

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, OCTOBER 29, 2015
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- October 15, 2015 Regular Meeting
- October 15, 2015 Board of Assessment Appeals

APPROVAL OF ACCOUNTS PAYABLE

- October 15, 2015
- October 29, 2015

APPROVAL OF MANUAL CHECKS

- October 15, 2015
- October 29, 2015

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

PRESENTATIONS

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

2. 10:00 a.m. Pete Dougherty, Sheriff
 - Transfer \$16,000 in Capital Expenses that has been previously identified for vests and allow it to be used for vehicle purchases - Discussion/Action
 - Allow Sheriff to either sell or trade in a 2010 Jeep currently used as an undercover vehicle and use the proceeds to either reduce the cost or use the money for vehicle - Discussion/Action
 - Allow Sheriff to have the proceeds of the settlement for the total loss of Sgt. Boyce's vehicle that was totaled as a result of an accident on October 16, 2015 - Discussion/Action
 - Provide an additional \$16,000 into Sheriff's Capital Expenses to be used for vehicle purchases - Discussion/Action

3. 10:20 a.m. Chris Brosan and Denise Lambiotte - The Humane Society of the United States and Jefferson County Animal Control Supervisor
 - Establishment of Commercial Breeder Licensing Fees - Discussion/Action

4. 10:35 a.m. Decision for a Resolution supporting adequate Purse Fund sufficient to sustain year round, live thoroughbred horse racing at the Hollywood Casino at Charles Town Races - Discussion/Action

5. 10:50 a.m. **BREAK**

6. 11:00 a.m. Nathan Cochran, Assistant Prosecuting Attorney
 - Decision - Jefferson County Dog Tethering and Confinement Ordinance - Discussion/Action
 - Legal Update on Jefferson County Civil Action 14-C-432 - Possible Executive Session - Discussion/Action

8. 11:20 a.m. Roger Goodwin, Chief County Engineer
 - Property Safety Enforcement Agency Case 12-002 (Williams) - Request for County Commission to rescind Notice-of-Award to Remac America, Inc. - Discussion/Action

9. 11:30 a.m. Jennifer Brockman, Planning and Zoning Director
 - Recommendation from the Planning Commission to the County Commission to amend various sections of the Subdivision and Land Development Regulations pertaining the Major/Minor Site Plan and Subdivision Processes (see staff memo for a list of specific sections to be amended [PC File #STA15-05]). Thu purpose of this request is to schedule a public hearing to be held by the County Commission - Discussion/Action

NEW BUSINESS

10. Resolution in support of the December 12th School Levy - Discussion/Action (DM)
11. Proclamation for Keryn Newman - Discussion/Action (DM)
12. Discuss making a recommendation to Governor Earl Tomblin for the Chesapeake and Ohio Canal National Historical Park Commission - Discussion/Action
13. Reappointment of Pete Kelley to the North Eastern Regional EMS, Inc. Board for one two-year term ending October 31, 2017 - Discussion/Action

OLD BUSINESS

14. Orion Strategies/Coalition for Safe, Affordable Food - Request to Endorse Statement of Support for National Food Labeling Standards - Discussion/Action

FINANCIAL DIRECTOR REPORTS

- Review Budget to Actual as of September 30, 2015 - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Legislative Summit Agenda - Discussion
- Discuss options for Employee Holiday Celebration

COUNTY COMMISSION REPORTS

15. **ADJOURN**

CORRESPONDENCE/INFORMATION

Notice of County Office Closure on Wednesday, November 11, 2015.

Press Release - Jefferson County Legislative Summit scheduled for November 5, 2015.

Notice for the League of Women Voters County Budget Forum for October 29, 2015.

Letter from Hali Taylor, Director of the Shepherdstown Public Library, re: the Library's Independent Audit Report and Related Financial Statements.

Letter from Curtis Myers of Cambridge, LLC to the West Virginia Public Service Commission re: the Jefferson County Public Service District.

WV Lottery Weekly Settlement for Charles Town - week ending October 10, 2015.

WV Lottery Weekly Settlement for Charles Town - week ending October 17, 2015.

Minutes

Jefferson County Commission

Thursday, October 15, 2015

A meeting of the Jefferson County Commission was held on Thursday, October 15, 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, and Walter Pellish. Jane Tabb was absent with prior notice. Also present were Stephanie Grove, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, October 15, 2015 meeting is available through the Jefferson County Commission Office.)

PLEDGE OF ALLEGIANCE

Commissioner Manuel led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Manuel to approve the October 1, 2015 Regular Meeting Minutes as presented/with correction. Motion seconded and unanimously approved.

APPROVAL OF PURCHASE ORDERS

Motion by Mr. Bell to approve the Purchase Orders for October 15, 2015 in the amount of \$16,800.00 to include Purchase Order no. 52482. Motion seconded and unanimously approved.

