

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, SEPTEMBER 17, 2015
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- September 3, 2015 Regular Meeting

APPROVAL OF ACCOUNTS PAYABLE

- September 10, 2015
- September 17, 2015

APPROVAL OF MANUAL CHECKS

- September 10, 2015
- September 17, 2015

PAYROLL APPROVAL

- September 10, 2015

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS

1. 9:45 a.m. Peter Dougherty, Sheriff
 - Donation Presentation
 - Potomac Pedallers Bike Ride - Discussion/Action
 - Sheriff's Annual Report - Discussion/Action
 - Make two part-time Bailiffs, full-time - Discussion/Action

2. 10:15 a.m. Kathy M. Santa Barbara, Esq.
- Discuss Rescinding County Commission Order dated September 4, 2014 regarding Chapel View, Section 2, Lots 42-105 (JCPC File No. 03-11), and specifically lots 38, 39, 40, 41, 44, 49, 50, 57, 58, 60, 62, 63, & 64 owned by 300N LLC - Discussion/Action
3. 10:30 a.m. Nikki Painter, County Clerk - Elections
- Poll Worker List Approval - Discussion/Action
4. 10:45 a.m. Billy Madert, Keep Jefferson Beautiful and the Jefferson County Solid Waste Authority
- Keep Jefferson Beautiful Resolution of Support - Discussion/Action
5. 11:00 a.m. **BREAK**
6. 11:15 a.m. Jean K. Jacobs, Jefferson County Republican Executive Committee
- Resolution Supporting the Celebration of U.S. Constitution Day - Discussion/Action
7. 11:30 a.m. Lee Snyder, Oak Meadow, LLC
- Request by Oak Meadow, LLC for the County Commission to support the creation of a Road Maintenance Association in Keys Ferry Acres Subdivision under the authority of WV State Code §7A-12 et. Seq. - Discussion/Action
8. 11:45 a.m. Nathan Cochran, Assistant Prosecuting Attorney
- Update on the status of the Tethering Ordinance and possible approval of the Ordinance - Possible Executive Session - Discussion/Action
- Approval of collection of delinquent ambulance fees and other financial matters by Dan Booth - Discussion/Action
- Update on Case Status in Case No. 13-C-432 - Possible Executive Session - Discussion/Action
- Issues related to water/sewer infrastructure and impact fees - Possible Executive Session - Discussion/Action
9. 12:30 p.m. **Break for Lunch**

NEW BUSINESS

10. Open Meetings - Discussion/Action (EB)
11. Discussion of Board of Health - Possible Executive Session - Discussion/Action (EB)

COUNTY ADMINISTRATOR REPORTS

- Change management of HRA from Ameriflex to Millenium Insurance Group and possible termination of Ameriflex HRA contract - Discussion/Action
- Approval of Sheriff's Commission in the amount of \$15,000 - Discussion/Action
- Release of remainder of All Good Festival Bond - Discussion/Action
- Appointment of Audit Committee as per the Procedures Manual for Procuring and Conducting Audits and Review of Local Government - Discussion/Action
- Discuss Keycard access to county buildings for non employees - Discussion/Action

COUNTY COMMISSION REPORTS

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

- 12. 1:30 p.m. Greg Vaughn, Mayor, Corporation of Harpers Ferry
- Request for Fire Recovery Emergency Funds, Corporation of Harpers Ferry - Discussion/Action
- 13. 2:00 p.m. Utility Work Session
- 14. 3:30 p.m. Jennifer Brockman, Director of Planning and Zoning
- Action related to Public hearing held on September 8, 2015 regarding landowner-initiated petition to amend the County Zoning Map for a 4.01 (combined) acreage property owned by Charles M. Carter located at 7174 Martinsburg Pike, east of Venice Way; designated as Tax District: Shepherdstown (09), Map: 7, Parcel: 23 & 32.1; from Residential-Growth (RG) to General Commercial (GC) zoning (Planning and Zoning File #Z15-02) - Discussion/Action
- 15. **ADJOURN**

CORRESPONDENCE/INFORMATION

Impact Fee Status Report for August 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 Debbie Royalty, President of the Jefferson County League of Women Voters, regarding two local budget tutorials hosted by the League.

Letter and registration materials from the WV State Auditor's Office regarding the 2015 Training Seminar for County and Municipal Boards and Authorities.

Letter from Curtis Sharp, member of Keep Jefferson Beautiful, regarding the expansion of the Adopt-a-Highway Program.

Memorandum from the WV Development Office re: FY2015 Land and Water Conservation Fund - Invitation to Submit Applications.

WV Lottery Weekly Settlement for Charles Town - week ending August 29, 2015

Minutes

Jefferson County Commission

Thursday, September 3, 2015

A meeting of the Jefferson County Commission was held on Thursday, September 3, 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, September 3, 2015 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Bell led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the August 6, 2015 Regular Meeting Minutes. Motion seconded and unanimously approved.

Motion by Ms. Noland to approve the August 13, 2015 Special Session Minutes. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve the Purchase Orders for September 3, 2015 in the amount of \$78,000 to include Purchase Order no. 48571. Motion seconded and passes on a vote of 4-1 with Mr. Bell opposing.

APPROVAL OF PAYROLL

Motion by Ms. Tabb to approve the August 13, 2015 Payroll in the amount of \$232,621.94. Motion seconded and unanimously approved.

Motion by Mr. Manuel to approve the August 27, 2015 Payroll in the amount of \$234,412.59. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
074849	424	AT&T/IL		\$ -	\$ 3.87	\$ 3.87
074850	ALLOC	CITIZENS FIRE COMPANY		\$ -	\$ 10,000.00	\$ 10,000.00
074851	424	CHARLES TOWN UTILITIES		\$ -	\$ 57.61	\$ 57.61
074851	425	CHARLES TOWN UTILITIES		\$ -	\$ 843.39	\$ 843.39
074852	425	COVENANT BUILDING MAINT		\$ -	\$ 6,478.58	\$ 6,478.58
074853	425	FIDELITY ENGINEERING		\$ -	\$ 997.82	\$ 997.82
074854	PAYROLL	THE HARTFORD		\$ -	\$ 2,266.95	\$ 2,266.95
074854	PAYROLL	THE HARTFORD		\$ -	\$ 4,466.72	\$ 4,466.72
074855	PAYROLL	THE HARTFORD		\$ -	\$ 4,235.98	\$ 4,235.98
074855	PAYROLL	THE HARTFORD		\$ -	\$ 2,241.55	\$ 2,241.55
074856	401	THE JOURNAL		\$ -	\$ 1,034.30	\$ 1,034.30
074857	PAYROLL	HAINES KIMBLE		\$ -	\$ 178.50	\$ 178.50
074858	406	THE OBSERVER		\$ -	\$ 287.50	\$ 287.50
074859	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,076.08	\$ 10,076.08
074859	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 43,083.66	\$ 43,083.66
074859	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 40,654.01	\$ 40,654.01
074860	425	CAPITAL TRISTATE		\$ -	\$ 1,383.93	\$ 1,383.93
074861	405	WV STATE BAR		\$ -	\$ 2,250.00	\$ 2,250.00
TOTAL					\$ 130,540.45	
TOTAL						\$ 130,540.45

Motion by Ms. Noland to approve the accounts payable for August 13, 2015 in the amount of \$130,540.45. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
074863	428	ACCURATE SYSTEMS INC		\$ -	\$ 4,200.00	\$ 4,200.00
074864	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 1,154.14	\$ 1,154.14
074865	413	APPLE VALLEY OFF.PRODUCT		\$ -	\$ 228.42	\$ 228.42
074866	406	BANK OF CHARLES TOWN		\$ -	\$ 163.31	\$ 163.31
074867	424	BOLAND SERVICES		\$ -	\$ 270.00	\$ 270.00
074867	425	BOLAND SERVICES		\$ -	\$ 1,325.00	\$ 1,325.00
074868	712	CPI COMPUTR PROJECT F/IL		\$ -	\$ 1,716.00	\$ 1,716.00
074869	403	COAST TO COAST COMPUTER		\$ -	\$ 470.59	\$ 470.59
074870	425	DAYCON		\$ -	\$ 1,231.08	\$ 1,231.08
074871	424	J.C.EHRLICH		\$ -	\$ 30.00	\$ 30.00
074871	425	J.C.EHRLICH		\$ -	\$ 603.00	\$ 603.00
074872	405	FEDEX		\$ -	\$ 35.31	\$ 35.31
074873	415	GENERAL COUNTY FUND-J FE		\$ -	\$ 3,333.85	\$ 3,333.85
074874	GRANT	GOOD SHEPHERD INTERFAITH		\$ -	\$ 6,888.25	\$ 6,888.25
074875	425	OX PAPERBOARD CO		\$ -	\$ 35.00	\$ 35.00
074876	711	HIRERIGHT		\$ -	\$ 40.50	\$ 40.50
074877	425	JEFF CO PUBLIC SER DEPT		\$ -	\$ 200.05	\$ 200.05
074878	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 1,708.99	\$ 1,708.99
074879	406	JEFFERSON PUBLISH CO INC		\$ -	\$ 496.80	\$ 496.80
074880	712	THE JOURNAL		\$ -	\$ 102.70	\$ 102.70
074881	425	JEFFERSON UTILITIES INC		\$ -	\$ 559.76	\$ 559.76
074882	401	LEWIS CO CIRCUIT CLERK		\$ -	\$ 71.07	\$ 71.07
074883	711	NIXLE/EVERBRIDGE LLC		\$ -	\$ 3,500.00	\$ 3,500.00
074884	424	NEOPOST USA INC.		\$ -	\$ 87.98	\$ 87.98
074885	425	OFFICEMAX		\$ -	\$ 41.95	\$ 41.95
074886	ALLOC	JEFF CO PARKS &		\$ -	\$ 25,990.36	\$ 25,990.36
074887	402	PIFER OFFICE SUPPLY, INC		\$ -	\$ 49.99	\$ 49.99
074888	425	POTOMAC EDISON/OH		\$ -	\$ 23.43	\$ 23.43
074888	425	POTOMAC EDISON/OH		\$ -	\$ 4,770.85	\$ 4,770.85
074889	700	WILLIAM POTTER		\$ -	\$ 12.62	\$ 12.62
074890	700	ROMULO QUEZADA		\$ -	\$ 4.76	\$ 4.76
074891	403	RECORD MANAGEMENT SOLUTN		\$ -	\$ 30.00	\$ 30.00
074892	401	RICOH USA, INC./GA		\$ -	\$ 252.73	\$ 252.73
074892	403	RICOH USA, INC./GA		\$ -	\$ 287.58	\$ 287.58
074892	404	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
074892	405	RICOH USA, INC./GA		\$ -	\$ 423.90	\$ 423.90
074892	406	RICOH USA, INC./GA		\$ -	\$ 123.90	\$ 123.90
074892	425	RICOH USA, INC./GA		\$ -	\$ 48.10	\$ 48.10
074892	433	RICOH USA, INC./GA		\$ -	\$ 197.41	\$ 197.41

074892	440	RICOH USA, INC./GA	\$ -	\$ 197.41	\$ 197.41
074892	700	RICOH USA, INC./GA	\$ -	\$ 295.90	\$ 295.90
074892	712	RICOH USA, INC./GA	\$ -	\$ 267.08	\$ 267.08
074893	402	SOFTWARE SYSTEMS, INC	\$ -	\$ 27.00	\$ 27.00
074893	404	SOFTWARE SYSTEMS, INC	\$ -	\$ 737.00	\$ 737.00
074893	406	SOFTWARE SYSTEMS, INC	\$ -	\$ 58.00	\$ 58.00
074893	428	SOFTWARE SYSTEMS, INC	\$ -	\$ 392.00	\$ 392.00
074894	405	SPECIALTY BUS SUPPLIES	\$ -	\$ 624.55	\$ 624.55
074895	425	SHERWIN-WILLIAMS	\$ -	\$ 10.86	\$ 10.86
074896	405	STONEWALL RESORT	\$ -	\$ 3,888.00	\$ 3,888.00
074897	700	JEFFERY SAGER	\$ -	\$ 8.11	\$ 8.11
074898	700	DUSTIN TABLER	\$ -	\$ 197.16	\$ 197.16
074899	424	TRENARY SERVICE CO	\$ -	\$ 501.00	\$ 501.00
074899	424	TRENARY SERVICE CO	\$ -	\$ 245.00	\$ 245.00
074901	401	AMAZON	\$ -	\$ 140.82	\$ 140.82
074901	401	NACO	\$ -	\$ 200.00	\$ 200.00
074901	401	PULLMAN PLAZA HOTEL	\$ -	\$ 85.00	\$ 85.00
074901	401	SPRINT	\$ -	\$ 109.62	\$ 109.62
074901	401	THE HERALD MAIL	\$ -	\$ 618.30	\$ 618.30
074901	402	EZ NETTOOLS	\$ -	\$ 34.95	\$ 34.95
074901	403	SHOPLET	\$ -	\$ 165.58	\$ 165.58
074901	403	SPRINT	\$ -	\$ 54.81	\$ 54.81
074901	412	USPS US POSTAL SERVICE	\$ -	\$ 27.00	\$ 27.00
074901	415	FRONTIER	\$ -	\$ 84.34	\$ 84.34
074901	415	SPRINT	\$ -	\$ 108.54	\$ 108.54
074901	424	FRONTIER	\$ -	\$ 10,382.65	\$ 10,382.65
074901	424	SPRINT	\$ -	\$ 54.81	\$ 54.81
074901	424	THE HOME DEPOT	\$ -	\$ 559.89	\$ 559.89
074901	424	USPS US POSTAL SERVICE	\$ -	\$ 24.05	\$ 24.05
074901	425	AUTODESK ESTORE	\$ -	\$ 346.68	\$ 346.68
074901	425	GRAINGER	\$ -	\$ 177.72	\$ 177.72
074901	425	THE HOME DEPOT	\$ -	\$ 41.38	\$ 41.38
074901	425	84 LUMBER	\$ -	\$ 315.82	\$ 315.82
074901	428	ADOBE	\$ -	\$ 1,499.00	\$ 1,499.00
074901	428	AMAZON	\$ -	\$ 604.16	\$ 604.16
074901	428	CDW GOVERNMENT	\$ -	\$ 1,072.58	\$ 1,072.58
074901	428	DELL	\$ -	\$ 7,341.34	\$ 7,341.34
074901	428	DOUBLE RADIUS INC	\$ -	\$ 192.00	\$ 192.00
074901	428	ITSAVVY	\$ -	\$ 4,356.94	\$ 4,356.94
074901	428	SOLARWINDS	\$ -	\$ 2,195.00	\$ 2,195.00

074901	428	SPRINT		\$ -	\$ 109.62	\$ 109.62
074901	428	SPRINT		\$ -	\$ 99.99	\$ 99.99
074901	428	STELLAR INFORMATION TECH		\$ -	\$ 29.00	\$ 29.00
074901	428	SYX - TIGER DIRECT, INC.		\$ -	\$ 4,012.92	\$ 4,012.92
074901	428	VMWARE		\$ -	\$ 800.00	\$ 800.00
074901	428	WWW.LOGMEIN.COM		\$ -	\$ 99.00	\$ 99.00
074901	433	LYLE SIGNS		\$ -	\$ 391.62	\$ 391.62
074901	433	SPRINT		\$ -	\$ 54.81	\$ 54.81
074901	439	SPRINT		\$ -	\$ 54.81	\$ 54.81
074901	440	B K OFFICE SUPPLY		\$ -	\$ 714.82	\$ 714.82
074901	440	DEL MARTIN SCREEN PRINTN		\$ -	\$ 902.45	\$ 902.45
074901	440	HUMBOLDT MFG CO		\$ -	\$ 181.60	\$ 181.60
074901	440	INTL CODE COUNCIL INC		\$ -	\$ 205.40	\$ 205.40
074901	440	SPRINT		\$ -	\$ 54.81	\$ 54.81
074901	440	THE JOURNAL PUBLISH		\$ -	\$ 760.00	\$ 760.00
074901	451	SPIRIT OF JEFFERSON		\$ -	\$ 29.58	\$ 29.58
074901	451	SPIRIT OF JEFFERSON		\$ -	\$ 51.66	\$ 51.66
074901	700	BURGER KING		\$ -	\$ 8.58	\$ 8.58
074901	700	COMFORT INN		\$ -	\$ 95.00	\$ 95.00
074901	700	COOK OUT		\$ -	\$ 13.66	\$ 13.66
074901	700	GALLS		\$ -	\$ 2,711.57	\$ 2,711.57
074901	700	GOWERS FEED INC		\$ -	\$ 95.98	\$ 95.98
074901	700	LAWMEN SUPPLY CO		\$ -	\$ 44.82	\$ 44.82
074901	700	RIVER CITY FARM & PET SU		\$ -	\$ 78.33	\$ 78.33
074901	700	SLEEP INN		\$ -	\$ 159.98	\$ 159.98
074901	700	SPIRIT OF JEFFERSON		\$ -	\$ 63.26	\$ 63.26
074901	700	SPRINGHILL SUITES		\$ -	\$ 549.22	\$ 549.22
074901	700	SPRINT		\$ -	\$ 1,177.35	\$ 1,177.35
074901	700	STAPLES		\$ -	\$ 351.83	\$ 351.83
074901	700	SUPERIOR AUTOBODY		\$ -	\$ 550.00	\$ 550.00
074901	700	WV PARKWAYS AU		\$ -	\$ 100.00	\$ 100.00
074901	711	OTTER PRODUCT		\$ -	\$ 26.99	\$ 26.99
074901	711	SPRINT		\$ -	\$ 186.82	\$ 186.82
074901	711	STAPLES		\$ -	\$ 1,226.58	\$ 1,226.58
074901	712	BEST BUY		\$ -	\$ 53.98	\$ 53.98
074901	712	FRONTIER		\$ -	\$ 5,099.85	\$ 5,099.85
074901	712	SPRINT		\$ -	\$ 1,845.01	\$ 1,845.01
074901	712	STAPLES		\$ -	\$ 5.49	\$ 5.49
074901	716	DRURY DAYTON NORTH		\$ -	\$ 503.95	\$ 503.95
074901	716	GREENLAWN MEMORIAL PARK		\$ -	\$ 386.00	\$ 386.00

074901	716	NORTH BEND STATE PARK		\$ -	\$ 100.80	\$ 100.80
074901	716	STAPLES		\$ -	\$ 19.98	\$ 19.98
074901	717	BATTERY MART		\$ -	\$ 159.90	\$ 159.90
074901	717	BP		\$ -	\$ 35.64	\$ 35.64
074901	717	LONDON TRAVEL CENTER		\$ -	\$ 27.42	\$ 27.42
074901	717	RICE TIRES CORP		\$ -	\$ 963.04	\$ 963.04
074901	900	SPRINT		\$ -	\$ 112.52	\$ 112.52
074902	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 28,853.50	\$ 28,853.50
074903	405	THOMSON REUTER - WEST		\$ -	\$ 2,215.99	\$ 2,215.99
TOTAL					\$ 155,450.46	
TOTAL						\$ 155,450.46

Motion by Ms. Noland to approve the accounts payable for August 20, 2015 in the amount of \$155,450.46. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
074906	PAYROLL	AMERICAN FAMILY LIFE ICU		\$ -	\$ 3,997.18	\$ 3,997.18
074907	406	ASSESSOR OF JEFFERSON CO		\$ -	\$ 163.31	\$ 163.31
074908	412	COMCAST		\$ -	\$ 103.63	\$ 103.63
074908	425	COMCAST		\$ -	\$ 615.19	\$ 615.19
074909	717	AUTOZONE		\$ -	\$ 476.57	\$ 476.57
074910	402	ALPHA IMAGING SUPPLS INC		\$ -	\$ 210.60	\$ 210.60
074911	425	BERKELEY-MOUNTAINEER		\$ -	\$ 29.00	\$ 29.00
074912	425	B-K OFFICE SUPPLY INC		\$ -	\$ 616.46	\$ 616.46
074913	425	BOLAND SERVICES		\$ -	\$ 1,639.00	\$ 1,639.00
074914	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
074915	713	BAKERTON FIRE DEPT		\$ -	\$ 10,000.00	\$ 10,000.00
074916	PAYROLL	BUREAU F/CHILD SPRT ENF		\$ -	\$ 212.31	\$ 212.31
074917	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
074918	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
074919	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
074920	712	FRONTIER WV, INC		\$ -	\$ 380.00	\$ 380.00
074921	717	COURTNEY & SONS TOWING		\$ -	\$ 75.00	\$ 75.00
074922	PAYROLL	COLONIAL LIFE		\$ -	\$ 385.42	\$ 385.42
074923	425	COVENANT BUILDING MAINT		\$ -	\$ 258.40	\$ 258.40
074924	433	D & S CONSTRUCTION		\$ -	\$ 243.12	\$ 243.12
074925	402	SHAKIRA L. FIELDS		\$ -	\$ 69.00	\$ 69.00
074926	711	FUTURITY		\$ -	\$ 1,000.00	\$ 1,000.00

074927	717	GUTTMAN OIL CO		\$ -	\$ 12,118.25	\$ 12,118.25
074928	PAYROLL	VOYA FINANCIAL		\$ -	\$ 3,085.00	\$ 3,085.00
074929	401	JEFFERSON PUBLISH CO INC		\$ -	\$ 35.38	\$ 35.38
074930	712	ROBERT E. JONES III		\$ -	\$ 1,000.00	\$ 1,000.00
074931	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,570.00	\$ 5,570.00
074932	717	J & K PRECISION AUTO CAR		\$ -	\$ 59.95	\$ 59.95
074933	401	LEWIS CO CIRCUIT CLERK		\$ -	\$ 48.21	\$ 48.21
074934	712	LANGUAGE LINE SERVICES		\$ -	\$ 130.77	\$ 130.77
074935	405	MATTHEW BENDER & CO		\$ -	\$ 753.12	\$ 753.12
074936	717	MILLER'S CHRYSLER JEEP		\$ -	\$ 192.10	\$ 192.10
074937	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
074938	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
074939	402	KAREN OLDEN		\$ -	\$ 69.00	\$ 69.00
074940	404	PIFER OFFICE SUPPLY, INC		\$ -	\$ 392.80	\$ 392.80
074941	405	JEFFREY N. POULIN		\$ -	\$ 98.90	\$ 98.90
074942	425	RCS SECURITY		\$ -	\$ 2,908.15	\$ 2,908.15
074943	717	RICE TIRES CO		\$ -	\$ 1,940.52	\$ 1,940.52
074944	704	ST/WV REGIONAL JAIL &		\$ -	\$ 101,807.50	\$ 101,807.50
074945	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,615.30	\$ 10,615.30
074945	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 36.56	\$ 36.56
074945	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,389.64	\$ 45,389.64
074945	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 156.28	\$ 156.28
074945	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 45,559.11	\$ 45,559.11
074945	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 135.11	\$ 135.11
074946	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 65.17	\$ 65.17
074946	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 31,880.08	\$ 31,880.08
074947	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 10,216.29	\$ 10,216.29
074947	PAYROLL	WV DEPUTY SHRF RETIREMEN		\$ -	\$ 14,423.08	\$ 14,423.08
074948	405	BRANDON C.H. SIMS		\$ -	\$ 92.00	\$ 92.00
074949	717	S & S MOTOR PARTS		\$ -	\$ 572.17	\$ 572.17
074950	GRANT	MARY SELL		\$ -	\$ 1,030.00	\$ 1,030.00
074951	717	THOMASSEN AUTO GROUP		\$ -	\$ 90.23	\$ 90.23
074952	425	TRENARY SERVICE CO		\$ -	\$ 140.00	\$ 140.00
074953	428	VISION TECHNOLOGY SOLTNS		\$ -	\$ 4,290.00	\$ 4,290.00
074954	405	THOMSON REUTER - WEST		\$ -	\$ 2,185.50	\$ 2,185.50
074955	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 59.63	\$ 59.63
074955	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 178.90	\$ 178.90
074955	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 25,585.01	\$ 25,585.01
074955	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 76,754.99	\$ 76,754.99
074956	425	WV DIVISION OF LABOR		\$ -	\$ 50.00	\$ 50.00

074957	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 805.16	\$ 805.16
074957	PAYROLL	WV PUB EMP RETIRE SYS		\$ -	\$ 357.86	\$ 357.86
TOTAL					\$ 423,412.61	\$ 423,412.61

Motion by Ms. Noland to approve the accounts payable for August 27, 2015 in the amount of \$423,412.61. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
074959	425	COMCAST		\$ -	\$ 233.76	\$ 233.76
074960	712	AT&T/GA		\$ -	\$ 65.87	\$ 65.87
074961	402	BANK OF CHARLES TOWN		\$ -	\$ 48.40	\$ 48.40
074962	406	ANGELA L BANKS		\$ -	\$ 82.80	\$ 82.80
074963	401	201 N. GEORGE ST LLC		\$ -	\$ 9,638.92	\$ 9,638.92
074964	401	CO COMMISSIONERS ASSOC**		\$ -	\$ 1,500.00	\$ 1,500.00
074965	405	MARCIA LYNN CHANDLER		\$ -	\$ 816.40	\$ 816.40
074966	712	CHRISTOPHER CROSS		\$ -	\$ 366.00	\$ 366.00
074967	425	OLD CHARLES TOWN LIBRARY		\$ -	\$ 1,500.00	\$ 1,500.00
074968	PAYROLL	DELTA DENTAL OF WV		\$ -	\$ 6,072.33	\$ 6,072.33
074969	402	VIVIAN FIELDS		\$ -	\$ 163.00	\$ 163.00
074970	402	SALLY GRAN		\$ -	\$ 163.00	\$ 163.00
074970	402	SALLY GRAN		\$ -	\$ 15.00	\$ 15.00
074971	712	BROOKE HESS		\$ -	\$ 230.00	\$ 230.00
074972	PAYROLL	THE HARTFORD		\$ -	\$ 6,457.83	\$ 6,457.83
074973	700	INTERNATIONAL POLYGRAPH		\$ -	\$ 200.00	\$ 200.00
074974	ALLOC	JEFFERSON CO EMERGENCY		\$ -	\$ 120,630.26	\$ 120,630.26
074975	402	JEFFERSON PUBLISH CO INC		\$ -	\$ 196.74	\$ 196.74
074976	GRANT	JEFFERSON DAY REPORT CNT		\$ -	\$ 1,165.77	\$ 1,165.77
074977	433	LYLE SIGNS, INC.		\$ -	\$ 352.27	\$ 352.27
074978	PAYROLL	HIGHMARK WV		\$ -	\$ 167,440.01	\$ 167,440.01
074979	700	ROBIN MAHONY		\$ -	\$ 30.04	\$ 30.04
074980	PAYROLL	NATIONAL VISION ADMIN.		\$ -	\$ 1,782.44	\$ 1,782.44
074981	700	NO RULES LETTERING		\$ -	\$ 175.00	\$ 175.00
074982	403	PIFER OFFICE SUPPLY, INC		\$ -	\$ 69.10	\$ 69.10
074982	406	PIFER OFFICE SUPPLY, INC		\$ -	\$ 43.54	\$ 43.54
074983	712	JEFFREY POLCZYNSKI		\$ -	\$ 366.00	\$ 366.00
074984	424	POTOMAC EDISON/OH		\$ -	\$ 2,424.53	\$ 2,424.53
074984	425	POTOMAC EDISON/OH		\$ -	\$ 3,979.59	\$ 3,979.59

074984	425	POTOMAC EDISON/OH		\$ -	\$ 14,461.53	\$ 14,461.53
074985	712	MARK PANGLE		\$ -	\$ 230.00	\$ 230.00
074986	403	LAURA STORM		\$ -	\$ 303.60	\$ 303.60
074987	425	RCS SECURITY		\$ -	\$ 101.99	\$ 101.99
074988	700	RYAN ROWLAND		\$ -	\$ 36.97	\$ 36.97
074989	401	JOHN STEVENS		\$ -	\$ 235.48	\$ 235.48
074990	425	TRENARY SERVICE CO		\$ -	\$ 548.40	\$ 548.40
074991	425	WM OF WEST VIRGINIA, INC		\$ -	\$ 653.10	\$ 653.10
074992	700	WV SHERIFFS ASSOCIATION		\$ -	\$ 1,600.00	\$ 1,600.00
074993	402	XEROX CORPORATION		\$ -	\$ 1,438.59	\$ 1,438.59
074993	439	XEROX CORPORATION		\$ -	\$ 548.51	\$ 548.51
TOTAL						\$ 346,366.77
TOTAL					\$ 346,366.77	

Motion by Ms. Noland to approve the accounts payable for September 3, 2015 in the amount of \$346,366.77. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

COAL SEVERANCE			
OO2			
Date	Check #	VENDOR	Amount
8/21/2015	409	EASTRIDGE HEALTH SYSTEM	\$ 1,250.00
DOG & Kennel			
OO3			
Date	Check #	VENDOR	Amount
8/14/2015	224	BLUE SPRUCE FARM	\$ 175.59
8/14/2015	225	UNITED BANK	\$ 172.00
MAGISTRATE COURT			
OO5			
Date	Check #	VENDOR	Amount
8/21/2015	321	SHERIFF OF JEFFERSON CO	\$ 3,750.00

HOME DETETION			
OO8			
Date	Check #	VENDOR	Amount
08/14/15	504	3M ELECTRONIC MONITORING	\$ 3,679.89
08/14/15	505	CDA	\$ 255.75
FARMLAND PROTECTION BOARD			
O57			
Date	Check #	VENDOR	Amount
8/21/2015	267	JEFFERSON CO FARMLAND PROT.	\$ 59,012.11
BARDANE			
244			
Date	Check #	VENDOR	Amount
8/21/2015	577	JEFFERSON UTILITIES	\$ 301.01
8/21/2015	576	JEFFERSON CO P.S.D	\$ 146.11
IMPACT FEES			
249			
Date	Check #	VENDOR	Amount
8/21/2015	121	SHERIFF JEFFERSON CO -PARKS-REC	\$ 59,664.65
TOTAL			\$ 128,407.11

Motion by Ms. Tabb to approve the manual checks for August 20, 2015 in the amount of \$128,407.11. Motion seconded and unanimously approved.

DOG & KENNEL			
OO8			
Date	Check #	VENDOR	Amount
9/4/2015	227	VALLEY EQUINE	\$ 235.50
HOME DETETION			
OO8			
Date	Check #	VENDOR	Amount

09/04/15	506	UNITED BANK	\$ 54.81
ASSESSOR VALUATION			
O56			
Date	Check #	VENDOR	Amount
9/4/2015	555	UNITED BANK	\$ 409.92
9/4/2015	554	DLT	\$ 554.00
TEEN COURT			
O77			
Date	Check #	VENDOR	Amount
9/4/2015	1040	TEEN COURT	\$ 1,150.00
BARDANE			
244			
Date	Check #	VENDOR	Amount
9/4/2015	578	POTOMAC EDISON	\$ 2,724.45
IMPACT FEES			
249			
Date	Check #	VENDOR	Amount
9/4/2015	1008	SHERIFF JEFFERSON CO -SCHOOL	\$ 57,870.54
9/4/2015	1009	SHERIFF JEFFERSON CO - LAW	\$ 1,127.25
9/4/2015	1010	SHERIFF JEFFERSON CO - PARKS	\$ 4,271.73
9/4/2015	1011	SHERIFF JEFFERSON CO - FIRE/EMS	\$ 471.25
9/4/2015	122	GANTTS	157036.55
TOTAL			\$ 225,906.00

Motion by Mr. Bell to approve the manual checks for September 3, 2015 in the amount of \$225,906.00. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Mike Austin, resident and representative for the Shepherdstown Community Club – requested the Commission support the Planning Commission’s opinion regarding the rezoning of the Twin

Oaks Subdivision as he agrees with the Planning Commission’s opinion that the rezoning request is incompatible with the Envision Jefferson 2035 Comprehensive Plan.

Mark Dyck, resident, representative for the All Good Music Festival Promoters – spoke regarding the release of the surety bond for the All Good Music Festival, stating that the promoters have not yet received a full accounting of the additional costs to the Jefferson County Health Department for their involvement with the festival. Mr. Dyck requested Stephanie Grove, County Administrator, meet with the JCHD and All Good promoters to clarify the charges and resolve any errors.

David Tabb, resident – shared his feelings regarding the ongoing issue of the flag display outside of the County Commission meeting room.

PRESENTATIONS

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Elizabeth and Grant Bessom	PP	CTC	305154	\$8.42

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Melanie Johnston and John Dangler	PP	HF	307104	\$386.32

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Jorge A. Velez	PP	Middleway	312935	\$181.38

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Cynthia and Edward Hall	PP	Bolivar	30019	\$66.80

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Kimberly and Kory Nagle	PP	CT	303357	\$188.45

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
David Barrett	RE	Middleway	20355	\$850.37

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Carol Lynn Smith	RE	CT	6095	\$235.56

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Charles Huff	PP	CT	302340	\$215.54

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
Todd Feagans	PP	Middleway	311677	360.42
Meghan Feagans				127.20

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

NAME	TYPE	DISTRICT	TICKET #	AMOUNT
William Lemley	PP	Shepherdstown	315763	289.74
Tammy Lemley				18.84

- **Motion by Ms. Noland to approve the Split Ticket as presented by the Assessor. Motion seconded and unanimously approved.**
2. Laura Storm, Circuit Clerk – requested the approval of three promotions within the Circuit Clerk’s office.
 - **Motion by Mr. Manuel to approve the promotions of Tammy Yokley to Office Manager, Lisa Walters to Chief Deputy Circuit Clerk, and Ashtyn Reynolds to Courtroom Clerk. Motion seconded and unanimously approved.**
 3. Barbara Miller, Director of Jefferson County Homeland Security and Emergency Management – provided the Commission with her After Action Report/Improvement Plan for the All Good Music Festival and Campout.
 4. Greg Vaughn, Mayor of Harpers Ferry – requested fire recovery emergency funds to assist in the payment of overtime for the Corporation of Harpers Ferry staff and law enforcement, costs associated with the water used to extinguish the fire, additional materials and supplies, and additional clerical assistance.
 - **Motion by Mr. Manuel to provide \$20,972.00 to the Corporation of Harpers Ferry to defer the unanticipated costs of maintaining health and safety during the initial period of fire recovery. Motion seconded.**
 - **Motion by Mr. Pellish to amend Mr. Manuel’s motion to provide the Corporation of Harpers Ferry with \$12,000 to defer unanticipated costs associated with fire recovery. Motion seconded. Motion withdrawn.**
 - **Motion by Mr. Manuel to postpone action on this item until the September 17, 2015 Regular County Commission meeting. Motion seconded and unanimously approved.**
 5. The Commission recessed for break at 10:45 am.
The Commission reconvened at 11:00 am.
 6. Lynn Fields, Deputy Probate Clerk

- a. Special Session to approve the waiver of final settlement on the Estate of Lee Roy Strickler, Jr.
 - **Motion by Ms. Tabb to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**
 - **Motion by Ms. Tabb to approve the closure of the Estate of Lee Roy Strickler, Jr. Motion seconded and unanimously approved.**
- b. Hearing on the Petition to Remove Co-Executor Mark E. Hicks from the Estate of Joann V. Hicks, deceased.
 - **Motion by Ms. Noland to refer the Estate to a Fiduciary Commissioner. Motion seconded and unanimously approved.**
 - **Motion by Mr. Bell to adjourn as a Fiduciary Review Board. Motion seconded and unanimously approved.**
7. Interview/Appointment to the Jefferson County Community Criminal Justice Board for a public defender/criminal defense attorney for one unexpired term ending July 3, 2017.
 - **Motion by Mr. Manuel to appoint Christopher Stroech to the Jefferson County Community Criminal Justice Board as a criminal defense attorney for one unexpired term ending July 3, 2017. Motion seconded and unanimously approved.**
8. Michael Ashley, Chair, Jefferson County Republican Executive Committee – Jean Jacobs, Vice Chair, Jefferson County Republican Executive Committee, and Gary Dungan appeared before the Commission to request that supply clerks be provided by the Jefferson County Republican Executive Committee.
 - **Motion by Ms. Tabb to ensure that fifty percent of the supply clerks be provided by the Democratic Party and the other fifty percent be provided by the Republican Party. Motion seconded and unanimously approved.**
 - **Motion by Mr. Manuel to replace the Democratic supply clerks with Republicans in increments of six per election. Motion seconded and fails on a vote of 2-3 with Mr. Bell, Mr. Pellish, and Ms. Tabb opposing.**
9. Bill Polk, Director of Maintenance – requested the approval of employment for three new cleaning/janitorial employees.

