.	
	Recommends requiring a new application for each event, each year with a new impact assessment and BZA public hearing.	
	Recommends requiring monitoring and reporting noise levels at the edge of the event.	
	<ul style="list-style-type: none"> • Recommends organizing a team of personnel made up of personnel from the various Jefferson County Departments to determine if the departments have readily available personnel to handle a particular event. <ul style="list-style-type: none"> ○ Where are limits on size of event? ○ Who assesses impact on adjoining neighbors? ○ Who reassesses if number of attendees increases? ○ Who assesses capacity of acres, etc. of proposed property? 	•
11	<ul style="list-style-type: none"> • Concerns for potential traffic safety issues that would result from a mass event. 	
12	<ul style="list-style-type: none"> • Comments in opposition of the All Good Festival were also received (see attached) 	

Chapter 70.108 RCW OUTDOOR MUSIC FESTIVALS

Christy Huddle

RCW Sections

- 70.108.010 Legislative declaration.
- 70.108.020 Definitions.
- 70.108.030 Permits -- Required -- Compliance with rules and regulations.
- 70.108.040 Application for permit -- Contents -- Filing.
- 70.108.050 Approval or denial of permit -- Corrections -- Procedure -- Judicial review.
- 70.108.060 Reimbursement of expenses incurred in reviewing request.
- 70.108.070 Cash deposit -- Surety bond -- Insurance.
- 70.108.080 Revocation of permits.
- 70.108.090 Drugs prohibited.
- 70.108.100 Proximity to schools, churches, homes.
- 70.108.110 Age of patrons.
- 70.108.120 Permits -- Posting -- Transferability.
- 70.108.130 Penalty.
- 70.108.140 Inspection of books and records.
- 70.108.150 Firearms -- Penalty.
- 70.108.160 Preparations -- Completion requirements.
- 70.108.170 Local regulations and ordinances not precluded.

Notes:

Reviser's note: Throughout chapter 70.108 RCW the references to "this act" have been changed to "this chapter." "This act" [1971 ex.s. c 302] consists of this chapter, the 1971 amendments to RCW 9.40.110-9.40.130, 9.41.010, 9.41.070, 26.44.050, 70.74.135, 70.74.270, 70.74.280, and the enactment of RCW 9.27.015 and 9.91.110.

70.108.010

Legislative declaration.

The legislature hereby declares it to be the public interest, and for the protection of the health, welfare and property of the residents of the state of Washington to provide for the orderly and lawful conduct of outdoor music festivals by assuring that proper sanitary, health, fire, safety, and police measures are provided and maintained. This invocation of the police power is prompted by and based upon prior experience with outdoor music festivals where the enforcement of the existing laws and regulations on dangerous and narcotic drugs, indecent exposure, intoxicating liquor, and sanitation has been rendered most difficult by the flagrant violations thereof by a large number of festival patrons.

[1971 ex.s. c 302 § 19.]

Notes:

Severability -- 1971 ex.s. c 302: See note following RCW 9.41.010.

70.108.020

Definitions.

For the purposes of this chapter the following words and phrases shall have the indicated meanings:

(1) "Applicant" means the promoter who has the right of control of the conduct of an outdoor music festival who applies to the appropriate legislative authority for a license to hold an outdoor music festival.

(2) "Issuing authority" means the legislative body of the local governmental unit where the site for an outdoor music festival is located.

(3) "Outdoor music festival" or "music festival" or "festival" means an assembly of persons gathered primarily for outdoor, live or recorded musical entertainment, where the predicted attendance is two thousand persons or more and where the duration of the program is five hours or longer: PROVIDED, That this definition shall not be applied to any regularly established permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established places of assembly for assemblies which do not exceed by more than two hundred fifty people the maximum seating capacity of the structure where the assembly is held: PROVIDED, FURTHER, That this definition shall not apply to government sponsored fairs held on regularly established fairgrounds nor to assemblies required to be licensed under other laws or regulations of the state.

(4) "Participate" means to knowingly provide or deliver to the festival site supplies, materials, food, lumber, beverages, sound equipment, generators, or musical entertainment and/or to attend a music festival. A person shall be presumed to have knowingly provided as that phrase is used herein after he or she has been served with a court order.

(5) "Promoter" means any person or other legal entity issued a permit to conduct an outdoor music festival.

[2012 c 117 § 421; 1971 ex.s. c 302 § 21.]

Notes:

Reviser's note: The definitions in this section have been alphabetized pursuant to RCW 1.08.015(2) (k).

70.108.030

Permits — Required — Compliance with rules and regulations.

No person or other legal entity shall knowingly allow, conduct, hold, maintain, cause to be advertised or permit an outdoor music festival unless a valid permit has been obtained from the issuing authority for the operation of such music festival as provided for by this chapter. One such permit shall be required for each outdoor music festival. A permit may be granted for a period not to exceed sixteen consecutive days and a festival may be operated during any or all of the days within such period. Any person, persons, partnership, corporation, association, society, fraternal or social organization, failing to comply with the rules, regulations or conditions contained in this chapter shall be subject to the appropriate penalties as prescribed by this chapter.

[1971 ex.s. c 302 § 22.]

70.108.040

Application for permit — Contents — Filing.

Application for an outdoor music festival permit shall be in writing and filed with the clerk of the issuing authority wherein the festival is to be held. Said application shall be filed not less than ninety days prior to the first scheduled day of the festival and shall be accompanied with a permit fee in the amount of two thousand five hundred dollars. Said application shall include:

(1) The name of the person or other legal entity on behalf of whom said application is made: PROVIDED, That a natural person applying for such permit shall be eighteen years of age or older;

(2) A financial statement of the applicant;

(3) The nature of the business organization of the applicant;

(4) Names and addresses of all individuals or other entities having a ten percent or more proprietary interest in the festival;

(5) The principal place of business of applicant;

(6) A legal description of the land to be occupied, the name and address of the owner thereof, together with a document showing the consent of said owner to the issuance of a permit, if the land be owned by a person other than the applicant;

(7) The scheduled performances and program;

(8) Written confirmation from the local health officer that he or she has reviewed and approved plans for site and development in accordance with rules, regulations and standards adopted by the state board of health. Such rules and regulations shall include criteria as to the following and such other matters as the state board of health deems necessary to protect the public's health:

(a) Submission of plans

(b) Site

(c) Water supply

- (d) Sewage disposal
- (e) Food preparation facilities
- (f) Toilet facilities
- (g) Solid waste
- (h) Insect and rodent control
- (i) Shelter
- (j) Dust control
- (k) Lighting
- (l) Emergency medical facilities
- (m) Emergency air evacuation
- (n) Attendant physicians
- (o) Communication systems

Walker from
camping
(don't check
every vehicle)

Gorge 140 acres

Conditional use permit

no shoulder, 14' travel way

provide map to residents & how
to avoid

4 day Thurs - Tues

Licensed security company

14 lanes, foot traffic

(9) A written confirmation from the appropriate law enforcement agency from the area where the outdoor music festival is to take place, showing that traffic control and crowd protection policing have been contracted for or otherwise provided by the applicant meeting the following conditions:

(a) One person for each two hundred persons reasonably expected to be in attendance at any time during the event for purposes of traffic and crowd control.

(b) The names and addresses of all traffic and crowd control personnel shall be provided to the appropriate law enforcement authority: PROVIDED, That not less than twenty percent of the traffic and crowd control personnel shall be commissioned police officers or deputy sheriffs: PROVIDED FURTHER, That on and after February 25, 1972 any commissioned police officer or deputy sheriff who is employed and compensated by the promoter of an outdoor music festival shall not be eligible and shall not receive any benefits whatsoever from any public pension or disability plan of which he or she is a member for the time he is so employed or for any injuries received during the course of such employment.

(c) During the hours that the festival site shall be open to the public there shall be at least one regularly commissioned police officer employed by the jurisdiction wherein the festival site is located for every one thousand persons in attendance and said officer shall be on duty within the confines of the actual outdoor music festival site.

(d) All law enforcement personnel shall be charged with enforcing the provisions of this chapter and all existing statutes, ordinances and regulations.

(10) A written confirmation from the appropriate law enforcement authority that sufficient access roads are available for ingress and egress to the parking areas of the outdoor music festival site and that parking

emergency vehicles

2-3 on other 12 hrs.

270 vehicles / mile

4-5 miles on 1 rd

traffic study, certified engineer, hired

areas are available on the actual site of the festival or immediately adjacent thereto which are capable of accommodating one auto for every four persons in estimated attendance at the outdoor music festival site.

(11) A written confirmation from the department of natural resources, where applicable, and the chief of the Washington state patrol, through the director of fire protection, that all fire prevention requirements have been complied with.

(12) A written statement of the applicant that all state and local law enforcement officers, fire control officers and other necessary governmental personnel shall have free access to the site of the outdoor music festival.

(13) A statement that the applicant will abide by the provisions of this chapter.

(14) The verification of the applicant warranting the truth of the matters set forth in the application to the best of the applicant's knowledge, under the penalty of perjury.

[1995 c 369 § 59; 1986 c 266 § 120; 1972 ex.s. c 123 § 1; 1971 ex.s. c 302 § 23.]

Notes:

Effective date -- 1995 c 369: See note following RCW 43.43.930.

Severability -- 1986 c 266: See note following RCW 38.52.005.

70.108.050

Approval or denial of permit — Corrections — Procedure — Judicial review.

Within fifteen days after the filing of the application the issuing authority shall either approve or deny the permit to the applicant. Any denial shall set forth in detail the specific grounds therefor. The applicant shall have fifteen days after the receipt of such denial or such additional time as the issuing authority shall grant to correct the deficiencies set forth and the issuing authority shall within fifteen days after receipt of such corrections either approve or deny the permit. Any denial shall set forth in detail the specific grounds therefor.

After the applicant has filed corrections and the issuing authority has thereafter again denied the permit, the applicant may within five days after receipt of such second denial seek judicial review of such denial by filing a petition in the superior court for the county of the issuing authority. The review shall take precedence over all other civil actions and shall be conducted by the court without a jury. The court shall, upon request, hear oral argument and receive written briefs and shall either affirm the denial or order that the permit be issued. An applicant may not use any other procedure to obtain judicial review of a denial.

[1972 ex.s. c 123 § 2; 1971 ex.s. c 302 § 24.]

70.108.060

Reimbursement of expenses incurred in reviewing request.

Any local agency requested by an applicant to give written approval as required by RCW 70.108.040 may within fifteen days after the applicant has filed his or her application apply to the issuing authority for reimbursement of expenses reasonably incurred in reviewing such request. Upon a finding that such expenses were reasonably incurred, the issuing authority shall reimburse the local agency therefor from the funds of the permit fee. The issuing authority shall prior to the first scheduled date of the festival return to the applicant that portion of the permit fee remaining after all such reimbursements have been made.

[2012 c 117 § 422; 1971 ex.s. c 302 § 25.]

70.108.070

Cash deposit — Surety bond — Insurance.

After the application has been approved, the promoter shall deposit with the issuing authority, a cash deposit or surety bond. The bond or deposit shall be used to pay any costs or charges incurred to regulate health or to clean up afterwards outside the festival grounds or any extraordinary costs or charges incurred to regulate traffic or parking. The bond or other deposit shall be returned to the promoter when the issuing authority is satisfied that no claims for damage or loss will be made against said bond or deposit, or that the loss or damage claimed is less than the amount of the deposit, in which case the uncommitted balance thereof shall be returned: PROVIDED, That the bond or cash deposit or the uncommitted portion thereof shall be returned not later than thirty days after the last day of the festival.

In addition, the promoter shall be required to furnish evidence that he or she has in full force and effect a liability insurance policy in an amount of not less than one hundred thousand dollars bodily injury coverage per person covering any bodily injury negligently caused by any officer or employee of the festival while acting in the performance of his or her duties. The policy shall name the issuing authority of the permit as an additional named insured.

In addition, the promoter shall be required to furnish evidence that he or she has in full force and effect a one hundred thousand dollar liability property damage insurance policy covering any property damaged due to negligent failure by any officer or employee of the festival to carry out duties imposed by this chapter. The policy shall have the issuing authority of the permit as an additional named insured.

[2012 c 117 § 423; 1972 ex.s. c 123 § 3; 1971 ex.s. c 302 § 26.]

70.108.080

Revocation of permits.

Revocation of any permit granted pursuant to this chapter shall not preclude the imposition of penalties as provided for in this chapter and the laws of the state of Washington. Any permit granted pursuant to the provisions of this chapter to conduct a music festival shall be summarily revoked by the issuing authority when it finds that by reason of emergency the public peace, health, safety, morals or welfare can only be preserved and protected by such revocation.

Any permit granted pursuant to the provisions of this chapter to conduct a music festival may otherwise be revoked for any material violation of this chapter or the laws of the state of Washington after a hearing

held upon not less than three days notice served upon the promoter personally or by certified mail.

Every permit issued under the provisions of this chapter shall state that such permit is issued as a measure to protect and preserve the public peace, health, safety, morals and welfare, and that the right of the appropriate authority to revoke such permit is a consideration of its issuance.

[1971 ex.s. c 302 § 27.]

70.108.090

Drugs prohibited.

No person, persons, partnership, corporation, association, society, fraternal or social organization to whom a music festival permit has been granted shall, during the time an outdoor music festival is in operation, knowingly permit or allow any person to bring upon the premises of said music festival, any narcotic or dangerous drug as defined by chapters *69.33 or 69.40 RCW, or knowingly permit or allow narcotic or dangerous drug to be consumed on the premises, and no person shall take or carry onto said premises any narcotic or dangerous drug.

[1971 ex.s. c 302 § 28.]

Notes:

*Reviser's note: Chapter 69.33 RCW was repealed by 1971 ex.s. c 308 § 69.50.606.

70.108.100

Proximity to schools, churches, homes.

No music festival shall be operated in a location which is closer than one thousand yards from any schoolhouse or church, or five hundred yards from any house, residence or other human habitation unless waived by occupants.

[1971 ex.s. c 302 § 29.]

70.108.110

Age of patrons.

No person under the age of sixteen years shall be admitted to any outdoor music festival without the escort of his or her parents or legal guardian and proof of age shall be provided upon request.

[1971 ex.s. c 302 § 30.]

70.108.120

Permits — Posting — Transferability.

Any permit granted pursuant to this chapter shall be posted in a conspicuous place on the site of the outdoor music festival and such permit shall be not transferable or assignable without the consent of the issuing authority.

[1971 ex.s. c 302 § 31.]

70.108.130

Penalty.

(1) Except as otherwise provided in this section, any person who willfully fails to comply with the rules, regulations, and conditions set forth in this chapter or who aids or abets such a violation or failure to comply is guilty of a gross misdemeanor.

(2)(a) Except as provided in (b) of this subsection, violation of such a rule, regulation, or condition relating to traffic including parking, standing, stopping, and pedestrian offenses is a traffic infraction.

(b) Violation of such a rule, regulation, or condition equivalent to those provisions of Title 46 RCW set forth in RCW 46.63.020 is a misdemeanor.

[2003 c 53 § 359; 1979 ex.s. c 136 § 104; 1971 ex.s. c 302 § 32.]

Notes:

Intent -- Effective date -- 2003 c 53: See notes following RCW 2.48.180.

Effective date -- Severability -- 1979 ex.s. c 136: See notes following RCW 46.63.010.

70.108.140

Inspection of books and records.

The department of revenue shall be allowed to inspect the books and records of any outdoor music festival during the period of operation of the festival and after the festival has concluded for the purpose of determining whether or not the tax laws of this state are complied with.

[1972 ex.s. c 123 § 4.]

70.108.150

Firearms — Penalty.

It shall be unlawful for any person, except law enforcement officers, to carry, transport, or convey, or to have

in his or her possession or under his or her control any firearm while on the site of an outdoor music festival.

Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than one hundred dollars and not more than two hundred dollars or by imprisonment in the county jail for not less than ten days and not more than ninety days or by both such fine and imprisonment.

[2012 c 117 § 424; 1972 ex.s. c 123 § 5.]

70.108.160

Preparations — Completion requirements.

All preparations required to be made by the provisions of this chapter on the music festival site shall be completed thirty days prior to the first day scheduled for the festival. Upon such date or such earlier date when all preparations have been completed, the promoter shall notify the issuing authority thereof, and the issuing authority shall make an inspection of the festival site to determine if such preparations are in reasonably full compliance with plans submitted pursuant to RCW 70.108.040. If a material violation exists the issuing authority shall move to revoke the music festival permit in the manner provided by RCW 70.108.080.

[1972 ex.s. c 123 § 6.]

70.108.170

Local regulations and ordinances not precluded.

Nothing in this chapter shall be construed as precluding counties, cities and other political subdivisions of the state of Washington from enacting ordinances or regulations for the control and regulation of outdoor music festivals nor shall this chapter repeal any existing ordinances or regulations.

[1972 ex.s. c 123 § 7.]

HAND-DELIVERED 9/19/14

September 19, 2014

Jefferson County Commission
Charles Town, WV 25414

Re: Presentation time on the October 1, 2014 Agenda
(Mass Gathering Amendment to the Zoning Ordinance)

Dear President Pellish and Members of the Commission:

With respect to the Commission's Notice of Public Hearing referenced above, I respectfully request time on the October 1 agenda for both Douglas Rockwell and myself separately to discuss with the Commission different issues regarding the subject matter. I make this request for both of us and at Mr. Rockwell's request because we do not want to miss the deadline for the requests.

We are both residents of Jefferson County and enclose the following documents for your consideration:

1. Transylvania County, NC Mass Gathering Ordinance;
2. Amendment to Zoning Ordinance prepared by an Assistant Prosecuting Attorney;
3. Preston County Mass Gathering Ordinance pursuant to Code Section 7-1-3kk;
4. Proposed amendment to delete Section 9.8.

I also enclose:

1. My letter to the Commission of September 5, 2014 and enclosure for re-consideration;
2. The case of *Bittinger v. Bolivar*, 183 W.Va. 310, 395 S.E. 2d 554 (1990) which clearly permitted the Town of Bolivar to issue building permits separate and independent of "zoning", an analogous situation to the one at hand.

The following comments are mine alone and not to be attributed to Mr. Rockwell.

1. On February 20, 2014, the Commission allowed me to address a solution to the problem, to put it mildly, now facing County residents as a result of a proposed mass gathering.

2. At that time I told the Commission (and later in writing) that “All Good” was coming back and that the Commission had better do something to protect us from its ravages.
3. I urged the Commission to put a sixty (60) day deadline on the Planning Commission but you did not do so.
4. As Commissioner Widmyer observed on September 12, 2014, here we sit and nothing has been done.
5. Some would say that this is not about “All Good” and it should not be, but IT IS! As their local attorney told the Commission recently, “All Good” and some of their friends on the Planning Commission wrote what you now have as the Planning Commission’s recommendation. It is tailor-made for “All Good” and does nothing significant to protect County residents.
6. Please pardon me if the question arises: WHEN is this Commission going to take ACTION to PROTECT County residents and the County’s finances from the catastrophic effects of the proposed “All Good” event?!
7. Members of the Commission can take all the shots at me they want for saying this, but I wasn’t elected to protect the residents of Jefferson County, YOU WERE. I hope I’m wrong but I fear County residents will have to experience the devastation “All Good” brings with it before anything gets done.

Respectfully,



Robert D. Aitcheson
P.O. Box 188
Rippon, WV 25441
304-582-1997

Encl.

cc: Douglas S. Rockwell
P.O. Box 727
Charles Town, WV 25414

cc+enc: Stephanie Grove, Esq.

Transylvania County Mass Gathering Ordinance

TABLE OF CONTENTS

1. PURPOSE AND JURISDICTION:

The intent and purpose of this ordinance is to provide for the protection of the public health, public welfare and public safety of those person in attendance at mass gatherings held in the County and of those persons who attend or who reside near or are located in proximity to the sites of such mass gatherings or are directly affected thereby. This purpose is to be executed with due consideration to the fiscal implications of enforcing this ordinance. Nothing herein is intended or shall be used to impose any duties on Transylvania County for purposes of claims or causes of actions arising by a failure to properly execute this ordinance, and no third party shall have any claims related to the same.

The State of North Carolina grants to Transylvania County the Authority, power and jurisdiction over mass gatherings, as defined below, throughout the County of Transylvania.

2. DEFINITIONS:

AMPLIFICATION-Noises above and beyond the ordinary noises of the mass gathering area and which are caused by some sort of man-made noise enhancement system.

ATTENDEE- Any person who attends the event, whether for payment or not, who is not an employee or agent of the event sponsor, or who is not providing a public service associated with the event, and who is not a performer or service provider at the event.

BOARD OF HEALTH- The Transylvania County Board of Health.

BOND- This is the performance guarantee that is required to receive permission from Transylvania County to hold the mass gathering event within the County and shall be determined as set forth herein.

COUNTY MANAGER- The County Manager of Transylvania County.

ENVIRONMENTAL HEALTH SPECIALIST- Qualified Representative of the Transylvania County Board of Health.

RECEIVED

SEP 08 2014

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Effective 4/1/07

Page 1 of 14

EVENT SPONSOR- The person or company (also called the "Operator") responsible for the mass gathering (to be held liable for all Public Costs, claims, liabilities, or causes of action resulting from the mass gathering or any of its invitees or participants), including but not limited to the management of the event and the area, promotion, and/or collection of any fees charged. Event Sponsor is required to be on site and present at the event at all times.

EXEMPTIONS- Events sponsored or sanctioned by the City of Brevard, Brevard Chamber of Commerce, the Heart of Brevard, Brevard College, Transylvania Community Hospital TCH Foundation, The State of North Carolina, The United States of America, Transylvania County, Transylvania County Schools and Agencies, Religious Institutions any legally- recognized Not-for-Profit Organization, any not-for-profit events sponsored or sanctioned by Transylvania County, and any events with less than 300 attendees.

FINANCIAL ASSURANCES- Any form of insurance, bonding, financial capitalization, financial accountability or other assurances required by County, in its sole discretion, to insure that there will be compliance with this ordinance and to insure compliance with documents, plans and proposals submitted to the County by the Event Sponsor.

FEES-Application fees shall be charged by the County for all commercial mass gatherings unless otherwise exempt, in addition, to costs incurred by the County for a Mass gathering.

HEALTH DIRECTOR- The Health Director of Transylvania County or his/her authorized representative.

INELIGIBLE MASS GATHERING-

1. Any event that is substantially continuous for greater than or equal to fourteen (14) hours;
2. Any event that occurs in whole or in part before 9:00 am or after 11:00 pm (shall be presumed to have an adverse impact unless Event Sponsor demonstrates to the County, in the County's sole discretion, to the contrary);
3. Any event that has greater than 2000 total attendees;
4. Any event that has an adverse impact on the areas adjoining the mass gathering or the Transylvania County communities, or
5. Any event that falls within the definition of mass gathering, but for which no provisional and final applications have been made and approved (this event cannot be held in

this County).

MASS GATHERING- Any event that has between 300 to 2000 total attendees.

MASS GATHERING AREA- Any place maintained, operated, or used for mass gathering or assemblage (or by its attendees), except where the mass gathering is to occur within an established permanent stadium, arena, auditorium or other type of permanent building that is enclosed (and/or protected by a roof), floor and has sufficient existing permanent facilities (sanitary, parking, seating) to handle the number of attendees and other persons to be located in the area during the event.

NUISANCE- Means and includes any of the following:

1. Any public or private nuisance known at common law, North Carolina statute, or in equity.
2. Any attractive nuisance known at common law, North Carolina statute or in equity.
3. Any condition which violates local, state, or federal environmental or health laws, ordinances and/or regulations.
4. Any condition which violates the sensibilities of reasonable persons so as to pose a potential threat of harm to health or so as to pose a potential threat to the safety, use and/or enjoyment of the local environment.

PERSON- Any person, firm, corporation or other organization of any kind which holds, sponsors, organizes, conducts, or promotes, jointly or severally, a mass gathering.

PUBLIC COSTS- Those costs incurred directly or indirectly by the County in connection with a mass gathering that would not be incurred by the County if the mass gathering was not held.

REFUSE- All combustible and non-combustible putrescible and nonputrescible solid or liquid waste.

SANITARY FACILITIES- Toilets, privies, lavatories, urinals, drinking foundations and service facilities or rooms for the installation and use of these units.

SECURITY GUARD- Any person clearly identified by Event Sponsor as security personnel and if qualified as set forth herein.

3. PERMITTING PROCESS-APPLICANT

A. Provisional Permit –Greater than or equal to 60 days before mass gathering (“event”).

i. The Event Sponsor must present a completed Provisional Permit Application and seven (7) copies (See Exhibit A for a list of items to be included in this Application) to the County Manager sixty (60) days or more prior to the date of the scheduled event. ii. Transylvania County shall have exclusive jurisdiction and discretion to grant or refuse to grant a Provisional Permit under the terms and conditions set forth herein unless the event is exempt or ineligible, with the latter not allowed in this County. iii. Notwithstanding any other provision or condition in this ordinance to the contrary, the County does not have any discretion to approve an application if the following circumstances exist:

1. The event has a prior history of criminal behavior by its attendees, violations of this ordinance, substance abuse by its attendees, or other evidence of dangerous or improper behaviors for a public event so as to put members of the general public in danger.
2. The event or event sponsor has a past history or experience with environmental or health risks or problems at this or similar events.
3. The mass gathering area is not conducive to providing a safe, healthy, or functional area for the type of event or for the number of attendees and other persons to be present at the event.
4. The event sponsor is unable to obtain the required bonds and/or assurances.
5. The event sponsor does not complete all required applications.
6. The event sponsor and landowner do not have the required insurance to cover the event.
7. The event sponsor and landowner refuse to indemnify the County (its departments or cities) and hold it harmless from any and all liabilities, claims or causes of action resulting from the mass gathering event or the application process itself.

B. Application Plan and Conference-Provisional Permit-When the complete Provisional Permit (Application and Copies) has been presented, along with proof of ability to obtain financial assurances, then the process (a thirty [30] day process) for approval or denial of such application is as follows:

- i. Within seven (7) days of the tender of such application the County Manager shall submit the application to the following departments for an assessment of the application and for estimates of costs to be ultimately borne by the event sponsor.
 1. Transylvania County Health Department
 2. Transylvania County Sheriff
 3. Transylvania County Emergency Management
 4. Transylvania County 911
 5. Transylvania County Finance Director
 6. Transylvania County Solid Waste Department
 7. City of Brevard or City of Rosman if within those city limits.
 - ii. Within ten (10) days after the submission of the application by the County Manager, these departments or cities shall report to the County Manager as to whether or not the application is approved by that department or city and shall submit a cost estimate for the direct or indirect expenses (public costs) anticipated from that department or city with respect to that event.
 - iii. If a department or city does not approve the application, the County Manager shall contact the event sponsor within five (5) days of such denial, and shall give any stated reasons for such denial to the event sponsor, and the event sponsor shall have an additional five (5) days from the date of contact to fix or cure the reason(s) for such denial, evidence of which must be submitted in detailed writing to the County Manager who shall have the remaining three (3) days to determine if the revised plan cures the concerns of the department or city, and if it does not, the application will be automatically denied on the thirtieth (30th) day after receipt of the application.
 - iv. If the application is approved, event sponsor must immediately tender on the 30th day the bonds and assurances required herein.
 - v. The application fee for submission of the provisional application is \$1000, a nonrefundable fee.

C. Final Permit- The final permit may only be applied for after approval of the provisional permit and it must be applied for and received at least three (3) business days and at least 72 hours prior to the beginning of the event and the process is as follows (no final permit applications can be received less than three business days prior to dates in which County offices are not open):

- i. The Final Permit Application shall contain all of the information and shall comply with the checklists listed in Exhibit B.
- ii. The Final Permit Application shall require an additional \$500 fee.
- iii. The Final Permit Application cannot be accepted without proof of bonds and assurances as required herein.
- iv. Transylvania County may visit the site of the mass gathering area, which may be done within 72 hours of the receipt of this final application, to confirm that the information submitted in the provisional and final permit applications is accurate before giving final approval to hold the event.
- v. The County Manager shall contact the event sponsor within thirty six (36) hours of the beginning of the event, and if the application is denied, the County Manager will give reasons for the same and the event sponsor shall have up until twelve (12) hours before the event to correct any problems with the final permit application and the circumstances at the site of the mass gathering area.
- vi. Notwithstanding any other provision to the contrary, if the County Manager or the Board of Commissioners determines that the event is not in the best interest of the County (based on information not previously disclosed or reasonably known during the provisional permitting process,) its residents or those who visit the County, then the final permit may be denied in the County's discretion.
- vii. If ultimately denied, Event Sponsor shall make every reasonable attempt to notify the public in a timely manner.

D. Additional considerations for all permits, whether provisional or final-

The County Manager shall take into account the following factors (this not a comprehensive list but which is a list intended to guide the County Manager and its departments or the cities within the County when assessing an application for an eligible mass gathering event.) The following factors are intended to protect the health, welfare and safety of those attending mass gatherings, and of other persons who may be affected by mass gatherings.

- i. **Activity Area-** An activity area shall be provided of sufficient size to accommodate the estimated number of persons reasonably expected to be in attendance at any one time. The activity area is in addition to those areas required for parking and camping, and for a command post.

- ii. **Distance from Dwellings-** No part of the perimeter of the activity and camping areas shall be within 500 feet of any residence unless the occupant or owner has signed a written waiver. Notarized copies of any such waivers shall accompany the application. The waiver must be dated and can be no older than 12 months.
- iii. **Distance from Certain Public Water Supply Sources-** No part of the perimeters of the activity and camping areas shall be located within one mile of a Class I and Class II reservoir, as classified by NCDENR, Division of Environmental Health, Public Water Supply Section.
- iv. **Camping Area-** An area of adequate size, at least 100 square feet per person; shall be provided and dedicated for camping if those attending or some of those attending will be staying overnight. Such area shall be in addition to the areas provided for activities and parking.
- v. **Command Post-** An adequate command post at a conveniently accessible location approved by health, law enforcement and other relevant governmental agencies shall be provided for the use of said agencies. The command post shall consist of at least one building or mobile unit equipped with an adequate number of telephones, and other utilities, and an adequate number of parking spaces. The event sponsor shall insure access to it at all times by such governmental personnel.
- vi. **Ingress and Egress Roads; Entrances and Exits-** The event sponsor shall provide personnel and arrangements (to include obtaining permission) necessary to keep entrances and exits to public highways open to traffic at all times. The event sponsor shall make arrangements with private parties and/or consult with the N.C. Department of Transportation regarding adequate ingress and egress.
- vii. **Parking-** Parking facilities shall be provided off public roadways and rights-of-way sufficient to serve the reasonably expected requirements at a rate of up to 100 passenger cars per acre and 30 buses per acre. One parking space for cars shall be provided for each two people expected to attend. Camper class vehicles shall park in the camping area. Parking on shoulders of public highways shall not be permitted and temporary signs shall be erected by the applicant to so indicate.
- viii. **Plan for Limiting Attendance; Exclusion of Non-Ticket Holders; Crowd Control; Security Enforcement-** The application for permit shall be accompanied by a written plan for limiting attendance to the number stated in the application for permit, the exclusion of persons not holding tickets, and a written plan for security guards to be provided for

internal and external crowd control and security enforcement. The plan shall be accompanied by a written statement by the Sheriff or Chief of Police, or an authorized representative (depending on jurisdiction), that the plan meets the minimum requirements of this ordinance, or greater. The event sponsor shall execute the plan.

ix. Dust Control- The application shall be accompanied by a written plan for dust control. The event sponsor shall execute the plan. x.