APPROVAL OF PAYROLL

Motion by Mr. Bell to approve the October 8, 2015 Payroll in the amount of \$233,860.00. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
075149	425	COMCAST		\$ -	\$ 189.90	\$ 189.90
075149	425	COMCAST		\$ -	\$ 233.76	\$ 233.76
075150	712	AT&T/GA		\$ -	\$ 68.27	\$ 68.27
075151	ALLOC	AHA/ART&HUMANITIES ALLNC		\$ -	\$ 1,264.99	\$ 1,264.99
075152	401	ERIC BELL		\$ -	\$ 97.20	\$ 97.20
075153	425	BERKELEY GLASS INC		\$ -	\$ 675.00	\$ 675.00
075154	424	BOLAND SERVICES	52659	\$ 5,380.00	\$ -	\$ 5,380.00
075155	PAYROLL	BUREAU F/CHILD SUPPORT		\$ -	\$ 49.85	\$ 49.85
075156	PAYROLL	BUREAU F/CHILD SPVRT ENF		\$ -	\$ 212.31	\$ 212.31
075157	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 461.54	\$ 461.54
075158	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 119.54	\$ 119.54
075159	PAYROLL	BUREAU OF CHILD SUPPORT		\$ -	\$ 530.77	\$ 530.77
075160	PAYROLL	RUSSELL BURGESS		\$ -	\$ 804.05	\$ 804.05
075161	425	CITY OF CHARLES TOWN		\$ -	\$ 60.00	\$ 60.00
075162	424	CHARLES TOWN UTILITIES		\$ -	\$ 64.31	\$ 64.31
075162	425	CHARLES TOWN UTILITIES		\$ -	\$ 860.22	\$ 860.22
075163	424	J.C.EHRLICH		\$ -	\$ 30.00	\$ 30.00
075163	425	J.C.EHRLICH		\$ -	\$ 603.00	\$ 603.00
075164	PAYROLL	ROGER GOODWIN		\$ -	\$ 416.03	\$ 416.03
075165	424	HIRERIGHT		\$ -	\$ 46.20	\$ 46.20
075166	PAYROLL	VOYA FINANCIAL		\$ -	\$ 3,085.00	\$ 3,085.00
075167	ALLOC	JEFFERSON COUNTY HISTORI		\$ -	\$ 1,873.13	\$ 1,873.13
075168	ALLOC	JEFFERSON DAY REPORT CNT		\$ -	\$ 25,000.00	\$ 25,000.00
075169	PAYROLL	JEFFERSON SECURITY BANK		\$ -	\$ 5,570.00	\$ 5,570.00
075170	PAYROLL	LYDIA LEHMAN		\$ -	\$ 1,736.23	\$ 1,736.23
075171	405	LYNDSEY W. MATSCHAT		\$ -	\$ 50.03	\$ 50.03
075172	403	MATTHEW BENDER & CO		\$ -	\$ 258.31	\$ 258.31
075173	425	V.E. MAUCK PLUMBING SPPL		\$ -	\$ 49.10	\$ 49.10
075174	PAYROLL	HELEN M. MORRIS, TRUSTEE		\$ -	\$ 150.00	\$ 150.00
075175	PAYROLL	NATIONWIDE RETIREMENT		\$ -	\$ 749.00	\$ 749.00
075176	ALLOC	JEFF CO PARKS &		\$ -	\$ 28,486.58	\$ 28,486.58
075177	402	PIFER OFFICE SUPPLY, INC		\$ -	\$ 31.78	\$ 31.78
075178	PAYROLL	WILLIAM POLK		\$ -	\$ 831.91	\$ 831.91
075179	424	POTOMAC EDISON/OH		\$ -	\$ 2,096.31	\$ 2,096.31
075179	425	POTOMAC EDISON/OH		\$ -	\$ 14,300.47	\$ 14,300.47
075180	PAYROLL	RETIREE HLTH BENEFIT TRS		\$ -	\$ 7,181.00	\$ 7,181.00
075181	404	SHERIFF OF JEFFERSON CO		\$ -	\$ 19.08	\$ 19.08

075182	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 10,168.32	\$ 10,168.32
075182	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 43,477.84	\$ 43,477.84
075182	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 41,634.14	\$ 41,634.14
075183	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 7,010.96	\$ 7,010.96
075183	PAYROLL	SHERIFF OF JEFFERSON CO		\$ -	\$ 5,452.87	\$ 5,452.87
075184	405	SELBY VETERINARY SERVICE		\$ -	\$ 100.00	\$ 100.00
075185	425	CAPITAL TRISTATE		\$ -	\$ 2,040.63	\$ 2,040.63
075186	425	TML COPIERS & DIGITAL		\$ -	\$ 313.75	\$ 313.75
075187	ALLOC	JEFFERSON CO CONVENTION		\$ -	\$ 31,624.70	\$ 31,624.70
075188	425	WM OF WEST VIRGINIA, INC		\$ -	\$ 653.10	\$ 653.10
075189	402	XEROX CORPORATION		\$ -	\$ 1,494.99	\$ 1,494.99
075189	439	XEROX CORPORATION		\$ -	\$ 599.78	\$ 599.78
075190	PAYROLL	CHEROKEE GRIM		\$ -	\$ 2,154.27	\$ 2,154.27
TOTAL						\$ 250,360.22
TOTAL				\$ 5,380.00	\$ 244,980.22	\$ 250,360.22

Motion by Mr. Bell to approve the Accounts Payable for October 8, 2015 in the amount of \$250,360.22. Motion seconded and unanimously approved.