- **Motion by Mr. Manuel to approve the hiring of Juana Zaleski, Ricci McIntyre, and Tyler Kemp as custodial staff members within the Maintenance Department at a Grade II, Step A. Motion seconded and unanimously approved.**
10. Roger Goodwin, Chief County Engineer
- a. Requested the Partial Release of construction bond security for Roderick Planes, LLC – Aspen Green Subdivision, Phase 1A (File #07-15).
- **Motion by Ms. Tabb to authorize a partial release of \$1,448,067 from the construction bond amount for Roderick Planes, LLC – Aspen Green Subdivision, Phase 1A (File #07-15). Motion seconded and unanimously approved.**
- b. Requested the 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.
- **Motion by Ms. Noland to 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). Motion seconded and unanimously approved.**
11. Update on the status of the Tethering Ordinance.
- Ms. Grove stated this item would be postponed until the September 17, 2015 Regular County Commission meeting.
12. County Commission’s position on the CIF imposed by the Jefferson County Public Service District.
- **Motion by Mr. Pellish to request the County Commission provide a letter to the Public Service Commission recommending the JCPSD Capital Improvement Fee not be approved. Motion seconded and passes on a vote of 3-2 with Ms. Tabb and Ms. Noland opposing.**
13. Reappointment of Catherine Burke to the Summit Point Library Committee for one five-year term ending June 30, 2020.
- **Motion by Ms. Tabb to reappoint Catherine Burke to the Summit Point Library Committee for one five-year term ending June 30, 2020. Motion seconded and unanimously approved.**
14. The Commission recessed for lunch at 12:30 pm.

The Commission reconvened at 1:30 pm.

15. Tiffany Lawrence, Director of Resource Development and Marketing for the United Way of the Eastern Panhandle and Pete Mulford, CEO – requested the Commission’s approval of a proclamation of endorsement of the Community Campaign which serves 35 agencies across the Eastern Panhandle in Jefferson, Berkeley, and Morgan Counties.
 - **Motion by Mr. Manuel to approve the proclamation of endorsement for the Community Campaign for the United Way of the Eastern Panhandle. Motion seconded and unanimously approved.**
16. Ed Hannon, Deputy Director – Jefferson County Emergency Services Agency – provided the Commission with an update on a grant award.
17. Russ Burgess, IT Support Specialist – provided the Commission with an update on the new website.
18. Jennifer Brockman, Director, Jefferson County Department of Planning and Zoning
 - a. 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 430, Kearneysville Pike, south of Morgan’s Grove Park (Planning and Zoning File #Z15-01)
 - **Motion by Mr. Manuel to deny the rezoning request for Twin Oaks Subdivision. Motion seconded and fails on a vote of 1-4 with Mr. Bell, Ms. Tabb, Ms. Noland, and Mr. Pellish opposing.**
 - **Motion by Ms. Noland to approve the rezoning request for Twin Oaks Subdivision from Residential to Neighborhood Commercial, and to find the rezoning consistent with the 2035 Envision Jefferson Comprehensive Plan. Motion seconded and passes on a vote of 4-1 with Mr. Manuel opposing.**
 - b. Planning and Zoning Annual Report for FY15
 - c. Release of 2015 All Good Festival Surety Bond
 - **Motion by Ms. Tabb to release the All Good Festival Surety Bond. Motion seconded.**
 - **Motion by Mr. Bell to amend the main motion to release \$54,000 of the All Good Surety Bond and retain \$6,000 for the pending charges of the Jefferson County Health Department. Motion seconded and unanimously approved.**

COUNTY ADMINISTRATOR REPORTS

Commission Office Space – Ms. Grove stated the front office in the basement of Hunter House was available for Commissioners to use to meet with constituents. Ms. Grove also stated the Commissioners could call staff to ensure an appropriate meeting location in the event the downstairs office was occupied.

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 – the Commission requested Ms. Grove develop a draft agenda for the utility service work session to include potential funding sources and partnership possibilities.

Dental Lease for Children’s Dental Program at the Jefferson County Health Department

- **Motion by Ms. Noland to approve the lease for the Children’s Dental Program with the Jefferson County Health Department as presented by Ms. Grove. Motion seconded and unanimously approved.**

Sheriff’s Commission – Ms. Grove stated she had approved the Sheriff’s Commission for \$15,000 but stated the Commission must provide approval of the Sheriff’s Commission as provided in the statute. It was the consensus of the Commission to request Ms. Grove add approval of the Sheriff’s Commission to the agenda for the September 17, 2015 Regular County Commission meeting.

Ambulance Fee Report – Ms. Grove stated the office has received \$364,000 for the 2015 billing cycle, including 458 online payments.

Absence Time with Pay Policy with revised vacation and sick leave accrual rates

- **Motion by Ms. Tabb to approve the revisions to the Absence Time with Pay Policy as presented by Ms. Grove, which revisions include modifying the leave accrual rates to be consistent with W.Va. Code §§ 7-14-17a and 7-14-17b and maintaining the maximum carryover as outlined in the current policy. Motion seconded and unanimously approved.**

Set date for State Legislators Work Session – It was the consensus of the Commission to schedule the Jefferson County Legislative Summit for Thursday, November 5, 2015.

Funding Source for payment of mail machine – It was the consensus of the Commission that the new Hasler mail machine be funded from the Maintenance Department’s budget.

COUNTY COMMISSION REPORTS

Patsy Noland

- Participated in Jefferson County Fair week.

Jane Tabb

- Attended an LEPC meeting.
- Participated in Jefferson County Fair week.
- Attended a Homeland Security meeting.
- Attended an ESA Personnel Committee meeting.
- Attended the dedication of the Major Mark Cato Apiary Training Center.

Dale Manuel

- Attended the joint public hearing with the Planning Commission on the rezoning request for Twin Oaks Subdivision.
- Attended a Day Report Center meeting.
- Attended a Parks and Recreation visit to Hite Road Park.
- Attended Parks and Recreation Bingo.
- Attended the African American Heritage Festival.
- Participated in Jefferson County Fair week.
- Attended a Jefferson Center meeting.
- Attended a Council on Aging meeting.
- Attended an Affordable Housing meeting.

Eric Bell

- Participated in Jefferson County Fair week.
- Attended the joint public hearing with the Planning Commission on the rezoning request for Twin Oaks Subdivision.

Walt Pellish

- Participated in Jefferson County Fair week.
- Attended the African American Heritage Festival.

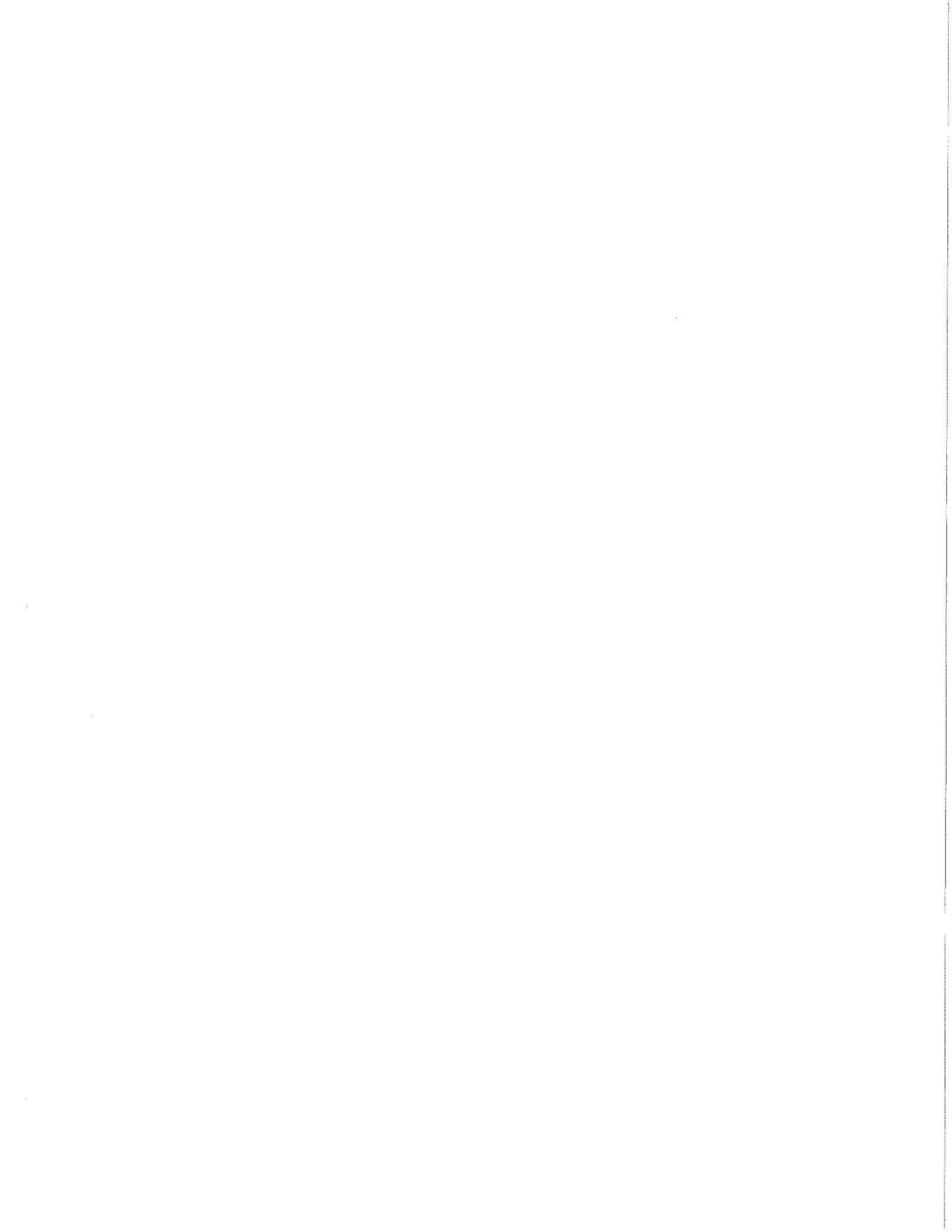
- a. The Commission meeting adjourned at 4:12 pm on a motion by Ms. Noland. Motion was seconded and unanimously approved.

JANE M. TABB, PRESIDENT

Respectfully submitted

Jessica D. Carroll
Administrative Assistan

DESCRIPTION	Fund 001 CO.	Fund 003 Dog	Total
Gross Wages	\$ 353,509.60	\$ -	\$ 353,509.60
6.2% Tax Payable OASDI	\$ 21,062.93	\$ -	\$ 21,062.93
1.45% Tax Payable HI	\$ 4,926.02	\$ -	\$ 4,926.02
Fed Withholding	\$ 39,537.94	\$ -	\$ 39,537.94
WV State Withholding	\$ 15,030.43	\$ -	\$ 15,030.43
PERS Retirement Deduct	\$ 12,549.64	\$ -	\$ 12,549.64
Hosp. Pre-Tax	\$ 11,214.00		\$ 11,214.00
Cancer/ICU Pre-Taxed	\$ 1,105.32		\$ 1,105.32
Cancer/ICU Not Pre-Taxed	\$ 872.39		\$ 872.39
Optional Life Not Pre-Taxed	\$ 2,114.49		\$ 2,114.49
Christmas Club	\$ 5,540.00		\$ 5,540.00
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%	\$ 4,821.57		\$ 4,821.57
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	\$ 43.84		\$ 43.84
COLONIAL(PLUS)	\$ 192.71		\$ 192.71
Total Deductions	\$ 126,199.35	\$ -	\$ 126,199.35
Net Wages Total	\$ 227,310.25	\$ -	\$ 227,310.25
Payroll Date	10-Sep-2015		



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Peter Dougherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 15-20 min

Date Requested - 1st Choice:

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

Date Requested - 2nd Choice:

- Subject (Wording to be placed on agenda): 1 - Donation Presentation
2 - Potomac Pedalers Bike Ride
3 - Sheriff's Annual Report
4 - Make two part-time Bailiffs, Fulltime

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

- 1- Donation Presentation to Animal Control from Thoroughbred Breeders Association
2- Bike ride coming through our area on September 20th
3- Review and submission of my annual report
4- Robin Mahoney and William Potter have proven to be valuable assets to the Sheriff's office, not only as Bailiffs, but also as Trip Guards. As such they are routinely working closer to fulltime hours, therefore, in an effort to meet federal guidelines and still be able to use them without worrying about part-time employee time restraints, I would like to extend fulltime employment status to them. This request will not alter my budget.

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

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I move to approve the change in status from part-time to fulltime for Robin Mahoney and William Potter.

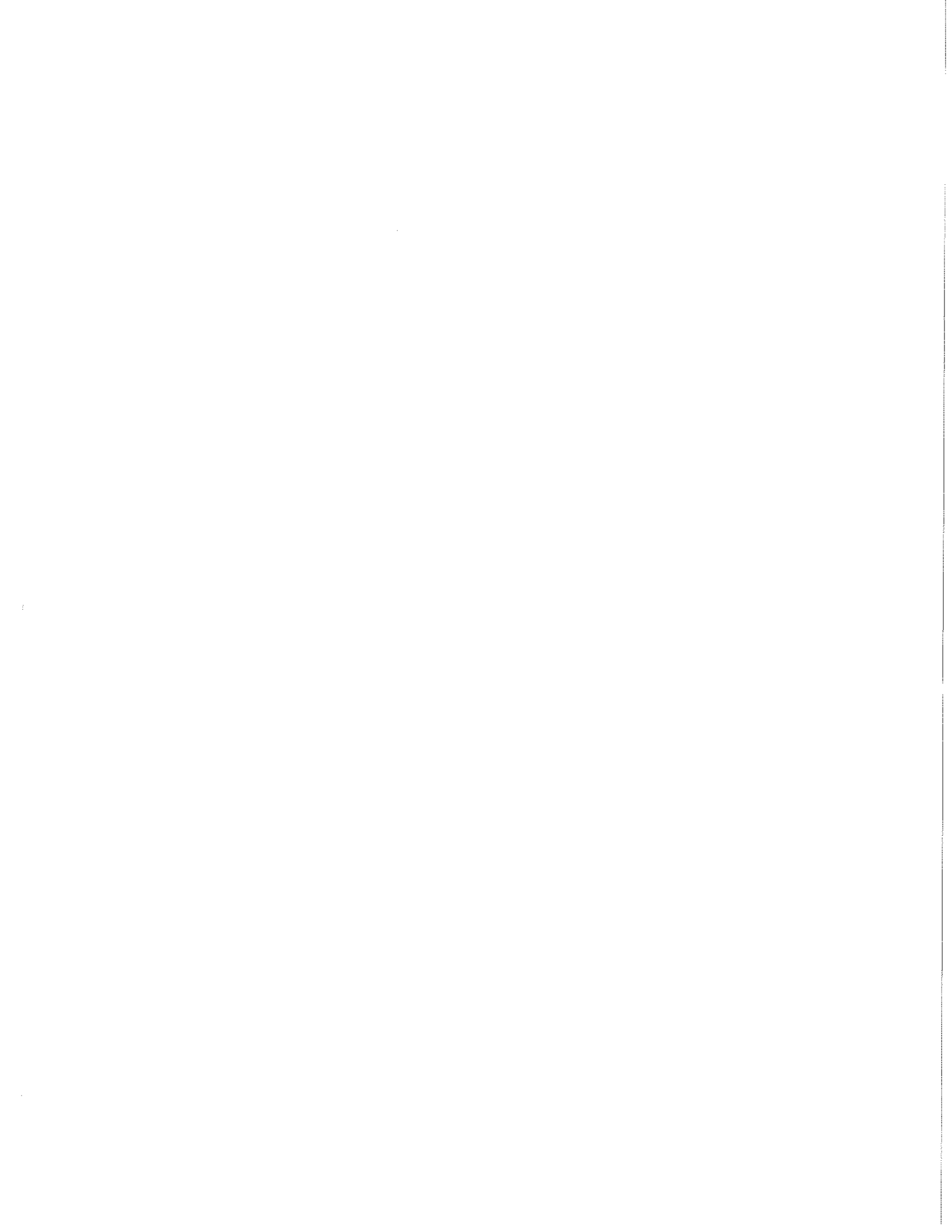
Attach supporting documents for request, or request may be denied.
If not attached, explain:

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

Contact Information:
Email address: pdougherty@jcsdww.com Phone Number: 304-728-3205

FOR COMMISSION STAFF USE ONLY - FINANCIAL IMPACT/COMMENTS

Click here to enter text.



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Kathy M. Santa Barbara, Esq.

Department or Organization: Counsel for 300N LLC

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1st Choice: September 17, 2015

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Discussion and Action on Rescinding County Commission Order dated September 4, 2014 Regarding Chapel View, Section 2, Lots 42-105 (JCPC File No. 03-11), and specifically lots 38, 39, 40, 41, 44, 49, 50, 57, 58, 60, 62, 63, & 64 owned by 300N LLC.

Please provide the County Commission with a description of your request or presentation, including any background information: 300N LLC is asking that the County Commission rescind its order on issuing building/ILP permits on the lots owned by 300N LLC. The primary reason for the Order was to facilitate the transfer of the common area to the Chapel View HOA, so that the County can complete the improvements with the bond money that the County Commission called in from the Letter of Credit. The common area was transferred to the Chapel View HOA on June 1, 2015. The original owner/developer has absolutely no property interest in the lots now owned by 300N LLC. See attached Foreclosure Deed transferring Lots to 300N LLC; County Commission Order; Deed transferring common area to HOA; and, Explanation Letter from Kathy Santa Barbara.

Is this a funding request? Y/N No
If so, how much? \$0

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

The County Commission hereby rescinds the Order dated September 4, 2014 titled: "In Re: Orchard Knolls, LLC, Developer of Chapel View Subdivision, Section 2, Lots 42-105 (JCPC File No. 03-11), and specifically lots 38, 39, 40, 41, 44, 49, 50, 57, 58, 60, 62, 63, & 64 owned by 300N LLC" and orders such rescission to be recorded in the Office of the Clerk of the County Commission of Jefferson County.

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

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

Contact information: Kathy Santa Barbara
Email address: Kathy@ksblawofc.com Phone Number: 304/264-0000

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

The Law Office of
Kathy M. Santa Barbara, PLLC
Kathy M. Santa Barbara, Esq.

518 West Stephen Street, Martinsburg, West Virginia 25401

Telephone (304) 264-0000 Facsimile (304) 263-2527

kathy@kymblawofc.com

September 9, 2015

VIA HAND DELIVERY

County Commission of Jefferson County
P.O. Box 250
Charles Town, WV 25414
Attn: Ms. Jane Tabb, President

Re: Discussion and Action on Rescinding County Commission Order dated September 4, 2014 Regarding Chapel View, Section 2, Lots 42-105 (JCPC File No. 03-11), and specifically lots 38, 39, 40, 41, 44, 49, 50, 57, 58, 60, 62, 63, & 64 owned by 300N LLC.

Dear Commissioner Tabb,

I represent 300N LLC in the matter concerning the rescission of the County Commission Order that stayed the issuance of building/ILP permits on the above referenced lots in Section 2 of the Chapel View Subdivision. If you recall, this Order was issued by the County Commission in an attempt to get the common property, such as the roads and stormwater management area, transferred to the Chapel View Homeowner's Association (HOA) so that the County could issue the bids to complete the work as required by the defaulted bond. In this case, the HOA took title to the common areas and roads on June 1, 2015. Accordingly, 300N LLC is requesting the release of the above referenced Order.

I will give a very brief synopsis of the events leading up to this request. According to the Order, on August 12, 2010, the County Commission declared the developer, Orchard Knolls, LLC, in default of the bond securing the work in Chapel View, Section 2. At that point, Summit Community Bank, which issued the Letter of Credit (LOC) to the developer, turned over the funds that secured the LOC to the County. As you are aware, that is the extent of the Bank's obligation on this (or any) development. During this time, the County, through diligent efforts of Mr. Roger Goodwin, Chief County Engineer, attempted to facilitate the beginning of construction on the remaining work. Since the developer did not turn the common area over to the HOA, Mr. Goodwin could not get anyone to assume the liability of the common area in order to get the necessary paperwork signed to proceed on the work.

After these attempts, Mr. Goodwin and Ms. Grove (APA at the time) recommended that the County issue the Order staying all building/ILP permits on the remaining 13 lots in the development. This was an attempt to get the developer to turn the common area over to the

County Commission of Jefferson County
Attn: Ms. Jane Tabb, President
September 9, 2015
Page Two

HOA, so that work could commence. This Order was entered on September 4, 2014 and recorded on September 18, 2014. Unfortunately, at that point, the lots were already foreclosed on by Summit in order to recoup the money they lost when the LOC was surrendered as well as significant other funds loaned to the developer. The foreclosure sale took place in front of the courthouse and the property was purchased by 300N LLC. This foreclosure sale was held on April 19, 2012 and the deed transferring the lots was recorded on July 13, 2012 which was over two years before the Order was entered by the County and recorded among the land records.

There are two very important things to note. First, neither the original developer, nor his LLC, has any title interest in the remaining lots at this point. Second, our representative, Mr. Paul Raco, has worked with Mr. Goodwin and Ms. Grove to complete this process, including a discussion on how to make it easier for the County by issuing the Stay Order on the same day that the developer is declared in default. If that happens, the parties buying the lots at the foreclosure sale are put on notice that building permits will not be issued. However, in this case, the sale and transfer of lots to 300N LLC took place many months prior to the Stay Order being issued.

300N LLC agreed to have Mr. Raco work closely with the County in order to facilitate a resolution to the matter. Even after Mr. Raco discovered that the common area was finally transferred to the HOA on June 1, 2015, 300N LLC authorized him to facilitate a meeting with all parties to help the County begin the work. However, the HOA, through its Management Company, declined to meet. 300N LLC was acting in good faith and with good will to facilitate this process; and, now have no other recourse than to ask for the release of the Order.

Therefore, 300N LLC would respectfully request that the Order be rescinded since the original purpose of the Order has been accomplished. I believe that the legislative intent of the WV State Code 8A-6-3b is to penalize the original developer in order to get him to complete the improvements that were approved. I don't believe that it was ever contemplated that this Code section could be use against someone other than the developer or successor to the original developer. In this case, neither Summit Bank nor 300N LLC is in that position.

Thank you for your consideration of this request. I look forward to seeing you on September 17, 2015.

Sincerely,

A handwritten signature in blue ink, appearing to read "Kathy M. Santa Barbara". The signature is fluid and cursive, with the first name "Kathy" being the most prominent.

Kathy M. Santa Barbara

KMSB/clm

LAW OFFICE OF KATHY M. SANTA BARBARA PLLC
518 WEST STEPHEN STREET
MARTINSBURG, WV 25401-2628

THIS DEED, made and entered into this ^{25th} day of June, 2012, by and between KATHY M. SANTA BARBARA, SUCCESSOR TRUSTEE, party of the first part, GRANTOR, and 300N, LLC, a West Virginia limited liability company, party of the second part, GRANTEE.

WHEREAS, the said Successor Trustee, by virtue of the authority vested in her by the trust deed hereinafter mentioned and by virtue of her appointment as Successor Trustee, did sell the real estate hereinafter described and conveyed, at which sale 300N, LLC was the highest bidder for the sum of Two Hundred Thousand and 00/100 Dollars (\$200,000.00).

NOW, THEREFORE, THIS DEED WITNESSETH: That the said Kathy M. Santa Barbara, Successor Trustee, as aforesaid, doth grant and convey to the said 300N, LLC, in fee simple, and without warranty of any kind, all those certain lots or parcels of real estate, with the improvements thereon and appurtenances thereunto belonging, situate, lying and being in the Middleway District, Jefferson County, West Virginia, and more particularly described as follows:

Lots 38, 39, 40, 41, 44, 49, 50, 57, 58, 60, 62, 63, and 64 of Chapel View Subdivision, Section II, together with all rights, easements, appurtenances, ways, timber, structures, fixtures, improvements now existing or hereafter made and access thereto and therefrom, as said lots are designated and described on the plat of Chapel View, Section II, as the same is entitled "Final Plat of Chapel View Section II" made by William H. Gordon and Associates, Inc., dated March 24, 2004, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 21, at Page 55.

AND TOGETHER WITH ALL those rights of way for ingress and egress and all other lawful purposes over and across the streets and roadways constructed or to be constructed 50 feet in width and known or to be known as Glory Ridge Place, Amber Ridge Place, Inspiration Way, Rustling Leaf Place and any other ingress and egress to and from the aforementioned lots as depicted on the plats of Chapel View, Sections I and II, as recorded in the land records in the Offices of the Clerk of the County Commission of Berkeley and Jefferson Counties, West Virginia.

SUBJECT TO AND TOGETHER WITH an Easement and Cooperation Agreement recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia in Deed Book 987 at Page 524.

AND BEING a part of the same real estate which was conveyed to Orchard Knolls, LLC, by Deed dated August 8, 2002, from Teresa M. Lambert and recorded in the Office of the Clerk of

the County Commission of Jefferson County, West Virginia, in Deed Book 963 at Page 629.

AND FURTHER BEING the same real estate conveyed by Orchard Knolls, LLC to C. David Robertson and Mark H. Wright, as Trustees, by a Real Estate Deed of Trust bearing date January 14, 2005, and recorded in the office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed of Trust Book No. 1391, at Page 594 (and also recorded in the office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed of Trust Book No. 1585, at Page 22) ; the undersigned Successor Trustee was appointed as such by that certain Notice of Appointment of Successor Trustee dated February 16, 2012, and made by Summit Community Bank, Inc. (successor to Shenandoah Valley National Bank), and recorded in the office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed of Trust Book No. 1104, at page 552.

Said property is conveyed subject to all utility easements and rights-of-way of record, subject to any restrictive covenants of record, and subject to any unpaid real estate taxes, and other governmental or utility assessments.

The above described public sale by the Successor Trustee was held on Thursday, April 19, 2012 at 12:00 o'clock noon, at the front door of the County Courthouse in Jefferson County, West Virginia, at 100 East Washington Street, Charles Town, West Virginia 25414, at public auction after due advertisement in accordance with the terms of said trust deed and applicable statutes.

THIS CONVEYANCE IS FURTHER MADE in an "AS IS" condition without any warranty of any kind and the Successor Trustee shall be under no duty to cause any existing tenant or property owner to vacate the premises.

DECLARATION OF CONSIDERATION OR VALUE

The undersigned hereby declares that the total consideration paid for the real estate hereby conveyed by this Deed is Two Hundred Thousand and 00/100 Dollars (\$200,000.00).

WITNESS the following signature and seal:

Kathy M. Santa Barbara (SEAL)
Kathy M. Santa Barbara, Successor Trustee

STATE OF WEST VIRGINIA,
COUNTY OF BERKELEY, to-wit:

I, Crystal L. Marsh, a Notary Public, in and for the State

and County aforesaid, do hereby certify that KATHY M. SANTA BARBARA,
SUCCESSOR TRUSTEE, whose name as such is signed to the writing above, bearing date
the 25th day of June, 2012, has this day acknowledged the same before me in my said
County.

Given under my hand this 25th day of June, 2012.



Crystal L. Marsh
Notary Public

My commission expires:

December 7, 2019

This instrument was prepared by, and
after recording should be returned to:

Kathy M. Santa Barbara, Esquire
WVSB No. 5960
The Law Office of Kathy M. Santa Barbara, PLLC
518 West Stephen Street
Martinsburg, West Virginia 25401

**Certification of Status for Withholding Upon Disposition of
West Virginia Real Estate**

West Virginia Code §11-21-71b provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §11-21-71b do not apply when a transferor provides a certification of certain exemptions. Based on the certification below, Transferor either acknowledges the withholding, or claims exemption from the tax withholding requirements of West Virginia Code §11-21-71b.

NON-EXEMPT

_____ The Grantor(s) in this deed, acknowledge that I am nonresident entity; that the transfer by the document to which this affidavit is attached effects a change of ownership on the land books of the County Assessor for the county in which the real estate described herein is situate; that the "net proceeds" from this transfer as defined in West Virginia Code §11-21-71b (a) (2) payable to me are \$ _____; and that the amount withheld from the payment by the real estate reporting person as defined under §6045 of the Internal Revenue Code was \$ _____, which amount is the lesser of (i) two and one-half percent of the total payment to me, or (ii) an amount equal to six and one-half percent of the estimated capital gain derived from the sale or exchange.

EXEMPT

_____ The Grantor(s) in this deed, acknowledge that the transfer by the document to which this affidavit is attached effects a change of ownership on the land books of the County Assessor for the county in which the real estate described herein is situate, but the transfer is exempt from the withholding tax on West Virginia source income as required by West Virginia Code §11-21-71b, for the following reason:

_____ (1) I am a resident of the State of West Virginia.

_____ (2) The undersigned Grantor is a "resident entity" as defined under West Virginia Code §11-21-71b (a) (4), that the signatory for the resident entity is an agent of the Grantor, and has authority to sign this document on the Grantor's behalf.

_____ (3) The Grantor has presented to the real estate reporting person, as defined under §6045 of the Internal Revenue Code, a certificate issued by the Tax Commissioner stating that:

(A) No tax is due from the Grantor in connection with that sale or exchange of property;

(B) A reduced amount of tax is due from the Grantor in connection with that sale or exchange of property and stating the reduced amount that should be collected by the real estate reporting person, as defined under §6045 of the Internal Revenue Code, before recordation or filing; or

(C) The Grantor has provided adequate security to cover the amount required to be withheld under West Virginia Code §11-21-71b (c) (1).

 X (4) The property transfer is:

 X (A) A "transfer pursuant to a foreclosure of a mortgage, deed of trust, or other lien instrument"; or

(B) A "transfer pursuant to a deed in lieu of foreclosure".

_____ (5) The property is being transferred is the Grantor's principal residence.

(6) The property is transferred pursuant to a deed or other instrument of writing that includes a statement of consideration required in West Virginia Code §11-22-6 indicating that the consideration payable is zero.

Under penalty of perjury, the undersigned Grantor hereby certifies that he/she has examined this declaration and that, to the best of his/her knowledge, it is true, correct, and complete.

WITNESS the following signature and seal:

Kathy M. Santa Barbara
Kathy M. Santa Barbara, Successor Trustee
GRANTOR

STATE OF WEST VIRGINIA,
COUNTY OF BERKELEY, to-wit:

The foregoing certification was subscribed, sworn to and acknowledged before me this 25th day of June, 2012, by Kathy M. Santa Barbara, Successor Trustee, in said County and State.



Crystal L. Marsh
NOTARY PUBLIC

My commission expires: December 7, 2019.

Jennifer S Mashan
JEFFERSON County 09:44:05 AM
Instrument No 2012014433
Date Recorded 07/13/2012
Document Type DEED
Pages Recorded 5
Book-Page 1112-131
Recording Fee \$11.00
Transfer Tax \$880.00
HB4331 Tax \$440.00
Additional \$25.00

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

In Re: Orchard Knolls, LLC, Developer of Chapel View Subdivision, Section 2, Lots 42 – 105 (JCPC File No. 03-11), and specifically lots 38, 39, 40, 41, 44, 49, 50, 57, 58, 60, 62, 63, & 64 owned by 300N LLC

ORDER

This matter came before the County Commission of Jefferson County on the 4th day of September, 2014:

WHEREAS, Brian C. Burke, Sr, Manager of Orchard Knolls, LLC is the developer of the Chapel View Subdivision, Section 2, Lots 42 through 105, located in Jefferson County, West Virginia; and

WHEREAS, Orchard Knolls, LLC received Jefferson County Planning Commission approval (JCPC File No. 03-11) to develop the Chapel View Subdivision, Section 2, on the condition that it be completed in accordance with the approved "Preliminary Plat" plans and "Final Plat" , and all local state and federal laws and regulations; and

WHEREAS, the Jefferson County Planning Commission approved and consented to the recordation, in the Office of the Clerk of the Jefferson County Commission, the Final Plat of the Chapel View Subdivision, Section 2, lots 42 through 105, for the purpose of the developer selling such lots to the buyers thereof on the condition of the developer posting a bond for the cost of installing all the required site improvements as outlined on the Preliminary Plat plans and Jefferson County Planning Commission file no. 03-11; and

WHEREAS, Brian C. Burke, Sr., Manager, Orchard Knolls, LLC posted a construction bond and executed a bonding agreement on November 12, 2004, with the County Commission of Jefferson County agreeing to install all the required site improvements, including but not limited to sediment and erosion control measures, paved streets, drainage culverts, stormwater management facilities, water lines, sanitary sewer lines, underground electric, telephone and cable t.v. service and traffic control signs, etc; and

WHEREAS, Brian C. Burke, Sr., Manager, Orchard Knolls, LLC defaulted on the bonding agreement and failed to install the required site improvements; and

WHEREAS, the County Commission of Jefferson County found the developer to be non-responsive in attempts to get the developer to complete the required site improvements and "called-in" the construction bond on August 12, 2010; and

WHEREAS, in addition, Brian C. Burke, Sr., Manager, Orchard Knolls, LLC is in default of his obligation to deed over the common areas to the Chapel View Subdivision homeowners association as required by the Jefferson County Subdivision Regulations; and

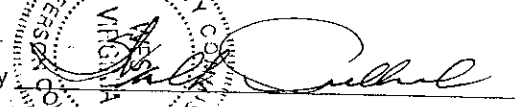
WHEREAS, under the land use planning laws of West Virginia, the West Virginia State Code, §8A-6-3, Enforcement and Guarantees, Section (b) provides:

Failure to meet all conditions attached to the final plat approved for a development project shall constitute cause to deny the issuance of any of the required use, occupancy or improvement location permits, as may be appropriate.

THEREFORE, it is ADJUDGED and ORDERED under authority granted by West Virginia State Code § 8A-6-3, that the issuance of any use, occupancy or Improvement Location Permits shall be denied for the following unsold lots in the Chapel View Subdivision, Section 2: Lots 38, 39, 40, 41, 44, 49, 50, 57, 58, 60, 62, 63, & 64; effectively rendering them unbuildable lots.

This Order shall stand until all issues are resolved to the satisfaction of the County Commission of Jefferson County and this Order is rescinded. This Order shall be recorded in the land records of the Office of the Clerk of the Jefferson County Commission.

Dated this 4th day of September 2014

By  Walt Bellish, President

COUNTY COMMISSION OF JEFFERSON COUNTY
124 East Washington Street
Charles Town, WV 25414

Attest
Jennifer Maghan
Clerk of the County Commission

Jennifer S Maghan
JEFFERSON County 09:14:21 PM
Instrument No 2014013717
Date Recorded 09/18/2014
Document Type ORD*
Pages Recorded 2
Book-Page 1146-132

Book-Page 1157-508

JOHN K DORSEY ATTORNEY AT LAW
P O BOX 42
CHARLES TOWN, WV 25414-0042

Jennifer S Hoshan
JEFFERSON County 10:30:40 AM
Instrument No 2015007647
Date Recorded 06/01/2015
Document Type DEED
Pages Recorded 8
Book-Page 1157-508
Recording Fee \$14.00
Additional \$5.00

After Recording return to:
Chapel View Homeowners Association, Inc.
340 Edmond Road, Suite E
Kearneysville, WV 25430

THIS DEED made this 22nd day of April, 2015, by and between ORCHARD KNOLLS LLC, a Virginia Limited Liability Company now in dissolution and formerly authorized to do business in West Virginia, party of the first part, and hereinafter referred to as Grantor, and CHAPEL VIEW HOMEOWNERS ASSOCIATION, INC., a West Virginia Corporation, party of the second part, and hereinafter referred to as Grantee.

