

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, SEPTEMBER 3, 2015**  
**9:30 A.M.**

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- August 6, 2015 Regular Meeting
- August 13, 2015 Special Session

**APPROVAL OF PURCHASE ORDERS**

- September 3, 2015

**APPROVAL OF ACCOUNTS PAYABLE**

- August 13, 2015
- August 20, 2015
- August 27, 2015
- September 3, 2015

**APPROVAL OF MANUAL CHECKS**

- August 13, 2015
- August 20, 2015
- August 27, 2015
- September 3, 2015

**PAYROLL APPROVAL**

- August 13, 2015
- August 27, 2015

**ANNOUNCEMENTS**

- Report if there are changes in the agenda if applicable

**PUBLIC COMMENT**

## PRESENTATIONS

1. 9:45 a.m. Angie Banks, Assessor  
- Exonerations - Discussion/Action
2. 10:00 a.m. Laura Storm, Circuit Clerk  
- Promotions within the office - Discussion/Action
3. 10:10 a.m. Barbara Miller, Jefferson County Homeland Security and Emergency Management  
- All Good Music Festival and Camp Out - After Action Report/Improvement Plan - Discussion/Action
4. 10:30 a.m. Greg Vaughn, Mayor Corporation of Harpers Ferry  
- Request for Fire Recovery Emergency Funds, Corporation of Harpers Ferry - Discussion/Action
5. 10:45 a.m. **BREAK**
6. 11:00 a.m. Lynn Fields, Probate Office  
- Special Session to approve the waiver of final settlement on the estate of Lee Roy Strickler, Jr. - Discussion/Action  
- Public Hearing - Petition to Remove Co-Executor Mark E. Hicks from the estate of Joann V. Hicks, deceased - Discussion/Action
7. 11:20 a.m. Interviews/Appointments to the Jefferson County Community Criminal Justice Board - One expired term ending July 3, 2017 (public defender/criminal defense attorney) - Discussion/Action
8. 11:30 a.m. Michael Ashley, Chair or Jean Jacobs, Vice Chair - Jefferson County Republican Executive Committee  
- Request for Supply Clerks be provided by the Jefferson County Republican Executive Committee - Discussion/Action
9. 11:45 p.m. Bill Polk, Maintenance Director  
- Approval of Employment - Cleaning/Janitorial Staff - Discussion/Action
10. 12:00 p.m. Roger Goodwin, County Chief Engineer  
- Partial Release of construction bond security for Roderick Planes, LLC - Aspen Greens Subdivision, Phase 1A (File #07-15) - Discussion/Action  
- Complete Construction Bond Release for Shepherdstown Community Club, Inc. - Morgan Grove Park (File #S98-10) - Discussion/Action

## NEW BUSINESS

11. Update on the status of the Tethering Ordinance - Discussion/Action (DM)
12. Discuss County Commission's position on the CIF imposed by the Public Service District - Discussion/Action (PN)
13. Reappointment of Catherine Burke to the Summit Point Library Committee for one 5-year term ending June 30, 2020 - Discussion/Action
14. 12:30 p.m. **Break for Lunch**

### ~~~~~ AFTERNOON SESSION ~~~~~

15. 1:30 p.m. Tiffany Lawrence, Director of Resource Development and Marketing and Pete Mulford, CEO - United Way of the Eastern Panhandle  
- Approval of Proclamation - Endorsement of the Community Campaign which serves 35 agencies across the EP in Jefferson, Berkeley, and Morgan Counties - Discussion/Action
16. 1:45 p.m. Ed Hannon, Deputy Director - Jefferson County Emergency Services Agency  
- Grant awarded - Update of LifePaks
17. 2:00 p.m. Russ Burgess, IT Support Specialist  
- New Website Update
18. 2:15 p.m. Jennifer Brockman, Director of Planning and Zoning  
- Action related to Public Hearing held on August 11, 2015 regarding a landowner-initiated petition to amend the County Zoning Map for a 13.68 acre property owned by Twin Oaks Subdivision, LLC, designated as Tax District: Shepherdstown; Map: 13; Parcel(s): 26.1, 26.2, 26.3, and 26.4, located on Route 480, Kearneysville Pike, south of Morgan's Grove Park (Planning and Zoning File #Z15-01) - Discussion/Action  
- Planning and Zoning Annual Report Fiscal Year 2015 - Discussion/Action  
- Release of 2015 All Good Festival Surety Bond - Discussion/Action

## COUNTY ADMINISTRATOR REPORTS

- Commission Office Space - Discussion/Action
- Work Session September 17, 2015 - Provision of Utility Services in Jefferson County - Development of topics to be discussed during the work session with utility providers in Jefferson County - Discussion/Action
- Dental Lease for Children's dental program - Discussion/Action
- Sheriff's Commission - Discussion/Action
- Ambulance Fee Report

- Absence Time with Pay Policy - vacation and sick leave accrual rates - Discussion/Action
- Set date for State Legislators Work Session - Discussion/Action
- Funding source for payment of mail machine - Discussion/Action

## **COUNTY COMMISSION REPORTS**

### **19. ADJOURN**

## **CORRESPONDENCE/INFORMATION**

Notice of County Office Closure on Monday, September 7, 2015 in observance of Labor Day.

Notice of 9/11 Remembrance Ceremony at Independent Fire Company.

Impact Fee Status Report for July 2015.

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

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

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

Memorandum from the Jefferson County Engineering Department, Office of Impact Fees re: Transfer of Funds from Office of Impact Fees General Account to Sheriff's EMS Impact Fee Account.

Letter from the City of Charles Town Utility Board re: Utility Issues in Jefferson County.

Jefferson County Public Service District Minutes from the July 6, 2015 Regular Board Meeting.

Jefferson County Public Service District Minutes from the July 20, 2015 Work Sessions #1 and #2.

Jefferson County Public Service District Minutes from the July 20, 2015 Special Meeting.

Letter from Meals on Wheels of Jefferson County regarding donations and support.

E-mail from Joseph Hummel, resident, regarding the Ambulance Service Fee.

E-mail from Josh Compton, resident, regarding the School Board Excess Levy.

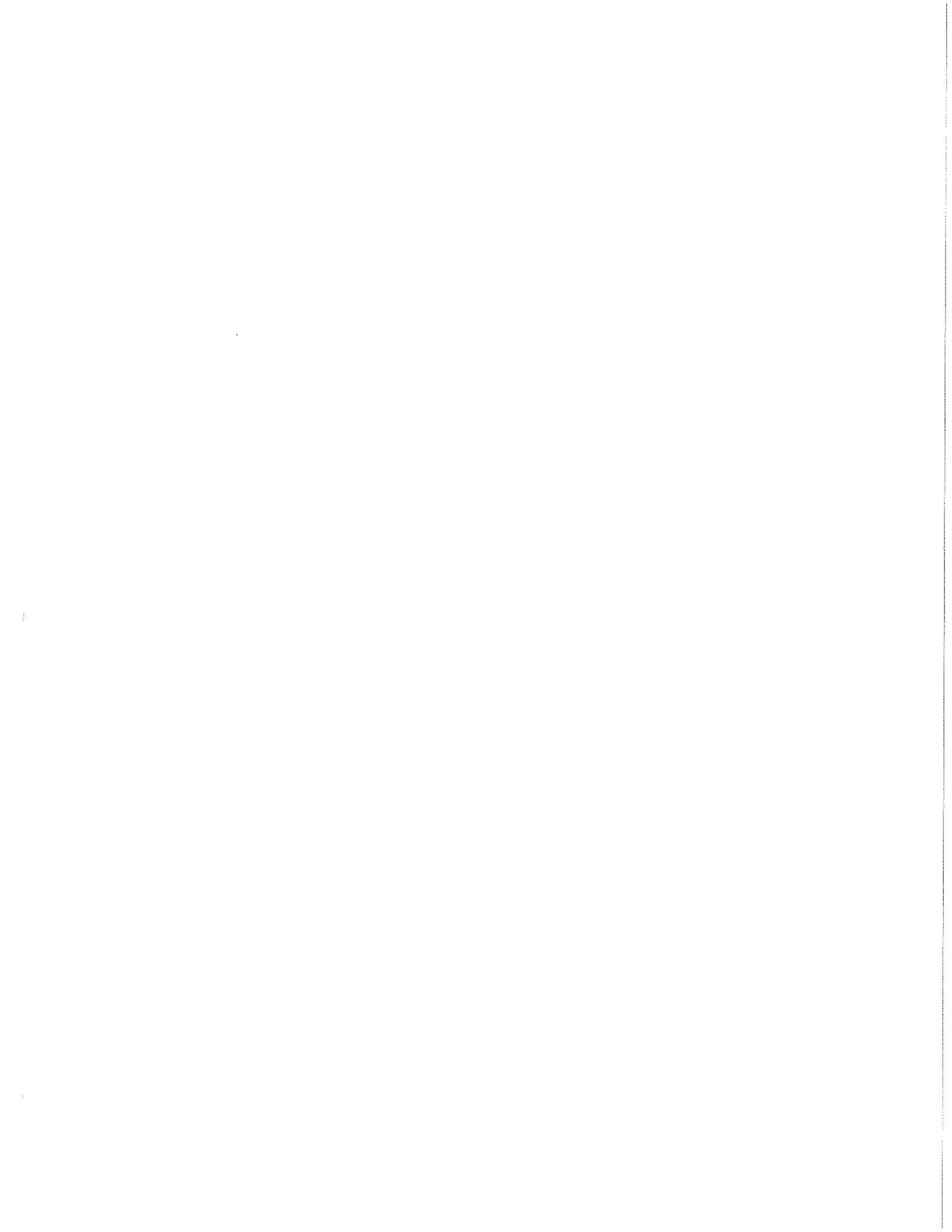
WV Lottery Weekly Settlement for Charles Town - week ending August 1, 2015.

WV Lottery Weekly Settlement for Charles Town - week ending August 8, 2015.

WV Lottery Weekly Settlement for Charles Town - week ending August 15, 2015.

WV Lottery Weekly Settlement for Charles Town - week ending August 22, 2015.

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



## **Minutes**

### **Jefferson County Commission**

**Thursday, August 6, 2015**

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A meeting of the Jefferson County Commission was held on Thursday, August 6, 2015 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 Eric Bell, Dale Manuel, Patsy Noland, Walter Pellish, and Jane Tabb. Also present were Stephanie Grove, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, August 6, 2015 meeting is available through the Jefferson County Commission Office.)

#### **PLEDGE OF ALLEGIANCE**

Commissioner Manuel led the Pledge of Allegiance.

#### **APPROVAL OF MINUTES**

**Motion by Ms. Noland to approve the July 30, 2015 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.**

#### **PURCHASE ORDERS**

**Motion by Ms. Tabb to approve the August 6, 2015 Purchase Orders in the amount of \$5,380 to include P.O. number 52659. Motion seconded and unanimously approved.**

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

**Motion by Ms. Noland to approve the accounts payable for August 6, 2015 in the amount of \$388,901.68. Motion seconded and unanimously approved.**

#### **APPROVAL OF MANUAL CHECKS**

**Motion by Ms. Noland to approve the Manual Checks for August 6, 2015 in the amount of \$132,287.54. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Jessica Forbes, resident – provided the Commission with an executive summary of her experience with the All Good Festival and its impact on the Quail Run community.

Eleanor Finn, resident – requested updates regarding the County website and Meet Your Commissioners events and thanked the Commission for their letter of appreciation regarding Ms. Finn’s County Commission observation report.

Denise Pouget, Director, Jefferson County Emergency Services Agency – updated the Commission on her first month as Director of the JCESA.

**PRESENTATIONS**

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Elizabeth Sonnick	PP	CT	304296	\$96.58

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Paul & Lynn Rocco	PP	CTC	306195	\$210.30

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Timothy Smith	RE	Middleway	22892	\$1,513.48

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Dallas Hack	PP	Kabletown	309819	\$238.86

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
LabSpace, LLC	RE	CTD	3882	\$6,032.70

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Delage Landen Operational	RE	HF	308984	\$13.16

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

2. Pete Dougherty, Sheriff

- a. Requested the appointment of Fish and Wildlife SORT Team members as Special Deputies.

- **Motion by Mr. Manuel to appoint the following Fish and Wildlife SORT Team members as Special Deputies: Federal Wildlife Zone Officer David Nicely, and Federal Wildlife Officers John Starcher, Brett Hartwig, Jay Perez, Amanda Hardaswick, Gabriel Harper, Darin Dick, Chad Coles, Chris Pancila, Matt Byrer, and Braian Escabi. Motion seconded and unanimously approved.**

- b. Promotions – Sheriff Dougherty requested the promotions of the following: Victor Lupis to the rank of Lieutenant, Kevin Boyce to the rank of Sergeant, and Brandon Haynes and Joe Foreman to the rank of Corporal.

- **Motion by Mr. Bell to approve the promotions as presented by Sheriff Dougherty following the retirement of Lieutenant Hansen, effective Sunday, August 23, 2015. Motion seconded and unanimously approved.**

- c. All Good Festival Update – provided the Commission with an update on the All Good Festival in terms of the financial impact on the County.

3. Bill Polk, Director of Maintenance

- a. Replacement of Outdated Postage Machine

- **Motion by Mr. Manuel to approve the purchase of a new Hasler postage machine and contract in the amount of \$12,565. Motion seconded and unanimously approved.**
- b. **Cleaning Contract**
- **Motion by Mr. Manuel to approve the hire of three full-time custodial employees within the Jefferson County Maintenance Department at a cost of \$112,000 total including salary and County benefits and to allow Mr. Polk to move forward with the advertising process for these positions. Motion seconded and unanimously approved.**
4. The Commission recessed for break at 10:45 am.  
The Commission reconvened at 11:00 am.
5. Jennifer Myers, Director, Jefferson County Park and Recreation – requested permission to over-spend in the park improvement category from the Jefferson County Parks and Recreation Impact Fee Account to complete construction at James Hite Park.
- **Motion by Ms. Noland to go into Executive Session to receive legal counsel. Motion seconded and unanimously approved.**
  - **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**
  - **Motion by Ms. Tabb to grant Jefferson County Parks and Recreation the permission to over-spend in the park improvement category from the Jefferson County Parks and Recreation Impact Fee Account to complete construction at James Hite Park. Motion seconded and unanimously approved.**
  - **Motion by Mr. Pellish to amend Ms. Tabb’s motion to add that all incoming impact fee money for Parks and Recreation go toward replenishing the park improvement category. Motion seconded and passes on a vote of 4-1 with Mr. Manuel opposing.**
6. Bridget Cohee, Esq. – was scheduled to provide the Commission with an update on litigation concerning the following cases – 3:13-cv-95 and 3:13-cv-156.
- **Motion by Mr. Manuel to enter into Executive Session. Motion seconded and unanimously approved.**
  - **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**

## NEW BUSINESS

7. Dr. Bondy Shay Gibson, Superintendent of Jefferson County Schools – requested the Commission approve the December 12, 2015 date for the Jefferson County Board of Education Special Election for the Excess Levy.
  - **Motion by Mr. Bell to remove the Special Election item from the agenda and place it on the September 3, 2015 agenda for discussion/action in order to be in compliance with the Open Meetings Act. Motion seconded.**
  - **Motion by Ms. Tabb to schedule the Special Election item for discussion/action during a Special Meeting to be held on Thursday, August 13, 2015. Motion seconded and unanimously approved.**
8. Discussion on Planning Commission outstanding ordinances – Jennie Brockman, Director of Planning and Zoning, provided the Commission with an update on various outstanding ordinances including the Mass Gathering Ordinance and the Campground Ordinance. It was the consensus of the Commission to request Ms. Brockman to provide monthly updates to the Commission regarding pending items within the Planning Commission and Board of Zoning Appeals.
9. Approval of State Budget Revision #2 of the General Fund for FY16
  - **Motion by Mr. Bell to approve State Budget Revision #2 of the General Fund for FY16 as presented. Motion seconded and unanimously approved.**
10. Approval of Resolution and Contract – Community Participation Grant Program for the Jefferson County Solid Waste Authority in the amount of \$2,500.
  - **Motion by Ms. Noland to approve Resolution and contract for the Community Participation Grant Program for the Jefferson County Solid Waste Authority in the amount of \$2,500 and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded and unanimously approved.**
11. Approval of Resolution and Contract – Community Participation Grant Program for the Good Shepherd Interfaith Volunteer Caregivers in the amount of \$4,000.
  - **Motion by Mr. Bell to approve Resolution and contract for the Community Participation Grant Program for the Good Shepherd Interfaith Volunteer Caregivers in amount of \$4,000 and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded and unanimously approved.**

12. Appointment of Laura Whittington, Bolivar Town Administrator, to the Jefferson County Development Authority as the representative of Bolivar.

- **Motion by Mr. Manuel to appoint Laura Whittington to the Jefferson County Development Authority as the representative for Bolivar. Motion seconded and unanimously approved.**

### **COUNTY ADMINISTRATOR REPORTS**

Ambulance Late Fee Course of Action

- **Motion by Mr. Bell to enter into Executive Session to receive legal counsel. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to come out of Executive Session. Motion seconded and unanimously approved.**

Uncompensated Absences Report – Ms. Grove updated the Commission on issues with uncompensated absences, particularly accrual rates for employees who work non-traditional or flex schedules and carry-over of vacation hours. Ms. Grove stated she was hoping for cooperation with the elected officials regarding this issue and would be revising the compensated absences policy again to clarify employee accrual rates and carry-over of hours for those employees who work non-traditional flex schedules.

### **COUNTY COMMISSION REPORTS**

Patsy Noland

- Attended a 4H Leadership Meeting to start planning for the Fair.

Jane Tabb

- Attended a PSD meeting.
- Attended a Fair Superintendent meeting.
- Held a Farm Day Appreciation lunch.
- Updated the Commission and audience on items of interest at JCESA.

Dale Manuel

- Attended a PSD meeting.
- Attended an Affordable Housing meeting.
- Reminded the Commission and audience that Applebee's was having an Animal Welfare benefit that night.

Eric Bell

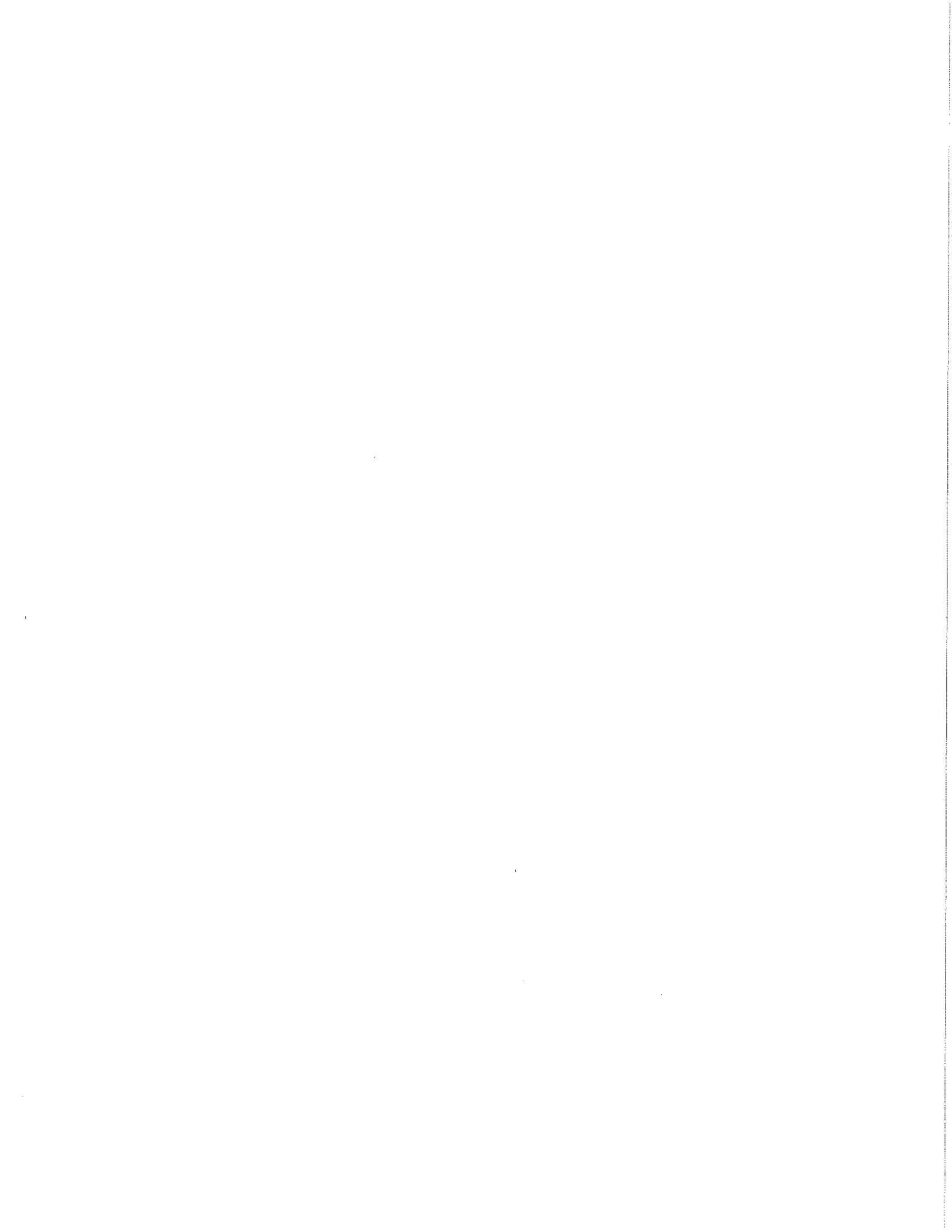
- Attended a PSD meeting.
- Continued efforts in assisting Harpers Ferry with cleanup from the fire.

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

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JANE M. TABB, 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 August 13, 2015 at 1:30 pm (An audio file of the August 13, 2015 meeting is available through the Jefferson County Commission Office.)

PRESENT: Jane Tabb, President  
Patsy Noland, Vice President  
Dale Manuel, Commissioner  
Walt Pellish, Commissioner  
Eric Bell, Commissioner  
Stephanie Grove, County Administrator  
Jessica Carroll, Administrative Assistant

RE: **Interviews for Finance Director Position & Request to Schedule a Special Election on December 12, 2015 for the Board of Education's Excess Levy.**

Commissioner Tabb called the meeting to order at 1:31 pm and stated the meeting would begin with interviews of the two final candidates for the vacant Finance Director position.

- **Motion by Mr. Bell to enter into Executive Session citing §6-9A-4 to discuss personnel matters. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to come out of Executive Session. Motion unanimously approved.**
- **Motion by Ms. Noland to authorize the County Administrator to move forward with a job offer for the Finance Director position. Motion seconded unanimously approved.**

The Commission then considered the approval of Resolution and Contract for the Court Security Fund Grant (15-CS-08) in the amount of \$2,250.

- **Motion by Ms. Noland to approve the Resolution and Contract for the Court Security Fund Grant in the amount of \$2,250 and to authorize the President of the Commission to affix her signature to the appropriate documents. Motion seconded and unanimously approved.**

Finally, Dr. Bondy Shay Gibson, Superintendent of Jefferson County Schools, requested the Commission approve a special election for the Jefferson County Board of Education's excess levy, to be held on Saturday, December 12, 2015.

- **Motion by Mr. Manuel to approve of the Jefferson County Board of Education Special Election for the excess levy to be held on Saturday, December 12, 2015. Motion seconded and passes on a vote of 3-2 with Mr. Bell and Mr. Pellish opposing.**

- **Motion by Ms. Tabb to amend Mr. Manuel's main motion to include that the Jefferson County Board of Education will be responsible for the cost of the special election. Motion seconded and unanimously approved.**

The special session adjourned at 3:50 pm on a motion by Mr. Bell. Motion was seconded and unanimously approved.

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JANE M. TABB, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Executive Administrative Assistant

**PURCHASE ORDERS TO BE APPROVED**

**September 3, 2015**

DEPARTMENT	PURCHASE ORDER	AMOUNT	VENDOR	DESCRIPTION
SHERIFF	48571	\$ 78,000.00	Hagerstown Ford	2016 Utility Police Interceptor
<b>GRAND TOTAL</b>		<b>\$ 78,000.00</b>		



# THE COUNTY COMMISSION OF JEFFERSON COUNTY

Charles Town, West Virginia 25414

## REQUISITION

No. 48571

VENDOR:

DELIVER TO:

Hagerstown Ford  
1714 Massey Blvd  
Hagerstown MD 21740

JCSO

QUANTITY	DESCRIPTION - BUDGET LINE - ITEM NUMBER	PRICE	UNIT	AMOUNT
3	2016 Utility Police Interceptor	29,843 <sup>-</sup>		89 529 <sup>-</sup>
		From ccw		11529 00
				<hr/> 78,000 00

1. ENTER NAME AND MAILING ADDRESS OF VENDOR IN SPACE PROVIDED
2. PROVIDE MAILING AND/OR SHIPPING ADDRESS. ITEMS THAT ARE SHIPPED MUST HAVE STREET ADDRESS.
3. PROVIDE A DESCRIPTION OF ITEM(S) BEING REQUESTED.
4. INCLUDE BUDGET LINE-ITEM NUMBER TO BE CHARGED FOR EACH ITEM.
5. SIGN AND FORWARD TO COUNTY COMMISSION. UPON APPROVAL, A COUNTER-SIGNED COPY WILL BE RETURNED FOR YOUR RECORDS.

THE ITEMS REQUESTED ABOVE ARE NECESSARY AND FOR THE EXCLUSIVE USE OF THIS DEPARTMENT.

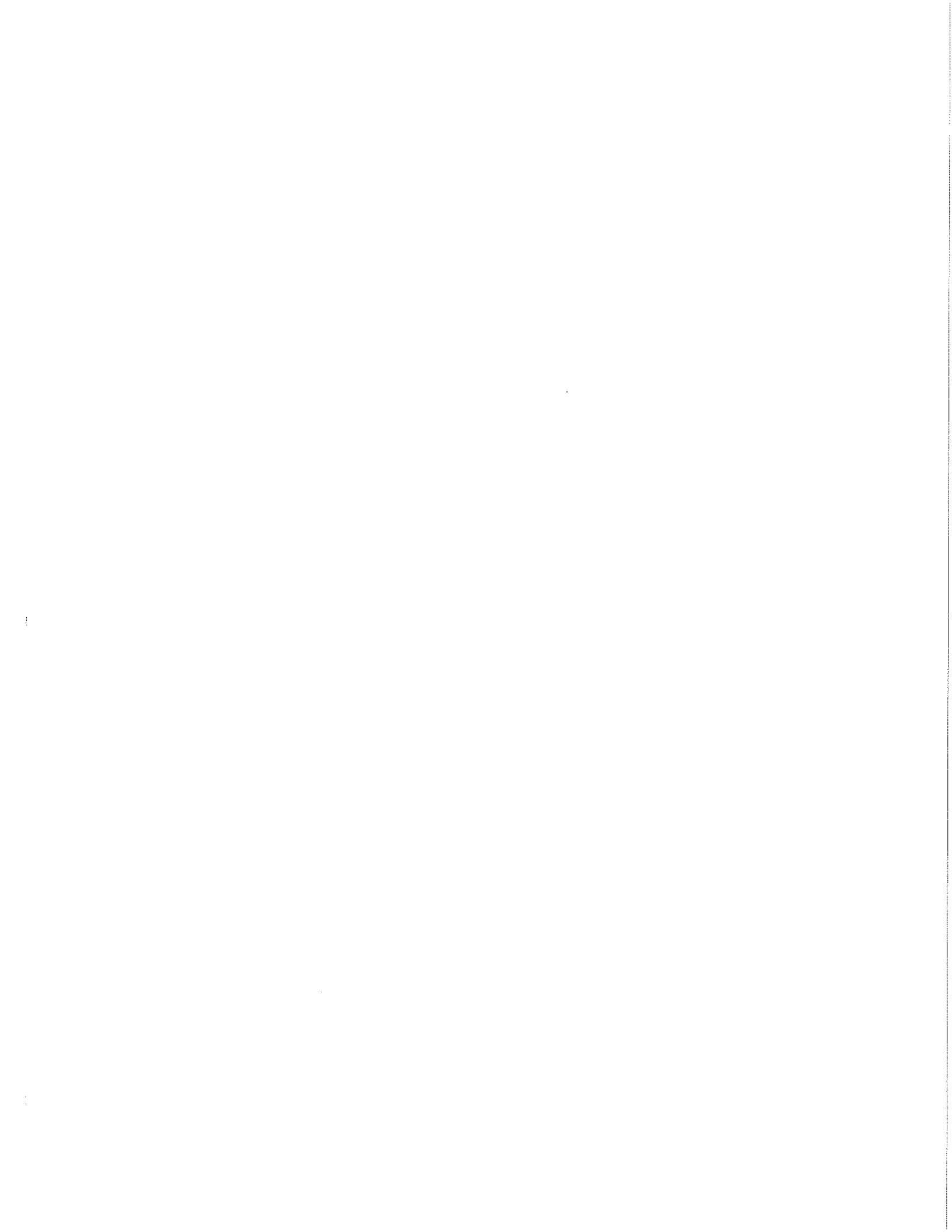
Peter H. Dougherty 8/6/15  
Signature Date

PURCHASE OF THE ABOVE REQUESTED ITEMS APPROVED. FUNDS HAVE BEEN ENCUMBERED.

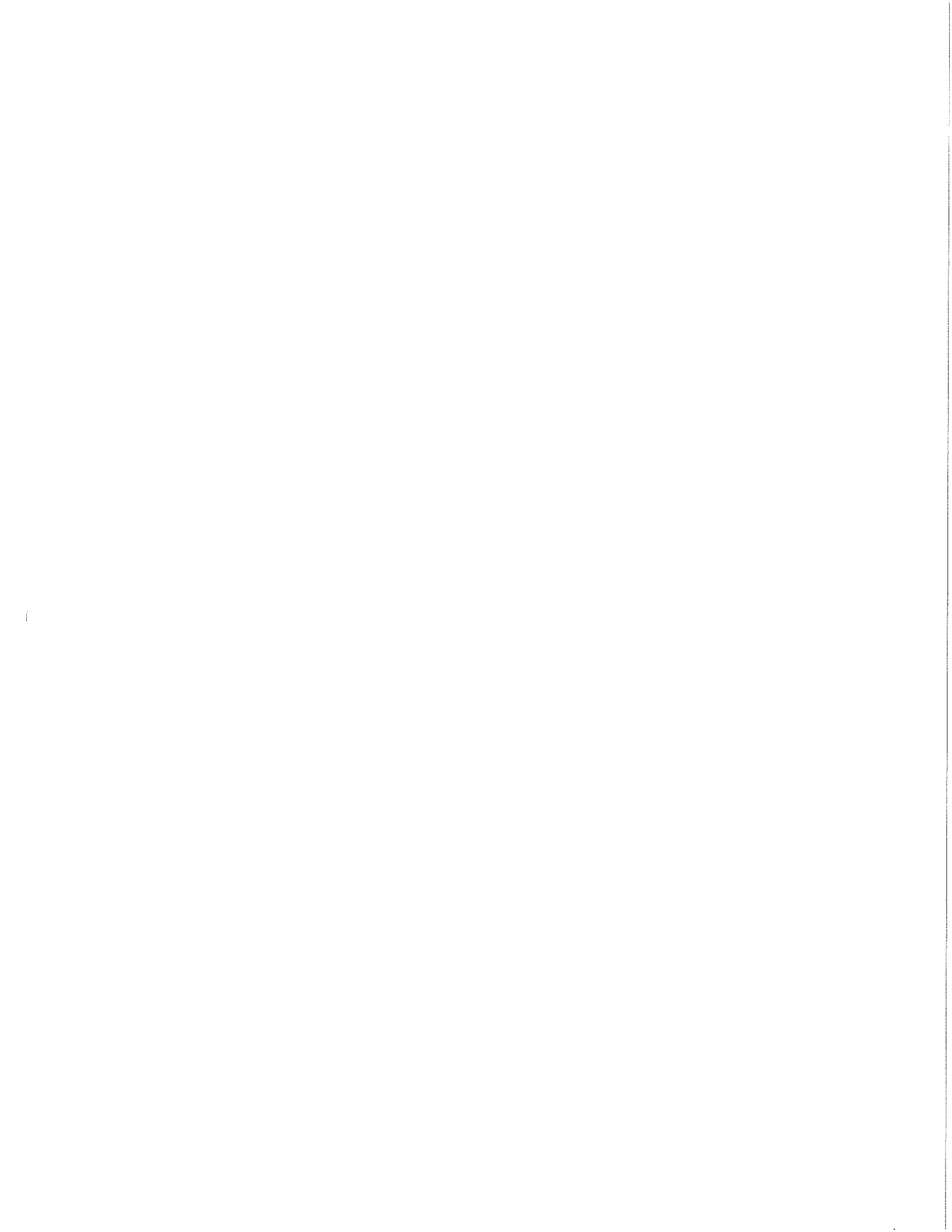
Signature

Date

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 361,485.30	\$ -	\$ 361,485.30
6.2% Tax Payable OASDI	\$ 21,541.83	\$ -	\$ 21,541.83
1.45% Tax Payable HI	\$ 5,038.04	\$ -	\$ 5,038.04
Fed Withholding	\$ 40,654.01	\$ -	\$ 40,654.01
WV State Withholding	\$ 15,331.06	\$ -	\$ 15,331.06
PERS Retirement Deduct	\$ 12,621.59	\$ -	\$ 12,621.59
Hosp. Pre-Tax	\$ 11,445.50		\$ 11,445.50
Cancer/ICU Pre-Taxed	\$ 1,126.20		\$ 1,126.20
Cancer/ICU Not Pre-Taxed	\$ 872.39		\$ 872.39
Optional Life Not Pre-Taxed	\$ 2,116.25		\$ 2,116.25
Christmas Club	\$ 5,570.00		\$ 5,570.00
Wage Attach #1	\$ 1,496.31		\$ 1,496.31
Wage Attach #2			\$ -
Wage Attach #3	\$ 212.31		\$ 212.31
Wage Attach #4			\$ -
DSRS Retirement Deduct 8.5%	\$ 4,901.08		\$ 4,901.08
457 - Nationwide	\$ 749.00		\$ 749.00
457I - ING	\$ 3,085.00		\$ 3,085.00
MD State Tax	\$ 364.70		\$ 364.70
D/VF	\$ 1,465.36		\$ 1,465.36
VA. State Tax	\$ 32.94		\$ 32.94
COLONIAL(PLUS)	\$ 239.79		\$ 239.79
Total Deductions	\$ 128,863.36	\$ -	\$ 128,863.36
Net Wages Total	\$ 232,621.94	\$ -	\$ 232,621.94
Payroll Dated	13-Aug-2015		



DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 379,791.13	\$ 1,325.20	\$ 381,116.33
6.2% Tax Payable OASDI	\$ 22,694.82	\$ 78.14	\$ 22,772.96
1.45% Tax Payable HI	\$ 5,307.65	\$ 18.28	\$ 5,325.93
Fed Withholding	\$ 45,559.11	\$ 135.11	\$ 45,694.22
WV State Withholding	\$ 16,549.02	\$ 65.17	\$ 16,614.19
PERS Retirement Deduct	\$ 13,321.28	\$ 59.63	\$ 13,380.91
Hosp. Pre-Tax	\$ 11,445.50		\$ 11,445.50
Cancer/ICU Pre-Taxed	\$ 1,126.20		\$ 1,126.20
Cancer/ICU Not Pre-Taxed	\$ 872.39		\$ 872.39
Optional Life Not Pre-Taxed	\$ 2,119.75		\$ 2,119.75
Christmas Club	\$ 5,570.00		\$ 5,570.00
Wage Attach #1	\$ 1,311.70		\$ 1,311.70
Wage Attach #2			\$ -
Wage Attach #3	\$ 212.31		\$ 212.31
Wage Attach #4			\$ -
DSRS Retirement Deduct 8.5%	\$ 5,315.21		\$ 5,315.21
457 - Nationwide	\$ 749.00		\$ 749.00
4571 - ING	\$ 3,085.00		\$ 3,085.00
MD State Tax	\$ 364.70		\$ 364.70
D/VF	\$ 1,465.36		\$ 1,465.36
VA. State Tax	\$ 85.70		\$ 85.70
COLONIAL(PLUS)	\$ 192.71		\$ 192.71
Total Deductions	\$ 137,347.41	\$ 356.33	\$ 137,703.74
Net Wages Total	\$ 242,443.72	\$ 968.87	\$ 243,412.59
Payroll Date	27-Aug-2015		



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



Name: Angie Banks, Assessor

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

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 3, 2015**

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

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

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

 **Exonerations**

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

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

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

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

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

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

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

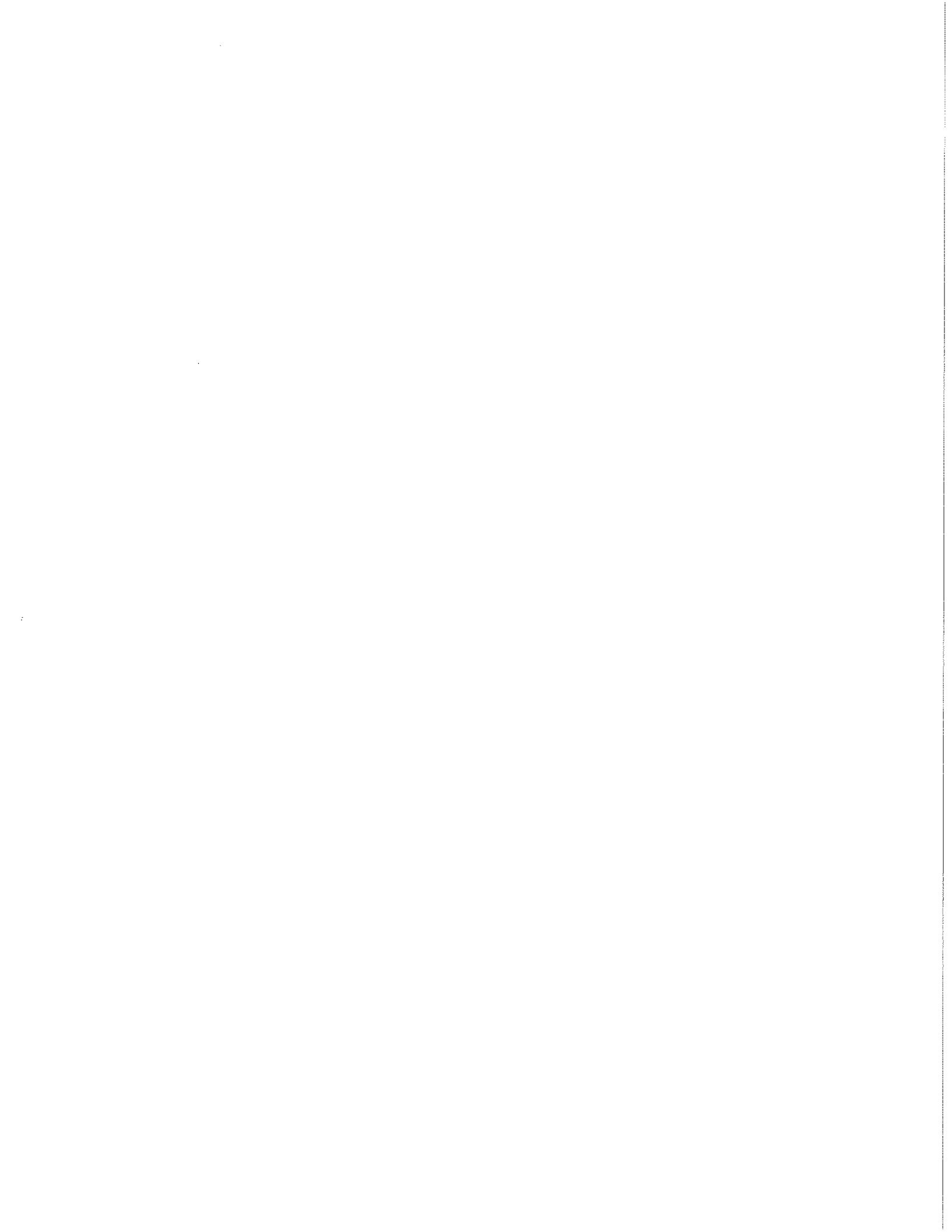
Telephone for conference call Y/N Click here to enter text.

Contact information:

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

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

Click here to enter text.



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Laura Storm

Department or Entity: Circuit Clerk

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice August 20, 2015

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

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

Subject:

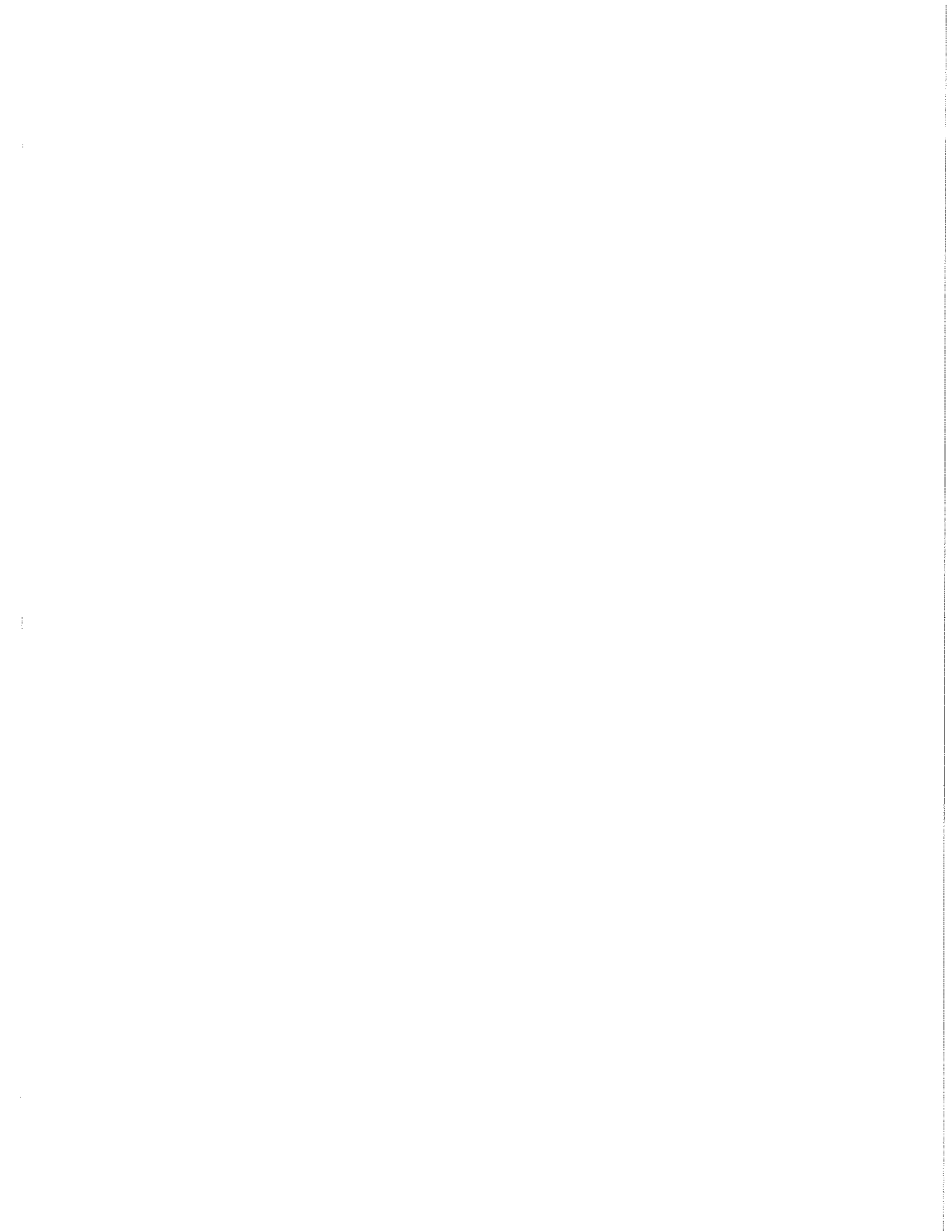
Promotions within office

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

Due to the departure of Maxine Scott, Chief Deputy, I have promoted employees within my office to cover those additional duties. Tammy Yokley has been promoted to Office Manager, Lisa Walters to Chief Deputy and Ashtyn Reynolds to Courtroom Clerk in the criminal division. The funds are within my budget and no additional monies are being requested.

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

Approve the promotions as presented, within the Circuit Clerks office effective August 10, 2015.



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



Name: Barbara J. Miller, Director.

Department or Organization: Jefferson County Homeland Security and Emergency Management

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: September 3, 2015

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

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

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

1. All Good Music Festival and Camp Out- After Action Report/Improvement Plan

Please provide the County Commission with a description of your request or presentation, including any background information:  
*This is a presentation of the After Action Report/Improvement Plan for the local response to the All Good Music Festival and Camp Out. The information within this report was compiled with information gathered at an After Action Review that was held on July 14, 2015 at Citizens Fire Company and from additional information gathered since that time.*

Is this a funding request? No

If so, how much?

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

No action is required on this item by the Commission

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

If not attached, explain:

Attachment:

Is equipment needed?      Projector    [N Click here to enter text.](#)      Internet/Wi Fi    [N Click here to enter text.](#)      Telephone  
for conference call    [N Click here to enter text.](#)

Contact information:

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

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

[Click here to enter text.](#)

# All Good Music Festival and Camp Out-Planned Event

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After-Action Report/Improvement Plan

Operational Periods: July 09-12, 2015

## EVENT OVERVIEW

<b>Event Name</b>	All Good Music Festival and Camp Out
<b>Event Dates</b>	July 09-12, 2015
<b>Scope</b>	Response to a Planned Event
<b>Mission Area(s)</b>	Response
<b>Core Capabilities</b>	Communications, Fire Response, Medical Response, Public Safety/Law Enforcement, Emergency Management
<b>Objectives</b>	To provide response to the event, while still providing response to the rest of the community.
<b>Threat or Hazard</b>	Planned Event-Music Festival and Camp Out.
<b>Scenario</b>	The All Good Music Festival and Camp Out was held at the Berryhill Farm in Summit Point, West Virginia. It attracted over 11,000 people and resulted in a response effort that included seven 12-hour operational periods for local responders.
<b>Jurisdiction</b>	Jefferson County, West Virginia
<b>Participating Organizations</b>	Jefferson County Sheriff's Department, Jefferson County Emergency Communications, Jefferson County Homeland Security and Emergency Management, Charles Town Police Department, Ranson Police Department, West Virginia State Police, Eastern Panhandle Drug Task Force, Citizens Fire Company, U.S. Customs and Border Protection, West Virginia Fire Marshal's Office, Jefferson County Emergency Services Agency, and Ryneal Medical Transport, Jefferson County Health Department and University Healthcare-Jefferson Medical Center.
<b>Point of Contact</b>	The information within this After Action Report was compiled with information gathered at an After Action Review that was held on July 14, 2015 at Citizens Fire Company and from additional information gathered since that time. POC is: Barbara Miller, Director, Jefferson County Homeland Security and Emergency Management (JCHSEM), 28 Industrial Blvd., Suite 101, Kearneysville, WV 25430. Phone: 304-728-3290. Email: <a href="mailto:bmiller@jeffersoncountywv.org">bmiller@jeffersoncountywv.org</a>

## SUMMARY

On September 25, 2014, Mark Dyck, on behalf of Tim Walther and Junipa Contento, requested a Seasonal Use Permit to conduct a music festival and campout to be held at 261 Berry Hill Farm Lane, Summit Point, WV from the Jefferson County Board of Zoning Appeals (BZA).

On June 26, 2015, The All Good Festival and Camp Out, was issued a Zoning Certificate to hold the event. On June 25, 2015, a permit was issued to Tim Walther/Junipa Contento for a Mass Gathering with Campout Festival by the Jefferson County Health Department.

Citizens Fire Company hosted response planning meetings for six weeks prior to the All Good Music Festival and Camp Out to plan for the response to this mass gathering with all response agencies that would be involved with a response to the festival.

Sheriff Dougherty served as the Point of Contact between the All Good Festival producers and all response agencies, per the BZA permit process.

The response included:

The response involved seven 12-hour operational periods from 0700 hours on July 09 to 1900 hours on July 12.

Jefferson County Emergency Communications Center staff reported 53 CAD events within a 2-mile radius of the event.

Ryneal Medical Transport reported 113 patient treatments, with 17 transports to University Healthcare-Jefferson Medical Center and one to Winchester Medical Center.

One death occurred at the event.

There were no fires reported at the event that required fire response.

There were no triggers to cause the Emergency Operations Center to activate.

The Jefferson County Sheriff's Department made 2 misdemeanor arrests and 1 felony arrest.

The West Virginia State Police (WVSP) reported that they made 46 possession misdemeanor arrests, 9 felony possession with intent to distribute arrests, seized over \$5,000 worth of Molly, recovered one stolen gun within a half mile of the festival's gate, recovered one stolen vehicle, and arrested two fugitives.

The Eastern Panhandle Drug Task Force agents made 31 felony arrests on 86 counts of felony distribution and seized \$49,105 worth of illicit drugs from the festival grounds.

The After Action Review was hosted by Citizens Fire Company on July 14, 2015.

The information within this After Action Report was compiled with information gathered at an After Action Review that was held on July 14, 2015 at Citizens Fire Company and from additional information gathered since that time.

## ANALYSIS OF CORE CAPABILITIES

### Communications (ESF-2)

The Jefferson County Emergency Communications Center (JCECC) set up a remote location to perform emergency public safety dispatching from the All Good Festival site. Other dispatchers worked in the Emergency Communications Center for non-event related calls. The All Good Festival provided a mobile command post trailer that included a room for emergency communications. Dispatchers worked from this location throughout the event.

A NIMS form 205, Communications Plan, was developed so that all agencies knew which talk groups were being used for the special event. This communications plan became a part of the overall Incident Action Plan (IAP) for each operational period.

The Emergency Communications Center reported that they received 53 Computer Aided Dispatch (CAD) incidents generated within a two mile radius of the actual address of the event. These incidents were comprised of law, fire, and ems calls, including controlled burns, crop damage permits (hunting), traffic stops, K9 assists, etc. As such, it is safe to say that while the majority of these incidents were festival related, all of them certainly were not.

The West Virginia State Police did their own dispatching for the event through Romney.

The JCECC Deputy Director reported that the All Good Festival Security personnel from AXIS worked well with Jefferson County ECC with communications between AXIS, JCECC and Ryneal.

#### **Strengths:**

**Strength 1:** Full Remote CAD Access and ability to track resources

**Strength 2:** Communications Plan-Region 2 TAC worked well.

**Strength 3:** Command Post Location

**Strength 4:** Radio sign out went well for agencies that needed to borrow radios from Jefferson ECC's radio cache.

**Strength 5:** Walther Productions reimbursed for Jefferson County Emergency Communications expenses for dispatching in the amount of \$5,500.

#### **Areas for Improvement:**

The following areas require improvement:

**Area for Improvement 1:** There is a need to have more room within the command post for dispatchers. They were somewhat cramped. Having two locations with four terminals would be optimal for future events. Consideration should also be given to the West Virginia State Police having their own trailer.

## Fire (ESF-4)

The All Good Music Festival and Camp Out occurred in the first due area of the Citizens Fire Company (CFC). CFC accepted the responsibility for holding six weekly planning meetings leading up to the event, setting up an emergency responder walk-through the night before the event started, and development and distribution of the Incident Action Plan (IAP) for each of the 7 operational periods. Additionally, all credentials for emergency responders, vendors, and festival staff were issued by AGF staff from the fire department through a contract between the AGF and Citizens Fire Company. Required vendor permits could also be obtained from the Health Department, who was also set up at an outside tent at CFC.

No fires were reported from the AGF site. CFC had personnel staged both at the AGF site and at their fire station to respond to calls.

Two representatives from the WV Fire Marshal's Office were onsite at the AGF. They reported that the AGF security confiscated several different types of fireworks, including 1 ½ inch mortars, cake-type devices, roman candles, etc. AGF security then turned over all of the confiscated fireworks to the WV State Fire Marshal's Office for disposal.

### Strengths:

**Strength 1:** Incident Action Plans were developed for each operational period and distributed by Citizens Fire Company.

**Strength 2:** Coordination of Resources-JCHSEM provided cots and blankets, through a partnership with the American Red Cross, to responders staying overnight in the responder tent.

**Strength 3:** Walther Productions donated \$4,000 for use of Citizens facility for AGF's credentialing team and paid \$4,500 to Citizens Fire Company for reimbursement for per diem expenses for personnel and apparatus.

### Areas for Improvement:

**Area for Improvement 1:** Emergency response planning needs to begin coordination and planning sooner for any mass gathering. This event is taxing for one company with an 8 minute response time to the event. There is a need for more participation.

**Area for Improvement 2:** The staging area for fire needs to be more central (or have multiple staging areas); possibly in the Silo area. The staging area did not take into account the terrain. Staging mats are also needed.

**Area for Improvement 3:** There is a need for fire and medical transportation that is more suited to the terrain. The larger vehicles don't get around well in that environment.

**Area for Improvement 4:** Make sure that information about fireworks, including lanterns being illegal, is distributed in advance to attendees, staff and producers of the event.

## **Emergency Management (ESF-5)**

Jefferson County Homeland Security and Emergency Management staff monitored the event throughout the 7 operational periods. Citizens Fire Company provided IAPs for each operational period for the event. There were no triggers for JCHSEM to activate the Emergency Operations Center (EOC).

There was one resource request from Citizens Fire Department to provide them with 8 cots and blankets for the event, which was fulfilled through a partnership with the American Red Cross.

JCHSEM Director was notified by University Healthcare-Jefferson Medical Center when they activated their Incident Command Center (ICC), and notifications were made at that time, as appropriate.

One tornado watch was received from the National Weather Service (NWS) during the event, but did not materialize. The watch was sent out over NIXLE and was broadcasted to all County monitors by the Emergency Communications Center.

### **Strengths:**

**Strength 1:** The Public Information Officer (PIO) monitored public information from both traditional and social media throughout the event.

**Strength 2:** JCHSEM staff made all reports to the West Virginia State Emergency Operations Center (WVSEOC) through ETEAM, the state's online reporting tool.

**Strength 3:** Situation Reports were received from the Sheriff, Incident Action Plans were received every 12 hours, and CAD and SIRM radios were also monitored for situational awareness. Staff also monitored the weather, power outages, media and social media throughout the event.

**Strength 4:** A resource request was received from Citizens Fire Company for 8 cots and blankets at the event that was able to be fulfilled through a partnership with the American Red Cross.

**Strength 5:** All JCHSEM staff participated in a walk-through of the event site the night before the festival began.

### **Areas for Improvement:**

**Area for Improvement 1:** There was some confusion by AGF staff when EM staff went to pick up credentials about whether or not a vehicle pass was needed, and the Deputy Director did not receive the same wristband as the Director initially. After a phone message was left with AGF, she did receive the upgrade.

## Public Health & Medical Services (ESF-8)

ESF-8 for this event was a combination of Jefferson County Health Department, University Healthcare-Jefferson Medical Center, Jefferson County Emergency Services Agency (ESA) and Ryneal Medical Transport.