CHCKNO	DEPT	VENDOR	PONUM	POAMT	NOAMT	CHECK AMOUNT
075192	PAYROLL	LAUREN CROWTHER		\$ -	\$ 779.81	\$ 779.81
075193	PAYROLL	ALBERT HOCKMAN		\$ -	\$ 777.71	\$ 777.71
075194	PAYROLL	CHARLES HESS		\$ -	\$ 1,041.00	\$ 1,041.00
075195	401	LEWIS CO CIRCUIT CLERK		\$ -	\$ 38.93	\$ 38.93
075196	440	MICHAEL MONAGHAN		\$ -	\$ 97.00	\$ 97.00
075197	404	TONI MILBOURNE		\$ -	\$ 600.00	\$ 600.00
075198	401	NAT'L ASSN OF COUNTIES		\$ -	\$ 965.00	\$ 965.00
075199	711	SANDEE L. NILES		\$ -	\$ 65.00	\$ 65.00
075200	428	OFFICEMAX		\$ -	\$ 611.82	\$ 611.82
075201	402	PIFER OFFICE SUPPLY, INC		\$ -	\$ 359.82	\$ 359.82
075202	716	PIGS ANIMAL SANCTUARY		\$ -	\$ 245.00	\$ 245.00
075203	PAYROLL	LAURA STORM		\$ -	\$ 1,884.29	\$ 1,884.29
075203	403	LAURA STORM		\$ -	\$ 470.30	\$ 470.30
075204	402	RECORD MANAGEMENT SOLUTN		\$ -	\$ 35.00	\$ 35.00
075204	403	RECORD MANAGEMENT SOLUTN		\$ -	\$ 30.00	\$ 30.00
075205	402	SOFTWARE SYSTEMS, INC		\$ -	\$ 27.00	\$ 27.00
075205	404	SOFTWARE SYSTEMS, INC		\$ -	\$ 737.00	\$ 737.00
075205	406	SOFTWARE SYSTEMS, INC		\$ -	\$ 58.00	\$ 58.00

075205	428	SOFTWARE SYSTEMS, INC	\$ -	\$ 8,212.05	\$ 8,212.05
075206	716	SELBY VETERINARY SERVICE	\$ -	\$ 185.00	\$ 185.00
075207	401	STATE OF WEST VIRGINIA	\$ -	\$ 200.00	\$ 200.00
075210	401	O'NEILS	\$ -	\$ 81.36	\$ 81.36
075210	401	WEST VIRGINIA STATE BAR	\$ -	\$ 250.00	\$ 250.00
075210	402	EZ NETTOOLS	\$ -	\$ 34.95	\$ 34.95
075210	402	FLATWOODS HOTEL & CONFER	\$ -	\$ 178.00	\$ 178.00
075210	402	HILTON	\$ -	\$ 911.28	\$ 911.28
075210	402	MEARS DESTINATIONS SRVC	\$ -	\$ 56.00	\$ 56.00
075210	402	STAPLES	\$ -	\$ 31.69	\$ 31.69
075210	402	UNITED AIRLINES	\$ -	\$ 667.40	\$ 667.40
075210	403	SHOPLET	\$ -	\$ 88.99	\$ 88.99
075210	403	SMITH CORONA CORP	\$ -	\$ 70.93	\$ 70.93
075210	403	THE RESORT AT GLADESPRIN	\$ -	\$ 119.73	\$ 119.73
075210	403	WVU EXTENSION SERIVCE	\$ -	\$ 30.00	\$ 30.00
075210	406	HOLIDAY INN	\$ -	\$ 105.00	\$ 105.00
075210	413	EMBASSY SUITES	\$ -	\$ 870.00	\$ 870.00
075210	415	FRONTIER	\$ -	\$ 84.34	\$ 84.34
075210	424	AMAZON	\$ -	\$ 224.50	\$ 224.50
075210	424	FRONTIER	\$ -	\$ 11,080.73	\$ 11,080.73
075210	424	STICKELLS GENERAL STORES	\$ -	\$ 75.00	\$ 75.00
075210	424	THE HOME DEPOT	\$ -	\$ 31.63	\$ 31.63
075210	424	TRENARY HVAC GROUP	\$ -	\$ 525.36	\$ 525.36
075210	425	BATTERY MART	\$ -	\$ 14.95	\$ 14.95
075210	425	GRAINGER	\$ -	\$ 301.28	\$ 301.28
075210	425	HEISTON SUPPLY INC	\$ -	\$ 69.99	\$ 69.99
075210	425	JEFFERSON COUNTY P.S.D	\$ -	\$ 198.97	\$ 198.97
075210	425	JEFFERSON UTILITIES, INC	\$ -	\$ 559.76	\$ 559.76
075210	425	SHENANDOAH SPRING WATER	\$ -	\$ 660.09	\$ 660.09
075210	425	THE HOME DEPOT	\$ -	\$ 680.68	\$ 680.68
075210	425	TRENARY HVAC GROUP	\$ -	\$ 400.00	\$ 400.00
075210	425	TRENARY HVAC GROUP	\$ -	\$ 5,148.92	\$ 5,148.92
075210	425	WAL-MART	\$ -	\$ 135.80	\$ 135.80
075210	425	84 LUMBER	\$ -	\$ 307.82	\$ 307.82
075210	428	DATA TECH STORE	\$ -	\$ 275.77	\$ 275.77
075210	428	MY CABLE MART LLC	\$ -	\$ 53.49	\$ 53.49
075210	428	PAYPAL	\$ -	\$ 89.82	\$ 89.82
075210	428	PAYPAL	\$ -	\$ 251.82	\$ 251.82
075210	428	STAPLES	\$ -	\$ 805.00	\$ 805.00
075210	428	WWW.NEWEGG.COM	\$ -	\$ 1,063.26	\$ 1,063.26