WITNESSETH: That for valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the said Grantor does hereby grant, convey, release, remise and forever quit claim unto the said Grantee, in fee simple, all of its right, title and interest in and to all those lots or parcels of land, with improvements thereon and appurtenances thereunto belonging, and including any street, common area, limited common area, park area, right, way, easement, right of way, storm water management area or green space, situate in the Chapel View Subdivision, partially in Arden District, Berkeley County, West Virginia, and partially in Middleway District, Jefferson County, West Virginia, and more particularly described as follows:

FIRST (ARDEN DISTRICT, BERKELEY COUNTY, CHAPEL VIEW PHASE 1): All of the Right of Way Area, containing 3.38784 acres, more or less, including and containing all of those areas designated as "Rustling Leaf Place (50' Right of Way)", "Inspiration Drive (50' Right of Way)", "Cupola Way (50' Right of Way)", "Clerestory Way (68' Right of Way)", "Doric Place (50' Right of Way); and "Glory Ridge Place (50' Right of Way)"; and all of the Open Space, Parkland Reserve, Park & Recreation Areas, and Storm Water Management Easement Areas containing 112,920 Sq. Ft. or 2.59229 acres, more or less,

including and containing "Parcel A", containing 0.53896 acre, more or less; "Parcel B", containing 2,910 Sq. Ft. or 0.06680 acre, more or less; "Parcel C", containing 20,295 Sq. Ft. or 0.46592 acre, more or less; "Parcel D", containing 3,496 Sq. Ft. or 0.08026 acre, more or less; "Parcel E", containing 1,868 Sq. Ft. or 0.04288 acre, more or less; "SWM Area 1", containing 26,079 Sq. Ft. or 0.59871 acre, more or less; "SWM Area 2", containing 34,795 Sq. Ft. or 0.79878 acre, more or less); and that certain easement area designated as "Stormwater Management Easement" over and across Lot 22, Section 1, Chapel View Subdivision, as the same are shown on a plat of survey dated February 3, 2004, and revised May 26, 2004, June 30, 2004, August 24, 2004 and September 3, 2004, prepared by William H. Gordon Associates, Inc., and signed by Kevin D. Nelson, P.S., entitled, "Final Plat of Chapel View Phase 1", which said plat is recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Plat Cabinet 10, at Page 198, et seq., and to which said plat reference is hereby made for a more complete and accurate description by metes and bounds of the parcels and easements hereby conveyed.

Berkeley County: District: 01, Tax Map: 20D, Parcel 0043 0000 0000 and Tax Map 20D, Parcel 0042 0000 0000

And being a part of the same real estate conveyed to Orchard Knolls, LLC, a Virginia limited liability company, from Teresa M. Lambert by deed dated August 8, 2002, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia in Deed Book 708, at Page 150.

SECOND (MIDDLEWAY DISTRICT, JEFFERSON COUNTY, CHAPEL VIEW SECTION 2): All of the Right of Way Area, containing 4.10095 acres, more or less, including and containing all of those areas designated as "Amber Ridge Place (50' Right of Way)", "Glory Ridge Place (50' Right of Way)", "Rustling Leaf Place (50' Right of Way)", "Inspiration Way (50' Right of Way)", and "Summer Grove Drive (50' Right of Way)"; and all of the Parkland Reserve, Park & Recreation Areas, and Storm Water Management Easement Areas containing 5.36292 acres, more or less, including and containing "(Parkland Reserve) Parcel A", containing 1.96109 acres, more or less; "(Parkland Reserve) Parcel B", containing 0.08170 acres, more or less; "(Parkland Reserve) Parcel C", containing 0.85886 acres, more or less; and "Parcel D", containing 2.46040 acres, more or less (includes Storm Water Management Easement 75,503 Sq. Ft. 1.73331 Ac. and Parkland Reserve 31,672 Sq. Ft. 0.72709 Ac.), as the same are shown on a plat of survey dated March 24, 2004, prepared by William H. Gordon Associates, Inc., and signed by Kevin D. Nelson, P.S., entitled, "Final Plat of

Chapel View Section 2", which plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 21, at Page 55, to which said plat reference is hereby made for a more complete and accurate description by metes and bounds of the parcels hereby conveyed.

THIRD (MIDDLEWAY DISTRICT, JEFFERSON COUNTY, CHAPEL VIEW SECTION 2): That certain easement, ten feet (10') in width, over and across Lots 24 and 25, Section 2, Chapel View Subdivision, as the center line thereof is generally depicted on a plat thereof made by William H. Gordon Associates, Inc., dated September 22, 2006, entitled "Trail Easement Plat on Lots 24 & 25, Chapel View, Section 2", which said plat is attached to, made a part of and incorporated in a deed of easement dated June 21, 2007, from Richmond American Homes of WV, Inc., to Orchard Knolls, LLC, and recorded in the aforesaid Clerk's Office in Deed Book 1038, at Page 520, to which said deed and plat reference is hereby made for a more complete and accurate description by metes and bounds for the interest or easement in real estate hereby conveyed.

Jefferson County: District: 07, Map 2B, Parcel Park 0000 0000 and Map 2B, Parcel OSWM 0000 0000.

And being a portion of the same real estate conveyed to Orchard Knolls, LLC, a Virginia limited liability company, in part (SECOND), from Teresa M. Lambert by deed dated August 8, 2002, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia in Deed Book 963, at Page 629; and, in part (THIRD), from Richmond American Homes of WV, Inc., a Colorado corporation, by deed of easement dated June 21, 2007, and recorded in the aforesaid Clerk's Office in Deed Book 1038, at Page 520.

THIS CONVEYANCE IS MADE SUBJECT, HOWEVER, to the declarations, restrictive covenants, conditions, easements, assessments and limitations of record.

THIS CONVEYANCE IS MADE SUBJECT to the several conveyances of a non-exclusive easement or right-of-way over, across and upon the aforesaid real estate as an appurtenance to each of the lots in Chapel View Subdivision.

THIS CONVEYANCE IS MADE to the Grantee for the purposes set forth in its Articles of Incorporation, and the real estate described herein and conveyed hereby shall be held, used and administered by the Grantee in accordance with the terms, conditions and provisions of those certain covenants, conditions, restrictions, reservations, easements, assessments, and other matters more particularly set forth in the Declaration of Chapel View (the "Declaration"), dated July 1, 2004, recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 778, at Page 252; and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 997, at Page 1; First Amendment to The Declaration of Chapel View dated October 1, 2005, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1016, at Page 114; corrected First Amendment To The Declaration of Chapel View dated October 1, 2005, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1016, at Page 217; and Second Amendment to Declaration of Chapel View dated June 27, 2007, recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1038, at Page 524, as amended.

The party of the second part, by its acceptance of this Deed and its signature hereafter appended, does hereby accept all of the parcels, as more fully hereinbefore described subject to all of the covenants, conditions, restrictions, easements, assessments, charges, liens and responsibilities set forth in the above described Declaration and amendments thereto.

DECLARATION OF CONSIDERATION OF VALUE

Under penalty of fine and imprisonment as provided by law, the undersigned Grantor hereby declares that the transfer of real estate conveyed by the document to which this declaration is appended is not subject to the West Virginia excise tax on transfers of real estate for the reason that the same is a quit claim deed, without monetary consideration, and is therefore exempt.

IN WITNESS WHEREOF, the said Orchard Knolls, LLC, a Virginia Limited Liability Company now in dissolution, has executed this deed by causing its Member to sign hereto its name, being duly authorized.

ORCHARD KNOLLS, LLC,
A Virginia Limited
Liability Company in Dissolution,

By: BURKE REALTY CAPITAL, LLC,
A Virginia Limited
Liability Company in Dissolution,

By: [Signature]
Brian C. Burke, Manager

STATE OF VIRGINIA

COUNTY OF Loudoun

This record was acknowledged before me on April 23, 2015, by Brian C. Burke, as Manager of BURKE REALTY CAPITAL, LLC, a Virginia Limited Liability Company in dissolution, as Member and on behalf of ORCHARD KNOLLS, LLC, a Virginia Limited Liability Company in dissolution, formerly authorized to do business in West Virginia.

(AFFIX NOTARY SEAL)

My commission expires: 7/31/18

[Signature]
NOTARY PUBLIC

Karen Noreen Sheehan
Notary Public
Commonwealth of Virginia
Reg #7588694
My Commission Expires 07/31/18

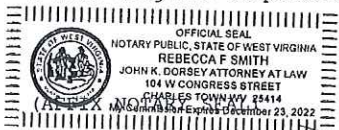
AND IN FURTHER WITNESS WHEREOF, the said Chapel View Homeowners Association, Inc., a West Virginia corporation, has executed this deed by causing its President to sign hereto its corporate name and to affix its corporate seal, being duly authorized.

(Affix corporate seal) CHAPEL VIEW HOMEOWNERS ASSOCIATION, INC., a West Virginia corporation

By: Jennifer Syron
JENNIFER SYRON, PRESIDENT

STATE OF WEST VIRGINIA
COUNTY OF JEFFERSON

This record was acknowledged before me on April 30th, 2015, by Jennifer Syron, as President of CHAPEL VIEW HOMEOWNERS ASSOCIATION, INC., a West Virginia corporation.



Rebecca F. Smith
NOTARY PUBLIC

My commission expires: December 23 2022

THIS DOCUMENT WAS PREPARED WITHOUT BENEFIT OF TITLE EXAMINATION BY:
John K. Dorsey, Attorney at Law
104 West Congress Street
P.O. Box 42
Charles Town, WV 25414
(304) 728-6000

**Certification of Status for Withholding Upon Disposition of West
Virginia Real Estate**

West Virginia Code §11-21-71b provides that certain tax payments must be withheld and paid when a deed or other instrument that effects a change in ownership of real property is presented for recordation. The requirements of §11-21-71b do not apply when a transferor provides a certification of certain exemptions. Based on the certification below, Transferor either acknowledges the withholding, or claims exemption from the tax withholding requirements of West Virginia Code §11-21-71b.

NON-EXEMPT

The Grantor(s) in this deed, acknowledge that I am a nonresident or nonresident entity; that the transfer by the document to which this affidavit is attached effects a change of ownership on the land books of the County Assessor for the county in which the real estate described herein is situate; that the "net proceeds" from this transfer as defined in West Virginia Code §11-21-71b(a)(2) payable to me are \$ _____; and that the amount withheld from the payment by the real estate reporting person as defined under §6045 of the Internal Revenue Code was \$ _____, which amount is the lesser of (i) two and one-half percent of the total payment to me, or (ii) an amount equal to six and one-half percent of the estimated capital gain derived from the sale or exchange.

EXEMPT

The Grantor(s) in this deed, acknowledge that the transfer by the document to which this affidavit is attached effects a change of ownership on the land books of the County Assessor for the county in which the real estate described herein is situate, but the transfer is exempt from the withholding tax on West Virginia source income as required by West Virginia Code §11-21-71b, for the following reason:

_____ (1) I am a resident of the State of West Virginia.

(2) The undersigned Grantor is a "resident entity" as defined under West Virginia Code §11-21-71b(a)(4), that the signatory for the resident entity is an agent of the Grantor, and has authority to sign this document on the Grantor's behalf.

_____ (3) The Grantor has presented to the real estate reporting person, as defined under Section 6045 of the Internal Revenue Code, a certificate issued by the Tax Commissioner stating that:

- (A) No tax is due from the Grantor in connection with that sale or exchange of property;
- (B) A reduced amount of tax is due from the Grantor in connection with that sale or exchange of property and stating the reduced amount that should be collected by the real estate reporting person, as defined under Section 6045 of the Internal Revenue Code, before recordation or filing; or
- (C) The Grantor has provided adequate security to cover the amount required to be withheld under West Virginia Code §11-21-71b(c)(1).

_____ (4) The property transfer is:

- (A) A "transfer pursuant to a foreclosure of a mortgage, deed of trust, or other lien instrument"; or
- (B) A "transfer pursuant to a deed in lieu of foreclosure".

_____ (5) The property is transferred by the United States, the State of West Virginia, or a unit or political subdivision of the State of West Virginia.

____ (6) The property being transferred is the Grantor's principal residence.


 √ (7) The property is transferred pursuant to a deed or other instrument of writing that includes a statement of consideration required in West Virginia Code §11-22-6 indicating that the consideration payable is zero.

Under penalty of perjury, the undersigned Grantor hereby certifies that he/she has examined this declaration and that, to the best of his/her knowledge, it is true, correct, and complete.

IN WITNESS WHEREOF, the said Orchard Knolls, LLC, a Virginia Limited Liability Company, authorized to do business in West Virginia, has executed this deed by causing its Manager to sign hereto its name, being duly authorized.

ORCHARD KNOLLS, LLC,
A Virginia Limited
Liability Company in Dissolution,

By: BURKE REALTY CAPITAL, LLC,
A Virginia Limited
Liability Company in Dissolution

By: 
Brian C. Burke, Manager

STATE OF VIRGINIA

COUNTY OF Loudoun

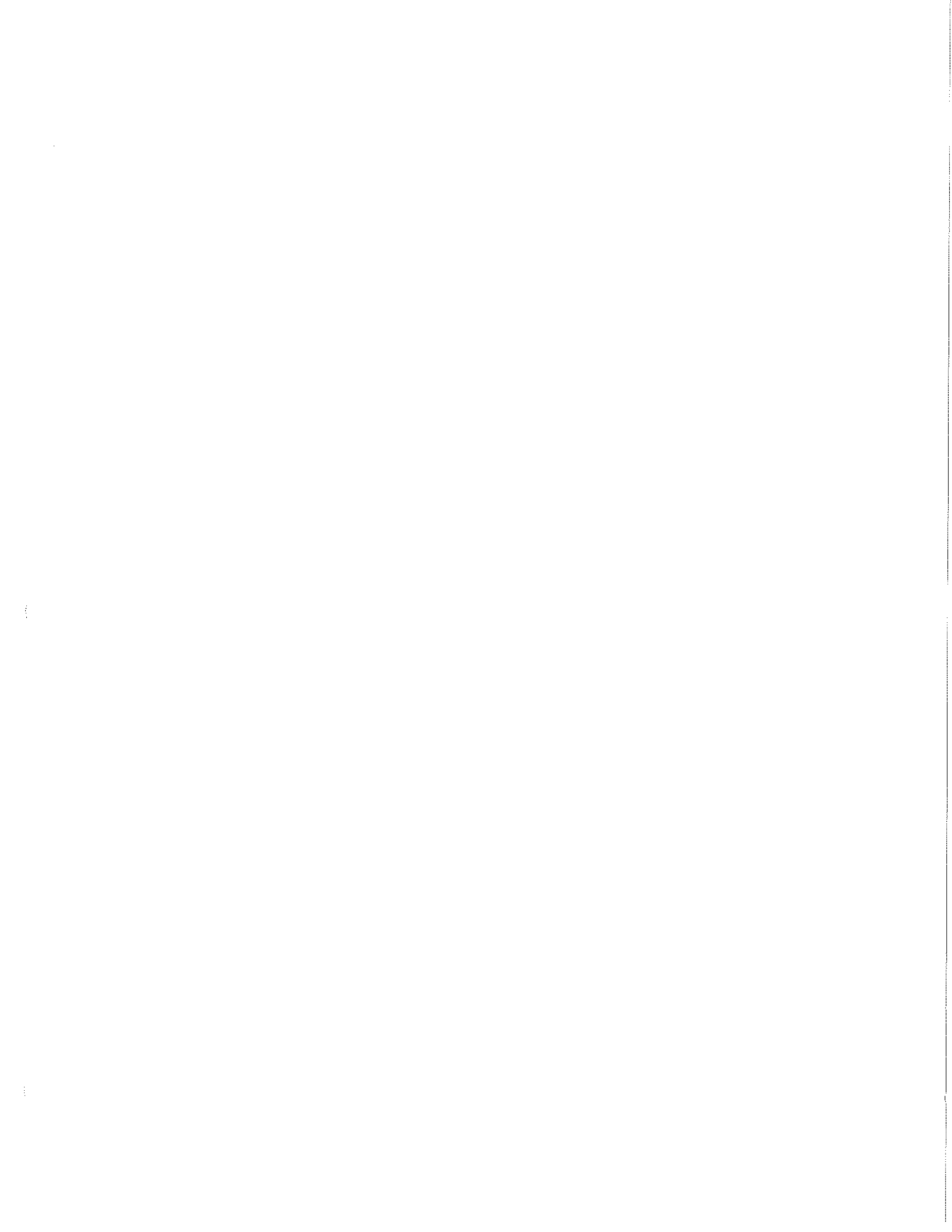
Signed and sworn to or affirmed before me on April 23, 2015, by Brian C. Burke, as Manager of BURKE REALTY CAPITAL, LLC, a Virginia Limited Liability Company in dissolution, as Member and on behalf of ORCHARD KNOLLS, LLC, a Virginia Limited Liability Company in dissolution, formerly authorized to do business in West Virginia.


NOTARY PUBLIC

STAMP

My commission expires: 7/31/18

Karen Noreen Sheehan
Notary Public
Commonwealth of Virginia
Reg #7588694
My Commission Expires 07/31/18



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Nikki Painter

Department or Organization: County Clerk - Elections

Estimation of amount of time needed for appointment: 10 mins

Date Requested – 1st Choice: Sept 17, 2015
If a specific date is needed, please provide reason for specific date: code determines time deadline for approval

Date Requested – 2nd Choice: _____

Subject (Wording to be placed on agenda): Poll worker approval

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

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

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

Approve the poll worker list as provided by the Democratic & Republican Executive Comm.

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: npainter@jeffersoncountywv.org Phone Number: 304-728-3246

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

Charles Town District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct # 2 Wright Denny Elementary				
Poll Commissioner # 1				
Poll Commissioner # 2				
Violet Lowery	725-2604	566 Eagle Ave Charles Town		Dem
Supply Clerk				
Jean Roberts	725-7435	404 S Charles St Charles Town		Dem
Poll Clerk # 1				
Ruth McDaniel	725-2128	546 Eagle Ave Charles Town		Dem
Poll Clerk # 2				
Precinct # 3 Charles Town Baptist Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
Devona Snyder	725-7874	110 Cooke St Ranson		Dem
Supply Clerk				
Poll Clerk # 1				
Orville Thompson	728-6734	540 Brooke St Charles Town		Dem
Poll Clerk # 2				
Precinct # 4A Fellowship Bible Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
Janet Jeffries	725-4094	432 S Lawrence St Charles Town		Dem
Supply Clerk				
Vivian Henry	4600 725-0614	302 S George St Ranson		Dem
Poll Clerk # 1				
Karla Elster	283-0368	PO Box 577 Charles Town		Dem
Poll Clerk # 2				

Charles Town District				
Name	Telephone #'s	Address		Party Affiliation
Precinct # 4B Fellowship Bible Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
Mary Ella Cogle	725-7184	857 Mt Hammond Ln Charles Town		Dem
Supply Clerk				
Poll Clerk # 1				
Dottie Ott	725-2543	1510 Flowing Springs Rd C-town		Dem
Poll Clerk # 2				
Precinct # 6 Senior Center				
Poll Commissioner # 1				
Poll Commissioner # 2				
Dorothy Meyers	725-5487	804 Morison St. Charles Town		Dem
Supply Clerk				
Gary Henry	725-0614	302 S George St Ranson		Dem
Poll Clerk # 1				
Peggy Turner	725-5792	709 Morison St Charles Town		Dem
Poll Clerk # 2				
Precinct # 7 Ranson Elementary School				
Poll Commissioner # 1				
Poll Commissioner # 2				
Susie Nicodemus	725-0097	131 Grace St Kearneysville		Dem
Supply Clerk				
Poll Clerk # 1				
Shirley Henry	725-8631	PO Box 263 Charles Town		Dem
Poll Clerk # 2				

Charles Town District				
Precinct # 12 Jefferson High School				
Poll Commissioner # 1				
Poll Commissioner # 2				
Janice Blackford	725-1293	155 Riparian Ln Ranson		Dem
Supply Clerk				
Richard Blue	725-2201	3767 Flowing Springs Rd Shen Jct		Dem
Poll Clerk # 1				
Joan Mercer	725-5587	PO Box 85 Shenandoah Jct		Dem
Poll Clerk # 2				

Harpers Ferry District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct # 13 CW Shipley Elementary				
Poll Commissioner # 1				
Poll Commissioner # 2				
Peggy Freeman	535-6597	175 Cheney Ave Harpers Ferry		Dem
Supply Clerk				
Poll Clerk # 1				
Linda Housden	535-2478	57 Fort Hill Rd Harpers Ferry		Dem
Poll Clerk # 2				
Precinct # 14 Camp Hill Wesley Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
Susanne Koenig	725-2927	329 Greenwood Rd Harpers Ferry		Dem
Supply Clerk				
Jim Eddy	304-535-8282	263 Mara Rose Ln Harpers Ferry		Dem
Poll Clerk # 1				
Pat Humphreys	304-885-0192	377 Pointfield Dr Harpers Ferry		Dem
Poll Clerk # 2				
Precinct # 15 Harpers Ferry Middle School				
Poll Commissioner # 1				
Poll Commissioner # 2				
Judy Carroll	725-1963	214 Veronica Ct Charles Town		Dem
Supply Clerk				
Paul Wilt	283-3474	103 N Reymann St Ranson		Dem
Poll Clerk # 1				
Gatherine Smallwood	728-3958	Po Box 157 Ranson		Dem
Poll Clerk # 2				

Harpers Ferry District				
Name	Telephone #s	Address	Notes	Party Affiliation
Precinct # 16 Oakland Methodist Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
Inez Ridgeway	304-676-3811	60 Ridgeway Ln Harpers Ferry		Dem
Supply Clerk				
Poll Clerk # 1				
Debbie Gravatt	876-6212	505 Engle Moler Rd Harpers Ferry		Dem
Poll Clerk # 2				
Precinct # 17 Blue Ridge Mountain Fire Hall				
Poll Commissioner # 1				
Poll Commissioner # 2				
Sunshine Drummond	304-839-3232	408 E 6th Ave Ranson		Dem
Supply Clerk				
Poll Clerk # 1				
Bobbi Blok	304-725-2488	341 Wren Ln Harpers Ferry		Dem
Poll Clerk # 2				
Precinct # 21A Blue Ridge Elementary School				
Poll Commissioner # 1				
Poll Commissioner # 2				
Barbara Smith	725-6307	PO Box 165 Ranson		Dem
Supply Clerk				
Devon Engle	304-886-2588	79 Mountaineer Ct Charles Town		Dem
Poll Clerk # 1				
Judy Ott	676-5617	89 Cottontail Dr Ranson		Dem
Poll Clerk # 2				

Harpers Ferry District				
Precinct # 21B Blue Ridge Elementary School				
Pol Commissioner # 1				
Pol Commissioner # 2				
David Engle	304-270-0165	79 Mountaineer Ct Charles Town		Dem
Supply Clerk				
Pol Clerk # 1				
Patricia Blevins	725-2234	920 General Rogers Rd C-Town		Dem
Pol Clerk # 2				

Kabletown District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct # 19 Charles Town Middle School				
Poll Commissioner # 1				
Poll Commissioner # 2				
Wanda Hughes	725-3243	23 Georgia Ave Charles Town		Dem
Supply Clerk				
Poll Clerk # 1				
Loretta Jones	279-3736	333 Penhroke way Charles Town		Dem
Poll Clerk # 2				
Precinct # 20 Kabletown Methodist Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
James Griffith	725-2536	PO Box 482 Charles Town		Dem
Supply Clerk				
Robert Graf	728-2829	2054 Kabletown Rd Charles Town		Dem
Poll Clerk # 1				
Carolyn Wright	725-7999	276 Hawthornedale Rd C-Town		Dem
Poll Clerk # 2				
Precinct # 22 Summit Point Baptist Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
Elizabeth Stagner	725-7777	1453 Shirley Rd Summit Point		Dem
Supply Clerk				Dem
Poll Clerk # 1				
Gerald Dost	724-0066	156 Brookline Dr Charles Town		Dem
Poll Clerk # 2				

Kabletown District					
Name	Telephone #'s	Address	Notes	Party Affiliation	
Precinct # 23A Country Day School					
Roll Commissioner # 1					
Roll Commissioner # 2					
Vickie Drummond	283-8239	408 E 6th Ave. Ranson		Dem	
Supply Clerk					
Roll Clerk # 1					
Debra Durst	725-6794	6546 Middleway Pike Kearneysville		Dem	
Roll Clerk # 2					
Precinct # 23B Country Day School					
Roll Commissioner # 1					
Roll Commissioner # 2					
David White	304-279-3100	102 Lindsey Dr Charles Town		Dem	
Supply Clerk					
Nora Drish	725-5256	3190 Summit Point Rd Summit Pt		Dem	
Roll Clerk # 1					
Peter Fricke	725-6400	154 East St Kearneysville		Dem	
Roll Clerk # 2					
Precinct # 24 Washington High School					
Roll Commissioner # 1					
Roll Commissioner # 2					
Louis Brunswick	725-7892	66 Pigtail Ln Kearneysville		Dem	
Supply Clerk					
Jennifer (Jones) Cogle	304-433-1067	47 Jefferson Village Dr Ranson		Dem	
Roll Clerk # 1					
Roger Dailey	724-7901	863 Pheasant Hill Rd Summit Point		Dem	
Roll Clerk # 2					

Middleway District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct # 25A South Jefferson Elementary				
Poll Commissioner # 1				
Poll Commissioner # 2				
Nancy Jo Upwright	725-9229	12260 Leetown Rd Kearneysville		Dem
Supply Clerk				
Mary (Rosalie) Ring	725-8045	277 King St Kearneysville		Dem
Poll Clerk # 1				
Gwendolyn Twyman	304-724-2044	2507 Lewisville Rd Summit Point		Dem
Poll Clerk # 2				
Precinct # 25B South Jefferson Elementary				
Poll Commissioner # 1				
Poll Commissioner # 2				
Charles Henry	725-8631	P.O. Box 263 Charles Town		Dem
Supply Clerk				
Poll Clerk # 1				
Joyce Pifer	725-3678	7417 Queen St Kearneysville		Dem
Poll Clerk # 2				
Precinct # 26 Leetown Methodist Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
William Carroll, Jr	304-725-1963	214 Veronica Ct Charles Town		Dem
Supply Clerk				
Poll Clerk # 1				
Deborah Longo	283-3411	146 Paddock Pl. Charles Town		Dem
Poll Clerk # 2				

Middleway District				
Precinct # 27 North Jefferson Elementary School				
Poll Commissioner # 1				
Poll Commissioner # 2				
Barbara Branson	304-876-2903	PO Box 907 Shepherdstown		Dem
Supply Clerk				
Poll Clerk # 1				
Terri Roberts	304-728-8562	965 Jefferson Ave Charles Town		Dem
Poll Clerk # 2				
Precinct # 28 First Baptist Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
Juliane Ford	725-6135	293 Westwoods Ln Charles Town		Dem
Supply Clerk				
Sharon Hall	725-9318	221 Northwinds Dr Charles Town		Dem
Poll Clerk # 1				
Leslie Newman	304-261-3337	250 Barksdale Dr Charles Town		Dem
Poll Clerk # 2				
Precinct # 29 TA Lowery Elementary School				
Poll Commissioner # 1				
Poll Commissioner # 2				
Judy Brunswick	725-7892	66 Pigtail Ln Kearneysville		Dem
Supply Clerk				
Poll Clerk # 1				
Rebecca Stokes	304-725-4098	180 Dianne Ct Charles Town		Dem
Poll Clerk # 2				

Shepherdstown District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct # 31 Covenant Baptist Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
Antoinette Ringgold	304-218-4629	105 Limited Dr Ranson		Dem
Supply Clerk				
Anita Fleshman	876-1865	5388 Shepherdstown Pike Shen Jct		Dem
Poll Clerk # 1				
Sandra Moffett	301-351-3359	46 Brighton Pl Charles Town		Dem
Poll Clerk # 2				
Precinct # 32 Bethel United Methodist Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
Jennifer Watland	304-444-7523	285 Burberry Ln CHARLESTOWN		Dem
Supply Clerk				
				Dem
Poll Clerk # 1				
Kim Hamilton	304-671-8498	PO BOX 35 BAKERTON		Dem
Poll Clerk # 2				
Precinct # 33 Trinity Episcopal Church				
Poll Commissioner # 1				
Poll Commissioner # 2				
John Thompson	728-8278	492 Thumper Dr Ranson		Dem
Supply Clerk				
Deborah Royalty	728-0191	199 Brannon Ln Charles Town		Dem
Poll Clerk # 1				
Delores Allen	724-6072	PO Box 141 Kearneysville		Dem
Poll Clerk # 2				

Shepherdstown District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct # 34 Shepherdstown Elementary School				
Poll Commissioner # 1				
Poll Commissioner # 2				
BG Turner	725-4346	7933 Summit Point Rd C Town		Dem
Supply Clerk				
Locke Wysong	671-2341	PO Box 772 Charles Town		Dem
Poll Clerk # 1				
Jan Offutt	876-3992	PO Box 1485 Shepherdstown		Dem
Poll Clerk # 2				
Precinct # 35A Shepherdstown Fire Hall				
Poll Commissioner # 1				
Poll Commissioner # 2				
Harold Stewart	725-7164	9029 Charles Town Rd C-Town		Dem
Supply Clerk				
Poll Clerk # 1				
Margaret Housden	876-0686	466 Ridge Rd Shenandoah Jct		Dem
Poll Clerk # 2				
Precinct # 35B Shepherdstown Fire Hall				
Poll Commissioner # 1				
Poll Commissioner # 2				
Patrick Coyle	728-7365	1208 Wide Horizon Blvd K-ville		Dem
Supply Clerk				
Elizabeth Coyle	728-7365	1208 Wide Horizon Blvd K-ville		Dem
Poll Clerk # 1				
Pedro Gonzalez	304-971-8169	63 Monumental Dr Charles Town		Dem
Poll Clerk # 2				

**2015 BOE Special Election
Democrat Alternates**

Name	Phone	Address	Comments
Darla Treat Courtney	304-725-1645	503 W Washington St, Charles Town	Has worked in several elections
Shirley Painter	304-728-4383	520 S George St Apt D9, Charles Town	Commissioner only; worked before
Carol Hunter	304-283-9690	PO Box 1329, Shepherdstown	Commissioner only; worked before
Kathy Walls (IND)	304-279-3618	519 VanClevessville Rd, Kearneysville	Has worked in several elections
Lorena Nathan (IND)	760-443-9220	85 Campbell Dr, Charles Town	Has worked in several elections
Catherine Dinges	304-728-7607	194 Euclid Ave, Charles Town	Never worked
Tabitha Greenwalt	304-676-7083	276 King St, Kearneysville	Has worked in several elections
Heather Day (IND)	540-533-4964	106 N Buchanan St, Ranson	Never worked
Dorothy Dyke	304-283-8031	PO Box 38, Ranson	Worked several years ago
Teddy Goff	304-725-3004	PO Box 116, Kearneysville	Has worked in several elections
Renee Smith	304-279-5549	143 Ranson Estates Cir, Ranson	Never worked
Velma Greene	304-270-6726	15 Wheat Field Terrace, Harpers Ferry	Never worked

Prioritize: (5)

1. Peter Fricke } Supply Clerk (have served for long times - put in other positions now)
2. Charles Henry }
3. Deborah Longo } ^{S. Kim Hamilton}
4. Loretta Jones } Served last year, but could not return due to 1/2 Rep. Supply clerk!

Taken off list:

Kelli Tlong }
Cathryn Jackson } Dem
Jennifer Shultz }
Lora Moffett }
Catherine Kerns }
David Painter }
Arabia Anderson }

No Party - taken off list
Teresa Forsyth
Mindy Maye
Angela Brecken - Ind.

New
Nancy Schaffer - Dem
Daniel Lutz - Mt. Party

taken off list
no party
Amy Silver - Poll Clerk
Kenneth Ring - Poll Comm.

Nikki Painter

From: Cheryl Lawrence <cheryslawrence@hotmail.com>
Sent: Tuesday, September 01, 2015 10:00 PM
To: Nikki Painter; Cheryl Lawrence; john maxey
Subject: RE: Poll Workers & Alternates 2015 Special BOE Election

Nikki,

Thank you so much for forwarding me a copy of the poll workers and alternates list. The JCDEC voted to approve the list as stated at the regular meeting on August 24th, 2015. They also gave the chair or acting chair (John or me) permission to recommend workers in case of a vacancy. This was done by an email vote sent on August 27, 2015, which I copied for each member's vote. Should I send you any other formal notice of the approval or is this sufficient? I am more than happy to copy each email for you as well as the vote on August 24th. Just let me know! Again, many thanks for all your help.

Sincerely,
Cheryl Lawrence

From: npainter@jeffersoncountywv.org
To: cheryslawrence@hotmail.com
Subject: FW: Poll Workers & Alternates 2015 Special BOE Election
Date: Wed, 26 Aug 2015 15:46:11 -0400

Nikki Painter
Chief Deputy Clerk of Elections

304-728-3246
100 E Washington St
PO Box 208
Charles Town, WV 25414

Visit us on the web at www.jeffersoncountyclerkwv.com.

From: Nikki Painter [mailto:npainter@jeffersoncountywv.org]
Sent: Tuesday, August 18, 2015 3:48 PM
To: 'John Maxey' <johnrmaxey@gmail.com>
Subject: Poll Workers & Alternates 2015 Special BOE Election

John,

During a special meeting on August 13, the Jefferson County Commission voted to allow the Board of Education to conduct a special election for the excess levy. This election will be held on Saturday, December 12, 2015. As per usual, I have attached a list of the individuals who have worked in the previous elections or have contacted our office and asked to be considered. I have placed most individuals in the precincts that they have worked in the past. I also included a list of alternates. Because this is a Saturday election I will need at

least 5 more names to add to the alternate list. I will contact you for references if in the future I need additional names. The County Commission will approve the list of nominations at their meeting on Thursday, September 17, 2015. Please have your list, along with the nomination letter that includes when the approval meeting was held, turned into my office no later than noon on Thursday, September 10, 2015.

If you have any questions please let me know.

Thanks,

Nikki Painter
Chief Deputy Clerk of Elections

304-728-3246
100 E Washington St
PO Box 208
Charles Town, WV 25414

Visit us on the web at www.jeffersoncountyclerkwv.com.