Ryneal Medical Transport was contracted by the All Good Festival for medical treatment and transport during the event. Two medical tents were set up at the event and staffed by Ryneal Medical Transport employees. Ryneal Medical Transport's Patient Treatment/Transport Report shows 113 patients. The breakdown was 30 patients on Thursday; 42 patients on Friday, 35 patients on Saturday, and 6 patients on Sunday. Patients ranged in age from 03 to 66. University Healthcare-Jefferson Medical Center stood up their Incident Command Center on Friday, due to reaching their trigger for overdoses a 12-hour period. The Incident Command Center at the hospital notified Emergency Management, who notified the Jefferson County Health Department's Health Officer, who in turn, notified the WV State Health Department.

18 patients were transported from the AGF, with 17 going to University Healthcare-Jefferson Medical Center and one going to Winchester Medical Center. One patient died.

### Strengths:

**Strength 1:** University Healthcare-Jefferson Medical Center triaging and treating patients went well.

**Strength 2:** University Healthcare-Jefferson Medical Center had increased supplies ahead of the event and call staff.

**Strength 3:** University Healthcare-Jefferson Medical Center opened their Incident Command Center (ICC) in a timely fashion, facilitating communication and planning.

**Strength 4:** University Healthcare-Jefferson Medical Center communicated well with hospital leadership team and community partners.

**Strength 5:** University Healthcare-Jefferson Medical Center completed their Department Of Health report.

**Strength 6:** University Healthcare-Jefferson Medical Center reported that Ryneal Medical Transport did a good job handling their regular transports in addition to the All Good Festival transports.

**Strength 7:** Health Department Environmental Services permitting/inspection process went very well.

**Strength 8:** Communications between all parties was good.

**Strength 9:** Ryneal Medical Transport staff reported that they did a good job, got to people, honored wishes of persons in response, and transported and treated people.

**Strength 10:** Ryneal Medical Transport reported that their staffing was good for the amount of people in attendance.

**Strength 11:** Ryneal Medical Transport reported that they had adequate supplies for the event.

**Strength 12:** Walther Productions paid \$97,500 to Ryneal Medical Transport for a contract to provide medical services and transport at the event.

**Areas for Improvement:**

**Area for Improvement 1:** University Healthcare-Jefferson Medical Center needs to be added to the list of agencies to receive a copy of the IAP for each operational period.

**Area for Improvement 2:** University Healthcare-Jefferson Medical Center will follow up with LE regarding protocol of admitted patients who are violent or who will be released to police at time of discharge in order to ensure staff's safety and security.

**Area for Improvement 3:** University Healthcare-Jefferson Medical Center needs a Quick Communications Call tree for the event, separate from the event's IAP.

**Area for Improvement 4:** Medical information should only be shared amongst appropriate personnel in order to remain compliant with HIPAA.

**Area for Improvement 5:** Medical planning needs to begin a year in advance, at a minimum.

**Area for Improvement 6:** Overdose prevention strategies need to be implemented.

**Area for Improvement 7:** A comprehensive mass gathering ordinance needs to be passed.

**Area for Improvement 8:** Larger treatment tents are needed.

**Area for Improvement 9:** A larger cooling area or more trailers are needed.

**Area for Improvement 10:** Have a physician on site to determine treat and monitor or transport.

**Public Safety & Security/Law Enforcement (ESF-13)**

Law Enforcement responders included: Jefferson County Sheriff's Department and Sheriff County Deputy Reserves, Charles Town Police Department, Ranson Police Department (all working under the authority of the Sheriff), West Virginia State Police, as well as two teams of Drug Task Force.

Jefferson County Sheriff's Department reported that the traffic plan was well designed and well executed. Traffic concerns before the festival did not materialize. There were no traffic backups in Virginia, or on the roads leading to the site. JCSD had regular communications with Clark County, VA, and changed the Sunday traffic plan based upon traffic flow. They also reported that there were no significant complaints about property or other crimes.

Jefferson County Sheriff's Department made 2 misdemeanor arrests and 1 felony arrest directly related to the event and investigated one death on site.

The West Virginia State Police (WVSP) reported that they made 46 possession misdemeanor arrests, 9 felony possession with intent to distribute arrests, seized over \$5,000 worth of Molly, recovered one stolen gun within a half mile of the festival's gate, recovered one stolen vehicle, and arrested two fugitives.

Eastern Panhandle Drug Task Force agents made 31 felony arrests on 86 counts of felony distribution and seized \$49,105 worth of illicit drugs from the festival grounds.

### **Strengths:**

**Strength 1:** Traffic plan went well.

**Strength 2:** The concerns of residents prior to the event did not materialize. There were no significant complaints about property damage or crimes on the properties adjacent to the event. Having the Community Outreach person from the All Good Festival was considered a strength.

**Strength 3:** Police presence was good.

**Strength 4:** Walther Productions reimbursed the Sheriff's Department \$28,350, the Jefferson County Maintenance Department \$1,150, the Charles Town Police Department \$5,575, Ranson Police Department \$2,750, Jefferson County Sheriff's Reserves \$7,800, and WV State Police \$64,845 for their response expenses for the event. Walther Productions also paid in advance of the event, \$15,000 to the Clarke County Sheriff's Office for their services in Virginia.

### **Areas for Improvement:**

**Area for Improvement 1:** The drug issue is a major concern. More police presence as people entered the site may have deterred drug use.

**Area for Improvement 2:** Cameras at the festival to give responders better views of the site are needed.

**Area for Improvement 3:** A better map of the site in CAD with more magnification is needed. Need for color flags or a beacon system would help all responders to see where they need to go inside the gate.

**Area for Improvement 4:** The festival organizer needs to leave the signage up until all patrons have left the area.

**Area for Improvement 5:** The festival organizer needs to provide a more detailed map with resources identified on the map.

**Area for Improvement 6:** Ensure that badges are the same as festival goers for the undercover agents.

**Area for Improvement 7:** County law enforcement resources were stretched beyond acceptable levels to cover the event and take care of needed law enforcement activities outside of the event. There is a need to reach out to other agencies for additional help.

### APPENDIX A: IMPROVEMENT PLAN

This IP has been developed specifically for Jefferson County Response Agencies as a result of the All Good Music Festival and Camp Out, which had response operational periods from July 09-12, 2015

Core Capability	Area for Improvement	Corrective Action	Capability Element	Primary Responsible Organization	Organization Point of Contact
Communications	Mobile Command trailer needs to be bigger	There is a need to have more room within the command post for dispatchers. The space was somewhat cramped. Having two locations with four terminals would be optimal for future events.	Equipment	JCECC/AGF	Director/Deputy Director/AGF Producer
Communications	WV State Police need their own trailer	To assist with space needs, the WV State Police need to have their own trailer.	Equipment	WVSP/AGF	Captain or designee/ Festival Producers
Fire/EMS/LE/Health Department /Hospital	Planning needs to start earlier	Planning for emergency response needs to begin a year ahead of time.	Planning	All agencies involved in response.	Chiefs, Directors, Sheriff, SP Captain
Fire	Staging Areas Need to Improve.	The staging area for fire needs to be more central (or several); possibly in the Silo area. The staging area did not take into account the terrain. Staging mats are also needed.	Equipment	CFC/EMS	Chief
Fire	Need for transportation	There is a need for fire and medical transportation that is more suited to the	Equipment	CFC	Chief

	more suited to the terrain.	terrain. The larger vehicles don't get around well in that environment.			
Fire	Information about fireworks not being legal.	Make sure that information about fireworks, including lanterns, being illegal is distributed in advance to attendees, staff and producers of the event.	Training	AGF	Festival Producers
Fire	Fire lanes need to be wider.	Fire lanes need to be wider.	Planning	AGF	Festival Producers
Emergency Management	No parking passes are needed for emergency vehicles. Director and Deputy Director need same credential.	Some confusion by All Good Festival staff when Emergency Management staff went to pick up credentials about whether or not a vehicle parking pass was needed, and the Deputy Director did not receive the same wristband as the Director initially. After a phone message was left with AGF, she did receive the upgrade.	Training	AGF	Festival Producers
Public Health & Medical Services	All agencies should receive a copy of the IAP each operational period.	University Healthcare-Jefferson Medical Center needs to be added to the list of recipients for the IAP.	Planning	CFC	Chief
Public Health & Medical Services	Staff safety at University Healthcare-	University Healthcare-Jefferson Medical Center will follow up with LE regarding protocol of admitted patients	Planning/ Training	University Healthcare/	CEO or designee

	Jefferson Medical Center	who are violent or who will be released to police at time of discharge in order to ensure staff's safety and security.		Law Enforcement	Police Chief
Public Health & Medical Services	Communications Call Tree at University Healthcare-Jefferson Medical Center	University Healthcare-Jefferson Medical Center needs a Quick Communications Call tree for the event, separate from the event's IAP.	Planning	University Healthcare-Jefferson Medical Center	CEO or designee
Public Health & Medical Services	HIPAA Compliance	Medical information should only be shared amongst appropriate personnel in order to remain compliant with HIPAA.	Training	University Healthcare-Jefferson Medical Center	CEO or designee
Public Health & Medical Services	Overdose Prevention Strategies	Overdose prevention strategies need to be implemented.	Training	Jefferson County Department of Health/Festival Producers	Health Director/Festival Producers
Public Health & Medical Services	Mass Gathering Ordinance Needed.	A comprehensive mass gathering ordinance need to be passed.	Planning	Jefferson County Commission/ Board of Zoning Appeals.	County Commission/Board of Zoning Appeals.
Public Health & Medical Services	Larger treatment tents.	Larger treatment tents are needed, and a larger cooling area or more trailers are needed.	Equipment	AGF	Festival Producers

Public Health & Medical Services	Physician needed on site.	Have a physician on site to determine treat and monitor or transport.	Resource	AGF	Festival Producers
Public Safety/Law Enforcement	More uniformed WV State Police Troopers on the ground/ Need more visible presence to deter drug use.	WV State Police Captain would like to have more uniformed troopers in the crowd and on the ground if the event is held again.	Planning	WV State Police	Captain
Public Safety/Law Enforcement	Need for a locksmith or someone to unlock vehicles inside the venue.	The tow truck driver inside of the venue would not unlock people's vehicles that had locked themselves out. Because he had an "exclusive" contract for the event, other tow trucks could not come inside the venue.	Planning	AGF	Festival Producers
Public Safety/Law Enforcement	Need cameras on poles to see out over the event.	Several wide view cameras on poles in the area of the event to give law enforcement views of the crowd. This would also aid those at the communications center to tell responders what they can see prior to responders entering the scene of an event if there is a problem and will help during the exiting process to get a solid	Equipment	Sheriff	Sheriff

		understanding of the traffic volume. when exiting.			
Public Safety/Law Enforcement	Need another tent or command post on a more centrally located position.	A law enforcement tent or Sheriff's Command Vehicle would be advantageous, if placed in the area adjacent to the medical tent allowing deputies patrolling a place to meet and stage to allow faster response to emergency situations.	Equipment	Sheriff/AGF	Sheriff/ Festival Producers
Public Safety/Law Enforcement	Need a better way to find locations, especially after dark & Map with resources identified.	The ability to identify locations within the event site was difficult. If there are future events, it would be advantageous to have some type of flag marker on posts that give responders the ability to respond to appropriate locations faster.	Equipment	Sheriff/AGF	Festival Producers

## APPENDIX B: PARTICIPANTS

Participating Organizations
<b>Federal</b>
National Weather Service
U.S. Customs and Border Protection Advanced Training Center
U.S. Department of Justice-Eastern Panhandle Drug and Violent Crimes Task Force
<b>State</b>
West Virginia Department of Health and Human Services
West Virginia Department of Highways
West Virginia Department of Homeland Security and Emergency Management
West Virginia Fire Marshal's Office
West Virginia State Police
<b>County/Local Jurisdictions</b>
Charles Town Police Department
Citizens Fire Company
Jefferson County Department of Health
Jefferson County Emergency Communications Center
Jefferson County Emergency Services Agency
Jefferson County Homeland Security and Emergency Management
Jefferson County Sheriff's Department and Deputy Reserves
Ranson Police Department
Ryneal Medical Transport
University Healthcare-Jefferson Medical Center

## APPENDIX C: ACRONYMS

AAR	After Action Review and/or After Action Report
AGF	All Good Festival
BZA	Board of Zoning Appeals
CAD	Computer Aided Dispatch
CBP	Customs and Border Protection
CEO	Chief Executive Officer
CFC	Citizens Fire Company
CTPD	Charles Town Police Department
EOC	Emergency Operations Center
EM	Emergency Management
ESF	Emergency Support Function
HIPAA	Health Insurance Portability and Accountability Act
IAP	Incident Action Plan
ICC	Incident Command Center (Hospital)
IP	Improvement Plan
JCECC	Jefferson County Emergency Communication Center
JCESA	Jefferson County Emergency Services Agency
JCHSEM	Jefferson County Homeland Security and Emergency Management
JCSD	Jefferson County Sheriff's Department
LE	Law Enforcement
NIMS	National Incident Management System
SIRN	Statewide Interoperable Radio Network
WVSP	West Virginia State Police
WV	West Virginia
WVSEOC	West Virginia State Emergency Operations Center
WVU	West Virginia University

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



Name: Greg Vaughn

Department or Organization: Corporation of Harpers Ferry

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: September 3, 2015

*If a specific date is needed, please provide reason for specific date:* Emergency, request soonest available date

Date Requested – 2<sup>nd</sup> Choice: September 17, 2015

Subject (*Wording to be placed on agenda*): Request for Fire Recovery Emergency Funds, Corporation of Harpers Ferry

Please provide the County Commission with a description of your request or presentation, including any background information: On July 23, 2015 a fire broke out in the lower town of Harpers Ferry. Three historic structures were severely damaged. Twenty-one fire companies used 425,000 gallons of water to extinguish this fire. Harpers Ferry Water Department employees and officers of the Harpers Ferry Police Department worked around the clock to support the fire departments and ensure the safety of business owners, employees, residents and visitors to the town. The town anticipates needing additional police department overtime for the next three months to maintain the security of the burn site and additional clerical assistance to support fire recovery initiatives. The Corporation of Harpers Ferry does not have the funds to pay for these expenses without disrupting essential services to the town and to the influx of tourists who continue to arrive each day.

Is this a funding request? Y/N Yes

If so, how much? \$2,668 Reimbursement for overtime used – Harpers Ferry Water Works and Harpers Ferry Police Department  
\$5,394 water to put out fire  
\$4,910 Upcoming overtime, additional vehicle maintenance costs, and fuel for Harpers Ferry Police Department  
\$1,635 Emergency signs, cones, reflective tape for street closures and rerouting traffic  
\$6,365 Emergency clerical assistance to support fire recovery initiatives  
**TOTAL \$20,972**

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I move that the Jefferson County Commission award \$20,972. to the Corporation of Harpers Ferry to defer the unanticipated costs of maintaining health and safety during the initial period of fire recovery.

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

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

Contact information:

Email address: [HFMayor@frontier.com](mailto:HFMayor@frontier.com) Phone Number: 304-535-2206

**Corp. of Harpers Ferry**  
**Employee Overtime Summary**  
 July 23 through August 16, 2015

	Hours Over Reg.	Overtime (x1.5) hourly	Hours over normal P/T	Extra Hours for Exempt Employees	Federal Withholding	Medicare Town	Social Security Town	WV - Withholding	WV - Unemployment	403b Co. Match	TOTAL	
Armentrout, Michael S	17.00	589.39	0.00	0.00	96.21	8.55	37.07	30.06	0.00	79.57	840.84	
Brown, John D	20.00	0.00	582.20	0.00	95.04	8.44	36.62	29.69	0.00	0.00	751.99	
Chuvalas, Brandon M L	2.00	45.70	0.00	0.00	7.46	0.66	2.87	2.33	0.00	6.17	65.20	
Cummings, David C	2.00	0.00	32.44	0.00	5.30	0.47	2.04	1.65	0.00	0.00	41.90	
Harper, Matthew C	13.00	365.69	0.00	0.00	59.69	5.30	23.00	18.65	6.58	49.37	528.29	
Schul, Matthew T	6.00	182.16	0.00	0.00	29.74	2.64	11.46	9.29	0.00	24.59	259.88	
Stout, Leslie R	2.00	39.00	0.00	0.00	0.00	0.57	2.45	1.99	0.00	5.27	49.27	
Styer, Christian L	4.00	91.40	0.00	0.00	14.92	1.33	5.75	4.66	0.00	12.34	130.39	
Whittington, Andrew D.	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	-	
<b>TOTAL</b>	<b>88.00</b>	<b>1313.34</b>	<b>614.64</b>	<b>0.00</b>	<b>308.35</b>	<b>27.96</b>	<b>121.27</b>	<b>98.33</b>	<b>6.58</b>	<b>177.30</b>	<b>2,667.77</b>	<b>Paid</b>
				<b>534.31</b>	<b>87.22</b>	<b>7.75</b>	<b>33.61</b>	<b>27.25</b>	<b>-</b>	<b>72.13</b>	<b>762.27</b>	<b>Non-Paid (exempt)</b>
											<b>\$ 3,430.03</b>	

Corp. of Harpers Ferry -  
Estimated Projected Costs of Additional Patrol for Three months

	Wages	Annual	Projected OT	Company Emp Taxes	WV - Unemp	403b Co. Match	OT TOTAL	Wages Only TOTAL
Armentrout, Michael S	23.11	48,068.80	4,159.80	3,995.49	216.00	7,050.86	5,114.47	52,228.60
Schul, Matthew T	20.24	42,099.20	3,643.20	3,499.29	216.00	6,175.22	4,479.31	45,742.40
Harper, Matt	18.75	39,000.00	3,375.00	3,241.69	216.00	5,720.63	4,149.56	42,375.00
Average OT							\$ 4,581.12	

Auto per Officer for OT Projected needs

*Total fuel used one month / Total hours worked that month = 1.59 gal average fuel per hour for current fleet.*

Average cost of Fuels for vehicles @ 1.59 per hour for estimated 3 months of OT

191.26

*Total Auto Maintenance for one month / Total hours worked one month = 1.146 average cost per hour worked for current fleet.*

Average cost of Auto Maintenance @ 1.146 per hour for estimated 3 months of OT

137.47

\$ 328.73

Total Estimated Cost of Additional patrol needed

\$ 4,909.85

Estimates are based on current wages/ current fleet and possible hours needed

8/7/3015

Corp of HF - Working Paper  
"What Would it Cost to Hire Temp Help"

Full Time Temp New Hire	3 mo.s Hours	rate	Gross	Tax Liab	WV Un	Total
	520	\$ 12.00	\$ 6,240.00	\$ 477.36	\$ 112.32	\$ 6,364.32

**Corporation of Harpers Ferry**  
**Cost to the Town for Water Used to Extinguish July 23 2015 Fire**

The amounts used for this calculation can be found in Harpers Ferry FY14 Annual Report filed with the West Virginia Public Service Commission.

Total Operating Expense FY14	513,702.00	(a)
Gallons Sold FY14 ( Per 1,000)	40,476.00	(b)
Cost per 1,000 gallons (a/b)	12.69	(c)
Estimated Gallons Used for Fire	<u>425.00</u>	(d) (425,000 gallons)
Cost to the Town for Water Used Used (c) X (d)	<u>\$ 5,393.90</u>	

*Note: Current Daily Production : 284,000 gallons*

# QUOTE

QUOTE NO  
6099



1126 Ferris Road, Amelia, OH 45102  
4080 Industrial Lane, Beavercreek, OH 45430  
16000 Miles Road, Cleveland, OH 44128

Phone: (513) 943-6100 Fax: (513) 943-6106  
Phone: (937) 912-9590 Fax: (937) 912-9593  
Phone: (216) 283-8040 Fax: (216) 283-8041

TO: Kathryn Payne  
Harpers Ferry  
PO Box 217  
Harpers Ferry, WV 25425  
(304) 535-2206  
harpersferry1@frontier.com

QUOTE DATE	VALID THRU	FOR	PAGE
8/18/2015	9/16/2015	Rollups, 22000, Cones	1

ITEM NO	QUANTITY	DESCRIPTION	UNIT PRICE	EXTENDED
011-1050	6.00ea	36" Reflective Roll Up - Any Legend, Black on Orange	100.00ea	600.00*
011-1091	6.00ea	48" Reflective Roll Up - Any Legend, Black on Orange	145.00ea	870.00*
013-1001	6.00ea	Traffic Sign Stand, 22000	100.00ea	600.00*
004-1120	10.00ea	28" 7lb Cone with 6" / 4" Reflective Collars, Black Base	15.00ea	150.00*
009-1166	1.00rl	A&A Caution Tape, 3" x 1000'	14.50rl	14.50*

FOB - Delivered  
Quotation valid for 30 days.

Thank you for the opportunity to submit this quotation. If you have any questions, please feel free to contact me on my cell phone (513) 319-6180.

Sincerely,

Jeff Blackburn

\* means item is non-taxable

AGENDA REQUEST FORM

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

NAME: Lynn Fields

DEPARTMENT OR ORGANIZATION: Probate Office

ESTIMATION OF TIME NEEDED FOR APPT.: 10 to 15 minutes

DATE REQUESTED: 1<sup>ST</sup> CHOICE ~~July 9<sup>th</sup>, 2015~~

July 16<sup>th</sup>, 2015

*Scheduled for  
Sept. 3, 2015*

IF A SPECIFIC DATE IS NEEDED, PLEASE PROVIDE REASON FOR SPECIFIC DATE:

SUBJECT: Schedule a hearing to hear the Petition to Remove Co-Executor Mark E. Hicks from the estate of Joann V. Hicks, deceased

PLEASE PROVIDE THE CO. COMM. WITH A DESCRIPTION OF YOUR REQUEST OR PRESENTATION, INCLUDING ANY BACKGROUND INFORMATION:

It is the collective opinion of the Co-Executor and the beneficiaries that Mr, Hicks is not capable of making decision on behalf of the beneficiaries and has some underlying hostility which interferes with his ability to attend to the details of the estate.

RECOMMENDED MOTION: It is the recommendation of the probate office that this matter be scheduled for a hearing. All interested parties will be notified and given the chance to be present and to be heard.

ARE DOCUMENTS ATTACHED: To follow

IS A PROJECTOR NEEDED?: NO

[lfields@jeffersoncountywv.org](mailto:lfields@jeffersoncountywv.org) (304) 728-3210

Jefferson Probate

June 20, 2015

100 East Washington Street

Charles town, West Virginia 25414

To The Probate Court of Charles town West Virginia,

Please recognize out petition to remove Mark Edward Hicks as co- executor of the Estate of Joann V. Hicks.

Since the passing of Joann April 28, 2014 we have been anxious to reconcile the financial account and list the home at 887 Red Bird Lane Harper s Ferry West Virginia.

To date Mark has not assumed the responsibilities appointed by him in areas of communicating with the beneficiary's and the Co executor Pamela DiBabbo in a professional manner.

We have agreed that the home is to be sold and have met with Mary Ellen at Long and Foster to list the home. Papers were given to Mark on March 13, 2015 awaiting his siganture. He refuses to sign the papers. We do not see this as an investment, but as part of the estate to be sold and disbursed.

It is our collective opinion that Mark Edward Hicks is not capable of making decisions on behalf of the beneficiary's, and has some underlying hostility which interferes with his ability to attend to the details of the Estate.

Thank you for your attention to this matter.

Cordially,

Pamela Hicks-DiBabbo

August 27, 2015

To Whom It May Concern:

I Gregory A. Andersen, Nephew and heir of Jo Ann V. Hicks, am writing at this time in response to the hearing being held to remove Mark E. Hicks as Co-executor.

It has been about 18 Months since my Aunt's passing. My concern is the handling of Jo Ann V. Hicks' Estate in a timely manner. A lot of paperwork and dealing with personal property has been an emotional journey.

The conflicts between the handling of her personal property, the house and an adjoining lot have been time and energy consuming. It clearly seems to be my brother, Co-executor, Mark E. Hicks is unwilling to sigh off on putting the house and property into the hand of a Real Estate Market.

I have been in contact with David P. Hicks and Deborah L Hicks Kryka. And we all are in agreement that having the house put on the market is long overdue. The lone hold out seems to be the Co-executor, Mark E. Hicks.

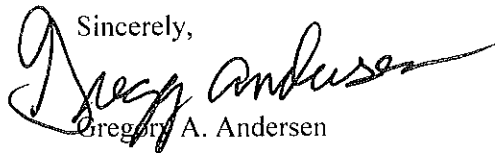
I am fully confident in the abilities of the Co-executor, Pamela Di Babbo. All the hard work she has already invested in the handling of an overwhelming amount of the Estates paper work and finances are pretty much in the final stage and speak for her ability.

My hopes and prayers are to give someone the opportunity to make the house a home again. Needless to say, it has already been an emotional journey. None of us really have the time to personally maintain the property properly or want to continue assuming the financial liability. Which brings us to having to set aside a significant portion of the money involved for future expenses.

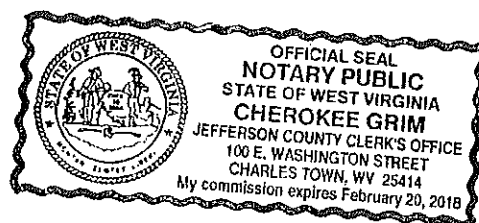
With all that said and without getting into specific details I personally do not see any other options left, but to be in agreement with the petitioner, Co-executor, Pamela Di Babbo that having Mark E. Hicks removed from his position as Co-executor and having Pamela Di Babbo carry out the wishes of my Aunt Jo Ann would help bring this closer in concluding the wishes stated in the Will. The Will seems clear in its core to liquidate assets and divide it among the six heirs.

Thank you for your time and consideration in this matter before you today. I am sure that the Probate Department will have enough to go on to make a concise decision.

Sincerely,

  
Gregory A. Andersen

County of Jefferson  
State of West Virginia  
The foregoing instrument was acknowledged before me  
this 28<sup>th</sup> day of August, 2015  
by Gregory A. Andersen  
Charles Grim Notary Public  
My commission expires 2/20/2018



## Lynn Fields

---

**From:** David Hicks <seedsofsanity@gmail.com>  
**Sent:** Wednesday, August 12, 2015 4:02 AM  
**To:** lfields@jeffersoncountywv.org  
**Cc:** Pamela DiBabbo  
**Subject:** Estate of Joann Hicks

Hello S. Lynn Fields,

I am writing in response to the petition to remove Mark E. Hicks as co-executor of the estate of Joann V. Hicks that i received July 3, 2015.

I am in agreement with the letter written by Pamela Hicks-DiBabbo that states Mark Hicks has not fulfilled his obligations as a co-executor. To date I have not received any information that represents any positive participation from Mark Hicks in carrying out the wishes of my Aunt Joann. The only occasions he has communicated with me have been disruptive to the process. He has on more than one occasion stated he will do things his way and in his time frame without concern for anyone else's feelings regarding this matter.

For instance, his ideas about the real estate portion of the inheritance I feel are outrageous in that he told me he might choose to rent out the property for a few years and he has the authority to hold onto it indefinitely. This is not acceptable to me. I feel he is distorting the guidelines of the position he has been entrusted and is incapable of effectively serving the purpose of this commitment.

It is my opinion that moving forward would be greatly improved by removing Mark E. Hicks from any and all executor responsibilities and entitlements. I feel he has breached his fiduciary duties, he has acted solely in his own interest, and is unwilling to comply the wishes of Joann Hicks as stated in her will. It is my understanding that he has repeatedly refused or postponed involvement in this matter and all of the effort has been from Pamela Hicks-DiBabbo.

I am currently living in Lake Worth, Florida and it would be difficult for me to attend the hearing. I would however, like my views on this matter represented if at all possible. Please let me know if this letter is enough to reach this end, or if there is anything I can do to help make this change in executor-ship happen.

Thank you for your attention regarding this matter.

Sincerely,

David P. Hicks

AGENDA REQUEST FORM

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

**NAME:** Lynn Fields

**DEPARTMENT OR ORGANIZATION:** Probate Office

**ESTIMATION OF TIME NEEDED FOR APPT.:** 5 to 10 minutes

**DATE REQUESTED: 1<sup>ST</sup> CHOICE** September 3<sup>rd</sup>, 2015

**IF A SPECIFIC DATE IS NEEDED, PLEASE PROVIDE REASON FOR SPECIFIC DATE:**

Next possible commission hearing date.

**SUBJECT:** Special Session to approve the waiver of final settlement on the estate of Lee Roy Strickler, Jr.

**PLEASE PROVIDE THE CO. COMM. WITH A DESCRIPTION OF YOUR REQUEST OR PRESENTATION, INCLUDING ANY BACKGROUND INFORMATION:**

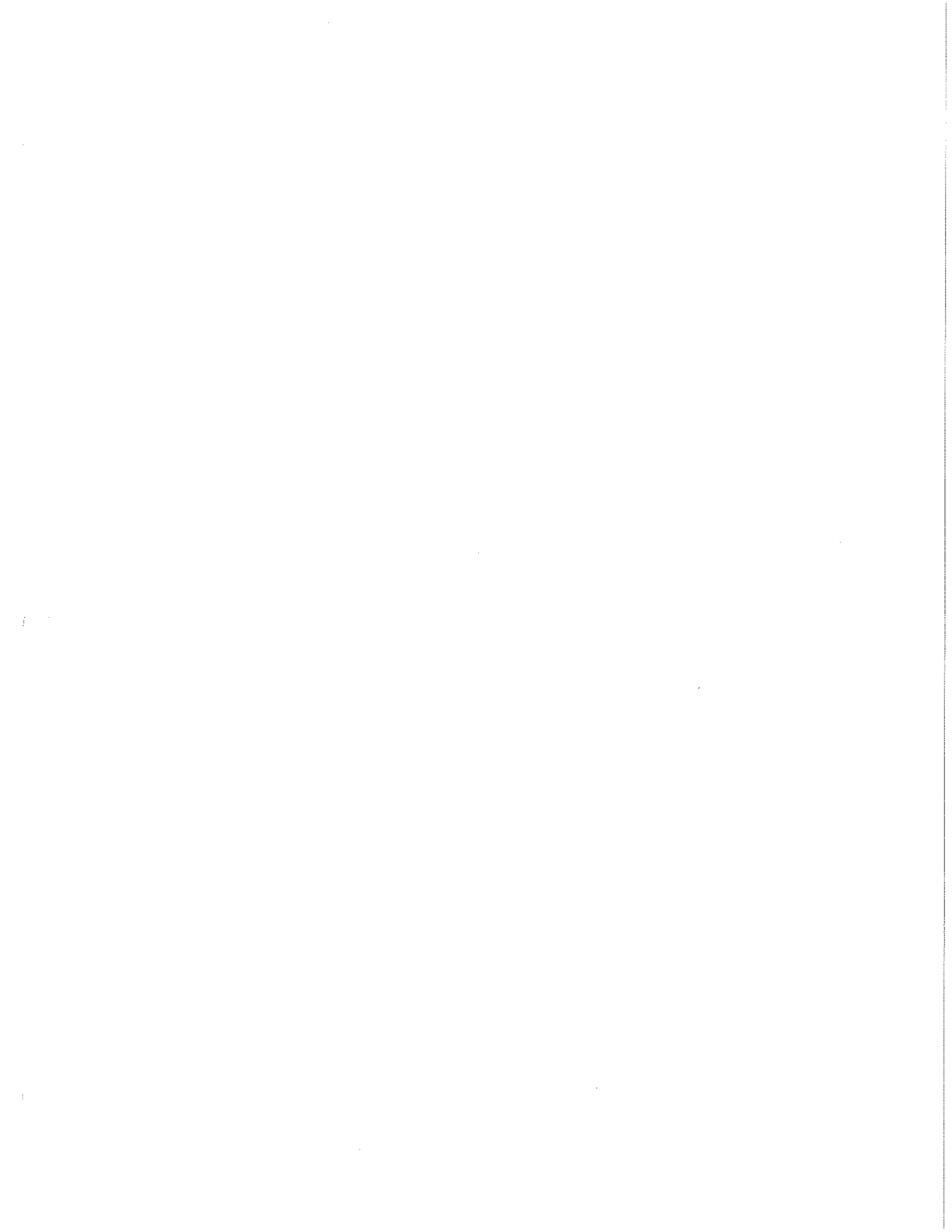
This estate did not meet the deadline for closing in July, however the real estate has recently been sold and the funds are being held in escrow. The estate now meets the requirements for closure, and the beneficiary is asking for a special session to close the estate.

**RECOMMENDED MOTION:** This estate has met all necessary requirements and deadlines, and it is our recommendation that it be closed.

**ARE DOCUMENTS ATTACHED:** To follow

**IS A PROJECTOR NEEDED?:** NO

[lfields@jeffersoncountywv.org](mailto:lfields@jeffersoncountywv.org) (304) 728-3210



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



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: September 3, 2015

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

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

Subject (Wording to be placed on agenda): Interviews/Appointments to the Jefferson County Community Criminal Justice Board – one unexpired term ending July 3, 2017 (public defender/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, September 3, 2015, or as soon thereafter as the Commission may decide:

**Jefferson County Community Criminal Justice Board: one unexpired 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 defense 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:**

**August 13<sup>th</sup> and 20<sup>th</sup>**

**THANKS - JEFFERSON COUNTY COMMISSION**

DAVID A. CAMILLETTI  
ATTORNEY AT LAW, I.C

[WWW.CAMILLETTILAW.COM](http://WWW.CAMILLETTILAW.COM)

July 28, 2015

Jefferson County Criminal Justice Board  
Attn: Ronda Eddy  
121 W. Third Avenue  
Ranson, WV 25438

RE: Resignation

Dear Ms. Eddy:

Please accept this letter as notice of my immediate resignation from the Jefferson County Criminal Justice Board due to my recent appointment as Judge for the 24<sup>th</sup> Family Judicial Circuit. Thank you for the opportunity to participate in this program. I wish you continued success.

Sincerely,



David A. Camilletti  
Attorney at Law

DAC/smw

## Jessica Carroll

---

**From:** Stephanie Grove [sgrove@jeffersoncountywv.org]  
**Sent:** Thursday, August 27, 2015 7:33 AM  
**To:** Jcarroll@jeffersoncountywv.org  
**Subject:** Fwd: Jefferson County Criminal Justice Board

----- Forwarded message -----

**From:** Christopher Stroech <[cstroech@arnoldandbailey.com](mailto:cstroech@arnoldandbailey.com)>  
**Date:** Aug 26, 2015 11:35 AM  
**Subject:** Jefferson County Criminal Justice Board  
**To:** [sgrove@jeffersoncountywv.org](mailto:sgrove@jeffersoncountywv.org)  
**Cc:** Christopher Stroech <[cstroech@arnoldandbailey.com](mailto:cstroech@arnoldandbailey.com)>

Stephanie:

As referred by Rhonda Eddy, I am interested in the vacancy on the Jeff Co. Criminal Justice Board that is to be filled by a criminal defense attorney.

Please let me know what additional information you may need, thanks,

Christopher P. Stroech, Esq.  
Arnold & Bailey, PLLC  
208 N. George Street  
Charles Town, WV 25414  
304-725-2002  
304-725-0282 (Fax)  
[cstroech@arnoldandbailey.com](mailto:cstroech@arnoldandbailey.com)

THIS MESSAGE IS PRIVILEGED AND CONFIDENTIAL AND FOR THE INTENDED RECIPIENT ONLY. IF THIS MESSAGE WAS SENT IN ERROR, PLEASE CONTACT THE SENDER IMMEDIATELY.

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



Name: Michael Ashley, Chair or Jean Jacobs, Vice-Chair  
Department or Organization: Jefferson County Republican Executive Committee (JCRC) ~~(JCRC)~~  
Estimation of amount of time needed for appointment: 15-20 mins

Date Requested - 1<sup>st</sup> Choice: September 3, 2015

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

This date is crucial to the special election coming in December.

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

Subject (Wording to be placed on agenda): Request for Supply Clerks be provided by JCRC.

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

Is this a funding request?

N  
\$ 0

If so, how much?

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

All supply

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

If not attached, explain: Attached

Clerks be provided by the JCRC

Is equipment needed?

Projector

N

Internet/Wi Fi

N

Telephone for conference call

N

Contact information: Chair@JCWVGOP.ORG

Email address:

Phone Number:

304-596-3467 (3600)

FOR COMMISSION STAFF USE ONLY - FINANCIAL IMPACT/COMMENTS



PO Box 443  
Charles Town, WV 25414  
August 7, 2015

Jefferson County Commission

Dear Commissioner Tabb,

In 2009, the Jefferson County Democrat Executive Committee (JCDEC) petitioned the Jefferson County Commission, and was granted, 100% Democrat control of the supply clerks for the county's election process. Upon review of the events of that period, a statement was made by then JCDEC Chair Reva Mickey, that the Commission was controlled by Democrats, and therefore the supply clerks should be all Democrats. That request was granted by unanimous vote of the Commission and seven Republican supply clerks were summarily replaced with Democrats. It has been the policy since, by practice, if not by written policy.

Therefore, as Chair of the Jefferson County Republican Executive Committee (JCREC), and noting a majority of Republicans on the current County Commission, I respectfully request that for the next six years, or upon relinquishing control of the Commission by the Republican majority, whichever comes first, that 100% of the county's supply clerks be submitted by the JCREC, beginning with the next election. After said period of time, the supply clerks should be apportioned equally among the two major parties and written into the policy of the county's election processes and procedures.

I make this request in the name of fairness and equitability. The current policy was politically motivated. The JCREC of that period had asked for an apportionment of supply clerks. The fair thing to do is to grant my request with the limits I have specified, and then end the practice of "to the victor belongs the spoils," once and for all time.

Best Regards

Mike Ashley  
Chair, JCREC

**REGULAR TERM:**

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

At a Regular Term of the County Commission of said County and State continued and held at the Courthouse thereof on Thursday, September 3, 2009, beginning at 9:30 o'clock a.m.

**PRESENT:** Dale Manuel, President;  
James Surkamp; Patsy Noland;  
Frances B. Morgan; Lyn Widmyer; Commissioners

**In re: PLEDGE OF ALLEGIANCE**  
Commissioner Morgan conducted the Pledge of Allegiance.

**In re: DISPENSE WITH READING OF MINUTES**  
Motion by Noland, second by Morgan to dispense with the reading of the Minutes for the meeting held on Thursday, August 20, 2009, and to approve the Minutes as amended. Motion carried.

**In re: APPROVAL OF PURCHASE ORDERS**  
Motion by Morgan, second by Manuel to approve the following Purchase Orders for the Week of August 31, 2009, totaling \$24,697.52: 47325, 47543, 47085, 46785, 47453, 47605, 47631, 47541, 46620, 46621, 47095, 46766, 47174, 47175, 47270, 47509, 47509, 47538, 47513, 47269, 47542, 47357, 47413, 47520, 47539 and 47540. Motion passed by a 4-1 vote. Commissioner Noland voted no.

**In re: APPROVAL OF ACCOUNTS PAYABLE**  
Motion by Morgan, second by Widmyer to approve the list of Accounts Payable totaling \$154,660.82 dated September 3, 2009 as presented by the County Clerk and reviewed by the County Commission. Motion carried.

CK#	Dept	Vendor	PO#	PO Amt	Amt wo PO	Ck Amount
059538	413	ALLEGHENY POWER		\$0.00	\$94.83	\$94.83
059538	424	ALLEGHENY POWER		\$0.00	\$1,214.21	\$1,214.21
059538	425	ALLEGHENY POWER		\$0.00	\$9,375.81	\$9,375.81
059539	712	AT&T/KY		\$0.00	\$106.40	\$106.40
059540	412	BARDANE PUBLIC HEALTH CT		\$0.00	\$383.00	\$383.00
059540	431	BARDANE PUBLIC HEALTH CT		\$0.00	\$308.33	\$308.33
059541	440	REBECCA F. BURNS		\$0.00	\$20.90	\$20.90
059542	PAYROLL	BUREAU FOR CHILD SUPPORT		\$0.00	\$72.00	\$72.00

059543	425	B-K OFFICE SUPPLY INC	47535	\$970.75	\$0.00	\$970.75
059544	PAYROLL	BUREAU F/CHILD SUPPORT		\$0.00	\$49.85	\$49.85
059545	PAYROLL	BUREAU F/CHILD SPRT ENF		\$0.00	\$212.31	\$212.31
059546	403	CASTO & HARRIS INC	46968	\$2,463.80	\$0.00	\$2,463.80
059546	413	CASTO & HARRIS INC	47441	\$267.00	\$0.00	\$267.00
059547	401	CO COMMISSIONERS ASSOC		\$0.00	\$1,050.00	\$1,050.00
059547	401	CO COMMISSIONERS ASSOC		\$0.00	\$3,900.00	\$3,900.00
059548	406	*CREAMERS AUTO SERVICE	47536	\$55.90	\$0.00	\$55.90
059548	424	*CREAMERS AUTO SERVICE	47536	\$133.57	\$0.00	\$133.57
059548	424	*CREAMERS AUTO SERVICE	47536	\$12.00	\$0.00	\$12.00
059548	712	*CREAMERS AUTO SERVICE	47536	\$12.00	\$0.00	\$12.00
059549	405	MARCIA L. CHANDLER, RPR	47412	\$69.00	\$0.00	\$69.00
059550	425	OLD CHARLES TOWN LIBRARY		\$0.00	\$1,500.00	\$1,500.00
059551	440	DAVID M. CARTER		\$0.00	\$40.12	\$40.12
059552	402	CHARLES TOWN COPYING SRV	47319	\$70.00	\$0.00	\$70.00
059552	425	CHARLES TOWN COPYING SRV	47533	\$128.00	\$0.00	\$128.00
059553	227	CHILD SUPPORT ENFORCE AG		\$0.00	\$27.69	\$27.69
059554	425	CONTROL SYSTEMS	47284	\$2,450.00	\$0.00	\$2,450.00
059555	716	DELL MARKETING LP	47068	\$940.94	\$0.00	\$940.94
059556	425	DEHAVEN SEVEN-UP CORP		\$0.00	\$74.50	\$74.50
059557	ALLOC	EASTERN PANHANDLE		\$0.00	\$5,000.00	\$5,000.00
059558	700	EMERGENCY EQUIP,LIGHTING	47021	\$130.00	\$0.00	\$130.00
059559	424	FRONTIER COMMUNICATIONS		\$0.00	\$1,058.13	\$1,058.13
059560	412	FRONTIER		\$0.00	\$35.00	\$35.00
059561	402	FRANK PARSONS INC.	47452	\$294.64	\$0.00	\$294.64
059562	716	GALLS,AN ARAMARK CO	47323	\$85.06	\$0.00	\$85.06
059562	716	GALLS,AN ARAMARK CO	47323	\$170.14	\$0.00	\$170.14
059563	PAYROLL	GUARDIAN		\$0.00	\$6,628.72	\$6,628.72
059563	PAYROLL	GUARDIAN		\$0.00	\$1,579.70	\$1,579.70
059563	PAYROLL	GUARDIAN		\$0.00	\$0.07	\$0.07
059564	406	GUTTMAN OIL CO		\$0.00	\$739.53	\$739.53
059564	424	GUTTMAN OIL CO		\$0.00	\$1,599.10	\$1,599.10
059564	440	GUTTMAN OIL CO		\$0.00	\$396.30	\$396.30
059564	700	GUTTMAN OIL CO		\$0.00	\$9,171.84	\$9,171.84
059564	712	GUTTMAN OIL CO		\$0.00	\$173.46	\$173.46
059564	711	GUTTMAN OIL CO		\$0.00	\$127.33	\$127.33
059564	716	GUTTMAN OIL CO		\$0.00	\$795.51	\$795.51
059565	412	JEREMY HORVAT		\$0.00	\$250.80	\$250.80
059566	433	KON OFFICE SOLUTIONS	46764	\$160.24	\$0.00	\$160.24
059566	401	KON OFFICE SOLUTIONS		\$0.00	\$299.48	\$299.48
059567	PAYROLL	ING NATIONAL TRUST		\$0.00	\$660.00	\$660.00
059568	406	JEFFERSON PUBLISH CO INC	47450	\$200.00	\$0.00	\$200.00

059568	422	JEFFERSON PUBLISH CO INC	47454	\$48.00	\$0.00	\$48.00
059568	401	JEFFERSON PUBLISH CO INC		\$0.00	\$98.08	\$98.08
059569	425	JEFFERSON COUNTY SOLID	47534	\$177.78	\$0.00	\$177.78
059570	PAYROLL	JEFFERSON SECURITY BANK		\$0.00	\$4,574.00	\$4,574.00
059571	440	NORMA KUROSKI		\$0.00	\$28.80	\$28.80
059572	PAYROLL	COMPTRROLLER OF MARYLAND		\$0.00	\$394.90	\$394.90
059573	PAYROLL	MD Child Support Account		\$0.00	\$140.00	\$140.00
059574	406	VICTORIA MYERS		\$0.00	\$78.37	\$78.37
059575	PAYROLL	MD CHILD SUPPORT ACCOUNT		\$0.00	\$18.46	\$18.46
059576	401	PATRICIA A NOLAND		\$0.00	\$687.72	\$687.72
059577	PAYROLL	NATIONWIDE RETIREMENT		\$0.00	\$735.21	\$735.21
059578	712	**NAT'L ACDMY O/EMERGENC	47162	\$50.00	\$0.00	\$50.00
059579	PAYROLL	NATIONWIDE MUTUAL INS CO		\$0.00	\$194.68	\$194.68
059580	402	PIFER OFFICE SUPPLY, INC	47320	\$69.85	\$0.00	\$69.85
059580	403	PIFER OFFICE SUPPLY, INC	47476	\$17.44	\$0.00	\$17.44
059581	405	POSTMASTER CHARLES TOWN	47411	\$70.00	\$0.00	\$70.00
059582	402	ALICE N. PAINTER		\$0.00	\$27.93	\$27.93
059583	403	LAURA RATTENNI		\$0.00	\$314.60	\$314.60
059583	403	LAURA RATTENNI		\$0.00	\$175.00	\$175.00
059584	413	RAI GROUP 43, LLC		\$0.00	\$1,699.00	\$1,699.00
059585	425	RCS SECURITY	47537	\$7,577.50	\$0.00	\$7,577.50
059586	402	RECORD MANAGEMENT SOL	47314	\$35.00	\$0.00	\$35.00
059587	700	RAY ALLEN MFG,LLC.	47023	\$590.00	\$0.00	\$590.00
059588	404	SHERIFF OF JEFFERSON CO	46671	\$93.75	\$0.00	\$93.75
059589	424	SMITH-NADENBOUSCH INS		\$0.00	\$190.00	\$190.00
059590	428	SOFTWARE SYSTEMS, INC	47630	\$488.00	\$0.00	\$488.00
059591	700	SUPERIOR AUTO BODY	47026	\$860.80	\$0.00	\$860.80
059592	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$9.86	\$9.86
059592	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$8,184.36	\$8,184.36
059592	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$34,995.08	\$34,995.08
059592	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$42.16	\$42.16
059593	PAYROLL	SHERIFF OF JEFFERSON CO		\$0.00	\$26,901.54	\$26,901.54
059594	712	DONITA SCOTT		\$0.00	\$26.57	\$26.57
059595	424	*SHANNON BUSINESS SYSTEM	47293	\$84.00	\$0.00	\$84.00
059596	425	SOUTHERN REFRIGERATION	47521	\$231.70	\$0.00	\$231.70
059597	975	SUMMIT COMMUNITY BANK		\$0.00	\$2,441.41	\$2,441.41
059598	PAYROLL	TREASURER OF VIRGINIA		\$0.00	\$161.51	\$161.51
059599	PAYROLL	TIME INSURANCE CO		\$0.00	\$166.36	\$166.36
059600	PAYROLL	US DEPT OF EDUCATION		\$0.00	\$38.52	\$38.52
059601	716	VALLEY PET CEMETERY		\$0.00	\$297.00	\$297.00
059602	712	VERIZON		\$0.00	\$3,883.51	\$3,883.51
059603	425	WM OF WEST VIRGINIA, INC		\$0.00	\$1,112.41	\$1,112.41

059603	716	WM OF WEST VIRGINIA, INC		\$0.00	\$92.37	\$92.37
059604	402	XEROX CORPORATION	46689	\$304.03	\$0.00	\$304.03
059604	402	XEROX CORPORATION	46689	\$49.05	\$0.00	\$49.05
059604	402	XEROX CORPORATION	46690	\$646.55	\$0.00	\$646.55
<b>TOTALS</b>				<b>\$20,006.49</b>	<b>\$134,654.33</b>	<b>\$154,660.82</b>

**In re: PUBLIC COMMENT**

Peter Fricke appeared before the Commission to discuss emergency funding for the Farmland Protection Board.

Motion by Morgan, second by Surkamp to convert this Public Comment into an agenda item. Motion carried.

**In re: PETER FRICKE - FARMLAND PROTECTION BOARD - EMERGENCY FUNDING**

Peter Fricke, Farmland Protection Board member requested funding for matching funds for a USDA Grant in the amount of \$335,000.

Motion by Surkamp, second by Morgan to approve the funding for the Farmland Protection Board with a written document reflecting temporary, emergency one time reimbursable funding and to have legal counsel to review. Motion carried.

**In re: EXONERATIONS**

Upon recommendation from the Assessor, motion by Morgan, second by Widmyer to approve the following exoneration due to erroneous assessment. Motion carried.

Name	District	Type	Amount	Ticket #
John Sherwood	Charles Town	Personal Property	\$40.74	304186

Upon recommendation from the Assessor, motion by Noland, second by Manuel to approve the following exoneration due to erroneous assessment. Motion carried.

Name	District	Type	Amount	Ticket #
Joan Smith	Charles Town	Real Estate	\$300.16	6262

**In re: NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES**

Upon recommendation from the Assessor, motion by Widmyer, second by Morgan to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered under provisions Section 15, Article 2, Chapter 48 of the West Virginia Code for the following:

Name	Vehicle	Assessed Value	Taxes Due
Kelly Anne Miller	1996 Ford Taurus	\$800.00	\$17.15
Kelly Anne Miller	1988 Ford Ranger	\$300.00	\$6.43
Stanley Miller	1999 Cargo Trailer	\$600.00	\$12.86
Stanley Miller	1998 Ford F-150	\$3,600.00	\$77.18

**In re: BONDING AND ACTIVITY REPORT**

Jennifer Brockman, Director of Planning and Zoning appeared before the Commission for the weekly activity report.

Ms. Brockman reported that next week there will be interviews for the Planner and Zoning Administrator.

Ms. Brockman reported that interviews for the clerk position will be this week and that she will be placing approval of employment for the clerk position on next week's agenda.

Ms. Brockman reported on the requested changes made to the planning website.

**In re: PUBLIC COMMENT**

Paulette Sprinkle, Jefferson County Convention and Visitor's Bureau appeared before the Commission to comment on the Civil War Trail signs.

Mary Jo Brown, Representative for Governor Joe Manchin appeared before the Commission to invite the Commissioners to the Street Scape Ribbon Cutting in Shepherdstown, West Virginia on Tuesday, September 8, 2009 at 1:00 p.m.

**In re: RALPH LORENZETTI - PROSECUTING ATTORNEY - REQUEST FOR PAY EQUITY AND NEW CRIMINAL ATTORNEY**

Ralph Lorenzetti, Prosecuting Attorney appeared before the Commission to discuss pay equity and requested that the pay equity be approved as soon as possible.

Mr. Lorenzetti also informed the Commission that in the future he will be requesting funding to hire a new criminal attorney.

Commissioner Manuel requested that the pay equity be placed on next week's agenda with a 45 minute appointment for discussion and action.

**In re: GARY DUNGAN - JEFFERSON COUNTY REPUBLICAN EXECUTIVE COMMITTEE - SUGGESTED POLLWORKER SELECTION POLICY**

Gary Dungan, Jefferson County Republican Executive Committee appeared before the Commission to discuss a pollworker selection policy. Mr. Dungan distributed draft policies for review and comment.

Reva Mickey, Jefferson County Democratic Executive Committee, Jennifer Maghan, County Clerk and Nikki Painter, Deputy County Clerk were present and made comments.

Motion by Widmyer, second by Surkamp to refer the proposed policies to legal counsel for review and to report back to the Commission next week with recommendations and what action to take. Motion carried.

In re: SENATOR HERB SNYDER - PRESENTATION OF GRANTS TO JEFFERSON COUNTY

Senator Snyder appeared before the Commission to present grant awards to the African American Society for Fisherman's Hall in the amount of \$30,000 and for Black History Preservation for Webb/Blessing House in the amount of \$10,000. Harold Stewart was present and accepted the Grant Awards. For the record, Delegate Tiffany Lawrence and Mary Jo Brown, Representative for Governor Joe Manchin were present.

In re: RON MARCUS - CONVENTION AND VISITOR'S BUREAU

Ron Marcus, President Jefferson County Convention and Visitor's Bureau appeared before the Commission requesting \$30,000 to make the necessary purchase of the permanent facility for the Convention and Visitor's Bureau. The purchase price of the facility is \$90,000.

The Commission discussed the request and suggested that the decision be made next week.

Motion by Surkamp, second by Noland to approve the request of \$30,000 to complete the contract for the purchase of the structure for the Convention and Visitor's Bureau. Motion carried.

Peter Chakmakian, Attorney was present and explained that the request for \$30,000 was an emergency due to the contract and closing set for September 15, 2009.

The Commission took a 10 minute break at 11:20 a.m.

In re: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT

Jennifer S. Maghan, County Clerk appeared before the Commission for the weekly County Clerk's report.

Ms. Maghan gave the Commission an update on the upcoming Special Election on November 7, 2009. Ms. Maghan informed the Commission that her website will have information regarding registered voters eligible to vote on November 7, 2009 and updated maps. The information is also available and open for public review in the County Clerk's office.

**REGULAR TERM:**

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

At a Regular Term of the County Commission of said County and State continued and held at the Old Charles Town Library meeting room thereof on Thursday, September 10, 2009 beginning at 9:30 o'clock a.m.

**PRESENT:** Dale Manuel; President;  
James Surkamp, Patricia Noland, Lyn Widmyer  
Frances B. Morgan; Commissioners

**IN RE: PLEDGE OF ALLEGIANCE**  
Commissioner Noland conducted the Pledge of Allegiance.

**IN RE: APPROVAL OF MINUTES**  
Motion by Morgan, second by Noland to dispense with the reading of the Minutes for the meeting held on Thursday, September 3, 2009 and to approve the Minutes as amended. Motion carried.

**IN RE: APPROVAL OF PURCHASE ORDERS**  
Motion by Manuel, second by Morgan to approve the following Purchase Orders for the week of September 10, 2009 totaling \$11,044.41: 46767, 47275, 47552, 47176, 47177, 47180, 47181, 47550, 47553, 47633 and 47551. Motion carried.

**IN RE: APPROVAL OF ACCOUNTS PAYABLE**  
Motion by Morgan, second by Surkamp to approve the list of Accounts Payable for September 10, 2009 totaling \$142,210.75. Motion carried by a 3-2 vote; Commissioners Manuel and Noland voted no.