075210	433	COMPANION LINK SOFTWARE	\$ -	\$ 29.95	\$ 29.95
075210	439	SPIRIT OF JEFFERSON	\$ -	\$ 170.88	\$ 170.88
075210	439	VITAL SIGNS PLUS	\$ -	\$ 337.50	\$ 337.50
075210	440	FLATWOODS HOTEL & CONFER	\$ -	\$ 178.00	\$ 178.00
075210	440	PAYPAL	\$ -	\$ 150.00	\$ 150.00
075210	440	THE HOME DEPOT	\$ -	\$ 2.95	\$ 2.95
075210	451	SPIRIT OF JEFFERSON	\$ -	\$ 123.56	\$ 123.56
075210	700	APPLEBEES	\$ -	\$ 22.58	\$ 22.58
075210	700	ARBYS	\$ -	\$ 15.04	\$ 15.04
075210	700	CHILIS RESTAURANT	\$ -	\$ 27.70	\$ 27.70
075210	700	COURTNEY & SON TOWING	\$ -	\$ 133.95	\$ 133.95
075210	700	DENNYS	\$ -	\$ 42.55	\$ 42.55
075210	700	GARMIN INTERNATIONAL	\$ -	\$ 57.98	\$ 57.98
075210	700	HOLIDAY INN	\$ -	\$ 215.44	\$ 215.44
075210	700	INN AT CHARLES TOWN	\$ -	\$ 344.00	\$ 344.00
075210	700	JEFFERSON CLEANERS	\$ -	\$ 84.00	\$ 84.00
075210	700	KINGS NEW YORK PIZZA	\$ -	\$ 23.45	\$ 23.45
075210	700	LOGANS	\$ -	\$ 35.88	\$ 35.88
075210	700	MOUNTAINEER RESORT	\$ -	\$ 516.00	\$ 516.00
075210	700	REI	\$ -	\$ 355.51	\$ 355.51
075210	700	RIVER CITY FARM & PET SU	\$ -	\$ 66.51	\$ 66.51
075210	700	ROCIC	\$ -	\$ 300.00	\$ 300.00
075210	700	SPIRIT OF JEFFERSON	\$ -	\$ 175.00	\$ 175.00
075210	700	STAPLES	\$ -	\$ 533.20	\$ 533.20
075210	700	SUPERIOR AUTOBODY	\$ -	\$ 75.31	\$ 75.31
075210	700	VANCES LAW ENFORCEMENT	\$ -	\$ 2,568.00	\$ 2,568.00
075210	701	GALLS	\$ -	\$ 1,815.47	\$ 1,815.47
075210	701	MES FIRE	\$ -	\$ 247.89	\$ 247.89
075210	701	TPS-TOWN POLICE SUPPLY	\$ -	\$ 4,212.68	\$ 4,212.68
075210	711	INTERNATIONAL ASSOC	\$ -	\$ 185.00	\$ 185.00
075210	711	MARTINS	\$ -	\$ 8.66	\$ 8.66
075210	711	WAL-MART	\$ -	\$ 34.97	\$ 34.97
075210	712	BUSINESS TELECOM PRODUCT	\$ -	\$ 175.40	\$ 175.40
075210	712	DOLLAR TREE	\$ -	\$ 23.00	\$ 23.00
075210	712	FRONTIER	\$ -	\$ 5,099.85	\$ 5,099.85
075210	712	GAYLORD NATIONAL HOTEL	\$ -	\$ 223.02	\$ 223.02
075210	712	NATIONAL ACADEMY OF EMD	\$ -	\$ 100.00	\$ 100.00
075210	712	STAPLES	\$ -	\$ 109.22	\$ 109.22
075210	712	THE HOME DEPOT	\$ -	\$ 73.13	\$ 73.13
075210	712	WAL-MART	\$ -	\$ 27.82	\$ 27.82

075210	716	GREENLAWN MEMORIAL PARK		\$ -	\$ 365.00	\$ 365.00
075210	716	HILLSIDE VETERINARY HOSPITAL		\$ -	\$ 112.11	\$ 112.11
075210	716	ZOETIS		\$ -	\$ 964.00	\$ 964.00
075210	717	FISHER AUTO PARTS		\$ -	\$ 268.62	\$ 268.62
075210	717	HAGERSTOWN FORD		\$ -	\$ 20.68	\$ 20.68
075210	717	SNAP ON TOOLS		\$ -	\$ 999.00	\$ 999.00
075211	428	VISION TECHNOLOGY SOLUTIONS		\$ -	\$ 4,765.00	\$ 4,765.00
075212	711	BRANDON VALLEE		\$ -	\$ 65.00	\$ 65.00
TOTAL						\$ 70,434.50
TOTAL					\$ 70,434.50	\$ 70,434.50

Motion by Mr. Pellish to approve the Accounts Payable for October 15, 2015 in the amount of \$70,434.50. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

HOME DETENTION			
008			
Date	Check #	VENDOR	Amount
10/09/15	510	3M ELECTRONIC	\$ 3,195.00
10/09/15	511	CDA INC	\$ 247.50
ASSESSOR VALUATION			
056			
Date	Check #	VENDOR	Amount
10/09/15	556	OBSERVER	\$ 310.00
10/09/15	557	JOURNAL	\$ 1,053.00
	558	GLOBAL SCIENCE & TECH	\$ 9,732.00
BARDANE			
244			
Date	Check #	VENDOR	Amount
10/09/15	580	POTOMAC EDISON	\$ 2,842.56
IMPACT FEES			
249			