2015 BOE Special Election
Republican Alternates

Order	First Name	Last Name	Phone	Address	Party	Comments
1	John	Shoedel	728-5008	303 Carriage Drive Harpers Ferry	R	Hold for Emergency
2	Mary	Hefestay	728-0269	46 Sundance Ln Kearneysville	R	
3	Patricia D.	Sherwood	728-0180	18 Devonshire Drive Charles Town	R	
4	Ben	Baker	728-2091	94 Tiffany Court Harpers Ferry	R	
5	Suzette	Craun	728-4270	193 Pear Tree Rd Harpers Ferry	R	Never worked
6	Suzanne	Morgan	728-9561	16 Brookline Drive Charles Town	R	
7	Jane	Montgomery	728-7451	150 Pheasant Ln Harpers Ferry	R	Never worked
8	Shaum	Mitchem	725-0579	278 Patrick Henry Way Charles Town	R	
9	Danielle	French	304-919-1780	46 Harrow Pl Charles Town	R	Never worked
10	Steven	Blevins	304-725-2234	920 General Rogers Rd Charles Town	R	Never worked
11	John	Guice	304-816-1666	182 Maddex Square Dr Charles Town	R	
12	Norman	Guice	304-433-1667	182 Maddex Square Dr Charles Town	R	
13	Amanda	Skidmore	304-995-4886	93 Kidwiler Rd Harpers Ferry	R	Never worked
14	Matthew R	Sullivan	876-2103	3892 Bakerton Road Harpers Ferry	R	
15	Christopher	Goodell	876-0211	164 Berridge Drive Shepherdstown	R	
16	Melissa	Godwin	725-2060	17 Grouse lane Summit Point	R	
17	Maureen	Paccione	304-728-4603	314 Black Bear Trail Harpers Ferry	R	
18	William	Poe	724-7445	434 Gap View Blvd Harpers Ferry	R	
19	Stephanie	Poe	724-7445	434 Gap View Blvd Harpers Ferry	R	
20	Ron	Rissler	725-2476	616 Unita Farm Lane Charles Town	R	
21	Michael	Young	725-5795	77 General Pender Court Harpers Ferry	R	
22	Chris	Walls	876-0926	519 Van Clevesville Road Kearneysville	R	
23	Karen	Phillips	571-283-1063	24 Grassy Meadow Rd Charles Town	R	
24	Esther	Mohr	304-728-9065	108 Valley Branch Dr Harpers Ferry	R	
25	Ann	Merchant	728-8293	131 Turtle Run Harpers Ferry	R	
26	Nancy	McKenzie	725-8977	52 Dwight Court Charles Town	R	
27	David	McKenzie	725-8977	52 Dwight Court Charles Town	R	
28	Veronica	Lademan	724-2083	417 S Samuel Charles Town	R	
29	Todd	Metzgar	535-3115	PO Box 461 Harpers Ferry	R	
30	Susan	Kersey	728-1323	747 Cloverdale Road Charles Town	R	

Republican Poll Workers
12/12/15 Special Election

Charles Town District Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #2 Wright Denny Elementary				
Poll Commissioner #1				
Stella Robinson	725-6363	631 Eagle Avenue Charles Town		Rep
Poll Commissioner #2				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Karen Kressin	724-2721	87 Appaloosa Way Charles Town		Ind
Precinct #3 Charles Town Baptist Church				
Poll Commissioner #1				
Angela Hoffman	304-725-2295	4 Bedford Dr Charles Town		Rep
Poll Commissioner #2				
Supply Commissioner				
Bob Trainor	724-7033	774 Crosswinds Court Charles Town	Moved from Pct #2	Rep
Poll Clerk #1				
Poll Clerk #2				
Kevin Tester	304-433-1833	78 Burnlea Rd Charles Town		Rep
Precinct #4A Fellowship Bible Church Church				
Poll Commissioner #1				
Frank Stanley	725-7505	181 Nansefield Dr Harpers Ferry		Rep
Poll Commissioner #2				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Alicia White	703-220-8048	32 Sawmill Court Charles Town		Rep

Republican Poll Workers
12/12/15 Special Election

Charles Town District Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #4B Fellowship Bible Church				
Poll Commissioner #1				
Brian Higgs	304-579-5033	53 Beekman Place Charles Town		Rep
Poll Commissioner #2				
Supply Commissioner				
Connor Newlon	725-7683	315 South Church Street Charles Town		Rep
Poll Clerk #1				
Poll Clerk #2				
Kellee Moulton-Ball	839-3969	20 Cottontail Dr Ranson		Rep
Precinct #6 Senior Center				
Poll Commissioner #1				
Richard Raymond	724-7391	17 Brookline Drive Charles Town		Rep
Poll Commissioner #2				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Eva Alexander	676-2577	93 Special Orders Court Harpers Ferry		Rep
Precinct #7 Ranson Elementary School				
Poll Commissioner #1				
Yeunshin Kim	283-5369	PO Box 515 Charles Town		Rep
Poll Commissioner #2				
Supply Commissioner				
Tim Collins	535-2626	52 Spring St Harpers Ferry		Rep
Poll Clerk #1				
Poll Clerk #2				
Charlotte Davis	728-8507	48 Cornell Drive Kearneysville		Rep

Republican Poll Workers
12/12/15 Special Election

Charles Town District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #12 Jefferson High School				
Poll Commissioner #1				
Peggy Nicodemus	876-3555	109 Pink Horse Road Harpers Ferry		Rep
Poll Commissioner #2				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Shirley Utz	725-2508	61 Lindsey Drive Charles Town		Rep

Republican Poll Workers
12/12/15 Special Election

Harpers Ferry District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #13 CW Shipley Elementary				
Poll Commissioner #1				
Jack Williams	725-7152	143 Potomac Crossing St Charles Town		Rep
Poll Commissioner #2				
Supply Commissioner				
Cheryl Huff	725-4989	743 Chickamauga Dr Charles Town		
Poll Clerk #1				
Poll Clerk #2				
Melodie Williams	725-7152	143 Potomac Crossing St Charles Town		Rep
Precinct #14 Camp Hill Wesley Church				
Poll Commissioner #1				
Deb Spatola	728-4472	413 Red Bird Lane Harpers Ferry		Rep
Poll Commissioner #2				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Catherine Rucker	724-6161	2432 Chestnut Hill Rd Harpers Ferry		Rep
Precinct #15 Harpers Ferry Middle School				
Poll Commissioner #1				
Helen Campanella	535-1515	15 Spruce Street Harpers Ferry		Rep
Poll Commissioner #2				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Betsy Dungan	535-6914	228 Prospect Avenue Harpers Ferry		Rep

Republican Poll Workers
12/12/15 Special Election

Harpers Ferry District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #16 Oakland Methodist Church				
Poll Commissioner #1				
Randolph Ridgeway	725-6505	60 Ridgeway Ln Harpers Ferry		Rep
Poll Commissioner #2				
Supply Commissioner				
Teresa Pangle	728-2251	572 Wrens Ln Harpers Ferry		Rep
Poll Clerk #1				
Poll Clerk #2				
Monte Ridgeway	728-7669	60 Ridgeway Ln Harpers Ferry		Rep
Precinct #17 Blue Ridge Mountain Fire Hall				
Poll Commissioner #1				
Charles Hoffman	304-725-2295	4 Bedford Dr Charles Town		Rep
Poll Commissioner #2				
Supply Commissioner				
Steve Crowe	724-6404	2582 Chestnut hill Rd Harpers Ferry		Rep
Poll Clerk #1				
Poll Clerk #2				
Wayne Thompson	728-4556	272 Woodcutters Ln Harpers Ferry		Rep
Precinct #21A Blue Ridge Elementary School				
Poll Commissioner #1				
Alicia Rickard	730-220-8048	93 Clems Drive Ranson		Rep
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Brigette Tester	304-433-1833	78 Burnlea Rd Charles Town		Rep

Republican Poll Workers
12/12/15 Special Election

Harpers Ferry District			
Name	Telephone #'s	Address	Party Affiliation
Precinct #21B Blue Ridge Elementary School			
Poll Commissioner #1			
Ashley Tester	304-433-1833	78 Burnlea Rd Charles Town	Rep
Poll Commissioner #2			
Supply Commissioner			
Karen Olden	728-0140	267 Huckleberry Ln Harpers Ferry	Rep
Poll Clerk #1			
Poll Clerk #2			
Karla Wells	725-4409	16221 Charles Town Rd Charles Town	Rep

Republican Poll Workers
12/12/15 Special Election

Kabletown District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #19 Charles Town Middle School				
Poll Commissioner #1				
Scott Shadle	728-5196	405 Paulas Circle Kearneysville		Rep
Poll Commissioner #1				
Supply Commissioner				
Michael Buscher	582-8275	PO Box 1081 Harpers Ferry	Moved from Pct #14	Rep
Poll Clerk #1				
Poll Clerk #2				
Sarah Shadle	728-5196	405 Paulas Circle Kearneysville		Rep
Precinct #20 Kabletown Methodist Church				
Poll Commissioner #1				
Ginny Hoffman	304-725-2295	4 Bedford Dr Charles Town		
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Jacob Perry	724-1710	61 Cloverdale Rd Charles Town		Rep
Precinct #22 Summit Point Baptist Church				
Poll Commissioner #1				
Carol Del Colle	725-5842	2045 Leetown Road Summit Point		Rep
Poll Commissioner #1				
Supply Commissioner				
Cricket Morgan	725-6670	PO Box 130 Rippon		Rep
Poll Clerk #1				
Poll Clerk #2				
Lou Pearcy	728-8827	254 Turnberry Dr Charles Town		Rep
Kabletown District				

Republican Poll Workers
12/12/15 Special Election

Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #23A Country Day School				
Poll Commissioner #1				
Judith Cromwell	728-8827	254 Turnberry Drive Charles Town		Rep
Poll Commissioner #1				
Supply Commissioner				
Jayne Metzgar	535-3115	PO Box 461 Harpers Ferry		Rep
Poll Clerk #1				
Poll Clerk #2				
Tom Miller	571-246-1017	33 Torrey Pines Drive Charles Town		Rep
Precinct #23B Country Day School				
Poll Commissioner #1				
David Hamill	725-1538	103 N. Preston St. Ranson		Rep
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Martin Durst	725-6794	6546 Middleway Pike Kearneysville		Rep
Precinct #24 Washington High School				
Poll Commissioner #1				
Trixie Carter	728-0900	19459 Charles Town Road Harpers Ferry		Rep
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Mason Carter	728-0900	19459 Charles Town Road Harpers Ferry		Rep

Republican Poll Workers
12/12/15 Special Election

Middleway District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #25A South Jefferson Elementary				
Poll Commissioner #1				
Joan L. Hough	725-5025	12771 Leetown Road Kearneysville		Rep
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Edward "Curt" Compton	725-6462	206 Pheasant Hill Rd Summit Point		Rep
Precinct #25B South Jefferson Elementary				
Poll Commissioner #1				
Tracey Rissler	725-2476	616 Unita Farm Lane Charles Town		Rep
Poll Commissioner #1				
Supply Commissioner				
Amy Flint	724-6870	91 Oakmont Drive Charles Town		Rep
Poll Clerk #1				
Poll Clerk #2				
Barbara Sullivan	876-6774	3892 Bakerton Road Harpers Ferry		Rep
Precinct #26 Leetown Methodist Church				
Poll Commissioner #1				
Steven Davis	728-8507	48 Cornell Drive Kearneysville		Rep
Poll Commissioner #1				
Supply Commissioner				
Pamela Carroll	304-433-7991	53 Beekman Pl Charles Town		Rep
Poll Clerk #1				
Poll Clerk #2				
Jean Garretson	876-7114	69 Ashley Dr Shepherdstown		Rep

Republican Poll Workers
12/12/15 Special Election

Middleway District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #27 North Jefferson Elementary School				
Poll Commissioner #1				
Robin Carper	725-4522	185 Jefferson Terrace Road Charles Town		Rep
Poll Commissioner #1				
Supply Commissioner				
Marty Freeman	724-0470	PO Box 945 Charles Town		Rep
Poll Clerk #1				
Poll Clerk #2				
Robyn Painter	728-8210	PO Box 4 Kearneysville		Rep
Precinct #28 First Baptist Church				
Poll Commissioner #1				
Regina Smith	728-0553	1000 Harry Shirley Road Kearneysville		Rep
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Matt Donnelly	703-722-6708	274 Duncan Field Ln Charles Town	Will register at 17 (Oct)	Rep
Precinct #29 TA Lowery Elementary School				
Poll Commissioner #1				
Jessica Ashley	304-820-3175	64 Ruby St #5 Shenandoah Junction		Rep
Poll Commissioner #1				
Supply Commissioner				
Jackie Shadie	728-5196	405 Paulas Circle Kearneysville		Rep
Poll Clerk #1				
Poll Clerk #2				
Giordana Baker	728-2091	94 Tiffany Court Harpers Ferry		Rep

Republican Poll Workers
12/12/15 Special Election

Shepherdstown District				
Name	Telephone #'s	Address	Notes	Party Affiliation
Precinct #31 Covenant Baptist Church				
Poll Commissioner #1				
Bruce Fleshman	876-1865	5388 Shepherdstown Pike Shenandoah Junction		IND
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Jack Hefestay	728-0269	46 Sundance Ln Kearneysville		Rep
Precinct #32 Bethel United Methodist Church				
Poll Commissioner #1				
Richard Gibson	876-6926	243 Rabbits Rest Lane Shepherdstown		Rep
Poll Commissioner #1				
Supply Commissioner				
Bob Murto	876-0627	887 Cherry Run Road Harpers Ferry		
Poll Clerk #1				
Poll Clerk #2				
Carol Gibson	876-6926	243 Rabbits Rest Lane Shepherdstown		Rep
Precinct #33 Trinity Episcopal Church				
Poll Commissioner #1				
Bruce Kressin	724-2721	87 Appaloosa Way Charles Town		IND
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Claire Webb	876-6926	243 Rabbits Rest Lane Shepherdstown		Rep

Republican Poll Workers
12/12/15 Special Election

Shepherdstown District			Notes	Party Affiliation
Name	Telephone #'s	Address		
Precinct #34 Shepherdstown Elementary School				
Poll Commissioner #1				
Mike Cenate	728-6120	138 Scottie Drive Charles Town		Rep
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Tracey Cenate	728-6120	138 Scottie Drive Charles Town		Rep
Precinct #35A Shepherdstown Fire Hall				
Poll Commissioner #1				
Trevor Craker	703-999-4073	1435 Engle Moler Road Harpers Ferry		Rep
Poll Commissioner #1				
Supply Commissioner				
Tara Morgan	671-1585	PO Box 1142 Shepherdstown		Rep
Poll Clerk #1				
Poll Clerk #2				
George Moxley	725-6857	56 Starlight Lane Harpers Ferry		Rep
Precinct #35B Shepherdstown Fire Hall				
Poll Commissioner #1				
Travis Nupp	301-922-3929	1517 Melvin Rd Shenandoah Junction		Rep
Poll Commissioner #1				
Supply Commissioner				
Poll Clerk #1				
Poll Clerk #2				
Barbara Yano	724-5338	468 Ira Way Kearneysville		Rep

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Billy Madert.

Department or Organization: Keep Jefferson Beautiful and the Jefferson County Solid Waste Authority.

Estimation of amount of time needed for appointment: 10-15 mins.

Date Requested – 1st Choice: September 17th 2015.

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

Date Requested – 2nd Choice: October 1st 2015

Subject (*Wording to be placed on agenda*): Keep Jefferson Beautiful resolution of support.

Please provide the County Commission with a description of your request or presentation, including any background information: A brief presentation about the goals of Keep Jefferson Beautiful and information about a new digital map that shows the current Adopt –A – Highway road adoptions for Jefferson County.

Is this a funding request? Y/N No.
If so, how much? \$0.

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

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

Is equipment needed? Projector Y/N Yes/ or just use of the TVs on the walls. 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: jcswa@frontiernet.net **Phone Number:** 304-707-7123- Billy's Cell.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

RESOLUTION OF SUPPORT FOR THE JEFFERSON COUNTY SOLID WASTE
AUTHORITY AND KEEP JEFFERSON BEAUTIFUL EXPANSION of the STATEWIDE
ADOPT-A-HIGHWAY PROGRAM

September 17, 2015

WHEREAS, two Jefferson County Organizations, Keep Jefferson Beautiful and the Jefferson County Solid Waste Authority, have plans to expand the Statewide Adopt-A-Highway program in Jefferson County, and;

WHEREAS, increased Adopt-A-Highway adoptions in Jefferson County would be to the environmental benefit of all County businesses and residents, and;
WHEREAS, voluntary citizen participation in civic improvement is desired and should be encouraged;

NOW, THEREFORE BE IT RESOLVED, that the County Commission of Jefferson County fully endorses and support the joint effort between Keep Jefferson Beautiful and the Jefferson County Solid Waste Authority to expand the Statewide Adopt-A-Highway program in Jefferson County.

Jane Tabb, President
Jefferson County Commission



Name: Jean K. Jacobs

Department or Organization: Jefferson County Republican Executive Committee

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: Sept. 17, 2015

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

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda): Resolution Supporting the Celebration of U.S. Constitution Day

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

submitted resolution

Is this a funding request? Y/N

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):

The Commission adopt the resolution and declare September 17, 2015 Constitution Day in Jefferson County

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: jmikejean@aol.com Phone Number: 304-876-6196

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

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Resolution Supporting the Celebration of U.S. Constitution Day

Whereas our Founding Fathers pledged their lives, their fortunes and their sacred honor to create a republic based on the consent of the people.

Whereas they consulted every possible existing document to establish a government capable of protecting liberty and preserving order. The solution they chose--one without precedent at that time—was a government based on a written constitution which combined the principles of popular consent, separation of powers, and federalism.

Whereas the separation of powers was joined with a system of checks and balances to protect individual liberties yet prevent oppression and tyranny.

Whereas federalism came to mean a system in which both the national and state governments had independent authority. Allocating powers between these two levels of government and devising means to ensure that the protection of personal liberty is foremost, continues to be a delicate balance even today.

Whereas the Framers realized that the future might require amending the document, means were included to add changes by the will of the people.

Whereas, we wish to honor those 39 delegates to the Constitutional Convention who signed this document on September 17, 1787 and reaffirm our allegiance to its principles.

Therefore, be it resolved that Jefferson County, West Virginia celebrates the creation of our Constitution and declares this Constitution Day on this the 228th anniversary of its signing.

Adopted by the Jefferson County Commission.

Jane Tabb, President

Date _____

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Lee Snyder

Department or Organization: Oak Meadow, LLC

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **September 17, 2015**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Request by Oak Meadow, LLC for the County Commission to support the creation of a Road Maintenance Association in Keys Ferry Acres Subdivision under the authority of WV State Code 7A-12 et. seq.

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*):

- Motion to provide support for Oak Meadow LLC to proceed with the creation of a Road Maintenance Association in Keys Ferry Acres by utilizing 7A-12 et. seq. of the WV State Code

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**

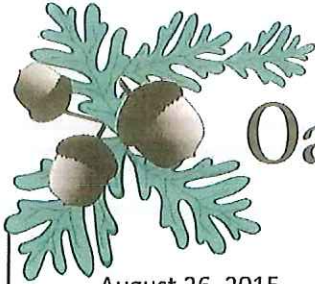
Contact information:

Email address: lsnyder@snyderenv.com

Phone Number: 725-9140

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



Oak Meadow LLC

270 Industrial Boulevard • Kearneysville, West Virginia 25430 • (304) 725-9140

August 26, 2015

Ms. Jane Tabb, President
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Received

AUG 26 2015

Jefferson County Commission

Re: Keyes Ferry Acres

Dear President Tabb:

I am writing you to seek the Commission's assistance in solving a long-standing problem concerning the lack of road maintenance in Keyes Ferry Acres Subdivision on Chestnut Hill Road, on the Blue Ridge Mountain in Jefferson County.

Keyes Ferry Acres is a residential subdivision platted in the 1960s to contain 748 lots. The subdivision was moderately successful in the 1960's and 70's but due to organization and infrastructure issues less than one quarter of the lots were built upon during the succeeding half-century. In the year 2000, my company, Oak Meadow LLC purchased the remaining inventory of approximately 260 lots (+/- 35%) owned by Howard Speaks, the developer of Keyes Ferry Acres. We purchased these lots, which are scattered throughout the subdivision, simultaneously with the purchase by Jefferson Utilities of three Mountain Water Systems.

We made the lot purchases with the intention of solving problems in Keyes Ferry Acres to create a community which is a desirable place for both the existing resident to live and new owners to build and maintain homes. During the last 15 years we have successfully resolved many of the problems, with a great deal of effort focused on the most pressing concern of improving the water system serving Keyes Ferry Acres. We are proud that Jefferson Utilities' completely new water system serving the three Mountain Communities of Keyes Ferry Acres, Westridge Hills and Harpers Ferry Campsites, has been engineered, permitted, is under construction, and progressing well. That construction is funded by the surcharge of Jefferson Utilities water service. More recently, we have obtained a conditional lifting of the moratorium on new water connections. Jefferson Utilities is now allowed to serve new customers where service is provided from the newly constructed lines and as a result, new homes can be built in portions of Keyes Ferry Acres.

Because the paramount utility concern is on a path to resolution, we now turn our attention to the second significant infrastructure challenge in Keyes Ferry Estates, which is upgrading the roads and finding a way for Keyes Ferry Acres lot owners to maintain them in the future.

The fundamental road problem is that the documents forming the subdivision don't contemplate a mechanism for lot owners to collectively take care of the roads. As a result, when Howard Speaks owned the majority of Keyes Ferry Acres lots, he asked everyone to contribute road maintenance fees at \$75/yr. for a vacant lot and \$150/yr. for a house with a lot. After we purchased Howard's lots, we continued his system of asking people to contribute to road maintenance, sending bills, managing

collections and expending the available money on the maintenance of Keyes Ferry Acres roads. The problem with a voluntary road program, as might be expected, is that some people pay their share and others do not. As a result, there has never been enough money to adequately maintain or repair the road surfaces. In recent years, voluntary participation in the road program has actually gotten worse to the point that 53% of the 2014 invoices remain unpaid today, and in the last year, very little necessary road maintenance other than snow plowing could be completed. We believe that the current decline in participation is due to the frustration of people who previously contributed, questioning the fairness and futility of a system where half their neighbors can live in the subdivision for free and those who contribute never get the quality of roads they believe they are paying for.

It has been obvious for a long time that Keyes Ferry Acres desperately needs a mechanism for road maintenance by an organization of lot owners that has the legal authority to establish and assess adequate road maintenance fees, enforce collection of those fees, contract for work to improve and maintain the roads and render payment for that work. It is fundamental that the road maintenance burden should be borne by all lot owners equally, rather than just the owners who have been responsible enough to do their part.

I contacted Steve Prunty, an attorney with Bowles Rice in Morgantown, who is an experienced authority on West Virginia Subdivision Law. After explaining my circumstance in Keyes Ferry Acres, Steve suggested that West Virginia Code 7-12A offers a mechanism to establish a road maintenance association in Keyes Ferry Acres that will have authority and duty to accomplish what is necessary. Attached is a letter written by Mr. Prunty that explains the statute and how it could be applied to the existing structure in Keyes Ferry Acres.

As you will see, the process involves preparing a petition to the County Commission to request the creation of a road maintenance association. The petition would be presented to the County Commission with the organizational documents for the road maintenance association. The petition requires signatures from the owners of 60% of the lots in Keyes Ferry Acres before the County Commission could act. Mr. Prunty explains in his letter that 7-12A road maintenance association is intended to address a wide variety of situations throughout the State, both inside and outside of subdivisions, by defining a maintenance area, allocating maintenance costs and voting rights to land owners and then authorizing the association to do maintenance on behalf of, and at the cost of, the members. He also points out that in Keyes Ferry Acres, the subdivision is the maintenance area, the lots are defined, and by common law each lot is already allocated an equal share of the votes and costs relating to the roads. As a result, 3 out of 4 of the elements of a statutory maintenance association are already in place and Keyes Ferry Acres requires only the association. Once the association is formed, each lot will be equal and required to participate in sharing the maintenance and upkeep cost of the subdivision roads, thereby solving the glaring omission and oversight by those who originally created the subdivision.

If for no other reason than the sheer number of lots, it will take a considerable effort to organize the residents, draft the petition and documents, and gather the signatures from the owners of 60% of the Keyes Ferry Acres lots. There are 748 lots in Keyes Ferry Acres and 375 must sign the petition and

Page 3
Commission
Keyes Ferry Acres Roads

approve the documents. Even with my company now owning 43% of the lots, another 64 lot owners will have to join in the petition and we will have to present our proposal to over 400 lot owners. Prior to doing so and incurring those costs, we are writing to confirm the willingness of the County Commission to help if 60% + of the lots agree. We also desire confirmation, for purpose of presenting this proposal to the residents, that the Commission recognizes the pre-existing structure of the subdivision on a 1-lot, 1-vote and 1-share of expenses basis. Success or failure of the venture is dependent on that existing structure, wherein each lot and its owners are equal. Because the historic and unfair burden of costs being borne by only those residents who choose to do their part is a paramount concern to the community and the reason this letter is necessary.

Accordingly, I would ask that the Commission refer this matter to your legal counsel to confirm the authority of the Commission to create this road maintenance association in the existing structure of the community and if so, that the Commission confirm their willingness to act affirmatively if the owners of 60% of the 748 lots in Keyes Ferry Acres Subdivision petition the County Commission for help. If you would like to discuss this at a Commission meeting, I will be glad to attend.

Respectfully,



Lee Snyder, Manager

Enclosure

cc: Patsy Noland, Vice President Jefferson County Commission
Dale Manual, Commissioner, Jefferson County Commission
Walt Pellish, Commissioner, Jefferson County Commission
Eric Bell, Commissioner, Jefferson County Commission
Stephanie Grove, County Administrator

501 Avery Street
Parkersburg, West Virginia 26101

1217 Chapline Street
Wheeling, West Virginia 26003

Southpointe Town Center
1800 Main Street, Suite 200
Canonsburg, Pennsylvania 15317

333 West Vine Street, Suite 1800
Lexington, Kentucky 40507



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

600 Quarrier Street
Charleston, West Virginia 25301

101 South Queen Street
Martinsburg, West Virginia 25401

August 17, 2015

Lee Snyder
Oak Meadow, LLC
270 Industrial Blvd.
Kearneysville, WV 25430

EMAIL

Re: Keyes Ferry Acres - Petition to County Commission to form a maintenance association under WV Code 7-12A.

Our File: O0605.00003

Dear Mr. Snyder:

We are writing with regard to Keyes Ferry Acres and the need to establish a mechanism for maintenance of the privately owned roads in the subdivision. The specific purpose for this letter is our belief that Keyes Ferry Acres is the precise variety of development intended by the West Virginia Legislature when it enacted West Virginia Code 7-12A as means for County Commissions to establish statutory Maintenance Associations in older subdivisions where the developer failed to do so. The purposes of this letter are two-fold:

First, to outline the apparent over-riding purpose and structure of WV Code 7-12A as a statute governing real property and why it may be the only viable solution for Keyes Ferry Acres that doesn't involve mass litigation; and

Second, to discuss the underlying law of real property and the manner which real estate law governs applicability of WV Code 7-12A to Keyes Ferry Acres. The latter concern arises because the drafters of the act failed to define the terms "owner", "owners", "person: and "persons" resulting in some ambiguities which, if construed outside of the governing law of real property, could result in some unconstitutional and nonsensical results.

For the foregoing reasons, and as set forth below, we suggest that Keyes Ferry Acres petition to the County Commission to establish a statutory maintenance association. However, we caution you that real property rights, duties and costs have already been allocated in the subdivision so 7-12A must be applied in a manner harmonious with those vested property interests to establish the association as a mechanism for administration of the pre-existing system.

Lee Snyder
August 17, 2015
Page 2

I. Background. It is our understanding that Keyes Ferry Acres was developed as a private common law subdivision in or about the 1960s. Specifically, we understand that:

- the developer recorded a series of plats depicting roads; the developer sold lots by deeds which make reference to the plats; and

-the deeds granted appurtenant to each lot an easement to use all of the roads shown on all the plats; and

-the deeds granted to the lots easements to make recreational use of the lakes and other lands set-aside for recreational purposes; however,

the declarant made no provision, whatsoever, for the maintenance, upkeep, insuring, repair, replacement or improvement of the roads and recreational areas.

We have reviewed several deeds provided to us by you and find the foregoing statements to be consistent with those deeds. We have not conducted a full title examination of all the lots and subdivision because we understand that there are hundreds of them and at this time the cost of the examination would be prohibitive. For that reason, this letter is made subject to the accuracy of the assumption that all of the deeds from the developer are consistent with the above statements (and each other under a common scheme of development) and that there is no declaration or other instrument establishing the road maintenance mechanism to be pursued under WV Code 7-12A.

II. Common Law. It appears from the deeds that every lot in Keyes Ferry Acres has an easement both by express grant and also private dedication.

a) Express Easements. Under the common law of the State, if all of the lots were conveyed an easement their deed to use all of the streets and recreation areas ("Subdivision Easements"), each lot has an equal easement to use the streets which all lots share equally. Simply put, all the lots with identical easements are collectively equal tenants in common to the one shared easement.

b) Easement by Private Dedication. Pursuant to the legal axiom of "easement by private dedication", the sale of each lot by reference to the plat creates appurtenant to the lot an easement to use the roads shown on the plat. As is the case with express easements, all the lots with identical easements by dedication are collectively equal tenants in common to the one Shared Easement.

c) Bundle of Ownership Rights. When a lot includes an easement, the lot carries with it all rights, privileges, duties and benefits of ownership of the easement. Therefore, all of the lots that share the Subdivision Easements collectively share the entire bundle of rights and duties relating to the Shared Easement.

Lee Snyder
August 17, 2015
Page 3

d) Duty to Maintain. At common law, the “duty to maintain an easement in such condition that it may be enjoyed is upon those entitled to its use, in the absence of some contractual or prescriptive obligation upon the owner of the servient estate to so maintain it”.¹ Therefore, each the lots in Keyes Ferry Acres has an individual duty to maintain the individual easement appurtenant to the lot and all of the lots have a pre-existing equal share of the duty to maintain the Shared Easement.

e) Mechanism for Maintenance. West Virginia common law does not establish a means whereby persons who are tenants in common to an interest in land may make and implement collective decisions relating to that land. The fundamental axiom of property law is that when parties share ownership of an interest in land, each individual owner’s rights are proportionate to the individual’s share of ownership of the whole. If the parties cannot voluntarily and democratically agree based on their ownership percentages, court action is usually required because there is no common-law unilateral non-judicial remedy. For that reason, most property owners associations require that all the lots be part of an association organized on democratic principles to act by majority vote.

The documents reviewed contain no provisions, whatsoever, for how the multitude of Keyes Ferry Acres lot owners are to collectively contract for, contribute to, or otherwise make decisions relating to maintenance of the Subdivision Easements. Rather, we simply have an allocation of equal rights (including votes) and equal duties (including costs) on a per-lot basis. This lack of a functional mechanism for collective ownership of the Subdivision Roads is a gap in the common law and in the absence of some mechanism for governance and maintenance of the Subdivision Easement; a simple plowing contract would require hundreds of signatures and passing the hat for each lot to contribute its fair and equal share. In practical application, this situation would prevent maintenance from occurring in even the smallest of subdivisions unless it is paid for and implemented by a cooperating minority of owners. We understand that this has been the case in Keyes Ferry Acres where almost half of the 2014 invoices generated for road maintenance expenses remain unpaid.

III. Statutory Remedies.

a) West Virginia Common Interest Ownership Act. Thankfully, in 1986 the West Virginia legislature addressed the common law maintenance gap when it passed the West Virginia Uniform Common Interest Ownership Act (WV Code 36B et seq.). WV Code 36B provides a mechanism for maintenance and upkeep of “subdivision” roads both with regard to pre-existing common interest communities, and also those created after 1986. That statute provides that if there are more than 12 lots there must be an association of owners with the power to maintain the roads and each lot must be allocated a share of the votes and costs of the association. Notably, the allocation is again land based without regard

¹ See Moran v. Edman, 430 S.E. 2d 477, 194 W.Va. 342 (1995).

Lee Snyder
August 17, 2015
Page 4

to the identity or number of persons owning a parcel of land and it is premised on the common law allocation of rights and duties appurtenant to land.²

WV Code 36B may apply to Keyes Ferry Acres making it a common interest community³ because the deeds granting the Shared Easements collectively constitute a declaration⁴ which describes the Shared Easements by reference and incorporation and at common law each lot has a share of the expenses of the Shared Easements. However, as Keyes Ferry Acres could not be conclusively established as a common interest community except by order of court in a case where every owner of every lot would be a party. Even if such adjudication could be accomplished by declaratory judgment action, it could take years for the court to approve a declaration for Keyes Ferry Acres that fulfills the requirements of all 53 pages of WV Code 36B. Notwithstanding the foreseeable delays, the anticipated expense of this mass litigation could exceed the value of many of the owners' interest in the land and when all is said and done, all of those owners would then have to be assessed the Shared Easement maintenance costs which were the initial objective.

b) WV Code 7-12A. In 1992 the West Virginia legislature provided a second solution to the Keyes Ferry Acres problem via WV Code 7-12A. WV Code 7-12A contemplates a petition by the owners of 60% of the lots in Keyes Ferry Acres⁵ to designate the subdivision as a maintenance association, impose mandatory maintenance documents in the chain of title to the lots, and make all the lots subject to a maintenance association. The 7-12A documents must provide a mechanism for conduct of business, fee structure, enforcement, and voting requirements⁶. Those documents require that the maintenance association be organized on democratic principles wherein all lots are members and all lots have a vote. WV Code 7-12A thus carries into effect the common law structure wherein each lot has equal: i) ownership of the Shared Easement; ii) right to use, enjoy and control the Shared Easement; and iii) duty to maintain the Shared Easement. Moreover, 7-12A provides a much more flexible structure than WV Code 36B and can be implemented by a requisite majority of owners via the County Commission without litigation.

² § 36B-1-103(2) "Allocated interests" means the following interests allocated to each unit . . . (iii) in a planned community, the common expense liability and votes in the association.

§ 36B-2-107(a) The declaration must allocate to each unit: (iii) In a planned community, a fraction or percentage of the common expenses of the association and a portion of the votes in the association.

³ 36B-1-103 (7) "Common interest community" means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in a declaration.

⁴ 36B-1-103(13) "Declaration" means any instruments, however denominated, that create a common interest community, including any amendments to those instruments.

⁵ 7-12A-3.

⁶ 7-12A-4(a)(1-4).

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August 17, 2015
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Although 7-12A gives general flexibility in the form of the maintenance association, we suggest a non-profit corporation to take advantage of the pre-existing rules of operation established West Virginia non-profit corporations act⁷. This would necessitate articles of incorporation and bylaws. Because the maintenance area and maintenance association would be imposed by the County Commission as part of the title to the lots and recorded in the deed books⁸, we also recommend that the maintenance area recognize the pre-existing Shared Easement and be defined by simple reference to the existing plats as was done in the deeds.

To the extent that each lot already includes an individual easement and all of the individual easements are collectively the Shared Easement, the allocation of votes and costs within the maintenance association is already establish by deed. In other words, today each lot has 1 equal share of the votes and 1 equal share of the costs and what is missing is an entity to carry in to effect the allocations. This pre-existing allocation is a function of constitutionally protected vested real property interests and could only be changed if all owners of all lots agree to same.

We also recommend that the Maintenance Association have a declaration establishing all of the foregoing concerns as part of the chain of title, transferring the duty to maintain the easements from the lots to the Maintenance Association which as an incorporated legal entity can insure the Shared Easements to the benefit of all of the lots.

Once the maintenance area is designated and the maintenance association is formed, properties inside the maintenance area may be transferred and sold over time with any the owner of that land at any point in time automatically being a member of the association by operation of their deed.

WV Code 7-12A is essentially comprised of three components: 1) designation of maintenance area boundaries; 2) allocation of votes and costs among the properties in the maintenance area; and 3) a mechanism for democratic administration of the maintenance area by the owners of the properties. Items 1) and 2) have already been satisfied at Keyes Ferry Acres because the express easements (by dedication or grant) establish the dominant and servient estates which constitute the boundary and allocate to all owners equally the rights and duties appurtenant to easement ownership. As a result, Keyes Ferry Acres is missing item 3), the mechanism for democratic administration of the common areas shared by all the property owners. We believe that 7-12A provides an effective solution to the problem.

⁷ WV Code 31E. Additional benefits are that a non-profit corporation can acquire a tax identification number, open bank accounts, buy insurance and elect officers and directors who can enter into contracts in the name of the association for, among other road related matters, road repairs and snow removal.

⁸ 7-12(b)

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Page 6

IV WV Code 7-12A Lack of Defined Terms. The foregoing discussion of common law, pre-existing property rights and constitutional limitations is offered as the foundation for application of WV Code 7-12A to Keyes Ferry Acres because 7-12A utilizes undefined and sometimes conflicting terminology that could result in nonsensical or unconstitutional results if 7-12A were applied in disregard to the existing structure of the subdivision. That potential confusion arises because the legislature defined 11 terms⁹ but then proceeded to utilize a series of undefined, inconsistent and sometime conflicting terminology relating to real property ownership. Specifically, 7-12A is first and foremost a real property ownership statute to the extent that: a) it requires a maintenance area defined as a real property boundary; b) it relates to maintenance and improvement of real property and interests therein; c) it requires that the maintenance association documents be recorded in the real property records as part of the chain of title; d) maintenance association is mandatory by deed and ownership certain designated real property (and for no other reason); and e) membership in the maintenance association transfers automatically by deed without regard to the identity of the person or number of persons owning a lot.

The drafting of 7-12A, however, seems to have lost focus of the fundamental, pre-existing and governing laws of real property because the legislature neglected to define "owner", "owners" and "person" on a real property basis to mean whoever or however many persons own an individual lot, parcel or tract of land. This lack of the pre-existing legal definition of ownership in the concept of real property combined with technically correct drafting focusing on the ambiguous term "owners" without acknowledging the link between ownership and individual lots results in a lack of focus and potentially nonsensical results if 7-12A is not viewed in the context of the pre-existing common law real estate and constitutional principles that apply to Keyes Ferry Acres. We recommend that you approach the County Commission prior to filing a petition to make certain the County Commission understands these concerns. The point is that in Keyes Ferry Acres all lots are equal on a per lot basis without regard to the identity or number of owners (definition of boundary and allocation of votes and costs above). If lot A has one owner and lot B has three owners lot A and lot B are nonetheless each allocated one equal share of rights (votes) and duties (costs). Lot A's owner has 100% of the rights (votes) and duties (costs) of Lot A. Lot B's three owners each have 1/3 of the rights (votes) and duties (costs) of Lot B and collectively they hold all of the votes and costs of their one single lot. As a result, the number of owners of a lot is irrelevant to cost and voting allocation because multiple owners of a lot can collectively have no greater interest in rights (votes) and duties (costs) that are already allocated to the lot they collectively own.