Fire Prevention and Control- The application shall be accompanied by a written plan for fire prevention and control, to be approved by the Fire Marshal.

xi. Plans for Emergencies- The application shall be accompanied by written plans for dealing with emergency situations involving the occurrence of incident involving rapid evacuation, including arrangements for use of emergency egress roads, if deemed necessary by the County Manager.

xii. Provisions for Adequate Medical Care- The application for permit shall be accompanied by a written plan for the provision of adequate medical care, such plan having been approved in writing by a qualified licensed medical physician with expertise in the area of emergency medical management. At the time of inspection noted in this ordinance, the structure and all supplies and equipment provided for in the plan shall be in place or are guaranteed or planned, and the agreements and statements provided for in the plan shall be determined to be valid. The plan shall include provisions for:

1. At least one enclosed covered structure to be used as a medical treatment center. The structure shall provide at least a total of 400 square feet and have hot and cold running water under pressure from an approved source.
2. A list of medical supplies and equipment sufficient to support reasonably anticipated attendance at the mass gathering.
3. Notification of all general public hospitals within 20 miles of the mass gathering location as to the scheduled dates and anticipated attendance of the mass gathering. (ex.-Copies of certified letters).
4. The name and address of at least one licensed ambulance or EMS service to be responsible for providing emergency transportation. A signed, notarized statement by an official of the agency accepting this responsibility shall accompany the plan.

xiii. Water Supply-Water supplies shall meet the requirements in 15A NCAC 18A. 1700.

1. The water supply used shall be located, constructed, maintained and operated in accordance with the Commission for Health Services' rules governing water supplies. At least once a year, a sample of water shall be collected by an Environmental Health, Specialist and submitted to the Division of Laboratory Services or other laboratory certified by the Department of Environment & Natural Resources to perform bacteriological examinations. The water supply and the facilities for distributing and dispensing shall be provided with effective safeguards to prevent the introduction of hallucinogenic drugs or other contaminants.

2. Cross connections are prohibited. All plumbing fixtures for potable water shall be provided and installed as required by the North Carolina State Building Code.

3. If a new source of water supply is to be provided, the Application shall be accompanied by the necessary plans, engineer's report, and specifications (in triplicate) as required for review and approval by the Division of Environmental Health, Public Water Supply Section, and the application shall include plans, engineer's report, and specifications for an emergency source capable of supplying at least three gallons per day per person. If waster is to be hauled from an off-site source, storage facilities shall be provided in the area sufficient in volume to supply the needs of the gathering for its duration. Before being filled with water for use during the gathering, all such storage tanks shall be cleaned thoroughly, filled with clean water containing a chlorine residual of at least 100 parts per million, and, after a contact time of at least 24 hours, all such tanks shall be emptied. Subsequently and prior to the issuance of a permit, all such tanks shall be closed and locked so as to give positive protection against the introduction of contamination.

4. Water outlets shall be provided at an adequate number of convenient and readily accessible locations properly distributed throughout the activity and camping areas.

xiv. Toilet Facilities-Sewage Disposal

1. Sanitary toilet facilities shall be provided at an adequate number and readily accessible locations properly distributed throughout the activity and camping areas at a rate of not more than 100 persons per toilet seat.
 2. If chemical toilet rental service is to be employed, all toilets shall be so located as to be readily accessible by service vehicles and shall be serviced as often as necessary. Material removed from such toilets shall be disposed of in a public or community sewerage system, or in an approved area that has been permitted as a septage disposal site by NCDENR, Division of Water Management Disposal must be done by a permitted septage management company.
 3. If water carried sewage facilities are permitted, the sewer system shall be connected to a public or community sewerage system having waste water treatment facilities of adequate capacity to treat the flow of waste water from the mass gathering. The application shall be accompanied by a representative of the owner/operator of the treatment facility attesting to its adequacy. No sewage shall be discharged on the ground or into any watercourse.
- xv. Solid Waste Collection and Disposal-Facilities shall be provided for all solid wastes to be collected and stored in leak-proof, nonabsorbent containers, and all solid wastes shall be removed daily or more often if necessary and disposed of at the Transylvania County Landfill. Approved receptacles shall be provided at places conveniently located throughout the activity, camping and parking areas, and at each food service facility for the disposition of solid wastes. If bulk solid waste storage containers are used , at least two (2) containers of four(4) cubic yard capacity or greater, shall be provided per 1,000 persons in case of twice daily removal and these containers shall be so located as to be accessible to solid waste service vehicles.
- xvi. Food Dispensing-Sanitary food dispensing facilities shall be provided at accessible and convenient locations, and shall be maintained in a sanitary condition. Perishable food items dispensed from such facilities shall be limited to pre-packages items such as wrapped sandwiches, prepared in commercial establishments and under official supervision,

- and shall be dispensed in unbroken packages, provided that chicken, hamburgers, pork, hot dogs, etc. obtained from approved sources may be cooked and packaged at the site if all operations of preparation, cooking and packaging for dispensing to individuals are done inside an approved structure or vehicle, in a sanitary manner, and otherwise in compliance with 15A NCAC 18A.2600, "Rules Governing the Sanitation of Restaurants and Other Food Handling Establishments." Perishable foods shall be stored at or below 45°F, or in the frozen state, until heated or cooked immediately before serving.
- ii. Insect and Rodent Control- There shall be no fly or mosquito breeding places, rodent harborages, or undrained areas on the premises. Necessary measures shall be taken to control flies, mosquitoes, rodents or other vermin.
 - iii. Post-Gathering Cleanup- Within one week after the end of the gathering, all areas and immediate surrounding properties shall be cleaned of all litter and solid waste attributable to the mass gathering. Unless otherwise directed by the property owner, all temporary solid waste facilities and signs shall be removed.
 - iv. Noise Level at Perimeter- The application shall be accompanied by plans for amplifying equipment, which shall be so located and operated as to limit the noise level at the perimeter of the site to no more than 70 decibels on the A Scale of a sound level meter which meets the specifications of the American National Standards Institute. The application shall include a signed statement certifying that the noise level limit as herein specified shall not be exceeded.
 - v. Lighting- The application shall be accompanied by plans for lighting designed to illuminate the site, with such lighting to be adequate to illuminate the site and to be directed away from adjacent properties.
 - vi. Signs- Signs shall be posted throughout the area showing the location of toilet facilities, water supply outlets, solid waste receptacles, food stands, first aid facilities and the command post.
 - vii. Animals/Pets- Animals shall not be allowed, except for animals for the blind or handicapped. If the event is primarily for animal exhibition, then those animals being exhibited may be allowed in the County's discretion, however a plan shall be submitted, approved and executed for control and clean up of animal waste and disturbance.

4. DENIAL AND APPELLATE PROCESS (Only if a discretionary denial)

A. Appeals- The denial of a permit by the County Manager or his or her designee pursuant to the provisions of this ordinance may be appealed to the Board of County Commissioners by the applicant. Such appeal shall be in writing, filed with the Chairperson of the Board of County Commissioners within five (5) days of the mailing or personal service of the decision of the County Manager or his or her designee and must specify objections to the decision of the

County Manager or his or her designee. The Board of Commissioners for Transylvania County shall place this appeal on its agenda for its next scheduled Board meeting so long as it was received by them at least four (4) business days prior to the scheduled meeting. The event sponsor shall make him/her or itself aware of the next meeting and shall confirm receipt of the appeal and the scheduled agenda. If the Board of Commissioners determines that a permit should be issued, then they shall issue a permit. If the Board of Commissioners determines that a permit should not be issued, then they shall not issue the permit and shall notify the applicant in writing specifying the reason for the denial within a reasonable amount of time permitted.

5. ENFORCEMENT MECHANISMS-By presentation of an application, event sponsor and owner of the mass gathering area agree to the following enforcement mechanisms, as well as to all other enforcement remedies available to the County in law or in equity.

A. INJUNCTION- If any person shall violate or threaten to violate the provisions of this ordinance and any subsequent rules and regulations adopted pursuant thereto and such violation, if continued, or such threatened violation, if committed, is or may be dangerous to the public health, safety, or welfare, or if any person shall hinder or interfere with the County Manager (or any department or city) in the performance of his(her) duties, or representative, and such hindrance or interference is or may be dangerous to the public health, the County Manager may institute an action in the Superior Court of the county in which such violation, threatened violation, hindrance, or

interference, irrespective of all other remedies of law, and upon the institution of such an action, the procedure shall be in accordance with G.S. Article 37 of Chapter 1, and all future amendments. Event sponsor shall be responsible for all County costs for this action, including but not limited to attorneys' fees, court costs, expert fees, and all other direct or consequential costs related to the action.

B. CRIMINAL ENFORCEMENT- If there are applicable health, safety or environmental violations, then the County may recommend and enforce criminal prosecution against event sponsor and/or attendees or invitees, as allowed under the laws of the State of North Carolina and the United States of America.

C. ADMINISTRATIVE ENFORCEMENT- The County in its sole discretion, or through its departments and cities, may issue a NOTICE OF VIOLATION & ORDER OF COMPLIANCE, which shall be served to the owner of the property or the event sponsor (note that event sponsor must always be in the mass gathering area during the event) and the owner and/or event sponsor shall immediately cure the violation or the County, in its sole discretion, may close down the event and demand that all activities cease and that all persons be removed from the area. Nothing herein gives the owner or event sponsor any recourse against the County or its departments or cities for any damages, including but not limited to lost profits, for shutting down the event.

6. ALLOCATION OF COSTS-PROCESS-

The County, its departments and any cities who incur direct or indirect costs because of any mass gathering event shall hold the event sponsor responsible for paying such additional costs. The costs shall be determined under traditional cost-accounting methods and the invoice for such costs shall be immediately payable by event sponsor upon receipt. The County, its departments and any cities, shall be entitled to recover interest, penalties, court costs, attorneys' fees and any other reasonable costs for the enforcement of this provision.

7. POST-GATHERING PROCEDURES

- A. Clean-up. The applicant shall be responsible for placing all refuse in appropriate containers, making it ready for removal within twelve hours following the conclusion of the mass gathering.
- B. Post-gathering inspection. Within twelve (12) hours following the conclusion of the mass gathering, the Sherriff of Transylvania County shall cause an inspection to be made at the mass gathering site to determine compliance herein.
- C. Deposit, refund of bond termination. If the event sponsor has complied with all of the provisions herein, including clean up, the County Manager shall authorize return of the clean-up deposit (in an amount to be initially determined by the County Manager) shall be returned within five (5) days from such authorization.
- D. If, upon inspection, the County Manager determines that the event sponsor has failed to comply with the ordinance and specifically with these post-gathering procedures, the County Manager may cause trash and debris at the site to be placed in the appropriate containers, making it ready for removal. The event sponsor shall be responsible for the cost of such clean-up. The County may apply all or a portion of clean up deposit towards the clean-up cost incurred by the County.

8. BOND AND PUBLIC ASSURANCES-

- A. The event sponsor shall carry a public liability insurance policy (which shall name the County as additional insured) in the following amounts, which specifically covers this event: \$ 1,000,000 bodily injury per person; \$5,000,000 bodily injury per occurrence; and \$ 500,000 property damage per occurrence. Proof shall be required upon the approval of the provisional application.
- B. The event sponsor shall provide to County immediately upon approval of the provisional permit the following: a performance bond or some other surety in an amount of \$10 per attendee for the maximum number of attendees to be admitted per application.

9. ADDITIONAL PENALTIES-

In addition to the remedies noted above in Article 5 above, the following penalties may be assessed against any person or entity who willfully holds mass gatherings (or willfully fails to perform any requirement of this ordinance) as defined herein (or who holds an ineligible mass gathering): fines up to \$5,000 and/or imprisonment of up to 60 days. Any person who willfully violates this ordinance shall be guilty of a misdemeanor.

An Ordinance pursuant to WEST VIRGINIA CODE Section 7-1-3kk to eliminate hazards to public health and safety and abate public nuisances associated with temporary mass gatherings of people for entertainment events.

Be it enacted by the Preston County Commission,

An Ordinance to Regulate Mass Gatherings

It appearing to the County Commission (the Commission) of Preston County, West Virginia that it is authorized by Chapter 7, Article 1, Section 3kk of the Official Code of West Virginia, 1931, as amended, to enact ordinances, issue orders and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance, the Commission hereby adopts the following Ordinance which provides as follows:

(1) **Purpose**

The Commission **FINDS** that temporary mass gatherings of people to attend musical performances and other entertainment events have created a hazard to public health and safety and a public nuisance due to increased criminal activity, high levels of traffic congestion in the public roads surrounding such events, and high demands on police, emergency, and medical resources in Preston County.

(2) **Definitions**

For purposes of this Ordinance

"Mass gathering" is defined as any event which has more than 3,000 attendees who will reside at the event for 14 hours or more in temporary shelters that will be removed when the event has been completed.

"Temporary shelters" are defined as a non-permanent structure such as a tent which is designed to be easily removed and which is not assessed under West Virginia Law for tax purposes as either an improvement upon real property or as personal property.

Ex. 8

(3) **Permit Required**

No person, firm, corporation, or partnership, shall stage, promote, or conduct any entertainment event creating a "mass gathering" unless there shall have first been obtained a permit from the Commission. Applications for said permit shall be in writing, on forms provided by the County Clerk and filed with the County Clerk not more than one year but at least 30 days prior to the beginning of said entertainment event. Said Application shall have attached the plans, statements, approvals and other documents required by this Ordinance. The Commission anticipates that the application process may occur over time with some application requirements submitted earlier than others. However, the Commission will not act until all Application requirements have been submitted.

The Commission shall docket and act on said Application at the next regularly scheduled meeting held after all Application requirements have been filed which allows said matter to be docketed at least three business days before the Commission meeting.

(4) **Application Requirements**

The Application for permit shall include the following plans, statements, approvals, and documents:

a statement by the applicant of the date(s) and times for the event;

a statement by the applicant of the total number of tickets that will be provided for attendees whether sold or provided otherwise, the applicant's best reasonable estimate of the total expected persons in attendance at the event, and the applicant's certification that it will comply with all applicable state and local laws and regulations;

a statement of the name and addresses of the promoter of the event, the financial backing of the event, and the names of all persons that will perform at the event;

a statement of all lands upon which any part of the event will occur, and the names and addresses of all owner(s) of those lands;

a plan for adequate sanitation facilities and garbage, trash, and sewage disposal for the event which shall comply with all applicable state and local law and regulations which shall be approved by the County Health Department;

a plan for providing food and water for persons attending the event which shall comply with all applicable state and local law and regulations which shall be approved by the County Health Department;

a plan for providing adequate medical care for persons attending the event which shall be approved by the Director of the Office of Emergency Management for the County;

a plan for providing adequate security and traffic control for the event including surrounding roads which shall be approved by the Sheriff of Preston County;

a list of all vendors that will be providing goods or services to the event and documentation showing that they are legally certified and licensed to do business in West Virginia.

(5) **Deposit Required**

A deposit in an amount sufficient to cover the cost of additional police, emergency, and medical resources which shall be paid to the Commission when the Application is finally approved by the Commission. Said deposit will be determined as follows:

3,000 to 9,999 attendees	\$1 per person per day
10,000 to 19,999 attendees	\$1.25 per person per day
20,000 to 39,999 attendees	\$1.50 per person per day

40,000 or greater attendees

\$1.75 per person per day

(6) Geographical Coverage

This Ordinance applies to all geographical areas of Preston County, West Virginia, whether inside or outside the boundaries of any municipal corporation. Provided: this Ordinance shall not be construed as prohibiting a municipal corporation from lawfully adopting a municipal ordinance with greater protections against the hazards addressed by this Ordinance, to the extent allowed by the laws of this State.

(7) Severability

In the event that any court declares any provision of this Ordinance to be unenforceable, said declaration shall not be construed as invalidating the remaining provisions.

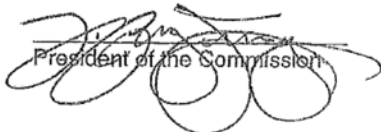
(8) Civil Sanctions


The Commission shall have the right to revoke any permit granted under this Ordinance and prohibit the Applicant from obtaining any future permits after appropriate notice and hearing for the Applicant if there are violations of any portion of the Ordinance; In addition, the Commission may seek injunctive relief in the Circuit Court of Preston County for public nuisance if there are violations of any portion of the Ordinance.

(9) Criminal Violations

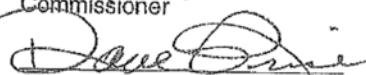
Any person, firm, corporation, or partnership which willfully violates any portion of this Ordinance shall upon conviction be subject to a jail sentence of not more than 12 months and/or a fine not to exceed \$25,000 by the Preston County Magistrate Court.

Adopted this 24 day of January 2011,
effective immediately upon passage.

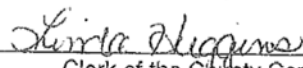

President of the Commission



Commissioner



Commissioner

Attest: 

Clerk of the County Commission

IN THE SUPREME COURT OF APPEALS OF WEST VIRGINIA

September 2000 Term

FILED

December 12, 2000
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

No. 27913

RELEASED

December 13, 2000
RORY L. PERRY II, CLERK
SUPREME COURT OF APPEALS
OF WEST VIRGINIA

STATE OF WEST VIRGINIA EX REL. ANITA D. BROWN,
EXECUTRIX OF THE ESTATE OF DIXIE D. KILHAM,
Petitioner

PAUL L. ASHBAUGH,
Intervenor

v.

THE CORPORATION OF BOLIVAR,
A WEST VIRGINIA MUNICIPALITY,
Respondent

Petition for Writ of Prohibition/Mandamus

WRIT GRANTED AS MOULDED AND REMANDED

Submitted: November 28, 2000

Filed: December 12, 2000

F. Samuel Byrer, Esq.
Nichols and Skinner
Charles Town, West Virginia
Attorney for Petitioner

Richard G. Gay, Esq.
Berkeley Springs, West Virginia

Attorney for Intervenor

Charles B. Howard, Esq.
Charles Town, West Virginia
Attorney for Respondent

The Opinion of the Court was delivered PER CURIAM.

SYLLABUS BY THE COURT

1. “The writ of prohibition lies from a superior court not only to inferior judicial tribunals properly and technically so denominated but also to inferior ministerial tribunals possessing incidentally judicial powers, such as are known in the law as quasi judicial tribunals, and even in extreme cases to purely ministerial bodies, when they attempt to usurp judicial functions.’ Point 1 Syllabus, *Fleming v. Commissioners*, 31 W.Va. 608 [8 S.E. 267].” Syllabus Point 1, *State ex rel. City of Huntington v. Lombardo*, 149 W.Va. 671, 143 S.E.2d 535 (1965).

2. “A writ of mandamus will not issue unless three elements coexist—(1) a clear legal right in the petitioner to the relief sought; (2) a legal duty on the part of respondent to do the thing which the petitioner seeks to compel; and (3) the absence of another adequate remedy.” Syllabus Point 2, *State ex rel. Kucera v. City of Wheeling*, 153 W.Va. 538, 170 S.E.2d 367 (1969).

3. “In order to suspend the operation of an ordinance, the ordinance must be repealed or succeeded by another ordinance or an instrument of equal dignity.” Syllabus Point 3, *Bittinger v. Corporation of Bolivar*, 183 W.Va. 310, 395 S.E.2d 554 (1990).

4. “Costs and attorney’s fees may be awarded in mandamus proceedings involving public officials because citizens should not have to resort to lawsuits to force government officials to perform their legally prescribed nondiscretionary duties.” Syllabus Point 1, *State ex rel. Highlands Conservancy, Inc. v. West Virginia Div. of Environmental Protection*, 193 W.Va. 650, 458 S.E.2d 88 (1995).

5. “Attorney’s fees may be awarded to a prevailing petitioner in a mandamus action in two general contexts: (1) where a public official has deliberately and knowingly refused to exercise a

clear legal duty, and (2) where a public official has failed to exercise a clear legal duty, although the failure was not the result of a decision to knowingly disregard a legal command.” Syllabus Point 2, *State ex rel. Highlands Conservancy, Inc. v. West Virginia Div. of Environmental Protection*, 193 W.Va. 650, 458 S.E.2d 88 (1995).

6. “Where a public official has deliberately and knowingly refused to exercise a clear legal duty, a presumption exists in favor of an award of attorney’s fees; unless extraordinary circumstances indicate an award would be inappropriate, attorney’s fees will be allowed.” Syllabus Point 3, *State ex rel. Highlands Conservancy, Inc. v. West Virginia Div. of Environmental Protection*, 193 W.Va. 650, 458 S.E.2d 88 (1995).

Per Curiam:

This case is before this Court upon a petition for a writ of prohibition and/or writ of mandamus filed by the petitioner, Anita D. Brown, executrix of the Estate of Dixie D. Kilham, deceased, against the respondent, the Corporation of Bolivar, a municipality located in Jefferson County, West Virginia (hereinafter “Bolivar”). Ms. Brown claims that Bolivar unlawfully passed a resolution on December 7, 1999, adopting a nine-month moratorium on the issuance of any building permits, both residential and commercial. Ms. Brown requests that Bolivar be ordered to issue building permits under the ordinance that was in effect prior to the moratorium and that Bolivar be prohibited from adopting similar moratoriums in the future. She also requests that she be awarded reasonable attorney fees and costs for this matter. We issued a rule to show cause, and now, for the reasons set forth below, grant the writ as moulded and remand this case to the Circuit Court of Jefferson County.

I.

Dixie D. Kilham died on August 15, 1998, and the petitioner, Ms. Brown, was qualified as executrix of his estate on August 24, 1998. At the time of his death, Mr. Kilham owned a considerable amount of real estate in Jefferson County, West Virginia, and in the state of Maryland. Several parcels of the real estate in Jefferson County were located in the town of Bolivar. At the time of Mr. Kilham’s death, his property in Bolivar was appraised at approximately \$800,000.00.

In administering the estate, Ms. Brown negotiated a settlement agreement with the Internal Revenue Service (hereinafter “the IRS”) with regard to the federal estate tax liability. The agreement between the estate and the IRS provided that the estate would pay the IRS fifty-five percent of the value of each piece of property as appraised, including the real estate located in Bolivar. Ms. Brown paid the corresponding West Virginia tax liability which was approximately \$675,000.00.

Thereafter, Ms. Brown proceeded to market the real estate located in Bolivar so that she could discharge the estate’s obligation to the IRS. At the same time, the Bolivar town council passed a resolution adopting a nine-month moratorium on the issuance of any building permits applied for in the town, both residential and commercial. The stated purpose of the moratorium was to study and evaluate the building and zoning ordinance of Bolivar.

Ms. Brown attended the second reading of the resolution adopting the moratorium and argued that the moratorium was void and would interfere with the sale of the estate’s property and her fiduciary duties. Nonetheless, the town council of Bolivar adopted the moratorium on December 7, 1999.

Ms. Brown filed this petition for a writ of prohibition and/or writ of mandamus on July 7, 2000. That same day, the town council of Bolivar passed a new Planning and Zoning Ordinance thereby ending the moratorium. The new ordinance now governs the application process for residential and commercial building permits.

On September 29, 2000, this Court granted a motion to intervene filed by Paul L. Ashbaugh. Mr. Ashbaugh also owns property in Bolivar. He purchased the property for the purpose of constructing a housing development. Mr. Ashbaugh claims that under the prior ordinance, he would have been permitted to divide his property into twenty-five lots. Pursuant to the new ordinance adopted by Bolivar on July 7, 2000, Mr. Ashbaugh will only be able to construct a subdivision with nine lots. Mr. Ashbaugh also claims the moratorium adopted on December 7, 1999, was unlawful.

II.

We begin by noting that generally “[p]rohibition lies only to restrain inferior courts from proceeding in causes over which they have no jurisdiction, or, in which, having jurisdiction, they are exceeding their legitimate powers and may not be used as a substitute for [a petition for appeal] or certiorari.” Syllabus Point 1, *Crawford v. Taylor*, 138 W.Va. 207, 75 S.E.2d 370 (1953). However, this Court has also held that,

“The writ of prohibition lies from a superior court not only to inferior judicial tribunals properly and technically so denominated but also to inferior ministerial tribunals possessing incidentally judicial powers, such as are known in the law as quasi judicial tribunals, and even in extreme cases to purely ministerial bodies, when they attempt to usurp judicial functions.” Point 1 Syllabus, *Fleming v. Commissioners*, 31 W.Va. 608 [8 S.E. 267].

Syllabus Point 1, *State ex rel. City of Huntington v. Lombardo*, 149 W.Va. 671, 143 S.E.2d 535 (1965). By contrast, “[a] writ of mandamus will not issue unless three elements coexist--(1) a clear legal right in the petitioner to the relief sought; (2) a legal duty on the part of respondent to do the thing which

the petitioner seeks to compel; and (3) the absence of another adequate remedy.” Syllabus Point 2, *State ex rel. Kucera v. City of Wheeling*, 153 W.Va. 538, 170 S.E.2d 367 (1969).

Both Ms. Brown and Mr. Ashbaugh claim that the moratorium adopted by Bolivar on December 7, 1999, is unlawful pursuant to this Court’s decision in *Bittinger v. Corporation of Bolivar*, 183 W.Va. 310, 395 S.E.2d 554 (1990). We agree. *Bittinger* also involved the town of Bolivar and a similar moratorium on the issuance of building permits.

In *Bittinger*, Bolivar adopted a resolution which placed a ninety-day moratorium on the issuance of all building permits. The moratorium was later extended for an additional sixty days, during which the town council adopted a new ordinance establishing a review process for construction within Bolivar. The council specified certain requirements that had to be met in order to apply for and receive a building permit.

As a result of the moratorium, Steven Bittinger and Douglas Alexander, d/b/a Cornerstone Properties, were denied twenty building permits for a subdivision they were in the process of developing. Prior to the moratorium, Cornerstone Properties had obtained twelve building permits for the subdivision. Bittinger and Alexander filed a petition for a writ of mandamus in the Circuit Court of Jefferson County requesting that Bolivar be ordered to issue the building permits. Ultimately, the circuit court denied the writ of mandamus and upheld the new ordinance. Thereafter, the petitioners filed an appeal with this Court

After reviewing the record, the new ordinance in question, and the applicable case law, this Court concluded that there is “no authority which would permit a town council to impose a blanket moratorium on a valid ordinance.” *Bittinger*, 183 W.Va at 314, 395 W.Va. at 558. Except for emergency situations as set forth in W.Va. Code § 8-11-4(c) (1969), “[g]enerally, the requirements of an ordinance governing procedure for the adoption of another ordinance cannot be waived, suspended or repealed by motion.” *Id.*, quoting *Hukle v. City of Huntington*, 134 W.Va. 249, 255-56, 58 S.E.2d 780, 784 (1950). As this Court further explained,

“the ordinance of a municipal corporation may not be repealed by mere motion or resolution, nor can the operation of the ordinance be suspended by a resolution or by the acts of municipal officers A suspension, to be effective. . . . [must be] by an instrument of equal dignity, i.e. an ordinance.”

Id. Accordingly, this Court held in Syllabus Point 3 of *Bittinger* that “[i]n order to suspend the operation of an ordinance, the ordinance must be repealed or succeeded by another ordinance or an instrument of equal dignity.”

Despite this Court’s decision in *Bittinger*, the town council of Bolivar has once again declared a moratorium on a valid ordinance. This moratorium which was intended to last for nine months ended on July 7, 2000, seven months after it began, when the town council enacted a new ordinance. Undoubtedly, this action was prompted by the filing of the petition for a writ of prohibition and/or mandamus by Ms. Brown. Contrary to the assertions made by Bolivar in its brief filed with this Court on July 17, 2000, the enactment of the new ordinance on July 7, 2000, did not render this case moot. The town of Bolivar clearly exercised a power it did not possess when it adopted the moratorium on December

7, 1999. Therefore, we find that the moratorium is void as a matter of law and once again instruct the town of Bolivar that it may not suspend the operation of a valid ordinance by adopting a blanket moratorium.

Having found that the December 7, 1999 moratorium is void, we must now determine the appropriate remedy for Ms. Brown and Mr. Ashbaugh. Clearly under *Bittinger*, Ms. Brown, Mr. Ashbaugh, or any other applicant is entitled to have any applications for building permits which were submitted within the moratorium period considered under the ordinance existing at the time and granted, if the ordinance as written would permit. *Bittinger*, 183 W.Va. at 315, 395 S.E.2d at 559. However, based upon Ms. Brown's petition, it does not appear that she requested a building permit during the moratorium. As noted above, Ms. Brown was attempting to sell the estate's property in order to discharge the estate's obligation to the IRS. Ms. Brown claims that the moratorium interfered with her ability to market the real estate.

The facts of this case are similar to those in *Carter v. City of Salina*, 773 F.2d 251 (10th Cir. 1985). *Carter* involved certain property located in Salina, Utah, which was purchased by Thomas and Mary Carter in 1963. At the time the Carters bought the property, Salina was unzoned. In 1981, the Carters sought to sell their property and attempted to list the property as commercial real estate to attract a higher sales price. At that time, the Carters learned that Salina had enacted a zoning ordinance in 1973, and that their property was now classified as residential.

In early 1982, a potential purchaser offered the Carters \$90,000.00 for the property on the condition that it be rezoned from residential to commercial. The purchaser intended to operate a restaurant upon the property. However, the city denied the request to rezone the property, and the offer to purchase the property was withdrawn. Subsequently, the Carters filed a lawsuit against Salina seeking monetary relief in the amount of \$90,000.00 plus interest, and an order setting aside the 1973 zoning ordinance or alternatively, an order requiring the City to change the zoning classification of the property to commercial.

It was undisputed that the 1973 ordinance adopted by Salina was void for failure to comply with the mandatory, jurisdictional notice requirements of the Utah statute. As a direct result of the void zoning ordinance, the Carters suffered financial hardship including loss of sale, costs, and attorney fees. Given these facts and circumstances, the Court of Appeals concluded that equitable considerations dictated that the City be enjoined from interfering with the Carters' use of their property for commercial purposes even though the City had later enacted a valid zoning ordinance in 1984. The court explained that:

If the zoning ordinance is void for want of the procedural safeguards of notice and hearing, etc., the properties intended to be affected thereby are unzoned and the property owners may proceed with any other lawfully intended use. In such cases, the court is limited to the remedy of declaring the zoning ordinance void and finding that the property owner affected is entitled to use his property for any lawful purpose without regard to the void zoning ordinance.

773 F.2d at 255. In other words, at the time the Carters sought to sell their property, it remained unzoned because the 1973 ordinance was invalid. In addition, Utah had declared that zoning ordinances do not operate retrospectively against existing nonconforming buildings or uses where vested rights are concerned.

Accordingly, the court found that because the Carters had never relinquished their intention to use their property for a restaurant or other similar use, they were entitled to injunctive relief against the City permitting them to use or sell their property in the City for a restaurant or other similar use.

In this case, Ms. Brown was seeking to sell the estate's property when the moratorium was adopted. By instituting the illegal moratorium, Bolivar effectively voided the existing zoning ordinance. Despite Ms. Brown's objections, Bolivar, by adopting the illegal moratorium, essentially prevented her from selling or developing the estate's property because no potential purchaser was able to acquire a building permit. Moreover, while the moratorium was still in place, Bolivar adopted a new zoning ordinance further limiting Ms. Brown's ability to sell the property as any potential purchaser would now have to seek a building permit under a less favorable zoning ordinance. Given these circumstances and the fact that West Virginia has also exempted preexisting, nonconforming uses of land from compliance with subsequently enacted planning and zoning ordinances,¹ we find that equitable considerations dictate that Ms. Brown and

¹ W.Va. Code § 8-24-50 (1984) provides:

Such zoning ordinance or ordinances shall not prohibit the continuance of the use of any land, building or structure for the purpose for which such land, building or structure is used at the time such ordinance or ordinances take effect, but any alteration or addition to any land or any alteration, addition or replacement of or to any existing building or structure for the purpose of carrying on any use prohibited under the zoning rules and regulations applicable to the district may be prohibited: Provided, That no such prohibition shall apply to alterations or additions to or replacement of buildings or structures by any farm, industry or manufacturer, or to the use of land presently owned by any farm, industry or manufacturer but not used for agricultural, industrial or manufacturing purposes, or to the use or

(continued...)

her immediate purchasers and/or her immediate successors in title to the estate's property are entitled to develop and use the property for any lawful purpose as they might have done prior to the void moratorium and the now repealed zoning ordinance. Likewise, Mr. Ashbaugh was also effectively prevented from developing his property while the moratorium was in place, and he is also entitled to continue to develop his property without regard to the current zoning ordinance, as he might have done prior to the void moratorium and the now repealed zoning ordinance.