Date	Check #	VENDOR	Amount
10/09/15	1012	SHERIFF JEFFERSON CO -SCHOOL	\$ 60,377.57
10/09/15	1013	SHERIFF JEFFERSON CO - LAW	\$ 806.16
10/09/15	1014	SHERIFF JEFFERSON CO - PARKS	\$ 4,639.12
10/09/15	1015	SHERIFF JEFFERSON CO - FIRE/EMS	\$ 509.16
10/09/15	132	JCEMS	81,000.00
TOTAL			\$ 164,712.07

Motion by Mr. Bell to approve the Manual Checks for October 8, 2015 in the amount of \$164,712.07. Motion seconded and unanimously approved.

COAL SEVERANCE			
OO2			
Date	Check #	VENDOR	Amount
10/16/2015	411	EASTRIDGE HEALTH SYSTEM	\$ 1,000.00
ASSESSOR VALUATION			
O56			
Date	Check #	VENDOR	Amount
10/16/2015	559	CARLSON SOFTWARE	\$ 175.00
10/16/2015	560	THE OBSERVER	\$ 155.00
FARMLAND PROTECTION BOARD			
O57			
Date	Check #	VENDOR	Amount
10/16/2015	269	JEFFERSON CO FARMLAND PROT.	\$ 52,215.56
TOTAL			\$ 53,545.56

Motion by Mr. Bell to approve the Manual Checks for October 16, 2015 in the amount of \$. Motion seconded and unanimously approved.

PUBLIC COMMENT:

Marty Kable, resident – requested the Commission support the horseman’s resolution to support year-round thoroughbred racing in Jefferson County.

David Tabb, resident – provided the Commission with an update on the status of the issue with the flag display outside of the County Commission meeting room.

PRESENTATIONS

1. Ken Lowe, Businessman, and George Rutherford, President of the Jefferson County NAACP – requested the Commission approve a Resolution for the year-round support to live thoroughbred racing in Jefferson County.
 - **Motion by Mr. Bell to adopt the revised Horseman’s Benevolent and Protective Agency Resolution to support year-round live thoroughbred horse racing and breeding in Jefferson County. Motion seconded.**
 - **Motion by Mr. Manuel to postpone action on this item until the October 29, 2015 Regular Meeting when all five Commissioners are present. Motion seconded and unanimously approved.**
 - It was the consensus of the Commission to provide the Resolution and letters from Mr. Lowe and Mr. Rutherford to the local legislature during the November 5, 2015 Jefferson County Legislative Summit.
2. Tabby Bennett, Orion Strategies/Coalition for Safe, Affordable Food – requested the Commission endorse statement of support for National Food Labeling Standards.
 - It was the consensus of the Commission to postpone action on this item until the October 29, 2015 Regular Meeting when all five Commissioners are present.
3. Daniel Bickerton, West Virginia American Water – discussed the potential benefits of a public-private partnership solution with WVAW in Jefferson County.
4. Lynn Fields, Probate Department – requested a quarterly review to approve and close estates since last term in July.
 - **Motion by Mr. Manuel to enter into session as a fiduciary review board. Motion seconded and unanimously approved.**

- **Motion by Ms. Noland to approve and close the estates that have met all necessary requirements last quarter. Motion seconded and unanimously approved.**
 - **Motion by Ms. Noland to adjourn as a fiduciary review board. Motion seconded and unanimously approved.**
5. Board of Assessment Appeals Hearing – The minutes for the Board of Assessment Appeals hearing have been provided separately from the regular meeting minutes.
 6. Roger Goodwin, Chief County Engineer – requested a refund of Building Permit fees for Rick and Lisa Marnett.
 - **Motion by Mr. Manuel to approve the refund of Building Permit Fees for Rick and Lisa Marnett in the amount of \$68.98. Motion seconded and unanimously approved.**
 7. Interview and Appointment to the Jefferson County Board of Zoning Appeals for an alternate position expiring January 1, 2017.
 - **Motion by Mr. Manuel to appoint Craig Foster to the Jefferson County Board of Zoning Appeals as an alternate for an unexpired term ending January 1, 2017. Motion seconded and unanimously approved.**

NEW BUSINESS

8. Assessor's Certificate of Compliance
 - **Motion by Mr. Manuel to approve the Assessor's Certificate of Compliance to entitle her to the compensation as outlined in the certificate. Motion seconded and unanimously approved.**
9. Transfer of Ambulance Fees
 - **Motion by Mr. Bell to approve the transfer of Ambulance Fee funds to the Jefferson County Emergency Services Agency in the amount of \$650,000. Motion seconded and unanimously approved.**
10. The Commission recesses for lunch at 12:15 pm.
The Commission reconvened at 1:30 pm.
11. Public Hearing – Jefferson County Dog Tethering and Confinement Ordinance.

Ms. Noland opened the public hearing at 1:32 pm. Mr. Cochran spoke first, explaining the origins of the Ordinance and thanked the Sheriff's Department and the Animal

Control Office for their assistance in drafting the ordinance. Mr. Cochran also stated the Ordinance was to be less punitive and more corrective, and as such, needed to change language in the “Warning Citation” provision from “*shall* issue a citation” to “*may* issue a citation” to leave the matter to the discretion of the animal control officer investigating the complaint. Ms. Noland then opened the floor for public comment. Comments were made by the following:

Michelle Fournier, resident – spoke in support of the Ordinance as she believes continuous tethering is cruel and abusive.