CK#	DEPT	VENDOR	PO#	PO Amt	Amt wo PO	Ck Amount
059606	439	AMERICAN PLANNING	47357	\$595.00	\$0.00	\$595.00
059607	425	ABH SERVICES, INC.		\$0.00	\$9,387.00	\$9,387.00
059608	ALLOC	AHA/ART&HUMANITIES		\$0.00	\$4,552.55	\$4,552.55
059609	ALLO	AHA/ART&HUMANITIES		\$0.00	\$8,333.25	\$8,333.25
059610	424	B-K OFFICE SUPPLY INC	47541	\$474.00	\$0.00	\$474.00
059610	440	B-K OFFICE SUPPLY INC		\$0.00	\$1.00	\$1.00
059611	PAYROLL	BRICKSTREET MUTUAL		\$0.00	\$293.00	\$293.00
059612	700	COUNTRY RDS TIRE/AUTO	47520	\$644.24	\$0.00	\$644.24
059613	424	CHARLES TOWN WATER		\$0.00	\$75.56	\$75.56
059613	425	CHARLES TOWN WATER		\$0.00	\$814.30	\$814.30
059614	712	VERIZON CABS		\$0.00	\$380.00	\$380.00
059615	402	CLERK OF CO. COMM	47457	\$14.60	\$0.00	\$14.60
059616	425	CARLYLE & ANDERSON	47542	\$131.10	\$0.00	\$131.10
059617	716	CREAMERS WRECKER	47543	\$65.00	\$0.00	\$65.00
059618	700	C.A.R.S	47540	\$243.18	\$0.00	\$243.18
059619	425	DAYCON	47269	\$310.91	\$0.00	\$310.91
059620	401	EMBASSY SUITES		\$0.00	\$178.00	\$178.00

059621	424	J.C.EHRLICH		\$0.00	\$31.00	\$31.00
059621	425	J.C.EHRLICH		\$0.00	\$397.00	\$397.00
059622	412	FRONTIER		\$0.00	\$420.47	\$420.47
059622	415	FRONTIER		\$0.00	\$330.47	\$330.47
059622	424	FRONTIER		\$0.00	\$16,102.46	\$16,102.46
059622	424	FRONTIER		\$0.00	\$3,203.95	\$3,203.95
059622	712	FRONTIER		\$0.00	\$1,168.26	\$1,168.26
059623	716	FIFTH THIRD BANK		\$0.00	\$359.91	\$359.91
059624	439	IKON OFFICE SOLUTIONS	47356	\$178.17	\$0.00	\$178.17
059625	402	JEFFERSON PUBLISH CO	47453	\$505.04	\$0.00	\$505.04
059626	413	JEFFERSON UTILITIES INC		\$0.00	\$20.12	\$20.12
059626	425	JEFFERSON UTILITIES INC		\$0.00	\$261.61	\$261.61
059627	401	JEFFERSON CO.CHAMBER	47358	\$825.00	\$0.00	\$825.00
059628	402	MATTHEW BENDER & CO	47458	\$51.47	\$0.00	\$51.47
059628	406	MATTHEW BENDER & CO	47085	\$102.94	\$0.00	\$102.94
059628	401	MATTHEW BENDER & CO		\$0.00	\$697.78	\$697.78
059629	700	MCKINNEY'S AUTO	47539	\$300.40	\$0.00	\$300.40
059630	424	VERIZON BUSINESS		\$0.00	\$1,123.54	\$1,123.54
059631	424	RYAN MILBORNE		\$0.00	\$20.33	\$20.33
059632	425	NOLAND CO.	47509	\$788.92	\$0.00	\$788.92
059633	ALLOC	JEFF CO PARKS &		\$0.00	\$22,708.20	\$22,708.20
059634	403	PIFER OFFICE SUPPLY, INC	47478	\$78.25	\$0.00	\$78.25
059635	433	POTOMAC HEADWATERS	46766	\$100.00	\$0.00	\$100.00
059635	439	POTOMAC HEADWATERS	47360	\$100.00	\$0.00	\$100.00
059635	440	POTOMAC HEADWATERS	47095	\$200.00	\$0.00	\$200.00
059636	425	LANDMARK ELEVATOR	47286	\$240.00	\$0.00	\$240.00
059637	425	RCS SECURITY	47538	\$2,627.50	\$0.00	\$2,627.50
059638	PAYROLL	RETIREE HLTH BENEFIT		\$0.00	\$7,856.00	\$7,856.00
059639	406	SHEPTOWN CHRONICLE	47084	\$42.60	\$0.00	\$42.60
059640	404	SHERIFF OF JEFF CO	47632	\$29.25	\$0.00	\$29.25
059641	424	SMITH-NADENBOUSCH		\$0.00	\$100.00	\$100.00
059642	401	SOFTWARE SYSTEMS, INC		\$0.00	\$1,658.86	\$1,658.86
059642	402	SOFTWARE SYSTEMS, INC		\$0.00	\$403.00	\$403.00
059642	403	SOFTWARE SYSTEMS, INC		\$0.00	\$683.50	\$683.50
059642	404	SOFTWARE SYSTEMS, INC		\$0.00	\$874.50	\$874.50
059642	700	SOFTWARE SYSTEMS, INC		\$0.00	\$518.50	\$518.50
059643	406	STAPLES CREDIT PLAN	47079	\$78.99	\$0.00	\$78.99
059643	GRANT	STAPLES CREDIT PLAN	47174	\$249.99	\$0.00	\$249.99
059643	711	STAPLES CREDIT PLAN	47175	\$135.57	\$0.00	\$135.57
059643	711	STAPLES CREDIT PLAN	47178	\$37.97	\$0.00	\$37.97
059643	401	STAPLES CREDIT PLAN		\$0.00	\$6.30	\$6.30

059643	405	STAPLES CREDIT PLAN		\$0.00	\$38.47	\$38.47
059643	422	STAPLES CREDIT PLAN		\$0.00	\$290.30	\$290.30
059643	433	STAPLES CREDIT PLAN		\$0.00	\$49.47	\$49.47
059643	700	STAPLES CREDIT PLAN		\$0.00	\$942.30	\$942.30
059643	712	STAPLES CREDIT PLAN		\$0.00	\$406.76	\$406.76
059643	716	STAPLES CREDIT PLAN		\$0.00	\$443.38	\$443.38
059644	425	SHERWIN-WILLIAMS	47270	\$125.64	\$0.00	\$125.64
059645	711	SOFTWARE COMPUTER	47171	\$150.00	\$0.00	\$150.00
059646	425	SHEN VALLEY WATER		\$0.00	\$622.29	\$622.29
059647	401	SMITH, COCHRAN & HICKS	47631	\$7,585.29	\$0.00	\$7,585.29
059648	425	HAGEMEYER	47513	\$716.81	\$0.00	\$716.81
059649	402	TROPHIES "R" US, INC	47455	\$20.00	\$0.00	\$20.00
059650	402	UNITED SYS/SOFTWARE		\$0.00	\$206.00	\$206.00
059650	403	UNITED SYS/SOFTWARE		\$0.00	\$177.00	\$177.00
059651	425	VALLEY HARDWARE CO	47510	\$5.65	\$0.00	\$5.65
059652	ALLOC	JEFF CO CONVENTION		\$0.00	\$27,260.73	\$27,260.73
059653	405	WEST PAYMENT CENTER	47413	\$4,447.97	\$0.00	\$4,447.97
059654	424	WILLIAMS MOTOR PARTS	47512	\$19.38	\$0.00	\$19.38
059655	GRANT	PAM HOLSTEIN-WALLACE		\$0.00	\$6,250.00	\$6,250.00
059656	402	XEROX COPORATION	46690	\$1,142.80	\$0.00	\$1,142.80
059657	413	REVA MICKHY		\$0.00	\$100.00	\$100.00
059658	413	GARY DUNGAN		\$0.00	\$100.00	\$100.00
<b>TOTALS</b>				<b>\$23,363.63</b>	<b>\$119,847.12</b>	<b>\$143,210.75</b>

**IN RE: PUBLIC COMMENT**

Paul Rosa appeared before the Commission to express concerns with the Commission's agenda procedures with consideration to the Open Governmental Proceedings Act.

Janine Watson appeared before the Commission to express her concerns with the Jefferson County Table Games Referendum.

Paulette Sprinkle appeared before the Commission on behalf of "Friends of Happy Retreat" to report on the Washington Home Tour festivities scheduled on September 19, 2009.

**IN RE: BONDING AND ACTIVITY REPORT**

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Morgan, second by Manuel to approve the complete release of an Irrevocable Letter of Credit in the amount of \$353,940.22 for Dan Ryan Builders, Inc. – Quarter Farms Subdivision. Motion carried.

Upon recommendation from Chief County Engineer Roger Goodwin, motion by Widmyer, second by Noland to approve the partial release of a cash in escrow account in the amount of \$27,403.00 for Gary L. Patrick – Avalanche Services with the County to retain \$18,989.00. Motion carried.

Jennifer Snyder appeared before the Commission for the weekly Planning and Zoning activity report.

Ms. Snyder provided a status report on the Zoning Ordinance amendments and requested approval of a new public clerk for the Department of Planning and Zoning as recommended by Jennifer Brockman, Planning and Zoning Director.

Motion by Surkamp, second by Morgan to approve the full-time employment of Amy Puetz for the Department of Planning and Zoning. Motion carried.

**IN RE: JENNIE BROCKMAN - RECOMMENDATION ON THE HIRING OF THE PUBLIC CLERK FOR THE DEPARTMENT OF PLANNING AND ZONING**

This matter was discussed under agenda item: "Bonding and Activity Report".

**IN RE: KELLIE BOLES - AGRICULTURE DEVELOPMENT OFFICER**

- **FARMLAND PROTECTION BOARD ANNUAL REPORT**
- **UPDATES TO THE FARMLAND PROTECTION BOARD PROGRAM**
- **APPROVAL TO PURCHASE EASEMENTS ON: HOCKMAN, ROBINSON AND THE BOWER**

Kellie Boles, Agriculture Development Officer appeared before the Commission for the Farmland Protection Board annual report and to request approval of several easements.

Ms. Boles reported on the WV Farmland Protection Board meeting she attended and presented the Commission with the 2008-2009 Farmland Protection Board annual report.

Ms. Boles reported on the procedural changes being implemented by the Farmland Protection Board program.

Motion by Morgan, second by Manuel to approve the Deed of Conservation Easement for the Hockman property consisting of 100 acres of land being shown on Tax Map 100, Parcel 100 as recommended by Kellie Boles, Agriculture Development Officer, pending legal review and approval. Motion carried.

Motion by Morgan, second by Widmyer to approve the Deed of Conservation Easement for the Robinson and Bower properties consisting of 125 acres of land being shown on Tax Map 7, Parcel 0002 as recommended by Kellie Boles, Agriculture Development Officer, pending legal review and approval. Motion carried.

**IN RE: JEFFREY POLCZYNSKI AND TODD FAGAN**

- **E-911 ADDRESSING ORDINANCE AMENDMENT AND ENFORCEMENT PLAN**
- **DISCUSSION/APPROVAL FOR HIRING A DISPATCHER**

Todd Fagan, GIS Coordinator appeared before the Commission for a report and presentation of the draft E-911 Addressing Ordinance amendments.

Mr. Fagan requested the Commission coordinate a workshop after reviewing the draft amendments in order to discuss them further.

Mr. Fagan reported on strategies being implemented to promote public awareness for the Jefferson County Addressing system.

The Commission agreed by consensus to schedule a workshop with Mr. Fagan in 30-days to further discuss the E-911 Addressing Ordinance amendments.

Jeff Polczynski, Communications Director appeared before the Commission to request approval of an additional dispatcher for the Jefferson County Communications Center in order to support 16 Public Safety Dispatchers.

Mr. Polczynski provided a report on the history of the Communications Center workforce and previous Commission action with respect to employment approvals and salary implementation.

Motion by Manuel, second by Noland to approve the hire of one Public Safety Dispatcher to fill the vacancy previously approved by the Commission and one additional new hire as requested by Mr. Polczynski.

Amended motion by Morgan, second by Surkamp to approve the hiring of one Public Safety Dispatcher to fill the vacancy previously approved by the Commission.

Commission members expressed concerns with the number of employees in the Jefferson County Communications Center with regard to public safety.

Motion by Morgan, second by Surkamp to call the question on Commissioner Morgan's amended motion, "to approve the hire of one Public Safety Dispatcher to fill the vacancy previously approved by the Commission". Motion failed by a 2-3 vote; Commissioners Noland, Widmyer and Manuel voted no.

The Commission voted on Commissioner Manuel's original motion, "to approve the hire of one Public Safety Dispatcher to fill the vacancy previously approved by the Commission and one additional new hire as requested by Mr. Polczynski". Motion carried by a 3-2 vote; Commissioners Morgan and Widmyer voted no.

Motion by Manuel, second by Surkamp to authorize the release of funds from the County Commission Capital Outlay account to support the new hire at the Jefferson County Communications Center.

Leslie D. Smith, County Administrator reported on the necessary budget revision to support a new hire for the Jefferson County Communications Center.

Commissioner Manuel withdrew his motion and the Commission agreed by consensus to table this matter for one week.

**The Commission took an 8-minute break at 10:55 a.m. The Commission reconvened at 11:03 a.m.**

**IN RE: LAURA RATTENNI, CIRCUIT CLERK - BUDGET REVISION, SALARY EQUITY, AND HIRING OF A NEW DEPUTY CLERK**

Laura Rattenni, Circuit Clerk appeared before the Commission to request a budget revision of \$14,500.00: \$9,000.00 in support of contractual services, \$4,500.00 in support of acquiring necessary materials and supplies.

Motion by Morgan, second by Noland to approve the budget revision for Laura Rattenni, Circuit Clerk in the amount of \$14,500.00 as requested.

Amended motion by Surkamp that Ms. Rattenni coordinate a meeting with the Jefferson County IT Support Specialist, Charlotte Hernandez-Velez to potentially decrease software service expenditures and to authorize Leslie D. Smith, County Administrator and Mark Schiavone, Capital Planning and Management Director to provide a report detailing the transfer of funds. Commissioner Surkamp's motion died due to lack of a second.

Original motion by Morgan, second by Noland to approve the budget revision for Laura Rattenni, Circuit Clerk in the amount of \$14,500.00 as requested. Motion carried.

Ms. Rattenni requested approval from the Commission to appear at 1:30 p.m. to participate in discussions for agenda item: "Continuation of the Deliberations on the Salary Equity Issue and a Vote on an Equity Plan". The Commission agreed by consensus that Ms. Rattenni could appear before the Commission to discuss issues concerning salary equity.

Ms. Rattenni requested an Executive Session in order to discuss the hire of a temporary, full-time Deputy Clerk.

Motion by Morgan, second by Noland to enter into Executive Session in order to discuss personnel matters with Laura Rattenni, Circuit Clerk. Motion carried.

Motion by Morgan, second by Noland to return to Regular Session. Motion carried.

Motion by Morgan, second by Noland to approve the hire of a temporary full-time Deputy Clerk as requested by Laura Rattenni, Circuit Clerk. Motion carried.

**IN RE: AL BRITTON, GENERAL MANAGER - PNGI CHARLES TOWN GAMING, LLC**

Al Britton, General Manager of Charles Town Races and Slots appeared before the Commission to report on the strategies and procedures being implemented by PNGI Gaming, LLC for the Table Game Referendum.

With consideration to public concerns, Stephanie Grove, Assistant Prosecuting Attorney was present and reported on the Open Governmental Proceedings Act.

Jennifer S. Maghan, County Clerk was present and reported on election requirements and timelines for the proposed December 5, 2009 Table Game Referendum Special Election.

Ms. Maghan further discussed special election/early voting procedures and policies as outlined by the Secretary of State's Office.

The Commission agreed to place this matter on the September 17, 2009 agenda for formal action.

**IN RE: JENNIFER S. MAGHAN - COUNTY CLERK'S REPORT**

- **POLL WORKER APPROVAL**
- **PROBATE MATTERS:**
  - **SPECIAL SESSION TO APPROVE INTERIM ACCOUNTING FOR THE ESTATE OF JESSIE M. METCALF, DECEASED - FROM FIDUCIARY COMMISSIONER JUNE K. JOVANELLY**
  - **PETITION FOR REMOVAL OF CO-ANCILLARY ADMINISTRATOR OF THE ESTATE OF ELVA NELLIE CRAWFORD, DECEASED - FROM THE LAW OFFICE OF DALE BUCK**

Jennifer S. Maghan, County Clerk appeared before the Commission to report on strategies and procedures being implemented for the upcoming Special Election.

Nikki Painter, Voter's Registration Clerk appeared before the Commission to request approval of the Poll Workers. Ms. Painter reported on the recommendations of the Democratic and Republican Executive Committees.

Reva Mickey, Jefferson County Democratic Executive Committee Chairwoman was present and reported on the revisions to the list of Poll Workers and Committee recommendations.

Stephanie Grove, Assistant Prosecuting Attorney was present and reported on her review of the Republican Executive Committee Poll Worker recommendations and draft policies with respect to West Virginia Code.

Motion by Morgan, second by Manuel to approve the list of poll workers as presented by the Jefferson County Democratic and Republican Executive Committees and designated the supply clerk be appointed from the Democratic Party. Motion carried.

Ms. Painter provided the Commission with a list of ineligible precincts for the upcoming Special Election and reported on the information available online at the County Clerk's website.

Lynn Fields, Probate Officer appeared before the Commission for a Special Session to request approval of an interim accounting for the Estate of Jessie M. Metcalf. Ms. Fields reported on the recommendations of June K. Jovanelly, Fiduciary Commissioner.

Motion by Noland, second by Morgan to approve and authorize the Commission President to affix his signature upon the appropriate documents for the interim accounting for the Estate of Jessie M. Metcalf as presented. Motion carried.

Ms. Fields requested a hearing date be set for the Estate of Elva Nellie Crawford. Ms. Fields reported on the Petition for Removal of Co-Ancillary Administrator as presented by Dale Buck, Esquire.

Motion by Morgan, second by Noland to schedule a hearing for the Estate of Elva Nellie Crawford on Thursday, September 17, 2009 at 11:00 a.m. Motion carried.

**IN RE: LEGISLATIVE ISSUES**

Commissioner Manuel reported on the upcoming Interim Sessions.

**IN RE: REPORT OF FEDERAL STIMULUS FUNDS**

Leslie D. Smith, County Administrator reported on the approval of the Energy Efficiency Grant and provided a status update for the Broadband grant.

**IN RE: STEPHANIE GROVE – LEGAL UPDATE AND REPORT – CONTINUED**

Ralph Lorenzetti, Prosecuting Attorney appeared before the Commission to express concerns with the Commission's decision to retain private legal counsel, David Hammer, Esquire to represent them with regard to employee evaluations.

Mr. Lorenzetti reported on meetings he has conducted with staff with respect to training and credentials for the Jefferson County Prosecuting Attorney's Office to ensure adequate representation in all matters of law.

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



Name: **Bill Polk**

Department or Organization: **Maintenance Department**

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

Date Requested – 1<sup>st</sup> Choice: **September 3, 2015**

Subject (*Wording to be placed on agenda*): **Approval of Employment – Cleaning/Janitorial Staff**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**I am requesting the approval of 3 full-time cleaning/janitorial personnel in the Maintenance Department. These positions have been approved by the Commission to replace the cleaning contract. The 3 new employees will start at a Grade II Step A and work a 35 hour work week.**

Is this a funding request?    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 the 3 individuals interviewed and recommended by the Maintenance Director for employment as cleaning/janitorial staff with the Jefferson County Maintenance Department.**

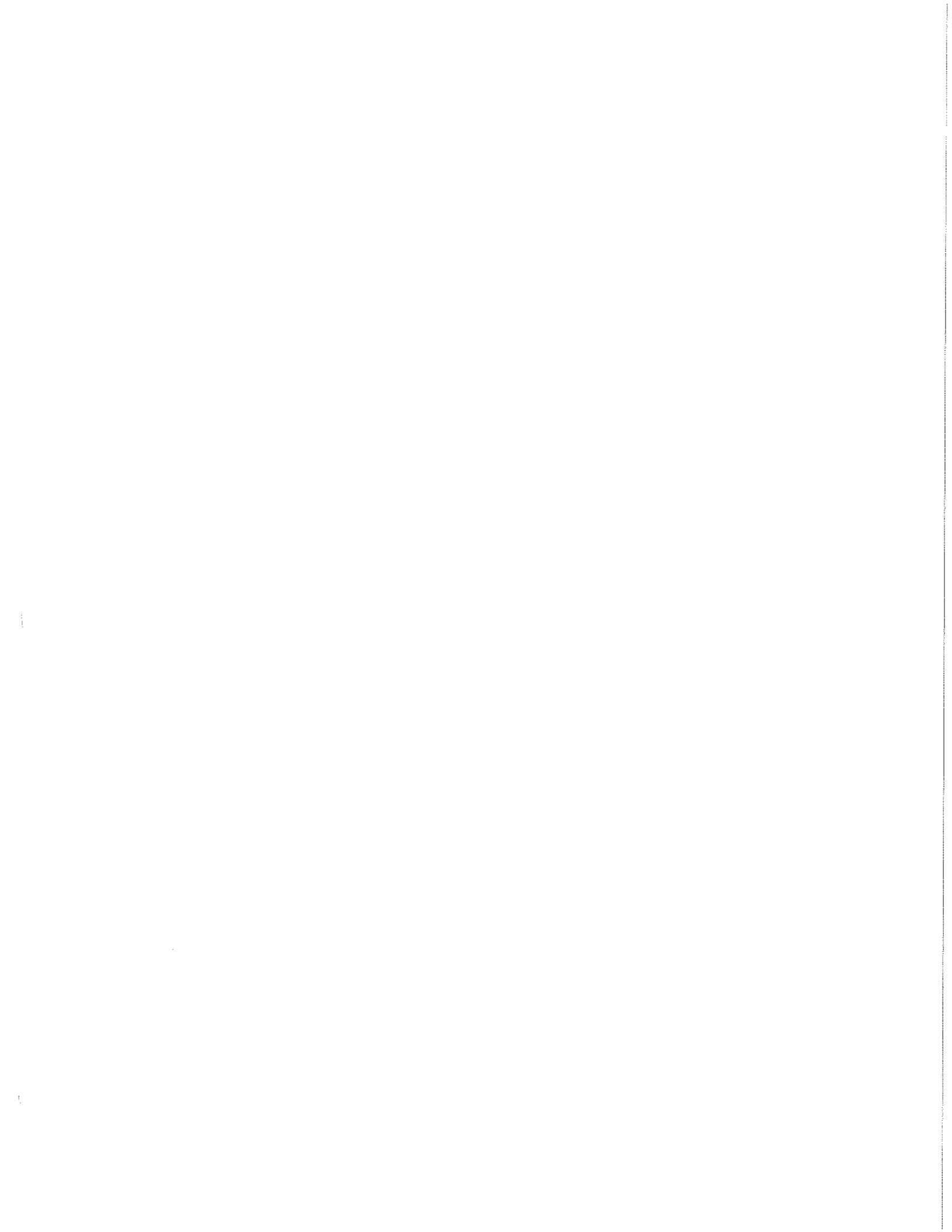
Attach supporting documents for request, or request may be denied.  
If not attached, explain: Click here to enter text.

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

Contact information: Bill Polk  
Email address: [bpolk@jeffersoncountywv.org](mailto:bpolk@jeffersoncountywv.org)    Phone Number: 304-728-3355

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



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



Name: Roger Goodwin

Department or Organization: Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: September 3, 2015

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

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

Subject (*Wording to be placed on agenda*): Partial Release of construction bond security for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15).

Please provide the County Commission with a description of your request or presentation, including any background information: Partial release of construction bond security for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15) – Performance Bond with United States Surety Company.

Is this a funding request? Y/NO

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

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I authorize a partial release of \$1,448,067.00 from the construction bond amount for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15).

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

Bond Release Request Report

Site Map

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT

*Jane M. Tabb*

September 3, 2015

VICE PRESIDENT

*Patsy Noland*

Mr. Jaime L. George, Trustee  
United States Surety Company

COMMISSIONER

*Dale Manuel*

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

COMMISSIONER

*Walt Pellish*

RE: Performance Bond No. 1000956765 dated September 28, 2012, Construction Bond Surety for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15).

COMMISSIONER

*Eric Bell*

Dear Mr. George:

The Jefferson County Commission authorizes a partial release of \$1,448,067.00 from the construction bond for Roderick Planes, LLC – Aspen Greens Subdivision, Phase 1A (File #07-15). This project is located at the intersection of Country Club Road-Route 24 and Flowing Springs Road-Route 17. The work remaining includes but is not limited to the following:

1. Paving
2. Stormwater Management
3. Landscaping
4. Final Stabilization

In summary, you are hereby authorized to reduce the amount of the above referenced Performance Bond No. 1000956765 originally issued in the amount of \$2,418,557.00 to \$970,490.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Jane Tabb, President  
Jefferson County Commission

JT:rfb

cc: Maurice Gladhill, Managing Member  
Roderick Planes, LLC  
5509 Mt. Zion Road  
Box 777  
Frederick, MD 21705  
Department of Engineering

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Slusher McDonald*

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 08 / 05 / 2015 J.C.P.C. File No. 07 - 15  
 Consultant/Engineer/Firm Name: GATES ASSOCIATED, INC.  
 Mailing Address: 153 VENICE WAY  
 City: SHEPHERDSTOWN State: WV Zip: 25493  
 Contact Person: FRED GATES Phone: 304+876-6124  
 Project/Subdivision Name: ASPEN GREENS  
 Section/Phase: PHASE 1A Lots: \_\_\_\_\_

Review Comments:

The bond release (reduction) is Approved as <sup>REVISED</sup> Submitted. \_\_\_\_\_ The bond release/reduction request is Denied.

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

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

\_\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: RECOMMEND REDUCTION OF BONDS HELD.

**Approved for:**  
 By: [Signature] 08/07/2015  
 County Engineer Date

Original Bond Amt. \$ 2,103,092<sup>25</sup> + 15% Cont. \$ 315,463<sup>22</sup> = Total Original Bond Amt. \$ 2,418,557

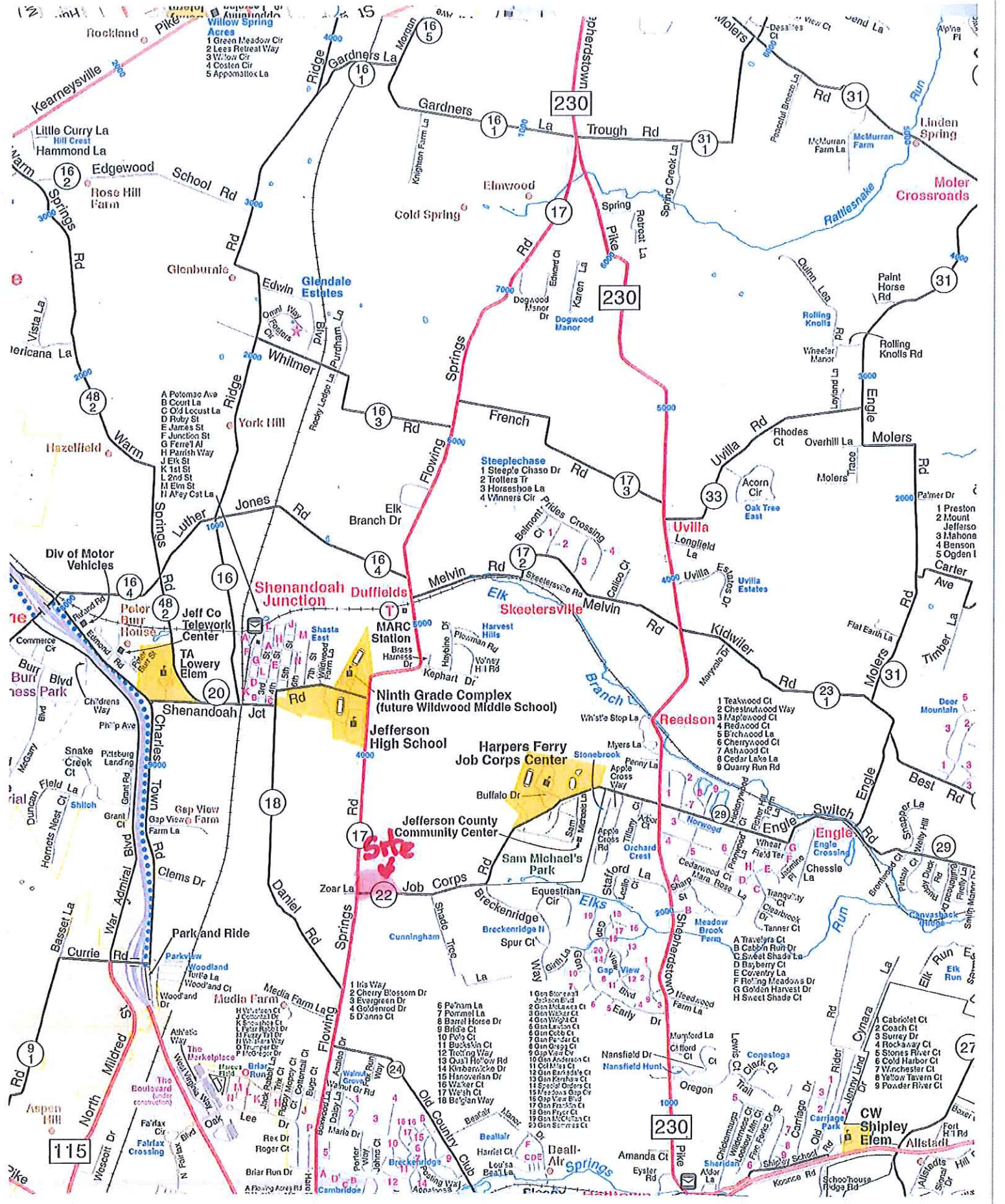
Total Current Bond Amount \$ 2,418,557.00

Cost of Work Remaining \$ 843,904.00 + Contingency Amount \$ 126,586.00

= Approved for Revised Bond Amount \$ 970,490.00

Reviewed By: Joseph W. Kent [Signature] Title: L.D.I.

Signature: [Signature] Date: 08 / 07 / 2015



- Willow Spring Acres**
- 1 Green Meadow Cir
  - 2 Lees Retreat Way
  - 3 Willow Cir
  - 4 Costen Cir
  - 5 Appomattox La

- A Potomac Ave**
- B Court La
  - C Old Locust La
  - D Ruby St
  - E James St
  - F Junction St
  - G Ferrel Al
  - H Parrish Way
  - J Elk St
  - K 1st St
  - L 2nd St
  - M Elm St
  - N Arley Cot La

- Shenandoah Jct**
- A 5th St
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- Media Farm La**
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- 1st Iris Way**
- 2 Cherry Blossom Dr
  - 3 Evergreen Dr
  - 4 Goldenrod Dr
  - 5 Donna Ct

- 6 Pe'nam La**
- 7 Pommel La
  - 8 Barrel Horse Dr
  - 9 Bride Ct
  - 10 Pot Ct
  - 11 Buckskin Ct
  - 12 Trotting Way
  - 13 Quail Hollow Rd
  - 14 Kinnershock Dr
  - 15 Harroldan Dr
  - 16 Washer Ct
  - 17 Wash Ct
  - 18 Belgian Way

- 1 Gen Storey**
- 2 Gen McLane Dr
  - 3 Gen Wagon Ct
  - 4 Gen Whip Ct
  - 5 Gen Wagon Ct
  - 6 Gen Cobb Ct
  - 7 Gen Pe'nam Ct
  - 8 Gen Pe'nam Ct
  - 9 Gen Pe'nam Ct
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  - 23 Gen Pe'nam Ct

- 11 Cabriolat Ct**
- 2 Coach Ct
  - 3 Surrey Dr
  - 4 Rockaway Ct
  - 5 Stones River Ct
  - 6 Cold Harbor Ct
  - 7 Winchester Ct
  - 8 Yellow Tavern Ct
  - 9 Ponder River Ct

- 1 Teakwood Ct**
- 2 Chestnutwood Way
  - 3 Maplewood Ct
  - 4 Redwood Ct
  - 5 Birchwood La
  - 6 Cherrywood Ct
  - 7 Ashwood Ct
  - 8 Cedar Lake La
  - 9 Quarry Run Rd

- A Travlers Ct**
- B Cabin Run Dr
  - C Sweet Shade La
  - D Bayberry Ct
  - E Coventry La
  - F Rolling Meadows Dr
  - G Golden Harvest Dr
  - H Sweet Shade Ct

- 10 Gen Pe'nam Ct**
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- 1 Cabriolat Ct**
- 2 Coach Ct
  - 3 Surrey Dr
  - 4 Rockaway Ct
  - 5 Stones River Ct
  - 6 Cold Harbor Ct
  - 7 Winchester Ct
  - 8 Yellow Tavern Ct
  - 9 Ponder River Ct

- 1 Cabriolat Ct**
- 2 Coach Ct
  - 3 Surrey Dr
  - 4 Rockaway Ct
  - 5 Stones River Ct
  - 6 Cold Harbor Ct
  - 7 Winchester Ct
  - 8 Yellow Tavern Ct
  - 9 Ponder River Ct

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



Name: Roger Goodwin

Department or Organization: Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: September 3, 2015

If a specific date is needed, please provide reason for specific date: [Click here to enter text.](#)

Date Requested – 2<sup>nd</sup> Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): Complete Construction Bond Release Shepherdstown Community Club, Inc. – Morgan Grove Park (File #S98-10).

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the construction bond security for the Shepherdstown Community Club, Inc. – Morgan Grove Park (File #S98-10) – Letter of Credit #513259 with Jefferson Security Bank, Shepherdstown, WV.

Is this a funding request? Y/NO

If so, how much? [Click here to enter text.](#)

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I authorize a complete release of \$5,650.00 from the construction bond amount for the Shepherdstown Community Club, Inc. – Morgan Grove Park (File #S98-10).

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

Construction Bond Release Letter

Bond Release Request Report

Site Map

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

Contact information:

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

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

[Click here to enter text.](#)



## JEFFERSON COUNTY COMMISSION

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

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

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

PRESIDENT  
*Jane M. Tabb*

VICE PRESIDENT  
*Patsy Noland*

COMMISSIONER  
*Dale Manuel*

COMMISSIONER  
*Walt Pellish*

COMMISSIONER  
*Eric Bell*

September 3, 2015

Mr. Karl J. Keller  
E.V.P. of Lending  
Jefferson Security Bank  
P. O. Box 463  
Shepherdstown, WV 25443

RE: Irrevocable Letter of Credit #513259 dated January 13, 2015 Construction Bond Surety for Shepherdstown Community Club, Inc. –Morgan Grove Park (File #S98-10).

Dear Mr. Keller:

The Jefferson County Commission authorizes a complete release of the remaining \$5,650.00 from the construction bond for Shepherdstown Community Club, Inc. –Morgan Grove Park (File #S98-10). This project is located at the intersection of Route 480-Kearneysville Pike and Route 16/5-Morgan Grove Road. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Letter of Credit #513259, originally issued in the amount of \$5,650.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Jane Tabb, President  
Jefferson County Commission

JT:rfb

cc: Mr. Mark Shield, President  
Shepherdstown Community Club, Inc.  
P. O. Box 463  
Shepherdstown, WV 25443  
Department of Engineering

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Slusher McDonald*

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 07 / 17 / 2015 J.C.P.C. File No. 598 - 10

Consultant/Engineer/Firm Name: SHEPHERDSTOWN COMMUNITY CLUB

Mailing Address: P.O. Box 463

City: SHEPHERDSTOWN State: WV Zip: 25443

Contact Person: MARK SHIELDS Phone: \_\_\_\_\_

Project/Subdivision Name: MORGAN GROVE PARK LIMITED SITE PLAN

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

Review Comments:

The bond (release) reduction is Approved as Submitted. \_\_\_\_\_ The bond release/reduction request is Denied.

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

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

\_\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: CONCIS COMPUTERS

REFER TO JULY 17, 2015 LETTER

**Approved for:**  
 Bond RELEASE  
 By [Signature] 08/19/2015  
**County Engineer Date**

Original Bond Amt. \$ 4,913 + 15% Cont. \$ 737 = Total Original Bond Amt. \$ 5,650

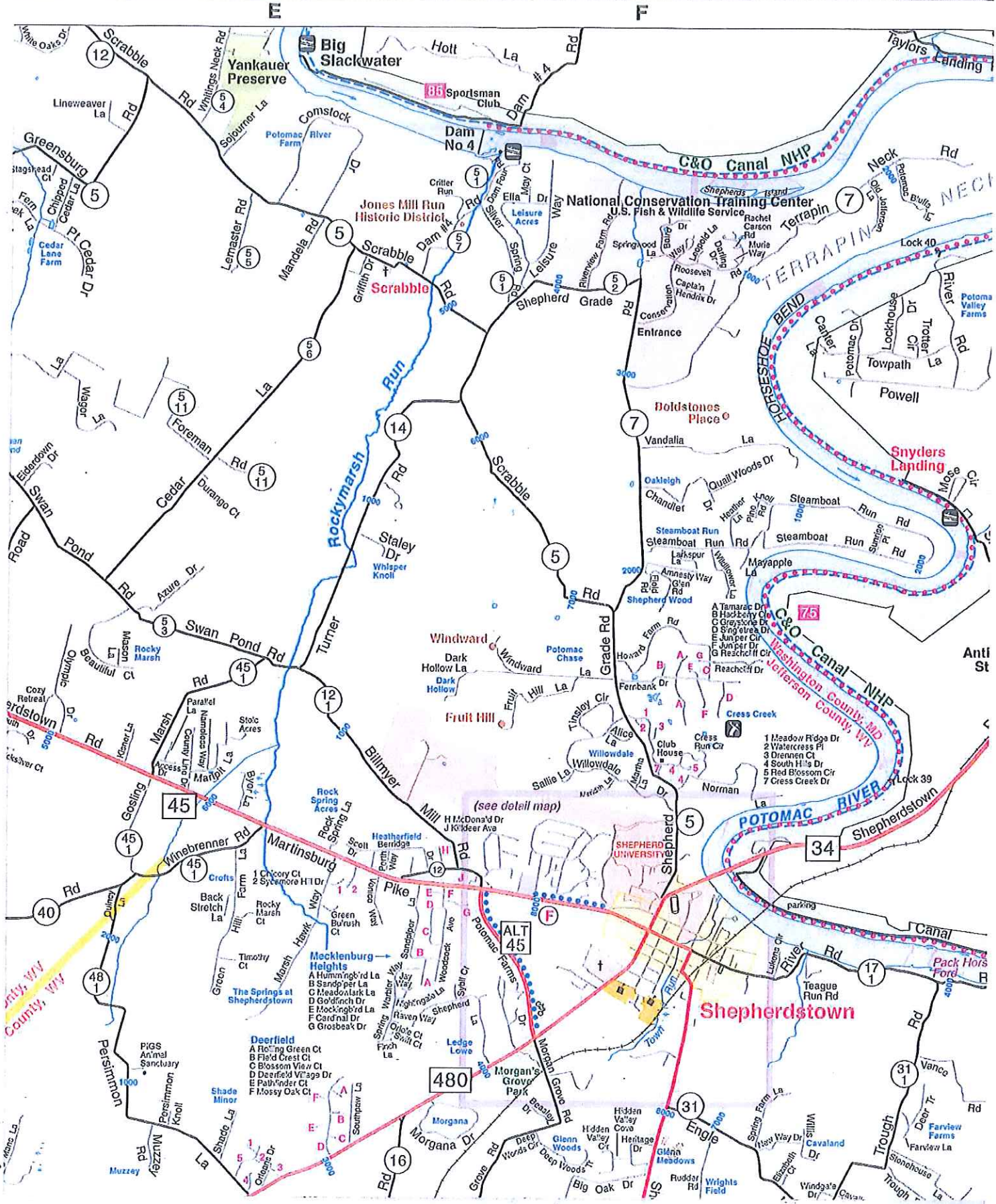
Total Current Bond Amount \$ 5,650.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: JOSEPH W. KENT Title: L.D.I.

Signature: [Signature] Date: 08 / 19 / 2015



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- Deerfield**
- A Rising Green Ct
  - B Field Crest Ct
  - C Blossom View Ct
  - D Deerfield Village Dr
  - E Pathfinder Ct
  - F Mossy Oak Ct

- The Springs at Shepherdstown**
- A Hummingbird La
  - B Sandpiper La
  - C Meadowlark La
  - D Goldfinch Dr
  - E Mockingbird La
  - F Cardinal Dr
  - G Grosbeak Dr

- Mecklenburg Heights**
- A Sandpiper La
  - B Raven Way
  - C Spring Warbler Way
  - D Oriole Ct
  - E Shrike Ct
  - F Finch La

- Cross Creek**
- 1 Meadow Ridge Dr
  - 2 Watercrest Pl
  - 3 Drienen Ct
  - 4 South Hills Dr
  - 5 Red Blossom Cir
  - 7 Cross Creek Dr

- Rock Spring Acres**
- A Heatherfield
  - B Bertrams
  - C Conroy Way
  - D Scott Dr
  - E York
  - F York
  - G York

- Staley Dr**
- A Whisper Knoll

- Swan Pond Rd**
- A Mason Ct
  - B Beauvil Ct
  - C Cozy Retreat
  - D Cozy Retreat
  - E Cozy Retreat
  - F Cozy Retreat

- Foreman Rd**
- A Wagon La

- Scrabble Rd**
- A Critter Run
  - B Ella May Ct
  - C Dan Fair
  - D Leisure Way
  - E Leisure Way
  - F Leisure Way

- Turner Rd**
- A Azure Dr
  - B Durango Ct
  - C Cedar Rd
  - D Cedar Rd
  - E Cedar Rd
  - F Cedar Rd

- Scrabble Rd**
- A Griffith Dr
  - B Griffith Dr
  - C Griffith Dr
  - D Griffith Dr
  - E Griffith Dr
  - F Griffith Dr

- Scrabble Rd**
- A White Oak Dr
  - B White Oak Dr
  - C White Oak Dr
  - D White Oak Dr
  - E White Oak Dr
  - F White Oak Dr

- Scrabble Rd**
- A Lineweaver La
  - B Lineweaver La
  - C Lineweaver La
  - D Lineweaver La
  - E Lineweaver La
  - F Lineweaver La

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



Name: **Dale Manuel, Commissioner**

Department or Organization: County Commission

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 3, 2015**

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

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

Subject (*Wording to be placed on agenda*): **Update on the status of the tethering ordinance**

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

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

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

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

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

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

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

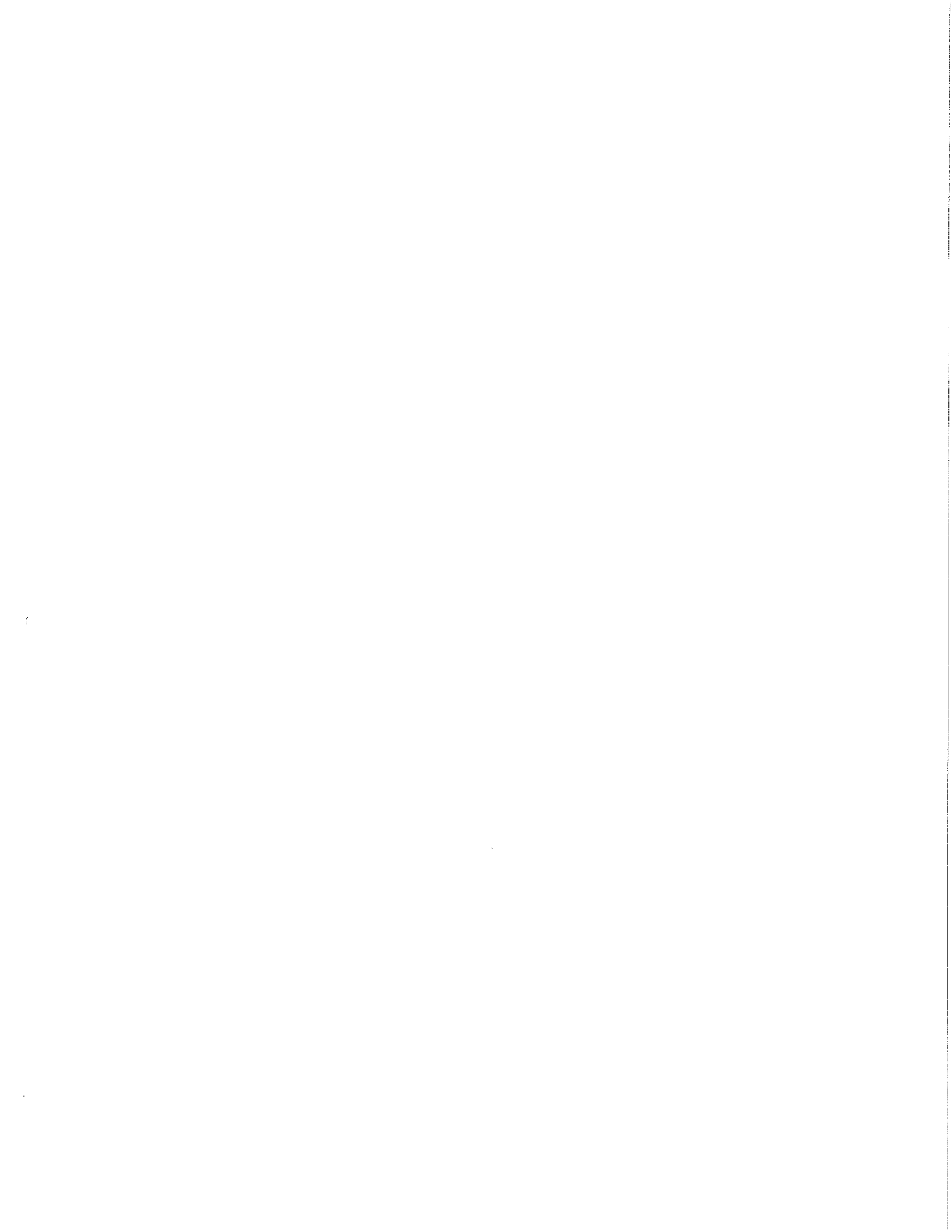
Telephone for conference call Y/N Click here to enter text.

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



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



Name: Patsy Noland

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **September 3, 2015**

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

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

Subject (*Wording to be placed on agenda*): County Commission's position on the CIF imposed by the Public Service District.

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

**The Jefferson County PSD is a board created and appointed by the Jefferson County Commission. On July 21, 2015, by unanimous vote of the PSD Board of Directors, the PSD recently imposed a capital improvement fee of \$2,080 to be used to improve and expand infrastructure for current and future development within the JC public service district. This CIF will be paid by developers along with the capital improvement fees imposed by Charles Town (\$1127) and Ranson (\$1625). The fee is necessary in order to minimize the rate impact upon District customers of future growth in Jefferson County, and it will address the issues that will restrict future economic and residential growth.**

Is this a funding request? Y/N - No

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

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

**I move that the county commission support (not support) the CIF imposed by the Jefferson County PSD in the amount of \$2,080.**

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

If not attached, explain: **Spread sheet showing the fees and map detailing future projects that will be possible as the result of the CIF.**

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.

Jefferson County Public Service District  
Proposed Projects for Future Development

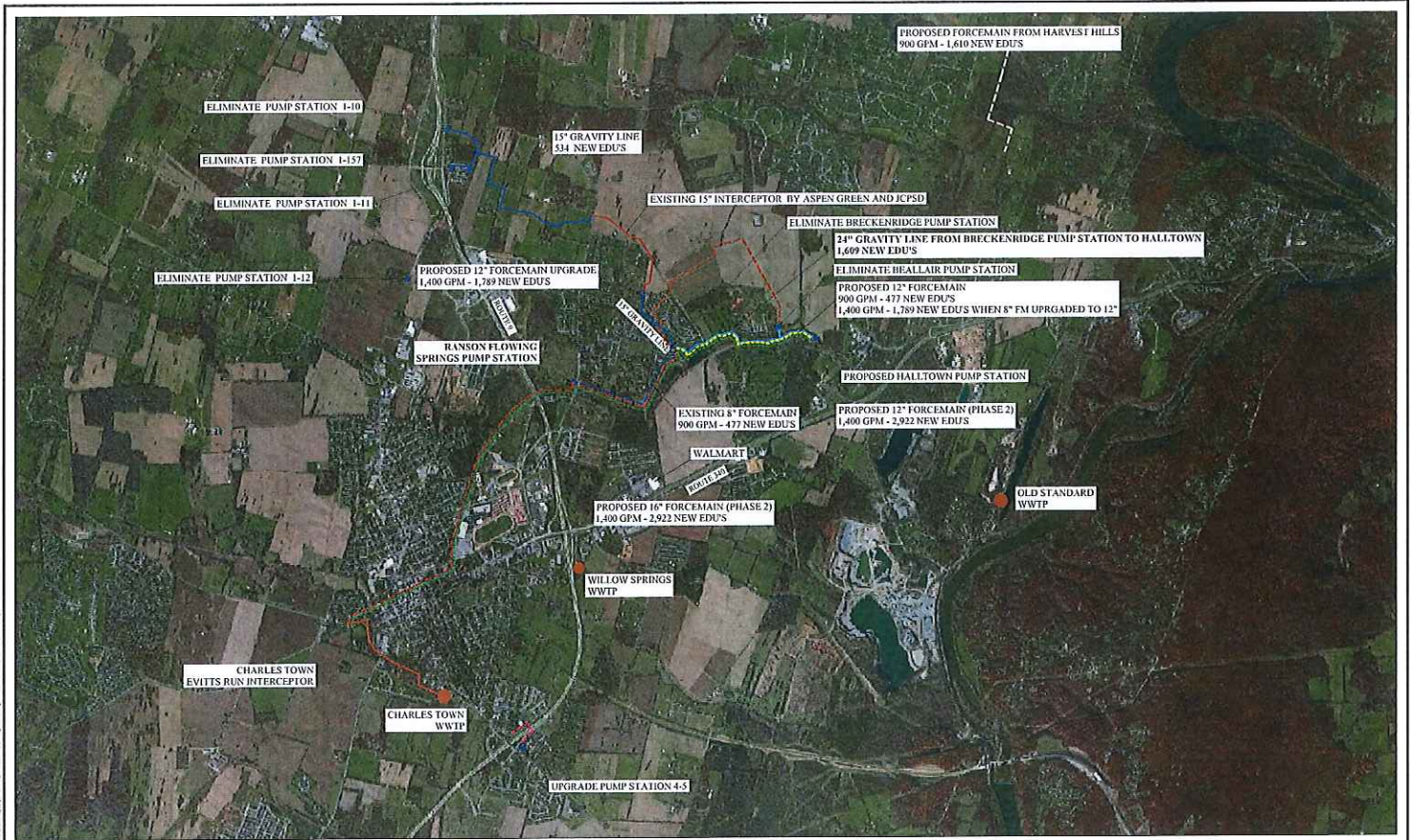
	Pipe Dia. Inches	Pipe Cap. GPM	Peak Flow MGD	Daily Flow MGD	Length Feet	Constructio n Cost	Soft Cost	Subtotal	Contingencies @ 10%	Total Cost
Phase 1 (Force Main Upgrade) Breckenridge to Ranson FS Pump Station	12	1,400	2.02	0.50	6,490	\$778,800	\$155,760	\$934,560	\$93,456	\$1,028,016
Phase 2 (Force Main and PS Upgrade)										
Halltown to Ranson FS PS	12	1,400	2.02	0.50	12,383	\$1,473,577	\$346,724	\$1,820,301	\$182,030	\$2,002,331
Ranson FS Pump Station to Evitts Run Interceptor	16	2,100	3.02	1.00	11,775	\$1,648,500	\$329,700	\$1,978,200	\$197,820	\$1,088,010 (Share w/Ranson)
Halltown PS Upgrade		2,100	3.00	1.00		\$500,000	\$100,000	\$600,000	\$60,000	\$660,000
Ranson FS Pump Station Upgrade		3,200	4.60	1.60		\$500,000	\$100,000	\$600,000	\$60,000	\$330,000 (Share w/Ranson)
Total Cost of Alternative Upgrade										\$4,080,341
Southern Route 9 - PS 4-5 Upgrade PS 4-5 to Charles Town System	6	280	0.40	0.10	2,570	\$687,000	\$151,000	\$838,000	\$83,800	\$921,800
Harvest Hills to Breckenridge East:										
Force Main from Harvest Hills to Breckenridge E:	8	425	0.61	0.15	14,600	\$910,500	\$227,625	\$1,138,125	\$113,813	\$1,251,938
Total Cost of Phases										\$7,282,095
Capacity Provided						3213	+	288	=	3501
Cost Per Proposed EDU										\$2,080
										\$1,127
										\$1,625
										\$4,832
										JCPSD
										CT
										Ranson
										Total

The projects will provide 1.0 MGD capacity at the Halltown Pump Station. Currently the Breckenridge PS is receiving 0.261 MGD. Therefore, there will be 0.739 MGD of additional capacity. At 230 gallons per EDU, that equals 3,213 EDU's.

Pump Station 4-5 currently provides for 296 users. The upgrade will provide for 584 users at 230 gallons per EDU, an increase of 288 EDU's

Development	End of Year 2015	End of Year 2016	End of Year 2017	End of Year 2018	End of Year 2019	End of Year 2020	End of Year 2021	End of Year 2022	End of Year 2023	End of Year 2024	End of Year 2025
Aspen Green		15	15	15	15	15	15	15	15	15	15
Beallair	16	25	25	25	25	25	25	25	25	25	2
Beallair West			14	16	16	16	16	16	16	16	11
Breckenridge East	3	36	60	60	72	72	72	72	72	85	90
Brier Run	8	24	24	24	24	27					
Burr Business Park, Phase II	20	20	20	20	20	20	20	20	14		
Harvest Hills		25	25	25	25	25	25	25	25	25	25
Jefferson Crossing II (ph 1, 2, 3)	99										
Spruce Hill North	4										
Norborne Glebe	50	75	75	75	75	75	75	75	75	75	75
Totals	200	220	258	260	272	275	248	248	242	241	218

Grand Total = 2,682 EDU's



NO.	REVISIONS	DATE	BY

**THRASHER**  
100 WEST ANGLE LANE, FAYETTE, WEST VIRGINIA 25930

JEFFERSON COUNTY P.S.D.  
PROPOSED SEWER UPGRADES  
JEFFERSON COUNTY, WEST VIRGINIA

LEGEND	
	FLOWING INTERCEPTOR - EXISTING PROJECT
	FLOWING INTERCEPTOR - PROPOSED PROJECT
	12\" FOR PHASE 1 - EXISTING PROJECT
	12\" FOR PHASE 1 - PROPOSED PROJECT
	12\" FOR PHASE 2 - EXISTING PROJECT
	12\" FOR PHASE 2 - PROPOSED PROJECT
	16\" FOR PHASE 2 - EXISTING PROJECT
	16\" FOR PHASE 2 - PROPOSED PROJECT
	24\" FOR PHASE 2 - EXISTING PROJECT
	24\" FOR PHASE 2 - PROPOSED PROJECT
	EXISTING PUMP STATION
	PROPOSED PUMP STATION
	EXISTING FORCE MAIN
	PROPOSED FORCE MAIN
	EXISTING GRAVITY LINE
	PROPOSED GRAVITY LINE

PROPOSED SEWER SYSTEM MAP PHASE 1 & 2

DATE	BY

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



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: September 3, 2015

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

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

Subject (*Wording to be placed on agenda*): Reappointment of Catherine Burke to the Summit Point Library Committee for one five-year term ending June 30, 2020.