Finally, Ms. Brown and Mr. Ashbaugh contend that they are entitled to attorney fees and costs for this matter. In Syllabus Point 1 of *State ex rel. Highlands Conservancy, Inc. v. West Virginia Div. of Environmental Protection*, 193 W.Va. 650, 458 S.E.2d 88 (1995), this Court held that “[c]osts and attorney’s fees may be awarded in mandamus proceedings involving public officials because citizens should not have to resort to lawsuits to force government officials to perform their legally prescribed nondiscretionary duties.” This Court further held in Syllabus Points 2 and 3, respectively, of *Highlands Conservancy*:

¹(...continued)
acquisition of additional land which may be required for the protection, continuing development or expansion of any agricultural, industrial or manufacturing operation or any present or future satellite agricultural, industrial or manufacturing use. If a nonconforming use has been abandoned, any future use of such land, building or structure shall be in conformity with the provisions of the ordinance regulating the use in the district in which such land, building or structure may be located: Provided, however, That abandonment of any particular agricultural, industrial or manufacturing process, shall not be construed as abandonment of agricultural, industrial or manufacturing use.

Attorney's fees may be awarded to a prevailing petitioner in a mandamus action in two general contexts: (1) where a public official has deliberately and knowingly refused to exercise a clear legal duty, and (2) where a public official has failed to exercise a clear legal duty, although the failure was not the result of a decision to knowingly disregard a legal command.

Where a public official has deliberately and knowingly refused to exercise a clear legal duty, a presumption exists in favor of an award of attorney's fees; unless extraordinary circumstances indicate an award would be inappropriate, attorney's fees will be allowed.

In this case, the town of Bolivar ignored a clear directive of this Court and refused to exercise a clear legal duty by adopting an unlawful moratorium instead of repealing the ordinance or enacting a new ordinance or instrument of equal dignity. Accordingly, we find that an award of attorney fees and costs is justified. Therefore, the writ is granted as moulded, and this case is remanded to the Circuit Court of Jefferson County for the sole purpose of determining the proper amount of attorney fees and costs.

Writ granted as moulded and remanded.

From: John Barile [mailto:johngb@hotmail.com]
Sent: Sunday, October 05, 2014 6:46 PM
To: info@jeffersoncountywv.org
Subject: Comment on the "Zoning Ordinance Text Amendment related to Mass Gatherings/Events (ZTA14-02)

The following text and the attached document provide our comment on the "Zoning Ordinance Text Amendment related to Mass Gatherings/Events (ZTA14-02). John & Sally Barile

Comment on the "Zoning Ordinance Text Amendment related to Mass Gatherings/Events (ZTA14-02).

Each Mass Event must have some limits. A limit on a Mass Event's magnitude and duration should be of importance to communities in Jefferson County and to Jefferson County in particular. Mass events should not be allowed by Jefferson County without a magnitude limit and a duration limit.

Some information needs to be available before a Board of Zoning Appeal (BZA) Public Hearing. The Proposed Mass Event Organizer and Property Owner will supply some information on an application. Two numbers of particular importance are the anticipated number of participants and the total number of participants the property could properly handle or some lesser number the Organizer and Property Owner would accept as a maximum.

There needs to be a participants maximum number specified for a Mass Event before the BZA Public Hearing. The Mass Event participants maximum number should be used to determine the potential negative impacts on County personnel resources and the potential negative impacts to the nearby communities of the Mass Event site. After evaluating potential negative impacts, Jefferson County may decide to place a lower limit on the Mass Event maximum participant number or may decide that the Mass Event is not practical for the site due to significant negative impacts to nearby communities or significant negative impacts to the availability of Jefferson County personnel resources. There should be a magnitude upper limit and a duration upper limit accepted by the Mass Event Organizer before Jefferson County Approval.

Without limits on a potential Mass Event, the negative impacts on Jefferson County resources as well as the negative impacts on the nearby communities to the Mass Event could be extreme. Mass Events held in Jefferson County (by virtue of its proximity to major urban areas) could attract many participants to music festivals and other Mass Events. However, if these Mass Event thrive then the desirability for middle class homes and white collar professional businesses may be adversely impacted. This is particularly true if the Mass Events selected locations cause environmental, social, and/or economic impacts due to their specific locations and magnitudes.

If there is no limit to the Mass Event then the anticipated participants (say 15,000) may turn

out to be 30,000 (based on ticket sales). The Mass Event maximum capacity of the site can be determined prior to the BZA Public Hearing. The ticket sales number would not be known until after the Board of Zoning Appeals (BZA) Public Hearing. Therefore the Public Comments would address one magnitude of negative impacts while the actual negative impacts could possibly be far greater.

The anticipated participants versus the ticket sales to a Mass Event can make a big difference on the magnitude of the negative impacts on Jefferson County personnel resources and the negative impacts on the nearby communities involved. Also, if an organizer is planning a Mass Event for next year, it is highly probable, he will want to hold a similar event each year for several years. Therefore the negative impacts on the nearby communities and the negative impacts on the Jefferson County personnel resources will probably not be a single event. A new application must be required for each Mass Event each year with a new impact assessment, a new BZA Public Hearing, and with any new requirements applied as appropriate.

If a mass event is allowing camping then the number of participants per car may be only 2 due to the space required for camping gear. The longer the Mass Event duration the more camping gear and clothing may be needed. If there are 15,000 participants that could mean 7,500 vehicles, 30,000 participants could mean 15,000 vehicles. Noise and bright lights can be a disturbance to nearby communities particularly after midnight. The Mass Event should be required to monitor and make available the noise levels at the edge of their Mass Event site. The longer a Mass Event the greater the negative impacts on Jefferson County personnel resources. The longer the Mass Event the greater the negative impacts on the nearby communities. The longer a Mass Event the greater the alcohol consumed, the greater the drug use, and the greater the loss of sleep for participants and the nearby communities. This translates into a greater probability of participants having automobile or personal accidents, committing careless acts, or participating in vandalism to nearby communities. Although there maybe camping on the site some traffic will leave the Mass Event every day and some in the middle of the night.

The practicality of having a Mass Event in Jefferson County must be assessed for each occurrence and each specific Mass Event proposed. An assessment could be conducted by a team of personnel from the various Jefferson County Departments (such as, Sheriff's Office, Public Health, Emergency Services, and others) to determine if the departments have the readily available personnel to handle a particular Mass Event. Also, this team of personnel needs to assess the potential negative impacts that the Mass Event will have on nearby communities. This initial assessment should be based on the maximum capacity that the property area (site) hosting the Mass Event can practically handle. The maximum capacity should be based on the number of participants the site can handle allowing for vehicle parking, trailer camping, tent camping, toilets, wash rooms, vendors, performance areas, etc. The organizer of the Mass Event when locating the property will quickly assess a minimum and maximum number of participants that will provide his profit and a successful event. The Jefferson County staff can assess the validity of the maximum capacity provided by the Mass Event Organizer.

In the case of the "All Good Music Festival" the Sheriff's Office was given the anticipated number of vehicles as 5,000. The organizer stated at the BZA Public Hearing the anticipated number of vehicles to be 8,000. The organizers anticipated participant number to be 15,000. If ticket sales next year turns out to be 25,000 than the vehicle traffic will be 12,500. What is the maximum capacity of the proposed Mass Event on the chosen 350 acres? A football stadium must know its maximum capacity before receiving community approvals. Jefferson County and the nearby communities to a Mass Event have the right to know the Mass Event maximum capacity prior to a public hearing. Also, Jefferson County residents have the right

to expect the County to place upper limits on the negative impacts that Jefferson County will allow for each occurrence and each specific Mass Event.

John & Sally Barile
597 Pheasant Hill Road
Quail Run Community



WALTHER PRODUCTIONS, INC

October 1, 2014

County Commission of Jefferson County
Mass Gathering Ordinance
All Good Music Festival

Dear County Commissioners,

As we anticipate an answer from the BZA on whether the All Good Festival will be approved for a Seasonal Use Permit and a variance to extend to 5 days, the discussion progresses regarding the Mass Gathering Ordinance. As we have said previously in front of the County Commission, we support the Mass Gathering Ordinance and see it to be wise for the county to set guidelines and parameters on larger events such as the All Good Festival. The draft, as it's currently written, is fairly digestible for an event like ours, but could certainly be a deterrent for smaller events. We would suggest that other than protecting the interests of the county, the most important aspect of the Mass Gathering Ordinance would be for it to encourage larger events to sprout from or to bring their business to Jefferson County. With endless sets of circumstances, it seems prudent to maintain the allowance for variances within the ordinance allowing for adjustments to be made on a case-by-case basis. The set backs for instance may work with some events and make perfect sense, but may be prohibitive for others. The set backs are based from the property line and in a rural setting, set backs from a structure may be more appropriate. We would imagine the county would want events to be organized and run in such a way that works best for the community as well as the event, a rigid ordinance would not allow for this. With a flexible ordinance larger events will have a fair opportunity to do business in Jefferson County.

For your reference, we have included a copy of an Economic Impact Study that was done in 2010 by AC Entertainment Inc. as well as the speech addressing community concerns and economics that we drafted for the BZA hearing on September 25, 2014.

Thank you for taking the time to read this and to work on the mass gathering ordinance that will be so important to your community, your economics and the vitality of Jefferson County for many years to come.

Sincerely



Tim Walther
Junipa Contento



2801 Chevy Chase Cir
Jefferson, MD 21755
USA

PHONE (301) 834-4100
FAX (301) 834-3373
WEBSITE <http://www.walther-productions.com>



**Presentation by Tim Walther to the BZA on September 25, 2014:
Not all of this was presented due to time constraints.**

Economic Impact – Please see copy attached.

We had an economic impact study conducted by a third party, AC Entertainment, the same company that produces the largest campout festival in the country, Bonnaroo. This study shows that we brought as much as 2.1 million of revenue to WV in 2010.

We will promote Tourism. Many fans that will come to Jefferson County, have never been here, have never seen the beauty, may not be aware of the opportunities for outdoor adventures, the historic offerings of Harpers Ferry, the casino and racetrack or the charm of downtown Charles Town. They will return and support your economy.

Bringing revenue to Jefferson County

Given the opportunity, we will be a strong business partner to Jefferson County for many years to come. We have attended meetings this summer and have been keeping up with the discussions regarding the Mass Gathering Ordinance. We think the Mass Gathering Ordinance is a good thing for the county...It's wise to set guidelines and parameters on larger events such as ours. We realize the mass gathering ordinance is not finalized but we are prepared to and can readily comply with nearly everything that is in the Mass Event Ordinance draft for 8-12-14 PC Public hearing.

We have agreed to put up the \$60,000 surety bond. We have met w Sheriff Dougherty- we have discussed our traffic plan and we are working on the plan moving forward. We assured the sheriff that we will pay for the expenses for additional traffic control as well as any other expenses incurred from our event. We are offering a Zero Cost, All Revenue event for Jefferson County as we have delivered to Licking County in Ohio for our past 2 festivals.

The residents may ask how is that possible considering what we have heard from Preston County. Preston County did not substantiate their expenses in 2010 and the expenses are not presently being substantiated. We can only work with facts.

We are going to bring music, culture and revenue into Jefferson County.

Thank you for the opportunity to speak on behalf of our Festival and we are looking forward to it being all good in Jefferson County.



ECONOMIC IMPACT OF THE ALL GOOD MUSIC FESTIVAL ON THE WEST VIRGINIA ECONOMY

PREPARED BY AC ENTERTAINMENT, INC.

KNOXVILLE, TN

September, 2010

Introduction

Introduction

More than 25,000 patrons, fans, musicians, staff, volunteers, and technicians arrive in Preston County, West Virginia during the second week in July for the All Good Music Festival and Campout. With less than 30,000 people in Preston County, All Good almost doubles the population which creates a variety of economic activity in Masontown, Kingwood, Preston County and West Virginia as a whole. The short term economic impact of activities of All Good and its attendees is the focus of this report.

All Good Breakdown

The All Good Music Festival and Camp Out is an annual weekend-long event held in July. The festival celebrated its 14th anniversary in 2010. Since 2003, the festival has been held in Masontown, West Virginia (Preston County) on Marvin's Mountain Top.

All Good offers a 4 and 3 day festival pass as well as a VIP experience. General admission passes range from \$129 to \$200 and VIP passes range from \$399 to \$500 (additional passes for RVs (\$50), RV champions pass (\$45), child pass (\$75), locals pass (\$100), and a Sunday pass (\$95)).

In 2010, All Good had over 23,000 patrons from all 50 states and 6 countries. The majority of the patrons arrived in one of the 10,300 vehicles. Additionally, there were 1,260 workers (does not include vendor's workers), 610 volunteers and 63 vendors. The main festival route comes from Interstate 68 to Route 7 through downtown Masontown. Patrons also utilize Co Route 14/4, Co Route 52 from Route 26 and Route 50 from Interstate 81.

Site build for All Good started on June 29th with the takedown completed by July 16th. The 2010 festival days were July 8, 9, 10 and 11.

Methodology

The total impact of All Good on the Preston County economy is measured by the expenditures/income for site operations, patron spending and direct gifts. Direct expenditures, indirect impacts, secondary measurements and induced effects are all calculated in 2010 dollars.

Direct impacts of on-site operations were estimated through the accounting information provided by the festival's organizers. Direct impact operations include fuel, construction, sanitation, local staffing, towing, auto sales, fire department, police department, water, food, hardware, security, equipment rental, hotels, and more. Direct impact also includes festival sales tax. Attendee impacts are more difficult to calculate but using survey data, travel location, and on-site consumption conservative numbers were estimated.

It is also important to note that impact calculations were made only for the festival within Preston County and West Virginia. Therefore spending outside of West Virginia by the organizers, vendors or the fans is not included. The festival has created a greater impact outside of these specified areas but this report focuses solely on the geographic areas highlighted above. Lastly, the tax rate is based on West Virginia's 6% rate.

Results

Results

The overall impact of All Good Music Festival on West Virginia is \$2.1M + and the overall impact on Preston County is more than \$694,600. Below is a breakdown of the overall impact:

- \$387,600 + spent by festival organizers in Preston County (i.e. water, towing, sanitation, excavating, hardware, petroleum, land, etc)
- \$462,000 + spent by festival organizers outside of Preston County but within West Virginia (i.e. machine rental, security, food, car rental, office supplies, hardware, decorative supplies, etc)
- More than 1,100 room nights booked, generating more than \$90,000
- \$121,500 + in sales tax (tickets, merchandise, food and beverage sales)
- Estimated \$141,000 + spent by West Virginia residents attending the festival
- Estimated \$307,000 spent in Preston County by festival attendees at C-stores (includes gas and incidentals). Another \$831,000 was spent outside of Preston County but in WV by attendees at C-stores
- 28 jobs created and filled by local residents generating \$31,500 in income. It is important to note that these numbers do not include the local companies and unions, or secondary jobs that were created
- \$30,000 + impact to local, regional and national non-profit organizations:
 - \$14,000 + donated within Preston County benefiting the Preston County High School Music Program, Reedsville Fire Department, County Commission and Masontown Volunteer Fire Department. Additionally, more than 1,000 pounds of food were donated to the Preston County Food Bank
 - \$8,500 + donated within West Virginia benefiting Friends of Deckers Creek, WV Women's Works, Mountain Justice and Carbonfund.
- In addition, All Good composts organic trash, uses of biodiesel, recycles all plastic, glass and aluminum. This requires all vendors to use compostable plates, napkins and utensils. Additionally, with the help of Trees for the Future the festival planted more than 19,000.

The All Good Music Festival generates an immediate impact Preston County and West Virginia and an unprecedented level of economic activity. The direct impact to local business, residents and government is generated by the festival organizers and fans that attend the festival. As the local area becomes more attractive to new business it will continue to grow and the festival will be able to continue to invest in the area. Local business, residents and local government are all directly impacted by the festival, organizers and attendees of All Good.

Good afternoon, I am Tim Walther, co-founder and producer of what will be the 18th All Good Music Festival and Campout...thank you for your time and consideration today. I am thrilled to have the opportunity to present our side of the story.

Here's A little background:

Junipa Contento and I founded and Incorporated Walther Productions in 1996. We started with no capital, a fax machine and a hand full of fliers. We have been fortunate enough to build a career in the music business. We have been bringing quality music into this region for nearly 20 years and have an impeccable reputation for conducting business in an honorable and respectable manner. In the music business your reputation and your integrity are imperative to your survival.

Based out of Jefferson, MD, we currently produce 120 + club shows a year in Baltimore and DC at venues such as 9:30 Club and Rams Head Live, we manage a nationally touring band and we produce 3 festivals a year. In 2012 the All Good Festival was nominated for Music Festival of the Year by Industry Leading Pollstar Magazine. The industry subscribers, our peers, voted All Good for festival of the year based on many factors such as production, operations, art installations, success, reputation, professionalism, and artist lineups.

The All Good Festival has been our baby for 18 years and has graduated to adulthood. Our goals have always been to bring a mix of groundbreaking and established bands into a music loving and peaceful environment and doing so in a safe and professional manner.

We have brought together a world-class team of department managers that work these events year round and specialize in site operations, production, traffic, security, parking, gate-processing, vending, trash and recycling, waste removal, and more. Our festival has changed lives; weddings have taken place, life long friends have been made, bands have seen exponential growth and we have fueled the entrepreneurial spirit.

We are proposing to bring a nationally acclaimed, cultural music and arts festival to Jefferson County. Music is universal, live music heals the soul, I would say that one of the best experiences in life is enjoying live music amongst friends and family. Junipa and I are parents, we are professionals, we care deeply about all aspects of our operation and we will be good neighbors.

The Community:

We are aware of the misleading-information that has circulated throughout the neighboring community and I have read the letters that the citizens have sent to the BZA. With awareness of these concerns, I went door to door to all of the adjacent properties to hear what the neighbors had to say. I spoke to about 15 residents. The

main concerns were the number of attendees, traffic, safety, length of the event, drugs, trash and the curfew. We appreciate the opportunity to address these issues now:

Contrary to rumors suggesting we will bring 30 – 60,000 fans, we are realistically expecting 15 to 20. We sold 22,000 tickets in Preston County in 2011 following 8 years of building the audience at the same location. When we moved to Ohio, we sold 16,500 in 2012 and 11,500 in 2013. Standardly an event loses 30% of its attendance when moving locations. We are moving locations, we have taken a year off, we saw our numbers drop by 50% from 2011 to 2013. Plus there has been a significant increase in competition with many emerging camp-out festivals. We hope to do more considering we broke even in 2012, lost a fortune in 2013 and had no All Good in 2014, ... we are not shooting low when we say we are expecting 15 to 20,000.

In regards to traffic, a traffic plan was presented to the BZA on 9-25-14 which should alleviate most concerns.

As far as the length of the event:

The festival itself will be 4 days with a Monday morning exodus. Our festival has been a 4-day festival for many years. We created a 4-day event in order to minimize traffic and to ensure the safety of the community and the patrons. By having our festival begin on Thursday, we spread out the incoming traffic over the course of 2 days, allowing us to significantly better manage the traffic, to better search vehicles and to process approximately 90% of the traffic during daylight hours.

4 Days allows for a much safer way to deal with traffic both inside and outside of the venue. With the option of camping on Sunday night we minimize the chances of people driving tired or under the influence and we once again spread out traffic w approximately 90% exiting during day time hours. A 3-day event starting on Friday is problematic as it would lead fans to getting into town on Thursday night with nowhere to go until gates open at daybreak on Friday, it would make traffic extremely difficult to manage as everyone would show up at the same time on Friday and it would most certainly interrupt weekend traffic through Charles Town.

In regards to our desire to have a 3:00 am curfew:

The fans that spend over \$200 for a ticket and another \$300 for travel, food, gas and supplies, are coming to see as much music as they can for their money. They are fanatical music lovers that are accustomed to our festival and other festivals providing music until 3 to 4 am and even sometimes until sunrise. These fans see these bands in clubs that close at 2 to 3 in the morning, they are used to live music going this late. It's part of their lifestyle.

Most importantly the later curfew creates a safer and more controlled environment. If the music ends early, the fans will wander around the site, hang out at their campsite or drive into town looking for something to do. By programming music until 3:00 am you centralize everyone that is still awake into one concentrated area and you maximize your control of the crowd. It's easier to control a large number of patrons in one central location, then it is when they are spread out around the entire site.

By going until 3:00 am, everyone remains on site, people gradually go back to their sites throughout the night to go to sleep and the ones that want to see every second of music will head back for sleep as soon as the music ends. The later curfew is the safest way to go for the patrons and for the community.

As far as safety goes:

Our festival will be self-contained. We process and manage the traffic and our patrons. We will keep the festival contained within its boundaries, leaving the community safe and one step removed from the event. As a direct result of speaking to the residents and from reading the letters to the BZA, we will do the following;

In addition to the 6 foot perimeter fence around the rest of the site, we will put up an 8-foot temporary chain link fence with a green wind screen, set back 150 feet from Witherslarue Road as a separation between Quail Run and the festival. This fence setback from Witherslarue will provide a nice aesthetic along the road, create a larger buffer and visually separate the community from the festival. If our ticket sales are low we will move this fence further off the road to create a larger buffer. We will park and camp the venue from the inside out leaving as much open space as possible between Witherslarue and our parking and camping areas.

We will not permit patrons to leave the venue on foot without us removing their \$200 wristband. This will discourage nearly if not everyone from leaving the venue. Only vehicles will be permitted to leave the event for medical reasons or to re-stock on supplies.

As standard practice, we will do the following:

For the safety of our patrons and the community, we will search all vehicles upon entry for weapons, bottles, drugs etc and will coordinate this procedure with the sheriff's department. We will set up port-a-johns along the routes to the festival and we will sweep the streets for trash as necessary. We will post signs along the routes for patrons to remain in their vehicle. We will administer hang-tags for affected neighborhood vehicles as to alert our staff and the police to expedite residents to where they need to go. We will assign a festival representative to address community concerns that will be available 24/7. All residents will have our representative's cell number and he will be quick to respond.

As far as drugs are concerned:

We, nor our employees are advocates for drugs. We are festival producers, we invite music lovers to come and enjoy their favorite music and community experience of the summer. The vast majority of our fans are middle class college educated folks coming out to enjoy music, nature and one another. Our fans will be the friendliest and most peaceful group of people that you will ever meet.

This next subject is a very sensitive:

In the letter to Bob Aitcheson from the Preston County Sheriff, you will notice that the Sheriff mentioned multiple times that we worked closely with them and always supported their efforts. We always work closely with local Sheriff Departments and we always respect their lead in community safety and law enforcement. The Preston County Sheriff worked well with us in 2009 and 2010, but for some reason, the Sheriff worked against us in 2011.

As the Sheriff stated in his letter, they took the money that they collected from us through the ordinance and hired additional officers for a total of 100 officers. With those officers they stopped nearly every vehicle, including local traffic, from all routes leading to our festival. They continued to stop most vehicles on the local roads throughout the weekend. They made a number of arrests and wrote many citations, most of which took place off the festival property and most of which were for possession of marijuana. These arrests were not distinguishable between local residents and festival-goers.

Can you imagine the number of arrests and citations that they would make if they stopped every car leaving a WV football game? Would it be 500 arrests, 1,000 citations?

When we moved to Ohio and worked with a Sheriff's Department that was supportive of the event with a focus on safety and community, it was a whole different story. The Licking County Sheriff's department chose to utilize 20 officers, on our dime, and had 2 arrests the whole weekend. What a difference an approach can make.

We have submitted to Sheriff Dougherty an After Action Report prepared by Colonel Dennis of the Licking County Sheriff's Department that will substantiate the fact that only 2 arrests were made at All Good festival 2012. I am confident that we can work well with the Jefferson County Sheriff's department and have a similar result as we did in Ohio, a safe and successful All Good festival with limited issues and hopefully no arrests.

We are good people making an honest living. We treat people the way that we would like to be treated. We stand by our word. We always strive to do the right thing. We are very good at what we do and we go above and beyond to safeguard the community, to deliver a world-class festival to the fans, and to leave nothing but footprints. I do realize that proof is in the pudding, but I will say it once again. We will be an all good neighbor.

All Good Music Festival

--Tim Walther, Junipa Contento

Mass Event Ordinance

Please accept my comments on the proposed ordinance.

Mark Dyck

1. BZA versus Planning Commission

It is the purpose of the Zoning Ordinance to provide specificity on uses and then have the uses submitted and approved according to the terms and conditions of the Zoning and Subdivision Ordinances. The BZA currently reviews applications that cannot be processed without further guidance on land use.

It would seem that the proposed Mass Event ordinance are now highly regulated with clarity on all issues. Given this control it would seem that the application would be properly heard in front of the planning commission. There are several reasons for this;

- a. If the application is technical in nature it will require significant engineering and planning review prior to approval by a County board. This review process is similar to the processing of a site plan and will require a large investment by the Applicant. This type of investment is not appropriate or fair when it is subject to a discretionary decision by the BZA.
- b. The Planning Commissions meeting schedule is more regular and more applicable to a detailed submission.
- c. The BZA is required to take action within 45 days of submission, by state code. It will be difficult to meet this time frame when approval is required by the BZA.
- d. It would not change the public's ability to comment on an application, it would simply change the venue.

2. Terms Defined – Mass Event

- a. Most events do not start until noon on any given day. It would be beneficial for all applicants to have a day defined as noon to noon (or 10:00am to 10:00am) as opposed to midnight to midnight. With the current definition most applicant would lose half a day on multi day events.
- b. *"It should be noted that this definition does not apply if the event occurs entirely within a lawful permanent structure no on a property so long as the structure or property has a site plan specifically developed and approved for the purpose of hosting such an event". Consider replacing the underlined section with "an approved site plan compatible". It will be very difficult to predict what events may occur in the future. Revising the definition would provide the County with important flexibility as it pertains to events.*
- c. *"Any such non-conforming event must follow the requirements of the Ordinance and must also obtain a Zoning Certificate"* It is unlikely that existing non-conforming events will be able to follow the requirements of the Ordinance. Obtaining a Zoning Certificate also seems like an unnecessary burden. The County Fair would likely not meet this requirement of the new definition, suggest deleting this sentence.

3. Terms Defined – Seasonal Use

- a. See comments 2.b and 2.c.

4. Section 9.8 Seasonal Uses

- a. The section as worded would require the approval of all permits prior to the BZA approval.
- b. These permits (and others) are not optional regardless of the decision by the BZA. There is no risk to the BZA approving an application prior to having these permits.

Section 8.16 Comments

8.16.A.2 – unless the person signing is the managing or has the legal authority to sign for all Owner's

8.16.A.4 – see below

- The bond amount should be reduced by 50% if a separate agreement to cover cost is signed with the Sheriff.
- Prior to expending any money on non-emergency items the County must notify the applicant in writing of the expenditure and give the Applicant the ability to cure the situation that is causing the expenditure.
- Prior to expending any money on non-emergency items all Agencies must notify the applicant and the County in writing of the expenditure and give the Applicant the ability to cure the situation that is causing the expenditure.

8.16.A.5 – notice is sent to the land owner as identified in the tax records. Notice may not be sent to a tenant and the Applicant has no way of acquiring the tenants address.

8.16.A.5 – proposed access route is not defined. Suggest changing the language to;

- All properties within 1,000 of the mass event property
- All land owners who front the primary access routes where queuing may occur within 1 mile of the property.

8.16.A.6. – For clarity each entity should be dealt with in a separate paragraph.

8.16.A.6.a – see below

- Private contracts between non-governmental agencies should not have to be submitted as part of the public record. They are proprietary.
- Expecting these contracts to be finalized at this hearing is premature. Agencies have no requirement to enter into these agreements and may not want to spend their resources doing so when the application may be denied by the BZA. To make the section better I would suggest;
 - Address public and private entities in separate sections.
 - The Applicant be required to notify the Sheriff's Office, EMS, closest Fire Station, 911 of the event;
 - Provide them a copy of the application to comment on.
 - If requested by the agency a formal agreement will be signed and submitted 30 days prior to the event.

- Applicant shall submit in writing to the County the name of a licensed garbage removal company and towing company 30 days prior to the event.

8.16.A.6.b – see below

- The Applicant should be required to notify County Health Department and WVDOH of the event.
- If required permits and/or agreements must be submitted 30 days prior to the event.

8.16.A.6.c – the last paragraph of this section does not make sense in this location. Is the ordinance attempting to give the BZA unlimited insurance discretion over events? Suggest removing this section.

8.16.A.8.d – what is the event fee, please clarify.

8.16.B.1 – show all structure within 50' of the property line and all residential structures within 500' of the property line.

8.16.B.4 – all setbacks should be 50' from any property line and the noted distance from a residential structure.

8.16.B.4.d – change to residential structures.

8.16.B.5 – Mass event should be permitted for up to 7 days. An example would be a Boy Scout retreat, renaissance festival or some similar function. The last day of an event lasting more than 4 days would be restricted to departure activities only.

Clarke County Board of Supervisors



Berryville Voting District
J. Michael Hobert – Chair
(540) 955-4141

Buckmarsh Voting District
David S. Weiss – Vice Chair
(540) 955-2151

Millwood Voting District
John R. Staelin
(540) 837-1903

Russell Voting District
Barbara J. Byrd
(540) 955-1215

White Post Voting District
Bev McKay
(540) 837-1331

County Administrator
David L. Ash
(540) 955-5175

September 24, 2014

J. Tyler Quynn, Chair
Jefferson County Board of Zoning Appeals
124 E. Washington Street
Charles Town, WV 25414

Dear Mr. Quynn:

My name is Barbara Byrd and I represent the Russell District on the Clarke County, Virginia Board of Supervisors. I am writing to you to express grave concerns that I have regarding the seasonal use event and variance requests by Mark Dyck (consultant) on behalf of Tim Walther and Junipa Contento for a five-day music festival and "camp out" (the "All Good Music Festival") proposed for 261 Berry Hill Farm Lane.

I have had an opportunity to review the case packet including the numerous letters and emails provided by your citizens in opposition to this proposed event. I am also aware that if this event is as popular as previous All Good Music Festivals, our two counties could expect in excess of 30,000 attendees. I share many if not all of the concerns expressed by your citizens regarding noise, crime, and adverse impact on property values but my greatest concern is with the potential for very serious traffic safety issues that would result from this event. I am very familiar with our shared road network having been a resident of the area for many years. I cannot see how the massive volume of traffic from thousands of festival patrons can be managed in a safe and efficient manner at this location.

As I am sure you are aware, Withers Larue Road is an old, narrow wagon road with several blind hills and virtually no shoulders, no dividing line, an at-grade rail crossing, and very poor sight distance at its intersection with U.S. 340. It is my understanding that the event organizers plan to limit ingress-egress directly to U.S. 340 by funneling traffic into Clarke County via Summit Point Road. This road is only marginally wider than Withers Larue Road but also has poor horizontal sight distance in several places and insufficient shoulders. Dumping hundreds and potentially thousands of additional vehicles on Summit Point Road with the ever-increasing commuter traffic, horse trailers, and farm vehicles is a recipe for accidents and gridlock. I also shudder to think about the additional safety issues of vehicles attempting to avoid this route by using Franklinton and Lewisville Roads – both of which may be even more unsafe than Withers Larue Road.

I strongly urge you and your fellow Board of Zoning Appeals members to deny both of these applications specifically on the grounds that our shared road network is woefully inefficient to handle an event of this magnitude.

Sincerely,

A handwritten signature in black ink, appearing to read "Barbara Byrd". The signature is fluid and cursive, written in a professional style.