The best examples of these potential pit-falls for misapplication of 7-12A resulting from mis-focused drafting are as follows:

⁹ 7-12A-1.

1 § 7-12A-3. (a) *A petition in writing may be made to the county commission that duly verifies that sixty percent of the persons owning property on both sides of any orphan road, subdivision road, state road or public road in any unincorporated area request the approval of the formation of a maintenance association.*

If this provision is applied in accordance with the law of real property and pre-existing structure of Keyes Ferry Acres the single person owning Lot A is 1 owner for purposes of 60% and the 3 persons owning Lot B are also collectively 1 owner for purposes of the 60%.¹⁰

If this provision is applied in contrary to the law of real property the 3 persons owning Lot B get 3 votes notwithstanding the fact that each owns only 1/3 of a lot, has 1/3 of a share of the costs and votes of the lot, and 1/3 of an interest in the maintenance association. The number of members would change with every real estate transfer. If votes and costs are equal, this would also result in the absurd situation where owner Lot A has 1 vote and 1 share of dues but the 3 owners of Lot B have 3 votes and 3 shares of the dues.

2 § 7-12A-4. “. . . each affected property owner shall be accorded one vote per property . . .”.

This provision is unquestionably intended to require democratic principles of equality. However, use of the ambiguous term property owner rather than all persons owning a property with regard to lots that may have multiple owners, accomplishes a result which is anything but democratic equality. Once again, under the law of real property each Keyes Ferry Acres lot has 1 equal share of the votes. If this provision is applied without “property owner” meaning “owner or owners of each property” Lot B would have 3 votes to Lot A’s 1 vote simply because 3 people each own 1/3 of Lot B.

3 § 7-12A-6 (b) *If thirty percent of the members, by signed petition, protest the assessment to the association within fifteen days of the mailing, the fee shall not become effective until it is ratified by sixty percent of the members.*

Once again, under the law of real property each Keyes Ferry Acres lot has 1 equal share of the votes and 1 membership share in the Association. If this provision is applied without “member” meaning “owner or owners of each property” Lot B would have 3 members to Lot A’s 1 member simply because 3 people each own 1/3 of Lot B (effectively making the 7-12A allocations directly inverse to legal ownership).

¹⁰ This is actually the statutory foundation for WV Code 36B which expressly recognizes that membership in the association is tied to units and all owners of a single unit are collectively a single member.

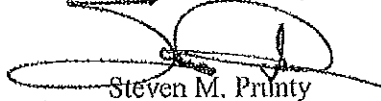
Lee Snyder
August 17, 2015
Page 8

4 § 7-12A-6 (c) *All fees assessed under this section are declared to be debts owing to the maintenance association for which the debtor shall be personally liable.*

Having already indiscriminately used the inconsistent and undefined terms “persons owning property”, “property owner”, and “members” we now add the new term “debtor” with the same considerations and result. In each case, the common meaning of these terms is that all lots are equal and each lot is allocated an equal share of the votes and costs of the maintenance association (which is a single membership in the association) without regard to the identity or number of “owners of each property”.

For the foregoing reasons, it is essential that real property law and the pre-existing vested property interests relating to allocating the rights (votes) and duties (costs) in Keyes Ferry Acres be the basis for application of 7-12A by the County Commission. This pre-existing system, satisfies the first two elements of 7-12A relating to a designated maintenance area and allocation of votes and costs leaving open only the association to be formed as a mechanism for road maintenance. The County Commission can provide that much needed mechanism by imposing a maintenance association for Keyes Ferry Acres by petition of 60% of the lots. Once imposed, the existing structure would be maintained whereby each lot is allocated a single membership interest in the association with 1 vote and 1 share of costs. We stress the importance of recognizing the pre-existing maintenance area boundaries and cost and voting allocations because application of 7-12A contrary to that structure would result in a situation ranging between inability of the maintenance association to function (because the number of owners/votes changes on regular basis) to unconscionable application (because 3 persons who each own 1/3 of a lot have the same number of votes as 1 person who owns 3 lots).

Very truly yours,



Steven M. Prunty

smp

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Nathan Cochran

Department or Entity: Prosecutor's office

Estimation of amount of time needed for appointment: 30 min

Date Requested – 1st Choice: 9/17/15

Date Requested – 2nd Choice: _____

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

Subject:

Update on the status of the Tethering Ordinance
& possible approval of the ordinance. Possible executive
session.

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

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

Motion to approve the Tethering Ordinance

Attachments:

JEFFERSON COUNTY DOG TETHERING AND CONFINEMENT ORDINANCE

Purpose: To provide for proper restraint, shelter, protection and care for dogs who are tethered or confined in Jefferson County, West Virginia.

I. Definitions

- a. "Adequate food" means access to and the provision of food that is of sufficient quantity and nutritive value to maintain each animal in good health; and is accessible to each animal.
- b. "Adequate space" means:
 1. When a dog is confined, the standards for "adequate space" are:
 - i. Small dogs (defined as 35 lbs and under) must have 100 square feet of permanent outdoor enclosure, *provided* that two small dogs may be confined within the same 100 square foot outdoor enclosure.
 - ii. Medium dogs (defined as 35-60 lbs) must have 100 square feet of permanent outdoor enclosure per dog.
 - iii. Large dogs (defined as 60-100 lbs) must have 150 square feet of permanent outdoor enclosure per dog.
 - iv. Extra-large dogs (defined as 100 lbs or greater) must have 250 square feet of permanent outdoor enclosure per dog.
 - v. More than one dog may be confined in the same enclosure provided the above space standards are met.
 2. When a dog is tethered, "adequate space" means a tether that i) is appropriate to the age and size of the animal; ii) is attached to the animal by a properly applied collar, halter, or harness configured so as to protect the animal from injury and prevent the animal or tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the animal; and iii) is at least four (4) times the body length of the dog measured from the dog's nose to the base of its tail. *Provided*, that this definition does not apply when the animal is being walked by its owner or caretaker on a leash or is attached by a tether to a lead line. *Provided*, that when freedom of movement would endanger the animal, temporarily and appropriately restricting movement of the animal according to

professionally accepted standards for the species is considered provision of adequate space.

- c. "Adequate shelter" means provision of and access to shelter that is suitable for the age, condition, size, and type of each animal. The shelter for a dog pursuant to this section shall have a weatherproof roof (defined as having no gaps), enclosed sides, a doorway, and a solid floor. No interior surfaces shall be metal, except for the roof. The shelter shall have an entryway that the dog can easily enter and be sufficient in size for a dog to stand, turn around, lie down, and exit in a natural manner. The shelter shall have adequate ventilation and protection from temperature extremes at all times.
- d. "Adequate water" means provision of and access to clean, fresh, potable water that is provided in a suitable manner, in sufficient volume, and at suitable intervals, to maintain normal hydration for the age, species, condition, size and type of each animal.
- e. "Collar" means a well-fitted device, appropriate to the age and size of the animal, encircling and attached to the animal's neck in such a way as to minimize trauma or injury to the animal. A collar for tethering must be at least as large as the dog's neck plus one inch. Choke collars shall not be used in tethering.
- f. "Confine" for the purpose of this ordinance means to place or keep a dog within a permanent outdoor enclosure.
- g. A "Permanent Outdoor Enclosure" shall be defined as any enclosure used for the purpose of dog confinement for more than sixteen hours, cumulatively, in any twenty-four hour period. Such enclosure shall be constructed of chain link or a similar type of material with all four sides enclosed. The enclosure shall be of sufficient height to prevent the dog from escaping the enclosure.
- h. "Tether" means a rope, chain, cable, or the like, by which an animal is fastened, chained, tied or restrained to any stationary or inanimate object by means of a rope, chain, strap or other physical restraint so as to limit its range of movement.
- i. "Tethering" means the act of restraining a dog through the use of a tether.
- j. The definition of "tether," "tethered," or "tethering" shall not include using a leash to walk a dog, or when a leash or lead line is used in the physical presence of an owner or other caretaker for training purposes.

II. Care Requirements

- a. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide the dog with adequate food while the dog is tethered or confined.
- b. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide the dog with adequate water while the dog is tethered or confined.
- c. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide the dog with adequate space while the dog is tethered or confined.
- d. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide the dog with adequate shelter while the dog is tethered or confined.
- e. Any person owning or having care, control or custody of a dog that is tethered or confined as defined herein shall provide adequate care and medical treatment for injuries, parasites and disease, sufficient to maintain the dog in good health while the dog is tethered or confined.
- f. Any outdoor area where a dog is tethered or confined as defined herein must be kept reasonably free of excretions and dangerous or contaminated materials and cleaned daily.
- g. *Provided*, that these requirements do not apply when the animal is being walked by its owner or other caretaker on a leash or is attached to a tether to a lead line in the presence of a caretaker for purposes of exercise or training.

III. Permanent Outdoor Enclosure Requirements

- a. It shall be unlawful to restrain a dog outside for more than twelve (12) hours in any twenty-four hour period unless the dog is confined in a permanent outdoor enclosure as defined herein.
- b. Adequate shelter, including protection from the weather and elements, shall be provided at all times in any permanent outdoor enclosure.
- c. Shade, either natural or manmade, shall be available at all times to a dog that is confined.

- c. Bedding, such as wood shavings, straw or other material shall be provided in sufficient quantity for insulation to allow reasonable retention of the dog's body heat. Bedding shall be kept reasonably clean and dry.
- d. All areas of confinement shall be maintained as to provide a safe and healthy environment for the dog and shall be reasonably free of hazards.
- e. Any dog confined within a permanent outdoor enclosure must have adequate space for exercise.

IV. Tethering Requirements

- a. It shall be unlawful for any person to tether, fasten, chain, tie, restrain or cause a dog to be fastened, chained, tied or restrained to any stationary or inanimate object by means of a rope, chain, strap or other physical restraint for the purpose of tethering, for more than twelve (12) hours, cumulatively, in any twenty-four hour period.
- b. If a dog is tethered pursuant to this section, the dog must be tethered by a properly fitted non-choke collar or a body harness to a tether that is at least four (4) times the body length of the dog, measured from the dog's nose to the base of its tail and which is free from entanglement and does not weigh more than 1/8th of the body weight of the animal. The tether shall have swivels on at least one end and so mounted and situated to minimize the risk of entanglement. It is recommended that the tether be a minimum of 12 feet in length.
- c. Shade, either natural or manmade, shall be available at all times to a dog that is tethered.
- d. If a dog is tethered for more than one hour, the dog must be provided with adequate shelter, space, food, and water as defined in Section I of this Ordinance.

V. Penalties

- a. It is declared unlawful for an owner or caretaker of a dog to violate any of the provisions of this Ordinance.
- b. *Warning Period:* Any person found by Animal Control officers to be confining or tethering an animal in violation of this Ordinance will be issued a warning citation. The person thereupon has fifteen (15) days to provide means of tethering or confinement that conform to the requirements of this ordinance. *Provided* the warning period is void immediately if the owner or caretaker, at any time during the warning

period, fails to comply with W.Va. Code 61-8-19. *Provided* the Animal Control officer may, but is not required to, issue a second warning to a person who has received a prior warning, but may instead issue a citation under the terms of this ordinance.

- b. Any person who does not conform the keeping of their dogs to the requirements of this Ordinance within the fifteen (15) day warning period is subject to fines and penalties stipulated in this Ordinance.
- c. Subsequent to the expiration of the warning period, (if applicable) any person who violates any provision of this Ordinance, shall be guilty of a misdemeanor, shall be issued a citation for violation of the Ordinance, and upon conviction thereof shall be fined for each violation not more than \$100 (one hundred dollars) and shall be subject to prosecution on the aforesaid misdemeanor charge in the appropriate court, pursuant to W.Va. Code 19-20-6(c) and related statutes.

VII. Severability

If any portion of this ordinance shall be found by a Court of competent jurisdiction to be invalid, the remainder of this Ordinance shall remain in full force and effect.

VII. Authority:

WV Code Chapter 7-10-1, et. seq; Chapter 19-20-1, et. seq.; Chapter 19-20A-1, et. seq.; Chapter 61-8-19, and related statutes.

Enacted and ordained by lawful majority vote at a duly called meeting this _____ day of _____, 2015, effective immediately.

JEFFERSON COUNTY COMMISSION
BY:

Jane Tabb, President

Attest:

Clerk

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Dan Booth

Department or Entity: _____

Estimation of amount of time needed for appointment: 30 minutes

Date Requested -- 1st Choice: 9/17/15

Date Requested -- 2nd Choice: _____

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

Subject:

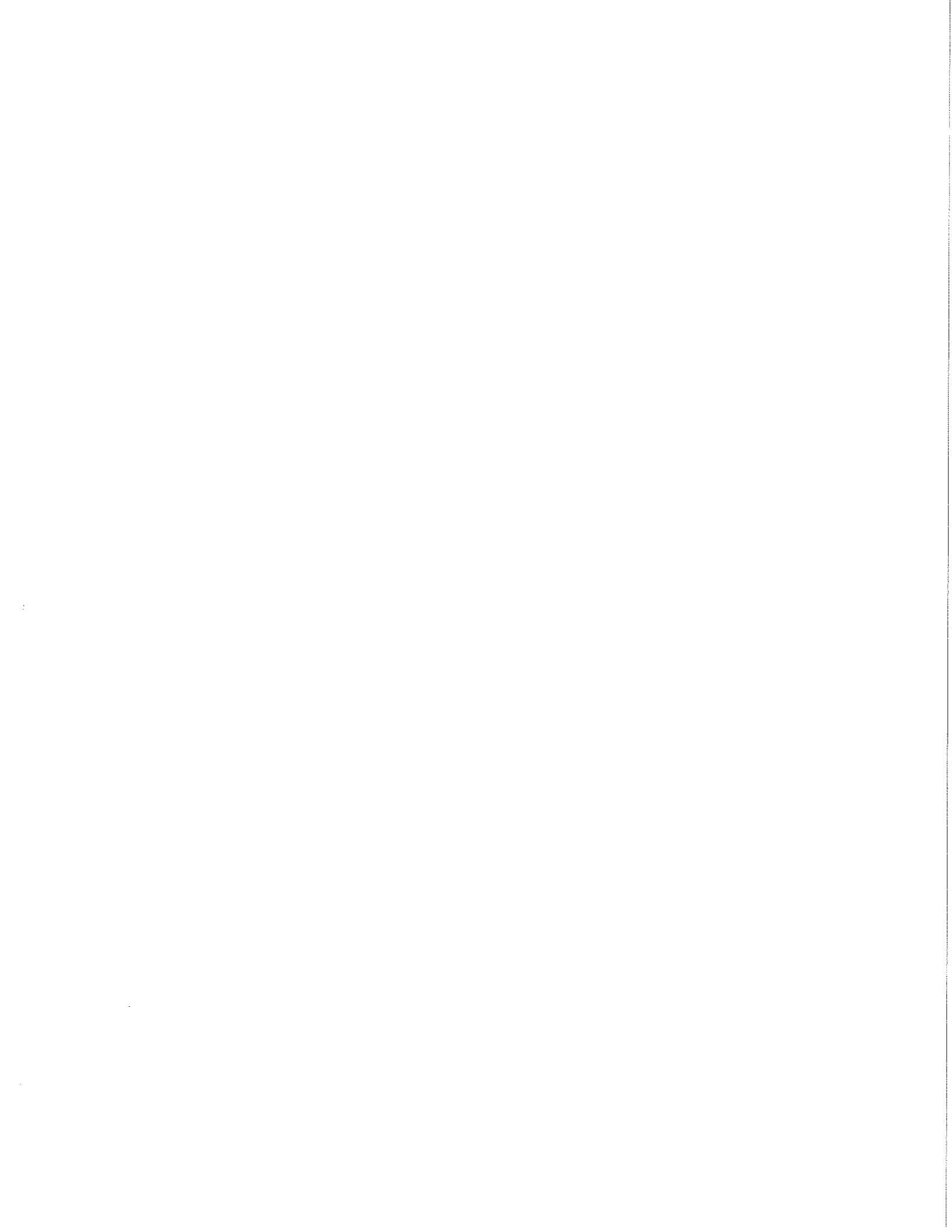
Discussion & possible approval of collection of delinquent ambulance fees & other financial matters by Dan Booth.

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

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

Motion to approve Booth & McCathy to collect delinquent ambulance fees & other outstandings judgments on behalf of Jefferson County.

Attachments:



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Nathan Cochran

Department or Organization: Jefferson County Prosecuting Attorney's Office

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: September 17, 2015

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

Date Requested – 2nd Choice:

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

- Update on Case Status in Case No. 13-c-432 – Possible Executive Session
- Issues related to water/sewer infrastructure and impact fees – Possible Executive Session

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

Is this a funding request? Y/N 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

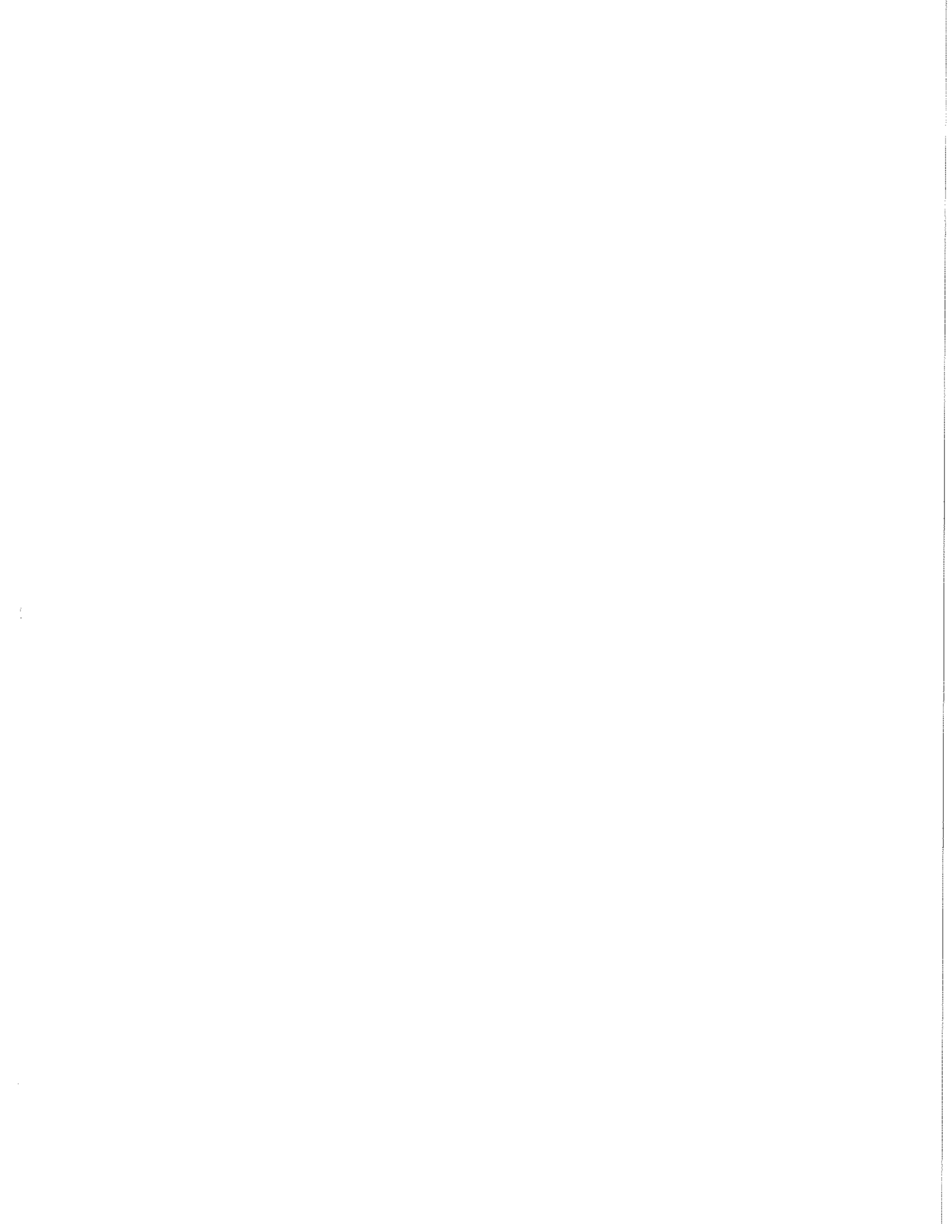
Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Eric Bell, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **September 17, 2015**

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

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

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

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*):

All Boards with members approved by the County Commission must record meetings and archive for public review

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

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

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

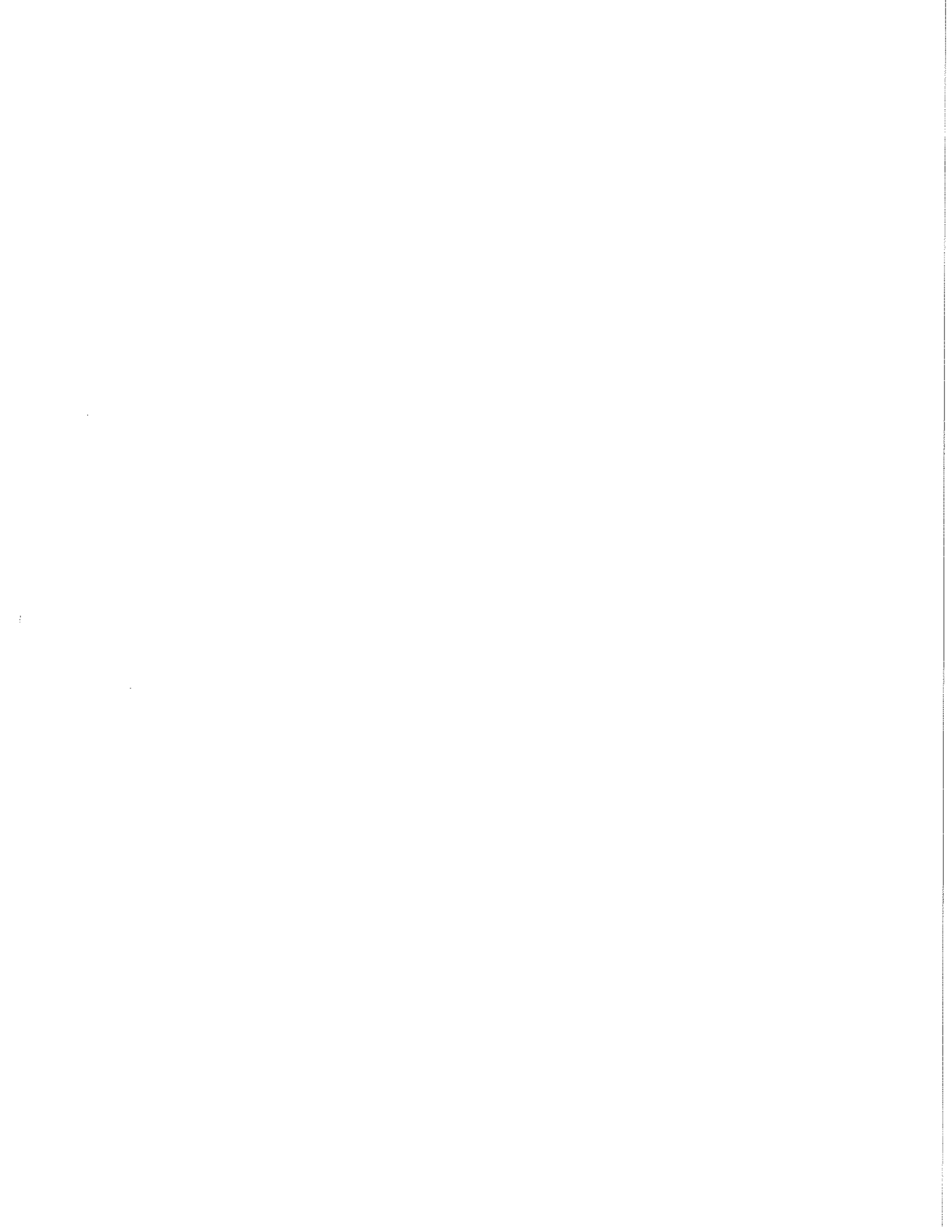
Telephone for conference call Y/N Click here to enter text.

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Eric Bell, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **September 17, 2015**

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

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

Subject (*Wording to be placed on agenda*): **Personnel Matter – Possible Executive Session**

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

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

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

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

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

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

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

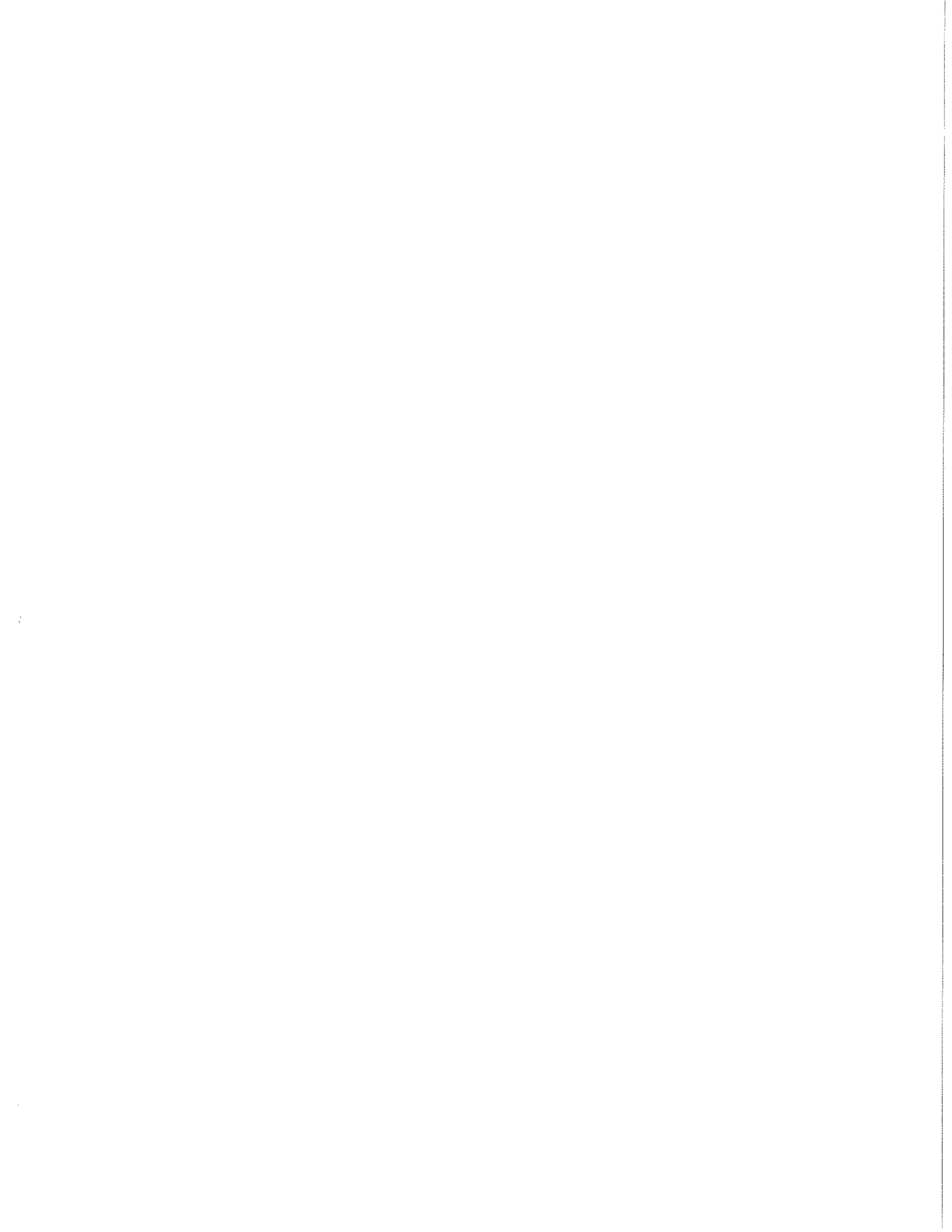
Telephone for conference call Y/N Click here to enter text.

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Stephanie Grove, County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **September 17, 2015**

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

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

Subject (*Wording to be placed on agenda*): **Change management of HRA from Ameriflex to Millenium Insurance Group and possible termination of Ameriflex HRA Contract**

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.



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

AGENDA REQUEST FORM
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 – 1st Choice: September 3, 2015

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

Date Requested – 2nd 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 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		
Chuvafas, 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	259.08		
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	-		
TOTAL	88.00	1313.34	614.64	0.00	308.35	27.96	121.27	98.33	6.58	177.30	2,667.77	Paid	
					534.31	87.22	7.75	33.61	27.25	-	72.13	762.27	Non-Paid (exempt)
												\$ 3,430.03	

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



Thursday, September 17, 2015

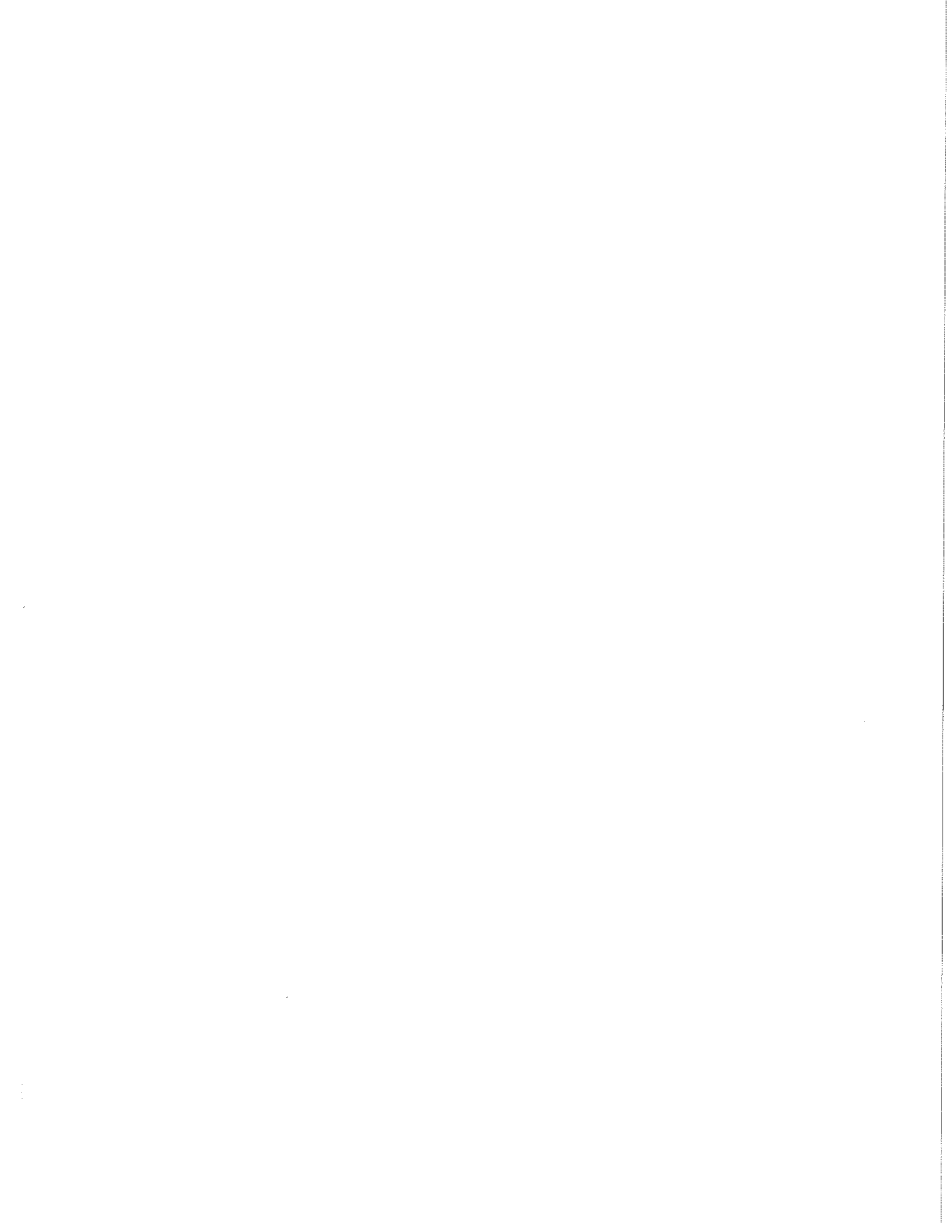
2:00 p.m.

UTILITY WORK SESSION

AGENDA

- I. Funding Sources
 - a. Impact Fees
 - b. CIFs
 - c. Rates
 - d. Grants and other sources

- II. Partnership Possibilities
 - a. Public/Public
 - b. Public/Private
 - c. Consolidation of Services



AGENDA REQUEST FORM
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 – 1st Choice: September 17, 2015

If a specific date is needed, please provide reason for specific date: Section 12.3 of the Zoning Ordinance requires the recommendation to be forward to the County Commission within four weeks of final Planning Commission action and applicant representative will be out of town between 9/17/15 and 10/29/15.

Date Requested – 2nd Choice: October 29, 2015

Subject (*Wording to be placed on agenda*): Action related to Public Hearing held on September 8, 2015 regarding a landowner-initiated petition to amend the County Zoning Map for a 4.01 (combined) acreage property owned by Charles M. Carter located at 7174 Martinsburg Pike, east of Venice Way; designated as Tax District: Shepherdstown (09), Map: 7, Parcel: 23 & 32.1; from Residential-Growth (RG) to General Commercial (GC) zoning (Planning and Zoning File #Z15-02).

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 September 8, 2015, the Jefferson County Planning Commission held a Public Hearing for the purpose of receiving public input regarding a landowner-initiated petition to amend the County Zoning Map for the above referenced properties. These properties are currently zoned Residential-Growth (RG) and are occupied by a vacant one-story brick workshop and a residential dwelling that was also used as a commercial building, with a large gravel parking area between the two. The rezoning request is from the Residential-Growth (RG) zoning classification to the General Commercial (GC) zoning classification.

Staff review of the request is found in the attached staff report and found that the proposed zoning is generally consistent with the Envision Jefferson 2035 Comprehensive Plan. Twelve people spoke in opposition to the request, one of which had a petition with 100+ signatures, and six written comments were received in opposition (attached). Note that the minutes from 09-08-15 Planning Commission Meeting are not yet drafted.

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 Public Hearing held on September 8, 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 in conformance with the Envision Jefferson 2035 Comprehensive Plan. The motion passed with a vote of 9-0.

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 4.01 (combined) acreage property owned by Charles M. Carter located at 7174 Martinsburg Pike, east of Venice Way; designated as Tax District: Shepherdstown (09), Map: 7, Parcels: 23 & 32.1; from Residential-Growth (RG) to General Commercial (GC) zoning (Planning and Zoning File #Z15-02).

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

Attachments:

- Zoning Map Amendment Application (File #Z15-02)
- Applicant's PowerPoint Presentation (submitted by Annette Van Hilst)
- Z15-02 Charles Carter Rezoning Staff Report Final
- Written Public Comment Received prior to the Public Hearing

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.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

File Number: #715-02
Staff Initials: JPC
Application Fee: \$ 1,250.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org
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: Charles M. Carter
Mailing Address: 7174 Martinsburg Pike, Shepherdstown, WV 25443
Phone Number: 304/676-8607 Email: _____

Applicant contact information

Name: Harry F. (Butch) Catrow, Jr.
Mailing Address: 443 Sandpiper Lane, Shepherdstown, WV 25443
Phone Number: 304/676-8607 Email: hgcarrow@aol.com

Applicant representative

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

Physical property details

Physical Address: 7174 Martinsburg Pike
City: Shepherdstown State: WV Zip Code: 25443
Tax District: Shepherdstown Map No: 7 Parcel No: 23 and 32.1
Parcel Size: 3.85 & 0.16 acres = 4.01 Deed Book: 161 & 275 Page No: 264 & 194

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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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"/>

RECEIVED
JUL 07 2015
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 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 checked="" 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.