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, July 16, 2015, or as soon thereafter as the Commission may decide:

**Summit Point Library Committee: one five-year term ending June 30, 2020.**

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

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

**SPIRIT OF JEFFERSON - PLEASE ADVERTISE ON:**

**July 1 and 8**

**THANKS - JEFFERSON COUNTY COMMISSION**

## Jessica Carroll

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**From:** Sandy McDonald [Sandy@jeffersoncountywv.org]  
**Sent:** Monday, August 24, 2015 8:55 AM  
**To:** 'Jessica Carroll'  
**Subject:** FW: Appointment to the Summit Point Library Committee

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**From:** [crburke@frontiernet.net](mailto:crburke@frontiernet.net) [mailto:[crburke@frontiernet.net](mailto:crburke@frontiernet.net)]  
**Sent:** Monday, August 17, 2015 9:21 PM  
**To:** Dana Jenkins <[jenkinsd@martin.lib.wv.us](mailto:jenkinsd@martin.lib.wv.us)>; [Sandy@jeffersoncountywv.org](mailto:Sandy@jeffersoncountywv.org)  
**Subject:** Re: Appointment to the Summit Point Library Committee

Please accept my apologies for not promptly responding your letter.  
Between summer vacation and activities, it just got away from me.  
Thank you for sending this notification to me via Dana Jenkins, librarian.

Please know that it is my desire to continue serving on the Board of Directors for the South Jefferson Public Library.

Please place my appointment on the September 3, 2015 Jefferson County Commission agenda.

Thank you,  
Cathie Burke

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**From:** [Dana Jenkins](mailto:Dana Jenkins)  
**Sent:** Monday, August 17, 2015 11:13 AM  
**To:** [crburke@frontiernet.net](mailto:crburke@frontiernet.net)  
**Subject:** FW: Appointment to the Summit Point Library Committee

F.Y.I.

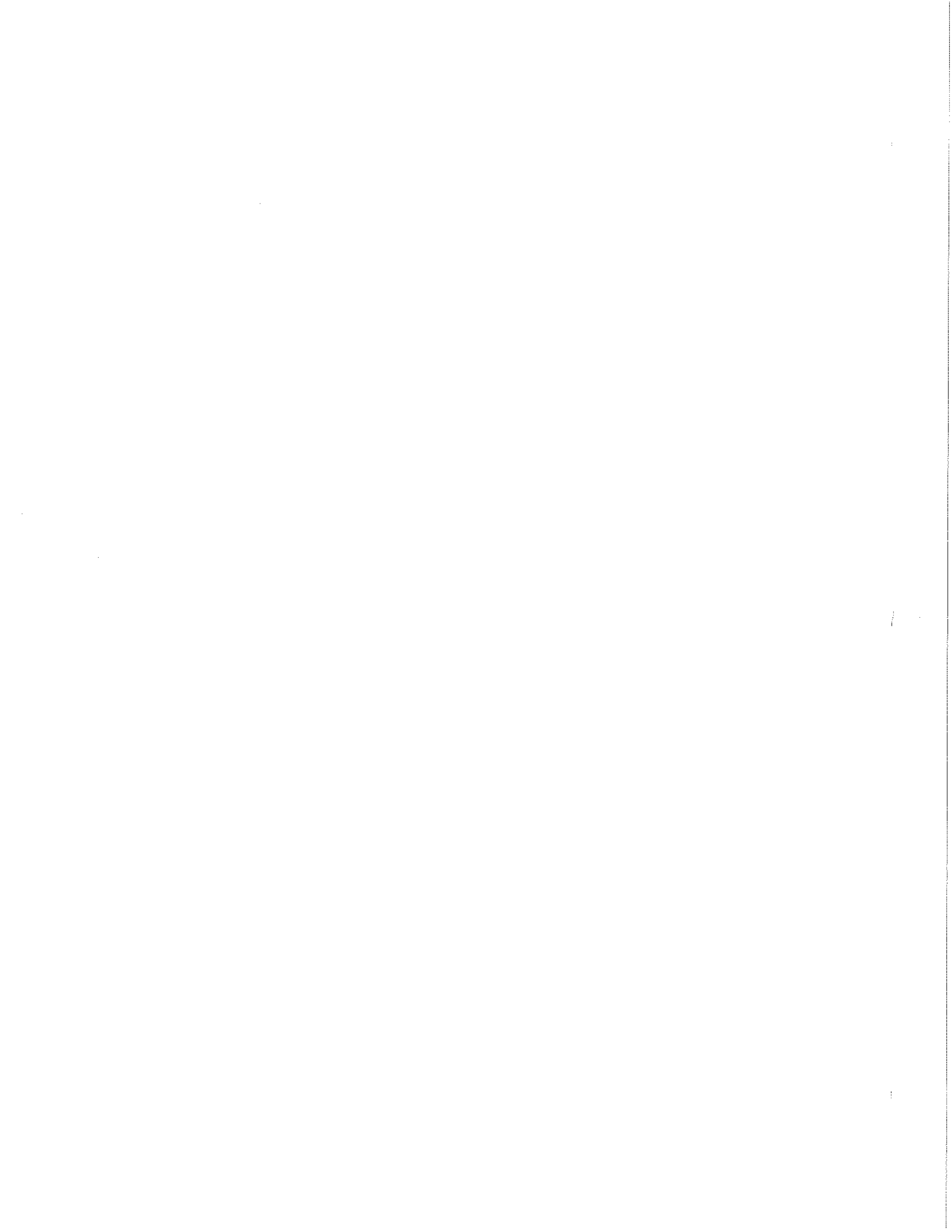
*Dana Jenkins, Director  
South Jefferson Public Library  
49 Church Street  
P. O. Box 17  
Summit Point, WV 25446  
304-725-6227*

---

**From:** Sandy McDonald [mailto:[Sandy@jeffersoncountywv.org](mailto:Sandy@jeffersoncountywv.org)]  
**Sent:** Monday, August 17, 2015 10:28 AM  
**To:** [jenkinsd@martin.lib.wv.us](mailto:jenkinsd@martin.lib.wv.us)  
**Subject:** FW: Appointment to the Summit Point Library Committee

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**From:** Jessica Carroll [mailto:[jcarroll@jeffersoncountywv.org](mailto:jcarroll@jeffersoncountywv.org)]  
**Sent:** Monday, August 17, 2015 10:07 AM  
**To:** 'Cathie Burke' <[crburke@frontiernet.net](mailto:crburke@frontiernet.net)>  
**Cc:** [sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org)  
**Subject:** Appointment to the Summit Point Library Committee



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



Name: **Stephanie Grove, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 3, 2015**

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

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

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

- Commission Office Space - Discussion/Action
- Work Session September 17, 2015 - Provision of Utility Services in Jefferson County - Development of topics to be discussed during the work session with utility providers in Jefferson County - Discussion/Action
- Dental Lease for Children's dental program - Discussion/Action
- Sheriff's Commission - Discussion/Action
- Ambulance Fee Report
- Absence Time with Pay Policy - vacation and sick leave accrual rates - Discussion/Action
- Set date for State Legislators Work Session - Discussion/Action
- Funding source for payment of mail machine - Discussion/Action

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

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

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

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

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

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

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

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

Contact information:

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

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

## LEASE AGREEMENT

**THIS LEASE AGREEMENT, MADE** and entered into intending the same to be effective as of the 1st day of June, 2015, by and between **UNIVERSITY HEALTHCARE PHYSICIANS, INC.**, a West Virginia not-for-profit corporation, having its principal place of business at 2500 Foundation Way, Martinsburg, West Virginia 25401 (“UHP” or “Lessee”) and **JEFFERSON COUNTY BOARD OF HEALTH**, a West Virginia not-for-profit corporation, having its principal place of business at 1948 Wiltshire Rd., Kearneysville, West Virginia 25430 and **THE JEFFERSON COUNTY COMMISSION** (herein collectively “the County” or “Lessor”) Each of the County and UHP may be referred to herein as a “Party” or collectively as “Parties.”

### RECITALS

**WHEREAS**, the Jefferson County Board of Health is organized and operated generally and primarily for the purpose of assisting the citizens of Jefferson County with health care and health related issues as more fully set forth in W.Va. Code Section 16-2-1, et seq. and related Statutes, and

**WHEREAS**, the Jefferson County Board of Health, in support of its purposes, operates a facility in Jefferson County under the auspices of the State of West Virginia and the Jefferson County Commission; and

**WHEREAS**, UHP is the faculty practice plan supporting the faculty physicians of the West Virginia University School of Medicine and other schools of WVU’s Robert C. Byrd Health Sciences Center (“WVU Health Sciences”), practicing in the Eastern Panhandle of West Virginia, and operating clinical facilities and providing health care to the citizens of the Eastern Panhandle of West Virginia and the region; and

**WHEREAS**, UHP shares in and supports the WVU Health Sciences mission of teaching, research and quality patient care for the citizens of the State of West Virginia, including Jefferson County, West Virginia, and the surrounding areas; and

**WHEREAS**, UHP desires to provide pediatric dental care to children, ages 0-18, with active Medicaid or CHIP Insurance without any additional charge to those children or their families; and

**WHEREAS**, to support UHP’s delivery of such pediatric dental services, the County has agreed to provide suitable space within the facility currently occupied by the Jefferson County Board of Health for UHP’s use at no charge upon the terms and conditions set forth herein; and

**WHEREAS**, the parties desire to reduce their agreements to writing.

**ARTICLE I  
GRANT AND TERM**

**SECTION 1.01 – LEASED PREMISES.** The County, in consideration of the community benefit to be attained and in support of its general mission to provide high quality, low-cost healthcare to the children of Jefferson County and the surrounding areas, does hereby demise and lease unto UHP, and UHP hereby rents from the County, that certain portion of the County’s facility which is determined by the County to be best suited for the services to be delivered by UHP, and which may change from date-of-use to date-of-use as reasonably determined by the County (the “Leased Premises”). Such Leased Premises shall include an exam room with adjacent waiting area. UHP’s patients shall check in with UHP’s in the designated waiting area, and be directed to UHP’s exam room.

The exterior walls and roof of the Leased Premises and the area beneath said Leased Premises are not demised hereunder, and the use thereof together with the right to install, maintain, use, repair, and replace pipes, ducts, conduits, wires and structural elements leading through the Leased Premises in locations which will not materially interfere with the UHP’s use thereof and serving other parts of the Leased Premises are hereby reserved unto the County.

UHP and the County agree, declare and represent that the aggregate space leased does not exceed that which is reasonable and necessary for the legitimate business purposes of the lease and, when used by UHP, is used exclusively by Lessee and not shared with Lessor, except as to common spaces.

**SECTION 1.02 – COMMENCEMENT AND ENDING DAY OF TERM.**

- 1.02.1 The initial term of this Lease shall be for one (1) year beginning on the 1<sup>st</sup> day of June, 2015 and ending on the 30<sup>th</sup> day of June, 2016 (the “Initial Term”).
- 1.02.2 On June 30, 2016, and each anniversary thereafter, this Lease shall renew automatically for additional one (1) year periods, under the same terms and conditions as then in effect at the anniversary date, unless either Party provides advance written notice to the other of its intent to terminate this Lease which notice shall be delivered at least thirty (30) days prior to lease expiration.
- 1.02.3 Either Party may terminate this Lease at any time with or without cause without termination fee or penalty upon written notice delivered not less than thirty (30) days’ in advance of the intended termination date.
- 1.02.4 Upon termination of this Lease, Lessee covenants to vacate the Leased Premises on or before the intended termination date, and expressly acknowledges that the failure to so vacate may subject Lessor to claims for damages by subsequent lessees, and Lessee does hereby agree to indemnify and hold the Lessor harmless and free from damages arising out

of Lessee's failure to vacate the Leased Premises on or before the intended termination date.

**SECTION 1.03 - USE OF PREMISES.** The Lessee shall use the Leased Premises on a part-time basis on a schedule as set forth herein or as otherwise agree upon by the parties to provide pediatric dental services to children who have active Medicaid or CHIP Insurance and who may or may not already be patients of the Jefferson County Board of Health. Appointments will be scheduled through UHP or its affiliates. Lessee shall comply with all present and future laws or ordinances applicable to the Leased Premises and shall not commit or suffer waste on the Leased Premises, or use or permit anything on the Leased Premises which may be illegal, or constitute a private or public nuisance, or conflict with or invalidate or increase the cost of any of Lessor's fire and extended coverage insurance, or which may be dangerous to persons or the property of the Lessor, its agents, servants, employees, and patients. Notwithstanding the foregoing, Lessee's effecting an increase in the cost of any of Lessor's fire and extended insurance is curable by Lessee's payment of such increase in cost. In determining whether increased premiums are the result of Lessee's use of the Leased Premises, a schedule of risk, issued by the organization making the insurance rate on the Leased Premises, showing the various components of such rate, shall be conclusive evidence of the several items and charges which make up the fire insurance rate on the Leased Premises

## **ARTICLE II RENTALS**

**SECTION 2.01 –RENTAL.** In consideration and recognition of the community benefit offered by the services of UHP, and in support of the County's mission to provide low-cost, quality health care to the children of Jefferson County, West Virginia, and the surrounding areas, the County agrees to provide the use of the Leased Premises at no charge.

**SECTION 2.02 – GROSS LEASE.** The Parties intend that this shall be considered a "gross" lease. The County shall provide and pay for janitorial services to the Leased Premises and for all utilities (*i.e.*, water, gas, and electric) serving the Leased Premises. UHP shall provide suitable and appropriate receptacles or other containers to be used by UHP for the disposal of waste generated by it in the course of its occupancy. UHP shall be responsible for the capture of such waste materials and for disposal of the same in the containers provided by UHP. Once deposited in the provided containers, UHP shall be responsible for the proper and lawful removal of the same from the Leased Premises and disposal in compliance with any and all applicable federal, state, and local requirements. UHP shall not be responsible for any pro rated share of operating costs, real property taxes, insurance or other expenses as regards the Leased Premises all of which shall be borne exclusively by the Jefferson County Board of Health. UHP shall be responsible for the personal property taxes, if any, levied against its personal property situate upon or within the Leased Premises.

## **ARTICLE III BOOKS AND RECORDS**

**SECTION 3.01 – ACCESS TO BOOKS, DOCUMENTS AND RECORDS.** UHP agrees with the County that until the expiration of four (4) years after the furnishing of the services provided under this Agreement, UHP will make available to the Secretary of the United States Department of Health and Human Services (the “Secretary”) and the United States Comptroller General, and their duly authorized representative, this contract and all books, documents, and records necessary to certify the nature and extent of the costs of those services. If UHP carries out the duties of this Agreement through a subcontract worth \$10,000 or more over a 12-month period with a related organization, the subcontract will also contain an access clause to permit access by the Secretary, the United States Comptroller General and their representatives to the related organization’s books and records. UHP further acknowledges that this contract may be construed to be a public record and therefore available for public disclosure.

**ARTICLE IV  
UHP’S WORK**

**SECTION 4.01 – OWNERSHIP OF UHP’S IMPROVEMENTS.** All installations, betterments and improvements made by UHP in performing UHP’s Work in or about the Leased Premises shall be and remain the property of UHP during the term of this Lease; *provided, however,* that any and all such installations, betterments and improvements shall become the property of the County and shall remain upon and be surrendered with the Leased Premises as a part thereof at the expiration or sooner termination of this Lease. UHP shall not assign, lien, encumber, chattel, mortgage or create a security interest in and to or upon said installations, betterments or improvements nor in and to or upon its or other personal property in the Leased Premises without first obtaining in each and every instance the prior written consent of the County. Notwithstanding anything to the contrary contained herein, it is specifically understood and agreed that furniture, inventory and other non-attached personal property of UHP shall belong to UHP and shall not be titled to the County.

**ARTICLE V  
CONDUCT OF BUSINESS BY UHP**

**SECTION 5.01 – OPERATION OF BUSINESS.** UHP shall use the Leased Premises weekly on every Wednesday, for a period commencing at 8:45 a.m. and ending at 3:00 p.m. Any change to this schedule is to be submitted as a request in writing to the Administrator of the Jefferson County Board of Health at least 30 days prior to the change taking place and only with Administrator approval.

**ARTICLE VI  
OPERATION AND MAINTENANCE OF LEASED PREMISES**

**SECTION 6.01 – THE COUNTY’S RESPONSIBILITY.** Except as otherwise provided expressly herein, as between UHP and the County, the County shall be solely liable and responsible for the maintenance and operation of the facility and the general maintenance of the Leased Premises and the Common Areas. Provided, however, that the UHP shall be responsible

for the cleanup, collection and disposal of all medical, biological or hazardous waste into appropriate containers.

**SECTION 6.02 – USE OF COMMON AREAS.** As used in this Lease, the term “common areas” (as initially constructed or as the same may at any time thereafter be enlarged or reduced) shall mean the roadways, pedestrian sidewalks, truckways, loading docks, delivery areas, landscaped areas, elevators and escalators and stairs not contained in the leased areas, public bathrooms and comfort stations. The use and occupancy by UHP of the Leased Premises shall include the use, in common with all others to whom the County has or may hereafter grant rights to use the common areas located within the Leased Premises and of the parking areas and roadways (as they may exist from time to time). The County may at any time close temporarily any common areas to make repairs or changes, or to prevent the acquisition of public rights in such area; and may do such other acts in and to the common areas as in its judgment may be desirable to improve the convenience thereof.

**ARTICLE VII  
ALTERATIONS**

**SECTION 7.01 – INSTALLATION BY UHP.** UHP shall not make or cause to be made any alternations, additions, or improvements to the Leased Premises, or install or cause to be installed any exterior signs, floor covering, interior or exterior lighting, plumbing fixtures, shades, canopies or awnings or make any changes to the mechanical, electrical, or sprinkler systems without the prior written approval of the County. All alterations, additions, or improvements shall be at UHP’s sole cost and expense. UHP shall present to the County the plans and specifications for such work at the time approval is sought. Upon reasonable notice and after consultation with UHP, the County reserves the right at any time during the term of this Lease Agreement to make any alterations, additions, or improvements to the Leased Premises.

**ARTICLE VIII  
MAINTENANCE OF LEASED PREMISES**

**SECTION 8.01 – THE COUNTY’S OBLIGATIONS FOR MAINTENANCE.** The County shall be solely liable and responsible for all repairs and maintenance related to the Leased Premises, and shall keep and maintain the Leased Premises and the foundation, exterior walls, roof, and common areas of the Leased Premises in which the Leased Premises are located, including, but not limited to, the plumbing, electrical, heating, cooling, sprinkler systems.

**SECTION 8.02 – UHP’S OBLIGATIONS FOR MAINTENANCE.** UHP shall have no obligation for the repairs or maintenance of or to the Leased Premises or the facility in which it is located.

**ARTICLE IX  
INSURANCE AND INDEMNITY**

**SECTION 9.01 – LIABILITY INSURANCE.** The County shall ensure that the Leased Premises remain covered by the County’s commercial general liability insurance policy and that such coverage shall apply to UHP’s occupancy.

UHP shall, at UHP’s own expense, obtain and keep in force a renter’s type policy of insurance covering its activities at and occupancy of the premises provided such insurance coverage is available.

Additionally, UHP shall maintain professional liability insurance coverage with liability limits of not less than \$1,000,000 per incident. UHP will provide a certificate of insurance to the County upon written request. UHP will request that its insurer name the Jefferson County Board of Health, the Jefferson County Commission, their respective members, officers, Board of Directors, agents and employees as additional insureds for acts and omissions occurring during the terms of this agreement or while the UHP remains on the premises, whichever is greater, and shall maintain the policy or a substantially similar policy for 6 years after UHP ceases operations at the premises.

**SECTION 9.02 – PROPERTY INSURANCE.**

- A. The County agrees, during the term hereof, to carry replacement costs insurance against fire, vandalism, malicious mischief and such other perils as are from time to time included in a standard extended coverage endorsement, and at the County’s option, special extended coverage endorsements, insuring the Leased Premises, the improvements to the Leased Premises, and the County’s equipment within the Leased premises in an amount determined by the County.
- B. UHP agrees to carry, at its expense, insurance against fire, vandalism, malicious mischief, and such other perils as are from time to time included in a standard extended coverage endorsement, insuring UHP’s supplies, furnishings, equipment, and all other items of personal property of UHP located on or within the Leased Premises.

**SECTION 9.03 – INDEMNITY-RELEASE.** Each party shall be responsible for the acts and omissions of their respective employees, agents, contractors, or invitees. UHP releases the County from, agrees that the County shall not be liable for, and agrees to hold the County harmless against, any loss or damage to property or any injury or death of any person that may be occasioned by any cause whatsoever pertaining to UHP’s activities within or use of the Facility. UHP shall indemnify and hold harmless the County from and against (i) all causes of action, legal or equitable, arising by reason of any act of UHP or the failure of UHP or any of its agents or employees to fulfill any duty toward the County or toward the public or toward any person or persons whomsoever the County or UHP may owe in connection with the premises utilized by UHP. UHP shall at its own cost and expense defend any such actions which may be brought against the County as aforementioned, whether or not such actions have any basis in law or fact, and shall pay amounts which may be recovered therein against the County.

**ARTICLE X  
ASSIGNMENT AND SUBLETTING**

**SECTION 10.01 – ASSIGNMENT.** The County may assign this Lease Agreement, together with all of its rights, liabilities and obligations hereunder, to any affiliated or successor entity or organization without the consent of UHP. The County agrees to give UHP written notice of any assignment not later than sixty (60) days after the effective date of such assignment; *provided, however*, that the failure to give such notice shall not invalidate such assignment or be considered a breach of or default upon this Lease.

UHP may assign this Lease Agreement only upon the advance written consent of the County, which consent shall not be unreasonably withheld, delayed or conditioned. UHP may not sub-let all or any portion of the Leased Premises.

**ARTICLE XI  
DEFAULT OF UHP**

**SECTION 11.01 – DEFAULT.** Except as otherwise provided herein, if a breach shall be made in the terms and conditions herein to be performed by UHP and the breach shall continue for thirty (30) days after notice thereof by certified letter to UHP; then the right of UHP to the possession of the Leased Premises shall terminate without notice or demand, and the mere retention of possession thereafter by UHP shall constitute a forcible detainer.

**SECTION 11.02 – RIGHTS TO ENTER.** If the County so elects, but not otherwise, this Lease shall hereupon terminate. On the termination of the right of possession of UHP, whether this Lease be terminated or not, UHP shall surrender possession of the Leased Premises immediately, and under those conditions shall grant to the County full and free license to re-enter into and on the Leased Premises or any part thereof to repossess the premises with or without process of law, and to expel and remove UHP or any other person who may be occupying the premises or any part thereof through UHP. Any re-entry shall be made without prejudice to any rights or remedies whether by statute or common law that might otherwise be sued for recovering arrears in rent or for breach of any terms or conditions of this Lease. Any re-entry or repossession shall not terminate this lease, whether before or after the re-entry or repossession of the County.

**SECTION 11.03 – RIGHTS TO RELET.** The County shall have the right to obtain reimbursement from UHP of all expenses incurred in regaining possession of the Leased Premises and the right to recover all additional rental required under the lease term if the County does not elect to terminate the Lease, but re-enters and relets the premises.

**ARTICLE XII  
ACCESS BY THE COUNTY**

**SECTION 12.01 – RIGHT OF ENTRY.** Upon reasonable notice, and in a manner designed to be least intrusive upon UHP’s business operations within the Leased Premises, the County shall have the right to enter the Leased Premises at all reasonable times to examine the same, and to show them to prospective purchasers or mortgagees of the Building, and to make such repairs, alterations, improvements, or additions as the County may deem necessary or desirable.

**ARTICLE XIII  
MISCELLANEOUS**

**SECTION 13.01 – WAIVER.** One (1) or more waivers of any covenant or condition by a Party shall not be construed as a waiver of any subsequent breach of the same covenant or condition, and the consent or approval by the Party of any act by the other Party requiring the Party’s consent or approval shall not be deemed to render unnecessary a Party’s consent or approval of any subsequent similar act by the other Party. No breach of a covenant or condition of this Lease shall be deemed to have been waived by a Party, unless such waiver be in writing signed by the Party.

**SECTION 13.02 – ENTIRE AGREEMENT.** This Lease and the Exhibits, if any, attached hereto and forming a part hereof, set forth the entire agreement between the County and UHP concerning the Leased Premises. No alteration, amendment, change, or addition to this Lease shall be binding upon the County or UHP unless reduced to writing and signed by each Party.

**SECTION 13.03 – NOTICES.** Any notice, demand, request for other instrument which may be or is required to be given under this Lease shall be effective upon receipt if sent by United States certified mail, return receipt requested, postage prepaid and shall be addressed:

If to the County:

*Christina Jackson, Administrator*  
*Jefferson County Health Dept*  
*1948 Wiltshire Rd*  
*Keamsville WV 25419*

If to UHP:

Aaron Henry  
Vice-President  
University Healthcare Physicians, Inc.  
2500 Foundation Way  
Martinsburg, WV 25401

**SECTION 13.04 – CAPTIONS AND SECTION NUMBERS.** The captions, section numbers, article numbers, and index appearing in this Lease are inserted only as a matter of convenience and in no way define, limit, construe, or describe the scope or intent of such sections or articles of this Lease.

**SECTION 13.05 – RECORDING.** Neither the County nor UHP shall record this Lease, or a memorandum or so-called “short form” of this Lease.

**SECTION 13.06 – USE OF COMMON AREAS.** The County reserves the right, from time to time, to utilize portions of the common areas for displays or such other uses which in the County's judgment are necessary.

**SECTION 13.07 – GOVERNING LAW; JURISDICTION.** This Lease shall be governed by and construed in accordance with the laws of the State of West Virginia without resort to its conflicts of laws provisions. If any provisions of this Lease or the application thereof to any person or circumstance shall, to any extent, be invalid or unenforceable, the remainder of this Lease shall not be affected thereby and each provision of the Lease shall be valid and enforceable to the fullest extent permitted by law. Any disputes arising hereunder shall be resolved in the Circuit Court of Jefferson County, West Virginia.

**SECTION 13.08 – ENVIRONMENTAL PROTECTION REGULATION.** The parties hereto acknowledge that there are in effect federal, state, and local laws, regulations and guidelines, and that additional and other laws, regulations and guidelines may hereafter be enacted or go into effect, relating to or affecting the Leased Premises, and the real estate of which the Leased Premises is a part, and concerning the impact or the environment of construction, land use, maintenance and operation of structures, and the conduct of business. UHP will not cause, or permit to be caused, any act or practice, by negligence, omission, or otherwise, that would adversely affect the environment, or do anything or permit anything to be done that would violate any of said laws, regulations or guidelines. Any violation of this covenant shall be deemed to be an event of default pursuant hereto, and UHP agrees to indemnify and hold the County harmless from any violation.

**SECTION 13.09 – RELATIONSHIP BETWEEN THE COUNTY AND UHP.** It is fully understood that the relationship between the County and UHP shall be that of landlord and tenant, governed by the present or future laws of the State of West Virginia, and that such relationship shall not be interpreted or established as that of partners, joint ventures, co-tenants, principal and agent, or any relationship other than that of landlord and tenant.

**SECTION 13.10 – COMPLIANCE WITH LAWS.** In all activities undertaken by UHP under this Lease, UHP covenants that it will in all respects comply with the laws and statutes of the United States of America and the State of West Virginia, and its applicable political subdivisions, and all valid rules, regulations, and order which may be in effect at the time the activities are undertaken hereunder, and UHP agrees to indemnify and hold the County harmless in any violation of any of the foregoing.

**SECTION 13.11 – REFERRALS.** The Parties further acknowledge that none of the benefits granted the Parties under this Lease Agreement is conditioned on any requirement or expectation that the Parties make referrals to, be in a position to make or influence referrals to, or otherwise generate business for the other Party. No purpose of this Agreement is to induce referrals for services or admissions of patients by or between the Parties hereto. The Parties further acknowledge that neither party is restricted from referring any service to, or otherwise generating any business for any other entity of their choosing. Referrals shall be made in the best medical interests of the patient.

**SECTION 13.12 - COUNTERPARTS/SIGNATURES.** This Lease may be executed in multiple copies, any one of which may be considered and used as an original, and signatures by facsimile or in portable document format shall be deemed valid and effective for all purposes.

**SECTION 13.13 - EMINENT DOMAIN.** If the Leased Premises, or any part thereof, shall be taken under eminent domain proceedings, or transferred to a public authority in lieu of such proceedings, Lessor may terminate this Lease as of the date when possession is taken. All damages awarded for such taking shall belong to and be the property of the Lessor. Lessee shall have no claim against Lessor by reason of such taking or termination and shall not have any claim or right to any portion of the amount that may be awarded or paid to Lessor as a result of any such taking, except that Lessee shall have the right to make a claim against such public authority for its loss of business and for any other relief available to Lessee by law in the event such taking involves the physical taking of all or a portion of the Leased Premises, and, in such event, Lessee shall also have the right to terminate this Lease as of the date when possession is taken by the public authority.

**SECTION 13.14 - QUIET ENJOYMENT.** The Lessor covenants and agrees with the Lessee that upon the Lessee performing all the covenants and conditions aforesaid on the Lessee's part to be observed and performed, the Lessee shall and may peaceably and quietly have, hold, and enjoy the Leased Premises, for the Initial Term and any renewals thereof as aforesaid; *subject, however,* to the terms of this Lease and any amendments hereto as agreed by the Parties.

**SECTION 13.15 - AUTHORITY.** Each Party warrants and represents to the other Party that its execution of this Lease has been duly authorized and will act to bind the Party to the terms and conditions hereof.

**SECTION 13.16 - COMPLIANCE.** It is the intention of the parties to comply with all federal and state laws, rules and regulations including, but not limited to, all Stark and Anti-Kickback laws, and any and all subsequently enacted laws or regulations. In the event any portion of this Agreement violates any law, rule, or regulation, then the parties shall take all steps necessary to bring this Agreement into compliance including, if necessary, terminating this Agreement.

**SECTION 13.17 - STARK.** The parties intend for this Lease Agreement to comply with the rental of office space contract exception contained at 42 C.F.R. § 411.357(a) and (b) or other applicable exceptions to the Stark self-referral rule (42 C.F.R. §§ 411.351 – 357). Without limiting the forgoing, the Parties represent and warrant that the rentals payable to Lessor pursuant to this Agreement have not been determined in any manner that takes into account the value or volume of referrals or other business generated between the Parties. Overall, it is the parties' intent to comply with the federal fraud and abuse laws, including but not limited to, the Stark and the federal anti-kickback laws.



# Office of Sheriff and Treasurer of Jefferson County

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

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

August 10, 2015

Jefferson County Commission  
124 East Washington St  
Charles Town WV 25414

Re: Sheriff's Commission

Dear Commissioners:

Attached is a copy of the computation of the 2014 Sheriff's Commission report for your approval.

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

Sincerely,

Peter H. Dougherty  
Sheriff and Treasurer  
Jefferson County

<b>Jefferson County Policies &amp; Procedures</b>			
Policy Name:	Absence Time with Pay	Approved:	6/2/2011
Policy Number:	208	Revised::	7/16/2015
Associated:			

## Policy

The Jefferson County Commission will provide paid absence time for full-time (non-sworn) employees of Jefferson County under certain conditions.

## Provisions

Paid absence days shall include Holidays, Vacation, Sick Leave, Bereavement, Court Leave, Annual Military Training, and Authorized Leave (AL).

The benefit year for the purpose of calculating accrued leave shall be based in regular hours paid, limited to 70/80 hours in a pay period. Regular hours paid shall not include overtime or on-call hours.

A day is based upon the County's established number of hours in the work day for an employee's particular position and shall never exceed eight (8) hours. Annual leave cannot be accrued for hours not paid nor for hours worked beyond the normal workweek which shall not exceed 40 hours.

The benefit year for Maintenance , Animal Control, Assessor's Office, Emergency Communications staff, Homeland Security, Sworn Deputies, and Department Heads shall be 2080 hours. The balance of the County employees will have a benefit year of 1820 hours.

Sheriff's Deputies' vacation accrual is given in accordance with West Virginia Code 7-14-17a and sick day accrual is given in accordance with West Virginia Code 7-14-17b, both of which are different from this policy.

Use of paid time benefit: It is not permitted to substitute a different paid benefit time in place of another to avoid "unpaid" status. Accrued leave can only be applied to the category from which it is earned. Therefore, accrued sick leave cannot be applied as vacation leave or vice versa. Exception: In the event an employee has scheduled a vacation day and the Courthouse/County Government is closed due to natural disaster or adverse weather, the employee may reschedule their vacation day.

## Procedures

### Holiday Pay

- The Jefferson County Commission will adopt the observed Holiday schedule as prescribed by WV Code.
- Full-time employees will be compensated one day off of Holiday pay for all designated holidays.
- Non-exempt employees who work on a holiday shall receive their regular rate of pay for each hour worked on the designated holiday, plus holiday pay.

- Designated holidays shall be recognized from the period 10:00 p.m. to 10:00
- Holidays occurring during approved vacation or sick leave will be considered as holiday pay and will not be charged against any accrued leave (sick or vacation).
- To qualify for holiday pay, the employee must work the last scheduled workday before the holiday and the first scheduled workday following the holiday or have had vacation leave pre-approved.

The following County personnel shall observe calendar holidays which differ from the official Holiday Schedule:

- Emergency Communications
- Sworn Law Enforcement Officers

### Vacation Accrual

Vacation Leave is a reward for service and offers the employee a break from the daily routine. Vacation time is earned according to the following schedule:

Emplmt Anniversary	Length of Continuous Service	Mo. Rate of Accrual	Accrued Days	Lifetime Maximum Days
0-1	after 1 mo. -23	.83 day	10	14
2-4	24 <sup>th</sup> mo. – 59 <sup>th</sup>	1 day	12	17
5-9	60 <sup>th</sup> mo. – 119 <sup>th</sup>	1.25 days	15	20
10-14	120 <sup>th</sup> mo. – 179 <sup>th</sup>	1.5 days	18	23
15-19	180 <sup>th</sup> mo. – 240 <sup>th</sup>	1.75 days	21	26
20 Plus	240 <sup>th</sup> mo. – beyond	2 days	24	28

- Vacation is earned based on completed service as of the first day of the month.
- Vacation days accrued over the maximum accrual number are lost. At no point during the year can the number of vacation days exceed the maximum accrual amount; also at fiscal year-end the maximum number of vacation days that can be carried over cannot exceed the maximum accrual amount. Absences in excess of the accrual are taken without pay. Time worked in excess of 70/80 hours does not add to the vacation accumulation.
- Vacation leave should be scheduled in advance at the convenience of the Elected Official/Department Head. Consideration should be given to any specific request of an employee.
- Requests for same vacation time within one department will be decided by service time.
- Newly hired employees will be credited with and eligible to use three (3) days of vacation upon completion of their probationary period, based upon the approved rate of accrual. Absence time during the probationary period is taken without pay.
- Vacation pay is based on the employee's regular hourly rate of pay for the number of hours of vacation leave used. Holidays are not charged against scheduled accrued vacation or to sick leave when supported by acceptable medical verification.
- Accrued but unused vacation days are reimbursed upon termination of employment (voluntary or otherwise) not to exceed the maximum accrual based on years of service.

## **SICK LEAVE**

### **Accrual of Sick Leave**

- Sick leave is defined as time off with pay because of personal or family illness or injury.
- Sick leave is accrued at a rate equivalent to one (1) day per month. Time worked in excess of 70/80 hours does not add to the accumulation.
- Accrued sick leave may be taken during the probationary period.

Sick leave accrues while an employee is absent from work due to illness, injury, or caring for a sick family member and is receiving a paycheck.

### **Intermittent Sick Leave**

Intermittent sick leave is defined as short term absence from work due to a minor medical condition, e.g., cold, flu, etc. Intermittent sick leave is recognized for family members to include; spouse, child, parent, grandparent, or any other member of the household. At the Elected Official/Department Head's discretion, a physician's statement (verification) may be requested at any time.; five (5) or more consecutive days of sick leave require a physician's statement.

To qualify for approved sick leave, the employee shall notify his/her immediate supervisor by the start of their scheduled shift of work, or in accordance with established office procedures.

### **Extended Sick Leave**

Extended sick leave is defined as a prolonged absence from work due to a serious medical situation, e.g., surgery, recovery from serious illness, childbirth, etc. Any extended sick leave which meets the requirements for FMLA shall run concurrently with FMLA. The Elected Official/Department Head shall comply with FMLA provisions pertaining to certification and recertification, when applicable.

An employee shall be eligible for extended sick leave if he/she has sufficient accrued sick leave, or extended by vacation leave at the employee's option, to cover the duration of the absence. A physician's statement describing the medical condition and stipulating the needed time off work is required.

The Elected Official/Department Head shall maintain a record in the employee's personnel file. Notice shall be given to the payroll administrator of the anticipated duration of the leave in order to ensure continuity of benefits and related issues.

The Elected Official/Department Head shall be responsible for assuring that the employee has sufficient accrued sick leave and vacation leave at the employee's option, to cover the period of absence specified by the attending physician. If there is not sufficient accrued leave available, the employee will be placed on leave without pay. The employee shall be responsible for payment of all optional medical, life,

vision, dental and family coverage(s). The payment will be calculated by the benefits administrator or payroll clerk. Those funds must be remitted to the Jefferson County Sheriff's Tax office by the first day

If the employee's physician orders additional time off work beyond the original approved leave of absence, the Elected Official/Department Head shall immediately notify the payroll administrator to insure the continuation of medical benefits.

### **Suspected Misuse of Leave**

When an employee appears to have a pattern or incident of leave that is inconsistent with the reasons provided in this policy, the Elected Official/Department Head may request appropriate substantiation of the employee's claim for leave.. Misuse of leave may include, but is not limited to, frequent use of sick leave rendering employee's services undependable; requesting sick leave for days where annual leave was previously denied; and requesting unplanned leave in connection with scheduled days off, which days off include annual leave, weekends, and holidays. The Elected Official/Department Head shall provide the employee with notice of the requirement for appropriate substantiation at the time the request for unplanned leave is made.

### **Bereavement**

An employee may be granted up to three (3) days of paid leave for the death in the immediate family. Immediate family shall refer to the employee's spouse/significant other, children, grandchildren, stepchildren, father, step-father, mother, step-mother, legal guardian, sister, brother, mother-in-law, father-in-law, son-in-law, daughter-in-law. Leave may commence upon notice of the death.

An employee may be granted up to two (2) days paid leave upon the death of an employee's grandparent, spouse's grandparents, aunt, uncle, cousin, niece, nephew, brother-in-law, or sister-in-law. Leave may commence at the discretion of the Elected Official/Department Head.

One day funeral leave with pay may be granted at the discretion of the Elected Official/Department Head.

Employees who must attend a family member's funeral which does not fall within the immediate family category and must travel in excess of two hundred (200) miles may be granted paid leave at the discretion of the Elected Official/Department Head.

### **Military Leave**

a. State Active Duty and Reserve Military Service. -- In accordance with the provisions of W. Va. Code §15-1F-1(a), all officers and employees of the County who are members of the National Guard or of any of the reserve components of the armed forces of the federal government are entitled to a leave of absence from employment without loss of pay, status, or efficiency rating, on all days during which they are engaged in drills or parades, or for examination to determine

fitness for duty, inactive duty training, funeral honors duty for the State or federal government, active duty for training or active service for the State all to include reasonable travel time to and from the duty location, for a maximum period of thirty working days, not to exceed two hundred forty (240) hours, in any one calendar year when ordered or authorized by proper authority. An employee need not exhaust all annual leave or sick leave. Furthermore, the leave of absence is considered as time worked for the County in computing seniority, eligibility for salary increase and experience with the agency. The terms of this subdivision do not apply under the provisions of any military selective service act. An employee shall provide to the appropriate department head or elected official written notification of an obligation or intention to perform military duty and such written orders, as soon as available, in support of the request for military leave. None of the unused days of military leave for which an officer or employee is eligible under this subdivision may be carried over and used in the next calendar year. An employee on extended federal active duty or full-time National Guard duty is eligible for leave provided in this subdivision only in the year he or she is called to active duty, and in subsequent years only after he or she has been discharged from military duty and returned to County employment.

b. Federal Active Duty. -- In accordance with the provisions of W. Va. Code §15-1F-1(b), all officers and employees of the County who are ordered or called to active duty by properly designated federal authority are eligible for an additional leave of absence from employment without loss of pay, status, or efficiency rating for a maximum period of thirty working days, not to exceed two hundred forty (240) hours, for a call to active duty, active duty for training, initial active duty for training, or full-time National Guard duty, all to include reasonable travel time to and from the duty location. All officers and employees of the State called to federal active duty or full-time National Guard duty who have not used all or some portion of the thirty working days of military leave granted by subdivision (a) of this subsection are eligible to use those unused days in the same calendar year prior to using the thirty days for which they are eligible under this subdivision, up to a maximum of sixty days, not to exceed four hundred eighty (480) hours, for a single call to active duty. None of the unused days for which an officer or employee is eligible under subdivision (a) may be carried over and used in the next calendar year. An employee on extended federal active duty or full-time National Guard duty is eligible for leave provided in subdivision (a) of this subsection only in the year he or she is called to active duty, and, in subsequent years, only for a subsequent call to duty and only after he or she has been discharged from military duty and returned to County employment. The term "without loss of pay" means that the employee shall continue to receive his or her normal salary or compensation, notwithstanding the fact that the employee may have received other compensation from federal or state sources during the same period. Separate orders that result in consecutive active duty assignments in which the employee does not return to work shall be considered a single call to active duty. An employee will only be eligible for an additional 30 days under subdivision (b) for a subsequent call to duty only after he or she has returned to County employment.

### **Jury Duty**

Employees who receive notice that they have been selected for jury duty are required to notify their supervisor no later than their next scheduled work day. Time off from work due to jury duty shall be with pay, based on the employee's regular rate of pay for the number of hours off work. Employees are expected to return to work once they have been excused from jury duty during regular working hours.

The employee is required to remit any payment received for services rendered as a jurist. The employee may retain mileage reimbursement and any payment for services rendered while serving as a jurist during non-work hours

### **Administrative Leave**

In the event the Courthouse/County Government is closed due to natural disaster, adverse weather conditions, etc. an employee will be excused from attending work without loss of compensation.

Essential staff will be advised when/how to report for duty, if necessary.

### **Liberal Leave**

In the event adverse weather conditions exist and an employee feels that it is unsafe to travel to work, liberal leave will be in effect. Liberal leave allows an employee to take a day's vacation or a day off without pay if unable to get to work. Employees are responsible for contacting their supervisor to advise if they choose Liberal Leave or request other accommodations. Essential staff will be advised when/how to report for duty.

### **RECORD KEEPING**

Elected Officials/Department Heads or their designee will be responsible for record keeping pertinent to these guidelines. This record keeping does not preclude any records required by the Clerk of the County Commission or the payroll clerk.

## MEMORANDUM

**FROM:** Stephanie F. Grove, County Administrator  
**TO:** County Commission  
**DATE:** September 3, 2015  
**RE:** Leave Accrual Rates

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### INTRODUCTION:

The Commission requested that more research be presented on increasing leave accrual rates resulting in consistent accrual for all county employees. Currently, pursuant to §§W.Va. Code 7-14-17a—17b, the County Commission is mandated to provide a certain amount of vacation and sick leave to deputy sheriffs, which rates are the same as those provided by the State of West Virginia to its employees. Because the Commission's current policy is not consistent with the statute, deputy sheriffs earn more leave, both annual and sick, than other county employees. This memorandum explains the request for the Commission to change its current policy so that all Departments accrue leave consistent with the Deputy Sheriff's rates.

### ACCRUAL RATES:

The Commission's current Absence Time with Pay provides for each employee to accrue 1 (one) sick day a month. Annual leave is accrued based upon years of service as follows:

Emplmt Anniversary	Length of Continuous Service	Mo. Rate of Accrual	Accrued Days	Maximum Days
0-1	after 1 mo. -23	.83 day	10	14
2-4	24 <sup>th</sup> mo. – 59 <sup>th</sup>	1 day	12	17
5--9	60 <sup>th</sup> mo. – 119 <sup>th</sup>	1.25 days	15	20
10-14	120 <sup>th</sup> mo. – 179 <sup>th</sup>	1.5 days	18	23
15-19	180 <sup>th</sup> mo. – 240 <sup>th</sup>	1.75 days	21	26
20 Plus	240 <sup>th</sup> mo. – beyond	2 days	24	28

Pursuant to W.Va. Code §7-14-17b the County Commission is required to provide each deputy sheriff 1.5 (one and a half) sick days a month. Additionally, in accordance with W.Va. Code 7-14-17a, deputy sheriffs accrue annual leave based upon years of service as follows:

Emplymt Anniversary	Length of Continuous Service	Mo. Rate of Accrual	Accrued Days
0-4	1 mo. -59 <sup>th</sup>	1.25	15
5-9	60 <sup>th</sup> mo. – 119 <sup>th</sup>	1.5 days	18
10-14	120 <sup>th</sup> mo. – 179 <sup>th</sup>	1.75	21
15 plus	180 <sup>th</sup> mo. – 240 <sup>th</sup>	2 days	24

All deputy sheriffs are entitled to carryover 30 days each calendar year, regardless of years of service.

**PRACTICE OF SURROUNDING GOVERNMENTS:**

The accrual rates for deputy sheriffs mirror those rates provided by the State of West Virginia to all of its employees. Additionally, both Berkeley and Morgan Counties provide the same rates to all of their employees.

Surrounding county and local governments in neighboring states all utilize different methods of accrual but most offer more annual leave than the Commission’s current policy. The following is a sample of some of the surrounding governments’ policies.

**Loudon County:**

Sick Leave: 12 days per year

Annual Leave: 12 days per year after the first year of employment. Loudon County employees earn an additional day of leave for every year of service, up to 12 additional days of leave. In addition, Loudon County offers 3 personal days a year for senior staff but does not compensate employees for these days upon termination of employment. Finally, any unused vacation beyond 364 hours can be converted to sick leave.

**City of Hagerstown:**

Sick Leave: 12 days per year

Annual Leave: 10 days for less than 5 years of service; 15 days for 6-10 years of service; 20 days for 10-18 years of service; 25 days for 18 plus years of service. Additionally, the City of Hagerstown provides 3 personal days a year for each employee.

**Frederick County, MD:**

Sick Leave: 15 days per year

Annual Leave: 11 days for 2 years of service or less; 17 days 2-10 years of service; 24 days for more than 10 years of service.

### **Frederick County, VA:**

Frederick County has implemented a personal time off policy in which employees earn a lump sum of leave to be used on either sick or annual leave. Frederick County provides 12 days for 0-5 years of service; 27 days for 10-15 years of service; 30 days for 15-20 years of service; 33 days for 20-25 years of service; and 36 days for 25 years of service or more.

### **Federal Government:**

Sick Leave: 13 days per year

Annual Leave: 13 days a year for 1-3 years of service; 20 days a year for 3-15 years of service; 26 days a year for fifteen years of service or more.

### **RATIONALE :**

Changing the leave accrual will ensure that all county employees receive the same benefits. Currently deputy sheriffs receive more leave than all other county employees. If the Sheriff were to adopt the county policy, all of the non-civil service employees in that department would receive less leave than the deputies with whom they work side by side on a daily basis. Consistent leave policies for all employees increase the ease with which those policies can be implemented and administered county wide, in both Commission and other elected departments. Additionally, the Public Employees Retirement System permits sick leave to be converted to years of service upon retirement. Accordingly, deputy sheriffs, state employees, and county employees in surrounding counties who utilize the state's accrual rates earn more time that can be used toward retirement.

The Commission may question increasing leave accrual when employees have booked excessive compensated absences. However, the uncompensated absences are a result of a failure to follow the County's written policy rather than an excessive accrual policy. If the accrual rate is revised to be consistent across all departments, then it is likely that the Elected departments will follow the County's policy, which limits the amount of carryover from one year to the next. Accordingly, the Commission should experience a decrease in uncompensated absences despite the increase in the amount of leave that can be accrued.

### **ECONOMIC IMPACT TO THE COUNTY:**

Recently there have been multiple studies on the costs of paid leave to employers and most conclude that paid leave has a negligible impact on the employer's bottom line. The County would most likely see a cost associated with employees who take an extended sick leave due to a traumatic illness as earning additional sick leave will provide those employees with more paid time off.

However, studies suggest that generous paid leave policies can help the County recruit talented workers. The following is an excerpt from “The Economics of Paid and Unpaid Leave”, which report was authorized by the Council of Economic Advisors and compiles the results of various studies on the economics of providing leave to employees.

In a survey of two hundred human resource managers, two-thirds cited family-supportive policies, including flexible schedules, as the single most important factor in attracting and retaining employees. Paid leave has been shown to increase the probability that women continue in their job after having a child, rather than quitting permanently, saving employers the expense of recruiting and training additional employees.

A review of 27 separate case studies found that the median cost of replacing an employee was 21 percent of that employee’s annual salary – a substantial cost that can be reduced with family-friendly leave policies. Following implementation of state programs requiring businesses to provide paid leave, most businesses reported no negative effect on profitability. A survey of 253 employers affected by California’s paid family leave initiative found that the vast majority – over ninety percent – reported no noticeable or a positive effect on profitability, turnover, and morale.

Paid sick leave also induces a healthier work environment by encouraging workers to stay home when they are sick. Workers who show up sick are likely to infect others and cause further productivity losses. A recent study investigating the effects of the 2009 H1N1 pandemic found that employee absences fell more rapidly after the peak of the pandemic among public sector workers (who had much higher access to paid sick leave) compared to private sector workers who were much less likely to have paid sick leave. Evidence suggests that workers do not abuse paid sick days. A survey of 251 employers conducted after Connecticut implemented a paid sick leave program found that employees did not abuse the policy by taking unnecessary sick days. About two-thirds of employers reported no increase in cost (47 percent) or an increase of less than 2 percent (19 percent) and the report’s authors conclude that there is no business case for opposing paid sick days. Another study examining the implementation of San Francisco’s paid sick leave law in 2007 found no evidence of a negative effect on the economy. Unlike surrounding areas that did not have a paid sick leave law, San Francisco saw an increase in total employment after the implementation of the law. The number of businesses also grew more rapidly in San Francisco than in surrounding areas in the same time period.

### **CONCLUSION:**

Adopting the same accrual rates for all employees will result in consistent policies throughout the County and ease administration of those policies. Additionally, revising the accrual rates will make our policy similar to our neighboring counties in West Virginia and the State. If the Commission does increase the leave accrual rates, I would recommend retaining the maximum accrual contained in the current policy as opposed to adopting the 30 days of carryover provided to the deputy sheriffs. This recommendation is made in an effort to limit the uncompensated absences liability for the County. This minor variation in the policy can be established by providing a simple exception for the deputies where carryover is concerned.



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

Name: **Tiffany Lawrence, Director of Resource Development and Marketing and Pete Mulford, CEO**

Department or Organization: **United Way of the Eastern Panhandle**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 3, 2015**

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

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

Subject (*Wording to be placed on agenda*): **Proclamation endorsement of the Community Campaign which serves 35 agencies across the EP in Jefferson, Berkeley, and Morgan Counties -**

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

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

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

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

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

**PROCLAMATION**

**United Way of the Eastern Panhandle  
COMMUNITY CAMPAIGN 2015-2016**

**WHEREAS**, United Way of the Eastern Panhandle brings together businesses, labor, government agencies, community organizations and committed individuals, in a united effort to fund Jefferson, Berkeley, and Morgan County health and human service non-profit partner agencies through its annual Community Campaign; and

**WHEREAS**, United Way of the Eastern Panhandle, for many years, has made available this financial support and is the region's central trusted resource for donor philanthropy; and

**WHEREAS**, United Way funds raised in the Eastern Panhandle support Eastern Panhandle organizations and non-profits for the benefit of its citizens and the improvement of their quality of life and is dedicated to mobilizing the community through volunteerism, advocacy, and resource development; and

**WHEREAS**, United Way of the Eastern Panhandle creates opportunities by focusing on the three Impact areas for a good life: Education, Income and Health; and

**WHEREAS**, United Way of the Eastern Panhandle's new campaign slogan "COMMUNITY STRONG" is a call to action...To give, To advocate, To volunteer; thereby building collaborative partnerships, developing strategies, and bringing together financial and human capital to address areas of need.

**NOW, THEREFORE WE, the Jefferson County Commission**, recognizing the significant impact that is made in benefiting the lives of our citizens through the United Way's Annual Campaign, Day of Caring, and other initiatives, do hereby proclaim the **month of September** as

**"United Way Month"**

and encourage all citizens to support the United Way's Annual Community Campaign and the many local community organizations that provide invaluable services for our seniors, families and youth in the Eastern Panhandle.

Signed this \_\_\_\_ day of September.

**Jefferson County Commission  
Charles Town, WV**

---

Jane M. Tabb, President



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

Name: **Russ Burgess, IT Support Specialist**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **September 3, 2015**

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

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

Subject (*Wording to be placed on agenda*): **New Website Update**

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

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

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

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

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

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



**Name:** Jennifer Brockman, Director

**Department or Organization:** Planning and Zoning

**Estimation of amount of time needed for appointment:** 15 – 30 minutes

**Date Requested – 1<sup>st</sup> Choice:** September 3, 2015

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

**Date Requested – 2<sup>nd</sup> Choice:** September 17, 2015

**Subject (*Wording to be placed on agenda*):** Action related to Public Hearing held on August 11, 2015 regarding a landowner-initiated petition to amend the County Zoning Map for a 13.68 acre property owned by Twin Oaks Subdivision, LLC, designated as Tax District: Shepherdstown; Map: 13; Parcel(s): 26.1, 26.2, 26.3, and 26.4, located on Route 480, Kearneysville Pike, south of Morgan's Grove Park (Planning and Zoning File #Z15-01).

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

In accordance with Section 12.2(C) of the Jefferson County Zoning Ordinance and relevant State Code, on August 11, 2015, the Jefferson County Planning Commission and County Commission held a Joint Public Hearing for the purpose of receiving public input regarding a landowner-initiated petition to amend the County Zoning Map for the above referenced properties. This property is currently developing under a CUP (CP12-01) for "an agricultural based economic empowerment zone" approved in 2012, which included numerous uses detailed in the attached staff report and which included 30 conditions of approval. A CUP is valid for 18-months from the date it is approved. Within that time period, the CUP is required to commence by the Jefferson County Zoning and Land Development Ordinance. For this purpose, commencement means that a Building Permit for new construction has been issued. The CUP was given an 18-month extension in 2013 and again in 2015; it is currently valid until December 2016. On July 9, 2013, the applicant also received approval for a Site Plan for Phase 1 of the agricultural based economic empowerment development. The rezoning request is from the Rural (R) zoning classification to the Neighborhood Commercial (NC) zoning classification.

Pursuant to state law, WV Code 8A-7-9(c), the County Commission must first receive the advice of the Planning Commission regarding whether any requested Zoning Map Amendment is consistent with the County's adopted Comprehensive Plan. Based on the Joint Public Hearing held on August 11, 2015, on their review of the Envision Jefferson 2035 Comprehensive Plan, and consideration of the facts and opinions presented, the Planning Commission moved to forward the petition to the County Commission with the recommendation that the requested zoning map amendment application was NOT in conformance with the Envision Jefferson 2035 Comprehensive Plan. The motion passed with a vote of 5-2.

In accordance with Section 12.2(C) of the Jefferson County Zoning Ordinance, subsequent to the recommendation received from the Planning Commission, the County Commission is required to make a final determination.

Is this a funding request? No  
If so, how much? N/A

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

I move to (approve/deny) the proposed zoning map amendment for the 13.68 acre property owned by Twin Oaks Subdivision, LLC, designated as Tax District: Shepherdstown; Map: 13; Parcel(s): 26.1, 26.2, 26.3 and 26.4, located on Route 480, Kearneysville Pike, south of Morgan's Grove Park (Planning and Zoning File #Z15-01).