Barbara Byrd
Clarke County Board of Supervisors

Cc: J. Michael Hobert, Chair, Board of Supervisors (Berryville District)
David Weiss, Vice-Chair, Board of Supervisors (Buckmarsh District)
John Staelin, Board of Supervisors (Millwood District)
Bev McKay, Board of Supervisors (White Post District)
David Ash, County Administrator
Jennifer M. Brockman, Director of Planning, Jefferson County

-----Original Message-----

From: 4glovers [<mailto:4glovers@comcast.net>]

Sent: Monday, October 13, 2014 2:08 PM

To: walterpellish@mac.com; vinemont@frontiernet.net;
dmanuel@frontiernet.net; patsynol@gmail.com; lynwidmyer@gmail.com;
info@jeffersoncountywv.org

Cc: Paul Espinosa; lawrencefordelegate@hotmail.com;
stephen.skinner@wvhouse.gov; vicki.l.pendell@wvago.gov

Subject: Mass Gathering Ordinance concerns

County Commissioners:

Given the BZA's recent decision to unanimously allow the "All Good Festival and Camp Out" to hold a venue in Jefferson County, I don't see why there needs to be a new ordinance written for these types of events. The county already has an ordinance that states that camp outs and performing arts are not permitted in a rural zone

(<http://www.jeffersoncountywv.org/uploads/planning/Jefferson%20County%20Zoning%20and%20Land%20Development%20Ordinance%20-%20as%20amended%20June%201,%202014.pdf>), and yet the BZA has ignored their own ordinance and allowed this to happen anyway. What's the point of having laws, rules, ordinances, if they aren't going to be enforced? Seems like a waste of taxpayers money to me.

Sincerely,
Matthew Glover
318 Pheasant Hill Road
Summit Point

AGENDA REQUEST FORM
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 – 1st Choice: October 30, 2014

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

Date Requested – 2nd Choice: Click here to enter text.

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

- ⌵ Review of Cash
- ⌵ Review of Budget to Actual as of September 30, 2014
- ⌵ Approval of Internal Budget Revisions

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 accept Internal Budget Revisions numbers 3 and 4 of the General Fund

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:

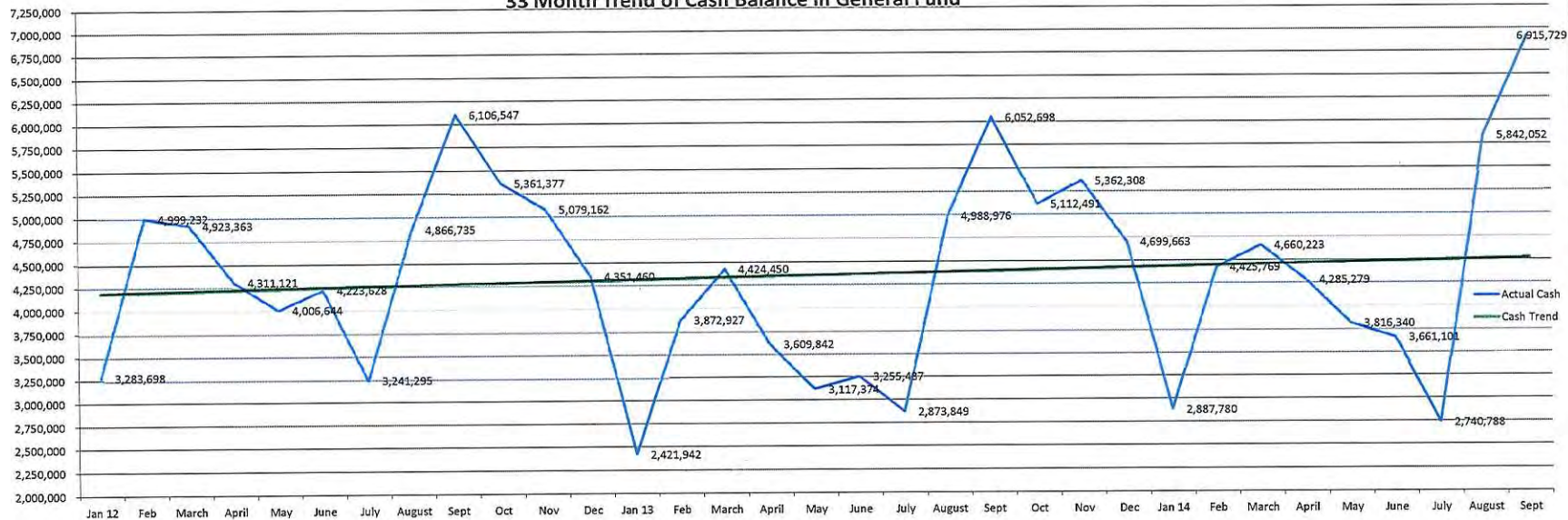
Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

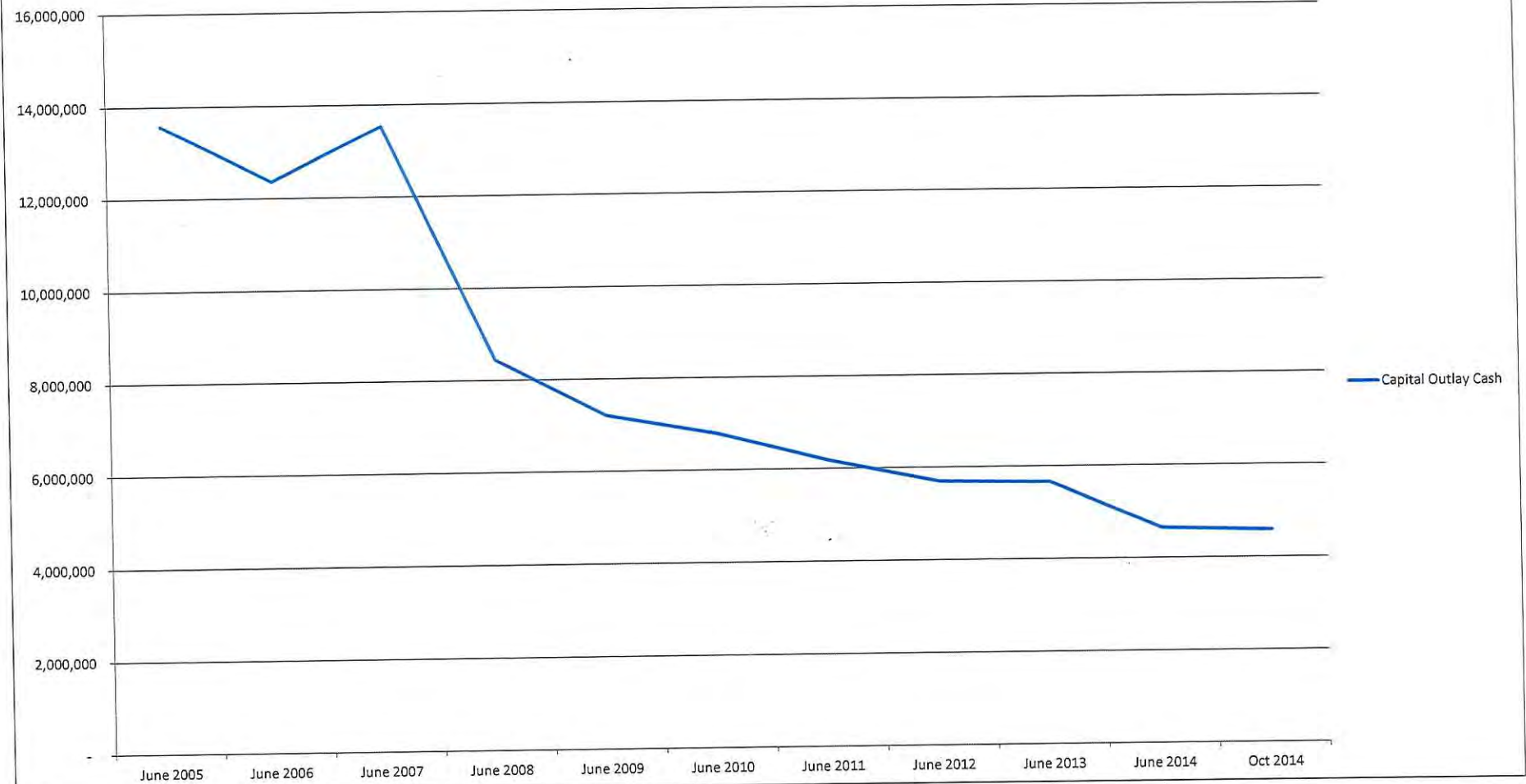
Click here to enter text.

Review of Cash

33 Month Trend of Cash Balance in General Fund



Capital Outlay Cash



Capital Outlay Fund
 Updated 10/21/14

Cash and Investments as of 10/21/14	\$ 4,589,792	
CAD amount remaining to be paid	\$ 231,845	
Shepherdstown Bike Path (cost overrun)	\$ 30,000	per 7/3/14 Commission minutes
JCESA Mortgage 10/2015	\$ 81,000	
Courthouse Landscaping	\$ 20,200	
County Matching Funds for 12th Cycle		
Courthouse Grant. Matching funds approved		
10/2/14 by Commissioners	\$ 250,000	
Emergency Reserve	<u>\$ 2,000,000</u>	
Funds available less approved items	\$ 1,976,747	
Hunter House Renovation	\$ 125,000	
Mason Bldg elevator	\$ 250,000	
Assessor Renovations	\$ 75,000	
Tax Office Renovations	<u>\$ 150,000</u>	
Possible pending items (unapproved)	\$ 600,000	
Net Balance	\$ 1,376,747	

Not included in the above is \$2.4 million to \$8 million needed on building construction/purchase/renovation

Approved

Possible Pending items discussed by Commissioners

Committed under Commissioner approved policy number 307

Listing of Cash Balances by Fund as of September 30, 2014

Fund	Discription	Balance
001	General Operating	6,915,728.88
002	Coal Severance	52,096.59
003	Dog & Kennel	17,620.65
004	General School	-
005	Magistrate Court	513.21
006	Worthless Check	25,962.86
008	Home Confinement	1,362.97
009	Federal Grants	(265,634.09) (1)
010	State Grant	-
023	Flood Mitigation	34,958.62
039	Waste Coal	8,320.39
056	Assessor Valuation	442,068.59
057	Farmland Protection	2.61
059	Concealed Weapons	40,347.39
063	Voter Registration	0.01
074	Drug Forfeiture	5,810.80
075	Sub Division Bond Forfeiture	172.22
077	Teen Court	805.00
244	Bardane Public Health Center	114,891.51
246	Capital Outlay	4,589,792.19
247	Parks Land Fund	436,099.59
249	Impact Fees	1,403,476.46
315	State Police	60.00
369	Deputy Sheriff Retire	<u>1.00</u>
Cash all Funds		13,824,457.45

(1) Reimburseable Grant

**Budget to Actual
by Department as of
September 30, 2014**

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

	FY15 budget	FY14 actual as of 9/30/13	FY15 actual as of 9/30/14	Variance (unfavorable)	% Rec'd/Exp
Revenue					
Taxes	12,059,566	5,648,331	6,041,787	(6,017,779)	50.10
Tax Penalties	301,220	78,695	79,699	(221,521)	26.46
Property Transfer	468,000	169,329	174,474	(293,526)	37.28
Gas/oil	30,000	-	-	(30,000)	-
Horse Racing	14,219	4,217	4,079	(10,140)	28.69
Wine Liquor	25,433	6,037	6,712	(18,721)	26.39
Hotel Occupancy	520,000	164,140	173,831	(346,169)	33.43
Decal fees	75	28	10	(65)	13.33
Bldg Permits	170,000	41,866	56,916	(113,084)	33.48
Misc Permits	150	74	102	(48)	68.00
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	4,675	5,100	(12,900)	28.33
Sheriff Earnings	28,000	5,775	10,116	(17,884)	36.13
Clerk Earnings	206,500	55,544	43,957	(162,543)	21.29
Circuit Clerk Earnings	65,183	16,129	17,040	(48,143)	26.14
Prosecuting Earnings	1,129	275	455	(674)	40.30
Accident reports	3,500	780	950	(2,550)	27.14
Map Sales	4,200	1,009	522	(3,678)	12.43
Rent	47,175	11,844	11,650	(35,525)	24.70
Ambulance Fees	600,000	-	125,000	(475,000)	20.83
911 Fees	1,885,058	338,053	388,713	(1,496,345)	20.62
Franchise Agreements	402,796	102,803	105,398	(297,398)	26.17
IRP fees	10,140	3,683	3,425	(6,715)	33.78
Jail fees	85,650	85,651	96,912	11,262	113.15
Interest	17,273	3,112	4,936	(12,337)	28.58
Misc revenue	50	6	9	(41)	18.00
Sheriff Commission	12,000	11,738	11,619	(381)	96.83
Table Games	960,000	315,911	236,151	(723,849)	24.60
Video Lottery	3,408,293	1,265,352	1,218,093	(2,190,200)	35.74
Reimbursements	301,900	162,271	99,596	(202,304)	32.99
Trans from other funds	-	1,764	-	-	#DIV/0!
Concealed Weapons	-	-	-	-	#DIV/0!
General School Reimbursements	264,000	60,537	65,165	(198,835)	24.68
Trns Assessor Val fund	494,949	-	-	(494,949)	-
Total Revenue	22,494,408	8,695,705	8,994,093	(13,500,315)	39.98
Expenditures					
Commission	1,696,273	535,828	497,711	1,198,562	29.34
County Clerk	858,405	205,511	164,869	693,536	19.21
Circuit Clerk	684,454	167,244	148,153	536,301	21.65
Treasurer	617,390	178,706	159,493	457,897	25.83
Prosecuting Attney	1,810,398	486,591	417,481	1,392,917	23.06
Assessor	550,090	166,646	126,804	423,286	23.05
Assessor AVF	494,949	94,852	108,886	386,063	22.00

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

	FY15 budget	FY14 actual as of 9/30/13	FY15 actual as of 9/30/14	Variance (unfavorable)	% Rec'd/Exp
Statewide Computer	57,075	16,104	-	57,075	-
Agricultural Agent	128,837	35,641	27,097	101,740	21.03
Elections	362,740	45,699	38,216	324,524	10.54
Magistrate Court	1,000	226	162	838	16.20
Courthouse (Maintenance)	1,127,137	304,924	238,025	889,112	21.12
Other Buildings	649,750	142,253	120,244	529,506	18.51
Data Processing	333,996	44,795	49,102	284,894	14.70
Regional Dev Authority	19,795	19,794	19,794	1	99.99
Economic Development	454,310	116,667	133,696	320,614	29.43
GIS	243,212	62,227	54,944	188,268	22.59
Planning	398,865	123,454	89,333	309,532	22.40
Engineering	748,995	196,827	174,178	574,817	23.25
Zoning	71,133	23,349	16,630	54,503	23.38
Transfer to other Funds	-	6,250	-	-	#DIV/0!
Contingency	319,651	-	-	319,651	-
Law Enforcement	3,482,272	931,184	795,211	2,687,061	22.84
Service of Process	18,000	1,672	3,198	14,802	17.77
Regional Jail	1,100,000	294,404	225,810	874,190	20.53
Emergency Services	269,887	60,009	48,062	221,825	17.81
Communication Center	2,011,821	507,010	424,647	1,587,174	21.11
Fire Depts	373,625	-	70,000	303,625	18.74
JCESA	1,297,562	452,363	361,891	935,671	27.89
Ambulance Fees Remittance	600,000	-	-	600,000	-
Animal Control	334,588	82,337	70,272	264,316	21.00
Central Garage	353,094	88,247	72,048	281,046	20.40
Parks and Recs	493,529	138,382	107,137	386,392	21.71
Arts and Humanities	10,400	6,300	1,989	8,411	19.13
Historical Commission	15,400	6,300	2,946	12,454	19.13
Visitors Center	260,000	78,751	49,741	210,259	19.13
Library	234,000	65,000	58,500	175,500	25.00
Public Transportation	10,275	3,425	2,569	7,706	25.00
Waste Authority	1,500	-	-	1,500	-
Clerk Capital Equip		13,749	-		
Total Expenditures	22,494,408	5,702,721	4,878,839	17,615,569	21.69
 Net	 -	 2,992,984	 4,115,254		

**Budget to Actual
by Object Code as of
September 30, 2014**

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

	FY15 budget	FY15 actual as of 9/30/14	Variance (unfavorable)	% Rec'd/Exp
Revenue				
Taxes	12,059,566	6,041,787	(6,017,779)	50.10
Tax Penalties	301,220	79,699	(221,521)	26.46
Property Transfer	468,000	174,474	(293,526)	37.28
Gas/oil	30,000	-	(30,000)	-
Horse Racing	14,219	4,079	(10,140)	28.69
Wine Liquor	25,433	6,712	(18,721)	26.39
Hotel Occupancy	520,000	173,831	(346,169)	33.43
Decal fees	75	10	(65)	13.33
Bldg Permits	170,000	56,916	(113,084)	33.48
Misc Permits	150	102	(48)	68.00
Grants	80,000	-	(80,000)	-
Payment in lieu of taxes	9,949	11,676	1,727	117.36
Sheriff Service Process	18,000	5,100	(12,900)	28.33
Sheriff Earnings	28,000	10,116	(17,884)	36.13
Clerk Earnings	206,500	43,957	(162,543)	21.29
Circuit Clerk Earnings	65,183	17,040	(48,143)	26.14
Prosecuting Earnings	1,129	455	(674)	40.30
Accident reports	3,500	950	(2,550)	27.14
Map Sales	4,200	522	(3,678)	12.43
Rent	47,175	11,650	(35,525)	24.70
Ambulance Fee	600,000	125,000	(475,000)	20.83
911 Fees	1,885,058	388,713	(1,496,345)	20.62
Franchise Agreements	402,796	105,398	(297,398)	26.17
IRP fees	10,140	3,425	(6,715)	33.78
Jail fees	85,650	96,912	11,262	113.15
Interest	17,273	4,936	(12,337)	28.58
Misc revenue	50	9	(41)	18.00
Sheriff Commission	12,000	11,619	(381)	96.83
Table Games	960,000	236,151	(723,849)	24.60
Video Lottery	3,408,293	1,218,093	(2,190,200)	35.74
Reimbursements	301,900	99,596	(202,304)	32.99
Trans from other funds	-	-	-	#DIV/0!
Concealed Weapons	-	-	-	#DIV/0!
General School Reimbursements	264,000	65,165	(198,835)	24.68
Trns Assessor Val fund	494,949	-	(494,949)	-
Total Revenue	22,494,408	8,994,093	(13,500,315)	39.98

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

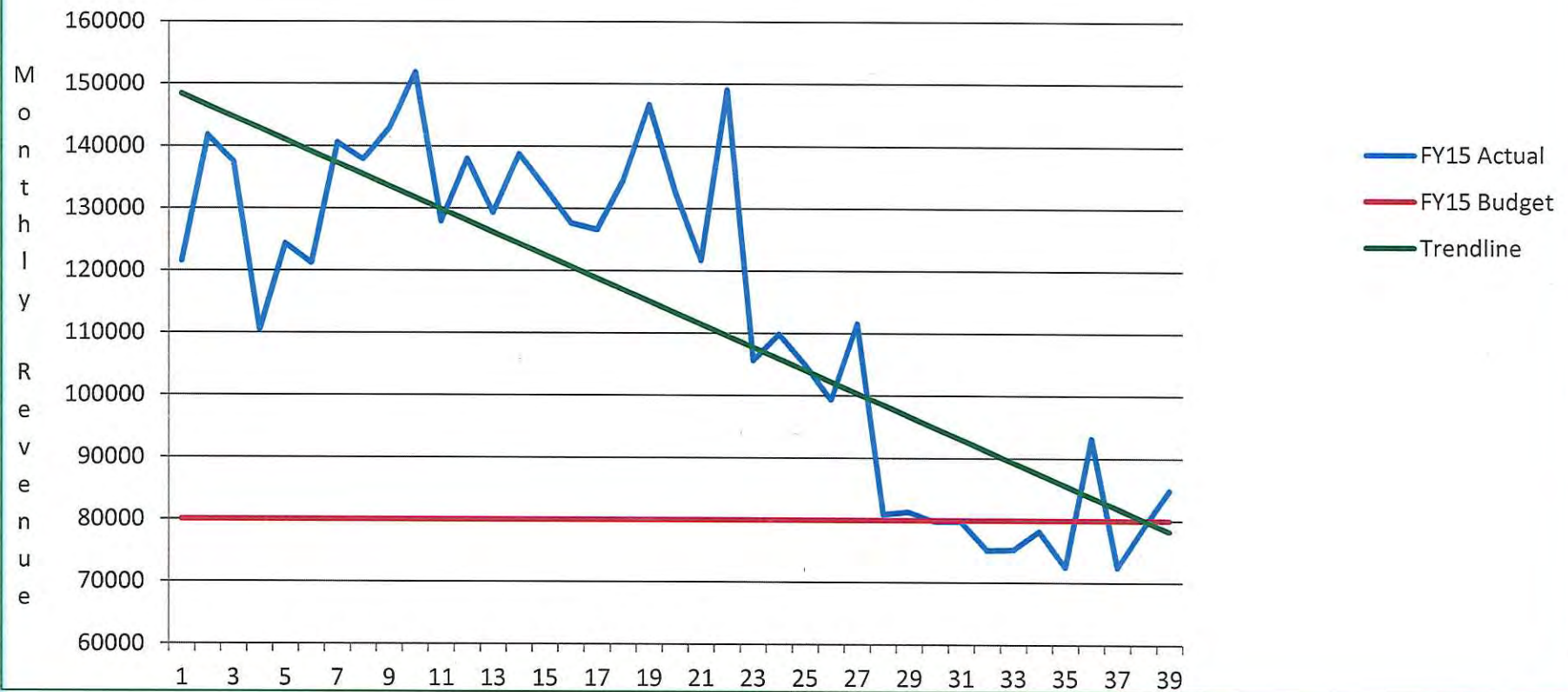
	FY15 budget	FY15 actual as of 9/30/14	Variance (unfavorable)	% Rec'd/Exp
Expenditures				
Salaries	9,819,972	2,208,653	7,611,319	22.49
FICA	751,184	192,655	558,529	25.65
Health Insurance	2,043,158	459,901	1,583,257	22.51
Retirement	1,288,435	336,901	951,534	26.15
Telephone	230,608	22,528	208,080	9.77
Printing	24,019	4,691	19,328	19.53
Utilities	291,700	43,852	247,848	15.03
Travel	56,969	4,636	52,333	8.14
Bldg Repairs	70,000	10,786	59,214	15.41
Equip Repairs	200,908	21,434	179,474	10.67
Auto Repairs	8,000	256	7,744	3.20
Postage	111,411	35,843	75,568	32.17
Equipment Rent	139,600	33,546	106,054	24.03
Ads/Legal Publications	48,926	2,169	46,757	4.43
Training	54,955	2,565	52,390	4.67
Dues	83,375	25,147	58,228	30.16
Professional Services	256,146	44,702	211,444	17.45
Audit Costs	35,000	17,300	17,700	49.43
Bonds/Workers Comp	441,000	217,671	223,329	49.36
Sheriff Court Costs	1,000	-	1,000	-
Contracted Services	404,090	68,528	335,562	16.96
Ambulance Fee Remittance	600,000	-	600,000	-
Bank Charges	500	-	500	-
Retired Insurance Prem	81,103	20,922	60,181	25.80
Materials/supplies	425,604	55,913	369,691	13.14
Record Books	8,450	2,114	6,336	25.02
Vehilce Fuel	229,750	51,785	177,965	22.54
Jail Costs	1,100,000	225,810	874,190	20.53
Uniforms	40,875	8,408	32,467	20.57
State Computer	57,875	-	57,875	-
Computer Software	11,500	-	11,500	-
Computer Hardware	70,500	3,282	67,218	4.66
Tech Support	121,250	122	121,128	0.10
Tech Fees & Lic	72,945	14,498	58,447	19.88
Contributions to other entities	2,993,949	742,221	2,251,728	24.79
Contingency	319,651	-	319,651	-
Total Expenditures	22,494,408	4,878,839	17,615,569	21.69
Net	-	4,115,254		

FY15 Budget Variances
As of September 30, 2014

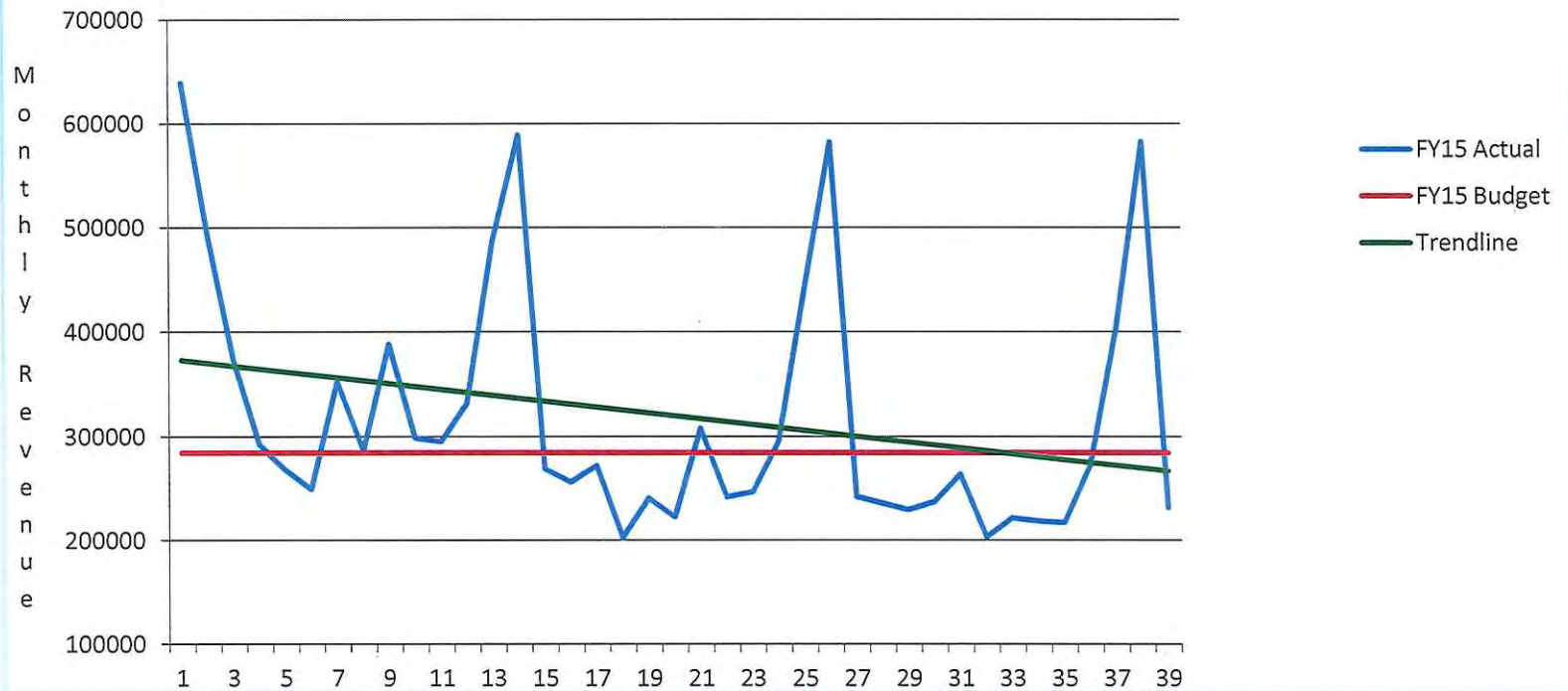
		(unfavorable)	
001-401-02-226-001-GG-000	Workers Comp insurance	2,752	Based on premium renewal
001-362-CS-000	Jail Fee Revenue	11,262	Based on actual to budget
001-325-IG-000	Payment in Lieu of Taxes	1,727	Based on actual to budget
001-304-OT-000	Property Tax Transfers	65,000	Based on actual to budget
001-346-CS-000	911 Fees	(60,000)	Delay in phone billing
001-373-OT-000	Video Lottery	(60,000)	Based on actual to budget
001-424-02-218-000-GG-000	Postage	(9,000)	\$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		(208,259)	
Contingency Reserve Available		<u>319,651</u>	
Possible Increase in Fund Balance		111,392	

Finalized Variances

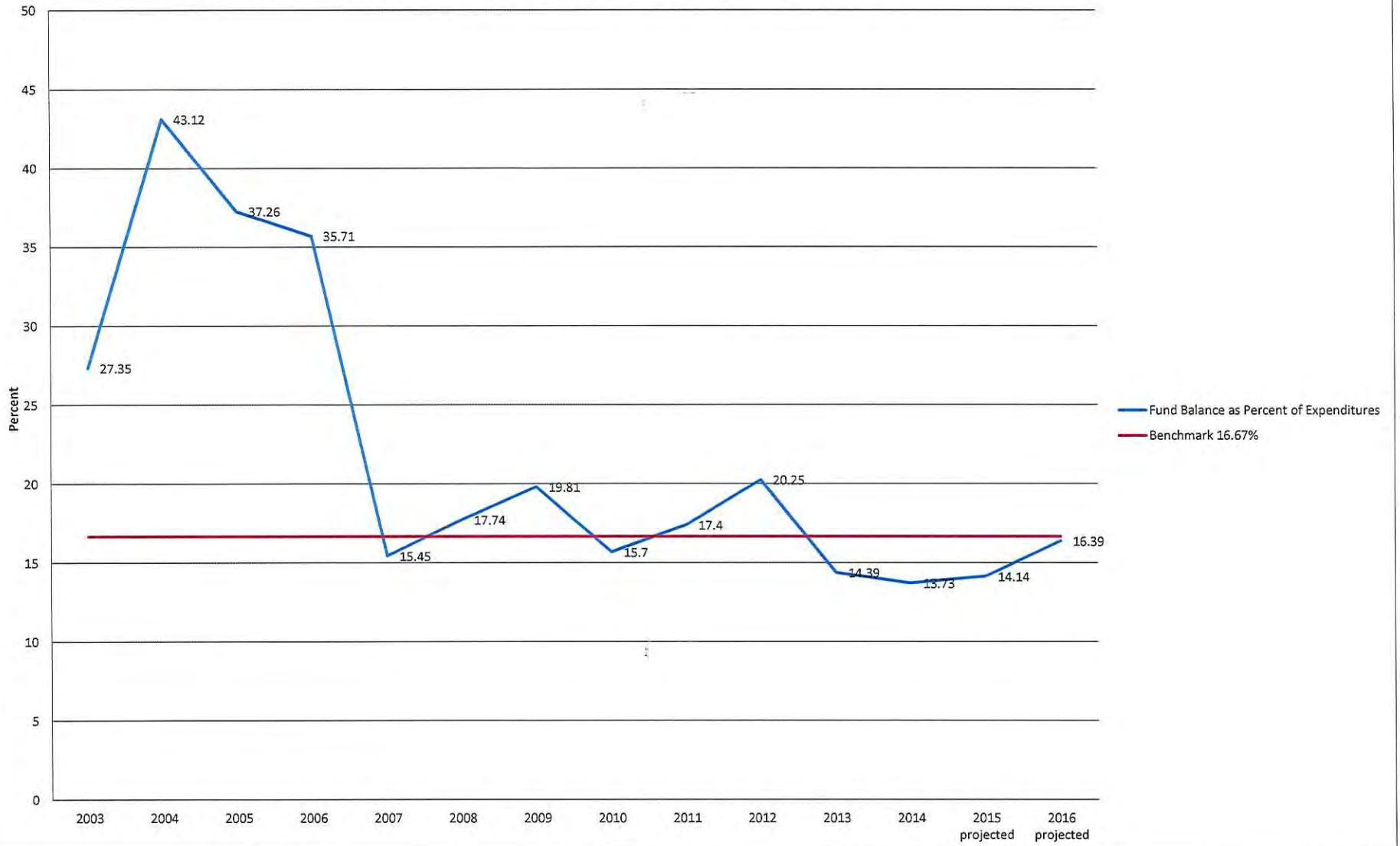
Table Games 001-370-OT-000 39 month Period July 2011 - Sept 2014



Video Lottery 001-373-OT-000 39 month Period July 2011 - Sept 2014



Fund Balance as Percent of Expenditures



Internal Budget Transfers

Jefferson County, West Virginia
 Department of Financial Management
 Budget Revision for Fiscal Year Ending June 30, 2014
 Internal Budget Revision
 IRB # 3

Narrative:

Budget Line No.	Account Name	Approved Budget	Requested Additions	Requested Reduction	Revised Budget
001-406-02-222-000-GG-000	ASSR Dues/Subscriptions	0	100		100
					0
001-406-03-342-000-GG-000	ASSR Record Books	1,200		100	1,100
					0
					0
					0
					0
					0
					0
					0
					0
					0
					0
					0
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					0
					0
					0
					0
					0
					0
					0
					0
					0
Totals		1,200	100	100	1,200

IBR Prepared by: _____

Approved by: (department head/elected): Angelo G. Baris
 Date: 10-20-2014

Reviewed by: T.S. Date: 10/21/14
 Debbie Keyser/County Administrator T. STANTON

Date Submitted to County Commission: _____
 Date Approved: _____

Authorizing Signature: _____

Jefferson County, West Virginia
 Department of Financial Management
 Budget Revision for Fiscal Year Ending June 30, 2015
 Internal Budget Revision
 IRB # 4

Narrative:

Temp help to assist in keying ambulance billing checks

Budget Line No.	Account Name	Approved Budget	Requested Additions	Requested Reduction	Revised Budget
001-401-01-108-002-GG-000	Commission Extra Help	1,000	586	0	1,586
001-401-01-104-000-GG-000	Commission FICA	32,158	36	0	32,194
001-401-01-104-001-GG-000	Commission Medicare	7,521	9	0	7,530
001-401-02-226-001-GG-000	Workers Comp Insurance	133,809		631	133,178
Totals		174,488	631	631	174,488

Requested by: Nikki Painter

Approved by: (department head/elected): D. Keyser

Date: _____

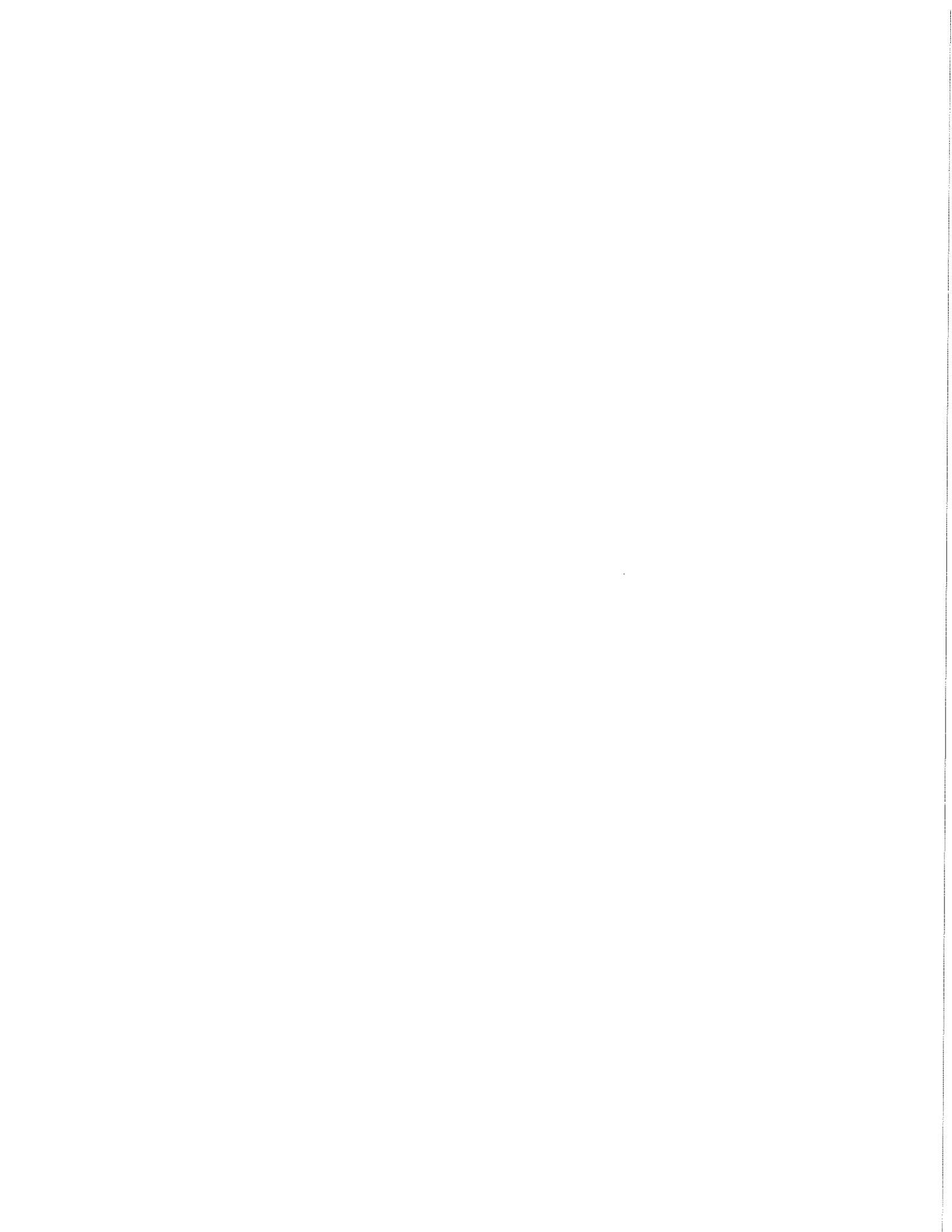
Reviewed by: T Stanton
 T Stanton/Finance Director

Date: 10/21/14

Date Submitted to County Commission: _____

Date Approved: _____

Authorizing Signature: _____



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Debbie Keyser

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: Oct. 30, 2014

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

Date Requested – 2nd Choice:

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

Discussion by the Jefferson County Commission on a proposed FOIA Policy for the County.

Please provide the County Commission with a description of your request or presentation, including any background information:
I move to approve the FOIA Policy with the approved changes discussed today.

Is this a funding request? Y/N No.

If so, how much? \$

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

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

If not attached, explain: Attached

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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

<i>Jefferson County Policies & Procedures</i>			
Policy Name:	FOIA Requests	Approved:	
Policy Number:		Author:	
Associated:			

***** DRAFT *****

The West Virginia FOIA (Freedom of Information Act – WV Code 29B-1-1) requires public bodies to provide records in response to requests, unless those records are exempt from disclosure in accordance with the Act.

No particular form is required to submit a FOIA request, although one is attached to this policy and posted on our website for our citizens' convenience and to assist us in supplying the appropriate requested information. To ensure we understand exactly what information is being requested, the request should always be in writing, and as such, you are authorized to request for information to be submitted to you in writing from the citizen.

In the event the FOIA request is for documentation which is readily available on our Jefferson County website, the citizen should be directed to the website and the location on the website where the information can be obtained. Nothing else further needs to be done.

Our internal process:

--Immediately upon receipt, ALL requests for County information must be submitted to the County Administrator and Legal Counsel. This applies to all employees, Commissioners and Elected Officials.

--Each department is responsible for providing the necessary information regarding the citizen's specific request to the Legal Department.

--The Legal Department will prepare an appropriate response with required documentation as provided by our internal resources and submit a response to the citizen. Legal is to provide a copy of their response to the County Administrator, the Commissioner(s), Elected Official or the department which has produced the documentation so it is clear what answer was provided. Legal will be responsible for maintaining records of all FOIA requests and responses.

--**Under no circumstances should any response for a citizen FOIA request be provided without the review and approval of the Prosecuting Attorney or Assistant Prosecuting Attorneys.**

--A response must occur within 5 days of the receipt of the request as required by State Code.

For searches where the information requires ten minutes or less to gather and prepare, the citizen is required to pay \$1.00 per page whether it's written copies or electronic copies.

For searches exceeding fifteen minutes, the County is authorized to charge \$12.00 per hour for its employees' time to search for and/or compile requested records, with a minimum charge of \$12.00 for

the first hour and then prorated for each quarter hour thereafter. If IT personnel are required to complete searches or compile data exceeding fifteen minutes, the County is authorized to charge \$21.00 per hour, with a minimum charge of \$21.00 for the first hour and then prorated for each quarter hour thereafter.

In the event the request is so voluminous that special IT accessories are required such as a flash drive or a CD, the cost of the purchase of the storage device will also be included.

The citizen will be notified if the charge is anticipated to reach or exceed \$50.00, along with a listing of the associated costs. The citizen has the right to change or withdraw their request based on the associated fees, however, they should complete a new form with their revised request or the internal respondent should clearly document the conversation with the citizen and the new request and anticipated fees.

Whether it's paper or electronic, the appropriate fees are to be submitted to the County prior to ANY information being delivered. Checks should be made payable to the Sheriff of Jefferson County. Both checks and cash are to be sent to the Tax Office with a note identifying the citizen and the amount charged.

There are special requests for law enforcement and the Emergency 911 Center which involves the release of data/audio recordings which are a normal function of their business requirements (usually for court/legal purposes), which will be exempt from this policy. They should each follow their standard protocols, guidelines and policies. However, should law enforcement or the Emergency 911 Center receive a request outside their normal legal scope, such as personnel or budget information, the FOIA request shall follow these guidelines.

FOIA Request Form

Date Submitted: _____ Your Name: _____

Phone should there be questions: _____

Request Submitted via: Email Website US Mail Fax In-Person

Records Requested: (Provide as much detail as possible. Use additional sheets as necessary.)

Where/how do you want the information provided to you:

US Mail Address: _____

Email: _____

Fax: _____

Inspect Records: _____

You will be notified in advance if the cost meets or exceeds \$50.00. Please retain a copy of this request for your files. You will need to pay for the cost in advance. Please see our policy to understand our cost structure for your request. Please bring your check or cash to the County Commission office when notified of the amount due. Checks should be made payable to the Sheriff of Jefferson County. Questions regarding your request should be addresses to the County Administrator at:

dkeyser@jeffersoncountywv.org

Internal Use Only:

Date Request Received: _____ Date Provided to Citizen: _____

Internal Respondent: _____ Total Amount Due: \$ _____

Calculation of individual costs: _____

Website Update:

--Initial consultation – 5 – 6 weeks - Oct. 30th

Send Photos

Complete surveys

Develop Main page wireframe

--Graphic design preparation 5 – 6 weeks - Christmas

Will develop home page ideas

Develop 2nd page wire frames

--Content Preparation – 3 – 4 weeks – Jan. 30th

Will likely be the most time consuming for us as we will need to revamp our content. Expect it could take longer than the 3-4 weeks shown. This will require each department to update and submit their information for their respective areas so we'll be held to our management's response time.

--Development and Programming of the Site – 6 – 8 weeks – March 30th

Vendor will develop prototype of website with all appropriate programming

--Training – 1 week – Basic and Super User Training – April 15th

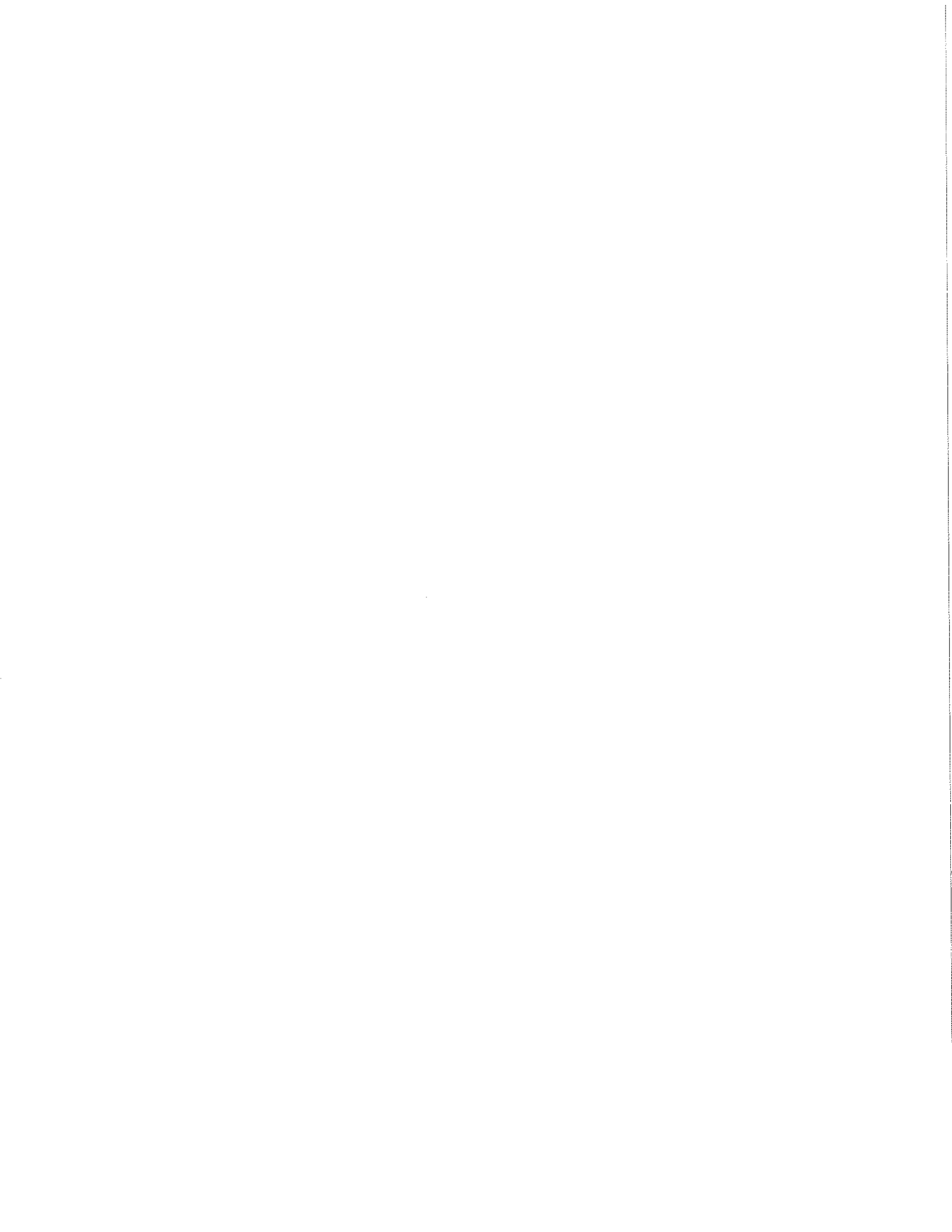
Presented website with approved home page and interior pages

--Soft Launch – On Their Server – 3 weeks – May 15th

All content in place, all information current, so they will launch

We to review and determine any final adjustments

--Live Launch - June 1st





Berkeley County Council

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



THE COUNCIL

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

www.berkeleywv.org

MEMORANDUM

TO: Jefferson County Commissioners; Morgan County; Commissioners;
Vivian Parsons, County Commission Association of WV (CCAWV)

FROM: Douglas E. Copenhaver, Jr., President
Berkeley County Council

DATE: October 22, 2014

RE: Eastern Panhandle Legislative Summit

The Berkeley County Council invites you to join us to participate in our annual Eastern Panhandle Legislative Summit to be held on Wednesday, November 12, 2014 at the campus of Blue Ridge Community and Technical College beginning at 9:00 a.m. Please note the attached agenda and join us in discussing legislative issues of concern to your respective county.

For purposes of planning refreshments and lunch, please RSVP to Penny Shewell at pshewell@berkeleywv.org or 304-267-5103 no later than Wednesday, November 5, 2014.

We look forward to your attendance at this important event.

Cc: Berkeley County Council
Berkeley County Legal Director
County Administrators

**EASTERN PANHANDLE LEGISLATIVE SUMMIT
BLUE RIDGE COMMUNITY AND TECHNICAL COLLEGE
13650 APPLE HARVEST DRIVE, MARTINSBURG, WV 25403**

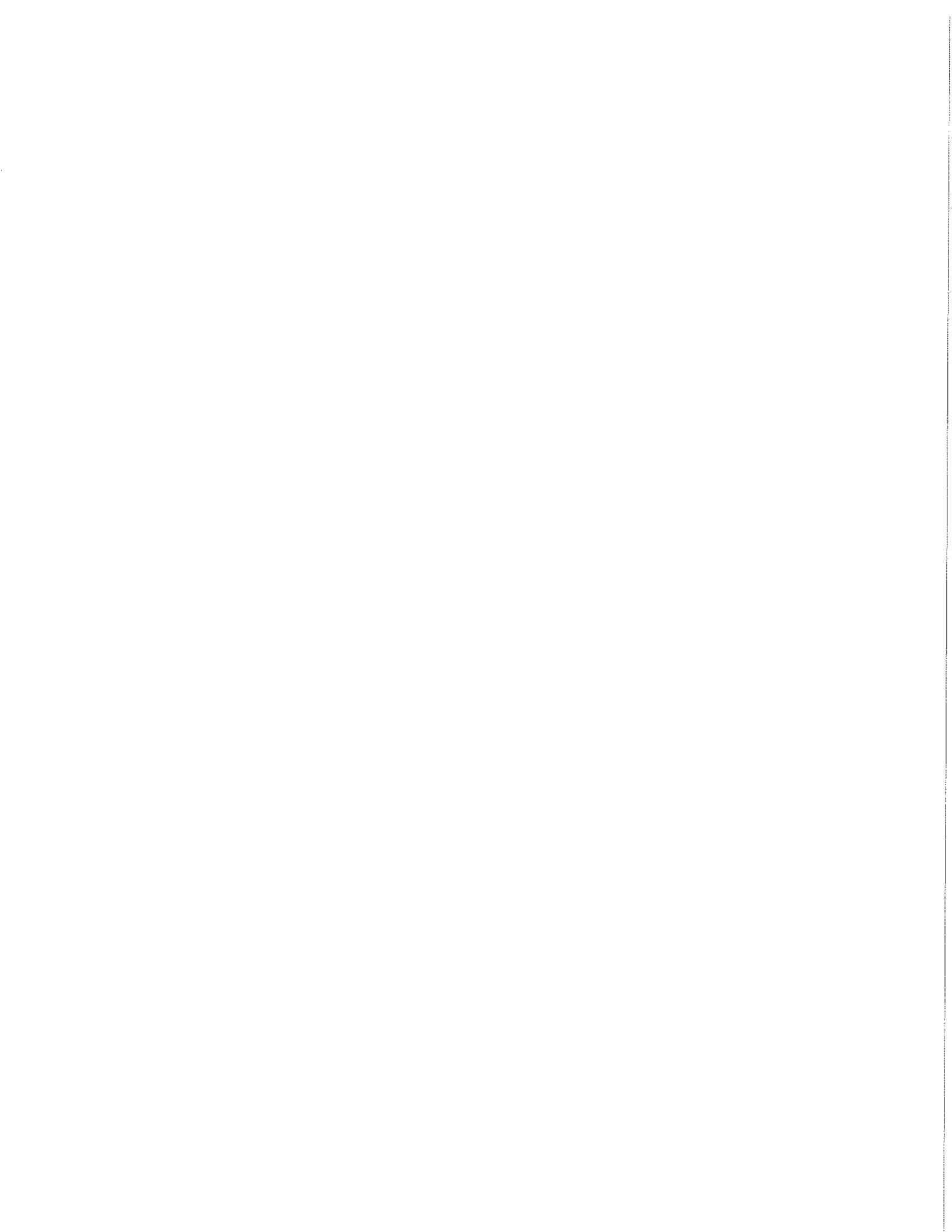
MORNING SESSION: DISCUSSION AMONG COUNTY COUNCIL/COMMISSION

- 9:00 INTRODUCTION OF PARTICIPANTS
DOUGLAS E. COPENHAVER, JR., PRESIDENT, BERKELEY COUNTY COUNCIL
REVIEW OF COUNTY LEGISLATIVE ISSUES
- 10:30 BREAK
- 10:45 RESUME REVIEW OF COUNTY LEGISLATIVE ISSUES
- 11:15 VIVIAN PARSONS, EXECUTIVE DIRECTOR, COUNTY COMMISSION ASSOCIATION
OF WV
REVIEW OF CCAWV LEGISLATIVE PRIORITIES
- 11:45 PRESENTATION OF EASTERN PANHANDLE LEGISLATIVE ISSUES
- 12:00 LUNCHEON BREAK (Light lunch provided by BRTC)

AFTERNOON SESSION: DISCUSSION WITH EASTERN PANHANDLE LEGISLATORS

- 1:30 COUNCIL/COMMISSION REVIEW OF LEGISLATIVE ISSUES WITH EASTERN
PANHANDLE LEGISLATIVE DELEGATION
- 2:30 BREAK
- 2:45 COUNCIL/COMMISSION RESUME REVIEW OF EASTERN PANHANDLE
LEGISLATIVE ISSUES

ADJOURN





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

PRESIDENT

Walt Pellish

VICE PRESIDENT

June Tabb

COMMISSIONER

Dale Manuel

COMMISSIONER

Patsy Noland

COMMISSIONER

Lyn Widmyer

September 24, 2014

Dear Authority, Board, Commission, Committee, Council Member or Mayor:

The Jefferson County Commission recognizes the importance of the knowledge and understanding of the Open Governmental Proceedings Act and Robert's Rules of Order in relation to public meetings. As such, the County Commission would like to extend an invitation to you to share in a training session on Ethics and Robert's Rules of Order to be held on Wednesday, November 5th, 2014 with an afternoon session beginning at 1:30 p.m. and an evening session beginning at 6:30 p.m. Both sessions will cover the same material, and we anticipate each session will be approximately 90 minutes.

The session will be held at the County Commission meeting room located in the lower level of the Old Charles Town Library of the corner of East Washington and North Samuel Street, Charles Town, WV 25414. John Sorrenti from the West Virginia State Auditor's Office will lead the session on Robert's Rules of Order, and a training video from the West Virginia Ethics Commission will be shown to cover standard ethics and open meetings guidelines. Mr. Sorrenti will also be on hand to answer any questions you may have about the topics discussed.

Please be advised this training is only offered through the County once a year. If you happen to be the President of a County-appointed board, commission, or committee, we specifically urge you to attend one of these sessions (or encourage your entire group to attend).

We kindly ask that you RSVP no later than Friday, October 24, 2014 in order to assure we have the proper seating and literature available. If you have any questions, please feel free to call our office at 304-728-3284 or you may e-mail me at jcarroll@jeffersoncountywv.org.

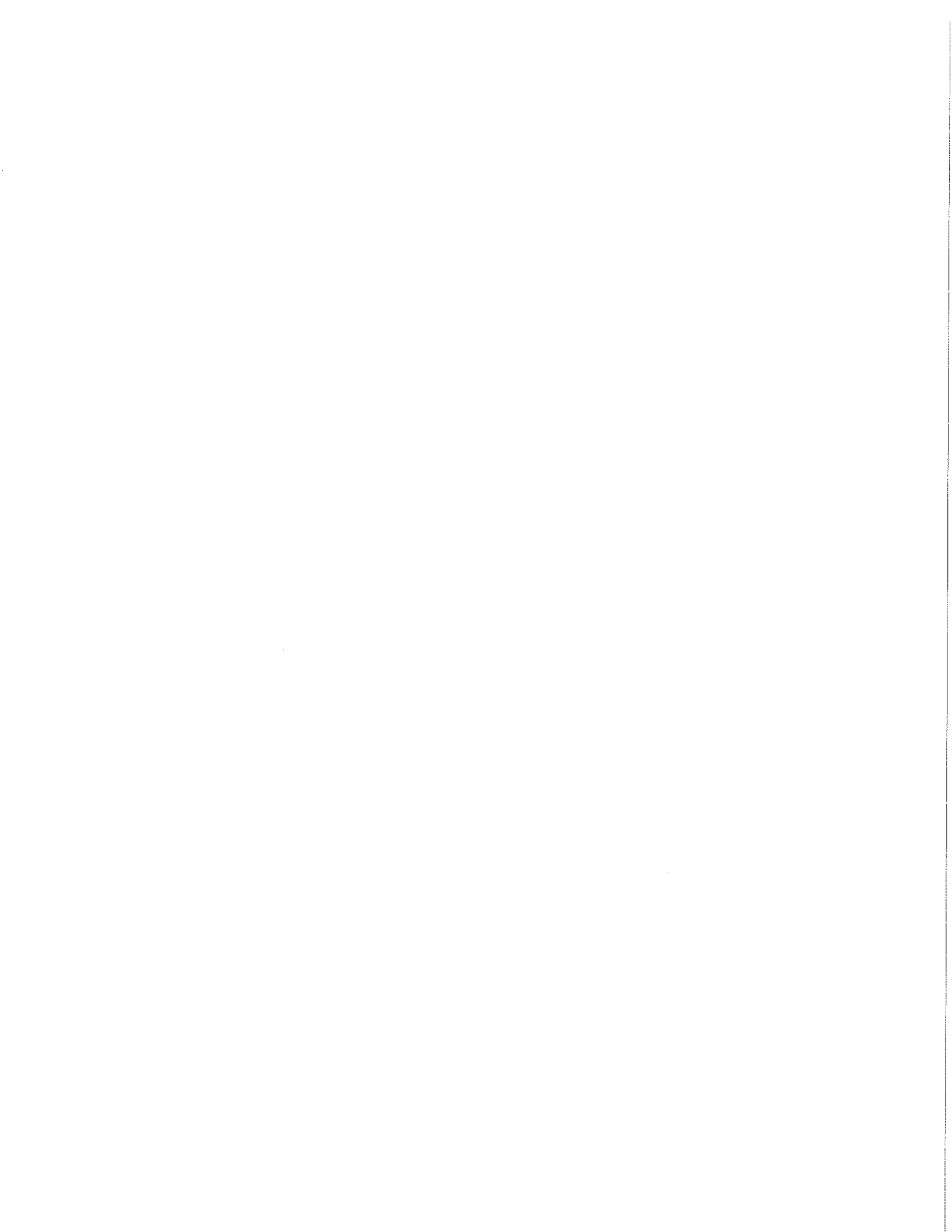
Sincerely,

Jessica Carroll

Executive Administrative Assistant

County Administrator
Debbie Keyser

Deputy County Administrator
Sandy Slusher McDonald



IT RFP – Summary

Oct., 2014

--The IT RFP was published for bid late July, 2014 with a deadline of August 29, 2014. It was sent out on Email Alerts, on our website, and published in the local paper. At the request of vendors, we sent out approximately 25 RFP documents to potential bidders. A majority of those bidding were out of the area/state. We sent the RFP to 3 of our current vendors; Global Data, Accurate Systems and SSI.

--IT RFP #1 was for Consulting Services Only. IT RFP #2 was for Consulting Services and extended IT support services, with both RFPs requiring the continued use of our IT staff of 1.5 personnel. IT RFP #2 limited the IT staff's responsibilities to more of a "help desk only" function.

--We received 2 responses. We believe the reason we received 2 bids was:

--We need our IT Consultant near our facility to manage emergencies. Our RFP stated we required more than remote-only consultants.

--The RFP did not allow selling product along with consulting services. It was deemed to be a conflict of interest to have a consultant stating we need a product and then selling us that product.

--We received two responses, both of which are current County vendors. They are Global Data and Accurate Systems.

--We had a team which reviewed the RFPs. The team consisted of 2 department managers, one elected official, one IT employee, one IT Squad member, Finance Director, County Administrator, and Deputy County Administrator.

--An internal vendor satisfaction survey was completed and sent to numerous individuals, which are familiar with both current vendors. See attachment.

--The results were based on satisfaction of staff with each vendor. The results are as follows with 100% being the best and 1% being the worst:

Vendor #1 – Global Data = 77.65% Vendor #2 – Accurate Systems = 96.83%

--A blank copy of the RFP score sheet was developed based on criteria in the RFP. See attachment.

--The team then completed a score sheet based on their review and arrived at the scores below. Each team member reviewed and evaluated responses to key factors in the RFP such as approach, methodology, staff experience, cultural fit, client satisfaction and costs.

Results	Vendor #1 - GDC	Vendor #2 -- Accurate
Member #1	3.94	4.44
Member #2	3.40	4.50
Member #3	4.60	5.10
Member #4	3.17	4.58
Member #5	3.43	4.29
Member #6	3.87	4.62
Member #7	3.88	4.69
Member #8	3.94	4.63
	3.78	4.61

In summary, Global Data's response to our two RFP's seemed to address only one RFP, so we didn't feel their response was as clear and concise as it should have been. It is not clear if they addressed RFP #2 at all.

Global Data's hourly rate was higher than Accurate Systems. Their emergency response time outside of a normal business day of 8:00 a.m. to 5:00 p.m. was \$175/hr with a minimum of one hour, while Accurate Systems provides emergency support at the same hourly rate regardless of time of day. Accurate Systems' approach fits more in line with our stringent budget requirements.

The employee satisfaction survey showed a 96.83% overall satisfaction with Accurate Systems, compared to a 77.65% satisfaction with Global Data. (This survey went to many County staff not just the RFP review team.)

The RFP score sheet comparing the two RFP responses is above, reflecting a 3.78 out of 5.00 for Global Data and a 4.61 out of 5.00 for Accurate Systems.

Based on the survey results, the employee satisfaction survey, the RFT Team's score sheet results, a lower hourly rate, and a flat rate regardless of the time of day or night, the IT RFP Team would like to recommend the following:

--Pursue contract in accordance with RFP #1 which is for consulting services only. Our IT staff is doing an excellent job completing more than normal help desk duties. This provides a cost savings to the County.

--We believe a 3 year contract is important as our IT structure is complex with multiple buildings, multiple campuses, Elected Officials' integration and needs to coordinate with our basic IT structure, implementation of CAD, and VOIP services. Hence, it takes time to learn our entire IT structure to be able to effectively and efficiently assist. Therefore, we recommend a 3 year contract as defined and quoted in the RFP, with Accurate Systems:

--assuming they maintain their costs within 5% of the price structure as quoted in their RFP.

--assuming they maintain a satisfactory annual employee survey with a rating of 75% or above.

Otherwise, consideration will be given for placing the services out to bid again.

**Request for Proposal
Information Technology Support Services
For IT Consulting Services and Support**

RFP – IT Support Services for Jefferson County, WV

Request for Proposal Information Technology Support Services For IT Consulting Services and Support

RFP #2

Proposals will be received by the County of Jefferson for information Technology Support Services. Interested vendors should submit one original and 4 copies of their proposal response in a sealed envelope marked as follows:

RFP #2 - IT Consulting and Support Services

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

Or send electronically to: dkeyser@jeffersoncountywv.org

Formal proposals must be received by Friday, August 29th, at 5:00 p.m. Bids will be opened and read on Tuesday, September 2nd, at 4:00 p.m.

Vendors are required to provide as much detail as possible in this proposal, regarding scope of services, approach to protecting and securing the technology used by the County, and their capability and experience. The County will utilize evaluation and selection criteria, based on the County's standard proposal process, to determine an acceptable vendor. The County reserves the right to reject any or all proposals or to accept any proposal considered most advantageous.

In summary: Jefferson County Commission has prepared two IT RFPs. This is intended to be a brief summary so you should refer to each RFP for specific details:

RFP #1: Consulting services only. Our 1.5 employees will provide extensive employee on-site assistance and help desk services to our employees.

RFP #2: Consulting services and extended IT services. Our 1.5 employees will provide employee on-site assistance and help desk services to our employees.

You may respond to RFP #1, RFP #2, or both. Copies of the RFP (Request for Proposal) are available electronically by contacting Jefferson County Administrator, Debbie Keyser. Please direct all inquiries to Debbie Keyser at 304-728-3281 or dkeyser@jeffersoncountywv.org.

Prepared by:

Jefferson County Commission Staff

July, 2014

Request for Proposal

RFP – IT Support Services for Jefferson County, WV

Introduction

The County of Jefferson is requesting proposals from qualified, professional technology vendors for Information Technology (IT) Support Services. The qualified vendor would provide necessary technical services, which would enable the County to:

Protect and secure its technology.

Ensure the efficient operation of its data processing networks and related computer systems in its defined user community.

Enhance its quality of IT support service for departments for Commission Staff and Elected Officials.

Minimize spending and maximize ROI (Return On Investment), within the defined budget constraints, for investment in technology.

Background Information

Jefferson County has two campuses. One is downtown in historic Charles Town, WV, while the other campus is within 10 minutes north of downtown, which includes a sophisticated technological dispatch center, the Sheriff's facility and the County Maintenance Department. Our overall account is complex in that we have two campuses, historic older buildings spread among several city blocks.