No Proposed Use. The General Commercial Zone was not available in the past. However, the General Commercial Zone is now authorized for this area in both the 2015 Comprehensive Plan and the Current Zoning Ordinance. As discussed with the Director and Staff, the property will also be used to provide an access point to the growth area in the rear of this property which is owned by the Applicant. Some property will also be merged to this property as discussed.

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>CM CARTER JR.</u>	<u>7/1/15</u>	<u>Hayden Carter</u>	<u>7-1-15</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

#71502

MAP AMENDMENT REQUEST
Article 12, Jefferson County Zoning Ordinance
Charles M. Carter
July 1, 2015

Owner:

Charles M. Carter
7174 Martinsburg Pike
Shepherdstown, WV 25443

RECEIVED

JUL 07 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Applicant:

Harry F. (Butch) Catrow, Jr.
443 Sandpiper Lane
Shepherdstown, WV 25443
304/676-8607

Ordinance Citation:

Article 12 of the Jefferson County Zoning and Development Review Ordinance, as amended.

Map Amendment Definition:

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

Substantiation for the Request:

1. The properties owned by Mr. Carter are currently zoned Residential Growth and the Owner and the Applicant are seeking a map amendment to the General Commercial District. As explained in this Application, the Applicants believe that this change is consistent and compatible with the 2015 Jefferson County Comprehensive Plan. This Comprehensive Plan compatibility is evidenced by the fact that the County Commission specifically added these properties into the Preferred Growth Area and Commercial area upon request of the owner during the recently completed Envision 2035 Comprehensive Plan effort;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The most significant change was the construction of the Connector Road which functions as a bypass around Shepherdstown. Other changes in the neighborhood include the development of the Maddex Commercial Area (Food Lion, etc.); the construction of the Clarion Conference Hotel and National Training Center; the enhancement to the entrance to the western campus of Shepherd University; and, the rezoning of the Lowe Parcel on the Connector Road to Residential/Commercial and Light Industrial. These changes are addressed in this Petition;
3. The General Commercial District is a newly created District and both the Comprehensive Plan and current Zoning Ordinance endorses this District for these properties. The property will still be considered in the Growth Area and will connect to the area that will remain Residential Growth by Easement or ROW for interconnectivity;
4. The properties were located in the 2004 Comprehensive Plan Growth Area and are now located in the 2015 Comprehensive Plan's Preferred Growth Area. Currently, these properties are located in the existing Residential Growth District, which allows for extremely high density residential development; and,
5. The properties were previously used for commercial purposes. In fact, the owner thought the property was already zoned for commercial because of the previous uses. The uses on the property in the past included a tavern and a retail establishment.

Tax District, Map and Parcel Number:

Shepherdstown Tax District, Map 7, Parcels 23 and 32.1

Deed Book Reference:

Parcel 23: Deed Book 161 at Page 264
Parcel 32.1: Deed Book 275 at Page 194

Sketch Plat:

Attached

Tract Size:

Parcel 23: 3.85 Acres
Parcel 32.1: 0.16 Acre
Total: 4.01 Acres

Discussion on:

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

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

A. Comprehensive Plan Compatibility

According to page 13 of the 2105 Comprehensive Plan, there are only 6 Preferred Growth Areas (PGAs) in Jefferson County that are targeted for urban scale growth. The subject parcels are within one of these PGAs. As a matter of fact, because of the properties' history, current zoning, past designation in the 2004 Comprehensive Plan, these properties were specifically added to this PGA during the just completed Comprehensive Plan Process. The County Commission added the properties as a result of the attached letter by Mr. Carter. The purpose of Mr. Carter's letter and the County Commission's action was a precursor to this map amendment request. It is only natural that map amendments are requested shortly after the adoption of a new Comprehensive Plan.

Along with the new Comprehensive Plan, the Zoning Ordinance has been amended over the last several years to slowly evolve into a more traditional zoning ordinance that has more available zones and districts. These amendments included the creation of the General Commercial District. This district is for low to medium level commercial development along primary and good secondary roadways. As the owner requested a commercial and/or residential classification in the new Plan and the County Commission granted the request, the owner picked the most appropriate district for this property. The Zoning Ordinance specifically states that the General Commercial Zone should be utilized in the following locations:

"B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan."

As previously described, the subject property is in the Growth Area in the 2004 Comprehensive Plan and is properly located on the future land use map (Guide) as Commercial and/or Residential in the 2015 Comprehensive Plan. As also stated, the property was specifically included into these areas by the County Commission at Mr. Carter's request. So, while many properties on the map were located generally, Mr. Carter's and Mr. Catrow's properties were specifically located by the County Commission for this purpose.

The subject property is located in the most developable category in the County's jurisdiction on the Future Land Development Map on Page 15 of the Plan (attached). The property is also shown in the Shepherdstown Area's PGA and listed as Commercial/Residential on the attached Future Land Use Guide.

Finally, with regard to maps, the property is currently located in one of the most intense available zones on the existing Zoning Map. This property has been located in the high density Residential Growth District in Jefferson County since the adoption of Zoning in 1988. This portion of the Zoning Map is also attached.

All three maps show that this property continues to be slated for urban level development. The requested General Commercial District would really be no more impacting than a high density residential development such as apartments for which the property is currently zoned. The connection with the property to the rear will allow any growth in that area to have direct access to this commercial area. This is what the Commission intended when it was added.

Page 20 of the Comprehensive Plan describes this PGA as follows:

"a. Shepherdstown PGA
(an area located south and west of Shepherdstown)

This PGA is defined predominately by existing residential and commercial development, existing zoning, and access to water and sewer services. It encompasses an area broadly described as properties on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480 including land on either side of Potomac Farms Road. This area is included within Shepherdstown's Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area."

Such description makes it clear that this Map Amendment Request is very consistent with the New Envision Jefferson 2035 Comprehensive Plan.

The new 2015 Comprehensive Plan (Page 25) also strongly encourages that the newer zones that have been created, such as the requested General Commercial

District be utilized instead of the Mixed Use Zone and the Residential Growth Zone. The Comprehensive Plan states that the older zones should be discouraged because they allow too much flexibility and broadness in these categories. Accordingly, the Plan encourages rezoning requests for the newer categories such as General Commercial. The County Commission specifically adopted the separate commercial districts to limit the broadness of an all-encompassing Residential Growth or Mixed Use classification. This aspect, again, demonstrates that the requested map amendment is consistent with the Comprehensive Plan.

The following recommendations are found in the Urban Level Development Recommendations Table starting on Page 30 of the Plan:

“5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.

a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.

c. Establish a greater variety of zoning district options (in commercial, residential, and mixed-use zoning categories) that adhere to predictability of land use options and outcomes based on the Plan recommendations.

7. Encourage the location of new infrastructure (water, sewer, utilities) within municipalities, UGBs, PGAs, or Villages.

a. Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available.

14. Require all commercial/industrial zoning map amendment requests to utilize new zoning categories adopted on June 1, 2014 (or later) and discourage the use of the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests.

a. Encourage any development in a zone that permits mixed use to be developed according to the Mixed Residential/Commercial or Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance.”

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan by both the narrative (Page 69) and recommendations (starting on Page 70):

“Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses.” (Page 69)

Recommendations:

- “5. Create a business friendly environment in Jefferson County.
6. Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.”

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, the 2004 Comprehensive Plan Growth Area Map, the original 1988 Zoning Classification and the Current Zoning Map, this map amendment is extremely consistent and compatible with the Plan. The adjacency of the Carter Property and the Catrow property was discussed during this process. The Carter and Catrow properties were added specifically to the growth area with Catrow to remain residential and Carter to be added to the Commercial area. The interconnectivity of these properties through a ROW or Easement will meet the goals of the Comprehensive Plan

B. Change of Neighborhood

The neighborhood has undergone significant changes since the zoning ordinance was adopted. In 1988, the Shepherdstown Wastewater Treatment Plant was nearing capacity and that is probably one of the reasons that more land wasn't zoned for commercial and mixed uses at that time. That Shepherdstown Treatment Facility is now nearing the completion of a major upgrade and can now support additional growth. Another major change in the neighborhood is that the Route 45 Connector Road (Potomac Farms Drive) was constructed in 2000/2001. This change will be further discussed in the Change of Transportation Characteristics' part of the petition. Finally, since 1988, the neighborhood has added a significant amount of residential units in several subdivisions including Maddex, Kensington, the Crofts, Tollhouse Woods and

Colonial Hills. Along with this residential growth, other commercial areas have also developed since 1988, leaving a deficit of available commercial land in and around the growth areas of the County.

The following are changes in the neighborhood that would specifically support the requested change from Residential Growth to the Residential/Light Industrial/Commercial District or General Commercial District:

1. Availability of Public Utilities:

Public Water is already near this neighborhood and Wastewater facilities can be extended to this neighborhood now that the Shepherdstown Wastewater Treatment Plant has expanded its capacity. It has long been the goal of Shepherdstown to extend its sewer services along Route 45. This map amendment would allow the applicant to participate in that extension. As stated earlier, several of the Comprehensive Plan's primary objectives are to build out the Preferred Growth Areas and serve them with Public Water and Wastewater.

In this case, the water is already available in the area and sewer expectations are reasonable. There would be no unreasonable costs to the community, since the additional utility customers would allow the Town to add to their customer base.

2. Growth in the Area:

Several large residential projects have been developed in this area that would certainly benefit from the additional commercial growth that would be permitted with this map amendment. Four of these, Colonial Hills, Tollhouse Woods, Kensington Townhouses and Maddex Subdivision, are residential developments that are approved with a significant number of residential units. Although the Maddex development has a limited amount of commercial services available to the residents in the Maddex Subdivision, Colonial Hills, Tollhouse Woods, the Crofts and Kensington Townhouses are approved mostly as a residential developments. When built out, these developments would most certainly need nearby commercial services available to their residents. Due to the limited area of Shepherdstown and the traffic congestion and parking problems within the town, it is important that commercial services be made available to the residents outside of town. As with the construction of the Connector Route, the new commercial services will help with this downtown congestion and back-up at the four way stop sign in town. Furthermore, these new commercial services should not have a negative impact on the businesses within the Central Business District of Shepherdstown, because of the unique collection of eclectic shops that are already in town. As

exhibited in other growth areas, such as Arlington and Alexandria, Virginia, these types of shops continue to thrive in their downtowns.

The other significant development in the area that was built after the zoning ordinance was adopted is the Clarion Conference Hotel and National Training Center. This hotel and conference center hosts major federal government training programs and conferences. The people attending these functions would also benefit from the availability of commercial services in the area.

The primary area that is zoned for commercial uses in the Shepherdstown Growth area is essentially developed. There was very little area in the Shepherdstown Growth Area that was zoned mixed use or commercial when the zoning ordinance was adopted. Most of that area was the Maddex Farm area that is now either fully developed commercially or already platted into residential lots. From this standpoint, it is vital to change some of the residential land into a commercial zone. Otherwise, commercial growth in the Shepherdstown Growth Area will not be able to meet the demands of the residentially zoned and/or developed properties in that growth area. This map amendment is a perfect opportunity to take some property slated for residential use and allow it to develop commercially. This map amendment would provide a balance of land available for both residential and commercial development.

C. Change of Transportation Characteristics:

Please note that this property is already zoned Residential Growth. As such, there should be little significant difference in traffic from this property if it is rezoned to General Commercial. A commercial development would have a more favorable outcome regarding traffic since some of the existing residential subdivision and dwellings local residents could utilize the new commercial services available if the property is rezoned.

Since the adoption of the original Zoning Ordinance, the major change to this area from a transportation standpoint happened when Potomac Farms Drive (Alternate Route 45) was constructed just east of this property. The addition of this road, along with the expanded entrance into the western campus of Shepherd University, has considerably changed the transportation characteristics of the neighborhood. These two improvements have allowed traffic to bypass Shepherdstown to keep pass through and local traffic away from the more congested areas of downtown. The addition of commercial services in the western suburb of Shepherdstown should further reduce commercial traffic in the downtown area of Shepherdstown, without negatively affecting the unique collection of shops in town. The proposed connection through the property to the properties in the rear will also help with growth management.

D. Pre-Existing Uses on the Property

The owner of the property is an older resident who believed that his property was already zoned for commercial use. He believed this because he previously used the property as a tavern and a retail sales establishment. These uses existed when zoning was originally adopted and he just thought that his property would remain approved for commercial uses. If he knew that the commercial grandfathered uses would terminate after a year, he would have tried to maintain a commercial use in the facility.

Once the owner found out that the new Comprehensive Plan was being written, he thought that he could correct that oversight. After submitting the attached letter, the County Commission agreed that this area should be approved as a PGA with a commercial and/or residential use. Accordingly, he is requesting that the property be shifted into the newly created General Commercial District.

E. Current Recommendations in the Future Land Use Guide and Maps in the Envision 2035 Comprehensive Plan Support this Request:

As stated in the Comprehensive Plan Compatibility portion of this request, after the very carefully scrutinized Maps and Guides were approved by the County Commission, it was anticipated that this property would be added to a commercial zone. These Plan Maps support this request as compatible and consistent with the Comprehensive Plan. As a matter of fact, this map amendment request is the culmination of the process that Mr. Carter began last year with his participation in the Envision Jefferson 2035 process.

F. Conclusion:

Mr. Carter and Mr. Catrow respectfully request that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Application cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the 2015 Envision Jefferson Comprehensive Plan; the property was included in the 2004 Growth Area and is now included in the 2015 Preferred Growth Area; the property is shown as Commercial and/or Residential on the Future Land Use Guide (Map); the positive changes in the transportation characteristics in the area, especially the construction of the Route 45 Connector Route (Potomac Farm Road); the changes in the neighborhood from when the original zoning ordinance was adopted; the fact that the property was used commercially in the past and is located on a major transportation route between Shepherdstown and Martinsburg; the Zoning Ordinance supports this General Commercial District in this location; and, the fact that the property has access to Public Water and Sewer extensions. This map amendment will change the zoning classification on the Applicant's property from the Residential Growth District to the General Commercial District.

CHARLES M CARTER JR

Charles M. Carter

7/6/15

Date

Harry F Catrow

Harry F. Catrow, Jr.

7-7-15

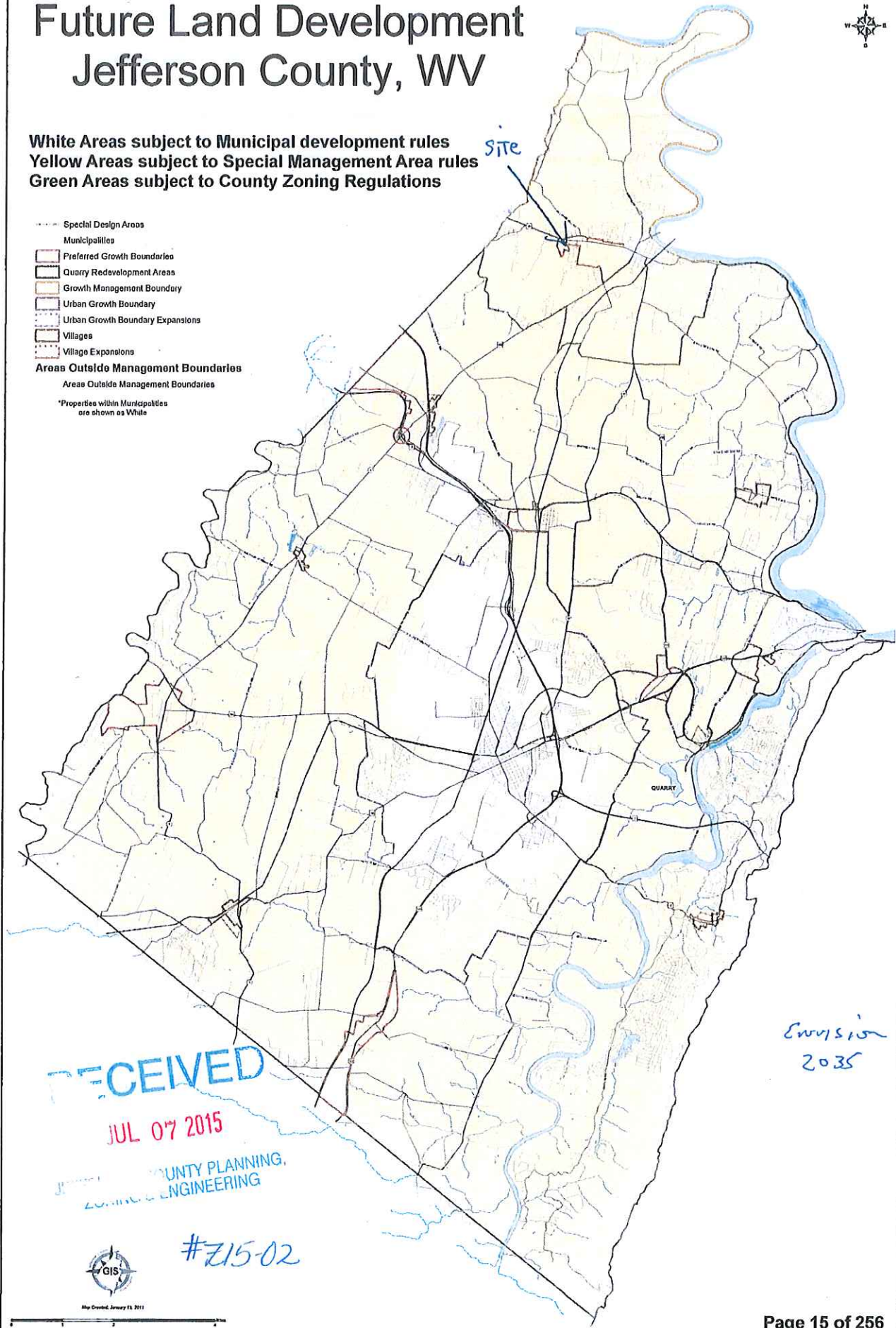
Date

Future Land Development Jefferson County, WV



White Areas subject to Municipal development rules
Yellow Areas subject to Special Management Area rules
Green Areas subject to County Zoning Regulations

- Special Design Areas
- Municipalities
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansions
- Villages
- Village Expansions
- Areas Outside Management Boundaries
- Areas Outside Management Boundaries
- *Properties within Municipalities are shown as White



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JUL 07 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING



#Z15-02

Envision
2035



#21502

#715-02

Mr. Charles Carter
7174 Martinsburg Pike
Shepherdstown, WV 25443

November 5, 2014

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

Dear Commissioners,

I am the owner of two properties that directly front on Route 45. These properties are Parcels 32.1 and 23 on Tax Map 7 in the Shepherdstown District. My neighbor recently told me that a new plan was being written that may have a negative impact on my property. I believe that my property is currently zoned Residential Growth and is also shown in the Shepherdstown Growth Area in the current 2004 Comprehensive Plan. My property was also used commercially for many years. The commercial uses included a bar and a gun shop. Although I am zoned for Residential Growth, it would seem more logical that my property would be either residential or commercial in the new plan since it fronts on Martinsburg Pike and is located in an area that is mixed use.

I am told that in the proposed plan, the Future Land Use Map has my property outside of all of the preferred growth areas. I take issue with the fact that my property isn't in the preferred growth area or shown as commercial/residential on the new map. This is very odd, especially since my property: was used commercially in the past; is located in the Residential Growth District; is located in the current Comprehensive Plan's Shepherdstown Growth Area; fronts on a major road; and, is shown adjacent to the proposed Preferred Growth Area and property slated for commercial and residential development on the Future Land Use Map. Any of these reasons by themselves would make it logical to place my property back into the Growth Area and shown as Commercial/Residential on the Future Land Use Map.

This entire area is slated for growth in the current ordinance and comprehensive plans; so, I don't know why this new growth area is going to be before my property. I have had people interested in purchasing my property because of the zoning, but now the new designation on the map will reduce the value of my property. I don't think this is fair and would respectfully ask that my land be included in the Preferred Growth Area and shown as Commercial/Residential. These two areas are immediately next to my property. Why would the line stop there, when I am in the current growth area?

Please take this request in consideration before you vote on the Plan and designate my property appropriately. Thank you.

Sincerely,

Charles Carter

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JUL 07 2015

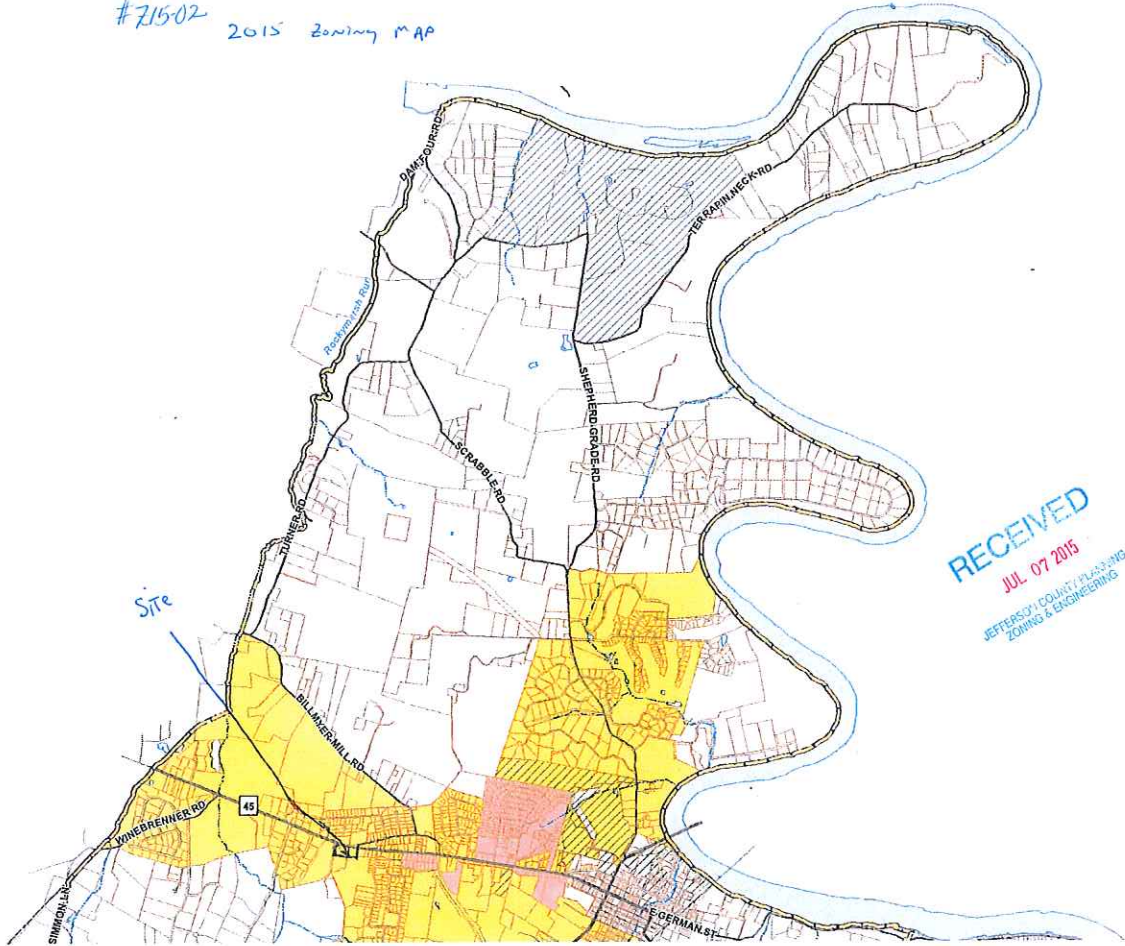
JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING



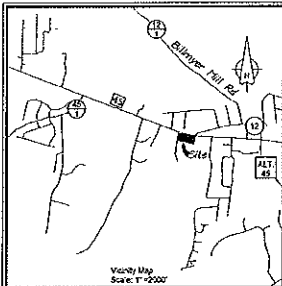
#71502

#715-02 2015 Zoning MAP

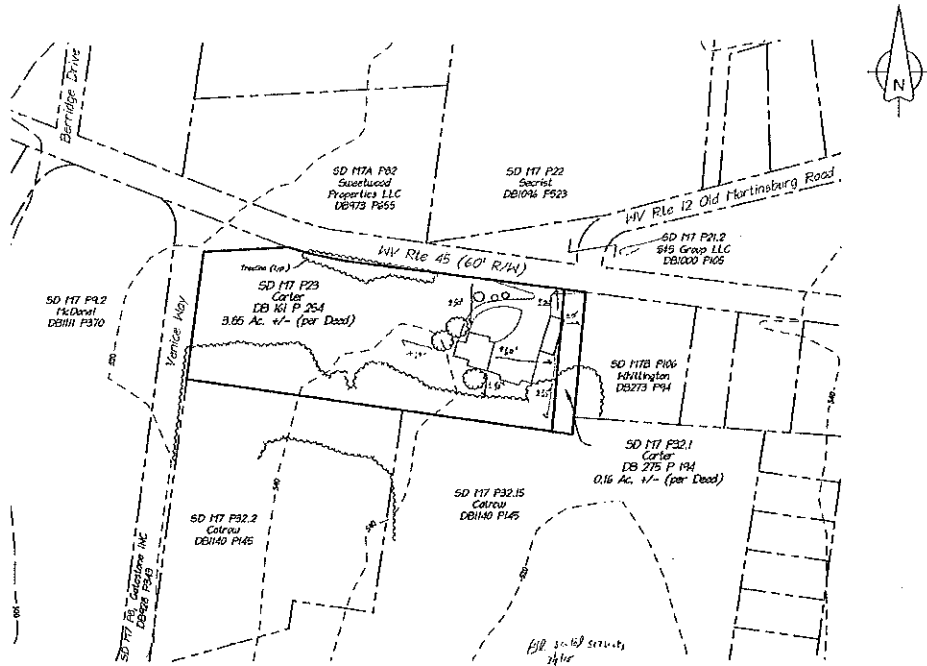
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Notes:
Contours are approximate USGS,
20-foot interval



Proposed Rezoning of
Charles M. Carter
Property

Shepherdstown District
Jefferson County, WV
18 May 2016
Scale: 1"=100'

RECEIVED

MAY 07 2016

JEFFERSON COUNTY PLANNING
AND ZONING DEPT



SCALE: 1"=100'

Bureau Office Phone: (304) 724-4008 Fax: (304) 724-0210	411 S. Fairfax Boulevard Suite 3 Rainier, WV 25432-1811
PARTY CHIEF:	DRAWING NO.
RESEARCH:	PROJECT NO. 3115
CURVEYED:	PREPARED BY: KSB
FIELD DRAW:	DIVISION BY: P28
Sheet 4 of 1	

215-02

Rezoning Request

by

Charles M. Carter & Harry F. Catrow

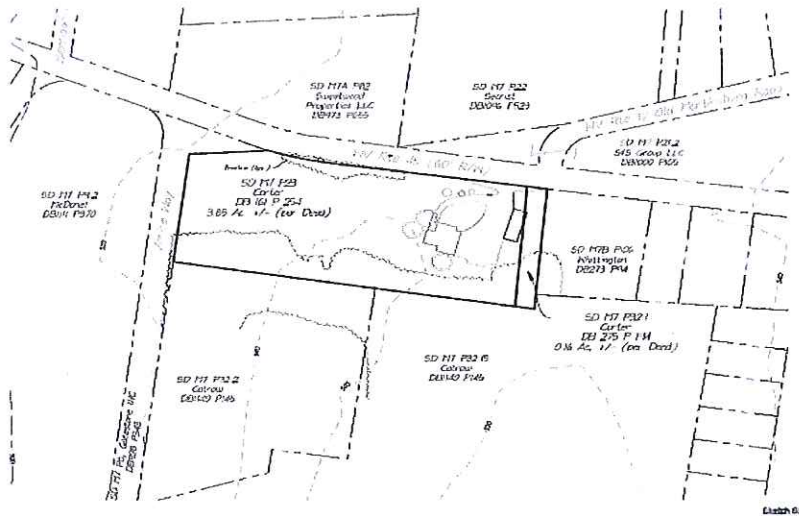
For Parcels 23 & 32.1, Map 7 Shepherdstown District

To Change the Zoning Classification
from **Residential Growth**
to **General Commercial**

9/8/15

Carter/Catrow rezoning

Received at 9/8/15 PC meeting Annette¹ Conhickst.



The Property

The site consists of two parcels, one containing 3.85 acres and the other, 0.16 acre for a total of just over 4 acres. The property is contains two buildings, a two story masonry building built in the 1950s by the owner's father and designed to contain a bar/restaurant on the ground floor and a residence on the upper level. A brick storage building is located near the eastern boundary. The property faces the southern side of WV Rte. 45 (Martinsburg Pike) and is 1.1 miles west of Shepherdstown.

9/8/15

Carter/Catrow rezoning

2



Photos of the buildings



The ground floor of the building contains a commercial kitchen, a bar and a dining area, & a screened off area that was used for the gun shop. The business operated from the mid 1950s into the 1990s. Mr. Carter still maintains his corporate identity as Jefferson Ridge, Inc, incorporated in 1971

Photos of the main downstairs room





Surrounding Area

9/8/15

Carter/Catrow rezoning

5



Immediate Surroundings

9/8/15

Carter/Catrow rezoning

6

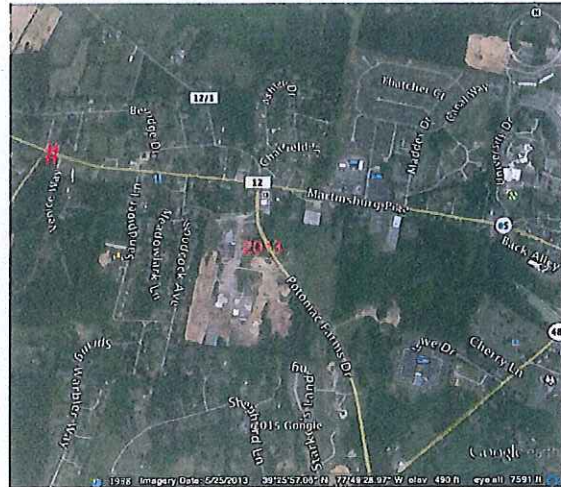
Other Nearby Uses:

To the east: 7-11 Store & Potomac Trading Company

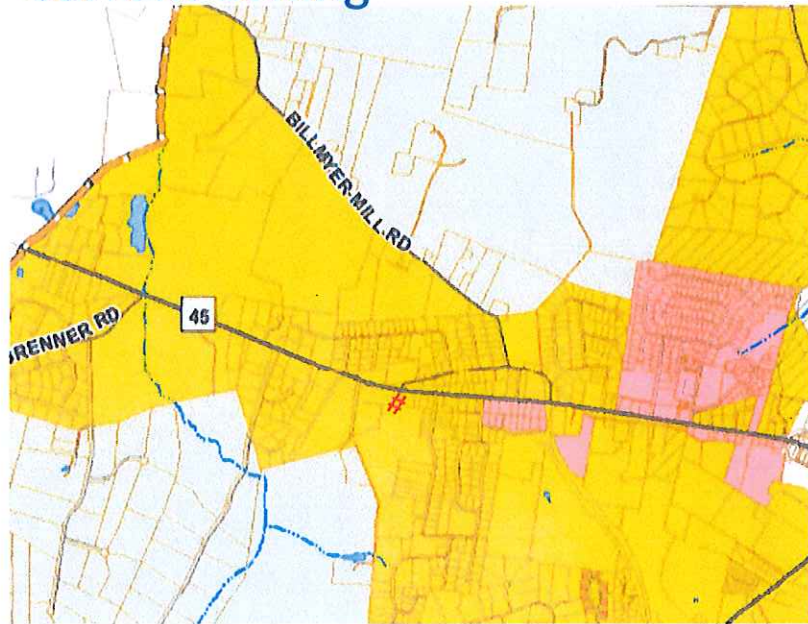
To the northeast: warehouse, town houses
Shepherdstown water tanks
Good Shepherd Office



1988-2013 Development

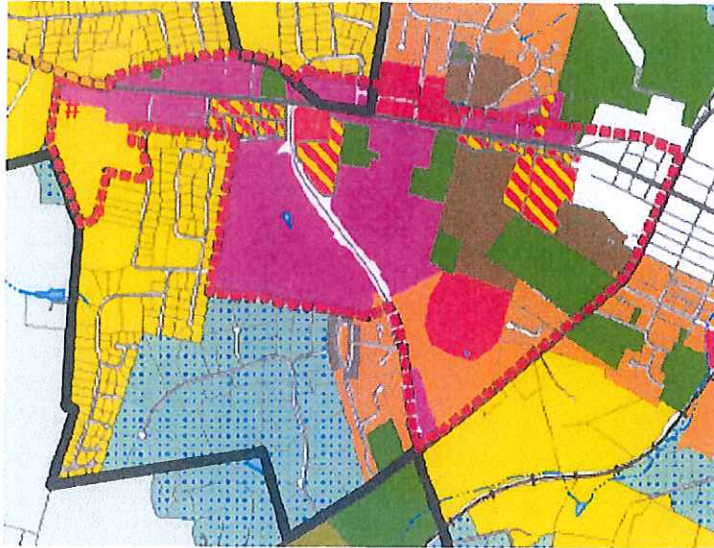


Current Zoning



Current Zoning is residential growth, allowing townhouses, apartments & single family residences.

Preferred Growth Area



The property is within the Shepherdstown Preferred Growth Area, an area designated for urban type development as identified in the Envision Jefferson 2035 Plan.

Water & Sewer

Water is available at Heatherfield (at the town houses) north of the site.
Sewer is available at the Maddox Square Shopping Center.



From the Envision Jefferson 2035 Comprehensive Plan:

“Create urban level land uses within municipalities, UGBs, **PGAs** or Villages through rezoning that is consistent with plan recommendations”

“Establish a greater variety of zoning district options (in commercial, Residential and mixed use zoning categories) that adhere to predictability of land use options and outcomes based on the Plan recommendations”

“Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Area and **Preferred Growth Areas where the infrastructure is expected to be available to support these uses”**

From the Current Zoning Ordinance

Section 5.12 General Commercial (GC) District²⁷

A. Purpose. **The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions.** The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.

B. Location. This zoning category is intended for use on properties:

1. **In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or**
2. **In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.**

Compatibility with Envision Jefferson 2035 Plan

- The rezoning of the property meets the criteria of being within the Preferred Growth Area for Shepherdstown.
- The property can be developed as General Commercial with public water available near the site and sewer a reasonable distance away.
- It allows predictability with regards to future land use options.
- It will increase the amount of land available for commercial development in the Shepherdstown area.
- Rezoning will create additional commercial options within the Shepherdstown area.

Change in the Shepherdstown area

Shepherdstown Waste Water Plant has recently increased its capacity and now meets required standards. Shepherdstown has rebuilt its water tanks to increase water pressure and reliability.

The Route 45 connector (Potomac Farms Drive) has been completed, allowing traffic to go around Shepherdstown to Rte. 480

Shepherd University has expanded its West Campus with new dormitories, and the Wellness Center.

New Subdivisions have been built including Maddex Farms, Kensington, the Crofts and Colonial Hills, adding to the residential units located to the west and south of Shepherdstown.

New Commercial facilities have been built including Canterbury Rehabilitation Center, the Maddex Court Professional Offices, the 7-11, Good Shepherd Offices, the storage units, Brown's garage and several other commercial/office businesses.

Staff Recommendation

Staff in their report recommended that the
**proposed rezoning is consistent
with the Envision Jefferson 2035 Plan**

because

It is located within the identified Shepherdstown Preferred Growth Area as shown in the plan and is proposed for a mix of residential and commercial development on the future land use guide.

Conclusion

- Property is suitable for a General Commercial Designation.
- Property has access to water & sewer from Shepherdstown.
- Major changes have occurred in the vicinity since 1988 including both new development & improved roadways.
- Staff has found the request to be consistent with the Envision Jefferson 2035 Comprehensive Plan.