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

**Attachments:**

- Zoning Map Amendment Application (File #Z15-01)
- Twin Oaks Subdivision, LLC Rezoning PC File # Z15-01 Staff Report, 08-11-15
- Portion of the DRAFT minutes from 08-11-15 Planning Commission Meeting pertaining to the Morgan Grove Market agenda item (not yet approved).

**If not attached, explain:**

Is equipment needed? Projector: No Internet/Wi Fi: No.  
Telephone for conference call: No.

**Contact information:**

Email address: PlanningDepartment@jeffersoncountywv.org Phone Number: (304) 728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

**Twin Oaks Subdivision, LLC**  
*at*  
**Morgan's Grove Market**

June 18, 2015

Jefferson County Commission  
PO Box 250  
124 East Washington Street  
Charles Town, WV 25414

Subject: Zoning Ordinance Amendment by Landowner Petition

Commissioners,

The undersigned owner(s) of land identified as Shepherdstown District; Tax Map 13 parcels 26.1, parcel 26.2, parcel 26.3 and parcel 26.4 requests a zoning map amendment. This request is being made through the procedures identified in WV Code 8A-1-1, 8A-7-9 and JC Zoning Ordinance Article 12 Section 21.1 and 12.3.

The purpose of the amendment is a change in designation of the subject property from the current designation as "Rural District" to "Neighborhood Commercial (NC) District".

Thank you for your consideration.



Peter S. Corum\*  
Property Owner  
\*(Member of Twin Oaks Subdivision, LLC)



J. Edward Slonaker\*  
Property Owner

Copy of complete Landowner Petition will be submitted to Jefferson County Commission and County Clerk June 18, 2015 (per WVC 8A-7-9 (a))

**RECEIVED**  
**JUN 18 2015**  
JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

**Name and address of owner(s):**

Parcel 26.1 and 26.3  
Twin Oaks Subdivision, LLC  
PO Box 536  
Shepherdstown WV 25443  
Tel: (304) 283-2467

Parcel 26.2  
Peter S. Corum\*  
PO Box 536  
Shepherdstown WV 25443  
Tel: (304) 283-2467

Parcel 26.4  
J. Edward Slonaker\*  
PO Box 536  
Shepherdstown WV 25443  
Tel: (304) 283-2467

\*(Member of Twin Oaks Subdivision, LLC)

Developer of all Parcels  
Twin Oaks Subdivision, LLC  
PO Box 536  
Shepherdstown, WV 25443  
Tel: (304) 283-2467

**Name and address of contact person:**

Peter Corum  
PO Box 536  
Shepherdstown, WV 25443

Tel: 304 283-2467

**Tract size, shape, location and zoning:**

The proposed area for zoning amendment is located in Shepherdstown District; Tax Map 13 parcel 26.1, parcel 26.2, parcel 26.3 & parcel 26.4.

The original tract acres:

Parcel 26.1	6.68 acres	DB 1018	PG 516
Parcel 26.2	2.0 acres	DB 1012	PG 429
Parcel 26.3	3.0 acres	DB 1018	PG 516
Parcel 26.4	2.0 acres	DB 1018	PG 352

The parcels have a total acreage of 13.68 acres.

Current Zoning:

"Rural District"



# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338  
Charles Town, WV 25414

File Number: # 21501  
Staff Initials: alc  
Application Fee: \$ 1,684.00

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

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

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

### Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

#### Property owner information

Name: Twin Oaks Subdivision, LLC  
Mailing Address: PO Box 536 Shepherdstown WV 25443  
Phone Number: 304.536.3743 Email: petercorum@gmail.com

#### Applicant contact information

Name: Peter Corum  
Mailing Address: PO Box 536 Shepherdstown WV 25443  
Phone Number: 304.283.2467 Email: petercorum@gmail.com

#### Applicant representative

Name: Fred Blackmer  
Mailing Address: 9628 Moncove Lake Road Gap Mills WV 24941  
Phone Number: 304.536.3743 Email: fred@fredblackmer.com

#### Physical property details

Physical Address: 3988 Kearneysville Pike  
City: Shepherdstown State: WV Zip Code: 25443  
Tax District: Shepherdstown (9) Map No: 13 Parcel No: 26-1 thru 26-4  
Parcel Size: 13.68 acres Deed Book: 1018 Page No: 516

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

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (O/C)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Received Date Stamp Here

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

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
General Commercial (GC)	Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/ Commercial Mixed-Use (O/C)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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

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

see attached

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

see attached

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

see attached

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

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

No, I prefer to present the petition

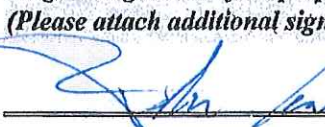
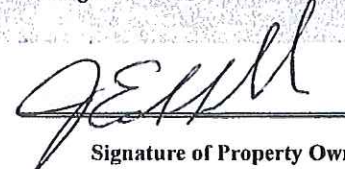
**Plat or Sketch Plan (provide as an attachment to this application)**

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

**Is Plat or Sketch Plan attached?**

Yes  No

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

	<u>6/16/15</u>		<u>6/16/15</u>
Signature of Property Owner	Date	Signature of Property Owner	Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

Recommended  Not Recommended

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this day of \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.**

Approved  Disapproved

**Final Determination/Other Comments**

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

Zoning Map Amendment Attachment:

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

Current plans for the property are based on previous experience and current social-economic trends. Those plans include up to 60,000 square feet of commercial-retail space. The space would be in one or more individual structures. Negotiations for various operators of that space are in progress. The major theme of development will continue to be in support of the agricultural industry, health initiatives and scaled commercial businesses of Jefferson County. Providing facilities for local entrepreneurs, small local retail and professional services is a priority.

Economic development and commercial investment depend on predictability. In order for this property to continue attempts to fill local community needs it is imperative that the regulations regarding permitted use of the property be firm and understood. Site development planning and community participation are not possible if every potential future use must be approved one piece at a time. It is much more efficient and beneficial for property development and public participation to have firm plans that can be evaluated, regulated and approved.

Applicant has tried to use the previous Zoning and that was unsuccessful. Applicant was then directed to apply for a Conditional Use Permit as the proper road to accomplishing the approvals needed for the project to continue. That has also been unsuccessful even with an approved CUP due to mandatory conditions beyond the original project scope. The property development and a community partnership cannot move forward without the predictability of the requested Zoning Map Amendment.

Applicant is confident that this zoning district will prove that all the time and effort spent to create new districts was not wasted. The very issues that this specific property faced in previous zoning requests and subsequent conditional use permit process prompted the County Commission and Planning Departments to create new district options.

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

The property included in this request has been in continuous commercial use since 1968. Uses have included a restaurant, approved plans for high density mixed use development and commercial activities including Farm markets, community events and a community garden. The property is currently approved for an array of limited commercial uses. They are listed in the current conditional use permit. All of these activities have received both local government and community support.

The subject property is an island surrounded by suburban residential development. Placing a neighborhood commercial zoning designation will accomplish several Comprehensive Plan goals. One of those would be to turn suburban sprawl into a mixed use community. Commercial and

Residential development would be limited in scope while local jobs, commercial opportunities, neighborhood jobs and retail needs could be enhanced. This specific property is shown on the recently approved future land use map and the comprehensive plan speaks to scaled commercial uses at that location.

Few if any Jefferson County project proposals have received more scrutiny, public debate, design reviews and administrative development costs than this Morgan Grove Market site. It is unfortunate that there seems to be consensus at the community, local and state government level that this is a forward thinking project. It is also obvious that 21<sup>st</sup> Century ideas and plans have tremendous difficulty with a regulatory structure based on 20<sup>th</sup> Century mind set.

Jefferson County has spent hundreds of thousands of dollars and untold hours of community and staff time to enact current land use policy. The goal was to create a Comprehensive Plan that set a narrative base for intended application and outcome. Zoning Districts and procedures were written to implement policy to achieve a managed outcome. It was always thought that if land owners and the community in general had new districts to fill the gaps in previous limited district choices that there would be more predictability of development. There would be more predictability of current property owner protections. That there would be less reliance on the unpredictability of conditional use permits.

There is at least one striking similarity between the previous and current comprehensive plans. That would be through sheer volume of pages and topics, conflicting statements or sections can be found. An applicant, supporter, opponent or staff might provide sections intended to support their view. Applicant has selected some portions of the Comprehensive Plan shown at the end of this attachment. They should provide sufficient evidence that this request is contemplated and supported in the comprehensive plan.

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

Transportation characteristics have change since 1988. Over the years several improvements have been made to address traffic flow and safety issues. WV DOH has built what is now referred to as the Shepherdstown bypass. It has helped with the issues at and around the 4 way stop in Shepherdstown. The speed limit was lowered through the area of this zoning change request. That was done accomplished at the request and effort of the current applicants in response to neighborhood concerns about speed and safety.

Traffic counts conducted by the WV DOH have remained fairly consistent for the past 5-10 years. 2005 2008 and 2011 reports show a modest increase in the area. WV DOH has seen the property that is requesting zoning amendment. There have been approvals of design standards for mixed use and commercial development access to the existing road frontage. Those designs and recommendations will be reviewed based on any development plan that is submitted for commercial property use.

Neighborhood characteristics have gradually changed over the past decades. Suburban residential development has change the rural setting from the original ordinance date of 1988. Google Earth

photos of the area dated 1988, 1997, 2009 and 2013 show that the neighborhood surrounding the area to be amended has changed character. One of the more interesting points comparing photos is the increase in tree canopy as the area developed from rural to residential.

## **Comprehensive Plan discussion items.**

### **Goals, Objectives and Recommendations:**

"A key element of any land use planning document is the development of a statement of realistic Goals and Objectives which lay the groundwork for the recommendations and implementation strategies of the vision." (pg. 12).

"As the Recommendations were developed, occasionally a strategy identified in the Goals and Objectives may have been determined by the County Commission to require a modification and the Recommendations may appear in conflict with the Goals and Objectives. If such conflict exists, the Recommendations are the final product of the Plan and are to be relied upon to provide guidance to the Planning Commission and County Commission in their land use and development decision making process. As such, the Goals and Objectives are a resource that reflects the evolution of the thought processes throughout the development of this Plan, but the Recommendations specify the end goal." (pg. 12).

"The *Envision Jefferson 2035 Comprehensive Plan* includes the creation of recommendations and related maps, including land use maps, which are the fundamental elements and are based on future needs and projected actions. The Future Land Use Guide will need to be viewed in conjunction with the recommendations found in the Plan when reviewing a variety of land use decisions." (pg. 13).

### **Land Use and Growth Management Element**

"UGBs are, according to state law, established by the County Commission in conjunction with the municipality looking to identify a boundary and are reflected on the County Zoning Map. In West Virginia, UGBs are used to acknowledge the extent to which a municipality can expand." "In 2014, Shepherdstown created a boundary called the Growth Management Boundary (GMB) which falls under the state definition of a UGB and was formally approved by the County Commission." (pg. 16). "The Future Land Use Guide of this Plan depicts the GMB and the proposed land uses if it remains unincorporated." (pg. 19).

Rural/Agricultural areas. "It is expected that urban level residential and non-residential development (and redevelopment efforts) will focus in the UGBs and identified PGAs in the next two decades. In addition, it is anticipated that the bulk of new investment by public entities will take place in these areas over the 20-year timeframe of this Plan." (pg. 24).

## Economic Development, Employment and Infrastructure Element

Growing the Economy. "One of the strengths of Jefferson County is that the residents have a strong entrepreneurial spirit. There is a need for local and regional technical and financial resources to be made available to these entrepreneurs and to publicize these resources. There are existing programs in Jefferson County which currently work to support smaller companies and start-ups. The Eastern Panhandle Entrepreneur Forum and the JCDA's agricultural development program and small business coaching efforts focus on cultivating the talent that resides in Jefferson County and are examples to be followed." (pg. 68)

Rural Economic Activities. "The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners." (pg. 73)

"The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an *Agricultural Based Economic Empowerment Area*, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm coops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area." (pg. 73)

### Distribution and Marketing of the County's Agricultural Products.

"There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center complex could serve as another means of selling the County's farm products and could include dining and/or commercial kitchen facilities." "It would be beneficial to the Jefferson County rural economy if a more unified effort occurred through a shared marketing mechanism, regional branding, or the creation of common distribution and marketing facilities." (pg. 74-75)

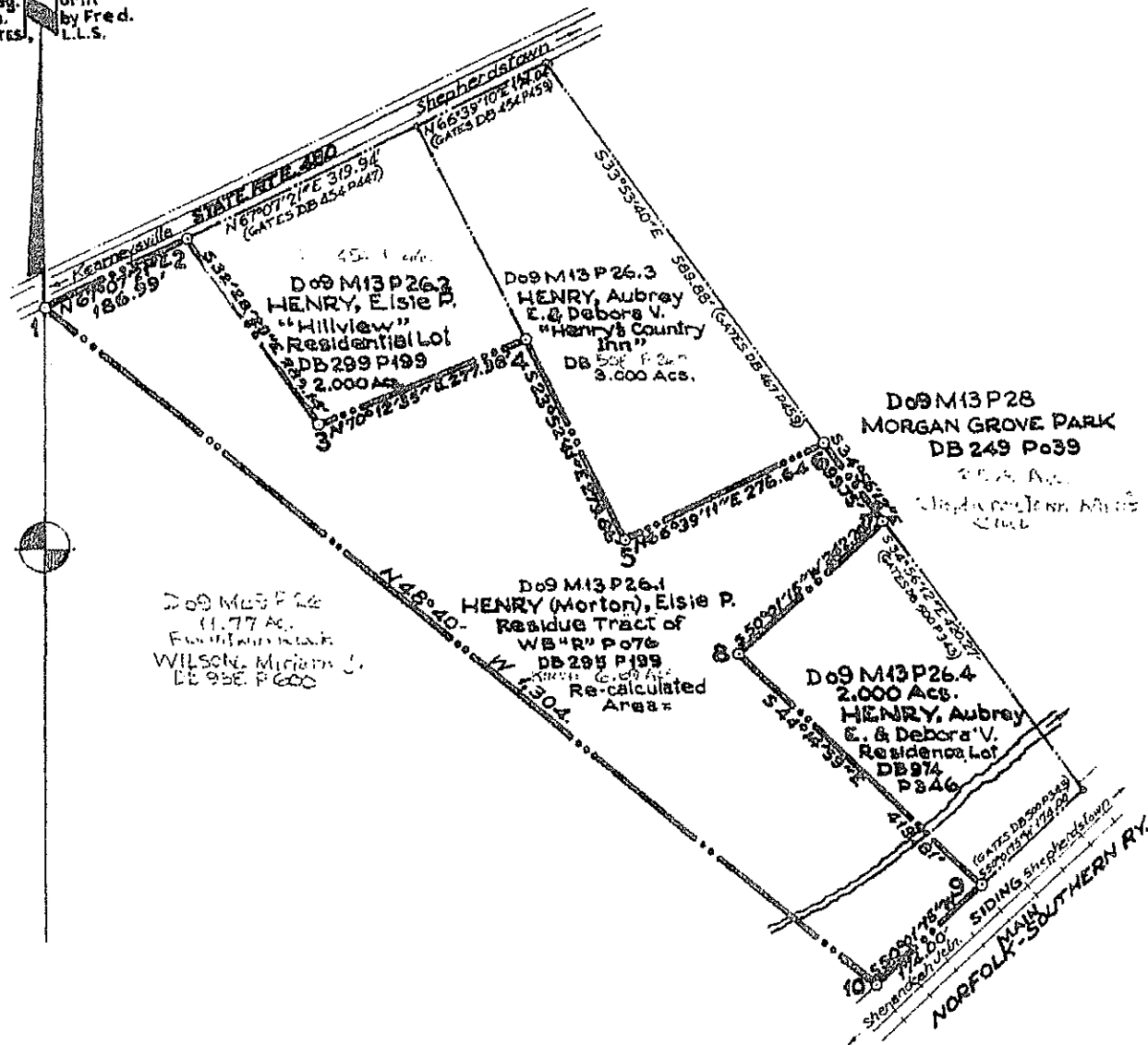
## **Implementation Tools:**

### Zoning, Zoning Districts and Zoning Text Amendments.

“Modern applications of zoning have broadened to provide orderly community growth, enhance and diversify a community’s tax base, maintain or achieve beauty and variety in the physical environment, accommodate complex and unique land uses and, in sum, make a community livable.” (pg.147)

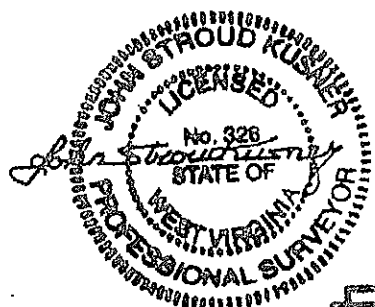
“A key component of this Plan is that any zoning map amendments (rezoning requests) that are requested would have to be in conformance with all the recommendations created as part of this Plan.” “The Future Land Use Guide was created to provide an understanding of the types of activity that would be within those locations and provide other agencies, such as the WVDOH and the local water and sewer providers an ability to plan for where their limited resources need to be programmed.” (pg. 148)

Mar. 1979  
Mag. North  
obs. by Fred.  
GATES, L.L.S.

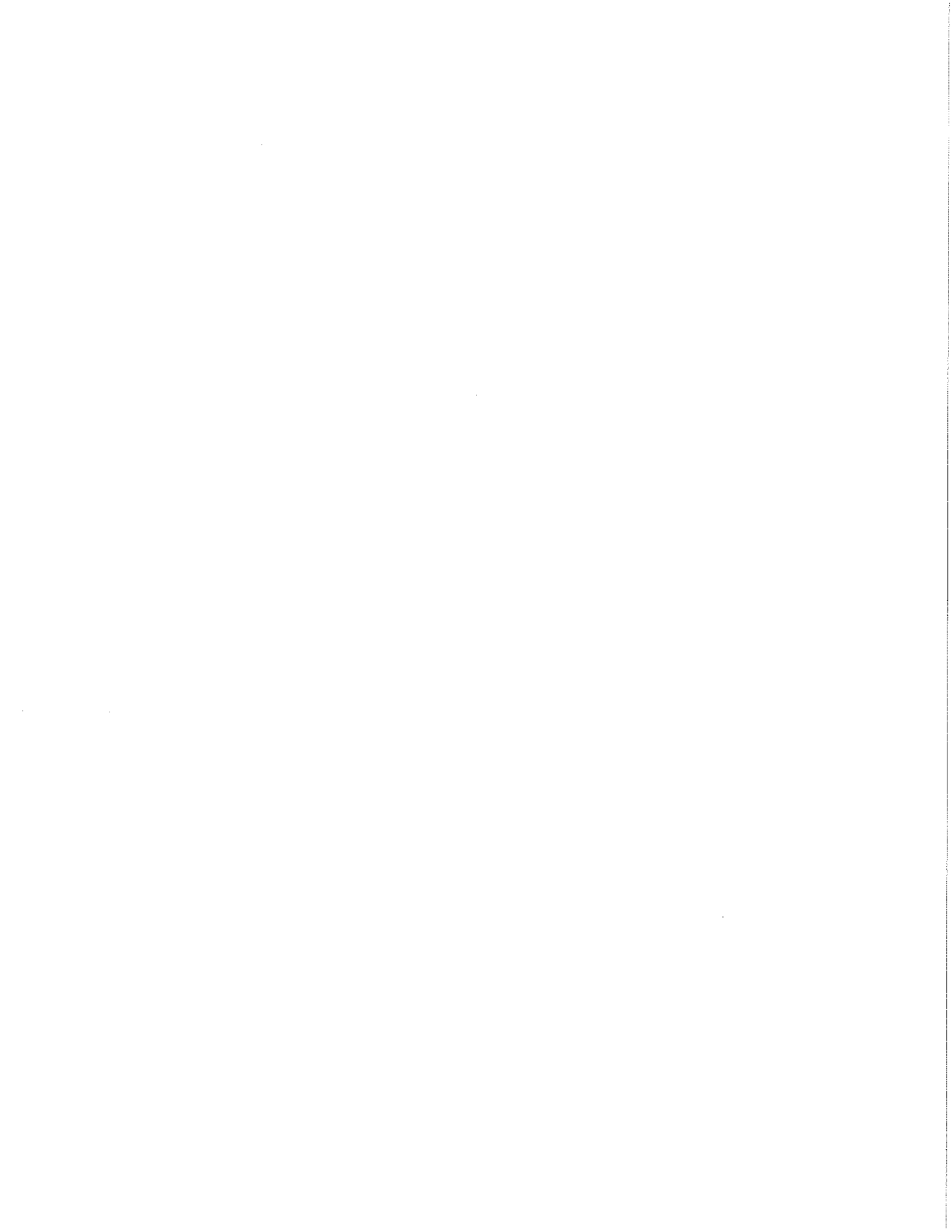


D09 M13 P26  
11.77 Ac.  
Fountain Brook  
WILSON, Miriam J.  
DB 936 P600

D01 M13 P26.1  
**Elsie P. HENRY**  
Residual Tract  
Sited entirely within the  
Shepherdstown Magisterial Dist.  
of Jefferson County, West Va.  
Scale 1IN = 200FT.



2003 October 16  
1989 Washington St., Bolivar WV  
P.O. Box 845, Hoppers Py, WV 25423



Staff Report  
 Jefferson County Planning Commission Meeting  
 August 11, 2015

**Twin Oaks Subdivision, LLC Rezoning PC File # Z15-01**

**Item #3:** Request by Peter Corum and J. Edward Slonaker of Twin Oaks Subdivision, LLC for a zoning map amendment from Rural to Neighborhood Commercial for property designated as Tax District Shepherdstown, Map: 13, Parcels: 26.1, 26.2, 26.3 & 26.4.

APPLICANT:	Peter Corum and J. Edward Slonaker		
OWNER:	Same as above		
DEVELOPER:	Same as above		
SURVEYOR/ENGINEER:	N/A		
PROPERTY LOCATION:	This property is located on Route 480, Kearneysville Pike, adjacent to Morgan's Grove Park.		
LEGAL DESCRIPTION:	District: Shepherdstown; Map: 13; Parcel(s): 26.1, 26.2, 26.3 and 26.4		
ZONING DISTRICT:	Rural		
SURROUNDING PROPERTIES:	Northwest: Rural (Park)	Northeast: Residential Growth	
	South: Rural	East: Rural	
	West: Rural		
LOT AREA:	Site area: 13.68 acres		
PROPOSED ACTIVITY:	To rezone this Rural property to a designation of Neighborhood Commercial.		

Staff Report  
 Jefferson County Planning Commission Meeting  
 August 11, 2015

PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
STAFF FINDINGS:	The proposed zoning district is <u>not</u> in conformance with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .

APPROVALS	
Previously approved CUP Previously approved CIS Previously approved Final Plat	CUP (PC File #Z06-01) Submitted: 02/22/06; Approved: 08/17/06 CIS Submitted (PC File #06-33): 10/29/06; PC Approval: 04/24/07 Public Hearing and Approval: 10/14/08 Extensions denied by the PC: 01/12/10 which invalidated the CUP, CIS and Final Plat
CONDITIONAL USE PERMIT (CP12-01)	04/19/12: Approved by the BZA with 30 conditions (CUP signed 6/28/12)
CONCEPT PLAN	12/11/12: Planning Commission Approval of the Concept Plan with no direction
VARIANCE/WAIVER HISTORY	01/08/13: PC approved a waiver from Section 20.102(B) to allow rough site grading in anticipation of subsequent procedural and document approvals ( <i>PCW12-08</i> ). 01/08/13 PC approved a waiver from Section 22.208 requesting relief from the road frontage sidewalk conditioned upon a 10' pedestrian/bike easement being recorded along Rt. 480 ( <i>PCW12-09</i> ). 01/08/13: PC approved (with conditions) a waiver Section 24.116(B): relief from subdivision ordinance requesting traffic study ( <i>PCW12-10</i> ). 01/08/13 PC denied a request to schedule a public hearing for the Morgan's Grove Market Major Site Plan ( <i>S12-06</i> ) prior to staff deeming the site plan complete. 01/17/13: BZA approved (with conditions) variances from Section 4.11(A) and 5.6(D).( <i>S12-06</i> ) 03/21/13: BZA approved a variance to waive site plan and parking requirements for a 1,200 sq. ft. tent structure to be used for a temporary farm market. 07/18/13 BZA approved an 18 month "by right" extension for the Morgan Grove Market C.U.P to 6/28/15 03/26/15: BZA approved an 18 month extension for the Morgan Grove Market C.U.P to 12/28/16 ( <i>ZV15-02</i> )
SITE PLAN	06/11/13: PC found the Site Plan to be provisionally and conditionally complete to schedule a Public Hearing. ( <i>S12-06</i> ) 07/09/13: PC approved the site plan with conditions. ( <i>S12-06</i> )

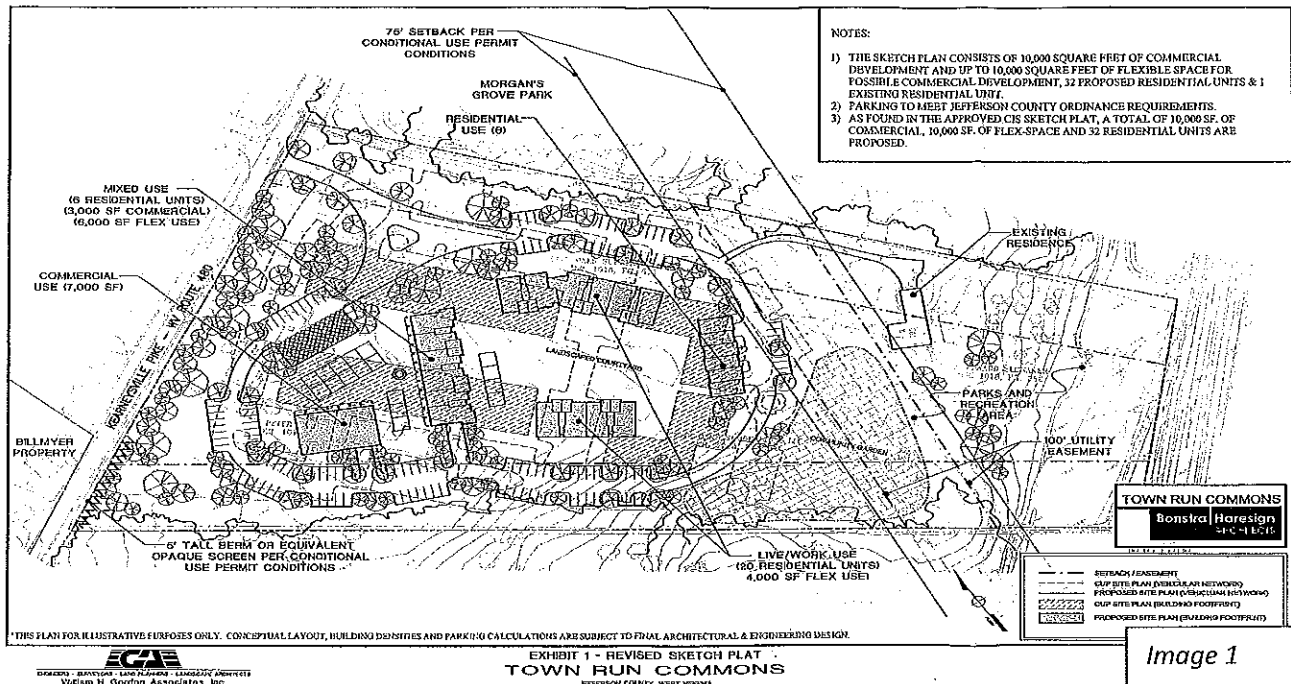
Staff Report  
 Jefferson County Planning Commission Meeting  
 August 11, 2015

<p>ZONING CERTIFICATES          #ZC11-15; #ZC13-07; #ZC14-19;          #15-06          #ZC14-37; #15-05</p>	<p>Issued for: "Market for the sale of farm products and incidental products, including arts and crafts . . . Live music, events, and performances are permitted if secondary to the market. Events may not be a primary attraction or conducted on non-market days."          Issued for: "Temporary Use, until Violet Building is ready for occupancy, of existing residential structure on well and septic, as a private school for grades K-8, for up to forty (40) students," with various conditions. (2015)</p>
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**Background/History of Property**

The property is located directly south of Morgan's Grove Park on Kearneysville Pike (Rt. 480), Shepherdstown, WV. There are four parcels that are owned by the applicant and those parcels are part of this current request and previous site activity. All four parcels are being requested for rezoning and total 13.69 acres.

In 2006, the applicant was granted a Conditional Use Permit (CUP #Z06-01) for a work-live development call Town Run Commons (See *Image 1*), which proceeded through the Final Plat process. The applicant received time extensions on the both the Final Plat and the CUP; however, in January of 2010 the Planning Commission denied another Final Plat extension request and, as such, the project expired.



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In 2011, the applicant requested a Zoning Map Amendment to rezone to Industrial-Commercial which was denied.

In 2012, the applicant was granted another CUP (*CP12-01*) for “an agricultural based economic empowerment zone” including intended uses which consist of:

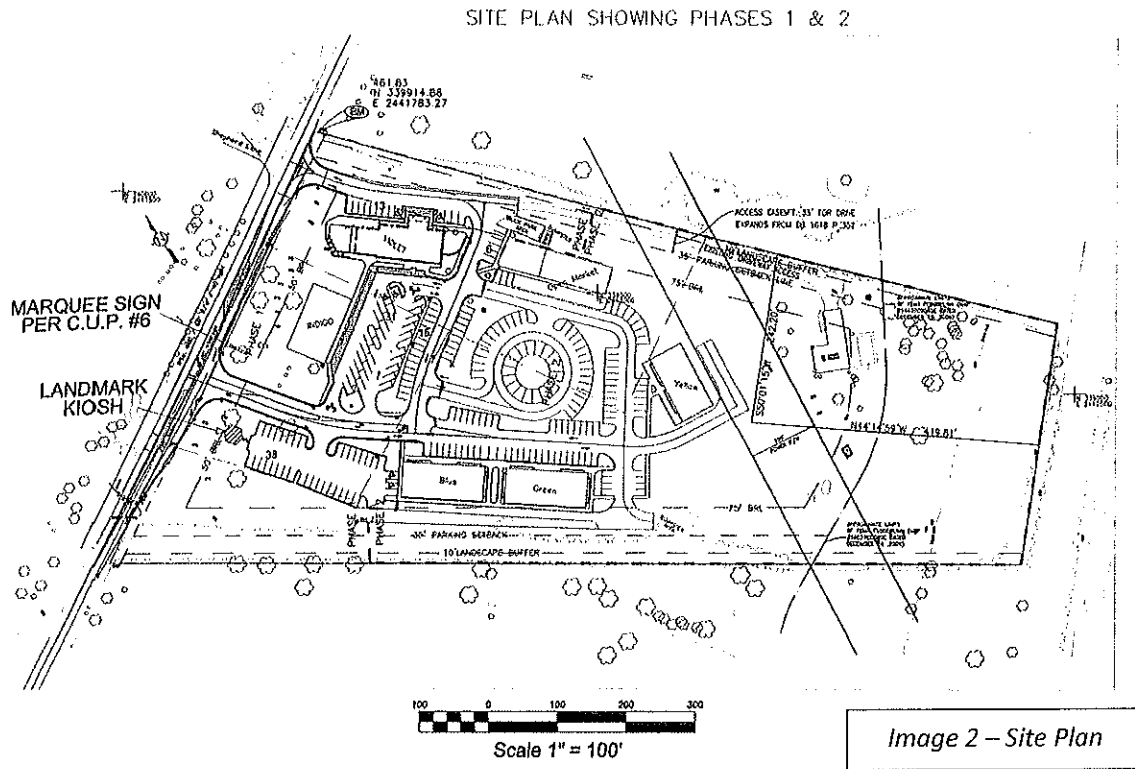
<u>Food Hub</u> a. Retail-Wholesale food distribution-storage b. Community Kitchen c. Restaurant (limited to 100 seats) d. Bakery e. Butcher Shop f. Accessory Uses	<u>General Merchandise (Retail)</u> a. Fresh-Local Food Market b. Hardware Store/Garden Center c. Antique Shop d. Cottage Industry e. Accessory Uses
<u>Professional - Business Offices</u> a. Family Health Clinic b. Banking, Accounting, Insurance (only as accessory uses) c. Sales for offsite services (home improvements) d. Other types of professional-business offices (small scale)	<u>Community Amenities</u> a. Health Activities Facility b. Alternative Energy Distribution point (limited) c. Public/Private Access Swimming Pool. (The pool may not be emptied into the Town Run.) d. Entertainment-Sports Facility Conference

Among the 30 conditions placed upon this Conditional Use Permit, some of the ones that impact the layout and design of the site plan include the requirement that the maximum gross floor area is restricted to 60,000 square feet; the maximum building footprint area is 30,000 square feet; and that no more than 12,000 square foot gross floor area can be designated for any one use; all four sides of the buildings must be rural; the development shall be served by public water and sewer systems; drive-through restaurants and regular gas stations are prohibited; no new residential living quarters are permitted except for the two (2) existing single family residences; limited business hours; parking location; modified setbacks and landscaping.

A CUP is valid for 18-months from the date it is approved. Within that time period, the CUP is required to commence by the Jefferson County Zoning and Land Development Ordinance. For this purpose, commencement means that a Building Permit for new construction has been issued. The CUP was given an 18-month extension in 2013 and in 2015 and is currently valid until December 2016.

On July 9, 2013, the applicant received approval for a Site Plan (*Image 2*) for the agricultural based economic empowerment development. The project is currently proposed to occur over two phases which are depicted in *Image 2*; however the approved Site Plan is for Phase 1 only, which includes the Indigo and Violet Buildings. There are five proposed structures in both phases as well as an open market. Each structure is approximately 6,000 square feet and proposed to be two stories.

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Over the past five years, the property has received annual Zoning Certificates for temporary uses of the property including a market for the sale of farm products and incidental products, including arts and crafts, and for the last two years, the use of an existing residential structure as a school on well and septic until such time as the first building is constructed.

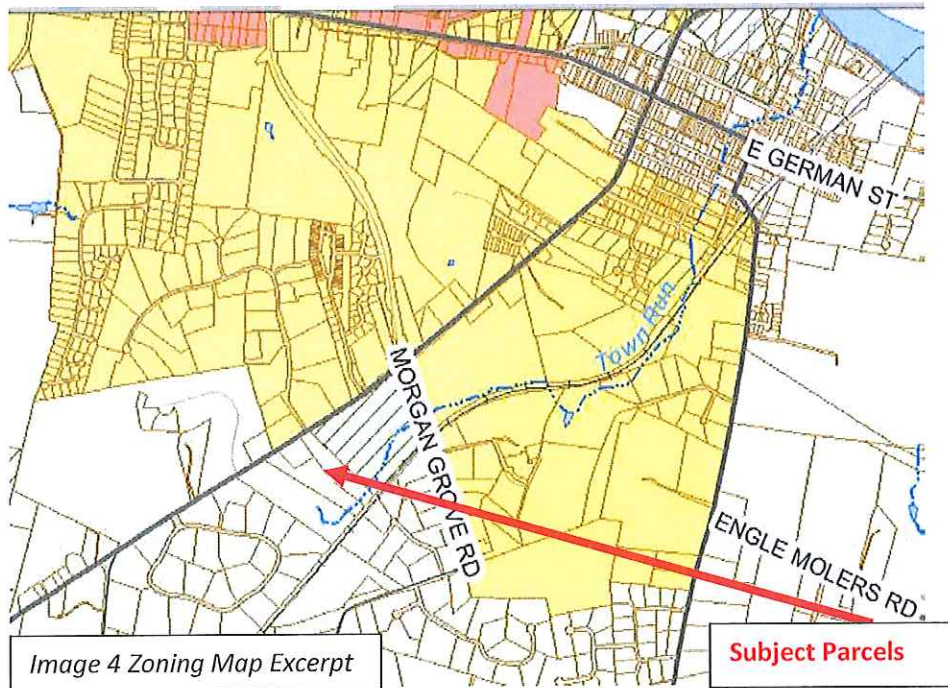
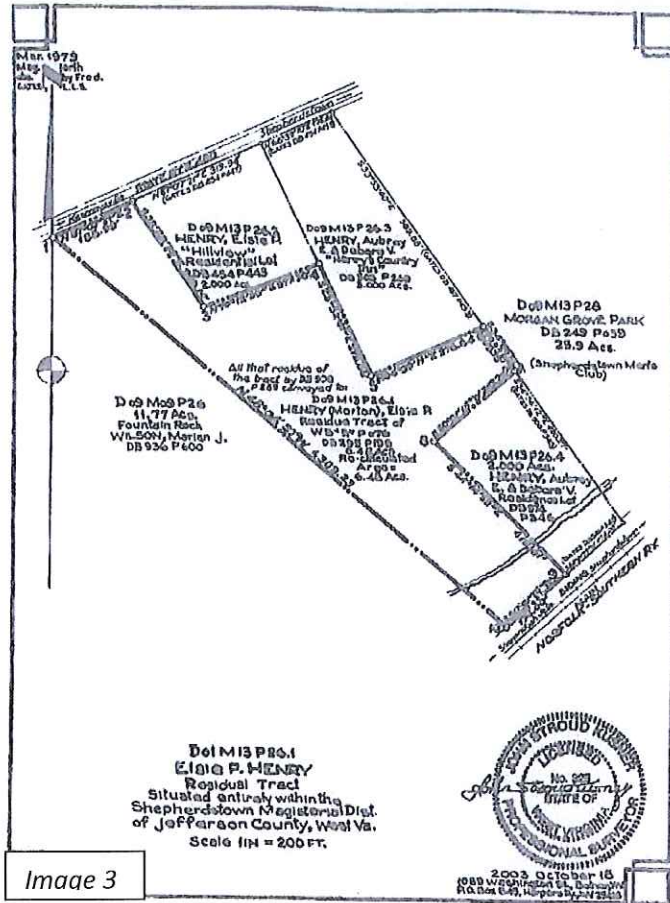
### Introduction and Purpose

The subject properties are located along Route 480 directly south of Morgan's Grove Park. The property was recently occupied by a concrete pad, the former site of a restaurant, and a paved area for parking. These impervious areas have been removed as a part of the initial grading of the site. The area once occupied by these items is used to host a weekly Farm Market which includes the sale of crafts and related activities. The remaining land is a community garden opened in 2011, greenhouses, open fields, a few stands of trees and two existing residential structures. One of these residential structures is occupied related to the greenhouses. The second is occupied by a private school for up to 40 students.

The parcels are identified as Tax Map 13 and Parcels 26.1, 26.2, 26.3 and 26.4 of the Shepherdstown District. Parcel 26.1 is approximately 6.69 acres, Parcel 26.2 is approximately 2 acres, Parcel 26.3 is approximately 3 acres and Parcel 26.4 is approximately 2 acres. All four parcels are being requested for rezoning and total 13.69 acres (*Image 3*).

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The parcels are currently zoned Rural with an approved CUP. The properties to the south and east are zoned Rural with large lot residential uses; to the north is Morgan's Grove Park which is zoned Rural, and to the west is property zoned Residential Growth (Image 4). The applicant has requested rezoning of the 13.68 acres from Rural to Neighborhood Commercial. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the *Envision Jefferson 2035 Comprehensive Plan*, in accordance with West Virginia State Code requirements.



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**Applicant's Stated Intention with the Property**

The applicant has stated that the purpose of the rezoning to the Neighborhood Commercial zoning district is to continue to pursue a development to support the agricultural industry, health initiatives, and scaled commercial business of Jefferson County by creating a development comprised of up to 60,000 square feet of commercial-retail space in one or more individual structures, similar to the currently approved CUP. The applicant contends that a rezoning of this property would provide more certainty for the developer of the property without the time requirements to keep the CUP valid. The current request is for County Commission approval of a Zoning Map Amendment for these properties to Neighborhood Commercial.

**The Proposed Neighborhood Commercial Zoning Category**

The Neighborhood Commercial (NC) Zoning District (Section 5.11 of the Zoning Ordinance, see attachment) was a part of the recently developed commercial zoning districts approved by the County Commission in May 2014. The purpose of the district is to permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the General Commercial District is not appropriate. The Ordinance requires developments in the NC district to be appropriate in scale and designed, landscaped, and buffered so as to be compatible with neighboring land uses. This zoning category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the *Envision Jefferson 2035 Comprehensive Plan* and in locations with safe vehicular access on roads that function as collector roads.

The NC District includes numerous Principal Permitted and Conditional Uses listed in Appendix C. While the intention of this zoning district is to permit the development of small scale commercial uses which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the commercial use, the district does permit the inclusion of residential uses on building levels located above the ground floor.

The Principal Permitted uses include numerous Institutional Uses such as a church, cultural facility, day care center, electric vehicle charging station, schools, group residential home and facility, etc.; numerous smaller Commercial Uses such as antique shops, art gallery or artist studio, bank, bar, barber/beauty shop, bed and breakfast, contractor with no outdoor storage; convenience store, custom manufacturing, florist, food preparation, limited gas station, grocery store, medical/dental/optical offices, restaurant, fast food restaurant, etc.; Agricultural Uses such as agricultural tourism, Agricultural Uses as defined in Article 2, farm brewery or winery, farm market, farm vacation enterprise, horticultural nurseries, commercial greenhouses and landscaping businesses. Essentially no industrial or industrial manufacturing or processing uses, including warehousing and distribution or adult uses, are permitted in this zoning district. The full list of permitted, conditional and prohibited uses is attached to this report.

Other requirements of the NC zone include limiting each building to a maximum building footprint of 3,500 square feet. It requires the buildings to be oriented toward the street with one

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or more entrances facing the principal street adjacent to a building and requires large pedestrian zones with specific landscaping requirements.

**Zoning Map Amendment Public Hearing Process**

The West Virginia State Code Section 8A-7-9 and Section 12.1(a) of the Jefferson County Zoning and Land Development Ordinance provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. Article 12 of the County Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)] On June 18, 2015, the applicant presented their zoning map amendment application petition to the County Commission. The Commission scheduled a joint Public Hearing with the County Commission and Planning Commission for the purpose of receiving public input regarding this request.

This report focuses on whether or not the rezoning application is consistent with the recently adopted *Envision Jefferson 2035 Comprehensive Plan*. If the Planning Commission determines that the request is not consistent with the Plan, it may find that there have been changes to the area that were not anticipated in the *2035 Plan* if the Planning Commission desires to recommend approval to the County Commission. Staff does not believe that there have been major changes of an economic, physical or social nature, within the area involved, that were not anticipated when the *Envision Jefferson 2035 Comprehensive Plan* was adopted.

This report includes quotes from specific provisions of the *2035 Plan*, which are identified by page number citation. Staff has used these notations and quotations in order to address sections of the Comprehensive Plan as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the Plan permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document.

The *Envision Jefferson 2035 Comprehensive Plan* differs from other Plans previously adopted in Jefferson County, in part, due to the inclusion of the Future Land Use Guide, in the form of a map which depicts recommended future land uses (p.16). Use of the Future Land Use Guide is to be in combination with the recommendations of this Plan when considering owner initiated zoning map amendments such as the request before you today. The purpose of the Future Land Use Guide is to assist the Planning Commission and County Commission in making decisions on changes to the Zoning Map. The Plan states that the review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan and that all zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan (p.17). The Future Land Use Guide also includes a note that states: “Use of this map is to be in combination with the text and land use recommendations

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of the Envision Jefferson 2035 Comprehensive Plan when considering zoning map amendments and future land use decisions.”

A subsection of the Plan found on page 26, entitled “Land Use Classifications as shown on the Future Land Use Guide” further states the following:

“The land use classifications on the Existing Land Use Map and Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to Chapter 8A of the West Virginia State Code, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan. For zoning map amendments in areas outside of growth areas shown on the Future Land Use Guide, this Plan recommends that the County Commission can further determine that a requested zoning map amendment is consistent with the balance of the Plan by receiving evidence and making a finding that the zoning map amendment is for the economic well-being of Jefferson County; or by finding that there is an error or under scrutinized property on the Future Land Use Guide; or a change in the neighborhood; or any other circumstance that may have been missed when considering the Future Land Use Guide; and/or that environmental impacts have been considered.”

As the properties in question are outside the identified Preferred Growth Area for Shepherdstown, this section applies to the consideration of this requested Zoning Map Amendment. These criteria for evaluating zoning map amendments are also found within the Recommendations Section under “Urban Level Development” (p.30). It is therefore critical to carefully review all components of the Plan as well as the additional criteria outlined on the Plan when considering a Zoning Map Amendment.

The following sections provide an overview of the applicants’ request, relevant sections of the *Envision Jefferson 2035 Plan*, and staff recommendation based on the professional analysis and opinion of the staff.

***Envision Jefferson 2035 Comprehensive Plan Relevant Elements and Commentary***

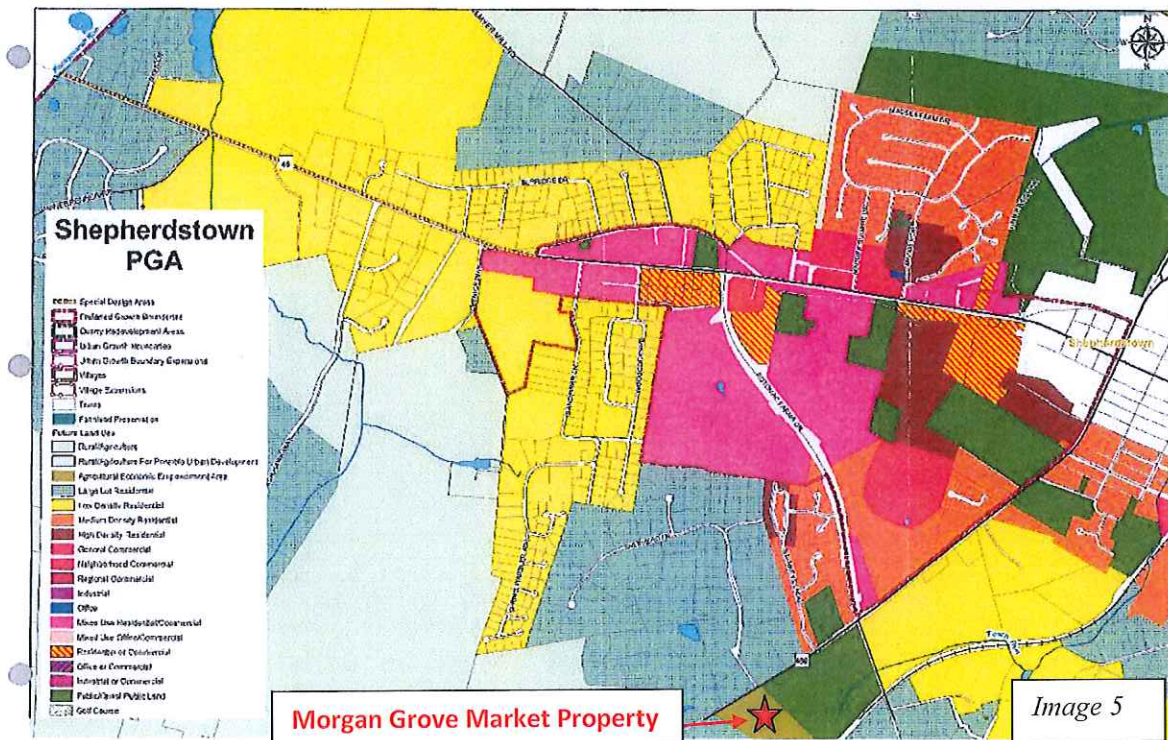
**Growth Areas**

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County, have come to the realization that it is more sensible to identify specific areas and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* and discussed further in this document (pp.16-17).

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The Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035. The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the 2035 Plan and Rural/Agricultural Areas and Villages, where limited development is possible and which are not intended for urban scale development. In 2014, Shepherdstown adopted a Growth Management Boundary (GMB), which functions as a UGB, which is planned to have growth around the existing core of Shepherdstown and less intense development at the edges of the GMB. While this larger growth and annexation area is recommended in the Shepherdstown 2014 Comprehensive Plan, the *Envision Jefferson 2035 Comprehensive Plan* recognizes a smaller Preferred Growth Area to the west of the Shepherdstown core and the existing County zoning if it remains in the unincorporated area (see *Image 5*).

Staff Comment: The properties included in this proposal are outside of the 2035 Plan's Shepherdstown PGA and therefore intended for rural development (see *Image 5*).



Rural Economy

The 2035 Plan also addresses the critical role the rural land uses and rural economy to the economic vitality and viability of Jefferson County in the Economic Development, Employment, and Infrastructure Element. The Agricultural and Rural Economy subsection discusses Rural

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Economic Activities (p. 73) at some length and specifically addresses the Agricultural Based Economic Empowerment Area approved for the properties that are the subject of this map amendment request.

The *2035 Plan* recognizes that the rural areas of Jefferson County include not only farms and homes, but also a variety of small artisan studios and other cottage industries. The Plan states:

“While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.” (p.73)

The *2035 Plan* includes numerous recommendations under the Agricultural and Rural Economy section relating to ways in which the County can encourage and promote alternative ways to strengthen the rural economy and keep the rural character of the county viable and attractive to residents and visitors (pp. 77-80).

The Agricultural and Rural Economy (p. 73) and Land Use Classifications (p.236) sections of the *2035 Plan* specifically recognize an Agricultural Based Economic Empowerment Area, which is already approved for these parcels, an example of a non-residential Conditional Use Permit (CUP) in the Rural area. This type of use is defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. This use is identified as an appropriate use to support the rural economy of Jefferson County. The *2035 Plan* recommends the use of a modified CUP process in the Rural District to permit such non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations.

The Land Use Map Classifications found in appendix G of the *2035 Plan* (p. 235-236) defines the Agricultural Based Economic Empowerment Area under the heading of Rural/Agricultural as follows:

“This is a non-residential subcategory allowed within the Rural District that could be permitted via a CUP. The non-residential CUP process is in keeping with allowing some commercial activity in the Rural District, as discussed above. It is anticipated that the Agricultural based Economic Empowerment Area could be a commercial agricultural hub that may not be on a farm, but focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods.”

Staff Comment: The properties included in this proposal are specifically identified “Agricultural Economic Empowerment Area” on the County Future Land Use Guide and the Shepherdstown

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PGA Map (see *Image 5*) and the proposed uses are already approved with the CUP (#CP12-01) in place at this time.

Commercial

The *2035 Plan* recommended the development of a Neighborhood Commercial zoning district, which has since been approved by the County Commission. The Plan (p. 236) states that the purpose of this category is to permit the development of small scale commercial uses which serve the convenience needs of residential neighborhoods immediately adjacent to or within walking distance of the commercial use. It further recommended that developments in the NC category should be scaled, designed, landscaped and buffered so as to be compatible with neighboring land uses. The Plan recommended that such development should include buildings with less than 3,000 square feet footprint; however the recently adopted Zoning Ordinance amendment set this at 3,500 square feet. Residential uses could be permitted on upper floors.

Staff Comment: The NC zoning district does include a much wider variety of potential land uses that the approved CUP currently permits (see Section 5.11 NC attachment). In particular, the upper floor residential uses, gas stations and fast food restaurant are not permitted as a part of the current CUP but would be permitted if the zoning is changed to NC. Additionally, due to the restriction within the NC zone that the maximum building footprint is 3,500 square feet, an amended site plan will have to be processed reflecting the building size and layout and design requirements of the zoning category.

It should also be noted that in the May 2014 Zoning Text Amendments related to the Neighborhood Commercial (NC) Zoning District, the ordinance states that this category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the *Envision Jefferson 2035 Comprehensive Plan*. The *2035 Plan* Future Land Use Guide locates this property as outside the Shepherdstown Preferred Growth Area (PGA) and therefore for future rural land uses, and specifically identifies this property as an Agricultural Economic Empowerment Area, not future Neighborhood Commercial.

**Staff Recommendation**

The applicant has provided documentation that they believe supports the request for rezoning and has attempted to demonstrate the consistency of the proposed rezoning with certain provisions contained in the *Envision Jefferson 2035 Comprehensive Plan*. The applicant's analysis relates to the current proposed uses for the property and does not address the additional land uses that would be permitted with the new zoning category. The applicant also does not address the recommendations of the Future Land Use Guide related to this property.

While Staff supports the applicant's proposed uses and the concept, for the following reasons, Staff does not recommend finding that the proposed zoning map amendment is consistent with the *Envision Jefferson 2035 Comprehensive Plan*:

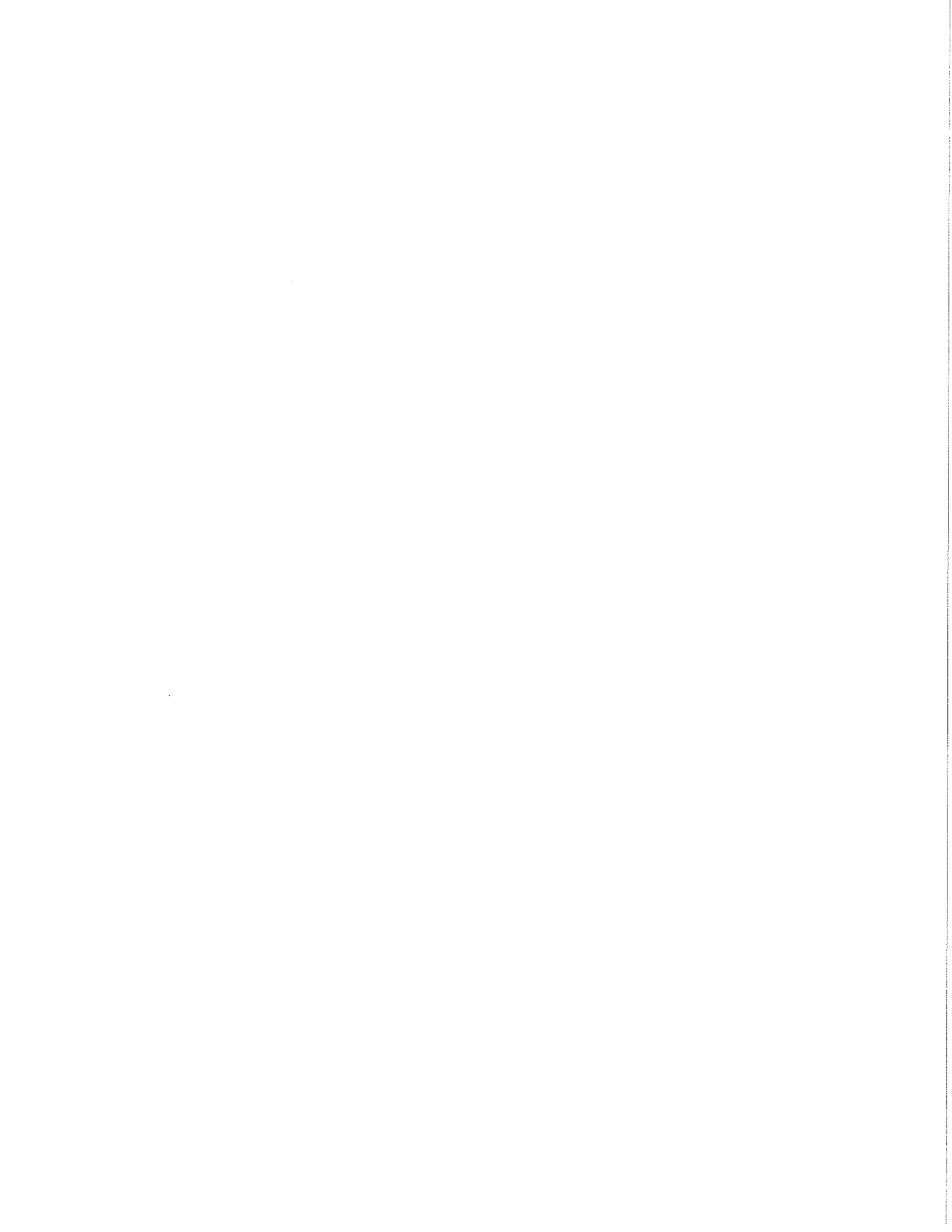
1. The four properties included in this rezoning request are outside of the *2035 Plan's* Shepherdstown Preferred Growth Area (PGA) and therefore intended for future rural development.