General County hours are 8:00 a.m. to 5:00 p.m., with the Sheriff's Department and Dispatch working a 24/7/365 schedule. That said, we serve the citizens of Jefferson County, WV. Should there be a natural disaster, national crisis, etc., the County's IT infrastructure must be operational to provide updates as needed to the citizens of the County, Homeland Security, the Sheriff's Department and the 911 Emergency Services Agency. Therefore, it would be expected IT related work would be done until we are operational.

Each department budgets for their specific IT needs. The County Commission budgets those IT services utilized by all in the County such as the server upgrade, data storage systems, core network infrastructure and miscellaneous parts and supplies.

There are approximately 185 full-time employees, which includes County Commission staff and Elected Officials. There is also IT support provided by the County as needed for our Contingency Agencies which include Jefferson County Emergency Services Agency, Jefferson County Parks and Recreation, and the Jefferson County Development Authority (which is approximately 30 employees).

There are approximately 300 computers/printers/scanners/peripherals, 220 email accounts, 2 computer rooms, 10 TB of storage space, and 150 anti-virus installations. We are moving to virtualization in the downtown campus to match virtualization in Bardane campus. All buildings just recently interconnected by fiber and CAT6 cabling and MetroEthernet for both telephone and for data.

9-1-1 center has specialized systems such as radio network with servers in Clarksburg (connected via microwave radio and soon to be fiber connection); or 9-1-1 telephone system with interconnectivity via specialized trunks to the Frontier 9-1-1 network and NCIC data network to the State Police. 1039 radio subscribers programmed and dispersed throughout County in the public safety environment.

RFP – IT Support Services for Jefferson County, WV

Windows XP Professional is the prevalent operating system used in the network. The number of Windows 7 PCs is increasing. The County deploys Sophos as its anti-virus software. Ipswitch/Imail is used for email services alongside a Barracuda spam filter and mail archiving software.

We are in the process of implementing, and will be maintaining a CAD system for the E911 Center and IT assistance may be required.

We will begin implementation of a new website during this summer so technique IT assistance may be required.

Security of data is crucial as we house a multitude of records for our citizens, and it provides data for the County to properly assess and tax as needed.

We have an IBM AS/400 that provides Payroll, Accounts Payables, and Tax Collection. The software on the system is maintained by outside vendors however, onsite diagnostic of hardware issues is the responsibility of the County. The County maintains both Hardware and Software contracts with IBM in the event of system failure and can leverage other vendors if support requirements are greater than the level provided by staff. This requires on-site facilitation of daily back-up tapes.

The Maintenance Department is in partnership with the IT Department for providing cameras and security for the multitude of buildings owned by the County. They also provide implementation of wiring through the old, historic buildings; and provide an Administrator for the day-to-day needs for the VOIP phone system. The IT consultant assists with technical issues when they are not able to be solved by the VOIP administrator.

As part of this RFP you will be required to provide vision, strategy and day-to-day technical support for the one county paid full-time and one county paid part-time employee. The employees utilize a software package to track IT Help Desk tickets which are submitted by employees for IT issues, which range from computer problems, internet connectivity to server issues. Currently there are approximately 180 to 200 tickets per month from the end users, but we expect that number to increase as employees become familiar with the ticketing system. There are other IT tasks performed by the 1.5 employees such as verifications of back-ups, daily hands-on computer repair, server maintenance, etc. which are not reflected in the estimated 200 tickets per month.

Assistance may also be required to assist with a Disaster Recovery Plan and Homeland Security activation. There may be collaboration with IT from the Supreme Court. Therefore, the vendor's employees on site may be required to complete a successful background check.

Other assistance as needed may be required for implementation or updating individual computers, upgrading wi-fi systems, anti-virus protection, working with GIS mapping, and all other important IT tasks typical of the office environment.

Services Required

This section summarizes the services to be provided to Jefferson County in this RFP. Based upon your knowledge and previous "current summary", the County expects the vendor proposal to define, in detail, the approach to be used to ensure a functional, effective and efficient IT Department. Distinction of time and material costs for these efforts are important to billing the County and future budget considerations.

RFP – IT Support Services for Jefferson County, WV

Our employees will complete:

- A. Desktop Application Support – Performance of basic support functions, including the installation of PC's, laptops, PDA's as required by the County, printers, peripherals, and office software, diagnosis and correction of desktop application problems, configuring of PC's and laptops for standard applications, identification and correction of user hardware problems, with advanced troubleshooting as needed, maintenance of an updated inventory of all related computer related hardware, to make available to County Commissioners or County Staff upon request, and continuation of a Help Desk and associated procedures.
- B. Server and Workstation Administrative Services – Management of networks and computer systems, including complex applications, databases, messaging, servers and associated hardware, software, communications, and operating systems, necessary for performance, security, reliability, and recoverability of the systems.

Schedule of preventive maintenance for equipment in the areas of coverage is properly and promptly performed, maintenance of records for all Help Desk tickets for both on-site visits and telephone support, development of operations and quality assurance for back-up plans and procedures are being followed.

Configuration management including changes, upgrades, patches, etc. is maintained, management of user logins and password security is documented; and support of software products relating to servers and workstations, timely response to repair and maintenance work for the user.

Along with consulting, the following items are being requested:

- A. Initial Assessment – Review of the inventory, assessment of the system architecture and equipment for efficiency, life expectancy, capacity, speed, and current processes, and make recommendations for improving routine support criteria and eliminating emergency maintenance issues.
- B. Network Administration Services – Maintenance and support of network equipment, including switches, firewalls, routers and other security devices is included.

Installation and maintenance of printers, scanners, network devices, analysis, routine configuration changes, and installation of patches and upgrades; minor cabling if needed, alert notifications in case of failure of equipment.

Proactive monitoring of network equipment, including performance indicators to report on threshold limitations; network performance and capacity management services; continuous troubleshooting are required.

Maintenance of network documentation for daily, weekly and monthly services is required.

- C. Email, Security, and Backup Efforts – Maintenance of County email accounts using the County domain, adding, changing, and/or deleting County employee accounts as required; maintenance of virus detection programs on the County servers and user computers and laptops;

RFP – IT Support Services for Jefferson County, WV

performance of periodic security audits, including notification of suspected breaches of security to the County designed person is required.

Configuration of County systems to enable remote access in a secure environment, with provisions for remote access administration, as required by the County designee is required.

Requirements for data back-up policy, with procedures in place to handle daily, weekly, and monthly backup of the computer, data and information, email, and program(s) to restore systems and data if servers and/or computers go down, are required.

- D. IBM AS/400 – Must have level of expertise in troubleshooting issues with the AS/400 and will attempt to reduce reliance on outside vendors for troubleshooting issues for AS/400 hardware and software issues.

- E. Planning – Engineering, planning and design services for major system enhancements and/or upgrades to existing systems; recommendations for future purchasing and technology needs, when required or necessary.

Installation of new equipment, software, and transfer existing data when acquired, will be needed.

- F. Vendor Management – Oversight, strategic planning and vision for the 30+ IT vendors used within the different offices of the County departments.

- G. Strategic Planning, Vision and Budgeting – Work with the County Administrator, Deputy County Administrator, and Finance Director to develop strategic planning for the entire County IT infrastructure, understand our budgeting process, and assist in the development of appropriate policies and procedures for the entire IT arena.

- H. Reports and Presentations – The vendor shall submit service reports on a quarterly basis, summarizing service and accomplishments/issues. The vendor must be available to meet with the County Administrator, Deputy County Administrator and Finance Director as needed, and make presentations to the County Commissioners on a quarterly basis on a Thursday morning.

- I. Not Included – The contract to be awarded will **NOT** allow the County to purchase from the selected vendor; computer equipment, hardware devices, cabling, licenses, software, or any other purchases other than the services provided within the scope of the RFP. The scope of this contract does not include computer equipment and networks not owned by the County.

- J. Areas of service will be defined by the County Administrator as Critical, Level 1 and Level 2. Critical issues such as telephone and internet disruption impacting employee productivity or our ability to serve the public will require a response time of 30 minutes or less from the vendor as needed either via remotely or on campus. Level 1 impacting our ability to serve the public or employee productivity will require a 2 hour response time as needed either via remotely or on campus. Level 2 would be items which do not impact serving the public or employee productivity and will be based on a mutually agreeable service call time.

RFP – IT Support Services for Jefferson County, WV

- K. Coverage – It should be understood that the support windows is 24x7x365. Or efforts support Emergency Services and the first responders within the County.

Submission Requirements

The County is requesting the proposal submitted address the subjects with focused, concise specificity. We are looking for content, organized effort, solution-oriented IT function with the appropriate costs. The goal is a secure, smooth operating, efficient process, and effective informational technology systems.

Each proposal shall provide the following:

About You:

1. Company name, address, telephone number and website.
2. Name, title email address and phone number of your contact person who is authorized to represent your firm.
3. Federal and State taxpayer ID for your firm.
4. A copy of your current West Virginia business license.
5. A brief statement of your understanding of the services to be performed.
6. The letter must be signed by a corporate officer or person authorized to bind the vendor to the proposal and cost schedule.
7. A statement indicating your proposal cost schedule will be valid and binding for 90 days following the proposal due date, and will become part of the contract negotiated with the County.
8. Provide a short profile of your firm regarding length of time in business, length of time providing proposed services, number of clients, number of clients in the public sector; location of office to service the account; number of employees; technological support, programming, consulting, sales and administrative support.
9. Description of the approach your firm will use in providing the services and how the firm is positioned to provide the services requested, with a history of experience on providing similar services.
10. Name of staff resources, with identification of principals and key personnel who are available to provide services, experience and expertise of staff; role and responsibilities of each staff member to be associated with our account.
11. Name, title, address and phone numbers of at least 3 references for clients, whom similar services have been provided, including information referencing the actual services performed, number of users, and length of tenure.

RFP – IT Support Services for Jefferson County, WV

12. Explanation of any contract termination for default or other incident in the past five years. Termination or default is defined as notice to stop services for non-performance or poor performance, and issue was either litigated or not litigated. If default occurred, list name, address and telephone number of the party. If no termination occurred for default, please state so.
13. Provide why your firm is pursuing this contract and how it is uniquely qualified to perform the multitude of services required.

Your Proposal:

14. Define how you will approach our account and thoroughly manage the services required to effectively and efficiently run our IT Department based on the information provided to you within this RFP.
 - a. Please submit a fixed fee service contract for a twelve month period (July-June), with an option to renew for the second and third years (twelve months each), with the option for the County to terminate services for unsatisfactory performance either through a management decision or the Evaluation Survey results. Each twelve month period must be shown separately. A payment schedule should also be included (i.e. monthly, quarterly, etc.).
 - i. a fee schedule containing the vendor hourly rates for all services.
 - ii. a description of how services will be billed:
 - iii. a description of additional charges, i.e. out-of-pocket expenses for travel, etc.
 - b. Please list specifically any services which would not be covered in the proposal price. The vendor shall indicate the impact, if any, of changes in the County's IT infrastructure (number of servers, PC's, etc.) on the fixed fee. Identify the following for those services not under the fixed fee.
15. Please submit a draft contract for our review.
16. Please indicate the amount of liability coverage you have and provide a copy of your insurance certificate.
17. Please indicate scope of services beyond the RFP that the firm provides which may be of interest to the County.

18. **INTERPRETATIONS, DISCREPANCIES, OMISSIONS:**

Should any Firm/Company find discrepancies in, or omissions from, the documents or be in doubt of their meaning, they should at once request in writing an interpretation from the County Commission. All necessary interpretations will be issued to all Firms/Companies in the form of addenda to the specifications, and such addenda shall become part of the contract documents. Failure of any Firm/Company to receive any such addendum or interpretation shall not relieve such Firm/Consultant from any obligation under their proposal as submitted. Jefferson County will assume no responsibility for oral instructions or suggestions. ORAL ANSWERS SHALL NOT BE BINDING ON JEFFERSON COUNTY. No requests received after August 29, 2014 at

RFP – IT Support Services for Jefferson County, WV

Internal End User Survey – IT Vendor Evaluation

(This is included for informational purposes only and does not need to be completed or addressed as part of your RFP).

Please take a moment to fill out the attached survey. This survey will enable the RFP IT Committee to have insight into the overall level of customer service provided to the County by our current IT vendors. This survey is to be completed annually. Keep in mind, Accurate Systems currently reflects Tom Reilly only, as the two IT resources are our employees and are NOT reflected in this evaluation survey. All surveys should be returned to the County Commission Office for tallying. A total score will be shown for each vendor along with written comments, with all participant names withheld.

Scoring: 5= Superior; 4=Good; 3=Average; 2=Poor; 1=Unsatisfactory; 0=No Knowledge

Vendor:	0	1	2	3	4	5
How would you rate the response time to your requests by the current vendor and his/her staff?						
Are you treated respectfully and appropriately by the current vendor and his/her staff?						
How would you rate the professionalism of the current vendor and his/her employees?						
How would you rate the vendor's ability to provide understandable, simple explanations of your IT issues and resolutions?						
How would you rate the overall IT knowledge of the vendor and his/her staff?						
How would you rate the reasonableness of the fees/charges you pay for this vendor?						
Overall, what would be your rating of the vendor's overall service and value to the County?						

Additional Comments: _____

(Signature – Optional)

Date

RFP for IT - Summary

Rating 1-5; 1=Poor; 5=Best

	Rating	Vendor #1 - Global Data	Rating	Vendor #2 - Accurate Systems
Approach & Methodology				
--Professional RFP				
--Clear concise RFP				
Project Staff and Experience				
--Staff Turn Over				
--Professionalism				
Ability to deal w/multiple vendors				
--Succession Planning				
--Able to convey easy explanation for complex topics				
Cultural Fit; Ease of Doing Business				
County is complex. Learning curve/adapting				
--Works well w/all personality types/all management				
Experience of Firm				
Years in business/bench strength				
Satisfaction of Clients/End Users				
--JC Ee Vendor Satisfaction Survey				
Sells product to County?				
General Comments				
Increase/growth				
Insurance Coverage				
Response Time				

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#DIV/0!

RFP #1 - Consulting Only		Vendor #1		Vendor #2
--Consultant Fee Hrly Rate - Year 1				
--Consultant Fee hrly Rate - Year 2				
--Consultant Fee hrly Rate - Year 3				

--After Hrs Support (outside 8-5)				
--Other				
RFP #2 - Consulting and IT Support				
--Consultant Fee Hrly Rate				
--After Hrs Support (outside 8-5)				

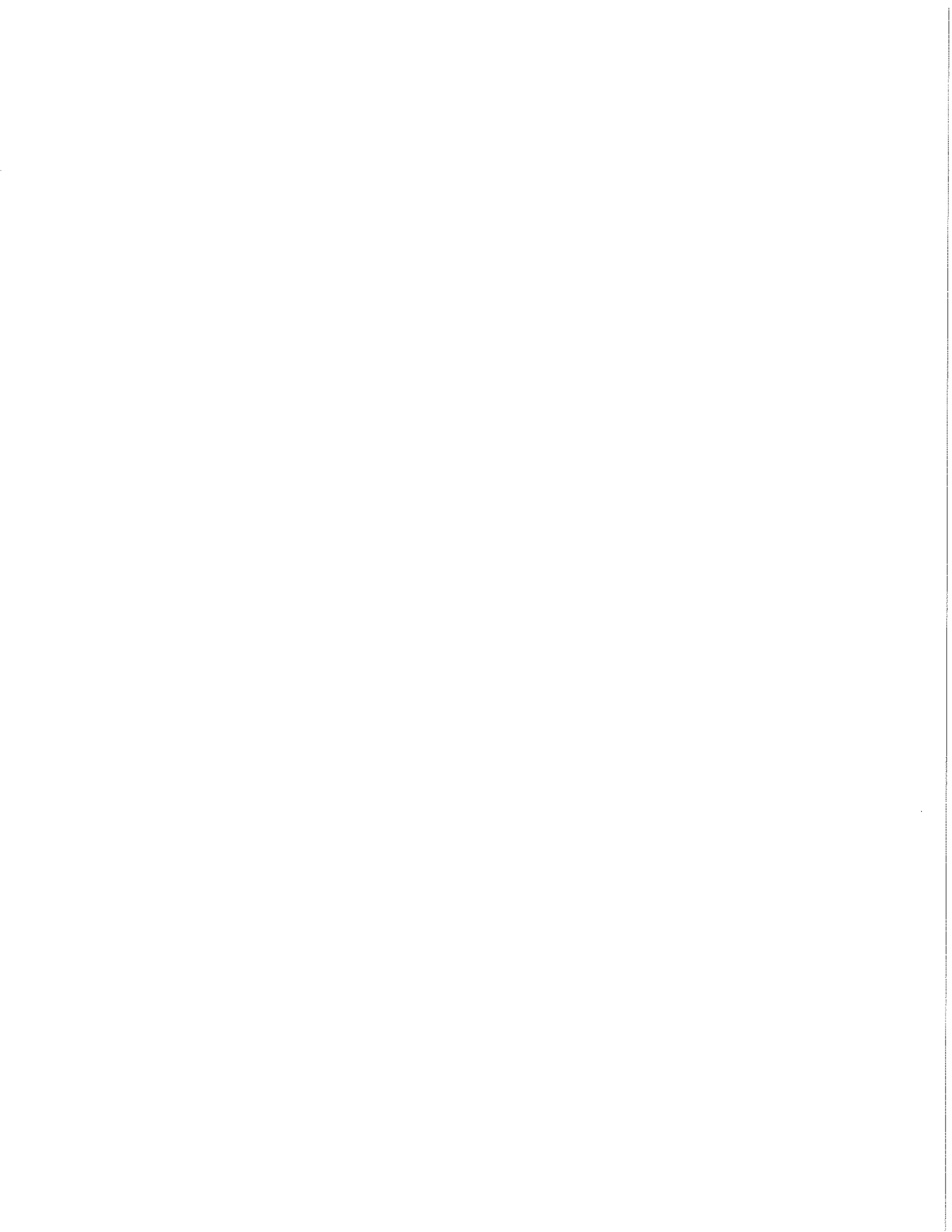
RFP for IT - Summary

Rating 1-5; 1=Poor; 5=Best

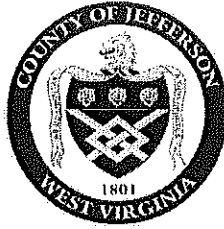
	Rating	Vendor #1 - Global Data	Rating	Vendor #2 - Accurate Systems
Approach & Methodology				
--Professional RFP	5	Bound; Timely Response	5	Bound; Timely Response
--Clear concise RFP	3	Doesn't appear they responded to both RFP's. Not clear.	5	Addressed e/question. 2 RFPs
Project Staff and Experience				
--Staff Turn Over	3	Turnover significant w/CAD - 3 ees in 3 months	5	No turnover; brings in assistance when needed
--Professionalism	5	Always professionalism	5	Always professionalism
Ability to deal w/multiple vendors	5	Currently does so	5	Currently does so
--Succession Planning	5	Large company; multi-level experienced staff;	3	Small company; owner completes most of the work, but has other employees that can assist on short notice
--Able to convey easy explanation for complex topics	3	Documents/presentations completed last couple of years did not receive the best reviews	5	Excellent explanations; understandable presentations to commission i.e. CAD, Qtrly meetings;
Cultural Fit; Ease of Doing Business				
County is complex. Learning curve/adapting	3	Intimately knowledgeable with CAD. Has experience with our old structure, but not new structure	5	Developed the current IT structure. Assisted with VOIP and CAD. Intimately knowledgeable and assisted w/development of our multi-systems
--Works well w/all personality types/all management	3		5	
Experience of Firm				
Years in business/bench strength	5	Ranked several years as top 100 in the World;	3	Limited benchstrength; Small company but personalized service
Satisfaction of Clients/End Users				
--JC Ee Vendor Satisfaction Survey	3	77.65%	5	96.83%
Sells product to County?	3	Has sold CAD equipment/services to County; How will this contract impact CAD if we can't purchase?	5	No; Ok w/concept to be consultant only
General Comments	3	Felt GDC's IT infrastructure set-up of CAD wasn't as smooth as we had anticipated	5	Appreciates and adheres to budgetary limitations by County. Tom's goal is to make us as self-sufficient/self-reliant as possible. Not best for his business, but understands the necessity as a local resident
Increase/growth	5	Growth by 20% or location, charges to be reassessed	5	Changes or growth will be negotiated and mutually agreed upon
Insurance Coverage	5	Per claim: \$3m Aggregate: \$3m	3	Per claim: \$1m; Aggregate: \$3m
Response Time	3	Normal business hours - contact w/i 4 hours; Emergency is 30 minutes	5	Business or Emergency - immediately
	3.875		4.625	

RFP #1 - Consulting Only	Vendor #1	Vendor #2
--Consultant Fee Hrly Rate - Year 1	\$5425/mo. - Maintenance and Strategic Planning; \$95/hr tech skills website developmt; systems integration, troubleshooting, etc.	\$85/hr or \$4,000 fixed mo. Commitment; travel outside 30 mile radius would be extra
--Consultant Fee hrly Rate - Year 2	\$5425/mo. - Maintenance and Strategic Planning	\$90/hr or \$4,200 fixed mo. Commitment; travel outside 30 mile radius would be extra
--Consultant Fee hrly Rate - Year 3	\$5425/mo. - Maintenance and Strategic Planning	\$95/hr or \$4,410 fixed mo. Commitment; travel outside 30 mile radius would be extra

--After Hrs Support (outside 8-5)	\$175/per hour; minimum 1 hour	Regular rate
--Other		
RFP #2 - Consulting and IT Support	Vendor #1	Vendor #2
--Consultant Fee Hrly Rate	\$5425/mo. - Maintenance and Strategic Planning; \$95/hr tech skills website developmt; systems integration, troubleshooting, etc.; Didn't feel GDC responded to both RFP's so not sure this is accurate.	Option #1: \$85/hr or \$13,258.81 fixed mo. Commitment; travel outside 30 mile radius would be extra
		Option #2: \$85/hr or block of time up to 30 hours per month plus finding of 21 hours of weekly service time for part-time employee. \$9998.58 fixed mo. Year #2: \$90/hr and \$12,921.75
--After Hrs Support (outside 8-5)	\$175/per hour; minimum 1 hour	Regular rate



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Debbie Keyser, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **October 30, 2014**

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

Date Requested – 2nd Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **JCESA Ambulance Fee – Collection update**

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

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

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

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

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

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

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

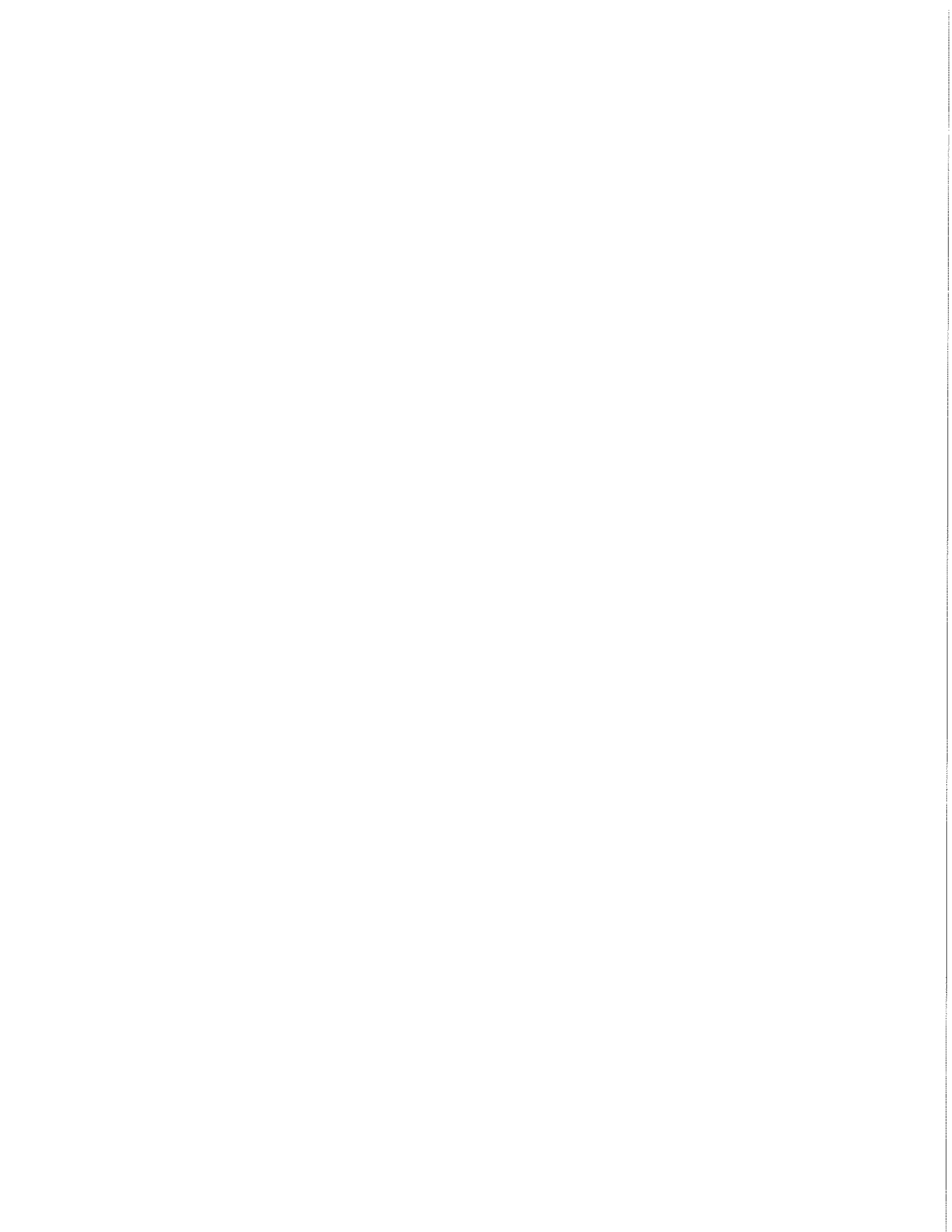
Telephone for conference call Y/N Click here to enter text.

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Debbie Keyser

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: Oct. 30, 2014

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

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda):

Ambulance Fee for citizens with property sold between July 1, 2014 and Sept. 15, 2014.

Please provide the County Commission with a description of your request or presentation, including any background information:
Discussion/action regarding the ambulance fee for those citizens that sold homes between the effective date of the Ordinance (June 30, 2014) and the date the ambulance bills were received by citizens on or about Sept. 15, 2014.

Is this a funding request? Y/N No.

If so, how much? \$

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

Motion to approve/deny the ambulance fee for those homeowners selling their homes within the timeframe of June 30, 2014 through Sept. 15, 2014.

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

If not attached, explain: Attached

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

Contact information:

Email address:.

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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Ambulance Fee for Homeowners Selling Homes
between June 30, 2014 through Sept. 15, 2014

Summary of Information:

- The Ambulance Fee was approved June 5, 2014.
- All of the items needed to complete implementation and mailing of invoices (office reorganization, purchase of software, implementation of software, hiring of employee, and raw data manipulation) weren't completed until September 10, 2014, with residences receiving the invoice at home likely no later than September 15, 2014.
- The Ambulance Fee Ordinance states the fee is due based on ownership of the property on or after July 1, 2014.
- As evidenced by comments from citizens and letters in the envelopes, there were a significant number of citizens which were unaware of the implementation of the Ambulance Ordinance (even though it was all advertized properly and often).
- In the Ordinance in one section it states "On or before July 1st of each year a bill shall be mailed to the owner's mailing address on record". In another section of the ordinance it states "a bill in the amount of the fee shall be delivered to that unit by US Postal Service on or after July 1st".

The Issue:

- For this fiscal year, those that sold homes between July 1, 2014 and Sept. 15, 2014 were unlikely to be aware of the fee and had not physically received the invoice.
- Since they didn't have an invoice they were not able to have their attorney prorate the bill and share the expense with the new owner of the property at the settlement table.
- Now these citizens have an invoice for the upcoming year for an ambulance fee for a service they will not be able to utilize since the majority are moving out of state. Citizens that closed on their property after they received the ambulance invoice could have their invoice prorated by their attorney during closing.
- If the citizen was local, and moved local, they will not receive a new invoice for their new residence as the Ordinance states it is the responsibility of the owner of the property as of July 1, 2014. Therefore, they should pay their ambulance fee and provide a change of address.
- If the citizen was local, and moved outside the County, they will no longer be eligible to obtain services from local ambulance/paramedic services, yet they will have an invoice to pay and couldn't pass it on to the next owner.
- Next year all citizens should be aware of the ambulance fee since they received the invoice this year; and we will likely consider mailing the invoice prior to the July 1st effective date for next year.

The Decision:

Does the Commission wish to exonerate those citizens that moved outside the County between July 1, 2014 through September 15, 2014, because the citizens were not aware of the ambulance fee and could not share the expense, and will not be able to take advantage of the services?

Or does the Commission wish to require the citizens to pay the ambulance fee regardless, since the Ordinance states it is who owns the property on July 1st?

It is an estimated 20 or less citizens at \$40 = \$800 less in revenue.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Debbie Keyser and Stephanie Grove

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: Oct. 30, 2014

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

Date Requested – 2nd Choice:

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

Update from our Legal Counsel regarding the closing of the Comcast Ranson office

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

Is this a funding request? Y/N No.
If so, how much? \$

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

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

If not attached, explain: Attached

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

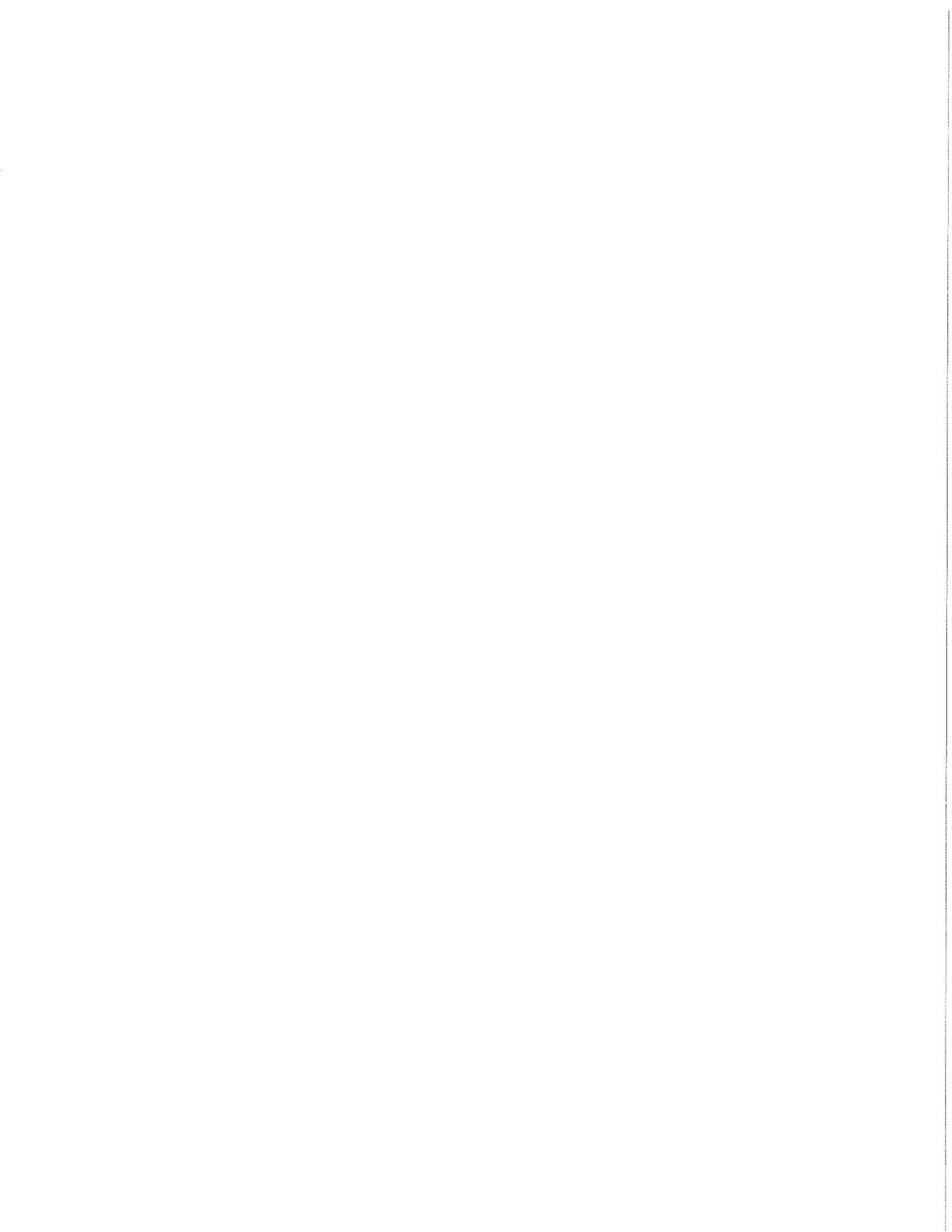
Contact information:

Email address:.