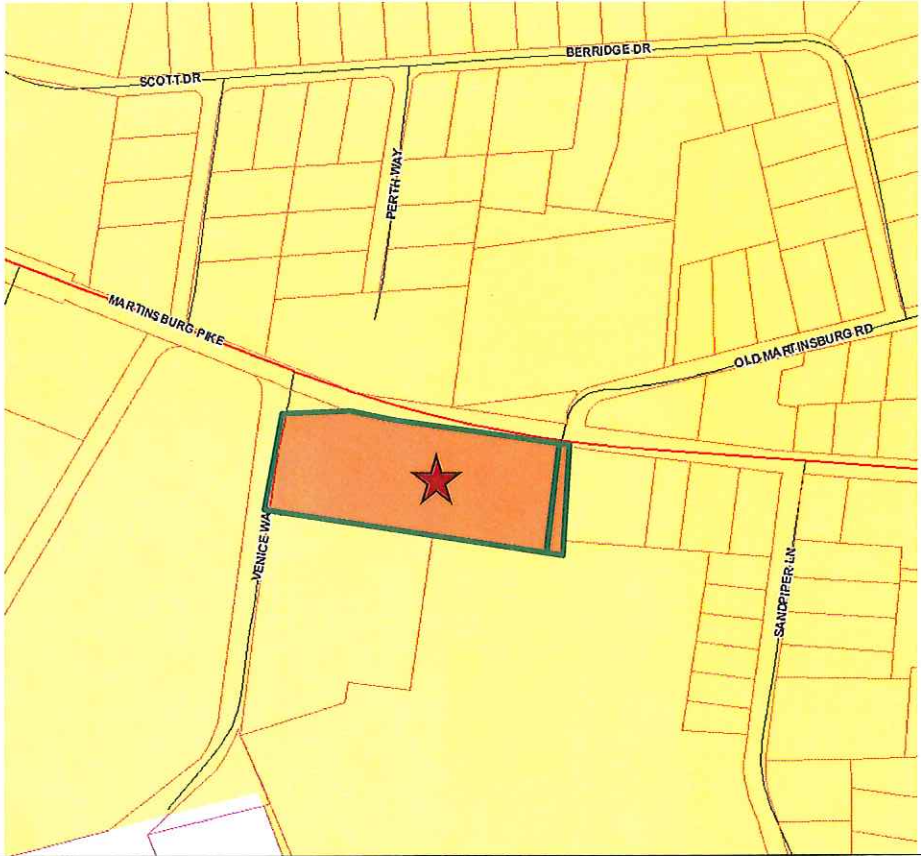
**We therefore request that
the Planning Commission
find the proposed zoning to be consistent with
the Envision Jefferson 2035 Plan.**

STAFF REPORT

Jefferson County Planning Commission Meeting

September 8, 2015

Item # 3 Public Hearing regarding a Zoning Map Amendment request by property owner Charles M. Carter for a 4.01 acre property combined located at 7174 Martinsburg Pike east of Venice Way. This property is currently zoned Residential-Growth (RG), and the applicant is requesting General Commercial (GC) zoning.

APPLICANT/OWNER:	Charles M. Carter
DEVELOPER:	N/A
SURVEYOR/ENGINEER:	Annette Van Hilst, R.A., The Crossroads Group, Kearneysville, WV
PROPERTY LOCATION:	The property is located at 7174 Martinsburg Pike (Route 45), east of Venice Way
LEGAL DESCRIPTION:	District: Shepherdstown (09), Map: 13, Parcel: 23 & 32.1 
ZONING DISTRICT:	Zoning Map Designation: Residential-Growth
SURROUNDING PROPERTIES:	Zoning Map Designation: North: Residential-Growth South: Residential-Growth East: Residential-Growth West: Residential-Growth
LOT AREA:	Lot 1: 3.85 acres – Lot 2: 0.16 acres = 4.01 total combined acres
DEVELOPMENT HISTORY:	The subject parcels are occupied by a vacant small commercial structure, a residential dwelling and a gravel lot between them.
PROPOSED REQUEST	To rezone from Residential-Growth (RG) to General Commercial (GC).
PLANNING COMMISSION	To advise the County Commission as to whether the requested Zoning

STAFF REPORT

Jefferson County Planning Commission Meeting

September 8, 2015

RESPONSIBILITY:	Map Amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan.
STAFF FINDING:	In this report, Staff presents the various factors related to these properties based on the Comprehensive Plan. Staff finds that the request is consistent with the Envision Jefferson 2035 Comprehensive Plan.

Applicant's Request

The applicant's request is to have the properties located at 7174 Martinsburg Pike rezoned from Residential-Growth to General Commercial. The applicant intends to pursue commercial use of this property and also plans to use the property to provide an access point to the residential growth area in the rear of the property which they also own.

Background/History of Property

The applicant's property sits on 4.01 acres of land unevenly divided between two properties that front directly onto Route 45/Martinsburg Pike. The parcels are currently the site of a vacant one-story brick workshop, and a residential dwelling that was also used as a commercial building, with a large gravel parking area between the two. The remainder of the parcel under consideration is undeveloped greenspace. Commercial use of this property dates back to the 1950's, when the structure, currently used as a residence, was a gun shop, as well as at one point, a tavern.

The applicant states that there are no immediate intentions to change the current land use of the property; however, the applicant desires to maintain flexibility going forward to ensure the property is marketable and does not become a parcel with no feasible permitted use.

Introduction and Purpose

The applicant's request is to rezone the two parcels in question from Residential-Growth to General Commercial (GC). All of the parcels that are immediately adjacent to the subject parcels are zoned Residential-Growth and are occupied by residential uses. The subject parcels are identified as Tax Map 7,



(Above: Street View of Subject Parcels; Building on the left is vacant; formerly a workshop; Dwelling on right is residential structure, formerly a retail establishment and tavern.)

Parcels 23 and 32.1 in the Shepherdstown Tax District. Parcel 23 is approximately 3.85 acres and Parcel is approximately 0.16 acres. Both parcels have requested to be rezoned and merged together. Their combined size would result in 4.01 acres of rezoned land with a potentially new Zoning classification of General Commercial, should the rezoning request be approved.

STAFF REPORT

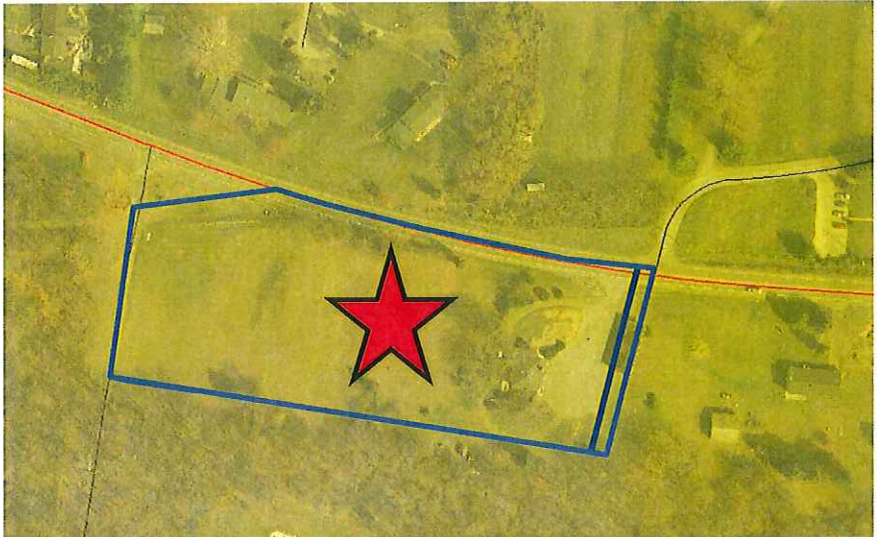
Jefferson County Planning Commission Meeting
September 8, 2015



(Above: Undeveloped greenspace to the West of the two structures on the applicant's parcels, separated by a narrow tree buffer)

Statutory Authority and Requirements

The West Virginia State Code, Section 8A-7-9, and Section 12.2 (b) of the Jefferson County Zoning and Land Development Ordinance detail the process by which boundaries of zoning districts may be amended in response to a petition of 50% or more of the property owners. Both state that before amending the Zoning Ordinance text or map, "the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive



(Above Zoning Map: Yellow shading indicated existing zoning of RG; Subject parcel is outlined in blue with red star)

Plan", or if it is inconsistent, "then the governing body with the advice of the Planning Commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area[See WVC 8A-7-9(c)]."

The Zoning Ordinance further states that the applicant should include discussion of any change of transportation characteristics and neighborhood from when the original zoning was established for the Planning Commission to take into consideration.

Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. It concludes that the request is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan* because of its location within the County-designated Preferred Growth Area in the immediate vicinity of Shepherdstown and its designation on the Future Land Use Guide as Future Mixed Use Residential/Commercial Land Use.

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The format for this assessment includes references to specific provisions of the *2035 Comprehensive Plan*, which are identified by page number citation. Staff has used these notations and quotations in order to address sections of the *2035 Comprehensive Plan* as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the *2035 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.

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

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

STAFF REPORT

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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 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 within the identified Preferred Growth Area for Shepherdstown, this section of the Plan 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). The Plan requires careful review of 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.

Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary

A. Shepherdstown Preferred Growth Area (PGA)

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 that can handle development and growth, and to focus infrastructure and community service investments in these

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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).

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 but 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.

Page 20-21 of the *Envision Jefferson 2035 Plan* states that the Shepherdstown PGA is “defined predominately by existing residential and commercial development, existing zoning, and access to water and sewer services. It encompasses an area broadly described as properties on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480 including land on either side of Potomac Farms Road. This area is included within Shepherdstown’s Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area.”

It further recommends that regulations should be developed to encourage limited access to WV 45 (both within the identified PGA and where future residential is expected to the west) and appropriate design standards to ensure free flowing traffic and a design character that interfaces with the corridor in an appropriate manner and provides an attractive gateway to Jefferson County and the Shepherdstown area.

Staff Comment: The properties included in this proposal are inside the boundaries of the *2035 Plan’s* Shepherdstown PGA and therefore intended for eventual urban-level development intensity. The following recommendations relate to development in this area:

- The applicant is encouraged to coordinate and collaborate with the Corporation of Shepherdstown to determine if and when public water and wastewater treatment may be available to this portion of WV45 to ensure the safety of the ground and surface water in this area of the County.
- WV 45 is not proposed for any improvements in the near future and it is therefore critical to design developments along this corridor in a manner that maintains free flowing traffic and provide an attractive gateway into the County.

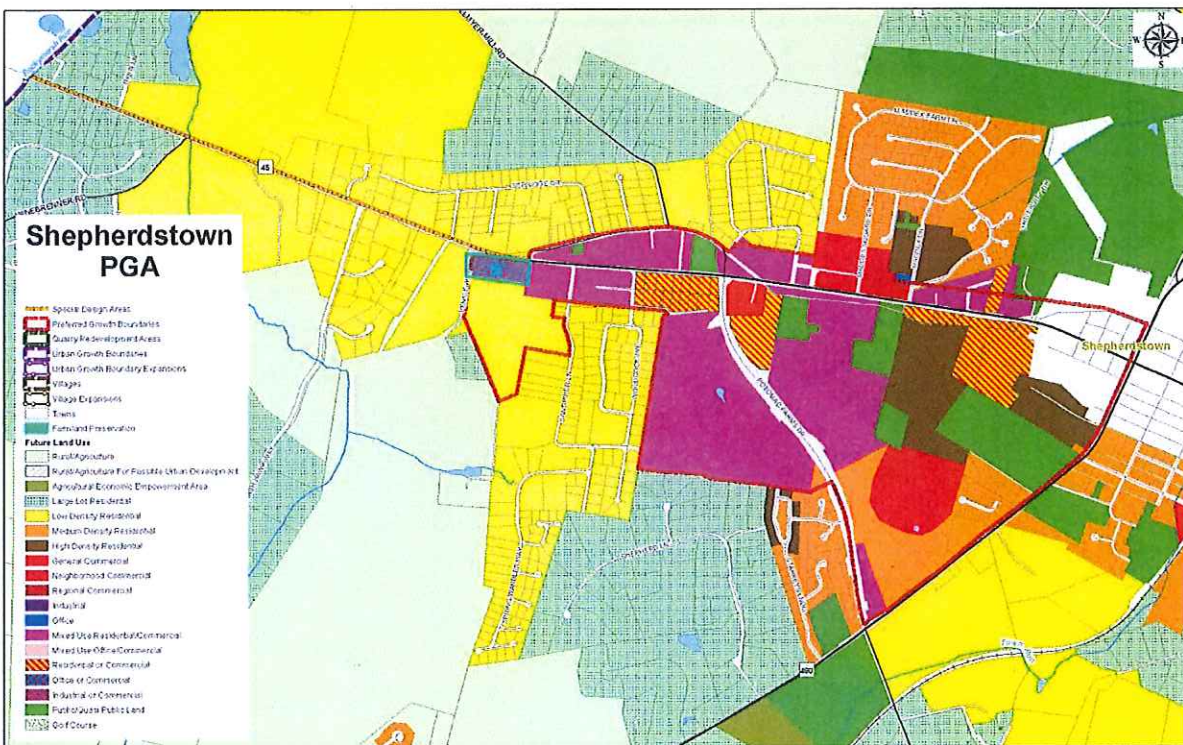
STAFF REPORT

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B. Future Land Use Guide

The properties which are a part of this Zoning Map Amendment request are shown on the Future Land Use Guide and the Shepherdstown Preferred Growth Area Map (below) as Future Mixed Use Residential/Commercial, which is a different zoning category than the one being requested by the applicant.

Appendix G of the Envision Jefferson 2035 Comprehensive Plan provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may result in new zoning categories, this is not a comprehensive list of possible zoning districts. Appendix G states that the intent of the Mixed Use Residential/Commercial land use category is to reflect areas which are intended to support the mixing of residential and commercial uses. It further states that any rezoning to the Residential-Light Industrial-Commercial (R-LI-C) or to a new mixed use zone that permits these uses shall have a mandatory mix of these uses. The Plan states that this land use classification should result in the creation of a new zoning district that would permit this activity, with a mandatory mix of uses to be determined through the zoning text amendment process. The only zoning district which currently exists and requires such a mix is the Planned Neighborhood Development (PND) District.



the

The image above (subject parcels indicated with a blue star, on the Western edge of the PGA) shows the Envision Jefferson 2035 Plan Shepherdstown Preferred Growth Area. The applicant's parcels are inside Shepherdstown's Preferred Growth Area. During the planning stages of the 2035 plan, the applicant sought inclusion within the PGA, because of the property's proximity to the core of Shepherdstown, as well as previously being a commercial structure.

STAFF REPORT

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Staff Comment: While the requested General Commercial is not completely in line with the recommendations of Mixed Use Residential/ Commercial, the zoning of the frontage to General Commercial and allowing the development of access to the rear Residential Growth properties would allow an integrated development of both Commercial and Residential to occur in this vicinity.

C. Special Design Areas

The *Envision Jefferson 2035 Plan* specifically identifies certain areas of the County where development may be appropriate but the design of such development is critical to the character of the County. One such area is along WV 45 west of Shepherdstown. Page 33 of the Plan, under Urban Land Use Recommendations, includes recommendations that design criteria and access management standards be developed for the WV 45 corridor west of the Shepherdstown Preferred Growth Area and within the Shepherdstown Growth Management Boundary to the Jefferson/Berkeley County line. Issues such as requiring additional setbacks, including pedestrian easements, landscaping strips wide enough to support large canopy trees, and requiring lots to be configured to eliminate lots having individual access onto WV 45 are recommended. While such standards have not yet been developed, all development in this area will be encouraged to reflect the spirit of these recommendations.

Staff Comment: The properties included in this proposal are in an area identified for special design considerations along the WV 45 entrance into the County. Staff recommends that during the site plan and/or subdivision stage, the design should be encouraged to reflect the need to maintain free flowing traffic with limited access points and with buildings oriented toward the road to provide an attractive gateway into the County.

D. Proposed Zoning District – General Commercial (GC):

The General Commercial (GC) Zoning District (Section 5.12) was a part of the commercial zoning districts approved by the County Commission in May 2014. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in the ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the Neighborhood Commercial District.

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*. The GC District includes numerous Principal Permitted and Conditional Uses listed in Appendix C (attached). Residential uses are not permitted in the GC zoning category. The Principal Permitted uses include numerous Institutional Uses, some Industrial Uses, commercial uses and agricultural uses. The existing residential structure would be considered a non-confirming use.

Appendix G of the *Envision Jefferson 2035 Comprehensive Plan* states that the purpose of the GC land use category is to provide for general destination business uses which parallel the description above found in the adopted Zoning Ordinance; however, the 2035 Plan had recommended that

STAFF REPORT

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individual structures have a maximum size of 50,000 square feet, rather than the 100,000 square found in the Zoning Ordinance.

Staff Comment: The properties included in this proposal are inside the boundaries of the 2035 Plan's Shepherdstown PGA and shown for a mixture of commercial and residential uses. While General Commercial can develop structures that are fairly large, the limited size of this property and the intent to use it to provide access to residential development in the rear should result in commercial development that is compatible with the intent of the *Envision Jefferson 2035 Plan*.

Staff Recommendation

Staff finds the proposed rezoning is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*. It is located within the identified Shepherdstown Proposed Growth Area in the *Envision Jefferson 2035 Plan* and is proposed for a mixture of residential and commercial development on the Future Land Use Guide. The applicant has indicated the intent to integrate the proposed commercial development along the frontage with an access to future residential development to the rear on adjoining properties.

The properties are located on a two lane road (WV 45) that has not been identified for improvements at this time and is not currently on public water or sewer. Therefore the following recommendations are encouraged to be considered by the applicant:

- The applicant is encouraged to coordinate and collaborate with the Corporation of Shepherdstown to determine if and when public water and wastewater treatment may be available to this portion of WV45 to ensure the safety of the ground and surface water in this area of the County.
- WV 45 is not proposed for any improvements in the near future and it is therefore critical to design developments along this corridor in a manner that maintains free flowing traffic and provide an attractive gateway into the County.

Attachments:

- Portion of Appendix C – General Commercial District
- Shepherdstown Preferred Growth Area Future Land Use Guide

Jefferson County Zoning and Land Development Ordinance
As Amended June 1, 2014

APPENDIX C: PRINCIPAL PERMITTED USES TABLE²³

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Dwelling, Single Family	P	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	P	NP	NP	NP	NP	P	NP	NP	P	P	NP	NP	
Dwelling, Two Family	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	NP	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Dwelling, Multi-Family	NP	NP	NP	NP	NP	P	P	NP	P	P	NP	NP	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
Mobile Home	NP	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	NP	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	PC	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	NP	NP	NP	PC	NP	
Church	P	P	P	P	PC	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	PC	P	P	NP	NP	P	PC	NP	
Cultural Facility	P	P	P	P	PC	P	P	P	NP	P	P	P	
Day Care Center, Large	P	P	P	P	PC	P	P	NP	P	P	P	PC	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Elementary or Secondary School	P	P	PC	PC	NP	P	P	P	P	P	NP	NP	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
Heliport	NP	PC	PC	P	P	PC	PC	NP	NP	PC	PC	NP	
Hospital	NP	P	P	P	PC	P	P	P	P	P	NP	NP	
Nursing or Retirement Home	PC	P	P	P	NP	P	P	NP	P	P	NP	NP	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Preschool	P	P	PC	PC	PC	P	P	P	P	P	NP	NP	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	PC	
Industrial													
Recycling Drop-Off Center	PC	P	P	P	P	P	P	NP	NP	P	P	NP	Sec. 8.9
Residential Care Home	P	P	P	NP	NP	P	PC	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	NP	NP	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
Heavy Equipment Repair	NP	NP	PC	PC	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9

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APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23,27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial Continued													Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	**	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	PC	P	NP	NP	NP	NP	NP	PC	NP	
Manufacturing, Limited	NP	P	P	P	P	PC	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	PC ²	NP	NP	NP	NP	NP	PC ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	PC	PC	P	P	NP	NP	NP	NP	PC	P	NP	
Shooting Range, Outdoor	NP	NP	NP	PC	PC	NP	NP	NP	NP	NP	PC	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	PC	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	PC	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	PC	P	NP	NP	NP	NP	PC	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	PC	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Commercial Sawmills	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Explosive manufacture or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Jails and Prisons	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	
Petroleum products refining or storage	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	PC	PC	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	NP	NP	P	P	PC	
Appliance Sales	NP	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
ATM	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	NP	NP	P	P	NP	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	

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APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23,27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with Drive-Through Facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Campground	PC	P	NP	NP	NP	P	NP	NP	NP	P	P	NP	
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	PC	PC	NP	NP	PC	P	NP	
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Food Preparation	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	NP	NP	P	P	NP	
Kennel	NP	P	P	P	PC	P	P	P	NP	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	NP	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	

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APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Personal Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Professional Office	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant, Fast Food	PC	P	P	P	PC	P	P	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Fast Food, Drive-Through	NP	P	P	P	PC	PC	P	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Restaurant, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Restaurant	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Retail Sales Limited	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Retail Store, Large	NP	PC	P	PC	NP	PC	NP	NP	NP	PC	PC	NP	
Shipping and Mailing Services	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Storage, Commercial	NP	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Veterinary Services	P	P	P	P	PC	P	P	P	NP	P	P	NP	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Farm Brewery or Winery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	PC	P	P	P	P	P	P	P	NP	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	NP	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	NP	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	NP	P	P	NP	
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

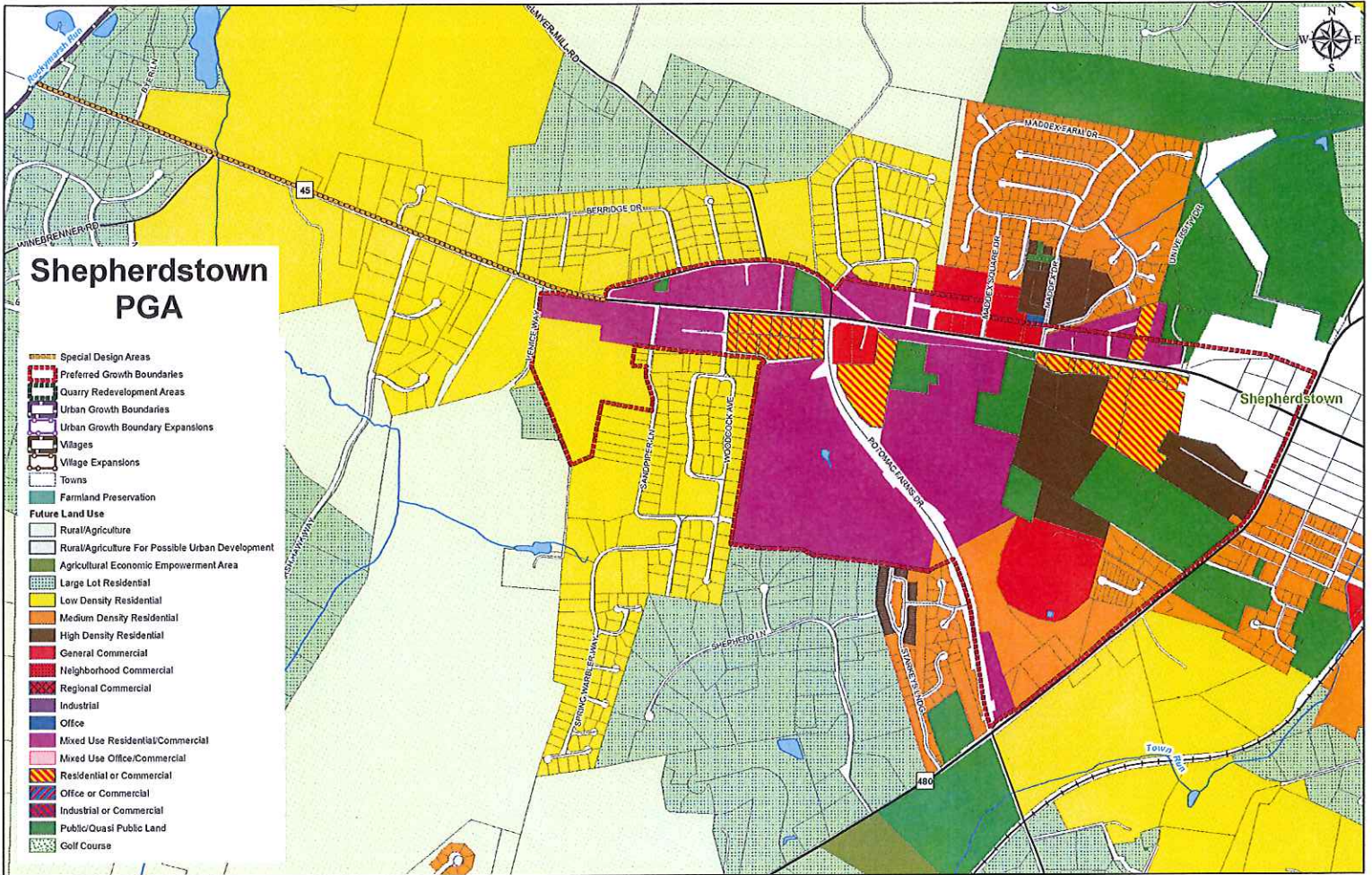
- NC Neighborhood Commercial
- GC General Commercial
- HC Highway Commercial
- LI Light Industrial
- MI Major Industrial
- PND Planned Neighborhood Development
- P Permitted Use
- NP Not Permitted Use
- PC Use Permitted Conditionally (subject to requirements of district and/or other requirements of this Ordinance)
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District

* Limited Permitted or Conditional Permitted Uses listed in Permitted Uses Table

** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4.

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this Ordinance

² Approval process is per the Salvage Yard Ordinance.



From: [Gloria Thatcher](#)
To: planningdepartment@jeffersoncountywv.org
Subject: Rezoning Map Amendment Request
Date: Wednesday, August 26, 2015 9:09:39 AM

We are responding to the request for a Zoning Map Amendment by property owner Charles M. Carter for the property located at 7174 Martinsburg Pike, designated as Tax District: Shepherdstown (09); Tax Map: 7; Parcel: 23 and 32.1. The property is currently zoned Residential Growth (RG), and request has been made to change all to the General Commercial (GC).

We live in the Heatherfield community and see no need for an additional commercial zone along Martinsburg Pike, particularly as the new commercial zone would front along an especially dangerous portion of that road. Going East to West, the road crests at the 7/11, intersects with Old Martinsburg Pike, curves to the right and concurrently begins a descent to intersect with Berridge Drive with an immediate raise thereafter to a speed limit of 55 MPH from 45. It is both difficult and dangerous to exit our community from Berridge Drive. From Berridge Drive neither can an exiting driver nor a west-bound driver see one another. There have been several accidents at this intersection; and, with the increased traffic from any commercial development, this problem will only be exasperated.

Further, with no indication of what Mr. Carter has planned, a designation of General Commercial would definitely have an effect on our whole residential community. We like living in our residential community and are opposed to any unknown commercialization.

We strongly urge that this property NOT be rezoned.

Robert and Gloria Thatcher, 126 Berridge Drive, P.O. Box 1764, Shepherdstown, WV 25443 Telephone No. 304 876-1397

From: [William Garrett](#)
To: planningdepartment@jeffersoncountywv.org
Subject: Request to rezone property (re a public hearing on Tuesday, Sept. 8)
Date: Sunday, August 30, 2015 3:42:34 PM

Since We can not be at the meeting on September 8, we would like to express our objection to the request to rezone property from residential to general commercial. This property is located across Rt. 45 from the Berridge Drive entrance into Heatherfield. The Berridge Drive exit is already hazardous intersection to exit onto Rt. 45 without adding a commercial entrance across from Berridge Drive. (The hill there creates a limited field of vision to determine when it is safe to pull out.)

Thank you for allowing our input,

Bill & Elaine Garrett
163 Billmyer Mill Rd
Shepherdstown, WV 25443

From: dkerr@usa.com
To: planningdepartment@jeffersoncountywv.org
Subject: Charles M. Carter property rezoning request
Date: Tuesday, September 01, 2015 2:40:37 PM

Charles M. Carter property at 7174 Martinsburg Pike Shepherdstown, WV has requested a rezoning of his property to General Commercial. We own the property at 7006 Martinsburg Pike and have a great many concerns if this property is rezoned to General Commercial. We have lived at this address since 1972 and have seen numerous accidents on this stretch of the road. Making this property Commercial would increase the volume of traffic making the highway more dangerous especially if the establishment sold liquor. The area currently has several school bus stops nearby and the added traffic could cause a serious accident involving a school bus. We realize the nature of the business would be a major factor but someone buying the property for one thing could resale it for a profit to an undesirable business. Also a lot of the residents in this area are on fixed incomes and being made to hook onto water and sewer could be a major hardship for many. Therefore, we would like to make the request that you leave the property zoned as it is residential. Thanks for your consideration of this matter.
David and Carolyn Kerr

From: JLMcDonel
To: Planningdepartment@jeffersoncountyva.org
Subject: Request for Zoning Change
Date: Tuesday, September 01, 2015 7:37:24 PM
Attachments: [Zoning Meeting.pdf](#)

Dear Sirs,

I have received a letter from you with the following subject:

"Notice to adjoining property owners of a Request for a Zoning Map Amendment received from Charles M. Carter for a 4.01 Ac. Combined acre property located at 7174 Martinsburg Pike at the intersection with Venice Way."

As owners of approximately 12 acres, part of which are contiguous with the 4 acres being discussed, I am attaching to this email a copy of a letter signed by my wife and me which is to serve two functions:

- 1) the expression of our position on this request and the rationale for that position (namely, we are opposed to the requested change).
- 2) verify that we have asked Mr. Gregory Lance, who we allow to make limited use of our 12 acres of land for hiking and other transient activities, to represent us at the meeting on September 8, 2015. We are unable to attend because of the distance from our home and work. Mr. Lance has the signed copy of this letter. If you require a signed copy, please let me know and I will provide one.

Please read through our position and rationale, which I believe should be the major consideration for considering this zoning change request.

Also feel free to contact me if you have any questions or require further information from us.

Thanks!

Dr. James L. McDonel
1355 Hidden View Rd SW
Roanoke, VA 24015
Cell Phone: 540-597-6537
email: JLMcDonel@cox.net

Jefferson County, West Virginia
Department of Planning
116 East Washington Street, 2nd Floor
Charles Town, West Virginia 25414

September 1, 2015

RE: "Notice to adjoining property owners of a Request for a Zoning Map Amendment received from Charles M. Carter for a 4.01 Ac. Combined acre property located at 7174 Martinsburg Pike at the intersection with Venice Way."

Dear Planning Commission,

I, James L. McDonel, and my spouse, Doris J. McDonel, are the owners of approximately 12 acres, part of which tract is contiguous with the above referenced property. Our signatures, address and contact information are given below.

Because both of us live in southwest Virginia, and have employment obligations that prevent us from attending the meeting on this request, we are signing below to empower Mr. Gregory Lance to represent our interests at the meeting. Nevertheless, I will state our position on this request as follows:

Land that currently is zoned either for single family residential or agricultural use should be considered for rezoning to commercial use only with the most compelling justification by the owner, and the most compelling community needs to support such a change. In other words, only if some very pressing need by the surrounding community is currently not being met, but could now be met by such a zoning change, should such a change even be considered, let alone granted.

Single family residential or agricultural use both are relatively narrowly-defined, with very limited latitude for abuse. Commercial use, on the other hand, can be extremely broad and carries the potential for a dramatic shift in surrounding property use and value. Even if the current owner were to offer a use plan that appeared reasonable, there is nothing to prevent a dramatic change in such plans once the commercial zoning is granted, either by the current owner, or a future owner whose plan of use could be far less reasonable.

It is difficult for us to imagine what dire pressing community, municipal, or county need could exist, let alone be ameliorated by commercial zoning, given the location and size of these 4 acres. They are only 2 miles from the center of Shepherdstown, and the vast majority of the properties surrounding the 4 acres are either agricultural or residential, with relatively low population density.

It is our strong opinion that there is no need to debate the merits, or lack thereof, of whatever plan of use the current owner would present because the simplest, most powerful and responsible standard should be that given above, namely, that a serious community deficit leading to community hardship has been previously identified, and this zoning change would promise to alleviate this hardship and deficit. The argument that an owner could theoretically make more money with land zoned commercial doesn't come close to a compelling argument. Were such an argument to be grounds for a zoning change, I would think many other property owners would follow suit and a land use disaster would be the outcome. We believe Jefferson County has a rich history of far better land management than that. As a result, we are opposed to a rezoning of these 4 acres being granted.

Continued:

Page 1 of 2

Planning Department

From: Cindy Webster <cindyw02@gmail.com>
Sent: Tuesday, September 01, 2015 5:35 PM
To: planningdepartment@jeffersoncountywv.org
Subject: Public Hearing Rezoning Property Charles M. Carter to General Commercial

August 31, 2015

Attention: Planning Commission Jefferson County, WV
Subject: Public Hearing Rezoning Property Charles M. Carter to General Commercial

Please be advised that we are opposed to the request for a zoning map amendment by property owner Charles M. Carter for the property located at 7174 Martinsburg Pike, designated as Tax District: Shepherdstown (09); Tax Map:7; Parcel: 23 and 32.1 currently zoned Residential Growth (RG) to that of General Commercial (GC).

The conversion of the property to General Commercial services no purpose as known, other than the asking that it be done. No need has been shown for such a change. Would not the granting of General Commercial entitle the property adjacent/adjoining the same right.? Is this a valid question, if one considers the surrounding properties? We would think that this would follow. Where does it stop? As the owner has shown no justifiable reason nor given any reason for conversion to GC other than just asking, can it be assumed it is being done so the property could be sold to others for use as they wish with the coveted General Commercial status. The owner of parcel 7/23 has enjoyed the benefits of being residential and parcel 7/32.1 a narrow strip of land paying a paltry rate as an empty lot. The property owner could have objected to his property being designated Residential when the county designated it as such. This is not Jefferson County of twenty years ago or even ten or five. The development in both residential and commercial growth must now be planned in order to promote the general welfare of all and not just one. Growth has been phenomenal! **Continued unabated assignment of a parcel here and there does not work now! The owner cannot have it both ways by changing his mind at his own will. He has enjoyed the benefits of being residential not only through taxes but also of not having a business of unknown enterprise next to him. He was given the same rights that we are asking to be given.**

The maturity of the County over the years has shown that it recognizes the need to protect both commercial and residential areas by the enactment of planning and zoning regulations. Should this not be the case, then any resident in a residential area could request such a change to the detriment of local property owners. This would be a precedent cited for anyone wanting to change their property from RG to GC. **Again, no information or justification has been provided for the rezoning.**

Furthermore, the granting of the zoning to general commercial would be detrimental to property owners in the area allowing for a business or businesses to operate in a manner inconsistent with that of a residential area. The county in developing RG and GC recognized this by assigning the area as RG. This granting as a GC could include a business/ businesses such as so called Gentlemen's Clubs or Bars that would interfere with the enjoyment, welfare, property value, and safety of surrounding residents. **Other unknown named businesses could do the same.** There is enough designated commercial property/areas available and being developed for those who wish to establish a business in other GC areas close by to the present RG area. Why does this area need to be changed? This area to our knowledge is not even in the Shepherdstown future growth area plan. Additionally, the necessary services such as sewage for Commercial Growth is not presently available for the property described. These needs along with additional requirement for services from the Sheriff's department along with the increased traffic in an area where there have been numerous accidents are further grounds for

dismissal. There are far too many accidents and near misses in this area. When talking with local residents, the near misses, are only prevented by them recognizing the danger associated with the area or with just being lucky or should we say by the grace of God. Some have not been that fortunate to escape. Under the present conditions, I do not see a resolution to the traffic issue in this area due to the speed limits, consideration of other properties/developments entering Route 45, and physical hindrances such as line of sight.

We do not consider ourselves anti-growth. There are designated areas for commercial and residential. It is of major importance that this be enforced. One can say, there are other business in the area. However, there was an established endpoint both in time and location, and the county has done so have by designating certain areas as RG or GC. This was done because of complaints raised by citizens and County members themselves who recognized the need to control unregulated development. **Not a "parcel here and there" fits in with the county's plan and assigned zoning requirements.** The county did this in recognizing the need for a growing Jefferson County. **We view the changing of the property as described above from RG to GC is without merit and fails to meet the criteria established by the County, and we REQUEST THAT IT BE DENIED.**

Cynthia H. & Roger A. Webster

[142 Berridge Drive](#)

[Shepherdstown, WV 25443](#)

Sent from my iPad

From: goffstream@comcast.net
To: planningdepartment@jeffersoncountywv.org
Subject: Changing of Charles Carter property to commercial
Date: Tuesday, September 08, 2015 12:08:53 AM

To Whom it May Concern:

My name is Gindy Goff, and I currently reside at 55 Sycamore Hill Drive in Shepherdstown. This is a small road right off of WV 45, right past the Charles Carter property, located at 7174 Martinsburg Pike.