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2. The Neighborhood Commercial (NC) Zoning District language states that this category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the Envision Jefferson 2035 Comprehensive Plan. The properties included in this proposal are specifically identified “Agricultural Economic Empowerment Area” on the *2035 Plan*’s County Future Land Use Guide and the Shepherdstown PGA Map and are not identified for future Neighborhood Commercial zoning.
3. The proposed uses are already approved with the CUP (#CP12-01) in place at this time.
4. The NC zoning district includes a much wider variety of potential land uses that the approved CUP currently permits, including some uses currently prohibited by the CUP such as the upper floor residential uses, gas stations and fast food restaurant which makes the proposed uses less compatible with the neighboring rural neighborhoods.
5. Per the *2035 Plan*’s recommendation that, for zoning map amendments in areas outside of growth areas shown on the Future Land Use Guide, the County Commission can alternatively determine that a requested zoning map amendment is consistent with the balance of the Plan by receiving evidence and making a finding that the zoning map amendment is for the economic well-being of Jefferson County; or by finding that there is an error or under scrutinized property on the Future Land Use Guide; or a change in the neighborhood; or any other circumstance that may have been missed when considering the Future Land Use Guide; and/or that environmental impacts have been considered, staff does not consider any of these factors to be applicable to this request.

Attachments:

- Section 5.11 Neighborhood Commercial District and portion of Appendix C
- Shepherdstown Preferred Growth Area Future Land Use Guide



3. A **Public Hearing**: Zoning Map Amendment (Rezoning) request by property owners Twin Oaks Subdivision, LLC, Peter S. Corum and J. Edward Slonaker for Morgan Grove Market. This property is currently zoned "Rural" (R). The applicant is requesting "Neighborhood Commercial" (NC). This property is located at 3988 Kearneysville Pike (Rt. 480) Shepherdstown, WV. Tax District (09); Map 13; Parcels: 26.1, 26.2, 26.3 and 26.4. This is a joint Public Hearing with the County Commissioners of Jefferson County.

Mr. Gary Phalen recused himself from this portion of the meeting.

Ms. Jennifer Brockman provided an overview of the staff report, noting that an approved Conditional Use Permit (CUP) is in place for the proposed Agricultural Economic Empowerment Area. The Concept Plan was well received while the Zoning was not supported. A CUP is only valid for 18 months unless commenced for the purpose of a Site Plan. Ms. Brockman noted that two extensions have been applied for and approved which extended the CUP until December 2016. Ms. Brockman stated that the applicant is requesting to rezone the property to a zoning category which allows the proposed use rather than having to apply for a CUP extension every 18 months. She noted that staff does not support the request to rezone the property to Neighborhood Commercial (NC) because the current CUP lists 30 conditions, one of which is to maintain the agricultural character of the property and avoid a "strip mall" appearance. Ms. Brockman stated that rezoning the property NC would allow a wider variety of permitted uses than the approved CUP currently permits. This property is identified in the Envision Jefferson 2035 Comprehensive Plan as an "Agricultural Economic Empowerment Area" which would require a CUP for the proposed use. The Planning Commission's role is to determine if this rezoning request is in conformance with the Envision Jefferson 2035 Comprehensive Plan.

Mr. Fred Blackmer presented the request. Mr. Peter Corum handed out a Zoning Comparison information packet which compared permitted uses in the "Neighborhood Commercial" and "Rural" zoning districts as well as the current permitted conditions stated in the CUP. Mr. Blackmer stated that significant time, money, and effort have been invested in trying to make the CUP work, which has been unsuccessful. He noted that the surety and predictability of zoning uses and standards is required for a project of this type because potential businesses, lending institutions and management firms need predictability. Three years after the start of this project new ordinances and a new comprehensive plan have been put in place. Incurred costs of staff time, public meetings and other costs are well in the tens of thousands if not hundreds of thousands of dollars. Time spent on regulatory rewrite by private individuals, committees and general public is incalculable.

Mr. Blackmer cited 5 items:

- The property is well within and is approved as part of the Shepherdstown Urban Growth Boundary.
- The property is specifically identified on the Land Use Map as an Agricultural Economic Employment Area. This marketing phrase was developed while seeking the Conditional Use Permit.
- Proposed uses are already approved with the current CUP in place.
- The similarities between approved uses in the current CUP and the Neighborhood Commercial (NC) uses are overwhelming.
- Neighborhood Commercial (NC) allows for small retail business in residential areas.

Mr. Stolipher opened the floor to Public Comment

Mylene Billmyer, Ann & Joe Spurgas and Kristin Allen, all nearby residents, spoke in opposition to the proposed rezoning citing traffic concerns, muddy road conditions, site conditions and other future commercial uses such as gas stations being permitted. Toby Deyenhardt, another nearby resident, spoke in opposition of the request with concerns for devaluing homes in the area.

Ms. Eleanor Finn spoke in opposition to the request. Ms. Finn urged the Planning Commission to deny the request because rezoning the property would expand the possible property uses and free the owner from existing CUP requirements. The current requirements were based on extensive public hearings and written citizen comments. The basic plan for this project is already permitted and an expansion to include additional uses is unnecessary and unwise. Written comments were submitted.

Mr. Stolipher closed the floor to Public Comment

Mr. Corum provided a rebuttal which included a detailed accounting of the agricultural and commercial activities that have been conducted on the subject parcel since the approval of the Conditional Use Permit. He also addressed the public's concerns regarding the muddy conditions of the road and stated that it happened after a torrential downpour and was addressed within a day.

Mr. Fred Blackmer asked Ms. Brockman to state how many changes have been made to the project since she had taken the position of Director of Planning and Zoning. Ms. Brockman stated the concepts have been consistent. Mr. Blackmer stated that the types of businesses allowed have been restricted by the CUP and that the purpose of the request to re-zone to NC is only to memorialize permitted uses. Mr. Blackmer stated that he believed the resident's who spoke in opposition lived in adjoining residential subdivisions, which is not agricultural. He further stated that the purpose of a NC designation is to "permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the General Commercial (GC) District (and not otherwise permitted in the NC District) are not appropriate. Developments in the Neighborhood Commercial (NC) District should be appropriate in scale, designed, landscaped and buffered so as to be compatible with neighboring land uses". Mr. Blackmer concluded that by rezoning this property the project will be of smaller scale and will require a new Site Plan.

Mr. Stolipher asked if there were any questions and/or comments from the Planning Commission Staff. There were no questions or comments from the Planning Commission Staff.

Ms. Brockman asked if the County Commissioners had any questions before they excused themselves from the meeting. She also stated that the intention is that after the Planning Commission votes, an Agenda Request to the County Commission will be submitted along with a summary of any comments from the meeting with the Planning Commission's recommendation.

The County Commissioners excused themselves from the meeting.

Mr. Peter Fricke stated that Mr. Corum and Mr. Blackmer actively participated in the Comprehensive Planning meetings. Mr. Fricke also stated the reason the Agricultural Economic Empowerment Area is in the Envision Jefferson 2035 Comprehensive Plan is because Mr. Blackmer and Mr. Corum asked for it. With the current CUP all of their requests have been met. Mr. Fricke

believes this to be a totally new proposal and that a new proposal like this is not feasible without some really serious consideration.

Mr. Manuel asked staff to go over their recommendation to the Planning Commission.

Ms. Brockman stated that although Staff supports the applicant's proposed uses and the concept, Staff finds that the proposed zoning map amendment is not consistent with the Envision Jefferson 2035 Comprehensive Plan. She noted that the CUP is the appropriate mechanism based on the 5 items listed below.

1. The four properties included in this rezoning request are outside of the *2035 Plan's* Shepherdstown Preferred Growth Area (PGA) and therefore intended for future rural development.
2. The Neighborhood Commercial (NC) Zoning District language states that this category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the Envision Jefferson 2035 Comprehensive Plan. The properties included in this proposal are specifically identified "Agricultural Economic Empowerment Area" on the *2035 Plan's* County Future Land Use Guide and the Shepherdstown PGA Map and are not identified for future Neighborhood Commercial zoning.
3. The proposed uses are already approved with the CUP (#CP12-01) in place at this time.
4. The NC zoning district includes a much wider variety of potential land uses that the approved CUP currently permits, including some uses currently prohibited by the CUP such as the upper floor residential uses, gas stations and fast food restaurant which makes the proposed uses less compatible with the neighboring rural neighborhoods.
5. Per the *2035 Plan's* recommendation that, for zoning map amendments in areas outside of growth areas shown on the Future Land Use Guide, the County Commission can alternatively determine that a requested zoning map amendment is consistent with the balance of the Plan by receiving evidence and making a finding that the zoning map amendment is for the economic well-being of Jefferson County; or by finding that there is an error or under scrutinized property on the Future Land Use Guide; or a change in the neighborhood; or any other circumstance that may have been missed when considering the Future Land Use Guide; and/or that environmental impacts have been considered, staff does not consider any of these factors to be applicable to this request.

Mr. Stolipher disagreed with Staff recommendation stating that he believed the Neighborhood Commercial (NC) district was created to allow a commercial center close to neighborhoods and not necessarily high end retail. He stated that there were very few uses permitted in the Neighborhood Commercial (NC) district that were not already permitted in the CUP.

Mr. Chapman inquired as to whether the Morgan's Grove Market project spawned the new zoning categories in place today. He referenced the handout provided from the December 8, 2011 meeting which cited land use issues regarding this specific property which caused the County Commission to direct the Planning Commission staff to draft an amendment to create new zoning categories.

Ms. Brockman stated that this project was one of the many factors that led to the creation of additional commercial categories. She stated that since the applicant had a CUP in place, a specific zoning category was not identified for this property..

Mr. Manuel made a motion to follow Staff recommendation that the requested zoning amendment is not in conformance with the Envision 2035 Comprehensive Plan. Mr. Fricke seconded the motion. A vote was taken and approved 5-2. (Mr. Stolipher and Mr. Chapman opposed)

Mr. Gary Phalen returned to the meeting.

4. **Public Workshop:** Concept Plan Review for Middleway Dollar General Store (File #S15-04). The property is located at the intersection of Middleway Pike and Leetown Road in Middleway. The project is for the construction of a 7,310 square foot retail store with associated parking. The property is designated as Tax District: Middleway (07); Tax Map: 19; Parcels 16.6 and 16.7; Zoned: Rural (R); Size: 1.69Ac; Owner/Developer: Wilbur A. Alger, Jr., and Middle of the Way Real Estate LTD.

Mr. David Simon provided an overview of the staff report stating that retail sales and general services are not permitted in the Rural zone. He noted that in January 2015, the applicant received a Conditional Use permit (CUP) for a 7,310 square foot retail store in a 9,100 square foot structure. The current phase under review is the Concept Plan, which was deemed sufficient by Planning and Zoning staff.

Mr. Josh Allen with Cross Development spoke on behalf of the applicant. He provided an overview of the proposed project, a standard Dollar General Store. Mr. Allen stated that a few conditions arose as part of the CUP that are being included in the Site Plan. These were:

1. The Leetown Road access.
2. The proposed well location.

Mr. Stolipher opened the floor for Public Comment.

Ms. Peggy Sclater, Resident of South Childs Road expressed concerns regarding traffic and the possible need for a traffic light to moderate ingress and egress to the site.

Mr. Paul Baker, resident from directly across and downhill from the proposed site. He expressed concerns regarding the septic, storm water management and traffic. He stated that any traffic improvements made may take away part of his front yard. Mr. Baker believes the construction of a Dollar General would take away from the historic and rural setting in the area.

Mr. Stolipher closed the floor to Public Comment.

Mr. Josh Allen provided a rebuttal. He stated that Middleway Pike is a WVDOH controlled road and that a permit was issued by the WVDOH. Per WVDOH, no turn lane or traffic light is required. Mr. Allen stated that a second entrance from Leetown Road was recommended as part of the CUP and will be constructed. The storm water management concerns are being addressed via a two-step process with a bio retention facility which filters the runoff as the first step, and then handled in a

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



Name: Jennifer Brockman

Department or Organization: Planning & Zoning

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1<sup>st</sup> Choice: September 3, 2015

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

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

Subject (*Wording to be placed on agenda*): P&Z Annual Report, Fiscal Year 2015

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

Attached is Planning and Zoning's Annual Report for Fiscal Year 2015. This report provides an overview of the projects completed and pending by the Jefferson County Planning Commission, Jefferson County Board of Zoning Appeals, as well as projects completed administratively. The Planning Commission reviewed the Annual Report during their August 11 meeting prior to forwarding to the County Commission. Please note that WV Code 8A-2-11(9) requires the Planning Commission to "make an annual report to the appropriate governing body concerning the operation of the Planning Commission and the status of planning within its jurisdiction" and the Planning Commission intends for this report to fulfill that requirement.

Is this a funding request? No  
If so, how much? N/A

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

Attach supporting documents for request, or request may be denied. P&Z Annual Report, FY '15  
If not attached, explain:

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

**Contact information:**

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

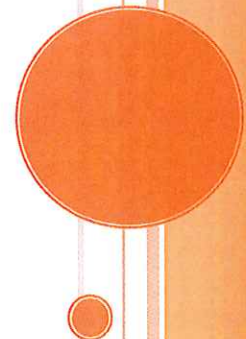
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# ANNUAL REPORT FOR PLANNING AND ZONING

*FY 2015 (July 1, 2014 – June 30, 2015)*

An overview of the major activities undertaken over the past fiscal year by the Jefferson County Departments of Planning and Zoning, Planning Commission, and Board of Zoning Appeals.

8/11/2015



# Annual Report for Planning and Zoning

*FY 2015 (July 1, 2014 – June 30, 2015)*

## PROJECTS UNDERTAKEN

<b>Long Range Planning:</b>		<b>Status</b>
Envision Jefferson 2035 Comprehensive Plan and Future Land Use Guide		Adopted 01-14-15
<b>Subdivision Regulations Text Amendments</b>		<b>Status</b>
STA15-01	Section 26.200, Definition of Day	Adopted 04-16-15
STA15-02	Section 26.104.C, public utilities and private utility firms exempt from this section.	Adopted 04-16-15
STA15-03	Section 24.300, added “process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.”	Adopted 04-16-15
<b>Zoning Ordinance Text Amendments</b>		<b>Status</b>
ZTA14-02	Mass Event Regulations – on-going; CC last held Public Hearing on 10-01-14; returned the draft document to the Planning Commission on 05-07-15.	Pending
<b>Major Site Plans or Subdivisions (PC)</b>		<b>1 Total</b> <b>Status</b>
#15-09	Breckenridge East, Phase 1A – Final Plat Public Hearing before the Planning Commission scheduled for August 11, 2015. The project consists of 13 single family lots on 67.67 acres. The property is located along Old County Club Rd, southeast of the intersection with Flowing Springs Rd.	Pending
<b>Minor Site Plans (Staff)</b>		<b>7 Total</b> <b>Status</b>
S13-07	River Riders, Inc. – Minor Full Site Plan with Concept Plan. 24,800 sq. ft. expansion to existing all-inclusive family adventure resort.	Pending
S14-01	VMT Station Facility – Lot 29 Burr Industrial Park 2,556 sq. ft. office, breakroom, & 2 bunk rooms; 2,820 sq. ft. 6-bay garage.	Approved
S14-02	St. James Lutheran Church – Limited Site Plan	Pending
S15-01	Trustees of Uvilla United Methodist Church of the Baltimore Annual Conference – Minor Site Plan – 2,860 sq. ft. expansion to include fellowship hall, kitchen, & vestibule.	Pending

S15-02	Kent Cartridge – Minor Site Plan with Concept Plan – 20,000 sq. ft. expansion to include 2 restrooms and a warehouse.	Pending
S15-03	Advanced Auto Store – Minor Site Plan with Concept Plan – 7,000 sq. ft. new structure for retail auto parts store and parking.	Pending
S15-04	Dollar General Store (Middleway) – Minor Site Plan with Concept Plan – 9,100 sq. ft. new structure for retail and parking.	Pending

**Minor Subdivisions (Staff)****13 Total****Status**

14-03	Harold Barlow Minor Subdivision – 2 lots & a Residue	Approved
14-04	William Rinker Minor Subdivision - 1 lot & a Residue	Approved
14-05	Elizabeth Stagner Minor Subdivision – 2 lots & a Residue	Approved
14-06	Karen Miller Minor Subdivision – 1 lot & a Residue	Approved
15-01	Drost/Ciriello Minor Subdivision – 1 lot & a Residue *Family Transfer = Parent to Child	Approved
15-02	Sara Blue Minor Subdivision – 2 Lots & a Residue	Approved
15-03	Stolipher Minor Subdivision – 3 Lots & a Residue	Approved
15-04	Estate of Frances L. Lloyd Minor Subdivision – 2 Lots & a Residue	Approved
15-05	Sally B. Moulton Browne Estate Minor Subdivision – 1 Lot & a Residue	Approved
15-06	Robert & Esther Wolfrey Minor Subdivision – 2 Lots and a Residue	Approved
15-07	Leonard Minor Subdivision – 4 lots and a residue	Approved
15-08	Bohrer Minor Subdivision – 2 lots and a residue	Approved
15-10	Edwards Minor Subdivision – 1 lot and a residue	Approved

Boundary Line Adjustments (Staff)		18 Total	Status
08-14-14	Dina Boogaard, Lot Line Adjustment		Approved
09-11-14	Eyler – Miljour Lot Line Adjustment		Approved
10-03-14	Wanda Rawlings – Lot Line Adjustment		Approved
10-06-14	Porter – Cornelison Lot Line Adjustment		Approved
12-12-14	ILA Properties, Inc. – Lot Line Adjustment		Approved
12-29-14	Needy Farm, LLC – Lot Line Adjustment		Approved
01-06-15	Bradford & Leisa Luttrell – Lot Line Adjustment		Approved
01-22-15	David Liskey – Lot Line Adjustment		Approved
02-05-15	William Snelson – Lot Line Adjustment		Approved
02-05-15	Weller – Armstrong – Lot Line Adjustment		Approved
02-23-15	Harold Barlow – Lot Line Adjustment		Approved
05-19-15	Westfield Development, LLC – Lot Line Adjustment		Approved
05-22-15	Edward & Edna Boyd – Lot Line Adjustment		Approved
06-04-15	Douglas & Drew Stolipher – Lot Line Adjustment		Approved
06-10-15	Robert & Amy Leonard – Lot Line Adjustment		Approved
06-10-15	Robert & Esther Wolfrey – Lot Line Adjustment		Approved
06-22-15	Gregory & Paula Miller – Lot Line Adjustment		Approved
06-30-15	French – Lot Line Adjustment		Approved

Waiver or Variance from Subdivision Regulations (PC)		8 Total	Status
PCV14-02	Cambridge, LLC - variance request from 1979 Subdivision Ordinance, Section 6.3 and Section 8.1(d)		Approved
PCV14-03	Mark Roper, et al – variance request from 1979 Subdivision Ordinance, Section 8.2(a)2 and Section 8.2(a)14		Approved
PCV15-01	Roderick Planes, LLC - variance request from 1979 Subdivision Ordinance, Article 6, Section 6.3.		Approved – 8 mos. extension.
PCV15-02	Shepherdstown Community Club - variance request from 1979 Subdivision Ordinance, Article 8, Section 8.2.c.1.d		Approved
PCV15-03	Colonial Hills, LLC - variance request from 1979 Subdivision Ordinance, Article 8, Section 8.2.e.3		Approved
PCW14-04	River Riders, Inc. - waiver request from 2008 Subdivision Regulations Sections 2.5.I; 2.2-1; 9.4.E; 9.3; and 9.4A.		Approved
PCW15-01	Kent Cartridge of America - waive request from 2008 Subdivision Regulations Section 20.203; Division 26.200.		Approved
PCW15-02	Martin and Brenda Lookingbill - waiver request from 2008 Subdivision Regulations, Sections 21.202.B and 22.208.		Pending
Zoning Map Amendments / rezoning requests (PC)		4 Total	Status
Z14-02	David Slusher – change from Rural to General Commercial		Approved
Z14-03	Standard Land Company (Old Standard Quarry) – change from Rural & Residential Growth to Residential-Light Industrial-Commercial		Approved
Z15-01	Morgan’s Grove Market – change from Rural to Neighborhood Commercial		Pending
Z15-02	Charles M. Carter – change from Residential Growth to General Commercial		Pending
Zoning Variance Requests (BZA)		25 Total	Status
ZV14-14	Nancy & Douglas Stolipher - variance request from Section 2.2 of current Zoning Ordinance.		Denied
ZV14-15	Seasonal Use Permit – Nancy & Douglas Stolipher (All Good Music Festival and Camp Out)		Approved with Conditions
ZV14-16	Douglas Propst - variance request from Appendix A, Residential Design Standards, of the current Zoning Ordinance.		Approved with Conditions

ZV14-17	Harold Barlow - variance request from Section 8.2 of the current Zoning Ordinance.	Withdrawn by applicant
ZV14-18	Franklin and Donna Greenwalt - variance request from Section 9.7 of the Zoning Ordinance.	Approved
ZV14-19	River Riders, Inc. / Harpers Ferry Holdings, LLC - variance request from Sections 4.11A, 5.8.C.2, and Appendix B of the current Zoning Ordinance.	Approved with conditions
ZV14-20	Good Shepherd Interfaith Volunteer Caregivers (GSIVC) - variance request from Section 4.10A of the current Zoning Ordinance.	Approved with conditions
ZV14-21	Trustees of Crossroads Church - variance request from Section 4.10 of the current Zoning Ordinance.	Approved with conditions
ZV15-01	Judy Golden - variance application reviewed by acting Zoning Administrator and deemed not required; withdrawn by applicant.	Withdrawn
ZV15-02	Twin Oaks Subdivision, LLC - variance request from Section 3.2G of the current Zoning Ordinance.	Approved
ZV15-03	Thomas and Derniere Marshall - variance application review by current Zoning Administrator and deemed not required; withdrawn by applicant.	Withdrawn
ZV15-04	Gilbert Mobley - variance request from Section 4.3C of the current Zoning Ordinance.	Approved with conditions
ZV15-05	Thomas and Patricia Mills - variance application review by current Zoning Administrator and deemed not required; withdrawn by applicant.	Withdrawn
ZV15-06	Wilbur Alger / Middle of the Way Real Estate (Dollar General Store) - variance request from Section 11A of the current Zoning Ordinance.	Approved
ZV15-07	Wilbur Alger / Middle of the Way Real Estate (Dollar General Store) - variance request from section 10.4E of the current Zoning Ordinance.	Approved
ZV15-08	Matthew and Jennifer Welder - variance request from Sections 9.6C and 9.7 of the current Zoning Ordinance.	Approved
ZV15-09	Laurice Berry - variance request from section 9.7 of the current Zoning Ordinance.	Approved
ZV15-10	PFK, LLC / Pete Kubik - variance request from Section 5.4-1 of the current Zoning Ordinance.	Approved
ZV15-11	Lisa Gasque - variance request from Sections 9.6C and 9.7 of the current Zoning Ordinance.	Withdrawn by staff

ZV15-12	Kent Cartridge of America - variance request from Sections 4.11.B.2, 4.11.B.3, 4.11.E, and Appendix E of the current Zoning Ordinance.	Approved
ZV15-13	Roy Vella, Jr. – variance request from Section 5.4-1 of current Zoning Ordinance.	Approved
ZV15-14	PFK, LLC / Pete Kubik – variance request from Section 5.4-1 of the current Zoning Ordinance.	Approved
ZV15-15	Uvilla United Methodist Church - variance request from Section 4.11A.1 and Appendix B of the current Zoning Ordinance.	Approved
ZV15-16	Bryan and Kelli LaBombard - variance request from Section 5.4B of the current Zoning Ordinance.	Approved
ZV15-17	Seasonal Use Permit - Carmen Quinones - Smithfield Anniversary Civil War Military Re-enactment.	Approved
<b>Conditional Use Permit (CUP) Applications (BZA)</b>		<b>3 Total Status</b>
CP14-02	Cross Development, LLC - Dollar General Store in Middleway) – CUP issued.	Approved
CP15-01	Shenandoah Air Conditioning & Heating, Inc. – Animated Sign. Acting Zoning Administrator determined CUP was not the correct process; application withdrawn by applicant.	Withdrawn by Applicant
CP15-02	Whistling Wind Farm Bed & Breakfast	Approved
<b>Zoning Appeal of Administrative Decision (BZA)</b>		<b>3 Total Status</b>
AP14-02	Ben Thompson (Acting Zoning Administrator’s determination upheld)	ZA Decision Upheld
AP15-01	James Young, Sr. (Acting Zoning Administrator’s determination upheld)	ZA Decision Upheld
AP15-02	All Good Festival & Camp Out	Withdrawn by Applicant
<b>Zoning Certificates (Staff)</b>		<b>58 Total Status</b>
See page 9 for detailed list of Zoning Certificates.		46 issued; 6 Pending; 4 withdrawn; 2 denied

Planning Commission Meetings: 14 Total  
 Board of Zoning Appeals Meetings: 12 Total  
 Pre-Proposal Conference Meetings: 46 Total (26 Subdivision & 20 Site Plan)  
 Information Request Forms (general inquiries from the public): 222 Total  
 Zoning and Land Development Fees Collected: \$48,190.07

## ITEMS REQUIRING COMMISSION ATTENTION

		Status
ZTA15-01	Shepherdstown Library petition for Zoning Text Amendment. Appendix C, Principal Permitted Uses – Change “Cultural Facilities” to “Permitted” in the Residential Growth district.	Pending
	Bolivar Urban Growth Boundary (UGB) – On July 30, 2015 the County Commission received the Planning Commission’s recommendation that the request to expand the Bolivar UGB was <u>not</u> in conformance with the Envision Jefferson 2035 Comprehensive Plan.	Pending

## PROPOSED PROJECTS/UNDERWAY

		Status
<i>(received during 4<sup>th</sup> Quarter – Not Completed)</i>		
Z15-01	Morgan’s Grove Market rezoning from Rural to Neighborhood Commercial.	Joint PC/CC Public Hearing 08/11/15
Z15-02	Charles M. Carter rezoning from Residential Growth to General Commercial.	PC Public Hearing: 08/11/15
ZTA15-02	Zoning Ordinance Text Amendment pertaining to rural campground facility standards and processes.	PC Reviewed; PC Public Hearing 09/08/15
STA15-04	Subdivision Regulations Text Amendment pertaining to rural campground facility standards and processes.	PC Reviewed; PC Public Hearing 09/08/15
STA15-05	Subdivision Regulations Text Amendment pertaining to the processing of Subdivisions and Site Plans.	Subcommittee recommendation to PC 08/11/15; PC Work Session 09/22/15

## PLANNING COMMISSION MEMBERS – FY 2015

1. Steve Stolipher, President (term expires 03/31/18)
2. Wade Louthan, Vice President (term expires 03/31/16)
3. Clifford (Gene) Taylor, Secretary (term expires 03/31/18)
4. Peter Fricke (term expires 03/31/16)
5. Gary Phalen (term expires 03/31/16)
6. Donnie Fisher (term expires 03/31/17)
7. Mike Chapman (term expires 03/31/17)
8. Rickard (Dick) Childs (term expires 03/31/17)
9. Dale Manuel, County Commission Liaison

## BOARD OF ZONING APPEALS MEMBERS – FY 2015

1. J. Tyler Quynn, Chair (term expires 01/01/17)
2. Jeffrey C. Bannon, Vice Chair (term expires 01/01/16)
3. Christy Huddle (term expires 01/01/18)
4. Matt Knott (term expires 01/01/17)
5. Ted Schiltz (term expires 01/01/18)
6. Jeffrey Bresee, Alternate (term expires 01/01/18)

## DEPARTMENTS OF PLANNING AND ZONING STAFF – FY 2015

1. Jennifer M. Brockman, AICP – Director of Planning and Zoning / Acting Zoning Administrator
2. A. David Simon, County Planner training for Zoning Administrator
3. Alexandra Beaulieu, Office/Project Manager
4. Jennilee Hartman, Zoning Clerk
5. Rhonda Greenholtz, Planning Clerk
6. Christine Chalmers, Office Clerk

<u>Zoning Certificates Issued</u>		<u>Issue Date</u>
ZC14-30	Joseph Terango – Owner/Applicant Home Occupation Level I. Internet sales of custom sports equipment. Business conducted from existing 9'x10' home office. 198 Kelcar Dr.; Summit Point, WV 25446 Zoned: Rural	07-24-14
ZC14-31	Reba Jamison – Owner Michael Napier – Applicant Cottage Industry. Auto repair shop in detached 511 sf garage. 115 Mahoney Dr.; Harpers Ferry, WV 25425 Zoned: Village	08-09-14
ZC14-32	American Towers, LLC – Owner AT&T Mobility / Agent Jeff Machiran – Applicant Wireless facility co-location at Round Hill Site #FA10050972. Site contains existing 360' self-support cell tower. Installation of one new 6' diameter microwave dish & new CAT-5e cable. 17435 Raven Rock Rd.; Charles Town, WV 25414 Zoned: Rural	07-24-14
ZC14-33	American Towers, LLC – Owner Jacobs Telecommunications, Inc. – Applicant Wireless facility co-location. Site name: US.WV.ATC.92816 Modification to reinforce existing 360' self-support tower. 17435 Rave Rock Rd.; Charles Town, WV 25414	07-31-14
ZC14-36	Troy Brown – Owner Haishan Wang – Applicant Change in tenant. Chinese Restaurant (China Fortune) 60 Patrick Henry Way; Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial	08-26-14
ZC14-37	Peter Corum – Owner/Applicant Temporary Use of existing residential structure on well & septic for private school, grades K-8; up to 40 students. 3988 Kearneysville Pike; Shepherdstown, WV 25443 Zoned: Rural	10-03-14
ZC14-38	Richard & Sharon Grant – Owner/Applicant Home Occupation Level II. Canine & feline grooming business. 3146 Bowers Rd.; Kearneysville, WV 25430 Zoned: Rural	09-24-14

ZC14-40	George Rushizky – Owner Hardy Cellular Telephone Co. – Applicant Three additional antennas at 197'; six coax cables and three RRUs small radios in existing shelter. 8442 Shepherdstown Pike; Shepherdstown, WV 25443 Zoned: Rural	09-26-14
ZC14-41	McLucky LLC, Philip N McDonald, Member – Owner Kevin Drost & Dina Ciriello – Applicant Antique Shop. Applicant to use existing 8' x 12' lighted sign and retail structure will be used for storage purposes. 154 Wolfcraft Way; Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial	09-30-14
ZC14-43	George Rushizky – Owner T-Mobile – Applicant Wireless telecommunications facility co-location. T-Mobile to install three proposed antennas at 165' and two odc cabinets to an existing wireless telecommunications facility. 8422 Shepherdstown Pike; Shepherdstown, WV 25443	10-30-14
ZC14-44	Jefferson Utilities, Inc. – Owner T-Mobile – Applicant Wireless telecommunications facility co-location. T-Mobile to install three antennas at 130' and two odc cabinets on existing concrete pad. 307 West Burr Blvd.; Kearneysville, WV 25430 Zoned: Industrial-Commercial	10-31-14
ZC14-45	Alvin Brown – Owner Hardy Cellular Telephone Co. – Applicant Three additional antennas for US Cellular at 296'; six coax cables and three RRUs small radios in existing shelter. 18 Hite Rd.; Kearneysville, WV 25430	11-25-14
ZC14-46	Jeanne Kozak & Daniel Peck – Owners Tricia Simpson / Urban Easel, LLC – Applicant Fine art studio. Daily art related classes for children & adults. 8354 Martinsburg Pike; Shepherdstown, WV 25443 Zoned: Residential-Light Industrial-Commercial	10-31-14
ZC14-47	Sunnyside Limited Partnership – Owner Hardy Cellular Telephone Co. – Applicant Three additional antennas for US Cellular at 151.5'; six coax cables and three RRUs small radios in existing shelter. 837 Wheatland Rd.; Charles Town, WV 25414	11-25-14

ZC14-13	OBF Properties, Contact: Chris Hansen – Owner ABS Enterprises, Contact: Saad Shadkami – Applicant Commercial warehouse for pre-packaged and refrigerated food; 5,000 sf fresh bakery. Box Factory Rd.; Summit Point, WV 25446 Zoned: Rural	12-05-14
ZC14-15	OBF Properties, Contact: Chris Hansen – Owner ABS Enterprises, Contact: Saad Shadkami – Applicant Commercial warehousing, agri-business, storage, document shredding, and general business heavy equipment leasing and repair, auto repair, and recycling. Box Factory Rd.; Summit Point, WV 25446 Zoned: Rural	12-05-14
ZC14-48	American Towers, LLC – Owner Vigilant Global c/o CIS Communications – Applicant Addition of two dishes at 340' to existing tower. 17435 Raven Rock Rd.; Charles Town, WV 25414 Zoned: Rural	12-17-14
ZC14-49	Wesley Smoot – owner/Applicant Office area for designing and storage of material for landscaping projects. Storage & retail of nursery product. 164 Tel Farm Ln.; Kearneysville, WV 25430 Zoned: Rural	05-28-15
ZC15-01	George & Mary Rushizky – Owner Shenandoah Personal Communications (Shentel) – Applicant Wireless telecommunications facility co-location. Project consists of removing two existing antenna at 167' and installing three new antennas at 155'. 8422 Shepherdstown Pike; Shepherdstown, WV 25443 Zoned: Rural	04-07-15
ZC15-02	Charles F. Printz, Jr. (Aspen Pool Farm, Inc.) – Owner/Applicant Replacement of existing two-story accessory dwelling unit, constructed prior to zoning; new dwelling unit to be located above detached garage/storage area (consisting of less than 1700 sf). 1378 Trough Rd.; Shepherdstown, WV 25443	02-02-15
ZC15-04	Todd & Brenda Peal – Owner/Applicant Use of second home as short-term rental property. 443 Riverside Dr.; Harpers Ferry, WV 25425 Zoned: Rural	02-23-15
ZC15-05	Peter Corum – Owner/Applicant Temporary Use of existing residential structure on well & septic for private school, grades K-8. 3988 Kearneysville Pike; Shepherdstown, WV 25443 Zoned: Rural	03-10-15

ZC15-06	<p>Twin Oaks Subdivision, LLC – Owner/Applicant  Peter Corum – Managing Partner  Market for sale of farm product and incidental products, including arts &amp; crafts. Operation contained under cover of 30' x 40' tent. Live music, events, and performances permitted if accessory to market. Conditions from ZC11-15, ZC13-07, and ZC14-19 apply.  3988 Kearneysville Pike; Shepherdstown, WV 25443  Zoned: Rural</p>	03-17-15
ZC15-08	<p>City of Charles Town – Owner  Hardy Cellular Telephone Company – Applicant  Three antennas added to existing telecommunications tower for US Cellular at 129'; six coax cables and three RRUs.  475 Keyes Ferry Rd.; Charles Town, WV 25414  Zoned: Residential-Light Industrial-Commercial</p>	03-17-15
ZC15-09	<p>John Darnell Trust c/o Sandra Feizollahi – Owner  Hardy Cellular Telephone Company – Applicant  Three additional antennas for US Cellular at 185'; six coax cables and three RRUs.  3343 Shepherdstown Pike; Shenandoah Junction, WV 25442  Zoned: Rural</p>	03-23-15
ZC15-10	<p>Sunnyside Limited Partnership – Owner  T-Mobile – Applicant  T-Mobile to install three new antennas; one 6201 ode cabinet; a PTS 8003 battery support cabinet; and six coax cables.  844 Wheatland Rd.; Charles Town, WV 25414  Zoned: Industrial-Commercial</p>	03-24-15
ZC15-11	<p>Gilbert Mobley, Sr. – Owner  Carl Webster &amp; Connie Kitts – Applicants  Open-air flea market; 6,000 sf. With fifteen rental spaces.  6468 Charles Town Rd.; Kearneysville, WV 25430  Zoned: Rural</p>	03-10-15
ZC15-12	<p>LSCG Fun II – Lanes – Owner  Kimberly Gilliam – Applicant  Sports Bar &amp; Grill.  107 Keyes Ferry Rd.; Charles Town, WV 25414  Zoned: Residential-Light Industrial-Commercial</p>	04-14-15
ZC15-13	<p>Douglas &amp; Leanne Cobb – Owner/Applicant  Cottage Industry. Office area to be used for the operation of PanelWrights business and SIP (Structurally Insulated Panels) school. No onsite sales.  806 French Rd.; Shenandoah Junction, WV 25442  Zoned: Rural</p>	04-07-15

ZC15-14	Kevin Drost & Dina Ciriello – Owners/Applicants Outdoor storage and sale of sheds/garages/wooden structures to be purchased and relocated to private properties. 154 Wolfcraft Way; Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial	04-07-15
ZC15-15	Kevin Drost & Dina Ciriello – Owners/Applicants Open-air flea market to include up to 50 tables and no more than two mobile food vendors. 154 Wolfcraft Way; Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial	04-07-15
ZC15-16	Jose Osorio – Owner/Applicant Rodeo/Calf Roping/Bull Wrestling event venue. 1196 Van Clevesville Rd.; Kearneysville, WV 25430 Zoned: Rural	05-15-15
ZC15-17	Sunnyside Limited Partnership – Owner Patriot Towers, Inc. – Applicant Installation of new replacement diagonals between 101' and 121.2' on existing 197' 8" tower. 844 Wheatland Rd.; Charles town, WV 25414 Zoned: Industrial-Commercial	04-24-15
ZC15-18	Thomas LaFevre – Owner Hardy Cellular Telephone Co. – Applicant Installation of three antennas for US Cellular; six coax cables and three RRUs on the existing tower. 237 Tel Farm Ln.; Kearneysville, WV 25430 Zoned: Rural	04-24-15
ZC15-19	John W. Darnell Trust c/o Sandra Feizollahi – Owner Legacy Tower Service, LLC – Applicant To add galvanized steel horizontal braces to existing tower. 3343 Shepherdstown Pike; Shenandoah Junction, WV 25442 Zoned: Rural	04-24-15
ZC15-20	Sunnyside Limited Partnership – Owner AT&T Mobility – Applicant To install one new 1900 MHz BCEM card in existing LTE rack; replace three existing LTE antennas with three new antennas between 166' and 170'; and three new 1900 MHz RRHs with associated support equipment. 844 Wheatland Rd.; Charles Town, WV 25414 Zoned: Rural	04-24-15
ZC15-21	RAI Properties, LLC – Owner Jolene Carroll – Applicant Bakery. 43 Ruland Rd. Suite J; Kearneysville, WV 25430 Zoned: Industrial-Commercial	04-24-15

ZC15-22	Bank of Charles Town c/o Sebbahi Real Estate, LLC - Owner Robert Foster – Applicant Outdoor flea market to include up to 50 sales tables. 99 Cary Lu Circle; Harpers Ferry, WV 25425 Zoned: Residential-Light Industrial-Commercial	05-11-15
ZC15-25	Sunnyside Limited Partnership – Owner Verizon Wireless – Applicant Installation of three remote radio heads & three hybridflex cables. 844 Wheatland Rd.; Charles Town, WV 25414 Zoned: Rural	06-24-15
ZC15-26	WVA 340, LLC – Owner Liz Ward – Applicant Change of tenant. Yoga Studio. 91 Saratoga Dr. #D; Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial	05-28-15
ZC15-28	John Darnall et al trustees, c/o Sandra Feizollahi – Owner AT&T Mobility – Applicant Remove, relocate, install wireless communications antennas, RRHs, and associated support equipment. 3343 Shepherdstown Pike; Shenandoah Junction, WV 25442 Zoned: Rural	06-30-15
ZC15-32	Permelynn of Westchester, Inc. c/o Kimco Realty Corp – Owner American Promotional Events dba TNT Fireworks – Applicant Temporary sale of legal fireworks in 20' x 40' tent. 96 Patrick Henry Way; Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial	06-18-15
ZC15-33	Permelynn of Westchester, Inc c/o Kimco Realty Corp – Owner Southern Comfort Fireworks dba Acme Fireworks – Applicant Temporary sale of legal fireworks in a 30' x 50' tent. 96 Patrick Henry Way; Charles Town, WV 25414 Zoned: Residential-Light Industrial-Commercial	06-18-15
ZC15-34	Mark, Douglas, & Nancy Stolipher – Owners All Good Festival and Campout – Applicant Seasonal Use Permit. Three day music festival and campout. 261 Berry Hill Farm Lane; Summit Point, WV 25446 Zoned: Rural	06-26-15
ZC15-35	RAI Properties, LLC – Owner Spectrum – Applicant Karate classes. 59 Ruland Rd. Unit A; Kearneysville, WV 25430 Zoned: Industrial-Commercial	06-29-15
ZC15-36	Gilbert Mobley, Sr. – Owner Carl Webster & Connie Kitts – Applicants 6468 Charles Town Rd.; Kearneysville, WV 25430 Zoned: Rural	07/09/15

### Pending Zoning Certificates

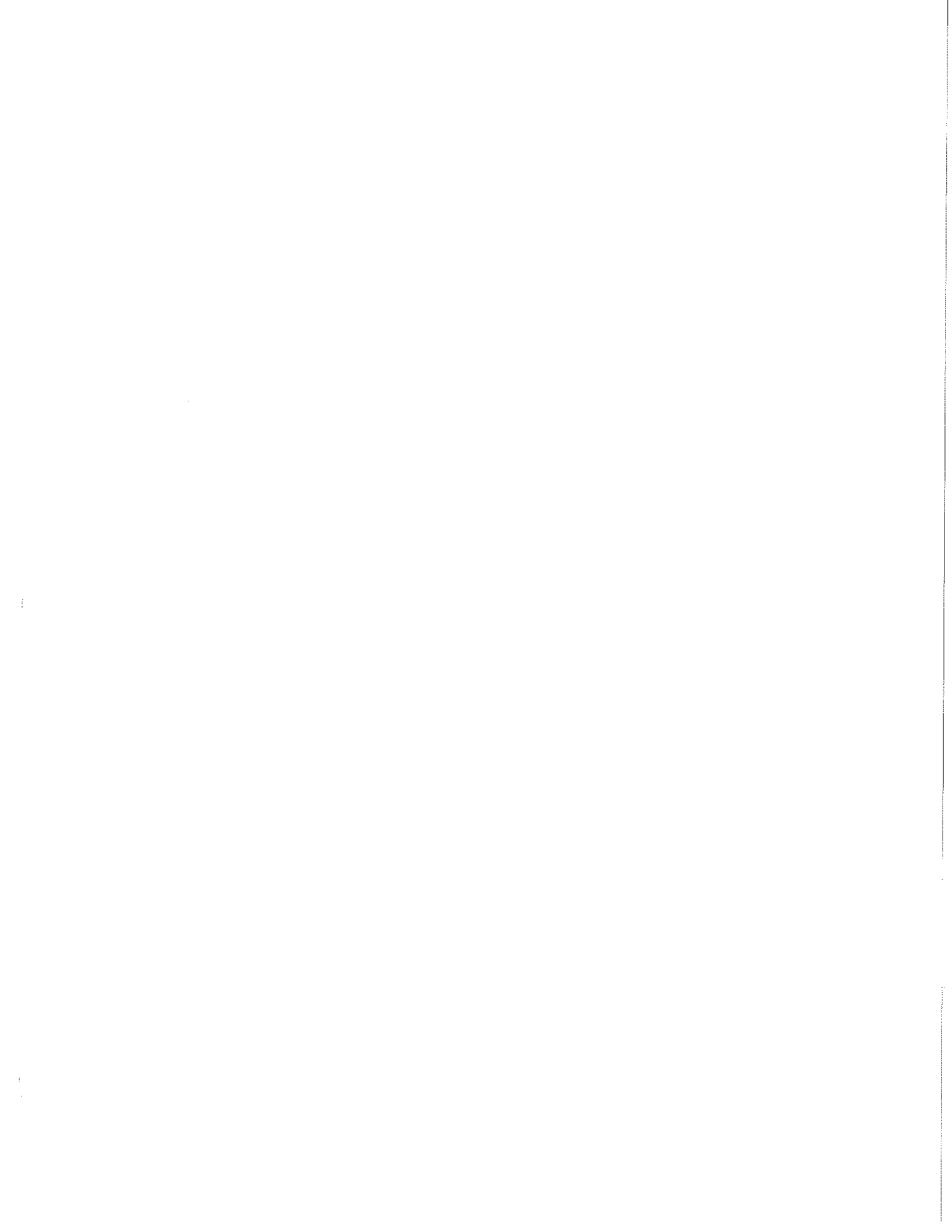
ZC15-07	<p>Charles Brown – Owner          Sheryl Gray – Applicant          Change in tenant. General retail sale of clothing, groceries, sporting goods, tobacco products, smoking accessories, guns, ammunition, and beer.          15949 Charles Town Rd.; Charles Town, WV 25414          Zoned: Rural</p>	TBD
ZC15-23	<p>Shenandoah Professional Center, Inc. – Owner          Wilt's Fruit Stand – Applicant          Outdoor fruit stand.          36 Bakerton Rd.; Harpers Ferry, WV 25425          Zoned: Residential-Light Industrial-Commercial</p>	TBD
ZC15-24	<p>Shenandoah Professional Center, Inc. – Owner          Dand E. Novelties – Applicant          Ice cream sales from truck parked on property.          36 Bakerton Rd.; Harpers Ferry, WV 25425          Zoned: Residential-Light Industrial-Commercial</p>	TBD
ZC15-27	<p>WVW General Partnership by Michael R. Skigen, CPA – Owner          Dan Aller &amp; Mark Gruner / D&amp;M Enterprises – Applicant          Expand outdoor table spaces for Halltown Flea Market.          Jefferson Business Center; 197 Halltown Road          Zoned: Residential-Light Industrial-Commercial</p>	TBD
ZC15-29	<p>CSX Transportation – Owner/Applicant          Construction of 60' PTC tower with a 10" communication antenna within CSX ROW.          Location: TBD – Jefferson County, WV          Zoned: TBD</p>	TBD
ZC15-30	<p>Steven Lashley – Owner/Applicant          Accessory Agricultural Dwelling Unit          273 Job Corps Rd.; Shenandoah Junction, WV 25442          Zoned: Rural</p>	TBD

**Withdrawn Zoning Certificate Applications****Date  
Withdrawn**

ZC14-42	Jefferson Realty, LLC – Owner Antonio Colandrea – Applicant Installation of double-sided electric sign. 4843 Middleway Pike; Kearneysville, WV 25438 Zoned: Rural	11-06-14
ZC14-35	Gina Biller – Owner/Applicant Farmers Market. 4922 Charles Town Rd.; Kearneysville, WV 25430 Zoned: Rural	11-20-14
ZC14-34	Gina Biller – Owner/Applicant Cottage Industry. Repair and sale of stained glass items. 4922 Charles Town Rd.; Kearneysville, WV 25430 Zoned: Rural	03-02-15
ZC15-31	Steeler Development, LLC – Owner Verizon Wireless – Applicant Installation of three remote radio heads, three distribution boxes, and three hybriflex cables. 8837 Charles Town Rd.; Charles Town, WV 25414 Zoned: Rural	06-12-15

**Denied Zoning Certificates****Denial Date**

ZC14-39	Benjamin Thompson – Owner/Applicant Proposed use: outside storage of non-resident's construction equipment which serve dual purpose use for resident's agricultural operation and non-resident's landscape/road maintenance business. Denied as the proposed use is found to be a "Contractor with Outdoor Storage" and is not a permitted use in the Rural Zoning District. 3 Sunstead Lane; Charles Town, WV 25414 Zoned: Rural	10-30-14
ZC15-03	Michael Kanehl – Owner/Applicant Display of portable sign in front of business. Denied per Section 1.3D, "If a proposed use is not one in the list of those permitted in each zoning district, it shall be prohibited..." 1850 S. Childs Rd.; Kearneysville, WV 25430 Zoned: Rural	03-03-15



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



Name: **Jennifer Brockman**

Department or Organization: **Department of Planning and Zoning**

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

Date Requested – 1<sup>st</sup> Choice: **September 3, 2015.**

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

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

Subject (*Wording to be placed on agenda*): **Release of 2015 All Good Festival Surety Bond**

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

**On June 4, 2015, in accordance with a requirement of approval of the All Good Music Festival and Camp-Out Seasonal Use Permit by the Jefferson County Board of Zoning Appeals, the County received an approved Surety Bond Agreement (Form B-5) in the amount of \$60,000 to cover the costs to the County of any unexpected costs related to the Festival. The Bond Agreement indicates that the Board of Zoning Appeals has a role in releasing this bond and therefore, on August 27, 2015, the Board unanimously agreed to inform the County Commission that the All Good Music Festival [and Camp Out] has met the conditions of the bonding agreement and that there are no outstanding unexpected costs that the Board is aware of related to the conditions of the approval for the Seasonal Use Permit (ZV14-15).**

**The Board considered documentation submitted by the Sheriff on behalf of all law enforcement and emergency services agencies and submitted by the Board of Health related to their costs.**

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*):

**I move to approve the release of the Surety Bond for the All Good Music Festival and Camp-Out Seasonal Use Permit based on the finding that there are no unexpected costs to the County which were not paid in full by the applicant.**

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

**Attachments:**

- BZA Findings of Fact and Conclusions of Law re: All Good Music Festival and Camp-Out Seasonal Use Permit; signed 10/31/14
- Approved Zoning Certificate; dated June 26, 2015
- E-mail from Peter Dougherty regarding All Good Costs (8/27/15)
- E-mail from David Didden about Board of Health costs and payments received, including outstanding invoices (8/27/15)

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

Contact information: Jennie Brockman

Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) Phone Number: 304-728-3288

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

## The Board of Zoning Appeals for Jefferson County, West Virginia

In re: Request by Mark Dyck, on behalf of Tim Walther and Junipa Contento from Section 2.2 to conduct a five day Season Use event under Section 9.8 and 2.2 for a music festival and camp out. Property Owner: Nancy & Douglas Stolipher and Mark Stolipher, Location: 261 Berry Hill Farm Lane, Summit Point, WV; Kabletown District, Map 19, Parcels 7, 16 and 8.4, size 347.15 acres, Zoned Rural.

File: #ZV14-15.

### **Seasonal Use Approved with Conditions**

On the 25<sup>th</sup> Day of September, 2014, before the Board of Zoning Appeals (hereinafter "BZA") came the applicant, Mark Dyck, on behalf of Tim Walther and Junipa Contento to conduct Seasonal Use event, a music festival and camp out, under Section 2.2 and 9.8 of the Zoning Ordinance of Jefferson County, West Virginia. The Board was present by members Tyler Quynn, Christy Huddle, Jeffrey Bannon, Matt Knott and Ted Schiltz. The Board continued deliberations and made a final decision on the issues presented until a Special Meeting held on October 2<sup>nd</sup>, 2014.

The applicant made a written request to conduct, in the period between June 15 through August 15<sup>th</sup>, 2015, a Seasonal Use event for five days, a music festival and camp out, under Section 2.2 and 9.8. However, a Seasonal Use event for five days required a variance which was denied by separate order so the Board took action for a Seasonal Use for a duration of three days which time frame does not require a Variance. The Staff informed the BZA that applicable fees had been paid, that the application was properly posted on site and that the application was advertised. The Staff presented and briefly discussed the written staff report on the proposal and presented a brief over-view of BZA actions with respect to the property in the past.

The Applicant presented testimony in support of the request and answered questions from the BZA. Tim Walther, Owner/Manager of the All Good Music Festival, Mark Dyck, consultant with Gordon, Kenneth Wersted, traffic consultant with Creighton Manning, Bob Martin, Attorney, and Christopher Stroech, Attorney, were present to address the Board. Mr. Walther provided the Board with a detailed summary of the proposal.

The applicant described the planned event in detail and argued that the event would be beneficial to the community, enjoyed by the attendees and would provide beneficial economic effects. Furthermore, the applicant presented a list of plans, limitations and conditions to make the event acceptable and well organized.

Specifically, the Applicants agreed to the following in their written proposal and testimony:

- The Applicant agrees to post a \$60,000 surety to cover unexpected costs to the County. To release the surety the Applicant will meet with the applicable County agencies within 60 days of the close of the event. At this meeting these agencies will provide a full accounting of any cost directly associated with the event and chargeable against the surety. The surety shall be submitted 45 days prior to the event.
- The applicant will submit a Concept Plan in accordance with the Minor Site Plan process. The plan will include the following items and reflect the noted design standards;
- Plan showing the layout of parking, performance areas, bathrooms, vendors, entrances, emergency entrances, entry gates, vehicle stacking areas, garbage locations, fencing, site security, buffers and equipment areas.
- All performance areas will be a minimum of 1,000' from any offsite residential structure.
- All festival elements, with the exception of site access points and security, will be set back 150' from any offsite residential structure.
- The Applicant will provide the Concept Plan to the following entities; Jefferson County Health Department, EMS and Fire, 911 agencies.
- The applicant will work with the Jefferson County Sheriff's office to prepare a safety plan that will cover all applicable situations. The plan

will include staffing requirements by the Sheriff's office as well as emergency planning that includes fire and ambulance. This agreement shall be completed 45 days prior to the event. As agreed to by the parties the agreement may include financial compensation to cover County staffing costs.

- The Applicant will provide a written agreement showing that a licensed garbage removal company and a licensed towing company have been engaged for the event.
- Provide \$2,000,000 of general commercial liability insurance.
- No amplified performance after 3 a.m. or before 10 a.m.
- No outdoor performance lighting after 3 a.m. or before 10 a.m.
- All sales of alcohol shall be regulated by the West Virginia Alcohol Beverage Control Administration.
- All trash shall be removed daily.
- Event site shall provide ample potable water supply and proper sanitation facilities.
- Install an 8' fence with green opaque windscreen at least 150' back from the frontage of Withers LaRue Road;
- Prevent all attendees from leaving the venue on foot. Those that leave on foot would have their ticket/wristband revoked
- Require all attendee vehicles to display an event hangtag
- Search all cars and confiscate all illegal drugs from patrons
- Prohibit animals, fireworks, glass containers, campfires, ATV and motorcycles
- Provide 24 hour perimeter, camping and event security.
- Follow traffic control plan as presented by the traffic engineer including dedicated access routes for local residents and provide the local residents with identification to allow their use of separate access routes as designated in the traffic plan



- Consult in advance with and cover County costs of the event, of both Jefferson County, West Virginia and Clark County Virginia Sheriff's

Offices, WV Division of Highways, Jefferson County Emergency Services Agency (ambulance), Jefferson County Board of Health, appropriate Jefferson County Fire Companies.

- Comply with the applicable noise ordinance and with the noise limitations found in the Zoning Ordinance.

Numerous members of the public and nearby residents made comment. Some people spoke in favor of the festival generally. Numerous property owners spoke in opposition to the festival occurring for more than the 3 days allowed under the Ordinance for a Seasonal Use and opposing musical performances late into the night and opposing the event generally.