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Debbie Keyser

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: Oct. 30, 2014

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

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda):

Possible executive session – Negotiations for building – Building Space Needs Committee

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

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

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

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

If not attached, explain: Attached

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

Contact information:

Email address:.

Phone Number:

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AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Debbie Keyser

Department or Organization: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: Oct 30, 2014

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

Date Requested – 2nd Choice:

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

Discussion of pending litigation. Executive Session.

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

Is this a funding request? Y/N Potential Funding based on Commission decision
If so, how much? \$

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

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

If not attached, explain: Attached

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

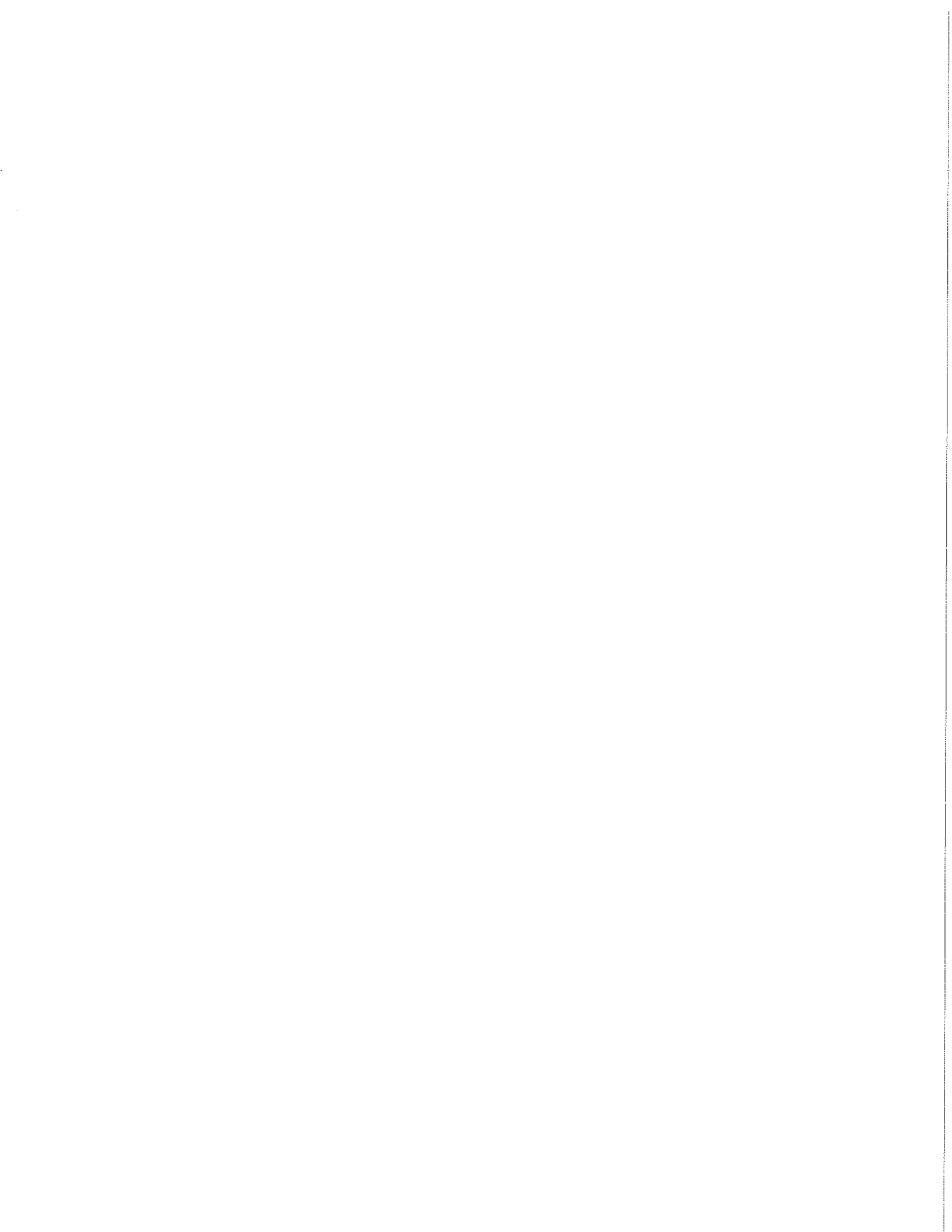
Contact information:

Email address:.

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Patsy Noland

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **October 30, 2014.**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Reconsideration of the decision of May 29, 2014, to require appointees to sign Jefferson County Code of Ethics form.**

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

The County Commission voted at the meeting of May 29, 2014, to enact a policy that requires all appointees to Boards and Commissions to submit to signing a Jefferson County Code of Ethics Form. After receiving a letter from Jim Kelsh of Bowles Rice Law Firm informing the county commission in a letter received on October 20, 2014 that this policy is in conflict with Article IV, Section V of the West Virginia Constitution and advised the county commission to cease and desist from enforcing the County's Ethics Policy. A discussion and reconsideration of this policy is necessary. (Legal counsel should be present for this discussion.)

Is this a funding request? No 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*):

I move that the County Commission rescind the policy that created the Jefferson County Code of Ethics that requires appointees to sign the Jefferson County Code of Ethics Form as it is in conflict with the requirements set forth in Article IV, Section V of the West Virginia Constitution.

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

If not attached, explain:

See attached letter from Jim Kelsh.

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

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

Contact information: Patsy Noland

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

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101 South Queen Street
Martinsburg, West Virginia 25401

7000 Hampton Center
Morgantown, West Virginia 26505

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Moundsville, West Virginia 26041

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Parkersburg, West Virginia 26101



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6000 Town Center Boulevard, Suite 210
Canonsburg, Pennsylvania 15317

333 West Vine Street, Suite 1700
Lexington, Kentucky 40507

480 West Jubal Early Drive, Suite 130
Winchester, Virginia 22601

OCT 20 2014

Jefferson County Commission

James V. Kelsh
Telephone — (304) 347-1135
Facsimile — (304) 343-3058

E-Mail Address:
jkelsh@bowlesrice.com

Walt Pelish
President
Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

Re: County Ethics Code

Honorable President Pelish:

I am an attorney representing the Jefferson County Public Service District ("District").

On July 21, 2014, the Jefferson County Commission sent letters to the District's board members, asking each of them to sign and return a one page Jefferson County Code of Ethics ("County Ethics Code"). The letter stated that failure to return the statement may affect future appointments. I am informed that the Jefferson County Commission approved the mailing of the County Ethics Code earlier this year.

The request for board members to execute the County Ethics Code is in violation of Article IV, Sec. 5 of the West Virginia Constitution. This section requires every person appointed to an office to make an oath to support the Constitution of the United States and the Constitution of West Virginia. All District board members are required to take this oath before assuming duties as a board member. This section of the West Virginia Constitution also states that "no other oath, declaration, or test shall be required as a qualification, unless herein otherwise provided." Since the prohibition on requiring other oaths or declarations is in the West Virginia Constitution, District board members cannot be compelled to execute the County Ethics Code. Further, since District board members have given an oath to uphold the West Virginia Constitution, which prohibits these additional declarations, a District board member would be violating that oath by signing the County Ethics Code, as this would constitute participating in a violation of the West Virginia Constitution.

I advised three County Commissioners in attendance at the District's August 4, 2014 board meeting regarding the unconstitutionality of the County Ethics Code. Shortly after the August 4, 2014 District board meeting, I spoke to Stephanie Grove regarding the unconstitutionality of the County Ethics Code.

October 17, 2014
Page 2

I was surprised to learn that the County Commission has reiterated its request that appointed public officials in Jefferson County execute and return the County Ethics Code. See the attached letter from Jessica Carroll, executive assistant to the County Commission, requesting that appointed officials return an executed County Ethics Code by October 27, 2014, on penalty of jeopardizing future appointments or reappointments for failure to do so.

Based upon the West Virginia Constitution, I believe that the County Commission should cease and desist from asking appointed county officials to execute the County Ethics Code. The County Commission should send a letter to all county appointed officials who received either the July 21, 2014 letter or the September 23, 2014 letter advising them that the County Commission has rescinded its request for appointed officials to execute the County Ethics Code. Further, the County Commission should not take into consideration in any appointments or reappointments whether a person has signed or not signed the County Ethics Code.

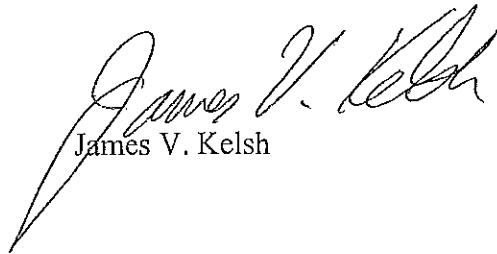
While the County Ethics Code clearly violates the West Virginia Constitution, and this alone is dispositive of the matter, the County Ethics Code is also unnecessary, as County appointed officials, including the District's board members, are subject to the West Virginia Ethics Act, W.Va. Code § 6B-2-5(a). All PSD board members in West Virginia are required to attend training put on by the Public Service Commission, and the obligations of the West Virginia Ethics Act are presented and addressed in that training. Where the County Ethics Code overlaps the West Virginia Ethics Act the County's Ethics Code is needless -- the obligations already exist. A very substantial advantage of the West Virginia Ethics Act is that the West Virginia Ethics Act includes the establishment of a body to receive, investigate, and adjudicate complaints alleging violations according to defined procedures. W.Va. Code § 6B-2-1 *et. seq.* The County's Ethics Code is totally lacking in this regard. Where the County Ethics Code prohibits something not covered under the West Virginia Ethics Act, there is no mechanism in the County Ethics Code for the filing of a complaint regarding such violation, nor the identification of a body to review and adjudicate such an allegation, nor the identification of the penalty attendant to a violation. The West Virginia Ethics Commission could not investigate allegations of violations of the County Ethics Code, as that would fall outside its limited statutory jurisdiction.

For the foregoing reasons, the County Commission should cease and desist from enforcing the County Ethics Code and advise in writing those who have been asked to execute it that the County Commission has rescinded those requests. The County Commission should not review or

October 17, 2014
Page 3

consider whether a person has signed or not signed the County Ethics Code in making appointments and reappointments.

Very truly yours,


James V. Kelsh

JVK/Sg
Enclosure

cc: Susanne Lawton
Stephanie Groh, Esquire
Jessica Carroll
Bill Strider
Peter Appignani
Dick Weese
Lynn Widmyer
Jane Tabb
Patsy Noland
Dale Manuel



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

PRESIDENT
Walt Pellish

VICE PRESIDENT
Jane Tabb

COMMISSIONER
Dale Manuel

COMMISSIONER
Patsy Noland

COMMISSIONER
Lyn Widmyer

September 23, 2014

Dear Board, Commission, or Committee Member,

On May 29, 2014 during a regular meeting of the Jefferson County Commission, the Jefferson County Commission voted unanimously to send all current members of County appointed boards, commissions, and committees the attached Code of Ethics. The first mailing requested the document be signed and returned to our office by Friday, August 18, 2014. Our records indicate we have not received your signed Code of Ethics statement. As a result, we are sending you another copy to ensure you've received the Jefferson County Code of Ethics.

Please return the document to our office by Monday, October 27.

The County Commission values your commitment to the community. Knowing and understanding what is expected of you in terms of ethics from both a state and local perspective will only help you during your term of service.

Failure to sign will not affect your current appointment to the board or committee for which you are currently serving; however, you should be aware it may affect your future appointments to this board or others by the Commission.

If you have questions regarding the attached Ethics statement or your responsibilities regarding the Open Governmental Proceedings Act or Robert's Rules of Order, you should contact a member of the Jefferson County Commission staff at 304-728-3284 and ask for me, Sandy McDonald or Debbie Keyser.

Sincerely,

Jessica Carroll
Executive Assistant
Jefferson County Commission

County Administrator
Debbie Keyser

Deputy County Administrator
Sandy Slusher McDonald

CODE OF ETHICS

I, agree to adhere to the following ethical principles as an appointee to a county board and/or commission:

- Exercise fair, honest and independent judgment
- Make public disclosure of all "monetary pecuniary interests" I have regarding any decision to be made on the board/commission
- Define "monetary pecuniary interest" broadly to include any actual or potential benefits or advantages that I, a spouse, family member or person living in my household might directly or indirectly obtain from a decision the board/commission might make

A public official may vote, if the public official, his or her spouse, immediate family members or relatives or business with which they are associated are affected as a member of, and to no greater extent than any other member of a profession, occupation, class of persons or class of businesses. A class shall consist of not fewer than five similarly situated persons or businesses

- Abstain completely from direct or indirect participation as an advisor or decision maker in any matter in which I have a monetary pecuniary interest, and leave any chamber in which such matter is under deliberation
- Seek or accept no gifts or favors
- Not participate as an advisor or decision maker or advocate on any plan or project in which I have previously participated as an advocate unless my role as advocate is authorized by state ethics rules
- Not misrepresent facts or distort information for the purpose of achieving a desired outcome
- Not participate in any matter unless adequately prepared and sufficiently able to render thorough and diligent service
- Not use confidential information acquired in the course of my duties to further a pecuniary interest
- Respect the rights of all persons and not improperly discriminate against or harass others based on characteristics which are protected under civil rights laws and regulations
- Follow the requirements of the West Virginia Governmental Ethics Act WV Code §6B-1-1 et seq
- And understand that failure to follow the requirements could result in removal, jail and/or fines.

(Please sign and print your name and include the date and the board, commission, or committee on which you currently serve.)

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Jane Tabb**

Department or Organization: **County Commission**

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

Date Requested – 1st Choice: **Oct. 30, 2014**

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

Date Requested – 2nd Choice:

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

Day Report Center Funding

Please provide the County Commission with a description of your request or presentation, including any background information:
Commission budgeted \$100,000 as a cash match. Cash match is now determined to be \$64,500.

Is this a funding request? Y/N No.

If so, how much? \$

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

Discussion/Action to consider the transfer of the surplus amount (\$35,700) to the County contingency fund.

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

If not attached, explain: **Attached**

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

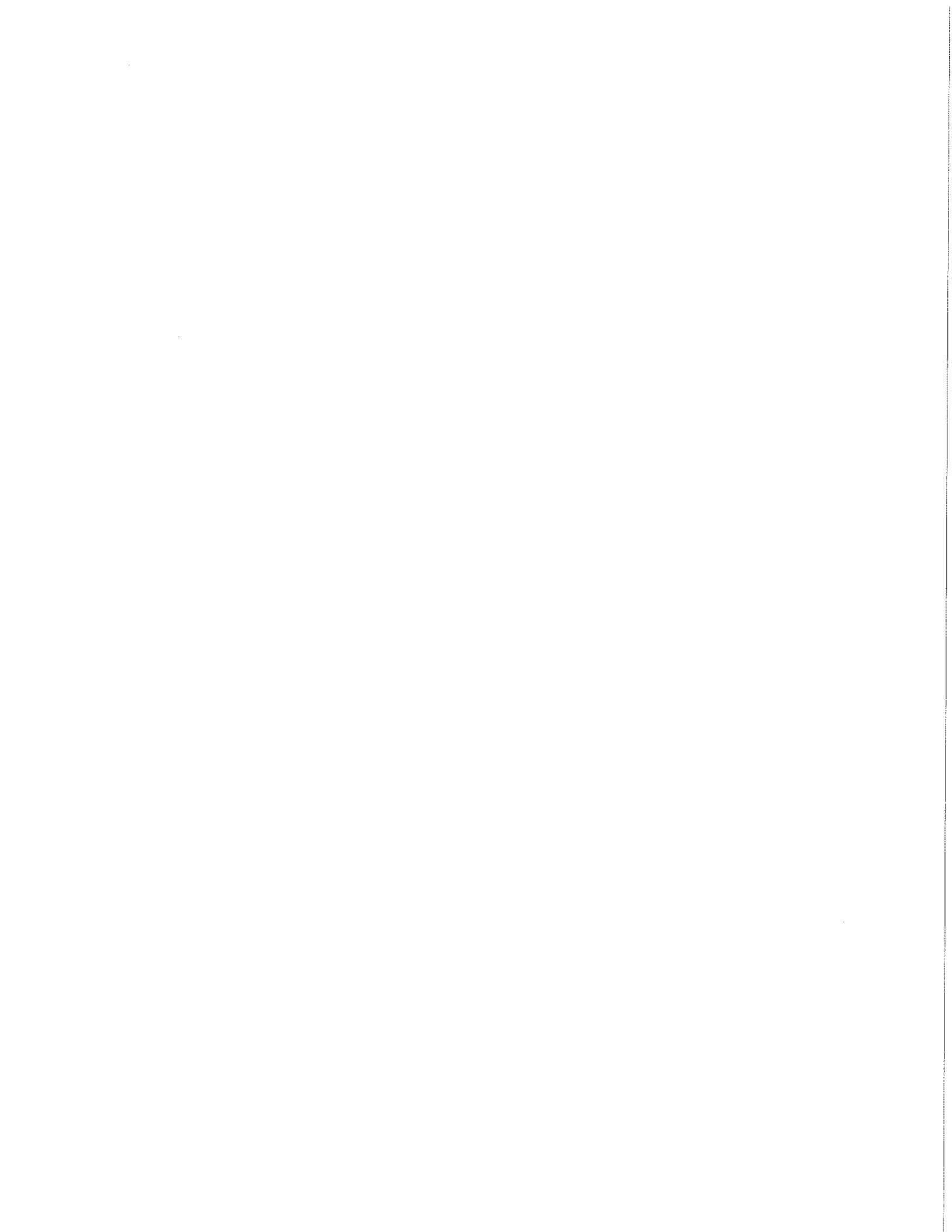
Contact information:

Email address:.

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Debbie Keyser, County Administrator

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: October 30, 2014

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Approval of date and time for the Canvass of the 2014 General Election - Monday, November 10, 2014 at 9:00 am.

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

NOTICE

General Election Canvass

The County Commission of Jefferson County will convene as a Board of Canvassers on Monday, November 10, 2014, at 9:00 a.m. for the purpose of canvassing the ballots from the November 4, 2014 General Election.

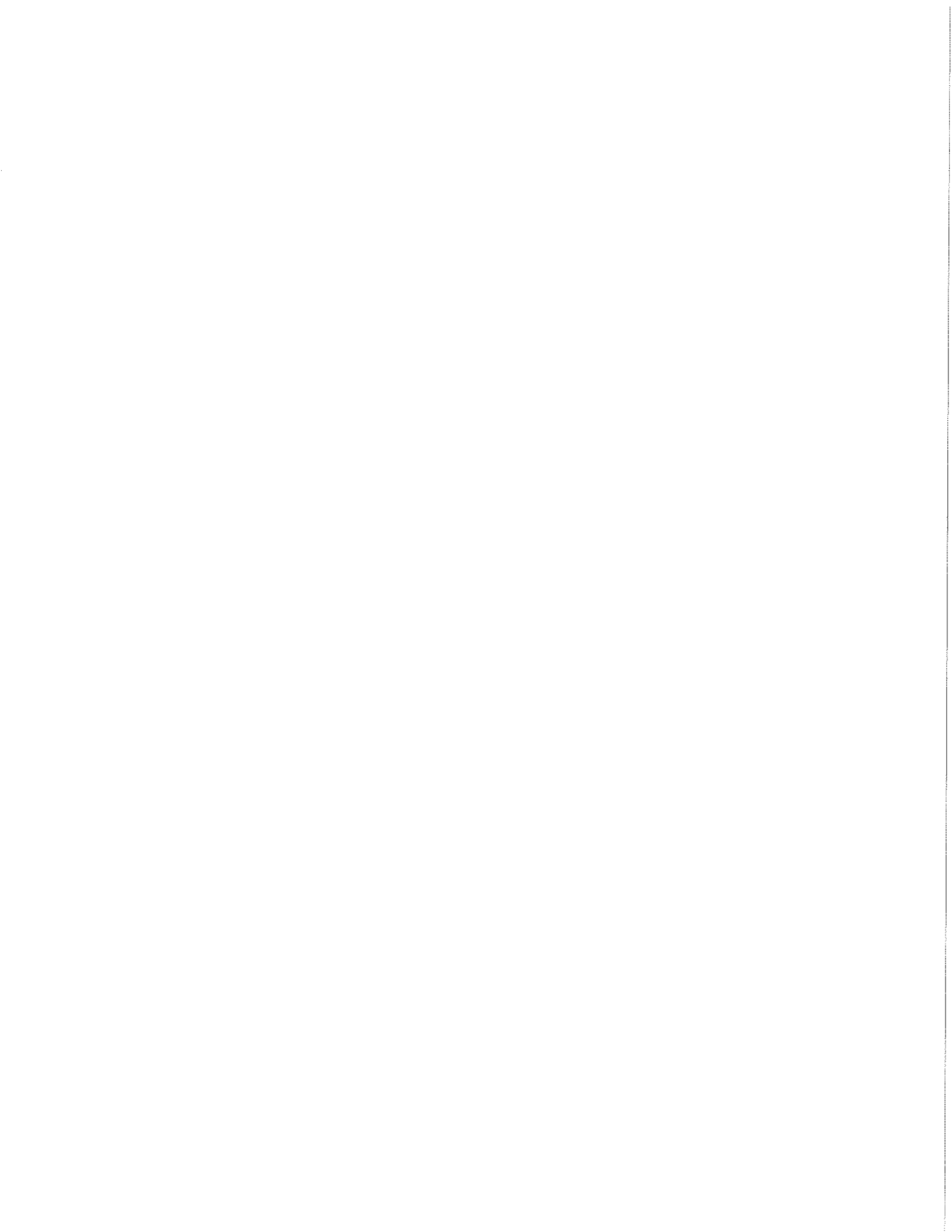
The Canvass will be held in the Jefferson County Courthouse meeting room located at 100 East Washington Street, Charles Town, West Virginia 25414.

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

<p>November 5, 2014</p>	<p>Election Day.</p> <p>(§ 3-3-5)</p> <p>Cancellation of Registration of Voters Made Inactive on February 1, 2008</p> <p>(Day after second federal general election following mailing of confirmation notice)</p> <p>Clerk of the county commission cancels registration of voters who were placed on the inactive file on February 1, 2008 and who have NOT responded to confirmation notices, updated their registration or voted in ANY state, county or municipal primary, general or special election held within the county since February 1, 2006.</p> <p>(§ 3-2-27)</p>
<p>November 6, 2012 (Deadline)</p>	<p>Mail Precinct Returns to Secretary of State</p> <p>(In counties using <u>paper</u> ballots, within forty-eight hours of receiving precinct returns)</p> <p>County clerk mails by certified mail a copy of the precinct returns to the secretary of state.</p> <p>(§ 3-6-8)</p>
<p>November 10, 2014 (Before canvass convenes)</p>	<p>Absentee Ballots Postmarked by Election Day and UOCAVA Ballots Accepted</p> <p>(No later than the hour at which the board of canvassers convenes to begin the canvass.)</p> <p>Absentee ballot by mail accepted if ballot bears a postmark of the US Postal Service dated no later than Election Day and the ballot is received by the county clerk before the start of canvass. In addition, all absentee ballots received from military and overseas voters are accepted until the start of canvass.</p> <p>(§ 3-3-5)</p>
<p>November 10, 2014</p>	<p>Canvass Returns</p> <p>(On the fifth day, Sundays excepted, after general election)</p> <p>County commission, as the board of canvassers, meets to</p>

<p>Deadline depends on completion of canvass in all jurisdictions</p>	<p>canvass primary election returns. The county commission shall meet from day to day, adjourning no longer than necessary until the canvass is complete.</p> <p>(§ 3-6-9)</p> <p>Declare and Certify</p> <p>Upon completion of the canvass, the board of canvassers shall publicly declare the election results. Forty-eight hours after the results have been declared in all jurisdictions in which the office is on the ballot (Saturdays, Sundays and legal holidays excepted), the board of canvassers shall enter an order certifying the results. A candidate may declare a recount within the forty-eight hour period.</p> <p>(§ 3-6-9, 3-6-10)</p>
<p>Deadline depends on date canvass is completed and results are declared.</p>	<p>Recount</p> <p>Recount request must be made within forty-eight hours of the declaration of results. If a candidate is on the ballot in more than one county, the forty-eight hours begins after the final county's board declares the results. A candidate voted for at the election may demand a recount.</p> <p><u>Note:</u> If a recount has been demanded, the board shall have forty-eight hours in which to send notice to all candidates who filed for the office in which a recount has been demanded. Such recount shall be set for no sooner than three days after serving the notice. After the notice is served, candidates so served shall then have an additional twenty-four hours in which to demand a recount of precincts not requested to be recounted by candidate originally requesting recount. The recount is open to the public. However, only those authorized may handle election materials.</p> <p>(§ 3-6-9)</p>
<p>Deadline depends on date of election certification</p>	<p>Contest General Election</p> <p>(Within ten days after the results of election are certified)</p> <p>Candidate may contest the general election before the county commission of the county in which any primary procedures, practices or results may be in issue.</p>

November 17 - December 15, 2014	<p>(§ 3-7-1, et. seq.)</p> <p>Post-General Reports Due</p> <p>(Thirteen days after each general and within twenty business days after the thirteenth day)</p> <p>Candidates, agents, treasurers and persons making independent expenditures file with the Secretary of State or clerk of county commission a detailed itemized statement setting forth all financial transactions made subsequent to last report. <i>All legislative candidates file campaign finance forms with Secretary of State's Office regardless of district.</i></p>
December 4, 2014 (Deadline)	<p>(§ 3-8-5, 3-8-5a, CSR 146-3-8)</p> <p>Transmit Certificates of Election Results to Secretary of State</p> <p>(Within thirty days from the date of the election)</p> <p>Board of canvassers transmits certificates of election results to Secretary of State for state senators and members of House of Delegates, along with copies of certificates for all other officers. Board of canvassers transmits original certificates of election results to U.S. House of Representatives and U.S. Senate to the Secretary of State.</p>
January 3, 2015	<p>(§ 3-6-11)</p> <p>Report Failure to File Financial Statement to Prosecuting Attorney</p> <p>(Sixty days after general election)</p> <p>Secretary of State and clerk of county commission give notice of any failure of candidates, agents or treasurers to file required, detailed, itemized financial statements of transactions connected with general election to prosecuting attorney where delinquent resides.</p>
March 4, 2015	<p>(§ 3-8-7(a))</p> <p>Voter History Completed for Primary Election</p> <p>(Within 120 days following primary election)</p> <p>County clerk shall enter the voting records into the statewide voter registration database.</p>



NOTICE OF WORK SESSION
COUNTY COMMISSION OF JEFFERSON COUNTY

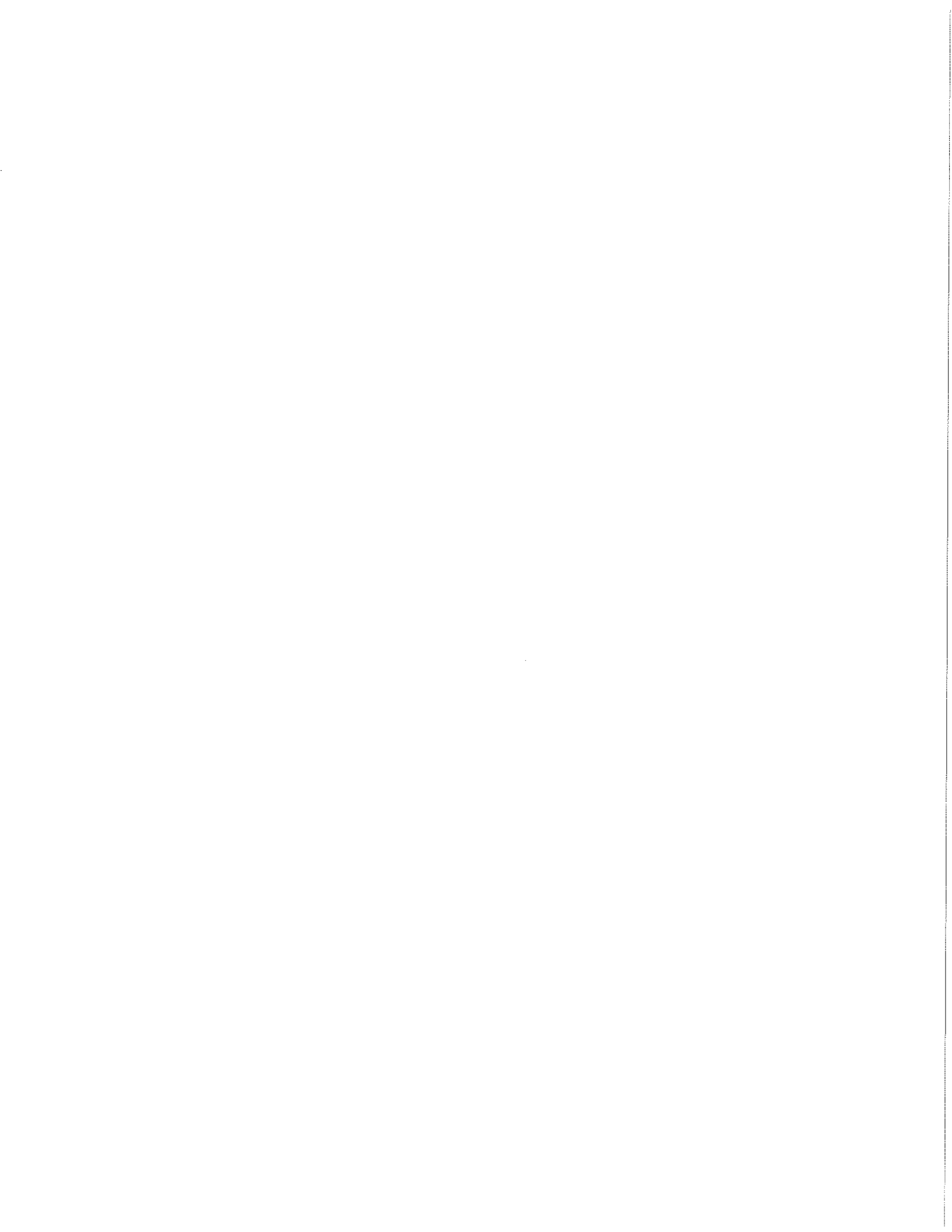
The County Commission of Jefferson County will hold a work session on Thursday, October 30, 2014 at 7:00 p.m. in the County Commission meeting room located at the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

The purpose of this work session is for the Planning Commission and the County Commission to come together to discuss the Planning Commission's Redlined Version of the Draft 2014 Comprehensive Plan, entitled Envision Jefferson 2035, recommended to the County Commission on October 14, 2014.

Though the public is welcome and encouraged to attend this work session, no public comments will be accepted during this session.