Judy Boykin, resident – spoke in support of the Ordinance but notified the Commission that female dogs in heat and puppies under six months of age cannot be tethered.

Mary Lepps, resident – spoke in support of the Ordinance but asked the Commission to define “shelter” and the size requirements of a “permanent outdoor enclosure.” Ms. Lepps also requested the Commission add language regarding extreme temperatures.

Nancy Lutz, resident – spoke in support of the Ordinance but questioned if neighbors could take action if a tethered dog were to bark continually. Ms. Lutz also stated she believed the 16 hour tethering limit was too long and also urged the Commission to reexamine the length of tether as described in the ordinance.

Bill Dunn, resident and President of the Animal Welfare Society of Jefferson County – spoke in support of the Ordinance, explaining it was a good start but needed further examination as the 16 hour tethering limit was too long.

Kay Bresee, resident and Animal Welfare Society member – spoke in favor of the Ordinance but believed the tethering time limit of sixteen hours was far too long and stated she would also like to see provisions regarding extreme weather.

Tracy Eastman, resident and Animal Welfare Society member – spoke in favor of the Ordinance but disagrees with the 16 hour time limit for tethering. Also stated that dogs are not property, and children who are exposed to animal cruelty are likely to commit the cruelty themselves.

Greg Renz, resident – spoke in favor of the Ordinance, but requested the Commission reexamine the penalty for violating the Ordinance, as a potential “three strikes” provision could mean life or death for the animal.

Michelle Wilson, resident – spoke in favor of the Ordinance but stated she believes the penalty for violating the ordinance should be have more impactful consequences.

- **There being no further comment, motion by Mr. Manuel to incorporate the following into the Ordinance: a reference to the WV Code section which prohibits the tethering of female dogs in heat, the prohibition of tethering**

puppies under six months of age, an increase in the minimum length of the tether, and a reduction of the maximum tethering time from 16 hours to 14 hours. Motion seconded and unanimously approved.

Ms Noland stated the record would be held open for two weeks to allow time for written comment and the Ordinance would be up for a final vote during the October 29, 2015 regularly scheduled meeting.

COUNTY ADMINISTRATOR REPORTS

Update on AmeriCorps Volunteer for the Historic Landmarks Commission

- **Motion by Mr. Bell to enter into Executive Session to discuss a personnel matter. Motion seconded and unanimously approved.**
- **Motion by Mr. Pellish to come out of Executive Session. Motion seconded and unanimously approved.**

Legislative Topics for November 5, 2015 Legislative Summit – the Commission discussed additional topics to potentially add to the agenda for the November 5, 2015 Jefferson County Legislative Summit, including the following:

- Donation of Land to the Animal Welfare Society
- Route Choice for the Extension of Rt. 340
- Opposition to the reduction of concealed weapons permit fees
- Allow local fire company to appoint a designee to the Property Safety Ordinance Enforcement Committee instead of requiring a Fire Chief
- Cost sharing of the regional jail costs
- Online auction of property

COUNTY COMMISSION REPORTS

Patsy Noland

- Attended ArtOber at Happy Retreat.

Dale Manuel

- Attended a PSD meeting.
- Attended a Parks and Recreation Parks Master Plan meeting.
- Attended a Day Report Center meeting.
- Attended a dinner at the Clarion in Shepherdstown addressing the future of live thoroughbred horse racing in Jefferson County.
- Attended Middleway Days.
- Attended a Planning Commission meeting.

Eric Bell

- Attended Juvenile Drug Court.
- Attended the WVACO Fall Board Meeting.
- Attended a Community Criminal Justice Board meeting.
- Attended a Board of Health meeting.
- Attended a meeting with Mayor of Atlanta, Georgia.

Walt Pellish

- Provided the Commission and the audience with an update on his health status.
- Spoke against slanderous and negative campaign tactics, specifically name-calling.

12. The Commission meeting adjourned at 2:17 pm on a motion by Mr. Bell. Motion was seconded and unanimously approved.

JANE M. TABB, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Administrative Assistant

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State continued and held at the Jefferson County Commission meeting room located at 200 E. Washington Street, Charles Town, WV 25414 on October 15, 2015 at 11:00 am (An audio file of the October 15, 2015 meeting is available through the Jefferson County Commission Office.)

PRESENT: Patsy Noland, Vice President
Eric Bell, Commissioner
Dale Manuel, Commissioner
Walt Pellish
Angie Banks, Assessor
June Bowers, Senior Appraiser
Nathan Cochran, Assistant Prosecuting Attorney
Jessica Carroll, Administrative Assistant

RE: **2015 Board of Assessment Appeals – William T. and Diana Penrod, Richard and Mary Webber, & Jason E. and Christine J. Kowalski**

A hearing was conducted on an appeal by William T. and Diana Penrod on the following properties: Map 1, Parcel 52.1 in the Charles Town District.

- **After sworn testimony and presentation of exhibits, motion by Mr. Pellish to deny the appeal on Map 1, Parcel 52.1 in Charles Town District and uphold the Assessor's valuation of the property. Motion seconded and unanimously approved.**

A hearing was conducted on an appeal by Richard and Mary Webber on the following property: Map 6, Parcel 3.16 in the Charles Town District.