The portion of the record of the BZA meeting pertaining to this application, the application itself and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

**Whereupon, in consideration of the foregoing, the BZA made the following findings of fact and conclusions of law:**

1. The Jefferson County Zoning and Land Development Ordinance defines a Seasonal Use as: "A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons."
2. Section 9.8 further states: "Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4(A)(3)(b) apply. Seasonal uses cannot be approved for longer than one year at a time."

3. The Application presented a comprehensive description of the proposed event together with traffic plan, proposed sketch plan and extensive testimony about how the event would be conducted.
4. The public presented supporting and opposing viewpoints.
5. The Board determines that the proposed event may be conducted as proposed between June 15 and August 15, 2015 for a three consecutive day period (72 hours beginning when any on-site sales or music commences and shall not include more than three nights of camping)
6. The Seasonal Use is approved upon the following conditions:
  - a. Applicant shall use its best efforts to notify all homeowners within the 500 foot boundary of all properties and every property on Scooter Lane with exact dates to include possible 'rain dates', if any, of the festival and anticipated set-up dates, no later than 3 months before the festival, and provide the names and addresses of those notified to staff at the same time;
  - b. Applicant shall run an advertisement in both the Spirit of Jefferson and Martinsburg Journal noticing the exact dates to include possible 'rain dates', if any, no later than 60 days before the festival for two consecutive weeks.
  - c. The applicant shall comply with all requirements imposed for the purpose of this event by the Jefferson County Board of Health, the West Virginia Division of Highways, and the Jefferson County Sheriff's Department and submit written documentation with the Concept Plan.

Any costs, bonds, sureties and/or liability insurance shall be posted as required by these entities prior to the issuance of a Zoning Certificate. In addition, applicant shall consult with Jefferson County Emergency Services Agency on how to provide EMS services at applicant's cost.

- d. While acknowledging that all parking will occur on grass fields, a Concept Plan in accordance with the Minor Site Plan process shall be submitted for staff review and comments detailing, at a minimum, the layout and locations of parking lots; performance and equipment areas (stages/sound systems); bathroom facilities; concessions and vendors; camping areas; all entrances, including emergency entrances, entry gates, and vehicle stacking areas; garbage collection locations and daily removal plans; fencing, site security, and proposed buffers. The applicant will schedule a meeting with Staff to determine a submission timeline.
- e. A \$60,000 surety shall be posted to cover unexpected costs to the County at least 30 days prior to the event. Upon approval of the Concept Plan and posting of the required surety, a Zoning Certificate may be issued.
- f. The applicant shall be bound by their application and by their testimony which includes all the conditions set forth within the body of this order as agreed by the Applicant as well as compliance with all written documents submitted with the application and all testimony of all the applicants and those experts testifying on their behalf. The entire application and the testimony of the applicant and their representatives is hereby incorporated fully by reference.

- g. Approval of this Seasonal Use is limited to one year in accordance with Section 9.8 of the Zoning Ordinance and does not establish this festival as a legally existing non-conforming use should the Zoning Ordinance be amended to change the process for approval of such events. Any future festival shall comply with the regulations in effect at the time of application.
- h. Applicant shall confer with the Sheriff on a plan to expedite access for affected residents during the event.
- i. Applicant shall notify staff 45 days prior to the event of number of attendees expected (plus or minus 15%).

WHEREFORE, for the reasons set forth herein, the applicants request for a Seasonal Use of three days is hereby, GRANTED with conditions

Jefferson County Board of Zoning Appeals,

By: \_\_\_\_\_

Tyler Quynn, Chair

10/31/14

\_\_\_\_\_  
Date

**JEFFERSON COUNTY**  
**DEPARTMENT of ZONING**  
**ZONING CERTIFICATE**

**#ZC15-34**

This is to certify that the use cited on this form is a Permitted Use in the Zone where it is proposed, by virtue of the following justification. This use is subject to the conditions imposed below:

- \*Seasonal Use Permit #ZV14-15 as approved by the Board of Zoning Appeals
- \*Principal Permitted Use in Zone stated below.
- \*Nonconforming Grand-fathered Use in Zone stated below.
- \*Change in Nonconforming Use approved by Public Hearing in Zone stated below.
- \*Change in Nonconforming Use approved by Zoning Administrator in Zone stated below.

**This Certificate does not constitute a Certificate of Occupancy, and does not exempt the proposed development and/or use from any relevant Jefferson County Ordinances, including but not limited to Floodplain, Building Code, building and sign permits, Site Plan requirements, Health Department approvals, as well as other local and State requirements.**

**PROPERTY DESCRIPTION**

APPLICANT NAME: All Good Festival and Camp-Out  
MAILING ADDRESS: 2801 Chevy Chase Circle  
Jefferson, Maryland 21755  
TELEPHONE NUMBER: (301) 834-4100 / tim@walther-productions.com

APPLICANT REP: Gordon / Contact: Jason Gerhart  
MAILING ADDRESS: 301 North Mildred Street, Suite 1  
Charles Town, West Virginia 25414  
TELEPHONE NUMBER: (304) 725-8456 / jgerhart@gordon.us.com

OWNER(S): Mark D. Stolipher (#1)  
P.O Box 190  
Rippon, West Virginia 25441

Douglas & Nancy Stolipher (#2)  
1599 North Fork Road  
Charles Town, West Virginia 25414

PHYSICAL ADDRESS: 261 Berry Hill Farm Lane; Summit Point, West Virginia 25446

TAX DISTRICT: Kabletown (06)/ MAP: 19 / PARCEL(S): 7; 16; 8.4  
DEED BOOK: 944; 913; 1129 / PAGE: 45; 746; 678

PROPERTY SIZE: 347.15 acres  
ZONE: Rural

PROPOSED USE: To comply with approved (08-28-14) Seasonal Use Permit #ZV14-15, as follows: Per Section 9.8, of the Jefferson County Zoning and Land Development Ordinance, the applicant is requesting to host a three day (72 hour) Music Festival and Camp-Out during the 2015 summer season in the Rural District. This permit is only valid for this event as advertised (July 9<sup>th</sup> – July 12, 2015) and permits set-up and tear-down.

**RESTRICTIONS/CONDITIONS:**

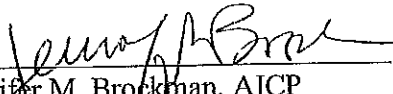
Such Music Festival and Camp-Out shall only occur in a manner consistent with the attached and incorporated Findings of Fact and Conclusions of Law regarding #ZV14-15. More specifically, the following conditions have been complied with, on the date noted:

- Approved: 06/04/15 *gh* 1) Posting of \$60,000.00 Bond for unexpected costs.
- Received: 05/18/15 *gh* 2) Concept Plan approved and incorporated by reference to the Zoning Certificate.
- June 25, 2015 *gh* 3) Written documentation of Board of Health approval of Mass Event Permit.
- May 15, 2015 *gh* 4) Copy of contract with Sheriff's Department related to staffing requirements for Public Safety Services.
- June 17, 2015 *gh* 5) Written documentation of WVDOH approval of Traffic Control Plan.
- June 26, 2015 *gh* 6) Written documentation of Sheriff's approval of Safety/Emergency Plan.

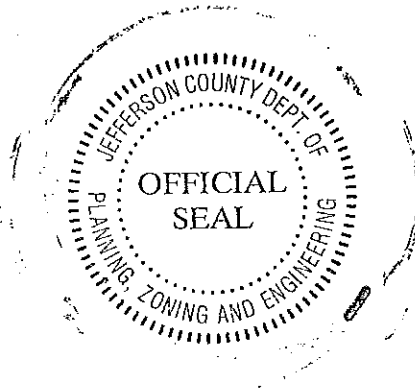
Any future change in use or expansion will require processing through the Jefferson County Departments of Planning, Zoning and Engineering to update this Certificate, and insure compliance with all applicable County Regulations.

This certification in no way relieves the Owner, Applicant or User from the documented requirements of the Jefferson County Ordinances, to include Building and Sign Permit processing, unless the appropriate variances are granted by corresponding County authority.

This Zoning Certificate is invalid if all the above conditions have not been met and initialed.

  
Jennifer M. Brockman, AICP  
Acting Zoning Administrator

June 26, 2015 Date of Issuance



**From:** [Pete Dougherty](#)  
**To:** [Jennifer Brockman](#); [Planning Department](#)  
**Cc:** [pdougherty@jcsdww.com](mailto:pdougherty@jcsdww.com)  
**Subject:** All Good Costs  
**Date:** Thursday, August 27, 2015 2:16:12 PM

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**I believe I sent an email previously but just in case the following is what was charged and paid by Walther Productions DBA All Good Festival.**

Jefferson County Deputy Sheriff's Reserves:	
\$7,800	520 hours
City of Charles Town Police Department:	
\$5,575	111.5 hours
City of Ranson Police Department:	
\$2,750	55 hours
Citizens Fire Company	
\$4,512	504 hours
Sheriff's Deputies:	
\$28,350	570 hours
Jefferson Co. HDQ	
\$5,500	158 hours
Jefferson Co. Maintenance	
\$1,150	Moving equipment and fuel costs.

Total Billed and received: \$35,000

The Clarke County Sheriff's Office and the WV State Police also had specific service contracts that I saw and agreed were necessary. I have been advised that both agencies

**Pete Dougherty**  
Sheriff, Jefferson County  
102 Industrial Boulevard  
Kearneysville, West Virginia 25430  
304-728-3205

**From:** [Jennifer Brockman](#)  
**To:** [Jennilee Hartman](#)  
**Cc:** [Alexandra Beaulieu](#)  
**Subject:** Fwd: all good billing attached  
**Date:** Thursday, August 27, 2015 1:41:36 PM  
**Attachments:** [EPSON035.PDF](#)  
[Untitled attachment 00118.htm](#)

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Jennilee  
If you still there this is probably what we need for BZA  
Jennie

Sent from my iPhone

Begin forwarded message:

**From:** "Didden, David" <[David.Didden@wv.gov](mailto:David.Didden@wv.gov)>  
**Date:** August 27, 2015 at 1:32:15 PM EDT  
**To:** "Jennifer Brockman ([jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org))"  
<[jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)>  
**Cc:** "Jackson, Christina" <[Christina.Jackson@wv.gov](mailto:Christina.Jackson@wv.gov)>  
**Subject:** **FW: all good billing attached**

Hi Jennie. Here is a scanned copy of the invoices as well as the staff time that went into both plan review and event inspections. As there was no specificity in the BZA agreement as to what health department costs the producers would cover, we documented all time and effort that went towards preparation and inspection.

Tim Walther asked about precedent, and the only example we can think of is Lollapalooza. According to Bill Zaleski, those producers also paid for the additional costs incurred by the health department to plan for that event.

We have the time sheets that support the breakdown of staff effort, but that seems a bit too much in the weeds for this meeting. Give me a ring if you have any additional questions. Thanks!

Davey

David Didden MD  
Health Officer  
Jefferson County, WV  
(304) 728 – 8416 office  
(304) 728 – 3319 fax  
(304) 995 – 8240 mobile

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**From:** Freeman, Marty  
**Sent:** Thursday, August 27, 2015 1:16 PM  
**To:** Didden, David

**Subject:** all good billing attached

Marty L. Freeman  
Jefferson County Health Department  
304 728 8416 ext 3032

Jefferson County Health Department

1948 Wiltshire Road, Suite 1  
 Kearneysville, WV 25430

# Invoice

Date	Invoice #
6/30/2015	1286

<b>Bill To</b>
TIM WALTHER Walther Productions Inc 2801 Chevy Chase Circle Jefferson, MD 21755

P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Services rendered in review of All Good Festival , Jefferson County, WV	5,228.55	5,228.55
		<b>Total</b>	\$5,228.55

**ALL GOOD FESTIVAL ACCOUNTING FY 2015**

**30-Jun-15**

Name	Position	Hrly Rate	Total Hrs	Total Cost
Bill Zaleski	Reg Sanitarian	\$ 28.27	47.5	\$ 1,342.83
Christina Jackson	Administrator	\$ 34.38	9	\$ 309.38
Dr. David Didden	Health Officer	\$ 83.33	24.5	\$ 2,041.59
Sandy Hite	Threat Prep Coord	\$ 19.73	10	\$ 197.25
Danielle Phillipson	OAlll	\$ 12.74	2	\$ 25.48
				\$ 3,916.52
		FICA	7.65%	\$ 299.61
		Workers Comp	3.00%	\$ 117.50
		Public Emp Ins	4.50%	\$ 176.24
		Retirement	14.00%	\$ 548.31
		Bd Risk Ins	4.35%	170.37
			<b>Total</b>	<b>5,228.55</b>

Jefferson County Health Department

1948 Wiltshire Road, Suite 1  
Kearneysville, WV 25430

# Invoice

Date	Invoice #
8/13/2015	1316

Bill To
TIM WALTHER Walther Productions Inc 2801 Chevy Chase Circle Jefferson, MD 21755

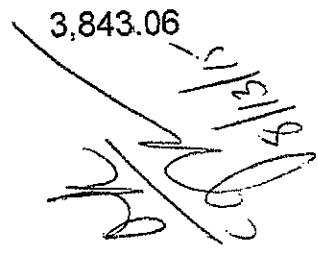
P.O. No.	Terms	Project

Quantity	Description	Rate	Amount
	Serviced rendered during All Good Festival, Jefferson County, WV	3,843.06	3,843.06
		<b>Total</b>	<b>\$3,843.06</b>

**ALL GOOD FESTIVAL ACCOUNTING FY 2016**

**30-Jun-15**

Name	Position	Hrly Rate	Total Hrs	Total Cost
Bill Zaleski	Reg Sanitarian	\$ 28.27	82	\$ 2,318.14
Danielle Phillipson	OAlll	\$ 12.74	44	\$ 560.56
			126	\$ 2,878.70
		FICA	7.65%	\$ 220.22
		Workers Comp	3.00%	\$ 86.36
		Public Emp Ins	4.50%	\$ 129.54
		Retirement	14.00%	\$ 403.02
		Bd Risk Ins	4.35%	125.22
			<b>Total</b>	<b>3,843.06</b>


  
 5/12/15

**All Jefferson County Government Offices will be closed Monday, September 7, 2015 in observance of Labor Day.**





**INDEPENDENT FIRE CO. NO. 1, INC.**

MAILING:  
P.O. BOX 925  
CHARLES TOWN, WV 25414

PHONE: 304-725-2514

ORGANIZED 1884  
LOCATION:  
200 W. SECOND AVENUE  
RANSON, WV 25438

FAX: 304-728-6006

## 9/11 REMEMBRANCE CEREMONY

The Independent Fire Company will host its 14<sup>th</sup> annual **9/11 Remembrance Ceremony on Friday, 11 September 2015 at 9:58 a.m.** The ceremony will take place at the fire station, 200 W. 2<sup>nd</sup> Ave. Ranson, WV. It should last approximately ½ hour.

The guest speaker is to be Senior Master Sgt. Jeff Gengler, Fire Chief at the 167<sup>th</sup> Airlift Wing in Martinsburg, WV.

The commemoration will occur between the times the World Trade Center towers collapsed. The victims at the Pentagon, in Shanksville, PA and in the War on Terror will also be honored. Assisting will be members of the Jefferson High School Cougar Air Force Junior ROTC and the Washington High School Patriot Voices. Bagpipe music will be presented by Joe Kent.

The public is encouraged to attend to remember with us. Available Police, Fire, EMS and Military personnel are requested to attend in uniform, if possible.

Contact: Henry Christie, Chaplain 304-279-6024 (c)  
304-725-9622 (o)

# Impact Fee Status Report

## July 2015

### Office of Impact Fees

#### Summary

Date Range: Wednesday 1 through 31 Friday July 2015

Report Date: 4 August 2015

Process Number Range: 1500224 - 1500247

Total Applications: 24

Total Non-Exempt: 21

*Of which:*

Commercial: 1

Residential:

*Of which:*

County: 16

Municipal: 4

Total Exempt: 3

*Of which:*

Commercial: 0

Residential: 3

*Of which:*

County: 3

Municipal: 0

Tables 1 through 7 summarize impact fee processing for July 2015. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

**Table 1. Form 100 Tallies**

	Exempt	Commercial	Residential	Total
1 – 31 July 2015	0	0	18	18
Fees collected		\$8.00	\$121,176.00	\$129,184.00
<i>Of which</i>				
School Impact Fee			\$116,880.00	\$116,880.00
Law Enforcement Fee		\$5.00	\$2,576.00	\$2,581.00
Parks & Recreation Fee			\$8,760.00	\$8,760.00
EMS Fee		\$3.00	\$960.00	\$963.00

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

Description	Amount
Opening Statement Balance (1 July 2015)	\$115,702.41
July Deposits (1 – 31 July 2015)	\$129,184.00
School June Transactions (withdraws via transfer on 14 July 2015)	(\$105,065.35)
Law June Transactions (withdraws via transfer on 14 July 2015)	(\$1,678.78)
Parks & Rec June Trans. (withdraws via transfer on 14 July 2015)	(\$8,073.50)
EMS June Trans. (withdraws via transfer on 14 July 2015)	(\$884.78)
Interest Earned (31 July 2015)	\$43.09
<b>Ending Statement Balance (31 July 2015)</b>	<b>\$129,227.09</b>
<i>Outstanding Credits (deposits through 1 July 2015)</i>	<i>\$0.00</i>

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

Description	Amount
Opening Balance (1 July 2015)	\$1,355,276.25
June Transactions (deposits via transfer on 14 July 2015)	\$105,065.35
Interest Earned (31 July 2015)	\$601.44
<b>Ending Balance (31 July 2015)</b>	<b>\$1,460,943.04</b>

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

Description	Amount
Opening Balance (1 July 2015)	\$53,166.38
June Transactions (deposits via transfer on 14 July 2015)	\$1,678.78
Interest Earned (31 July 2015)	\$22.99
<b>Ending Balance (31 July 2015)</b>	<b>\$54,868.15</b>

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

Description	Amount
Opening Balance (1 July 2015)	\$372,681.99
June Transactions (deposits via transfer on 14 July 2015)	\$8,073.50
Requisition 15R0114 - Hite Park Phase I (17 July 2015)	(\$113,241.62)
Interest Earned (31 July 2015)	\$136.98
<b>Ending Balance (31 July 2015)</b>	<b>\$267,650.85</b>

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

Description	Amount
Opening Balance (1 July 2015)	\$163,574.32
June Transactions (deposits via transfer on 14 July 2015)	\$884.78
Interest Earned (31 July 2015)	\$69.68
<b>Ending Balance (31 July 2015)</b>	<b>\$164,528.78</b>

**Table 7. Total Impact Fees as of 1 July 2015 /1**

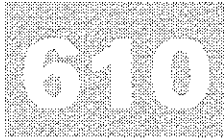
Description	Amount
Office of Impact Fees General Account	\$129,227.09
School Impact Fee Account	\$1,460,943.04
Law Enforcement Fee Account	\$54,868.15
Parks & Recreation Impact Fee Account	\$267,650.85
EMS Impact Fee Account	\$164,528.78
<b>Total Impact Fees</b>	<b>\$2,077,217.91</b>

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

**Table 8. Pending July 2015 Fee Transfers /1**

Account	31 July 2015 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$1,460,943.04	\$116,918.78	\$1,577,861.82
Law Enforcement Fee Account	\$54,868.15	\$2,581.86	\$57,450.01
Parks & Recreation Impact Fee Account	\$267,650.85	\$8,763.02	\$276,413.87
EMS Impact Fee Account	\$164,528.78	\$963.43	\$165,492.21
<b>Total Impact Fees</b>	<b>\$1,947,990.82</b>	<b>\$129,227.09</b>	<b>\$2,077,217.91</b>

/1 This table represents each of the impact fee category account totals as of 31 July 2015 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in July 2015 are listed in table 1 of the General Account (3111776); these transactions will be processed in August 2015. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.



## Form 100 Transaction Summary

Jefferson County Government – Office of Impact Fees

*Impact Fee Applications Processed between dates Wednesday 1 through Friday 31 July 2015*

Process Number	Date	Last Name	First Name	Town District	Deed Book	Deed Page	Lot Map	Parcel	Impact Fee Collector	Fee	Application Reference
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**Exempt Applications**

1500229	07/09/2015	Hansen	Erick	04 Harpers Ferry	639	161	13E	77	\$0.00	07/09/2015	Form 200
1500239	07/20/2015	Bryne	Dawn	07 Middleway	1019	185	13	119	\$0.00	07/20/2015	Form 200
1500240	07/21/2015	Stottlemeyer	Carroll & Cecilia	02 Charles Town	766	148	11A	122	\$0.00	07/21/2015	Form 200

**Category Count: 3**

**Category Total      \$0.00**

**Non-Exempt Applications**

1500224	07/01/2015	Heather	Arcadia	03 Charles Town	23	67	12A	206	\$6,186.00	07/01/2015	N/A
1500225	07/02/2015	Dan Ryan		04 Harpers Ferry	1129	541	9	109	\$6,347.00	07/02/2015	N/A
1500226	07/02/2015	Dan Ryan		04 Harpers Ferry	1129	541	9	110	\$6,347.00	07/02/2015	N/A
1500227	07/08/2015	Panhandle		07 Middleway	876	294	8	4	\$8.00	07/08/2015	N/A
1500228	07/08/2015	Wickham	Eric and Yina	06 Kabletown	1156	374	15	3.38	\$6,347.00	07/08/2015	N/A
1500230	07/09/2015	Lashley	Steve	02 Charles Town	846	194	3	11	\$6,347.00	07/09/2015	N/A
1500231	07/10/2015	Wormald, Jr.	Robert	04 Harpers Ferry	975	635	10A	115	\$6,347.00	07/10/2015	N/A
1500232	07/13/2015	Dilworth	Benjamin	02 Charles Town	953	579	4	17.18	\$6,347.00	07/13/2015	N/A
1500233	07/13/2015	Heather	Arcadia	03 Charles Town	23	67	12A	216	\$6,186.00	07/13/2015	N/A
1500234	07/15/2015	Schneider	Gene	07 Middleway	1145	17	18	6.16	\$6,347.00	07/15/2015	N/A
1500235	07/16/2015	Charles	Ryan Homes	08 Ranson Corp	982	137	8D	4G	\$6,186.00	07/16/2015	N/A
1500236	07/17/2015	Dan Ryan		08 Ranson Corp			8C	230	\$6,186.00	07/17/2015	N/A
1500237	07/17/2015	Dan Ryan		04 Harpers Ferry	1129	541	9	30	\$6,347.00	07/17/2015	N/A
1500238	07/17/2015	Dan Ryan		04 Harpers Ferry	1129	541	9	160	\$6,347.00	07/17/2015	N/A
1500241	07/24/2015	Dan Ryan		04 Harpers Ferry	1129	541	9	162	\$6,347.00	07/24/2015	N/A
1500242	07/24/2015	Shipley	Garry	09 Shepherdstown	1160	67	7A	23	\$6,347.00	07/24/2015	N/A
1500243	07/28/2015	Lutman	Dave Lutman	07 Middleway	1150	209	19	21.1	\$6,347.00	07/28/2015	N/A
1500244	07/31/2015	PFK, LLC		02 Charles Town	962	349	13A	559	\$7,067.00	07/31/2015	N/A
1500245	07/31/2015	PFK, LLC		02 Charles Town	962	349	13A	559	\$7,067.00	07/31/2015	N/A

1500246	07/31/2015	PFK, LLC	02 Charles Town	962	349	13A	559	\$7,067.00	07/31/2015	N/A
1500247	07/31/2015	PFK, LLC	02 Charles Town	962	349	13A	559	\$7,067.00	07/31/2015	N/A

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**Category Count: 21**

**Category Total \$129,184.00**

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**TOTAL APPLICATIONS: 24**

**Grand Total \$129,184.00**

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

**COPY**

Michelle Mason  
Impact Fee Program Specialist

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

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Tuesday, 4 August 2015  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Schools Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of July 2015.

This transfer consists of two components:

- Impact Fee Process Numbers **1500224** through **1500247**, inclusive. Within this range there were 20 non-exempt impact fee payments. This amounts to **\$116,880.00**.
- Interest earned by the Office of Impact Fees General Account in July 2015 amounts to **\$43.09**, of which **\$38.78** is attributed to fees collected for Schools.

**As per the attached invoice, the total amount of this transfer is \$116,918.78.**

**Check # 1004**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 15029

**Date:** 8/4/2015

**Bill To:**

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

**Pay To:**

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

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of July 2015 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582). \$116,880.00

Interest earned by the Office of Impact Fees General Account July 2015. \$38.78

Impact Fee Process Numbers 1500224 through 1500247, inclusive. Within this range, there were 20 non-exempt impact fee payments.

**Total: \$116,918.78**

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

**Check Number:** 1004



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

Account 3111776

Schools

Check Number 1004

Trace 20150804:41498.39

Date 8/4/2015

Series 1

Recipient Sheriff of Jefferson County

Account 3107582

Amount \$116,880.00

Signature 1 Jane Tabb

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

**Notes:** Transfer of Impact Fees From General Account for School Impact Fees Collected in July 2015.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
7/2/2015	1500224	2003-3	11/24/2005	\$5,700.00
7/8/2015	1500225	2003-3	11/24/2005	\$5,700.00
7/8/2015	1500226	2003-3	11/24/2005	\$5,700.00
7/9/2015	1500227	2003-3	11/24/2005	\$0.00
7/9/2015	1500228	2003-3	11/24/2005	\$5,700.00
7/10/2015	1500230	2003-3	11/24/2005	\$5,700.00
7/13/2015	1500231	2003-3	11/24/2005	\$5,700.00
7/14/2015	1500232	2003-3	11/24/2005	\$5,700.00
7/14/2015	1500233	2003-3	11/24/2005	\$5,700.00
7/16/2015	1500234	2003-3	11/24/2005	\$5,700.00
7/17/2015	1500235	2003-3	11/24/2005	\$5,700.00
7/20/2015	1500236	2003-3	11/24/2005	\$5,700.00
7/20/2015	1500237	2003-3	11/24/2005	\$5,700.00
7/20/2015	1500238	2003-3	11/24/2005	\$5,700.00
7/28/2015	1500241	2003-3	11/24/2005	\$5,700.00
7/28/2015	1500242	2003-3	11/24/2005	\$5,700.00
7/29/2015	1500243	2003-3	11/24/2005	\$5,700.00
7/31/2015	1500244	2003-3	11/24/2005	\$6,420.00
7/31/2015	1500245	2003-3	11/24/2005	\$6,420.00
7/31/2015	1500246	2003-3	11/24/2005	\$6,420.00
7/31/2015	1500247	2003-3	11/24/2005	\$6,420.00
<b>Total amount for this withdraw</b>				<b>\$116,880.00</b>
<b>Total amount for this account</b>				<b>\$116,880.00</b>
<b>Total amount all accounts</b>				<b>\$116,880.00</b>

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

**COPY**

Michelle Mason  
Impact Fee Program Specialist

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

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Tuesday, 4 August 2015  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of July 2015.

This transfer consists of two components:

- Impact Fee Process Numbers 1500224 through 1500247, inclusive. Within this range there were 17 non-exempt impact fee payments. This amounts to **\$2,581.00**.
- Interest earned by the Office of Impact Fees General Account in July 2015 amounts to **\$43.09**, of which **\$0.86** is attributed to fees collected for Law Enforcement.

**As per the attached invoice, the total amount of this transfer is \$2,581.86.**

**Check # 1005**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

Number: 15030

Date: 8/4/2015

**Bill To:**

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

**Pay To:**

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

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of July 2015 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120). \$2,581.00

Interest earned by the Office of Impact Fees General Account July 2015. \$0.86

Impact Fee Process Numbers 1500224 through 1500247, inclusive. Within this range, there were 17 non-exempt impact fee payments.

**Total: \$2,581.86**

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

**Check Number:** 1005



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

Account 3111776

Law Enforcement

Check Number 1005

Trace 20150804:41593.54

Date 8/4/2015 Series 2

Recipient Sheriff of Jefferson County

Account 3120120

Amount \$2,581.00

Signature 1 Jane Tabb

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Law Enforcement Impact Fees Collected in July 2015.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
7/2/2015	1500224	2005-1	3/22/2005	\$0.00
7/8/2015	1500225	2005-1	3/22/2005	\$161.00
7/8/2015	1500226	2005-1	3/22/2005	\$161.00
7/9/2015	1500227	2005-1	3/22/2005	\$5.00
7/9/2015	1500228	2005-1	3/22/2005	\$161.00
7/10/2015	1500230	2005-1	3/22/2005	\$161.00
7/13/2015	1500231	2005-1	3/22/2005	\$161.00
7/14/2015	1500232	2005-1	3/22/2005	\$161.00
7/14/2015	1500233	2005-1	3/22/2005	\$0.00
7/16/2015	1500234	2005-1	3/22/2005	\$161.00
7/17/2015	1500235	2005-1	3/22/2005	\$0.00
7/20/2015	1500236	2005-1	3/22/2005	\$0.00
7/20/2015	1500237	2005-1	3/22/2005	\$161.00
7/20/2015	1500238	2005-1	3/22/2005	\$161.00
7/28/2015	1500241	2005-1	3/22/2005	\$161.00
7/28/2015	1500242	2005-1	3/22/2005	\$161.00
7/29/2015	1500243	2005-1	3/22/2005	\$161.00
7/31/2015	1500244	2005-1	3/22/2005	\$161.00
7/31/2015	1500245	2005-1	3/22/2005	\$161.00
7/31/2015	1500246	2005-1	3/22/2005	\$161.00
7/31/2015	1500247	2005-1	3/22/2005	\$161.00

**Total amount for this withdraw \$2,581.00**

**Total amount for this account \$2,581.00**

**Total amount all accounts \$2,581.00**

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

**COPY**

Michelle Mason  
Impact Fee Program Specialist

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

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Tuesday, 4 August 2015  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of July 2015.

This transfer consists of two components:

- Impact Fee Process Numbers **1500224** through **1500247**, inclusive. Within this range there were 20 non-exempt impact fee payments. This amounts to **\$8,760.00**.
- Interest earned by the Office of Impact Fees General Account in July 2015 amounts to **\$43.09**, of which **\$3.02** is attributed to fees collected for Parks & Recreation.

**As per the attached invoice, the total amount of this transfer is \$8,763.02.**

**Check # 1006**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

Number: 15031

Date: 8/4/2015

**Bill To:**

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

**Pay To:**

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

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of July 2015 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). \$8,760.00

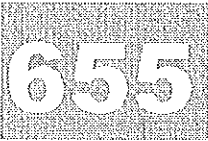
Interest earned by the Office of Impact Fees General Account July 2015. \$3.02

Impact Fee Process Numbers 1500224 through 1500247, inclusive. Within this range, there were 20 non-exempt impact fee payments.

**Total: \$8,763.02**

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

**Check Number:** 1006



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

Account 3111776

Parks & Rec

Check Number 1006

Trace 20150804:41643.45

Date 8/4/2015 Series 3

Recipient Sheriff of Jefferson County

Account 3122808

Amount \$8,760.00

Signature 1 Jane Tabb

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Parks and Rec Impact Fees Collected in July 2015.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
7/2/2015	1500224	2005-2	5/12/2005	\$438.00
7/8/2015	1500225	2005-2	5/12/2005	\$438.00
7/8/2015	1500226	2005-2	5/12/2005	\$438.00
7/9/2015	1500227	2005-2	5/12/2005	\$0.00
7/9/2015	1500228	2005-2	5/12/2005	\$438.00
7/10/2015	1500230	2005-2	5/12/2005	\$438.00
7/13/2015	1500231	2005-2	5/12/2005	\$438.00
7/14/2015	1500232	2005-2	5/12/2005	\$438.00
7/14/2015	1500233	2005-2	5/12/2005	\$438.00
7/16/2015	1500234	2005-2	5/12/2005	\$438.00
7/17/2015	1500235	2005-2	5/12/2005	\$438.00
7/20/2015	1500236	2005-2	5/12/2005	\$438.00
7/20/2015	1500237	2005-2	5/12/2005	\$438.00
7/20/2015	1500238	2005-2	5/12/2005	\$438.00
7/28/2015	1500241	2005-2	5/12/2005	\$438.00
7/28/2015	1500242	2005-2	5/12/2005	\$438.00
7/29/2015	1500243	2005-2	5/12/2005	\$438.00
7/31/2015	1500244	2005-2	5/12/2005	\$438.00
7/31/2015	1500245	2005-2	5/12/2005	\$438.00
7/31/2015	1500246	2005-2	5/12/2005	\$438.00
7/31/2015	1500247	2005-2	5/12/2005	\$438.00
<b>Total amount for this withdraw</b>				\$8,760.00
<b>Total amount for this account</b>				\$8,760.00
<b>Total amount all accounts</b>				\$8,760.00

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

**COPY**

Michelle Mason  
Impact Fee Program Specialist

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

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason  
DATE: Tuesday, 4 August 2015  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of July 2015.

This transfer consists of two components:

- Impact Fee Process Numbers **1500224** through **1500247**, inclusive. Within this range there were 21 non-exempt impact fee payments. This amounts to **\$963.00**.
- Interest earned by the Office of Impact Fees General Account in July 2015 amounts to **\$43.09**, of which **\$0.43** is attributed to fees collected for EMS.

As per the attached invoice, the total amount of this transfer is **\$963.43**.

Check # 1007

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 15032

**Date:** 8/4/2015

**Bill To:**

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

**Pay To:**

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

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of July 2015 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County EMS Impact Fees Bank Account (3122816). \$963.00

Interest earned by the Office of Impact Fees General Account July 2015. \$0.43

Impact Fee Process Numbers 1500224 through 1500247, inclusive. Within this range, there were 21 non-exempt impact fee payments.

**Total: \$963.43**

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

**Check Number:** 1007



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

Account 3111776

Fire & EMS

Check Number 1007

Trace 20150804:41686.04

Date 8/4/2015

Series 4

Recipient Sheriff of Jefferson County

Amount \$963.00

Account 3122816

Signature 1 Jane Tabb

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

**Notes:** Transfer of Impact Fees From General Account for EMS Impact Fees Collected in July 2015.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
7/2/2015	1500224	2005-3	5/12/2005	\$48.00
7/8/2015	1500225	2005-3	5/12/2005	\$48.00
7/8/2015	1500226	2005-3	5/12/2005	\$48.00
7/9/2015	1500227	2005-3	5/12/2005	\$3.00
7/9/2015	1500228	2005-3	5/12/2005	\$48.00
7/10/2015	1500230	2005-3	5/12/2005	\$48.00
7/13/2015	1500231	2005-3	5/12/2005	\$48.00
7/14/2015	1500232	2005-3	5/12/2005	\$48.00
7/14/2015	1500233	2005-3	5/12/2005	\$48.00
7/16/2015	1500234	2005-3	5/12/2005	\$48.00
7/17/2015	1500235	2005-3	5/12/2005	\$48.00
7/20/2015	1500236	2005-3	5/12/2005	\$48.00
7/20/2015	1500237	2005-3	5/12/2005	\$48.00
7/20/2015	1500238	2005-3	5/12/2005	\$48.00
7/28/2015	1500241	2005-3	5/12/2005	\$48.00
7/28/2015	1500242	2005-3	5/12/2005	\$48.00
7/29/2015	1500243	2005-3	5/12/2005	\$48.00
7/31/2015	1500244	2005-3	5/12/2005	\$48.00
7/31/2015	1500245	2005-3	5/12/2005	\$48.00
7/31/2015	1500246	2005-3	5/12/2005	\$48.00
7/31/2015	1500247	2005-3	5/12/2005	\$48.00
<b>Total amount for this withdraw</b>				\$963.00
<b>Total amount for this account</b>				\$963.00
<b>Total amount all accounts</b>				\$963.00



# Charles Town Utility Board

832 S. George Street, P.O. Box 359, Charles Town, WV 25414  
Phone: (304) 725-2316 ♦ Fax: (304) 725-4313 ♦ Web: [www.ctubwv.com](http://www.ctubwv.com)

---

August 4, 2015

CHAIRMAN  
*Dave  
Mills*

Honorable Jefferson County Commissioners  
and County Administrator  
124 E. Washington Street  
Charles Town, WV 25414

UTILITY  
BOARD  
  
*Pete  
Kubic*

Re: Utility Issues in Jefferson County

*Charles W.  
Kline*

Honorable County Commissioners,

*Tommy  
Stacks*

This letter concerns Charles Town's recent offer to the Jefferson County Public Service District (JCPSD) for an infrastructure asset purchase. Last fall, the Charles Town Utility Board (CTUB) began dialogue with the JCPSD about the issue of multiple service providers within a single area. The discussions involved acquiring JCPSD assets by the City within the Charles Town Urban Growth Boundary (CTUGB). The JCPSD requested that an offer be presented.

*Kristen  
Stolipher*

UTILITY  
MANAGER  
*Jane E.  
Arnett*

Charles Town then spent a great deal of time performing a Due Diligence Review of the matter and by letter dated May 27, 2015, offered to purchase the JCPSD assets within the CTUGB for \$1,000,000. This was an asset purchase offer and was not about consolidation. The City believes this proposal was reasonable considering the fact that the JCPSD did not install any of the infrastructure which is the subject of the offer. All of the cost of the infrastructure within these areas was installed by developers.

The creation of the JCPSD occurred in the late 1980's when the Jefferson County Commission encountered a situation where the existing utility in the area, Charles Town, did not wish to service an area outside its municipal boundary. From that point forward growth in the greater Charles Town/Ranson area, depending upon location, was serviced by either Charles Town, Ranson or JCPSD. All of the sewerage is treated by the City's treatment plants (initially pursuant to a 1988 Agreement among the parties). Both Ranson and JCPSD pay Charles Town a "bulk" or "resale" rate for wastewater treatment. From Charles Town's point of view, ongoing annexations within this CTUGB, have resulted in two sewer providers to City residents and is not best for its residents.

By letter of June 3, 2015, JCPSD rejected our offer. Unfortunately the letter did not include a counter offer or suggest that the District wanted to continue to pursue the matter. The District then issued a public statement indicating it considered the offer inadequate. Further, JCPSD has gone on record stating that the offer will not be considered at this time so as not to jeopardize their proposed \$7 million project. The City does not believe that the proposed asset sale will impact that project. Charles Town is willing to continue discussions with the JCPSD for the purchase of those assets described in the initial offer. It should be noted that the JCPSD is relying on the CTUGB ratepayers to help fund this \$7 million project. As currently proposed, this \$7 million focuses on the Flowing Springs Run Basin and a gravity interceptor and pump station at Halltown to provide capacity for future residential projects.

The County Commission is the body that has the ability to enlarge, reduce, merge, dissolve or consolidate districts. This can be done through several methods including a citizen petition. The state code language can be found in section **§16-13A-2. Creation of districts by county commission; enlarging, reducing, merging, or dissolving district; consolidation; agreements, etc.; infringing upon powers of county commission; filing list of members and districts with the Secretary of State.**

Charles Town recognizes the benefit of a sound county sewer utility serving not only the County's Industrial Park, but other rural areas as well. It is beneficial for the JCPSD to exist where it can provide service to outlying areas where it may be difficult for a municipal utility to provide service. JCPSD should continue to provide service in areas where no existing service exists and where there is no overlap with existing providers.

Moving forward, CTUB sees several opportunities for the JCPSD, the County Commission and Charles Town as follows:

1. Encourage the JCPSD to negotiate with Charles Town for the sale of the assets in the City's growth boundary.
2. Charles Town would then be in a position to support not only the JCPSD \$7 million project, but future county wide projects as well.
3. In the alternate, recognize the clear authority of the County Commission to redefine the JCPSD service area to exclude the Charles Town Urban Growth Boundary.
4. Request assistance from the West Virginia Public Service Commission in a review of the JCPSD's operations and rates prior to the ensuing protests over the rate impact of the \$7 million project.

It should be noted that we have been a willing participant and consistent reviewer of the various plans and studies that addressed either specific projects that were intended to add additional capacity to serve additional areas or tried to recommend a regional solution, but unfortunately none of them were accepted by the community or the elected and appointed officials. It is high time to commit to plan of action that is fair to all and provides the most efficient and cost effective service to our respective service area. The CTUB feels that the existing overlap in utility providers within the CTUGB is unfair to City residents. These City residents, currently paying the higher JCPSD rates, will experience an even higher rate once the \$7 million project moves forward with no benefit. The Charles Town Utility Board and the City feel strongly that the time has come to aggressively pursue redefining the role of the JCPSD in this county and we look forward to discussing this with you as soon as possible.

Very truly yours,

A handwritten signature in blue ink, appearing to read 'David Mills', with a small checkmark at the end of the signature.

David Mills  
Chairman  
Charles Town Utility Board

pc: Honorable Charles Town Mayor and Council  
Honorable Board Members, Jefferson County Public Service District

# Jefferson County Public Service District

Received

AUG 11 2015

Jefferson County Public Service District    Jefferson County Commission  
Regular Board Meeting  
July 6, 2015

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, July 6, 2015 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Peter Appignani; Treasurer, Bill Strider; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joseph Freeze; District Legal Counsel, Jim Kelsh; from Thrasher Engineering, Wayne Morgan; and Liaison for the County Commission, Commissioner Jane Tabb.

## CALL TO ORDER

Chairman Peter Appignani called the meeting to order at 7:00PM.

## Approval of agenda

The Board made no changes to the agenda.

## Public Comments

Debbie Royalty of Summit Point, President of League of Women Voters, had several concerns with the level of openness and accessibility of the District's draft strategic plan. Ms. Royalty requested the District give the public more than a week to comment on the draft plan once it is posted on the website and there be two public meetings during the week for the public to attend.

Jacquelyn Milliron, Breckenridge resident, requested the item on the acquisition of Jefferson Utilities in Executive Session be discussed in public session as well.

## OLD BUSINESS

### Review Minutes of June 1 regular board meeting

The minutes of the June 1, 2015 regular board meeting were approved as presented.

**Action:**            **Motion made by Mr. Strider and seconded by Mr. Weese to accept the June 1, 2015 regular board meeting minutes as presented. Unanimously approved.**

### Review Minutes of July 1 regular board meeting

The minutes of the July 1, 2015 special board meeting were approved as presented.

**Action:**            **Motion made by Mr. Strider and seconded by Mr. Weese to accept the July 1, 2015 special board meeting minutes as presented. Unanimously approved.**

### Update on the water systems improvement project for Glen Haven and Cavaland

Ms. Lawton stated the project is complete except for a pending decision by the Infrastructure and Jobs Development Council (IJDC) on the grant request for the overage amount. This request is on the July 28<sup>th</sup> IJDC agenda.

**Action:**            **No action required by the Board.**

### Discuss sewer collection and transmission project

Mr. Morgan, from Thrasher Engineering, stated the revised West Virginia Infrastructure and Jobs Development Council (IJDC) application was approved at the June 3<sup>rd</sup> IJDC Council meeting as technically feasible. The funding package recommended was an RUS loan (4%, 40 yrs) for \$3,575,000 and a CWSRF Loan (0%, .5% Admin Fee, 40 yrs) for \$3,575,000 totaling \$7,150,000.

**Action:**            **No action required by the Board.**

### Discuss and consider draft of Jefferson County PSD strategic plan

Fred Hypes from Dunn Engineering gave a brief overview of the draft strategic plan. The plan will be available on the Districts website as of July 7<sup>th</sup>. Mr. Appignani mentioned that public can provide comments to the District by email, mail, or attend one of the public work sessions on July 20<sup>th</sup>. The District will issue a

press release and legal ad to announce the public meetings on July 20<sup>th</sup> and inform the public the draft plan will be available on the Districts website.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to release the draft strategic plan for public comment on the District's website on July 7<sup>th</sup>. Unanimously approved.

Discuss the District's financial status (status of paying bills)

Ms. Lawton stated that the District will need an estimated \$71,000 in payments to cover the disbursements for this month.

**Action:** No action required by the Board.

**NEW BUSINESS**

Consideration of and action on resolution declaring the official intent of the Jefferson County Public Service District pursuant to Treasury Regulation Section 1.150-2 to be reimbursed from proceeds of sewer revenue bonds to be issued by the District for expenditures made by the District for its sewer transmission line project.

Mr. Kelsh explained to the Board that this resolution is to authorize the District to reimburse the general revenue account for capital expenditures made out of the account related to the sewer transmission project that are needed to advance the project. The resolution authorizes up to \$7.5 million dollars for the project.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve the resolution to reimburse the District from proceeds of a sewer revenue bond for expenditures made by the District for the sewer transmission project. Unanimously approved.

Consideration of an action on resolution approving in concept the issuance of the District's sewer revenue bonds in an amount not to exceed \$616,000 to finance professional and other costs relating to the District's sewer transmission line project and to pay issuance costs relating to such bonds.

Mr. Kelsh explained to the Board that this resolution is to authorize the District to issue bonds not to exceed \$616,000 to pay for sewer project costs which will be paid off with final project financing.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve the resolution for a note for the sewer project as presented.

A brief discussion was held. Mr. Appignani commented that by agreeing to this resolution, the District could be back in the same situation as the Flowing Springs wastewater plant if the project is not approved and the costs would be passed onto the rate payers again.

**Motion was approved 2-1. Mr. Appignani voted against the motion.**

Consider approval of filing sewer rate increase with the PSC

Mr. Appignani informed the audience of the Senate Bill (SB) 234 mandate which is requiring Public Service District's to maintain a working capitol reserve account. Chuck Young from CoxHollida & Professionals presented 5 rate increase scenarios to the Board to cover the SB 234 mandate with and without the use of the funds in the District capital improvement fee (CIF) account as well as including a \$616,000 note to cover costs for the sewer transmission project.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to address the Senate Bill 234 and to cover a \$616,000 note for the sewer transmission project by filing a rate increase petition with the Public Service Commission for use of the CIF funds for an increase of \$2.11 or without the funds for an increase of \$2.58. Unanimously approved.

Mr. Kelsh also informed the Board that they may want to consider in this rate increase petition filling a request to increase the amount of the CIF so the District can use some of the proceeds as well as figure out what type of rate increase the Board wants to file. The Board would like the engineers to work on preparing an amount for a proposed CIF and present it at a Special Meeting on July 20<sup>th</sup> after the first public work session.

**Action:** Motion made by Mr. Appignani and seconded by Mr. Weese to request a CIF for the District with the petition to file a sewer rate increase and utilize a Rule 42 rate increase strategy. Unanimously approved.

Consider approval of representation letter with CoxHollida & Professionals for Rule 42 for sewer transmission project

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve the representation letter with CoxHollida & Professionals for a Rule 42 for the sewer transmission project. Unanimously approved.

Discuss/consider the District's role in consolidation discussions with the Jefferson County Commission

The District has offered assistance to the County on their discussions regarding consolidation. Commissioner Tabb will inform the District when more information is available. Mr. Strider made the comment that he supports the County Commission's effort to evaluate the use of impact fees to help fund the costs for providing sewer service to new customers and the County Commission's efforts to address the consolidation of utilities. However, Mr. Strider stated that for the purpose of processing the District's sewer transmission project to receive a certificate of need and convenience from the Public Service Commission, secure project funding, and construct the project he suggested the District not consider any formal agreements with other utilities regarding consolidation until the sewer transmission project is constructed due to the liability of the project being jeopardized while waiting for approval at the Public Service Commission.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese for the District to not consider any formal agreements to sell, acquire or consolidate sewer utility assets to or with another publicly owned sewer utility provider until the District's sewer transmission project is constructed.

A brief discussion was held. Mr. Appignani stated that it is wrong to a priori rule out any offers that come to the table while the sewer transmission project is moving forward.

**Motion was approved 2-1. Mr. Appignani voted against the motion.**

Consider accrued leave policy modification in District Handbook

Ms. Lawton discussed a couple of administrative changes that need to be made to the handbook including adding a section for optional health benefits and a clarification on accrued leave and retirement benefits.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve the administrative changes to the handbook relating to optional health benefits and a clarification on accrued leave and retirement benefits. Unanimously approved.

Consider retirement plan modification in District Handbook

This item was discussed in the above item.

Update on Status of Current Public Service Commission Cases

East Jefferson Sewer Service, LLC vs JCPD civil action case # 14-C-51 – There have been no new updates on this case.

American Farm Bureau Federation v. Environmental Protection Agency – Mr. Kelsh informed the Board that the case went in favor of the EPA in upholding the TMDL requirements. The District was an intervener in the case supporting the EPA.

**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.

Consider Fiscal Year 2015 budget revision

Ms. Lawton explained to the Board that there were a few accounts that were over budget for Fiscal Year 2015 so the Finance Manager moved money from accounts that were under budget for the year to cover these deficits.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve the changes to the following accounts; the Collecting System Supplies account, Pumping System-Power & Fuel account, Treatment and Disposal-Rents,

**Miscellaneous & General Expense account, and the Special Expense account.  
Unanimously approved.**

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 \$6,932.16. 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 \$192,557.94. Unanimously approved.

Approve transfer of \$3,422.50 from the Series 2013A Bond account to the Sewer Operating account for strategic plan expenses

Approve transfer of \$7,233.23 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds

Approve transfer of \$128.65 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 \$3,422.50 from the Series 2013A Bond account to the Sewer Operating account for strategic plan expenses; approve transfer of \$7,233.23 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds; approve transfer of \$128.65 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.

Pump Station 1-12 – This pump station is scheduled to be repaired later this month.

**Action:** No action required by the Board.

Other staff reports

None discussed.

**Action:** No action required by the Board.

Correspondence

None discussed.

Public Comment

Dale Manuel, Jefferson County Commissioner, made the comment that the Board should consider sewer impact fees section in the Local Powers Act to justify the establishment of capital improvement fees.

Debbie Royalty of Summit Point, President of League of Women Voters, expressed her gratitude with the Board for addressing her concerns she made earlier in public comments regarding the strategic plan.

Todd Milliron, Breckenridge resident, thanked the Board for getting the strategic plan drafted and making the initiative to get the plan on the website for public comments sooner than anticipated. He also suggested the Board attach the formula to the strategic plan for calculating a capital improvement fee if possible. Mr. Milliron also questioned Mr. Strider's motion about not wanting to pursue consolidation with the sewer transmission project underway since there is an agreement between the District and another public utility in the sewer project and if it will be affected by his motion.

**Action:** Motion made by Mr. Weese and seconded by Mr. Strider to adjourn. Unanimously approved.

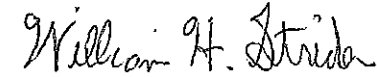
There being no further business at this time, the meeting was adjourned at 8:16PM.

The next regular meeting is scheduled for Monday, August 3, 2015 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Peter L. Appignani". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Peter L. Appignani  
Chairman

A handwritten signature in black ink, appearing to read "William H. Strider". The signature is cursive and somewhat stylized, with a prominent "W" and "S".

William H. Strider  
Treasurer

# Jefferson County Public Service District

## Jefferson County Public Service District Work Session #1 July 20, 2015

The first work session of the Jefferson County Public Service District for the presentation of the Draft Wastewater Strategic Plan was held from 3:00PM to 5:00PM on Monday, July 20, 2015 at the Charles Town Library. Those in attendance included: Chairman, Peter Appignani; Secretary, Richard Weese; Treasurer, Bill Strider; PSD General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, Jim Kelsh; Thrasher Engineering, Wayne Morgan; Dunn Engineers, Fred Hypes and Matt Brenner; and Liaison for the County Commission, Commissioner Jane Tabb.

Chairman Peter Appignani called the meeting to order at 3:00PM.

Mr. Appignani requested the public hold their questions and comments until after the presentation is made. He also requested that questions be submitted in writing. The Board will be accepting comments until July 24<sup>th</sup>.

Fred Hypes gave a presentation on the draft Wastewater Strategic Plan which needs to be approved by the Board and submitted to the Public Service Commission by August 24<sup>th</sup>. The plan addressed the District's existing infrastructure as well as what will need to be done to handle the capacity of future growth based on developer projections and the Envision Jefferson 2035 plan. Mr. Hypes also discussed the recommendations for both the immediate and future needs to continue to provide adequate service to existing customers.

The Board opened the floor to allow public comments on the plan. Public comments were made by:  
(An audio recording is available on the Districts website to hear the comments in their entirety.)


Dale Manuel  
Todd Milliron  
Patricia Rucker  
Jacquelyn Milliron  
Chris Flanagan  
Freida Schummer  
Alex Uhlenhopp  
Mike Ashley  
Jeffrey Main  
Ramona Wesling  
Curt Compton  
Heidi Parker  
Charles Cheezum

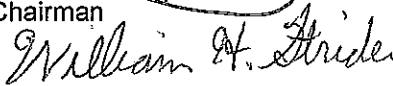
There being no further business at this time, the meeting was adjourned at 4:40PM.

A second presentation of this plan is scheduled for this evening at 6:30PM to 8:30PM at the Charles Town Library.

The next regular meeting is scheduled for August 3, 2015 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,

  
Peter L. Appignani  
Chairman

  
William H. Strider  
Treasurer

# Jefferson County Public Service District

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## Jefferson County Public Service District Work Session #2 July 20, 2015

The second work session of the Jefferson County Public Service District for the presentation of the Draft Wastewater Strategic Plan was held from 6:30PM to 8:30PM on Monday, July 20, 2015 at the Charles Town Library. Those in attendance included: Chairman, Peter Appignani; Secretary, Richard Weese; Treasurer, Bill Strider; PSD General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, Jim Kelsh; Thrasher Engineering, Wayne Morgan; Dunn Engineers, Fred Hypes and Matt Brenner; and Liaison for the County Commission, Commissioner Jane Tabb.

Chairman Peter Appignani called the meeting to order at 6:30PM.

Mr. Appignani requested the public hold their questions and comments until after the presentation is made. He also requested that questions be submitted in writing. The Board will be accepting comments until July 24<sup>th</sup>.

Fred Hypes gave a presentation on the draft Wastewater Strategic Plan which needs to be approved by the Board and submitted to the Public Service Commission by August 24<sup>th</sup>. The plan addressed the District's existing infrastructure as well as what will need to be done to handle the capacity of future growth based on developer projections and the Envision Jefferson 2035 plan. Mr. Hypes also discussed the recommendations for both the immediate and future needs to continue to provide adequate service to existing customers.

The Board opened the floor to allow public comments on the plan. Public comments were made by:  
(An audio recording is available on the Districts website to hear the comments in their entirety.)


Dale Manuel  
Elaine Nafeld  
Dan Kovak  
Monica Pezuti  
Dave Hardy  
Jacquelyn Milliron  
Patty Kovak  
Mike Donnelly  
Julie Lipson  
Peter Anosco  
Heidi Parker  
Jeffrey Main  
Todd Milliron  
John Linberg  
Alex Uhlenhopp  
Ramona Wesling

There being no further business at this time, the meeting was adjourned at 8:30PM.

The next regular meeting is scheduled for August 3, 2015 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,

  
Peter L. Appignani  
Chairman

  
William H. Strider  
Treasurer

# Jefferson County Public Service District

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## Jefferson County Public Service District Special Board Meeting July 20, 2015

The special meeting of the Jefferson County Public Service District was held at 5:15PM on Monday, July 20, 2015 at the Charles Town Library. Those in attendance included: Chairman, Peter Appignani; Secretary, Richard Weese; Treasurer, Bill Strider; PSD General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, Jim Kelsh; Thrasher Engineering, Wayne Morgan; Dunn Engineers, Fred Hypes and Matt Brenner; and liaison for the County Commission, Commissioner Jane Tabb.

Chairman Peter Appignani called the meeting to order at 5:15PM.