You can view the October 14, 2014 Draft Envision Jefferson 2035 Comprehensive Plan at www.jeffersoncountywv.org

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



Quarterly Report
Jefferson County Historic Landmarks Commission
July 1, 2014 through September 30, 2014
October 2014

1. Projects Undertaken

- a. Cement Mill property transfer to NPS
- b. Demolition of Cornfeld house, Shepherdstown Battlefield
- c. Peter Burr Farm improvements and programing - ongoing
- d. Snow Hill/Poor House Improvements – ongoing
- e. WV GeoExplorer project – sponsor and coordinate
- f. Site reviews in conjunction with JC Planning Dept.
- g. Development of historic preservation curriculum for fourth and eighth graders in conjunction with JC Schools
- h. Amending WV Code definition of “certified historic structure” during 2015 legislative session
- i. Coordinating two Historic Preservation Tax Credit Workshops
- j. Coordinating two WV GeoExplorer Workshops
- k. Hosting Shepherd University interns
- l. Submission of National Register nomination – Packhorse Ford

2. Projects Completed

- a. Acquisition of Cornfeld Tract, Shepherdstown Battlefield
- b. Governmental sponsor for ABPP Grant - purchase of Gibson property, Harpers Ferry
- c. Conservation easement donation to LTEP, Lowe Tract, Shepherdstown Battlefield
- d. Revision of Memorandum of Understanding – JCHLC/Shepherd University
- e. Grant application to Two Rivers Giving Circle – GeoExplorer project
- f. Grant application to National Trust for Historic Preservation – GeoExplorer project
- g. Summer internship for SU student – Chris Dunphy

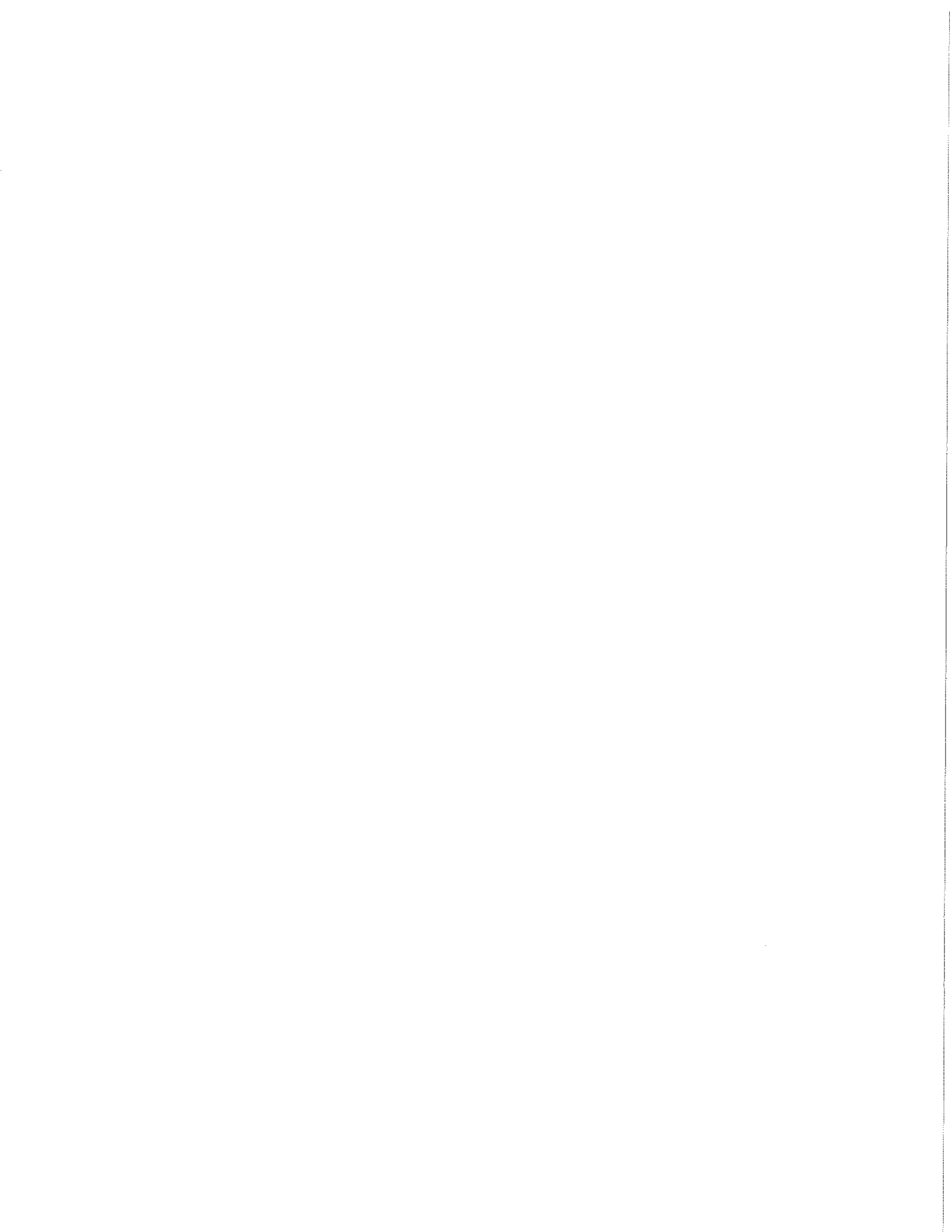
3. Projects Proposed

- a. Documentation of significant barns and farmsteads
- b. JC viewshed inventory
- c. WV State Legislative agenda – 2015 and beyond
- d. Replacement of JCHLC website
- e. Update of JCHLC long range plan to coordinate with Envision Jefferson 2035

4. Items Requiring Jefferson County Commission Attention

- a. None at this time

Submitted by
Martin Burke
Chair, JCHLC



MEMORANDUM

Jefferson County, West Virginia Engineering Department

TO: Jefferson County Commission
Debbie Keyser, County Administrator

FROM: Roger Goodwin, PE, CFM
Chief County Engineer

DATE: October 1, 2014

SUBJECT: **Engineering Department Quarterly Update Report – October 1, 2014**

1. Projects Undertaken/Underway (in alphabetical order):

A. Bonding:

- i) Chapel View Subdivision (03-11) – working on an outline of tasks necessary to bid and contract for completion of the site work for this project. The subdivision lot owners have gained control of the HOA but still need to resolve the issue of ownership of the common areas. Staff met with representatives of the HOA and their attorney in November, 2013 to discuss action the HOA still needs to take in order for the Engineering Department to move forward with completing the site work.

Staff is met with the HOA and their attorney, Chris Strey, on July 29th to discuss the current status and how to move the project forward.

The Chief County Engineer presented a request to the County Commission asking them to issue an order – under authority of WV State Code - that any remaining lots owned by the developer cannot be sold. **This Order was issued and recorded in the County Clerk's office on September 18, 2014.**

- ii) Demory Farm Subdivision (04-17) – Still waiting for several site improvements to be satisfactorily completed so that the construction bond in the amount of \$163,407.00 can be released.

On September 24, 2014, Devin McCreery, Vice President of United Bank, the bond/surety provider, stated that the bank

wants to get the work completed and get the bond released. They are working on hiring a consultant to manage completion of the work. I informed Mr. McCreery that if the bank fails to make reasonable progress in a timely manner that I will request that the County Commission call-in the bond.

- iii) Summit View Estates Subdivision (03-21) – Staff met with the bank that issued the surety on the bond and sent a letter on March 29, 2013 to the developer putting them on notice that they are in default, with a deadline to respond to the notice by April 19, 2013. On May 16, 2013, the County Commission authorized calling in the bond and the bond surety and moving toward completing the remaining site improvements. The bond amount of \$250,000.00 has been placed in a bank escrow account at the Bank of Charles Town.

At the June 5th Jefferson County commission meeting, the County Commission approved allowing staff to work with United Bank, Inc., to complete the remaining site work at the Summit View Estates Subdivision (JCPC File No. 03-21) in exchange for the Jefferson County Commission returning the construction bond/surety funds being held in an escrow account, in the amount of \$250,000, to United Bank, Inc.; and that all work shall be fully completed to the satisfaction of the Chief County Engineer before the funds are returned.

All work appears to be complete with the exception of some seeding and mulching of disturbed areas. Staff recommends returning all but \$5,000 of the bond amount to the surety provider, with the remainder returned upon the site being stabilized with vegetative cover in the spring of 2105.

- iv) Rose Hill Subdivision (02-09) – Engineering staff identified areas of the existing subdivision road that need repaired and made a cost estimate of finishing the remaining site work. Staff met with the Mr. Larry Smith, Rose Hill Subdivision HOA president on July 1st, to discuss the estimate and the next steps in moving forward with completing the work.

The Chief County Engineer was prepared to submit a request to the County Commission at your August 7th meeting asking for authorization to move forward with bidding approximately \$55,000 worth of site work. However, the Rose Hill HOA asked that we not move forward with the request until further notice from them.

B. Property Safety Ordinance:

- i) Case 12-001 (Bierer) – staff hired a process server and the property owner was located in Maryland and served in person with the Petition/Complaint on August 28, 2013. Property owner failed to bring the property into compliance or request a hearing before the county commission. Staff brought the case before the County Commission on October 17th, 2013 seeking an order that the property owner bring the property into compliance. The County Commission issued the order and it was served on the property owner in person on January 15, 2014. The deadline to comply with the order is March 3, 2014. The deadline has passed and the order was sent to the Prosecuting Attorney on March 4th, requesting that he seek an order in circuit court granting the county commission the right to take action to bring the property into compliance. Petition submitted to the circuit court and waiting for the judge to issue the order. The County Commission authorized staff to proceed with advertising for bids to perform the ordered work.

The Circuit Court issued the order. A Request for Proposals to demolish the dwelling was advertised in several newspapers on October 8, 9 and 10th. A pre-bid conference will be held on October 22nd with bids due on October 29th.

- ii) Case 12-002 (Williams) – the property owner was served with the Petition/Complaint via certified mail service in August, 2013. The property owner failed to bring the property into compliance or request a hearing before the county commission. Staff brought the case before the County Commission on October 17th, 2013 seeking an order that the property owner bring the property into compliance. The County Commission issued the order and County Clerk served the order on the property owner via certified return mail receipt. The Property Safety Enforcement Agency will inspect the property on January 15, 2014. The deadline has passed and the order was sent to the Prosecuting Attorney on March 4th, requesting that he seek an order in circuit court granting the county commission the right to take action to bring the property into compliance. Petition submitted to the circuit court and waiting for the judge to issue the order. The County Commission authorized staff to proceed with advertising for bids to perform the ordered work.

The Circuit Court issued the order. Staff still needs to advertise a Request for Proposals to carry out the mitigation

work.

C. Impact Fees:

- i) The Impact Fees Program Specialist continues to work on putting together an office manual that outlines all the processes and information needed to administer the impact fees program. The manual will be used as a guide and to cross train other employees in the department. **The operations manual is approximately 95% complete and I am in the process of reviewing the latest version.**
- ii) The County Commission executed an agreement with TischlerBise to perform the recalculation of the impact fees. A project kickoff meeting was held on Tuesday, October 15, 2013, at 1:30 pm in the County Commission meeting room. Stakeholders provided input.

TischerBise has met with each of the impact fee entities (Schools, Parks & Rec, Law Enforcement, Fire & EMS) to gather information necessary for the recalculation of the impact fees and is in the process of performing the calculations. A fourth stakeholder's meeting was held on April 18th, where Carson Bise presented to the stakeholders his draft report for Fire/EMS, Parks & Recreation, and Law Enforcement impact fees analysis and calculations.

After the stakeholder meeting, it was decided to hold a workshop on Thursday, June 5th, between the county commission, representatives of each impact fee entity, staff, the county attorney and Carson Bise, the consultant. The purpose is to discuss issues related to the methodology and existing levels of service and make decisions necessary so that the calculations and report can be finalized.

The date of the June 5th stakeholder meeting was changed to May 28th. Mr. Bise presented his final calculations. As a result of the discussion, Mr. Bise will need to recalculate some figures. Commissioner Pellish stated that the commission needed to take up the next discussion between themselves and the impact fee entities at a county commission meeting, which is scheduled for July 17th.

Roger Goodwin, Chief County Engineer, is preparing a response to written questions and concerns raised after the May 28th meeting, by the Jefferson County Citizens for Economic Preservation (JCCEP), Eastern Panhandle Homebuilders Association (EPHBA), and several commissioners.

The County Commission held a workshop on July 24th to discuss the questions and concerns raised by stakeholders. As a result, the County Commission created an impact fees recalculation committee to meet and check input data and arrive at consensus on the calculations. The committee met on August 13th, September 3rd and September 23rd. The final draft of the impact fees recalculations will be presented to the County Commission on October 23rd at 1:30 pm.

- iii) The Office of Impact Fees received its first multi-family apartment complex (96 units at Jefferson Crossing) in which the developer made application for evaluation for the affordable housing discount. Staff is working with the county attorney and an independent appraiser to obtain a valuation for the project so a determination can be made as to whether or not the project is eligible for the discount. The county assessor is unable to determine a value for the project from construction drawings.

The appraisal was completed and the project qualified for the affordable housing discount.

- iv) **The Impact Fees Program Specialist sent out the forms and directions for each impact fee entity to begin putting together their FY 2016 Capital Improvement Plans, which are due by December 12, 2014.**

D. Tolling of Bonding Amendment (One-time Partial Release of Lots):

A public hearing on an amendment to the tolling of bonding section of the bonding policy was held on August 9th. The amendment was up for consideration of adoption on the County Commission's October 18th meeting agenda. Additional questions were raised by the County Commission and the amendment was sent back to staff and the developer to address additional concerns. Revisions to the amendment were made and were submitted to the County Commission in January, 2013 for their review and consideration for adoption. **Before taking any action on the proposed amendments, the County Commission directed the Chief County Engineer to prepare a PowerPoint presentation giving an overview of the bonding policy and tolling of bonding so they can better understand it.**

E. Land Development & Building Permits – Fee Schedule Update

The County Commission in December, 2013, directed staff to revisit the fee schedules for the Planning, Zoning & Engineering Departments with

the purpose of updating the fee schedules in order to raise additional revenue. The planning and engineering staff met to get up to speed on where we last left off on this, and we are in the process of putting the information together to present to the county commission.

Engineering has completed work on revising the building permit fee schedules and will be meeting with the Planning staff to discuss and revise the fee schedule for their department; and then submit both fee schedules to the County Commission for consideration.

2. Projects Completed:

- Attended GIS Users Group Conference on August 12th.
- Attended JCEDC Government Affairs committee meeting on August 19th to explain the Bonding Policy.
- Attended WVDOH District 5, engineering/planning meeting on August 26th.
- Met with consultant on September 17th for amending/updating the Engineering Department's COOP plan.

3. Projects Proposed:

- A. Get the land development standard construction details updated and put into a digital/AutoCAD format, to supplement the requirements of the Subdivision, Zoning, and Stormwater Management ordinances.
- B. Set up the Engineering Department web page with the stream monitoring information/links.

4. Items Requiring Commission Attention:

None at this time.

Note: The projects noted above are in addition to maintaining the daily operations of the Office of Building Permits & Inspections, the Office of Impact Fees, administering the land development bonding process, performing land development inspections, performing land development plan reviews for the Planning Commission, administering floodplain management, investigating citizen complaints and carrying out ordinance compliance efforts, and completing statutory continuing education and certification requirements, etc.

Jefferson County Commission Offices will
be closed Tuesday, November 4th, 2014
for the 2014 General Election.



Jefferson County Commission Offices will
be closed Tuesday, November 11, 2014
in observance of Veteran's Day.



The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, November 6, 2014 , or as soon thereafter as the Commission may decide:

Jefferson County Building Commission - two (2) five year terms ending July 27, 2019.

Per West Virginia State Code:

"No more than two thirds of the total number of members of the board of each commission shall be from the same political party and no member of any such board shall hold any office (other than the office of notary public) or employment under the United States of America, the state of West Virginia, any county or political subdivision thereof, or any political party. All members of any board shall be residents of the county for which appointed."

Interested applicants must not have ties to any local financial agencies or institutions that may potentially bid on projects approved by the members of the Jefferson County Building Commission.

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

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

SPIRIT OF JEFFERSON:

PLEASE ADVERTISE ON:

October 22 and October 29

THANKS - JEFFERSON COUNTY COMMISSION

You are cordially invited



*To the Eastern Panhandle
Juvenile Drug Court
GRADUATION CEREMONY
with Keynote Speaker
**West Virginia Supreme Court
Justice Brent Benjamin***

Refreshments will be served



EASTERN PANHANDLE
JUVENILE DRUG COURT

*Time: 4:00 pm
Date: 11/06/2014*

*Jefferson County Courthouse
2nd Floor Court Room
110 N. George Street
Charles Town, WV 25414*

SHANNON TRAVIS

CONTACT PERSON: (304) 728-1973

VETERANS MEMORIAL PAVILION DEDICATION



Please join the Jefferson County Parks
and Recreation Commission for the
Official Dedication of the new
Veterans Memorial Pavilion.

**Friday, November 7, 2014
11:00 a.m.**

**Sam Michael's Park
235 Sam Michael's Lane
Shenandoah Junction, WV**

Light refreshments will be served.



Kindly RSVP before
Monday, November 3, 2014
jmyers@jcprc.org or call 304-728-3207

NOTICE OF PUBLIC HEARING
COUNTY COMMISSION OF JEFFERSON COUNTY

The County Commission of Jefferson County will hold a public hearing on Thursday, November 6, 2014 at 7:00 p.m. in the County Commission meeting room located at the Old Charles Town Library, 200 East Washington Street, Charles Town, WV 25414.

At this meeting, there will be public input on the Planning Commission's Redlined Version of the Draft 2014 Comprehensive Plan, entitled Envision Jefferson 2035, recommended to the County Commission on October 14, 2014.

Anyone wishing to provide written or oral comment may do so at this meeting or send comments via e-mail to info@jeffersoncountywv.org.

You can view the October 14, 2014 Draft Envision Jefferson 2035 Comprehensive Plan at www.jeffersoncountywv.org

No decisions will be made at this meeting.

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

Jefferson County Public Service District

Jefferson County Public Service District Regular Board Meeting September 2, 2014

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, September 2, 2014 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Peter Appignani; Secretary, Richard Weese; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joe Freeze; District Legal Counsel, Jim Kelsh; from Thrasher Engineering, Wayne Morgan; and Liaison for the County Commission, Commissioner Jane Tabb.

CALL TO ORDER

Chairman Peter Appignani called the meeting to order at 7:00PM.

Approval of agenda

Action: Motion made by Mr. Strider and seconded by Mr. Weese to accept the agenda with no changes. Unanimously approved.

Public Comments

None.

OLD BUSINESS

Review Minutes of July 30 work session

The minutes of the July 30, 2014 work session were approved as presented.

Action: Motion made by Mr. Strider and seconded by Mr. Appignani to accept the July 30, 2014 regular meeting minutes as presented. Unanimously approved.

Review Minutes of August 4 regular board meeting

The minutes of the August 4, 2014 regular board meeting were approved as presented.

Action: Motion made by Mr. Strider and seconded by Mr. Weese to accept the August 4, 2014 special board meeting minutes as presented. Unanimously approved.

Update on the water systems improvement project for Glen Haven and Cavaland

- Approval of resolution for payment #5
- Consider request for time extension for Glen Haven and Cavaland

Ms. Lawton stated the Board needs to approve the fifth draw from the bond proceeds to pay the contractor, Gwin Dobson & Foreman, and Region 9. Mr. Appignani read the resolution for payment #5 as follows:

RESOLUTION OF THE PUBLIC SERVICE BOARD OF THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT APPROVING INVOICES RELATING TO ENGINEERING AND OTHER SERVICES FOR THE CAVALAND & GLEN HAVEN WATER SYSTEM IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT THEREOF IN THE AMOUNT OF \$199,997.77.

Action: Motion by Mr. Appignani and seconded by Mr. Strider to adopt the resolution as read by Mr. Appignani totaling \$199,997.77. Approved 2-1. Mr. Weese voted against the motion.

Ms. Lawton discussed the change order #1 submitted by the engineer which includes purchasing new blow offs to replace existing ones and installing new water connections using a boring machine for some of the locations. The contractor is also requesting a 30-day time extension to complete this additional work.

Action: Motion by Mr. Strider and seconded by Mr. Appignani to approve the 30-day time extension to complete the additional work listed in change order #1. Approved 2-0. Mr. Weese abstained from voting.

Update on easement/ownership of pump stations 3-9

Ms. Lawton is working with Mr. Glenn on the easement issue for pump station 3-9.

Action: No action required by the Board.

Consider approval of revised termination agreement with Mockingbirdhil, Inc.

Mr. Kelsh informed the Board that the owner of Mockingbirdhil has approved the revised draft agreement and it now needs to be approved by the Board and submitted to the Public Service Commission.

Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve the Water Service Termination Agreement with Mockingbirdhil as presented. Unanimously approved.

Discuss the District's financial status (status of paying bills)

Ms. Lawton stated that the District will need an estimated \$96,000 in payments to cover the disbursements for this month. Mr. Kelsh stated that if the District does not meet coverage, the Bond holders will be sure to make contact.

Action: No action required by the Board.

Consider revising West Virginia Infrastructure and Jobs Development Council application for sewer collection and transmission upgrades due to revised project scope

Mr. Morgan had previously submitted an application for a \$15.3 million sewer collection and transmission upgrade project, but is now looking at two other alternatives after meeting with state agencies. One alternative would reduce the project costs to \$11.8 million and reduce the size of the lines from a 30" and 36" to a 15" and 24" and not utilize the Old Standard wastewater treatment plant. The other option would be a phased approach that would still use the smaller pipes as stated in the first option, but would address the Flowing Springs basin area in phase 1 for \$10.1 million and then address the northern Route 9 in phase II for \$3.6 million. The phase II plan could include the Old Standard force main for an additional \$1.3 million.

Mr. Morgan proposed to submit a revised preliminary engineering report to IJDC by the October 10th deadline for the funding council review at their November meeting and the review of the full committee council in December. He stated funding would be requested through a Rural Utility Services loan, WV Department of Environmental Protection loan, and grant from IJDC. Mr. Kelsh informed the Board of the alternative funding mechanisms which are possibly available.

Mr. Weese questioned how this project will bring money to the District and if the District can handle the expenses of a new project. Mr. Morgan stated that this project would give a more reliable system by fixing the problem pump stations to eliminate emergency repair and replacement costs. Ms. Lawton added that more capacity will become available for future flows. The Board agreed that the bigger sized pipes would be more beneficial and cost effective to the District to handle future flows; however, Mr. Kelsh stated that the funding agencies won't agree to finance the project if the larger pipes are included. Mr. Appignani suggested more discussions with the state agencies.

Action: Motion made by Mr. Strider to approve the phased approach and submittal of the preliminary engineering report for \$10.1 million with the option to consider including the Old Standard treatment plant and send to IJDC and the associated parties. Approved 2-1. Mr. Appignani voted against the motion.

Discuss funding applications for acquisition of water and sewer utility assets of Jefferson Utilities, Inc., Shenandoah Junction, Inc. and East Jefferson Sewer, LLC and water project to replace and upgrade Keyes Ferry Acres, Westridge Hills, and Harpers Ferry Campsites

Mr. Kelsh stated the application for this proposed acquisition and water project was pulled off the agenda at the August 6th IJDC Council meeting. According to the Chairman of the IJDC Council, he wanted clarification from the Funding Committee as to which MHI criteria should be applied and the concern of the numerous public protests received regarding the application. Ms. Lawton informed the Board that there are still negotiations occurring between the District and Mr. Lee Snyder relating to costs.

Action: No action required by the Board.

NEW BUSINESS

Update on Statuses of Current Public Service Commission Cases

PSC case # 14-0606-PSD-C (Lutman Properties, LLC complaint) – Mr. Kelsh filed additional information requested by the PSC.

PSC case # 14-0582-PSD-PC (Termination Agreement with Mockingbirdhil, Inc.) – Mr. Kelsh will submit the revised termination agreement to the PSC.

PSC case # 13-1175-S-C (Old Standard, LLC complaint) & Circuit Court case # 14-C-51 – Both cases have been stayed for 120 days pending the outcome of both the proposed sewer collection project and the JUI purchase.

Action: No action required by the Board.

Discussion of any Expenses over Budget

There were no items over budget this month.

Action: No action required by the Board.

Disbursements

Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve disbursements for Public Service District water expenses in the amount of \$10,415.91. Unanimously approved.

Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve disbursements for the Public Service District sewer expenses in the amount of \$188,703.65. Unanimously approved.

Approve transfer of \$6,037.28 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds

Approve transfer of \$309.08 from the Water Security Deposit account to the Water Operating account for security deposit refunds

Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve transfer of \$6,037.28 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds and to approve transfer of \$309.08 from the Water Security Deposit account to the Water Operating account for security deposit refunds. Unanimously approved.

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting. Per new guidelines in Senate Bill 373 created by West Virginia DEP, the District must register the water tank at Cavaland.

Action: No action required by the Board.

Other staff reports

None discussed.

Action: No action required by the Board.

Correspondence

None discussed.

Public Comment

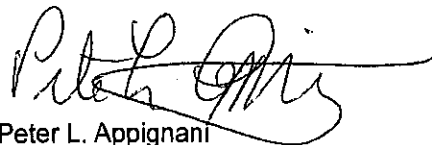
None.

- Action:** Motion made by Mr. Strider and seconded by Mr. Weese to convene in executive session for the purpose of discussing litigation and contract negotiations. Unanimously approved.
- Action:** Motion made by Mr. Strider and seconded by Mr. Weese to return to public session. Unanimously approved.
- Action:** Motion made by Mr. Strider and seconded by Mr. Weese to adjourn. Unanimously approved.

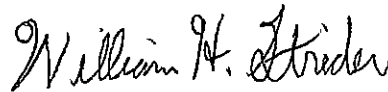
There being no further business at this time, the meeting was adjourned at 8:48PM.

The next regular meeting is scheduled for Monday, October 6, 2014 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Peter L. Appignani
Chairman



William H. Strider
Treasurer

WV Offices of the Insurance Commissioner
Legal Division
PO Box 50540
Charleston WV 25305-0540



Received

OCT 20 2014

EARL RAY TOMBLIN
Governor

MICHAEL D. RILEY
Insurance Commissioner

ADMINISTRATOR, JEFFERSON COUNTY *Jefferson County Commission*
P.O. BOX 250
CHARLES TOWN, WV 25414

00000801010017

IMPORTANT NOTICE

October 2014

To all West Virginia State and Local Governmental Entities and Non-profit Agencies:

The West Virginia Offices of the Insurance Commissioner is responsible for notifying all West Virginia state and local governmental entities and non-profit organizations that flood insurance may be available through the National Flood Insurance Program (NFIP). The notification is being sent in accordance with WV Code §33-2-15a and in conjunction with the Robert T. Stafford Emergency Assistance and Disaster Relief Act.

Please review your eligibility for this program. Penalties in the form of reductions in Federal Emergency Management Agency (FEMA) relief funds are possible for entities **that fail to purchase** adequate flood insurance on all property located in identified flood zones. Section 406(d) of the Stafford Act mandates a special reduction in the amount of public assistance funding for a structure that is:

- insurable under the NFIP,
- located in a Special Flood Hazard Area as identified by FEMA, and
- damaged or destroyed by flooding.

For insurable structures that do not have flood insurance or carry inadequate coverage, FEMA will reduce eligible loss payments to **the lesser of:**

- the maximum amount of insurance proceeds that could have been obtained from a standard NFIP flood insurance policy, **OR**
- the value of the structure at the time of the disaster.

If you are unsure as to whether your agency's structure is located within a flood plain, contact your local county planning office or the NFIP at 1-800-358-9616. Flood maps are available at www.msc.fema.gov and graphical flood information covering most of the state can also be found on the WV Flood Hazard Determination tool at www.mapwv.gov/flood.

Any other questions may be answered by visiting www.floodsmart.gov or by contacting the Consumer Service Division of the WV Offices of the Insurance Commissioner at 1-888-TRY-WVIC (1-888-879-9842). Our website can be found at www.wvinsurance.gov.

Sincerely,

A handwritten signature in black ink that reads "Michael D. Riley".

Michael D. Riley
Insurance Commissioner

ICFLOOD
Rev. 10/14

WV Offices of the Insurance Commissioner
1124 Smith Street
P.O. Box 50540
Charleston, WV 25305-0540

Telephone (304) 558-6279 ext. 3386
Facsimile (304) 558-4965
www.wvinsurance.gov

"We are an Equal Opportunity Employer"

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

Week Ending Date	October 18, 2014
To be Deposited on:	October 24, 2014
Amount Played	60,407,368.48
Amount Won	54,177,709.19
Amount Promo	349,784.00
MWAP Contribution	<u>3,351.05</u>
Adjusted Gross Terminal Revenue	<u>5,876,524.24</u>
Administrative Costs @ 4%	235,060.97
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,641,463.27</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>5,641,463.27</u>
Racetrack @ 46.50% / 42%	2,623,280.42
Lottery Fund @ 30% / 0%	1,692,438.95
Excess Lottery Fund @ 0% / 41%	0.00
Excess Lottery Fund @ 12.85% / 9.55%	724,928.03
Race Track Purses @ 90% of 7% / 4%	355,412.19
Employee Pension Fund @ 1% / .5%	56,414.64
Greyhound Development @ 90% of .75%	38,079.88
Thoroughbred Development @ 90% of .75%	38,079.88
County/Municipality @ 2%	<u>112,829.28</u>
	<u>5,641,463.27</u>

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

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

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 7.93%	CHARLES TOWN 39.90%	HARPERS FERRY 2.17%	RANSON 33.68%	SHEPHERDS TOWN 16.32%
5 days ending: 07/05/14	\$ 106,819.12	\$ 106,819.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/12/14	\$ 111,792.16	\$ 111,792.16	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/19/14	\$ 116,320.32	\$ 116,320.32	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/26/14	\$ 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
09/20/14	\$ 101,329.08	\$ 50,664.54	\$ 50,664.54	\$ 4,017.70	\$ 20,215.15	\$ 1,099.42	\$ 17,063.82	\$ 8,268.45
09/27/14	\$ 100,254.44	\$ 50,127.22	\$ 50,127.22	\$ 3,975.09	\$ 20,000.76	\$ 1,087.76	\$ 16,882.85	\$ 8,180.76
10/04/14	\$ 107,062.56	\$ 53,531.28	\$ 53,531.28	\$ 4,245.03	\$ 21,358.98	\$ 1,161.63	\$ 18,029.34	\$ 8,736.30
10/11/14	\$ 102,254.00	\$ 51,127.00	\$ 51,127.00	\$ 4,054.37	\$ 20,399.67	\$ 1,109.46	\$ 17,219.57	\$ 8,343.93
10/18/14	\$ 112,829.28	\$ 56,414.64	\$ 56,414.64	\$ 4,473.68	\$ 22,509.44	\$ 1,224.20	\$ 19,000.45	\$ 9,208.87
Subtotal	\$ 1,776,108.72	\$ 1,344,086.10	\$ 432,022.62	\$ 34,259.39	\$ 172,377.02	\$ 9,374.90	\$ 145,505.23	\$ 70,506.08

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	9/20/2014	50,664.54
9/25/2010	70,435.06	9/24/2011	68,929.80	9/29/2012	61,611.40	9/28/2013	54,881.50	9/27/2014	50,127.22
10/2/2010	71,013.86	10/1/2011	68,871.64	10/6/2012	62,715.20	10/5/2013	55,950.74	10/4/2014	53,531.28
10/9/2010	69,311.50	10/8/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92	10/11/2014	51,127.00
10/16/2010	75,234.62	10/15/2011	75,262.66	10/20/2012	62,333.08	10/19/2013	61,327.20	10/18/2014	56,414.64
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	1,344,086.10
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Table Game Revenue

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

Date	Amount
July, 2014	78,639.07
August, 2014	84,726.51
September, 2014	71,967.51

Total 2014-2015 **235,333.09**

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	August, 2014	254,179.53
September, 2011	331,125.75	September, 2012	382,597.20	September, 2013	242,573.22	September, 2014	215,902.53
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		
Total 2011-2012	4,808,702.50	Total 2012-2013	4,608,334.13	Total 2013-2014	2,995,460.18	Total 2014-2015	705,999.27