- **Motion by Mr. Bell to rule in default judgment for the Assessor as Mr. and Mrs. Webber did not appear at the hearing. Motion seconded and unanimously approved.**

A hearing was conducted on an appeal by Jason E. and Christine J. Kowalski on the following property: Map 5A, Parcel 0040 in the Charles Town Corporation.

- **After sworn testimony and presentation of exhibits, motion by Mr. Bell to reduce the appraised value on the identified property from \$319,700 to \$310,000 for the July 1, 2014 to June 30, 2015 tax year, and that reduction is \$9,600 from the building due to a reduced square footage after an interior inspection by the County Assessor's Office. Motion seconded and unanimously approved.**

There being no further business, motion by Mr. Manuel to adjourn as a Board of Assessment Appeals. Motion seconded and unanimously approved.

JANE M. TABB, PRESIDENT

Respectfully submitted
Jessica D. Carroll
Executive Administrative Assistant

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angela Banks

Department or Organization: JC Assessor's Office

Estimation of amount of time needed for appointment: 15 min

Date Requested – 1st Choice: **October 29, 2015**

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

Date Requested – 2nd Choice:

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

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

Is this a funding request? Y/N 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**

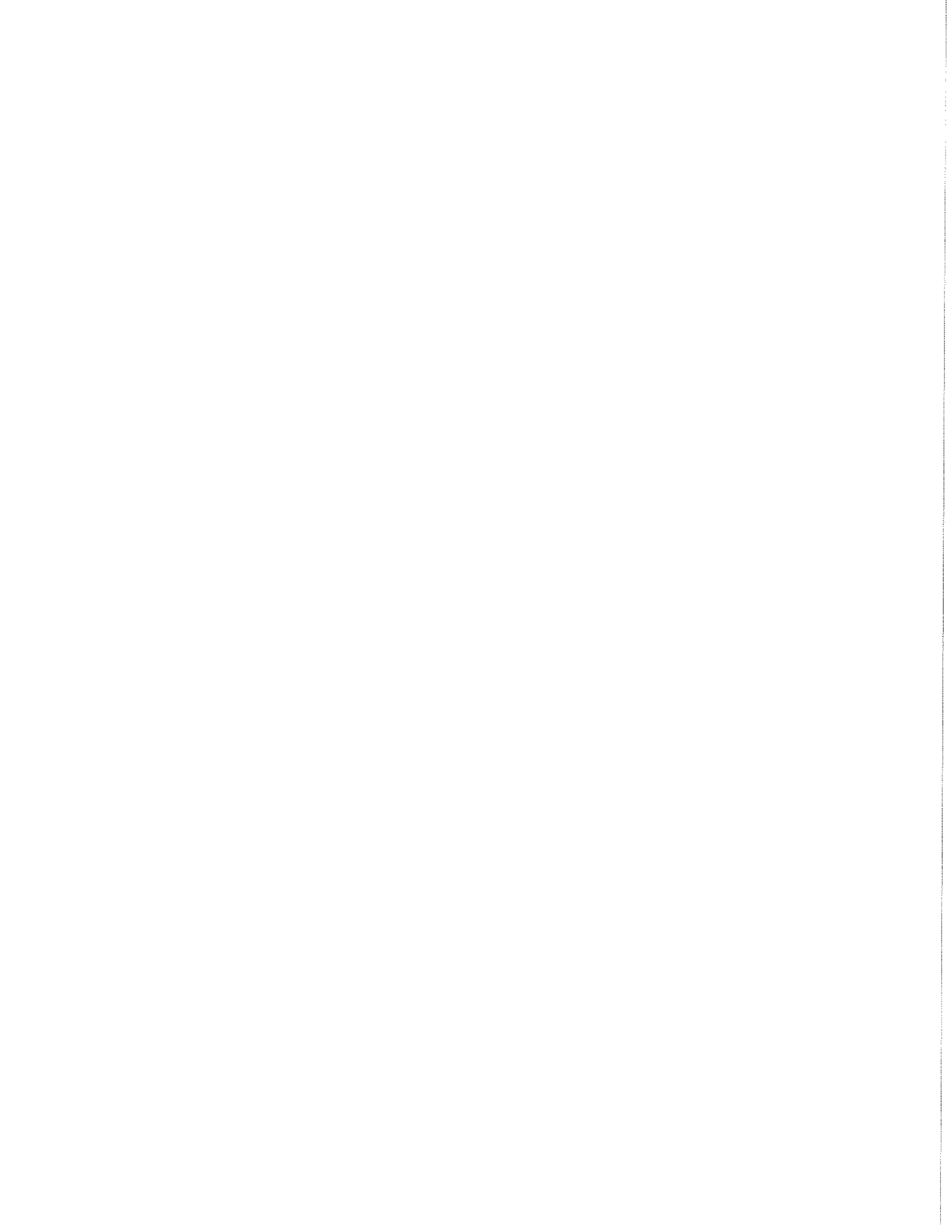
Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Peter Dougherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 15 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*): Vehicles

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

1. Transfer \$16,000 in Capital Expenses that has been previously identified for vests and allow it to be used for vehicle purchases;
2. Allow the Sheriff to either sell or trade in a 2010 Jeep currently used as an undercover vehicle and use the proceeds to either reduce the costs or use the money for vehicles;
3. Allow the Sheriff to have the proceeds of the settlement for the total loss of Sgt. Boyce's vehicle that was totaled as a result of an accident on October 16, 2015; and,
4. Provide an additional \$16,000 into the Sheriff's Capital Expenses to be used for vehicle purchases.