### Public Comment

Todd Milliron, Breckenridge resident, suggested the Board should only consider paying half of the engineering fees upfront for the sewer transmission project and pay the remaining when final funding is obtained.

### Consideration of supplemental resolution approving in concept the issuance of the District's sewer revenue bonds in an amount not to exceed \$660,000 to finance professional and other costs relating to the District's sewer transmission line project and to pay issuance costs related to such bonds

Mr. Kelsh stated that last month the Board approved a resolution not to exceed \$616,000 to pay for sewer project costs which will be paid off with final project financing. Since that time, the developer of the Aspen Green subdivision has requested the Board make payments on the District's obligation of approximately \$44,000 for the enlargement of the off-site facilities they had constructed at the request of the District.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to approve the supplemental resolution as read:

**RESOLUTION APPROVING IN CONCEPT THE FINANCING OF ALL OR A PORTION OF THE COSTS RELATING TO THE ACQUISITION, DESIGN, CONSTRUCTION, IMPROVEMENT AND EQUIPPING OF CERTAIN EXTENSIONS, BETTERMENTS AND/OR IMPROVEMENTS TO THE EXISTING SEWERAGE SYSTEM AND RELATED FACILITIES OF JEFFERSON COUNTY PUBLIC SERVICE DISTRICT WITH PROCEEDS OF SEWER REVENUE BONDS TO BE ISSUED IN ONE OR MORE SERIES BY THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT AND APPROVING THE TAKING OF ACTIONS IN CONNECTION THEREWITH.**

**Motion approved 2-1. Mr. Appignani voted against the motion for the same reasons he voted against the resolution at the last board meeting.**

Consider amount of a capacity improvement fee to be included in sewer rate increase to be filed with the PSC  
At the last board meeting, the Board directed Thrasher and Dunn to calculate a capital improvement fee (CIF) for future sewer projects. Mr. Morgan recommended a CIF of \$4,832, which \$1,127 of that goes to Charles Town and \$1,625 will go to Ranson leaving \$2,080 for the District to use toward future projects. The Board agreed with the engineer's calculation and directed Mr. Chuck Young from CoxHollida & Professionals to update the Rule 42 to include the proposed CIF amount.

Mr. Kelsh suggested the District may want to work on drafting legislation for the use of CIF's by PSD's. The Board directed Mr. Kelsh to work with the County Commissions legal staff to draft legislation.

**Action:** No action required by the Board.

### Consider revisions to the amount and effective date of the sewer rate increase to be filed with the PSC

Last month the Board approved Mr. Kelsh filing a 42T rate increase with the Public Service Commission. However, Mr. Kelsh informed the Board that since the District did not meet coverage requirements for the fiscal year ending June 30, 2014 and will not be able to close on the \$660,000 loan until a rate change is in effect, he

340 Edmond Road, Suite A · Kearneysville, WV 25430 · 304-725-4647 · Fax: 304-725-5976 · www.jcpsd.com

Special Board Meeting  
July 20, 2015

suggested the Board file a Rule 42R rate increase instead. Mr. Kelsh stated that a Rule 42R will allow the District to begin collecting the new rate effective upon filing the rate case rather than waiting for a PSC final order which is done in a Rule 42T. Ms. Lawton stated that the money collected from the rate increase will be kept in a separate account, as well as collected CIFs, since they will both be subjected to refund if the PSC denies the rate increase. The new rate would be \$2.07 or \$17.45 per thousand gallons.

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve amending the amount and effective date of the sewer rate increase to be filed with the public service commission and utilize a 42R approach. Unanimously approved.**

Public Comments

Jacquelyn Milliron, Breckenridge resident, questioned if there was a signed agreement with Ranson since an unsigned version was attached in the Preliminary Engineering Report. She also had questions on the District's agreement with Ranson for upgrades to the Flowing Springs pump station.

**Action: Motion made by Mr. Weese and seconded by Mr. Strider to adjourn. Unanimously approved.**

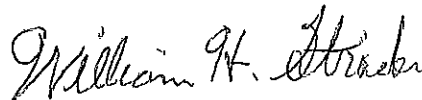
There being no further business at this time, the meeting was adjourned at 5:40PM.

The next regular meeting is scheduled for August 3, 2015 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



**Meals on Wheels of Jefferson County**

**P.O. Box 565**

**Charles Town, WV 25414-0565**

**(304) 725-1601**

August 3, 2015

Dear Friend of Meals on Wheels of Jefferson County:

Meals on Wheels of Jefferson County is alive and well in Jefferson County! However, we need your help to ensure that the Meals on Wheels of Jefferson County program continues providing a quality noontime meal to the homebound in Jefferson County.

Meals on Wheels of Jefferson County started delivering noontime meals in 1980 to anyone in Jefferson County who is homebound or for any reason is unable to prepare at least one healthful, ample meal a day, regardless of age, income, infirmity, race, gender, or circumstances equally important. Meals on Wheels of Jefferson County prepared and delivered approximately 9,400 noon meals in 2014. The service meets two essential needs: (1) ensuring our clients receive a healthy, well-balanced daily meal to prevent malnutrition, and (2) monitoring our client's well-being and summoning the client's caregiver of record or emergency help if needed. The drivers also bring a little cheer into the clients' lives with a daily visit, since many clients are quite isolated.

We valued your support in 2014, we hope that you will consider continuing supporting members of your community by making a contribution in 2015. Your generous support will help ensure continuing and expanding the quality meals served by the Meals on Wheels of Jefferson County program.

You may contribute to the Meals on Wheels of Jefferson County by sending your donation to Meals on Wheels of Jefferson County, P.O. Box 565, Charles Town, WV 25414. If you seek further information about the Meals on Wheels of Jefferson County program, please contact our office at (304) 725-1601 between 8 AM and 1 PM Monday through Friday.

On behalf of our clients, we thank you in advance for being a friend of Meals on Wheels of Jefferson County.

Sincerely,

Roger Dailey  
President of the Board

**Jessica Carroll**

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**From:** Joseph Hummel [joe@jthnet.com]  
**Sent:** Tuesday, August 25, 2015 6:04 PM  
**To:** jcarroll@jeffersoncountywv.org; sandy@jeffersoncountywv.org  
**Subject:** Out-of-Band Service Fees

## Your submission:

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**Your Name:** Joseph Hummel

**Your Email Address:** [joe@jthnet.com](mailto:joe@jthnet.com)

**Subject:** Out-of-Band Service Fees

**Message:** I find the Ambulance Fee to be an inappropriate method to pay for these services. Our property tax goes to fund these resources, and in addition, there is a fee for use. This out-of-band tax should be included in the budget that is set from the tax rate. This fee should be included in the property taxes we already pay. We pay double rate for our property, merely because it is rented out, so this extra tax is additional reminder of how overtaxed, compared to our neighbors, we already are.

I am in support of funding emergency services. It's just this out-of-band method of addressing the issue, instead of addressing it during the established budgeting process that is annoying. I contribute more than this in donations to our fire/rescue services. So, it's not the amount, just the method you chose to impose this on property owners.

## Jessica Carroll

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**From:** Josh Compton [Jcompton93@gmail.com]  
**Sent:** Friday, August 14, 2015 12:15 PM  
**To:** jcarroll@jeffersoncountywv.org; sandy@jeffersoncountywv.org  
**Subject:** Renewal of School Levy

## Your submission:

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**Your Name:** Josh Compton

**Your Email Address:** [Jcompton93@gmail.com](mailto:Jcompton93@gmail.com)

**Subject:** Renewal of School Levy

**Message:** To: Jefferson County Commissioners

In regard to your planned vote on December 12th regarding the renewal of the School Levy- I strongly urge you to reject this measure. First and foremost, a large majority of the population in Jefferson county and the eastern panhandle are super commuters and live in the county for the pure fact property is cheaper and taxes are much lower. This offsets the significant commute times as a result. My wife and I are from DC and found Jefferson county to be a great place to move (even though we still work in DC and make the long drive each day). Jefferson County should be encouraging younger and well educated individuals to move to the county- much like we did in order to bring about positive change for the future. This Commission has repeatedly been unable to balance their budget in effective ways and levied a recent Ambulance Tax as a result of this. Now to see the possibility of another tax being approved by this commission is very disheartening. The reason why the younger generation is slowly moving to Jefferson County and doing the excessively long commutes is because of the low taxes and fees. If you all continue to raise taxes and add more fees to your population base you risk losing a large percentage of us because frankly, living out here and paying more and more isn't worth our time to commute so far anymore. I am confident you all do not want to jeopardize losing young educated families who can make positive impacts on the county in the future over gaining some extra funding for the short term.

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

<b>Week Ending Date</b>	<b>FY16 August 1, 2015</b>
<b>To be Deposited on:</b>	<b>August 7, 2015</b>
<b>Amount Played</b>	<b>62,123,284.39</b>
<b>Amount Won</b>	<b>55,630,960.31</b>
<b>Amount Promo</b>	<b>287,016.00</b>
<b>MWAP Contribution</b>	<b><u>2,724.59</u></b>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>6,202,583.49</u></b>
<b>Administrative Costs @ 4%</b>	<b>248,103.33</b>
<b>Excess Lottery Fund @ 4%</b>	<b><u>0.00</u></b>
<b>Net Terminal Revenue</b>	<b><u>5,954,480.16</u></b>
<b>Surcharge @ 10%</b>	<b>0.00</b>
<b>State Share Excess @ 58% &amp; 10% of 42%</b>	<b>0.00</b>
<b>Track Share of Capital Reinvestment @ 90% of 42%</b>	<b><u>0.00</u></b>
<i>Track Share of Capital Reinvestment @ 96%</i>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 4%</i>	<i>0.00</i>
<b>Adjusted Net Terminal Revenue</b>	<b><u>5,954,480.16</u></b>
<b>Racetrack @ 46.50% / 42%</b>	<b>2,768,833.27</b>
<b>Lottery Fund @ 30% / 0%</b>	<b>1,786,344.07</b>
<b>Excess Lottery Fund @ 0% / 41%</b>	<b>0.00</b>
<b>Excess Lottery Fund @ 12.85% / 9.55%</b>	<b>765,150.69</b>
<b>Race Track Purses @ 90% of 7% / 4%</b>	<b>375,132.25</b>
<b>Employee Pension Fund @ 1% / .5%</b>	<b>59,544.80</b>
<b>Greyhound Development @ 90% of .75%</b>	<b>40,192.74</b>
<b>Thoroughbred Development @ 90% of .75%</b>	<b>40,192.74</b>
<b>County/Municipality @ 2%</b>	<b><u>119,089.60</u></b>
	<b><u>5,954,480.16</u></b>

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2016

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%
4 days ending: 07/04/15	\$   89,446.56	\$   89,446.56	\$           -	\$           -	\$           -	\$           -	\$           -	\$           -
Week ending: 07/11/15	\$  119,132.68	\$  119,132.68	\$           -	\$           -	\$           -	\$           -	\$           -	\$           -
07/18/15	\$  112,706.24	\$  112,706.24	\$           -	\$           -	\$           -	\$           -	\$           -	\$           -
07/25/15	\$  109,356.88	\$  109,356.88	\$           -	\$           -	\$           -	\$           -	\$           -	\$           -
08/01/15	\$  119,089.60	\$  119,089.60	\$           -	\$           -	\$           -	\$           -	\$           -	\$           -
Subtotal	\$  549,731.96	\$  549,731.96	\$           -	\$           -	\$           -	\$           -	\$           -	\$           -

Benchmark Goal @ 2%         \$   912,063.48  
 Remainder until 1% / 1% Split   \$   362,331.52

**VIDEO LOTTERY REPORT**

FY 2012		FY 2013		FY 2014		FY 2015		FY 2016	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
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	7/4/2015	89,446.56
7/9/2011	171,717.28	7/14/2012	129,458.04	7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68
7/16/2011	143,019.52	7/21/2012	130,037.00	7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24
7/23/2011	146,508.00	7/28/2012	137,164.44	7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88
7/30/2011	144,510.28	8/4/2012	132,931.16	8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60
8/6/2011	151,495.28	8/11/2012	134,212.88	8/10/2013	120,078.64	8/9/2014	114,374.60		
8/13/2011	117,350.38	8/18/2012	110,241.90	8/17/2013	124,888.56	8/16/2014	114,105.32		
8/20/2011	71,614.12	8/25/2012	66,209.90	8/24/2013	89,882.12	8/23/2014	116,097.04		
8/27/2011	63,432.14	9/1/2012	67,133.42	8/31/2013	58,913.18	8/30/2014	60,280.02		
9/3/2011	80,837.76	9/8/2012	74,029.40	9/7/2013	67,758.74	9/6/2014	61,420.28		
9/10/2011	84,845.80	9/15/2012	61,838.04	9/14/2013	53,374.22	9/13/2014	51,364.96		
9/17/2011	66,748.62	9/22/2012	56,996.90	9/21/2013	54,277.94	9/20/2014	50,664.54		
9/24/2011	68,929.80	9/29/2012	61,611.40	9/28/2013	54,881.50	9/27/2014	50,127.22		
10/1/2011	68,871.64	10/6/2012	62,715.20	10/5/2013	55,950.74	10/4/2014	53,531.28		
10/8/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92	10/11/2014	51,127.00		
10/15/2011	75,262.66	10/20/2012	62,333.08	10/19/2013	61,327.20	10/18/2014	56,414.64		
10/22/2011	68,757.72	10/27/2012	58,073.54	10/26/2013	52,854.06	10/25/2014	49,890.20		
10/29/2011	60,507.98	11/3/2012	56,545.30	11/2/2013	57,543.54	11/1/2014	52,242.34		
11/5/2011	70,673.88	11/10/2012	56,110.96	11/9/2013	54,666.76	11/8/2014	52,819.26		
11/12/2011	67,627.10	11/17/2012	57,432.36	11/16/2013	56,495.96	11/15/2014	51,810.32		
11/19/2011	60,690.60	11/24/2012	65,888.86	11/23/2013	48,628.62	11/22/2014	46,228.62		
11/26/2011	74,140.54	12/1/2012	50,243.34	11/30/2013	59,645.66	11/29/2014	55,593.44		
12/3/2011	59,429.94	12/8/2012	50,770.96	12/7/2013	47,306.24	12/6/2014	46,792.50		
12/10/2011	51,395.44	12/15/2012	47,022.38	12/14/2013	29,229.02	12/13/2014	40,904.98		
12/17/2011	55,981.32	12/22/2012	46,838.96	12/21/2013	44,581.02	12/20/2014	41,600.84		
12/24/2011	54,248.62	12/29/2012	59,697.22	12/28/2013	62,117.14	12/27/2014	58,114.68		
12/31/2011	94,661.00	1/5/2013	71,673.52	1/4/2014	62,963.88	1/3/2015	68,277.28		
1/7/2012	74,863.40	1/12/2013	50,416.30	1/11/2014	37,935.94	1/10/2015	37,099.34		
1/14/2012	58,901.92	1/19/2013	51,211.88	1/18/2014	49,418.64	1/17/2015	43,217.36		
1/21/2012	61,819.92	1/26/2013	46,966.26	1/25/2014	42,720.80	1/24/2015	41,212.80		
1/28/2012	62,898.78	2/2/2013	52,067.92	2/1/2014	47,681.60	1/31/2015	42,783.32		
2/4/2012	72,154.66	2/9/2013	52,222.20	2/8/2014	45,434.52	2/7/2015	47,859.18		
2/11/2012	66,429.04	2/16/2013	64,243.52	2/15/2014	41,076.08	2/14/2015	48,131.08		
2/18/2012	77,455.88	2/23/2013	64,115.70	2/22/2014	61,523.98	2/21/2015	37,610.66		
2/25/2012	77,611.78	3/2/2013	62,602.74	3/1/2014	57,744.78	2/28/2015	56,982.14		
3/3/2012	75,963.86	3/9/2013	59,213.26	3/8/2014	50,439.94	3/7/2015	43,750.42		
3/10/2012	76,808.62	3/16/2013	62,366.36	3/15/2014	54,414.66	3/14/2015	55,096.66		
3/17/2012	76,883.92	3/23/2013	59,841.02	3/22/2014	50,734.62	3/21/2015	53,081.08		
3/24/2012	72,108.36	3/30/2013	57,567.98	3/29/2014	51,174.60	3/28/2015	50,548.88		
3/31/2012	74,244.22	4/6/2013	63,108.84	4/5/2014	55,229.90	4/4/2015	51,713.78		
4/7/2012	75,382.98	4/13/2013	56,849.30	4/12/2014	48,653.18	4/11/2015	51,024.54		
4/14/2012	71,065.34	4/20/2013	55,432.12	4/19/2014	54,469.22	4/18/2015	49,338.10		
4/21/2012	68,055.08	4/27/2013	58,612.74	4/26/2014	51,637.18	4/25/2015	49,656.62		

4/28/2012	72,880.66	5/4/2013	61,102.92	5/3/2014	54,757.72	5/2/2015	54,079.66
5/5/2012	71,582.30	5/11/2013	57,428.70	5/10/2014	51,011.76	5/9/2015	50,062.82
5/12/2012	63,357.92	5/18/2013	61,172.80	5/17/2014	51,148.34	5/16/2015	48,308.08
5/19/2012	78,984.36	5/25/2013	57,131.24	5/24/2014	53,082.60	5/23/2015	47,705.92
5/26/2012	67,396.24	6/1/2013	65,920.66	5/31/2014	62,642.98	5/30/2015	58,258.10
6/2/2012	76,959.44	6/8/2013	55,233.74	6/7/2014	49,517.18	6/6/2015	53,927.82
6/9/2012	63,584.86	6/15/2013	54,067.52	6/14/2014	50,266.50	6/13/2015	50,110.84
6/16/2012	59,436.12	6/22/2013	54,690.28	6/21/2014	48,768.14	6/20/2015	47,109.22
6/23/2012	55,921.30	6/29/2013	55,991.38	6/28/2014	49,250.32	6/27/2015	55,325.14
6/30/2012	58,207.40	6/30/2013	11,509.54	6/30/2014	12,010.70	6/30/2015	16,018.68

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**4,124,906.80**

**3,580,645.18**

**3,261,565.02**

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**3,148,372.80**

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**549,731.96**

**Table Game Revenue**

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

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2014	78,639.07		
August, 2014	84,726.51		
September, 2014	71,967.51		
October, 2014	66,257.02		
November, 2014	71,046.66		
December, 2014	76,797.24		
January, 2015	73,346.66		
February, 2015	66,262.78		
March, 2015	73,747.70		
April, 2015	76,343.68		
May, 2015	78,424.23		
June, 2015	81,569.83		
<b>Total 2014-2015</b>	<b>899,128.89</b>	<b>Total 2015-2016</b>	<b>0.00</b>

**Table Game Revenue Distribution - Jefferson County School Board**

<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>	<b>Date</b>	<b>Amount</b>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08	July, 2014	235,917.21
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25	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	October, 2014	198,771.06
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82	November, 2014	213,139.98
December, 2011	421,529.79	December, 2012	440,033.75	December, 2013	238,851.93	December, 2014	230,391.72
January, 2012	413,438.04	January, 2013	397,951.05	January, 2014	225,281.43	January, 2015	220,039.98
February, 2012	428,310.03	February, 2013	381,857.07	February, 2014	225,512.70	February, 2015	198,788.34
March, 2012	455,536.38	March, 2013	447,100.86	March, 2014	234,604.53	March, 2015	221,243.10
April, 2012	383,586.78	April, 2013	316,635.69	April, 2014	217,142.18	April, 2015	229,031.04
May, 2012	413,715.39	May, 2013	329,242.14	May, 2014	279,575.67	May, 2015	235,272.69
June, 2012	387,706.12	June, 2013	314,410.11	June, 2014	217,052.10	June, 2015	244,709.49
<b>Total 2011-2012</b>	<b>4,808,702.50</b>	<b>Total 2012-2013</b>	<b>4,608,334.13</b>	<b>Total 2013-2014</b>	<b>2,995,460.18</b>	<b>Total 2014-2015</b>	<b>2,697,386.67</b>

<b>Date</b>	<b>Amount</b>
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<b>Total 2015-2016</b>	<b>0.00</b>
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**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

<b>Week Ending Date</b>	<b>FY16 August 8, 2015</b>
<b>To be Deposited on:</b>	<b>August 14, 2015</b>
<b>Amount Played</b>	<b>62,072,322.04</b>
<b>Amount Won</b>	<b>55,733,301.34</b>
<b>Amount Promo</b>	<b>310,541.00</b>
<b>MWAP Contribution</b>	<b><u>2,984.29</u></b>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>6,025,495.41</u></b>
<b>Administrative Costs @ 4%</b>	<b>241,019.82</b>
<b>Excess Lottery Fund @ 4%</b>	<b><u>0.00</u></b>
<b>Net Terminal Revenue</b>	<b><u>5,784,475.59</u></b>
<b>Surcharge @ 10%</b>	<b>0.00</b>
<b>State Share Excess @ 58% &amp; 10% of 42%</b>	<b>0.00</b>
<b>Track Share of Capital Reinvestment @ 90% of 42%</b>	<b><u>0.00</u></b>
<i>Track Share of Capital Reinvestment @ 96%</i>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 4%</i>	<i>0.00</i>
<b>Adjusted Net Terminal Revenue</b>	<b><u>5,784,475.59</u></b>
<b>Racetrack @ 46.50% / 42%</b>	<b>2,689,781.15</b>
<b>Lottery Fund @ 30% / 0%</b>	<b>1,735,342.65</b>
<b>Excess Lottery Fund @ 0% / 41%</b>	<b>0.00</b>
<b>Excess Lottery Fund @ 12.85% / 9.55%</b>	<b>743,305.13</b>
<b>Race Track Purses @ 90% of 7% / 4%</b>	<b>364,421.96</b>
<b>Employee Pension Fund @ 1% / .5%</b>	<b>57,844.76</b>
<b>Greyhound Development @ 90% of .75%</b>	<b>39,045.21</b>
<b>Thoroughbred Development @ 90% of .75%</b>	<b>39,045.21</b>
<b>County/Municipality @ 2%</b>	<b><u>115,689.52</u></b>
	<b><u>5,784,475.59</u></b>

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2016

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%
4 days ending: 07/04/15	\$ 89,446.56	\$ 89,446.56	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/11/15	\$ 119,132.68	\$ 119,132.68	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/18/15	\$ 112,706.24	\$ 112,706.24	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/25/15	\$ 109,356.88	\$ 109,356.88	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/01/15	\$ 119,089.60	\$ 119,089.60	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/08/15	\$ 115,689.52	\$ 115,689.52	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 665,421.48	\$ 665,421.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Benchmark Goal @ 2% \$ 912,063.48  
 Remainder until 1% / 1% Split \$ 246,642.00

**VIDEO LOTTERY REPORT**

FY 2012		FY 2013		FY 2014		FY 2015		FY 2016	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
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	7/4/2015	89,446.56
7/9/2011	171,717.28	7/14/2012	129,458.04	7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68
7/16/2011	143,019.52	7/21/2012	130,037.00	7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24
7/23/2011	146,508.00	7/28/2012	137,164.44	7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88
7/30/2011	144,510.28	8/4/2012	132,931.16	8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60
8/6/2011	151,495.28	8/11/2012	134,212.88	8/10/2013	120,078.64	8/9/2014	114,374.60	8/8/2015	115,689.52
8/13/2011	117,350.38	8/18/2012	110,241.90	8/17/2013	124,888.56	8/16/2014	114,105.32		
8/20/2011	71,614.12	8/25/2012	66,209.90	8/24/2013	89,882.12	8/23/2014	116,097.04		
8/27/2011	63,432.14	9/1/2012	67,133.42	8/31/2013	58,913.18	8/30/2014	60,280.02		
9/3/2011	80,837.76	9/8/2012	74,029.40	9/7/2013	67,758.74	9/6/2014	61,420.28		
9/10/2011	84,845.80	9/15/2012	61,838.04	9/14/2013	53,374.22	9/13/2014	51,364.96		
9/17/2011	66,748.62	9/22/2012	56,996.90	9/21/2013	54,277.94	9/20/2014	50,664.54		
9/24/2011	68,929.80	9/29/2012	61,611.40	9/28/2013	54,881.50	9/27/2014	50,127.22		
10/1/2011	68,871.64	10/6/2012	62,715.20	10/5/2013	55,950.74	10/4/2014	53,531.28		
10/8/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92	10/11/2014	51,127.00		
10/15/2011	75,262.66	10/20/2012	62,333.08	10/19/2013	61,327.20	10/18/2014	56,414.64		
10/22/2011	68,757.72	10/27/2012	58,073.54	10/26/2013	52,854.06	10/25/2014	49,890.20		
10/29/2011	60,507.98	11/3/2012	56,545.30	11/2/2013	57,543.54	11/1/2014	52,242.34		
11/5/2011	70,673.88	11/10/2012	56,110.96	11/9/2013	54,666.76	11/8/2014	52,819.26		
11/12/2011	67,627.10	11/17/2012	57,432.36	11/16/2013	56,495.96	11/15/2014	51,810.32		
11/19/2011	60,690.60	11/24/2012	65,888.86	11/23/2013	48,628.62	11/22/2014	46,228.62		
11/26/2011	74,140.54	12/1/2012	50,243.34	11/30/2013	59,645.66	11/29/2014	55,593.44		
12/3/2011	59,429.94	12/8/2012	50,770.96	12/7/2013	47,306.24	12/6/2014	46,792.50		
12/10/2011	51,395.44	12/15/2012	47,022.38	12/14/2013	29,229.02	12/13/2014	40,904.98		
12/17/2011	55,981.32	12/22/2012	46,838.96	12/21/2013	44,581.02	12/20/2014	41,600.84		
12/24/2011	54,248.62	12/29/2012	59,697.22	12/28/2013	62,117.14	12/27/2014	58,114.68		
12/31/2011	94,661.00	1/5/2013	71,673.52	1/4/2014	62,963.88	1/3/2015	68,277.28		
1/7/2012	74,863.40	1/12/2013	50,416.30	1/11/2014	37,935.94	1/10/2015	37,099.34		
1/14/2012	58,901.92	1/19/2013	51,211.88	1/18/2014	49,418.64	1/17/2015	43,217.36		
1/21/2012	61,819.92	1/26/2013	46,966.26	1/25/2014	42,720.80	1/24/2015	41,212.80		
1/28/2012	62,898.78	2/2/2013	52,067.92	2/1/2014	47,681.60	1/31/2015	42,783.32		
2/4/2012	72,154.66	2/9/2013	52,222.20	2/8/2014	45,434.52	2/7/2015	47,859.18		
2/11/2012	66,429.04	2/16/2013	64,243.52	2/15/2014	41,076.08	2/14/2015	48,131.08		
2/18/2012	77,455.88	2/23/2013	64,115.70	2/22/2014	61,523.98	2/21/2015	37,610.66		
2/25/2012	77,611.78	3/2/2013	62,602.74	3/1/2014	57,744.78	2/28/2015	56,982.14		
3/3/2012	75,963.86	3/9/2013	59,213.26	3/8/2014	50,439.94	3/7/2015	43,750.42		
3/10/2012	76,808.62	3/16/2013	62,366.36	3/15/2014	54,414.66	3/14/2015	55,096.66		
3/17/2012	76,883.92	3/23/2013	59,841.02	3/22/2014	50,734.62	3/21/2015	53,081.08		
3/24/2012	72,108.36	3/30/2013	57,567.98	3/29/2014	51,174.60	3/28/2015	50,548.88		
3/31/2012	74,244.22	4/6/2013	63,108.84	4/5/2014	55,229.90	4/4/2015	51,713.78		
4/7/2012	75,382.98	4/13/2013	56,849.30	4/12/2014	48,653.18	4/11/2015	51,024.54		
4/14/2012	71,065.34	4/20/2013	55,432.12	4/19/2014	54,469.22	4/18/2015	49,338.10		
4/21/2012	68,055.08	4/27/2013	58,612.74	4/26/2014	51,637.18	4/25/2015	49,656.62		

4/28/2012	72,880.66	5/4/2013	61,102.92	5/3/2014	54,757.72	5/2/2015	54,079.66
5/5/2012	71,582.30	5/11/2013	57,428.70	5/10/2014	51,011.76	5/9/2015	50,062.82
5/12/2012	63,357.92	5/18/2013	61,172.80	5/17/2014	51,148.34	5/16/2015	48,308.08
5/19/2012	78,984.36	5/25/2013	57,131.24	5/24/2014	53,082.60	5/23/2015	47,705.92
5/26/2012	67,396.24	6/1/2013	65,920.66	5/31/2014	62,642.98	5/30/2015	58,258.10
6/2/2012	76,959.44	6/8/2013	55,233.74	6/7/2014	49,517.18	6/6/2015	53,927.82
6/9/2012	63,584.86	6/15/2013	54,067.52	6/14/2014	50,266.50	6/13/2015	50,110.84
6/16/2012	59,436.12	6/22/2013	54,690.28	6/21/2014	48,768.14	6/20/2015	47,109.22
6/23/2012	55,921.30	6/29/2013	55,991.38	6/28/2014	49,250.32	6/27/2015	55,325.14
6/30/2012	58,207.40	6/30/2013	11,509.54	6/30/2014	12,010.70	6/30/2015	16,018.68

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**4,124,906.80**

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**3,580,645.18**

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**3,261,565.02**

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**3,148,372.80**

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**665,421.48**

## Table Game Revenue

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

Date	Amount	Date	Amount
July, 2014	78,639.07		
August, 2014	84,726.51		
September, 2014	71,967.51		
October, 2014	66,257.02		
November, 2014	71,046.66		
December, 2014	76,797.24		
January, 2015	73,346.66		
February, 2015	66,262.78		
March, 2015	73,747.70		
April, 2015	76,343.68		
May, 2015	78,424.23		
June, 2015	81,569.83		
<b>Total 2014-2015</b>	<b>899,128.89</b>	<b>Total 2015-2016</b>	<b>0.00</b>

**Table Game Revenue Distribution - Jefferson County School Board**

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08	July, 2014	235,917.21
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25	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	October, 2014	198,771.06
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82	November, 2014	213,139.98
December, 2011	421,529.79	December, 2012	440,033.75	December, 2013	238,851.93	December, 2014	230,391.72
January, 2012	413,438.04	January, 2013	397,951.05	January, 2014	225,281.43	January, 2015	220,039.98
February, 2012	428,310.03	February, 2013	381,857.07	February, 2014	225,512.70	February, 2015	198,788.34
March, 2012	455,536.38	March, 2013	447,100.86	March, 2014	234,604.53	March, 2015	221,243.10
April, 2012	383,586.78	April, 2013	316,635.69	April, 2014	217,142.18	April, 2015	229,031.04
May, 2012	413,715.39	May, 2013	329,242.14	May, 2014	279,575.67	May, 2015	235,272.69
June, 2012	387,706.12	June, 2013	314,410.11	June, 2014	217,052.10	June, 2015	244,709.49
<b>Total 2011-2012</b>	<b>4,808,702.50</b>	<b>Total 2012-2013</b>	<b>4,608,334.13</b>	<b>Total 2013-2014</b>	<b>2,995,460.18</b>	<b>Total 2014-2015</b>	<b>2,697,386.67</b>

<u>Date</u>	<u>Amount</u>
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<b>Total 2015-2016</b>	<b>0.00</b>
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**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

**Week Ending Date**

FY16  
August 15, 2015

<b>To be Deposited on:</b>	<b>August 21, 2015</b>
<b>Amount Played</b>	<b>59,633,774.40</b>
<b>Amount Won</b>	<b>53,675,198.62</b>
<b>Amount Promo</b>	<b>293,210.00</b>
<b>MWAP Contribution</b>	<b><u>2,527.62</u></b>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>5,662,838.16</u></b>
<b>Administrative Costs @ 4%</b>	<b>226,513.52</b>
<b>Excess Lottery Fund @ 4%</b>	<b><u>0.00</u></b>
<b>Net Terminal Revenue</b>	<b><u>5,436,324.64</u></b>
<b>Surcharge @ 10%</b>	<b>0.00</b>
<b>State Share Excess @ 58% &amp; 10% of 42%</b>	<b>0.00</b>
<b>Track Share of Capital Reinvestment @ 90% of 42%</b>	<b><u>0.00</u></b>
<i>Track Share of Capital Reinvestment @ 96%</i>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 4%</i>	<i>0.00</i>
<b>Adjusted Net Terminal Revenue</b>	<b><u>5,436,324.64</u></b>
<b>Racetrack @ 46.50% / 42%</b>	<b>2,527,890.96</b>
<b>Lottery Fund @ 30% / 0%</b>	<b>1,630,897.45</b>
<b>Excess Lottery Fund @ 0% / 41%</b>	<b>0.00</b>
<b>Excess Lottery Fund @ 12.85% / 9.55%</b>	<b>698,567.68</b>
<b>Race Track Purses @ 90% of 7% / 4%</b>	<b>342,488.45</b>
<b>Employee Pension Fund @ 1% / .5%</b>	<b>54,363.24</b>
<b>Greyhound Development @ 90% of .75%</b>	<b>36,695.19</b>
<b>Thoroughbred Development @ 90% of .75%</b>	<b>36,695.19</b>
<b>County/Municipality @ 2%</b>	<b><u>108,726.48</u></b>
	<b><u>5,436,324.64</u></b>

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2016

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%
4 days ending: 07/04/15	\$    89,446.56	\$    89,446.56	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
Week ending:								
07/11/15	\$    119,132.68	\$    119,132.68	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
07/18/15	\$    112,706.24	\$    112,706.24	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
07/25/15	\$    109,356.88	\$    109,356.88	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
08/01/15	\$    119,089.60	\$    119,089.60	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
08/08/15	\$    115,689.52	\$    115,689.52	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
08/15/15	\$    108,726.48	\$    108,726.48	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
<b>Subtotal</b>	<b>\$    774,147.96</b>	<b>\$    774,147.96</b>	<b>\$            -</b>	<b>\$            -</b>	<b>\$            -</b>	<b>\$            -</b>	<b>\$            -</b>	<b>\$            -</b>

Benchmark Goal @ 2%         \$    912,063.48

Remainder until 1% / 1% Split     \$    137,915.52

**VIDEO LOTTERY REPORT**

FY 2012		FY 2013		FY 2014		FY 2015		FY 2016	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
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	7/4/2015	89,446.56
7/9/2011	171,717.28	7/14/2012	129,458.04	7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68
7/16/2011	143,019.52	7/21/2012	130,037.00	7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24
7/23/2011	146,508.00	7/28/2012	137,164.44	7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88
7/30/2011	144,510.28	8/4/2012	132,931.16	8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60
8/6/2011	151,495.28	8/11/2012	134,212.88	8/10/2013	120,078.64	8/9/2014	114,374.60	8/8/2015	115,689.52
8/13/2011	117,350.38	8/18/2012	110,241.90	8/17/2013	124,888.56	8/16/2014	114,105.32	8/15/2015	108,726.48
8/20/2011	71,614.12	8/25/2012	66,209.90	8/24/2013	89,882.12	8/23/2014	116,097.04		
8/27/2011	63,432.14	9/1/2012	67,133.42	8/31/2013	58,913.18	8/30/2014	60,280.02		
9/3/2011	80,837.76	9/8/2012	74,029.40	9/7/2013	67,758.74	9/6/2014	61,420.28		
9/10/2011	84,845.80	9/15/2012	61,838.04	9/14/2013	53,374.22	9/13/2014	51,364.96		
9/17/2011	66,748.62	9/22/2012	56,996.90	9/21/2013	54,277.94	9/20/2014	50,664.54		
9/24/2011	68,929.80	9/29/2012	61,611.40	9/28/2013	54,881.50	9/27/2014	50,127.22		
10/1/2011	68,871.64	10/6/2012	62,715.20	10/5/2013	55,950.74	10/4/2014	53,531.28		
10/8/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92	10/11/2014	51,127.00		
10/15/2011	75,262.66	10/20/2012	62,333.08	10/19/2013	61,327.20	10/18/2014	56,414.64		
10/22/2011	68,757.72	10/27/2012	58,073.54	10/26/2013	52,854.06	10/25/2014	49,890.20		
10/29/2011	60,507.98	11/3/2012	56,545.30	11/2/2013	57,543.54	11/1/2014	52,242.34		
11/5/2011	70,673.88	11/10/2012	56,110.96	11/9/2013	54,666.76	11/8/2014	52,819.26		
11/12/2011	67,627.10	11/17/2012	57,432.36	11/16/2013	56,495.96	11/15/2014	51,810.32		
11/19/2011	60,690.60	11/24/2012	65,888.86	11/23/2013	48,628.62	11/22/2014	46,228.62		
11/26/2011	74,140.54	12/1/2012	50,243.34	11/30/2013	59,645.66	11/29/2014	55,593.44		
12/3/2011	59,429.94	12/8/2012	50,770.96	12/7/2013	47,306.24	12/6/2014	46,792.50		
12/10/2011	51,395.44	12/15/2012	47,022.38	12/14/2013	29,229.02	12/13/2014	40,904.98		
12/17/2011	55,981.32	12/22/2012	46,838.96	12/21/2013	44,581.02	12/20/2014	41,600.84		
12/24/2011	54,248.62	12/29/2012	59,697.22	12/28/2013	62,117.14	12/27/2014	58,114.68		
12/31/2011	94,661.00	1/5/2013	71,673.52	1/4/2014	62,963.88	1/3/2015	68,277.28		
1/7/2012	74,863.40	1/12/2013	50,416.30	1/11/2014	37,935.94	1/10/2015	37,099.34		
1/14/2012	58,901.92	1/19/2013	51,211.88	1/18/2014	49,418.64	1/17/2015	43,217.36		
1/21/2012	61,819.92	1/26/2013	46,966.26	1/25/2014	42,720.80	1/24/2015	41,212.80		
1/28/2012	62,898.78	2/2/2013	52,067.92	2/1/2014	47,681.60	1/31/2015	42,783.32		
2/4/2012	72,154.66	2/9/2013	52,222.20	2/8/2014	45,434.52	2/7/2015	47,859.18		
2/11/2012	66,429.04	2/16/2013	64,243.52	2/15/2014	41,076.08	2/14/2015	48,131.08		
2/18/2012	77,455.88	2/23/2013	64,115.70	2/22/2014	61,523.98	2/21/2015	37,610.66		
2/25/2012	77,611.78	3/2/2013	62,602.74	3/1/2014	57,744.78	2/28/2015	56,982.14		
3/3/2012	75,963.86	3/9/2013	59,213.26	3/8/2014	50,439.94	3/7/2015	43,750.42		
3/10/2012	76,808.62	3/16/2013	62,366.36	3/15/2014	54,414.66	3/14/2015	55,096.66		
3/17/2012	76,883.92	3/23/2013	59,841.02	3/22/2014	50,734.62	3/21/2015	53,081.08		
3/24/2012	72,108.36	3/30/2013	57,567.98	3/29/2014	51,174.60	3/28/2015	50,548.88		
3/31/2012	74,244.22	4/6/2013	63,108.84	4/5/2014	55,229.90	4/4/2015	51,713.78		
4/7/2012	75,382.98	4/13/2013	56,849.30	4/12/2014	48,653.18	4/11/2015	51,024.54		
4/14/2012	71,065.34	4/20/2013	55,432.12	4/19/2014	54,469.22	4/18/2015	49,338.10		
4/21/2012	68,055.08	4/27/2013	58,612.74	4/26/2014	51,637.18	4/25/2015	49,656.62		

4/28/2012	72,880.66	5/4/2013	61,102.92	5/3/2014	54,757.72	5/2/2015	54,079.66
5/5/2012	71,582.30	5/11/2013	57,428.70	5/10/2014	51,011.76	5/9/2015	50,062.82
5/12/2012	63,357.92	5/18/2013	61,172.80	5/17/2014	51,148.34	5/16/2015	48,308.08
5/19/2012	78,984.36	5/25/2013	57,131.24	5/24/2014	53,082.60	5/23/2015	47,705.92
5/26/2012	67,396.24	6/1/2013	65,920.66	5/31/2014	62,642.98	5/30/2015	58,258.10
6/2/2012	76,959.44	6/8/2013	55,233.74	6/7/2014	49,517.18	6/6/2015	53,927.82
6/9/2012	63,584.86	6/15/2013	54,067.52	6/14/2014	50,266.50	6/13/2015	50,110.84
6/16/2012	59,436.12	6/22/2013	54,690.28	6/21/2014	48,768.14	6/20/2015	47,109.22
6/23/2012	55,921.30	6/29/2013	55,991.38	6/28/2014	49,250.32	6/27/2015	55,325.14
6/30/2012	58,207.40	6/30/2013	11,509.54	6/30/2014	12,010.70	6/30/2015	16,018.68

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**4,124,906.80**

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**3,580,645.18**

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**3,261,565.02**

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**3,148,372.80**

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**774,147.96**

## Table Game Revenue

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

Date	Amount	Date	Amount
July, 2014	78,639.07	July, 2015	75,674.79
August, 2014	84,726.51		
September, 2014	71,967.51		
October, 2014	66,257.02		
November, 2014	71,046.66		
December, 2014	76,797.24		
January, 2015	73,346.66		
February, 2015	66,262.78		
March, 2015	73,747.70		
April, 2015	76,343.68		
May, 2015	78,424.23		
June, 2015	81,569.83		
<b>Total 2014-2015</b>	<b>899,128.89</b>	<b>Total 2015-2016</b>	<b>75,674.79</b>

**Table Game Revenue Distribution - Jefferson County School Board**

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08	July, 2014	235,917.21
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25	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	October, 2014	198,771.06
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82	November, 2014	213,139.98
December, 2011	421,529.79	December, 2012	440,033.75	December, 2013	238,851.93	December, 2014	230,391.72
January, 2012	413,438.04	January, 2013	397,951.05	January, 2014	225,281.43	January, 2015	220,039.98
February, 2012	428,310.03	February, 2013	381,857.07	February, 2014	225,512.70	February, 2015	198,788.34
March, 2012	455,536.38	March, 2013	447,100.86	March, 2014	234,604.53	March, 2015	221,243.10
April, 2012	383,586.78	April, 2013	316,635.69	April, 2014	217,142.18	April, 2015	229,031.04
May, 2012	413,715.39	May, 2013	329,242.14	May, 2014	279,575.67	May, 2015	235,272.69
June, 2012	387,706.12	June, 2013	314,410.11	June, 2014	217,052.10	June, 2015	244,709.49
<b>Total 2011-2012</b>	<b>4,808,702.50</b>	<b>Total 2012-2013</b>	<b>4,608,334.13</b>	<b>Total 2013-2014</b>	<b>2,995,460.18</b>	<b>Total 2014-2015</b>	<b>2,697,386.67</b>

<u>Date</u>	<u>Amount</u>
July, 2015	227,024.37

<b>Total 2015-2016</b>	<b>227,024.37</b>
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*West Virginia State  
Treasurer's Office*

John D. Perdue  
State Treasurer

<u>Political Subdivision</u>	<u>Amount</u>
Huntington	1,227.57
Hurricane	1,227.57
Huttonsville	1,227.57
laeger	1,227.57
Jackson County	4,886.23
Jane Lew	1,227.57
Jefferson County	75,674.79
Jefferson County School Board	227,024.37
Junior	1,227.57
Kanawha County	27,179.94
Kenova	1,227.57
Kermit	1,227.57
Keyser	1,227.57
Keystone	1,227.57
Kimball	1,227.57
Kingwood	1,227.57
Leon	1,227.57
Lester	1,227.57
Lewis County	4,886.23

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

<b>Week Ending Date</b>	<b>FY16 August 22, 2015</b>
<b>To be Deposited on:</b>	<b>August 28, 2015</b>
<b>Amount Played</b>	<b>58,094,394.66</b>
<b>Amount Won</b>	<b>52,145,646.60</b>
<b>Amount Promo</b>	<b>272,945.00</b>
<b>MWAP Contribution</b>	<b><u>2,775.72</u></b>
<b>Adjusted Gross Terminal Revenue</b>	<b><u>5,673,027.34</u></b>
<b>Administrative Costs @ 4%</b>	<b>226,921.09</b>
<b>Excess Lottery Fund @ 4%</b>	<b><u>0.00</u></b>
<b>Net Terminal Revenue</b>	<b><u>5,446,106.25</u></b>
<b>Surcharge @ 10%</b>	<b>0.00</b>
<b>State Share Excess @ 58% &amp; 10% of 42%</b>	<b>0.00</b>
<b>Track Share of Capital Reinvestment @ 90% of 42%</b>	<b><u>0.00</u></b>
<i>Track Share of Capital Reinvestment @ 96%</i>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 4%</i>	<i>0.00</i>
<b>Adjusted Net Terminal Revenue</b>	<b><u>5,446,106.25</u></b>
<b>Racetrack @ 46.50% / 42%</b>	<b>2,532,439.41</b>
<b>Lottery Fund @ 30% / 0%</b>	<b>1,633,831.87</b>
<b>Excess Lottery Fund @ 0% / 41%</b>	<b>0.00</b>
<b>Excess Lottery Fund @ 12.85% / 9.55%</b>	<b>699,824.66</b>
<b>Race Track Purses @ 90% of 7% / 4%</b>	<b>343,104.69</b>
<b>Employee Pension Fund @ 1% / .5%</b>	<b>54,461.06</b>
<b>Greyhound Development @ 90% of .75%</b>	<b>36,761.22</b>
<b>Thoroughbred Development @ 90% of .75%</b>	<b>36,761.22</b>
<b>County/Municipality @ 2%</b>	<b><u>108,922.12</u></b>
	<b><u>5,446,106.25</u></b>

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2016

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%
4 days ending: 07/04/15	\$    89,446.56	\$    89,446.56	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
Week ending:								
07/11/15	\$    119,132.68	\$    119,132.68	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
07/18/15	\$    112,706.24	\$    112,706.24	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
07/25/15	\$    109,356.88	\$    109,356.88	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
08/01/15	\$    119,089.60	\$    119,089.60	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
08/08/15	\$    115,689.52	\$    115,689.52	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
08/15/15	\$    108,726.48	\$    108,726.48	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
08/22/15	\$    108,922.12	\$    108,922.12	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -
Subtotal	\$    883,070.08	\$    883,070.08	\$            -	\$            -	\$            -	\$            -	\$            -	\$            -

Benchmark Goal @ 2%             \$    912,063.48  
 Remainder until 1% / 1% Split     \$    28,993.40

## VIDEO LOTTERY REPORT

FY 2012		FY 2013		FY 2014		FY 2015		FY 2016	
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
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	7/4/2015	89,446.56
7/9/2011	171,717.28	7/14/2012	129,458.04	7/13/2013	128,060.40	7/12/2014	111,792.16	7/11/2015	119,132.68
7/16/2011	143,019.52	7/21/2012	130,037.00	7/20/2013	115,128.84	7/19/2014	116,320.32	7/18/2015	112,706.24
7/23/2011	146,508.00	7/28/2012	137,164.44	7/27/2013	123,049.56	7/26/2014	112,502.48	7/25/2015	109,356.88
7/30/2011	144,510.28	8/4/2012	132,931.16	8/3/2013	116,180.80	8/2/2014	117,145.12	8/1/2015	119,089.60
8/6/2011	151,495.28	8/11/2012	134,212.88	8/10/2013	120,078.64	8/9/2014	114,374.60	8/8/2015	115,689.52
8/13/2011	117,350.38	8/18/2012	110,241.90	8/17/2013	124,888.56	8/16/2014	114,105.32	8/15/2015	108,726.48
8/20/2011	71,614.12	8/25/2012	66,209.90	8/24/2013	89,882.12	8/23/2014	116,097.04	8/22/2015	108,922.12
8/27/2011	63,432.14	9/1/2012	67,133.42	8/31/2013	58,913.18	8/30/2014	60,280.02		
9/3/2011	80,837.76	9/8/2012	74,029.40	9/7/2013	67,758.74	9/6/2014	61,420.28		
9/10/2011	84,845.80	9/15/2012	61,838.04	9/14/2013	53,374.22	9/13/2014	51,364.96		
9/17/2011	66,748.62	9/22/2012	56,996.90	9/21/2013	54,277.94	9/20/2014	50,664.54		
9/24/2011	68,929.80	9/29/2012	61,611.40	9/28/2013	54,881.50	9/27/2014	50,127.22		
10/1/2011	68,871.64	10/6/2012	62,715.20	10/5/2013	55,950.74	10/4/2014	53,531.28		
10/8/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92	10/11/2014	51,127.00		
10/15/2011	75,262.66	10/20/2012	62,333.08	10/19/2013	61,327.20	10/18/2014	56,414.64		
10/22/2011	68,757.72	10/27/2012	58,073.54	10/26/2013	52,854.06	10/25/2014	49,890.20		
10/29/2011	60,507.98	11/3/2012	56,545.30	11/2/2013	57,543.54	11/1/2014	52,242.34		
11/5/2011	70,673.88	11/10/2012	56,110.96	11/9/2013	54,666.76	11/8/2014	52,819.26		
11/12/2011	67,627.10	11/17/2012	57,432.36	11/16/2013	56,495.96	11/15/2014	51,810.32		
11/19/2011	60,690.60	11/24/2012	65,888.86	11/23/2013	48,628.62	11/22/2014	46,228.62		
11/26/2011	74,140.54	12/1/2012	50,243.34	11/30/2013	59,645.66	11/29/2014	55,593.44		
12/3/2011	59,429.94	12/8/2012	50,770.96	12/7/2013	47,306.24	12/6/2014	46,792.50		
12/10/2011	51,395.44	12/15/2012	47,022.38	12/14/2013	29,229.02	12/13/2014	40,904.98		
12/17/2011	55,981.32	12/22/2012	46,838.96	12/21/2013	44,581.02	12/20/2014	41,600.84		
12/24/2011	54,248.62	12/29/2012	59,697.22	12/28/2013	62,117.14	12/27/2014	58,114.68		
12/31/2011	94,661.00	1/5/2013	71,673.52	1/4/2014	62,963.88	1/3/2015	68,277.28		
1/7/2012	74,863.40	1/12/2013	50,416.30	1/11/2014	37,935.94	1/10/2015	37,099.34		
1/14/2012	58,901.92	1/19/2013	51,211.88	1/18/2014	49,418.64	1/17/2015	43,217.36		
1/21/2012	61,819.92	1/26/2013	46,966.26	1/25/2014	42,720.80	1/24/2015	41,212.80		
1/28/2012	62,898.78	2/2/2013	52,067.92	2/1/2014	47,681.60	1/31/2015	42,783.32		
2/4/2012	72,154.66	2/9/2013	52,222.20	2/8/2014	45,434.52	2/7/2015	47,859.18		
2/11/2012	66,429.04	2/16/2013	64,243.52	2/15/2014	41,076.08	2/14/2015	48,131.08		
2/18/2012	77,455.88	2/23/2013	64,115.70	2/22/2014	61,523.98	2/21/2015	37,610.66		
2/25/2012	77,611.78	3/2/2013	62,602.74	3/1/2014	57,744.78	2/28/2015	56,982.14		
3/3/2012	75,963.86	3/9/2013	59,213.26	3/8/2014	50,439.94	3/7/2015	43,750.42		
3/10/2012	76,808.62	3/16/2013	62,366.36	3/15/2014	54,414.66	3/14/2015	55,096.66		
3/17/2012	76,883.92	3/23/2013	59,841.02	3/22/2014	50,734.62	3/21/2015	53,081.08		
3/24/2012	72,108.36	3/30/2013	57,567.98	3/29/2014	51,174.60	3/28/2015	50,548.88		
3/31/2012	74,244.22	4/6/2013	63,108.84	4/5/2014	55,229.90	4/4/2015	51,713.78		
4/7/2012	75,382.98	4/13/2013	56,849.30	4/12/2014	48,653.18	4/11/2015	51,024.54		
4/14/2012	71,065.34	4/20/2013	55,432.12	4/19/2014	54,469.22	4/18/2015	49,338.10		
4/21/2012	68,055.08	4/27/2013	58,612.74	4/26/2014	51,637.18	4/25/2015	49,656.62		

4/28/2012	72,880.66	5/4/2013	61,102.92	5/3/2014	54,757.72	5/2/2015	54,079.66
5/5/2012	71,582.30	5/11/2013	57,428.70	5/10/2014	51,011.76	5/9/2015	50,062.82
5/12/2012	63,357.92	5/18/2013	61,172.80	5/17/2014	51,148.34	5/16/2015	48,308.08
5/19/2012	78,984.36	5/25/2013	57,131.24	5/24/2014	53,082.60	5/23/2015	47,705.92
5/26/2012	67,396.24	6/1/2013	65,920.66	5/31/2014	62,642.98	5/30/2015	58,258.10
6/2/2012	76,959.44	6/8/2013	55,233.74	6/7/2014	49,517.18	6/6/2015	53,927.82
6/9/2012	63,584.86	6/15/2013	54,067.52	6/14/2014	50,266.50	6/13/2015	50,110.84
6/16/2012	59,436.12	6/22/2013	54,690.28	6/21/2014	48,768.14	6/20/2015	47,109.22
6/23/2012	55,921.30	6/29/2013	55,991.38	6/28/2014	49,250.32	6/27/2015	55,325.14
6/30/2012	58,207.40	6/30/2013	11,509.54	6/30/2014	12,010.70	6/30/2015	16,018.68

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**4,124,906.80**

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**3,580,645.18**

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**3,261,565.02**

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**3,148,372.80**

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**883,070.08**

**Table Game Revenue**

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

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2014	78,639.07	July, 2015	75,674.79
August, 2014	84,726.51		
September, 2014	71,967.51		
October, 2014	66,257.02		
November, 2014	71,046.66		
December, 2014	76,797.24		
January, 2015	73,346.66		
February, 2015	66,262.78		
March, 2015	73,747.70		
April, 2015	76,343.68		
May, 2015	78,424.23		
June, 2015	81,569.83		
<b>Total 2014-2015</b>	<b>899,128.89</b>	<b>Total 2015-2016</b>	<b>75,674.79</b>

**Table Game Revenue Distribution - Jefferson County School Board**

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2011	425,154.03	July, 2012	415,990.92	July, 2013	297,823.08	July, 2014	235,917.21
August, 2011	412,421.76	August, 2012	399,737.49	August, 2013	334,283.25	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	October, 2014	198,771.06
November, 2011	363,356.61	November, 2012	403,331.79	November, 2013	239,561.82	November, 2014	213,139.98
December, 2011	421,529.79	December, 2012	440,033.75	December, 2013	238,851.93	December, 2014	230,391.72
January, 2012	413,438.04	January, 2013	397,951.05	January, 2014	225,281.43	January, 2015	220,039.98
February, 2012	428,310.03	February, 2013	381,857.07	February, 2014	225,512.70	February, 2015	198,788.34
March, 2012	455,536.38	March, 2013	447,100.86	March, 2014	234,604.53	March, 2015	221,243.10
April, 2012	383,586.78	April, 2013	316,635.69	April, 2014	217,142.18	April, 2015	229,031.04
May, 2012	413,715.39	May, 2013	329,242.14	May, 2014	279,575.67	May, 2015	235,272.69
June, 2012	387,706.12	June, 2013	314,410.11	June, 2014	217,052.10	June, 2015	244,709.49
<b>Total 2011-2012</b>	<b>4,808,702.50</b>	<b>Total 2012-2013</b>	<b>4,608,334.13</b>	<b>Total 2013-2014</b>	<b>2,995,460.18</b>	<b>Total 2014-2015</b>	<b>2,697,386.67</b>

<u>Date</u>	<u>Amount</u>
July, 2015	227,024.37

<b>Total 2015-2016</b>	<b>227,024.37</b>
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