I am writing to you because I am vehemently opposed to the rezoning of this property as commercial. I will outline these reasons below:

1. This land is currently zoned as residential. I live here with my husband and 2 children, ages 11 and 8. One of the reasons we moved here was to get out of the town. We lived in Chaplins Choice with the Maddex Square shopping center adjacent to our back yard. There was increased traffic, noise, and crime. I do not live in town because I appreciate the quiet atmosphere of a small residential neighborhood. I am sure that many of my neighbors would agree and moved to this area for similar reasons.

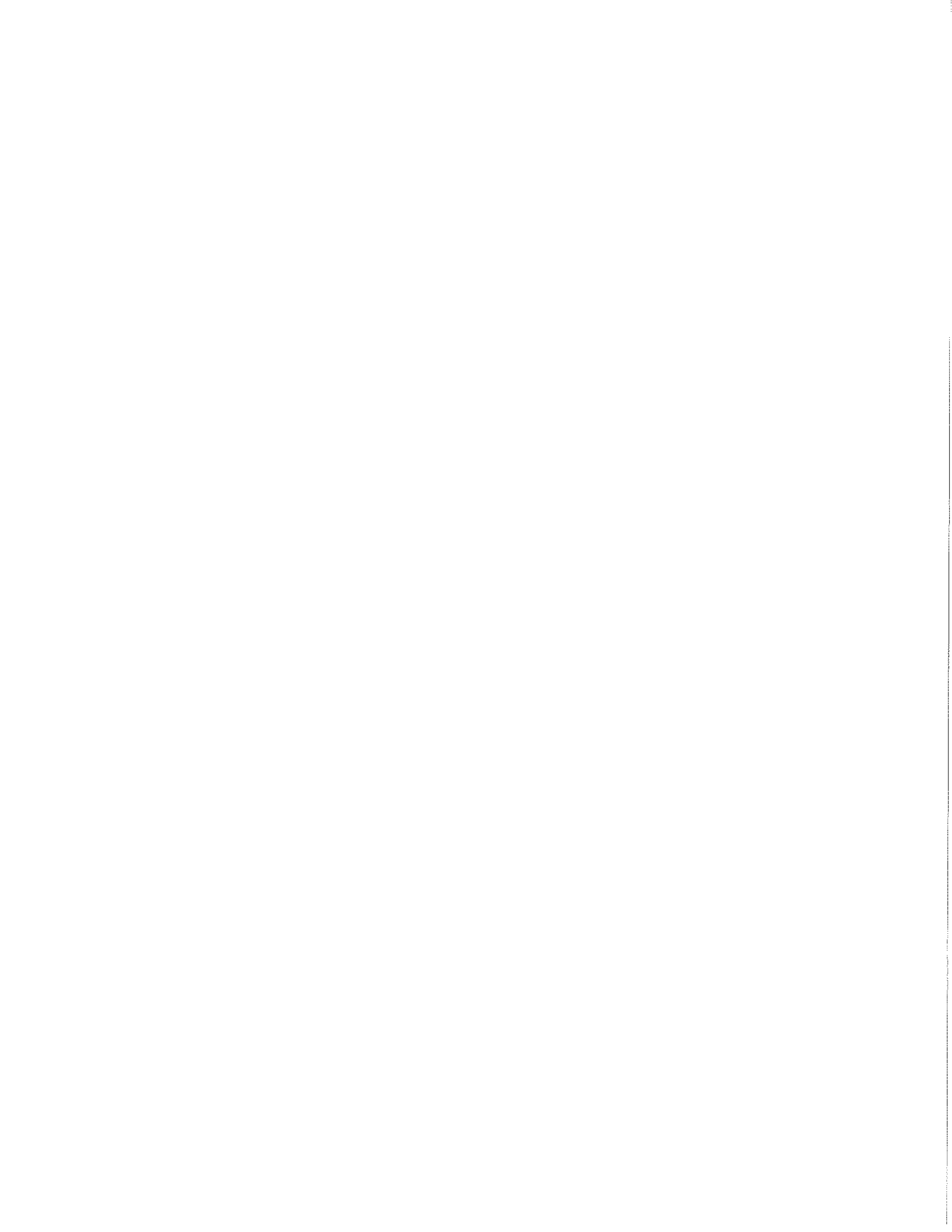
2. I am concerned that this "Commercial" property would add to an already dangerous traffic situation on Route 45. Unfortunately, I have been involved in a car accident waiting to turn off of 45. An increase of traffic on this stretch of 45 (which happens to be near a curve) would only cause more accidents, injuries, and possibly death(s).

3. The definition of "commercial" encompasses many different things. The current owner's proposal may seem innocent enough, but if it does not work out, the "commercialization" of the property opens the door to convenience stores, restaurants, or gas stations among other things.

Once again, I ask you to please consider the current residents of this area, and please deny Mr. Carter's request to rezone his property as commercial.

Thank you for your time and consideration of this matter.

Sincerely,
Gindy K. Goff



Impact Fee Status Report

August 2015

Office of Impact Fees

Summary

Date Range: Saturday 1 through Monday 31 August 2015

Report Date: 1 September 2015

Process Number Range: 1500248 - 1500259

Total Applications: 12

Total Non-Exempt: 12

Of which:

Commercial: 1

Residential:

Of which:

County: 7

Municipal: 4

Total Exempt: 0

Of which:

Commercial: 0

Residential: 0

Of which:

County: 0

Municipal: 0

Tables 1 through 7 summarize impact fee processing for August 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 August 2015	0	1	11	12
Fees collected		\$3.00	\$63,713.00	\$63,716.00
<i>Of which</i>				
School Impact Fee			\$57,848.00	\$57,848.00
Law Enforcement Fee		\$0.00	\$1,127.00	\$1,127.00
Parks & Recreation Fee			\$4,270.00	\$4,270.00
EMS Fee		\$3.00	\$468.00	\$471.00

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

Description	Amount
Opening Statement Balance (1 August 2015)	\$129,227.09
August Deposits (1 – 31 August 2015)	\$63,716.00
School July Transactions (withdraws via transfer on 10 August 2015)	(\$116,918.78)
Law July Transactions (withdraws via transfer on 10 August 2015)	(\$2,581.86)
Parks & Rec July Transactions (withdraws via transfer on 10 August 2015)	(\$8,763.02)
EMS July Transactions (withdraws via transfer on 10 August 2015)	(\$963.43)
Interest Earned (31 August 2015)	\$24.77
Ending Statement Balance (31 August 2015)	\$63,740.77
<i>Outstanding Credits (deposits through 1 September 2015)</i>	<i>\$0.00</i>

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

Description	Amount
Opening Balance (1 August 2015)	\$1,460,943.04
July Transactions (deposits via transfer on 10 August 2015)	\$116,918.78
Interest Earned (31 August 2015)	\$655.63
Ending Balance (31 August 2015)	\$1,578,517.45

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

Description	Amount
Opening Balance (1 August 2015)	\$54,868.15
July Transactions (deposits via transfer on 10 August 2015)	\$2,581.86
Interest Earned (31 August 2015)	\$24.08
Ending Balance (31 August 2015)	\$57,474.09

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

Description	Amount
Opening Balance (1 August 2015)	\$267,650.85
July Transactions (deposits via transfer on 10 August 2015)	\$8,763.02
Requisition 15R0115 - Hite Park Phase I (Outstanding Debit)	(\$59,664.65)
Interest Earned (31 August 2015)	\$116.30
Ending Balance (31 August 2015)	\$216,865.52

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

Description	Amount
Opening Balance (1 August 2015)	\$164,528.78
July Transactions (deposits via transfer on 10 August 2015)	\$963.43
Interest Earned (31 August 2015)	\$70.16
Ending Balance (31 August 2015)	\$165,562.37

Table 7. Total Impact Fees as of 1 September 2015 /1

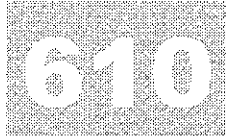
Description	Amount
Office of Impact Fees General Account	\$63,740.77
School Impact Fee Account	\$1,578,517.45
Law Enforcement Fee Account	\$57,474.09
Parks & Recreation Impact Fee Account	\$216,865.52
EMS Impact Fee Account	\$165,562.37
Total Impact Fees	\$2,082,160.20

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

Table 8. Pending August 2015 Fee Transfers /1

Account	31 August 2015 Account Totals	Pending Impact Fee Transfers	Account Totals
School Impact Fee Account	\$1,578,517.45	\$57,870.54	\$1,636,387.99
Law Enforcement Fee Account	\$57,474.09	\$1,127.25	\$58,601.34
Parks & Recreation Impact Fee Account	\$216,865.52	\$4,271.73	\$221,137.25
EMS Impact Fee Account	\$165,562.37	\$471.25	\$166,033.62
Total Impact Fees	\$2,018,419.43	\$63,740.77	\$2,082,160.20

/1 This table represents each of the impact fee category account totals as of 31 August 2015 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in August 2015 are listed in table 1 of the General Account (3111776); these transactions will be processed in September 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 Saturday 1 through Monday 31 August 2015

Process Number	Date	Last Name	First Name	Fee District	Dist. Bank	Dist. Page	Tax Map	Parcel	Impact Fees Collected	Date	Exemption Reason
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Exempt Applications

Category Count: 0	Category Total	\$0.00
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Non-Exempt Applications

1500248	08/12/2015	CD DG Charles		03 Charles Town	.	.	12	12 & 17	\$3.00	08/12/2015	N/A
1500249	08/14/2015	Dodson	Robert	08 Ranson Corp	1155	656	5	102	\$3,456.00	08/14/2015	N/A
1500250	08/14/2015	Dodson	Robert	08 Ranson Corp	1155	656	5	102	\$3,456.00	08/14/2015	N/A
1500251	08/14/2015	Smoot	Roy	03 Charles Town	1148	158	15	8.5	\$6,186.00	08/14/2015	N/A
1500252	08/17/2015	Edwards	Gordon and	06 Kabletown	1058	735	20A	7	\$6,347.00	08/17/2015	N/A
1500253	08/18/2015	Corbin	Norman & Lora	06 Kabletown	1127	105	6D	238-720	\$6,347.00	08/18/2015	N/A
1500254	08/19/2015	Bittle	Bryan	07 Middleway	1127	103	14	1.15	\$6,347.00	08/19/2015	N/A
1500255	08/20/2015	Heather	Arcadia	03 Charles Town	23	67	12A	216	\$6,186.00	08/20/2015	N/A
1500256	08/24/2015	Curtin	Chris and Cindy	09 Shepherdstown	1130	253	18	6.2	\$6,347.00	08/24/2015	N/A
1500257	08/26/2015	Dan Ryan		04 Harpers Ferry	1129	541	9D	155	\$6,347.00	08/26/2015	N/A
1500258	08/26/2015	Dan Ryan		04 Harpers Ferry	1129	541	9D	163	\$6,347.00	08/26/2015	N/A
1500259	08/28/2015	Propst	Paul	02 Charles Town	1160	578	21	52.3	\$6,347.00	08/28/2015	N/A

Category Count: 12	Category Total	\$63,716.00
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TOTAL APPLICATIONS: 12	Grand Total	\$63,716.00
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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, 1 September, 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 August 2015.

This transfer consists of two components:

- Impact Fee Process Numbers **1500248** through **1500259**, inclusive. Within this range there were 11 non-exempt impact fee payments. This amounts to **\$57,848.00**.
- Interest earned by the Office of Impact Fees General Account in August 2015 amounts to **\$24.77**, of which **\$22.54** is attributed to fees collected for Schools.

As per the attached invoice, the total amount of this transfer is **\$57,870.54**.

Check # 1008

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 15033

Date: 9/1/2015

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 August 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). \$57,848.00

Interest earned by the Office of Impact Fees General Account August 2015. \$22.54

Impact Fee Process Numbers 1500248 through 1500259, inclusive. Within this range, there were 11 non-exempt impact fee payments.

Total: \$57,870.54

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

Check Number: 1008



Account Withdraws
Office of Impact Fees - Jefferson County Government

Account 3111776

Schools

Check Number 1008

Trace 20150901:36862.86

Date 9/1/2015 Series 1

Recipient Sheriff of Jefferson County

Account 3107582

Amount \$57,848.00

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 August 2015.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
8/13/2015	1500248	2003-3	11/24/2005	\$0.00
8/17/2015	1500249	2003-3	11/24/2005	\$3,274.00
8/17/2015	1500250	2003-3	11/24/2005	\$3,274.00
8/17/2015	1500251	2003-3	11/24/2005	\$5,700.00
8/18/2015	1500252	2003-3	11/24/2005	\$5,700.00
8/19/2015	1500253	2003-3	11/24/2005	\$5,700.00
8/20/2015	1500254	2003-3	11/24/2005	\$5,700.00
8/21/2015	1500255	2003-3	11/24/2005	\$5,700.00
8/25/2015	1500256	2003-3	11/24/2005	\$5,700.00
8/27/2015	1500257	2003-3	11/24/2005	\$5,700.00
8/27/2015	1500258	2003-3	11/24/2005	\$5,700.00
8/28/2015	1500259	2003-3	11/24/2005	\$5,700.00

Total amount for this withdraw \$57,848.00

Total amount for this account \$57,848.00

Total amount all accounts \$57,848.00

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, 1 September, 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 August 2015.

This transfer consists of two components:

- Impact Fee Process Numbers **1500248** through **1500259**, inclusive. Within this range there were 7 non-exempt impact fee payments. This amounts to **\$1,127.00**.
- Interest earned by the Office of Impact Fees General Account in August 2015 amounts to **\$24.77**, of which **\$0.25** is attributed to fees collected for Law Enforcement.

As per the attached invoice, the total amount of this transfer is \$1,127.25.

Check # 1009

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 15034

Date: 9/1/2015

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 August 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). \$1,127.00

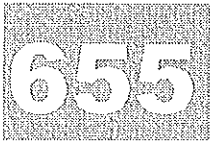
Interest earned by the Office of Impact Fees General Account August 2015. \$0.25

Impact Fee Process Numbers 1500248 through 1500259, inclusive. Within this range, there were 7 non-exempt impact fee payments.

Total: \$1,127.25

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

Check Number: 1009



Account Withdraws
Office of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 1009

Trace 20150901:36938.2

Date 9/1/2015 Series 2

Recipient Sheriff of Jefferson County

Account 3120120

Amount \$1,127.00

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 August 2015.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
8/13/2015	1500248	2005-1	3/22/2005	\$0.00
8/17/2015	1500249	2005-1	3/22/2005	\$0.00
8/17/2015	1500250	2005-1	3/22/2005	\$0.00
8/17/2015	1500251	2005-1	3/22/2005	\$0.00
8/18/2015	1500252	2005-1	3/22/2005	\$161.00
8/19/2015	1500253	2005-1	3/22/2005	\$161.00
8/20/2015	1500254	2005-1	3/22/2005	\$161.00
8/21/2015	1500255	2005-1	3/22/2005	\$0.00
8/25/2015	1500256	2005-1	3/22/2005	\$161.00
8/27/2015	1500257	2005-1	3/22/2005	\$161.00
8/27/2015	1500258	2005-1	3/22/2005	\$161.00
8/28/2015	1500259	2005-1	3/22/2005	\$161.00
Total amount for this withdraw				\$1,127.00
Total amount for this account				\$1,127.00
Total amount all accounts				\$1,127.00

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, 1 September, 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 August 2015.

This transfer consists of two components:

- Impact Fee Process Numbers **1500248** through **1500259**, inclusive. Within this range there were 11 non-exempt impact fee payments. This amounts to **\$4,270.00**.
- Interest earned by the Office of Impact Fees General Account in August 2015 amounts to **\$24.77**, of which **\$1.73** is attributed to fees collected for Parks & Recreation.

As per the attached invoice, the total amount of this transfer is \$4,271.73.

Check # 1010

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 15035

Date: 9/1/2015

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 August 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). \$4,270.00

Interest earned by the Office of Impact Fees General Account August 2015. \$1.73

Impact Fee Process Numbers 1500248 through 1500259, inclusive. Within this range, there were 11 non-exempt impact fee payments.

Total: \$4,271.73

Notes/Comments Transfer of funds into Parks & Recreation Impact Fee Account (3122808).

Check Number: 1010



Account Withdraws
Office of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 1010

Trace 20150901:36980.11

Date 9/1/2015

Series 3

Recipient Sheriff of Jefferson County

Account 3122808

Amount \$4,270.00

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 August 2015.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
8/13/2015	1500248	2005-2	5/12/2005	\$0.00
8/17/2015	1500249	2005-2	5/12/2005	\$164.00
8/17/2015	1500250	2005-2	5/12/2005	\$164.00
8/17/2015	1500251	2005-2	5/12/2005	\$438.00
8/18/2015	1500252	2005-2	5/12/2005	\$438.00
8/19/2015	1500253	2005-2	5/12/2005	\$438.00
8/20/2015	1500254	2005-2	5/12/2005	\$438.00
8/21/2015	1500255	2005-2	5/12/2005	\$438.00
8/25/2015	1500256	2005-2	5/12/2005	\$438.00
8/27/2015	1500257	2005-2	5/12/2005	\$438.00
8/27/2015	1500258	2005-2	5/12/2005	\$438.00
8/28/2015	1500259	2005-2	5/12/2005	\$438.00
Total amount for this withdraw				\$4,270.00
Total amount for this account				\$4,270.00
Total amount all accounts				\$4,270.00

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, 1 September, 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 August 2015.

This transfer consists of two components:

- Impact Fee Process Numbers **1500248** through **1500259**, inclusive. Within this range there were 12 non-exempt impact fee payments. This amounts to **\$471.00**.
- Interest earned by the Office of Impact Fees General Account in August 2015 amounts to **\$24.77**, of which **\$0.25** is attributed to fees collected for EMS.

As per the attached invoice, the total amount of this transfer is \$471.25.

Check # 1011

Jefferson County Commission

P.O. Box 250
Charles Town, WV 25414

Invoice

Number: 15036

Date: 9/1/2015

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 August 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). \$471.00

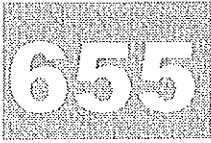
Interest earned by the Office of Impact Fees General Account August 2015. \$0.25

Impact Fee Process Numbers 1500248 through 1500259, inclusive. Within this range, there were 12 non-exempt impact fee payments.

Total: \$471.25

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

Check Number: 1011



Account Withdrawals
Office of Impact Fees - Jefferson County Government

Account 3111776

Fire & EMS

Check Number 1011

Trace 20150901:37022.59

Date 9/1/2015 Series 4

Recipient Sheriff of Jefferson County

Amount \$471.00

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 August 2015.

Deposit Date	Process Number	Ordinance	Enact Date	Amount
8/13/2015	1500248	2005-3	5/12/2005	\$3.00
8/17/2015	1500249	2005-3	5/12/2005	\$18.00
8/17/2015	1500250	2005-3	5/12/2005	\$18.00
8/17/2015	1500251	2005-3	5/12/2005	\$48.00
8/18/2015	1500252	2005-3	5/12/2005	\$48.00
8/19/2015	1500253	2005-3	5/12/2005	\$48.00
8/20/2015	1500254	2005-3	5/12/2005	\$48.00
8/21/2015	1500255	2005-3	5/12/2005	\$48.00
8/25/2015	1500256	2005-3	5/12/2005	\$48.00
8/27/2015	1500257	2005-3	5/12/2005	\$48.00
8/27/2015	1500258	2005-3	5/12/2005	\$48.00
8/28/2015	1500259	2005-3	5/12/2005	\$48.00
Total amount for this withdraw				\$471.00
Total amount for this account				\$471.00
Total amount all accounts				\$471.00

Received

SEP 09 2015

League of Women Voters of Jefferson County
PO Box 1393
Shepherdstown, WV 25443

Jefferson County Commission

September 8, 2015

Dear Members of the Jefferson County Commission:

The League of Women Voters of Jefferson County will host a two part program this fall on the county budget process. Entitled "Budget 101", we hope to give community members an overview of how the budget process works and how state law affects local budget options.

The first session will be 7 PM Thursday September 24 at the Robert Byrd Legislative Center in Shepherdstown. Ora Ash, Director of the Local Government Services Division for the West Virginia State Auditor, will be the speaker. Mr. Ash will explain how state guidelines, rules and regulations affect the county budget process and highlight trends across the state. He will also discuss what his office looks for when approving county budgets

The second session is tentatively scheduled for Thursday, October 29 (the League has requested use of the commission meeting room), This session will focus on how the budget for Jefferson County is prepared, the timeline for adoption, the role of citizen input and budget issues you expect to face in the coming fiscal year.

We would like to ask your assistance as we prepare the second session. Hopefully providing information about the budget process will promote more citizen interest and involvement in this critical aspect of county government. We will meet with the county administrator soon to talk about how we might work together on this important topic.

As always, the League of Women Voters appreciates your support of making local government more transparent and more understandable.

Sincerely,



Debbie Royalty, President



State of West Virginia

Glen B. Gainer III

State Auditor

Office of the State Auditor
Local Government Services
200 West Main Street
Clarksburg, West Virginia 26301

Toll Free: (877) 982-9148
Telephone: (304) 627-2415
Fax: (304) 627-2417
www.wvsao.gov

August 26, 2015

To: ALL WEST VIRGINIA COUNTY COMMISSIONERS

We have recognized that many of our local boards and authorities are unaware of some of the laws, regulations and reporting requirements for which they are responsible. We have decided to provide training to members and staff of the municipal and county boards and authorities. Since we do not know what boards and authorities you have, we are asking you to forward this information to them. To make it easier to attend we are having these seminars at five different locations throughout the state. These seminars are free to attend but we need for everyone to pre-register so we know how many people will be in attendance.

Not only will attendees get the opportunity to meet with some of my staff, they will also be able to network with other attendees on issues that may be important to their agency. These training events have been designed to assist boards and authorities with obtaining necessary skills and knowledge for adequate controls and oversight relating to the financial reporting and internal control process. We will be providing certificates to attendees that, when shown to the auditor, will help alleviate the audit finding titled 'Controls Over Financial Statement Preparation'. Enclosed you will find the agenda and registration forms for these training events.

If you have any questions concerning these seminars, please contact our Local Government Services Staff at 304-627-2415.

Sincerely,

A handwritten signature in blue ink that reads "Glen B. Gainer, III".

Glen B. Gainer, III
West Virginia State Auditor



2015 West Virginia State Auditor's Training Seminar for County and Municipal Boards and Authorities

State Auditor Glen B. Gainer III, through his Local Government Services Division, is pleased to extend this invitation to the Annual Training Seminars for County and Municipal Boards and Authorities during the month of October at various locations throughout West Virginia.

<u>City</u>	<u>Seminar Date</u>	<u>Location</u>	<u>Registration Deadline</u>
Bridgeport, WV	Friday, October 2	Best Western 100 Lodgeville Rd., Bridgeport,	Sept. 25
Wheeling, WV	Wednesday, October 7	Oglebay Conference Center 465 Lodge Dr., Wheeling	Sept. 30
So Charleston, WV	Thursday, October 15	Holiday Inn & Suites 400 Second Ave., So Charleston	October 8
Beckley, WV	Wednesday, October 21	Holiday Inn & Suites 114 Dry Hill Rd., Beckley	October 14
Martinsburg, WV	Thursday, October 29	Holiday Inn & Suites 301 Foxcroft Ave., Martinsburg	October 22

The registration fee has been waived, however, pre-registration is required.
*Although the fee has been waived, we must receive your registration **before** the deadline in order to have available space as well as food and beverages. Lunch will be provided.*

If we do not receive an adequate response for a particular location we may have to cancel the seminar for that location.

Return this registration form no later than the deadline for the specific seminar. Please feel free to **make copies of this form for additional attendees**. For questions concerning these seminars contact: Ora Ash, (304) 627-2415, ext. 5114 Email: ora.ash@wvsao.gov

County and Municipal Boards & Authorities
ONE NAME PER FORM PLEASE

FREE TO ATTEND, BUT YOU MUST REGISTER!

Name: _____ Board or Authority: _____

Mailing Address: _____

Telephone: _____ Fax: _____

Mail to: **Karen Drain, Admin. Support
Boards & Authorities Training
200 West Main Street
Clarksburg, West Virginia 26301**

FAX TO: 304-627-2417

<input type="checkbox"/> Bridgeport, October 2	<input type="checkbox"/> Beckley, October 21
<input type="checkbox"/> Wheeling, October 7	<input type="checkbox"/> Martinsburg, October 29
<input type="checkbox"/> So Charleston, October 15	

IMPORTANT: If unable to attend after registering, please call our office at 304-627-2415 to cancel.



2015 State Auditor's Seminar for Municipal and County Boards and Authorities

AGENDA

- 8:00 - 9:00 AM **Registration**
- 9:00 AM **Welcome**
 Ora L. Ash, Deputy State Auditor
- 9:05 AM **Local Government Purchasing Card Update and Q&A**
 Jack Berry, West Virginia State Auditor's Office
- 9:20 AM **Internal Controls and Fraud Prevention**
 Shellie Humphrey, West Virginia State Auditor's Office
- 10:05 AM **Break**
- 10:15 AM **How the Ethics Laws Affect You**
 Video Presentation
- 11:00 AM **Taxable Fringe Benefits and Employee vs. Contract Labor**
 Shellie Humphrey, West Virginia State Auditor's Office
- 12:00PM **Lunch (provided)**
- 1:00 PM **Roberts Rules of Order**
 John Sorrenti, West Virginia State Auditor's Office
- 2:00 PM **Break**
- 2:10 PM **Open Meetings and Setting Agendas**
 Video: Howard E. Seufer, Jr., Partner, Bowles Rice,
 Attorneys at Law
- 3:15 PM **What Does an Audit Tell You and How Do You Get One?**
 Shellie Humphrey, West Virginia State Auditor's Office
- 3:40 PM **Good to Know Information About Your Board's/Authority's
Obligations and Responsibilities**
- 4:00 PM **Adjournment**



KEEP JEFFERSON BEAUTIFUL, Inc.

PO Box 268, Charles Town, WV 25414

Litter Line (304) 728-0430

Email: curtishsharp@netscape.com

September 2015

Its time to send best greetings to all members, friends and supporters of Keep Jefferson Beautiful (KJB). We are now just two years away from our twentieth anniversary and find ourselves as busy as ever with efforts to help bring about a cleaner Jefferson County. Initially, we wish to renew our plea for any and all assistance county residents who share our environmental concerns can provide. As you may know from our previous newsletters, we have a continuous need for additional KJB members and volunteers willing and able to adopt either a Jefferson County road or spot. The program for adopting a "Spot" was started in West Virginia just a few short years ago and has been a successful supplement to the long established WV Adopt-A-Highway program.

KJB held a public meeting on April 29, 2015 at the Old Charles Town Library to discuss expansion of the Adopt-A-Highway/Spot programs in Jefferson County. Two County Commissioners attended in addition to representatives from the Department of Environmental Protection, the Division of Highways and several interested county residents. Refreshments were provided courtesy of two local businesses, Insurance Outfitters and Whale-of-a-Wash from Shepherdstown. Billy Madert from the county Solid Waste Authority presented a new GPS map of adopted roads and spots (more on the map below). There was a good discussion of safety issues for groups cleaning their road and the possibility of assistance from the Sheriff's Department to help control traffic on cleanup days. KJB is hoping to soon meet with a representative from the Sheriff's Department to discuss the availability of deputies to provide safety assistance to cleanup volunteers, particularly on those adopted roads which are considered dangerous. KJB will consider holding a similar public meeting annually open to all county residents.

At the present time, WV Department of Environmental Protection (DEP) records indicate that there are a total of 55 adoptions in Jefferson County, mostly roads and a handful of spots. When KJB was founded in 1997 there were about 40-45 adoptions county wide. We reached a high point some years ago when we reached 65-66. Jefferson County has 485 miles of primary and secondary roads eligible for adoption. The 55 adopted roads clean about 110 miles, or 22.9 percent of county roads.

We have recently finished with our 18th consecutive year of KJB presence at the Jefferson County Fair. This year we believe we have added 4 or 5 new adoptions. We also obtained one new KJB member at the fair, and maybe one or two more yet to come. The biggest reward for KJB participation at the annual fair is the opportunity to show and tell the public who we are and what we are trying to accomplish. Our message is consistently greeted with enthusiastic support, not surprising since those who talk to us are already "on board" so to speak. Given the annual opportunity to show county residents what we are about serves KJB well and we plan to continue fair participation so long as we have the human and financial resources to do so.

KJB is embarking on a new initiative which we want all to know about. Over the past year we have generated increased cooperation with the Jefferson County Solid Waste Authority. For many years, we have had a constructive and beneficial relationship with JCSWA. This year through the joint effort of the Authority's new

Director, Billy Madert, KJB's Curtis Sharp, and Todd Fagan of the Jefferson County GIS Department, we now have a new GPS based map of all adopted roads and spots in Jefferson County. The GIS Department and Billy have put the map on a large document which we displayed at the fair. The map not only shows every adoption but also shows the name of the adopting individual or group. Of course, we plan to keep the map up to date and to have copies available upon request.

Another initiative we hope to launch this autumn is designed to greatly increase the number of adoptions in Jefferson County. To accomplish this, we are contacting members of four types of organizations: business, civic, religious and homeowners associations. In the past, KJB has held itself out in the public square in hopes that civic minded individuals and groups would respond to the need for adoptions and, as noted above, over the years many have answered that need. A further push is called for now.

Last, but certainly not least, we turn our attention to KJB finances. Over the years, we have come to know that KJB needs about \$500 annually to meet expenses. The primary costs are for our booth at the county fair, rental of our post office box in Charles Town, and printing and postage of this our annual newsletter. At the present time our bank account has less than \$50. In order to continue operating KJB for the coming year, we need at least \$500 as soon as possible. Our basic annual membership fee is \$25.00 and we solicit that amount from all KJB members. Recognizing that not everyone receiving this newsletter is/has been a KJB member, we respectfully request you consider a \$25.00 membership to support the sustainability of our ongoing 18 year effort to bring about a cleaner Jefferson County. Of course, any amount you can give is always welcome and we thank you.

Best wishes to all! Remember the WV statewide cleanup is scheduled for two weeks; the week before and the week after Saturday, September 26, 2015. Don't forget to report your cleanup to DEP in Charleston. Without your report, DEP has no way of knowing that you are participating and adopters who do not report are eventually dropped from the program.

Curtis Sharp

John DeGurse


Hank Waller

Comm. Manuel



MEMORANDUM

TO: All City and County Chief Elected Officials
Regional Planning and Development Councils
West Virginia Parks and Recreation Association
Other Interested Parties

FROM: Mary Jo Thompson, Director 
Community Development Division

DATE: September 1, 2015

SUBJECT: **FY 2015 LAND AND WATER CONSERVATION FUND (LWCF) NOTICE:
INVITATION TO SUBMIT APPLICATIONS**

This invitation to submit LWCF applications for 50 percent funding of outdoor recreation projects for the Fiscal 2015 funding cycle is being announced in response to the State's apportionment notice, in the approximate amount of \$457,000. Based on demand, we expect to recommend funding one grant up to \$100,000 (project total cost, \$200,000), three grants up to \$60,000 (each project totaling \$120,000), and four grants of \$30,000 or less (each \$30,000 project totaling \$60,000; lesser grants with corresponding 50-percent matches). To allow for minor deviations from these proposed grant limits, the Community Development Director reserves the right to adjust award recommendations by ten percent with the remaining, unobligated fund balance at any time during the funding cycle.

Complete, single applications will be due in our office on or before **5:00 PM, Tuesday, December 1, 2015**. LWCF application forms are available for download from the National Park Service at this hyperlink: <http://www.nps.gov/ncrc/programs/lwcf/PD-ESF%20final.doc>. All projects must be justified in accordance with priorities of the West Virginia Statewide Comprehensive Outdoor Recreation Plan (SCORP). For the 2015-2020 period, priorities will be given to capital repairs or replacement of physically or functionally obsolescent facilities or areas, barring projects judged to be the result of neglect or inadequate maintenance. Prioritized projects will reflect one or more of the following four conditions:

- Reasonable maintenance and repairs are not sufficient to keep the area or facility operating;
- Changing recreational needs dictate a change in the type of facilities provided;
- Park operating practices dictate a change in the type of facilities required; and/or,
- The recreation area or facility is destroyed by fire, natural disaster, or vandalism.

Other projects which encourage healthy lifestyles, community revitalization or the acquisition of natural areas in support of trails development will also be considered. Phased projects are eligible, however each phase needs to result in a "stand alone" improvement not dependent on subsequent funding for completion.

Besides funding priorities, our Open Project Selection Process (OPSP) evaluates projects according to a number of criteria including the following: use of other resources-- including public engagement, applicant's history of prior awards, deferred maintenance, land use conversions, any prior or current lack of progress with construction, any private sector competition, lack or progress in providing handicapped accessibility, and the merits of the project's design as it relates to its completeness, quality and readiness to be bid. Major application errors and omissions include: lack of detailed budgets, lack of plans, lack of documented match, lack of SHPO or other environmental clearance, lack of USAFLA-qualified appraisal on land acquisitions, land acquisition without development, and/or a missing narrative for the project's description or justification.

Trial applications are encouraged prior to the December due date to allow the staff to advise and recommend any changes or additions necessary to have a complete application. We **strongly** recommend prior contact with either Jim Marshall or John McGarrity of our staff at 304-558-2234 or by email to james.s.marshall@wv.gov or john.r.mcgarritty@wv.gov. Early contact helps establish the eligibility of the project sponsor, project, and site as well as any major details for a potential grant application. Please call our office should you have any questions about our LWCF program or this information.

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

Week Ending Date

**FY16
August 29, 2015**

To be Deposited on:

September 4, 2015

Amount Played	64,391,814.92
Amount Won	57,979,008.86
Amount Promo	286,341.00
MWAP Contribution	<u>2,674.20</u>
Adjusted Gross Terminal Revenue	<u>6,123,790.86</u>
Administrative Costs @ 4%	244,951.64
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,878,839.22</u>
Surcharge @ 10%	0.00
State Share Excess @ 58% & 10% of 42%	0.00
Track Share of Capital Reinvestment @ 90% of 42%	<u>0.00</u>
<i>Track Share of Capital Reinvestment @ 96%</i>	<i>0.00</i>
<i>Track Share of Capital Reinvestment @ 4%</i>	<i>0.00</i>
Adjusted Net Terminal Revenue	<u>5,878,839.22</u>
Racetrack @ 46.50% / 42%	2,733,660.24
Lottery Fund @ 30% / 0%	1,763,651.72
Excess Lottery Fund @ 0% / 41%	0.00
Excess Lottery Fund @ 12.85% / 9.55%	755,430.87
Race Track Purses @ 90% of 7% / 4%	370,366.87
Employee Pension Fund @ 1% / .5%	58,788.40
Greyhound Development @ 90% of .75%	39,682.16
Thoroughbred Development @ 90% of .75%	39,682.16
County/Municipality @ 2%	<u>117,576.80</u>
	<u>5,878,839.22</u>

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	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/29/15	\$ 117,576.80	\$ 73,285.10	\$ 44,291.70	\$ 3,512.33	\$ 17,672.39	\$ 961.13	\$ 14,917.44	\$ 7,228.41
Subtotal	\$ 1,000,646.88	\$ 956,355.18	\$ 44,291.70	\$ 3,512.33	\$ 17,672.39	\$ 961.13	\$ 14,917.44	\$ 7,228.41

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

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	8/29/2015	73,285.10
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

4,124,906.80

3,580,645.18

3,261,565.02

3,148,372.80

956,355.18

Table Game Revenue

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

Date	Amount	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		
Total 2014-2015	899,128.89	Total 2015-2016	75,674.79

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
Total 2011-2012	4,808,702.50	Total 2012-2013	4,608,334.13	Total 2013-2014	2,995,460.18	Total 2014-2015	2,697,386.67

<u>Date</u>	<u>Amount</u>
July, 2015	227,024.37

Total 2015-2016	227,024.37
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