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 the Sheriff's requests as outlined in his four specific requests be approved.

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

If not attached, explain:

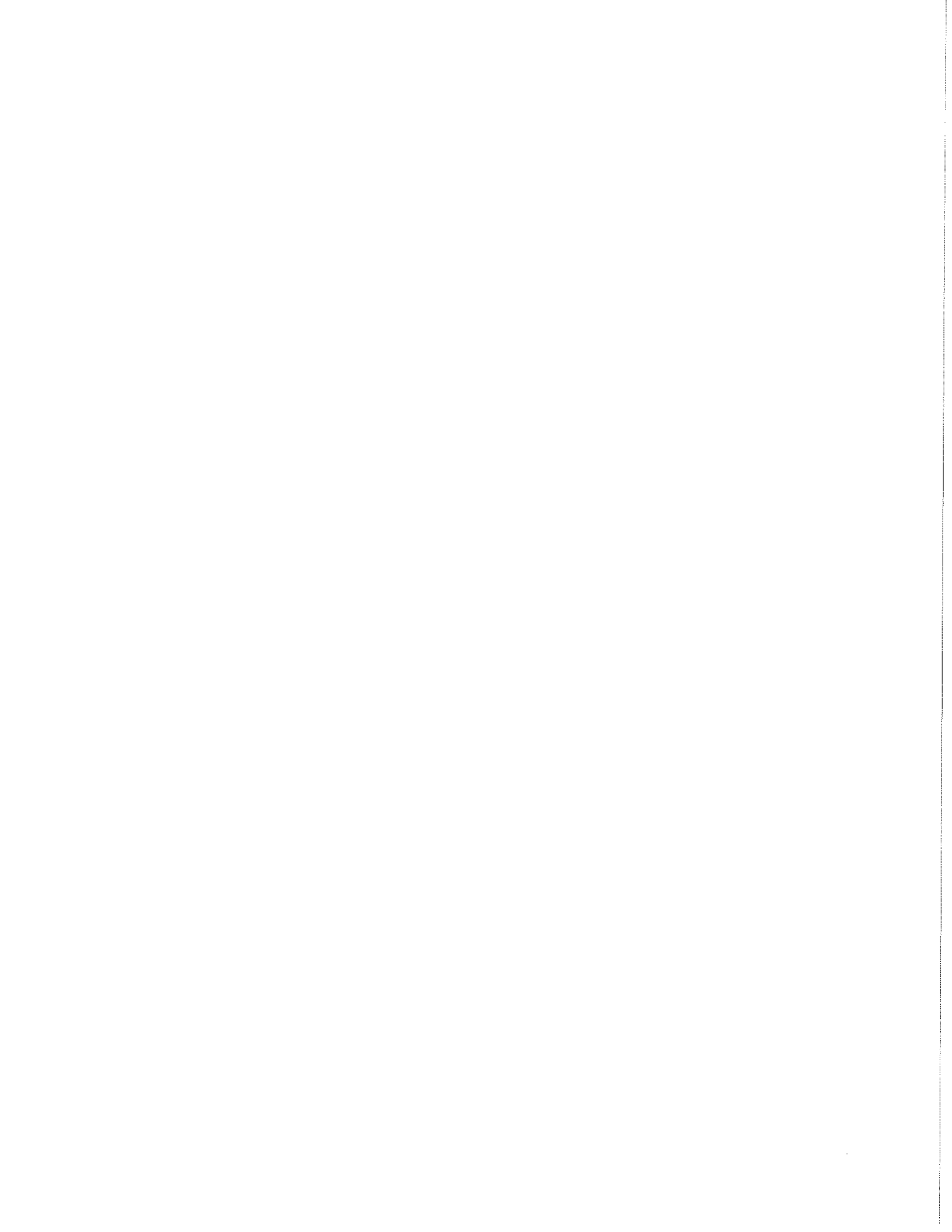
Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Chris Brosan/Denise Lambiotte

Department or Organization: The Humane Society of the United States/Jefferson County Animal Control Supervisor

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **October 29, 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*): **Establishment of Commercial Breeder Licensing Fees**

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

West Virginia Legislators passed into law the Commercial Breeders bill in 2014. The law exempts hunting, tracking, herding/guarding, and show dogs. It is a law that is designed to protect communities from falling victim to commercial breeding, or puppy mills, that this area of the state has already witnessed.

Out-of-state operations that have been negatively impacted by similar state laws in Maryland, Virginia, Ohio, and Pennsylvania recognized that West Virginia did not require inspections or licensing, hence encouraging operations that eventually were dealt with under the cruel laws West Virginia has had in place for several years.

Legislators understood that the state needed preemptive legislation so as to discourage this type of operation from coming into the state. When 19-20-26 was passed, it sent a clear message that the cruel and unsanitary practices would not be tolerated in this great state. 19-20-26 provides each county in West Virginia the opportunity to set the licensing fee's. My purpose for addressing the Commissioners is to request that the fee's be set, and that your county adopt the ordinance that will ensure "puppy mill" operations stay out of your county.

Is this a funding request? Y/N NO

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

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

Set the commercial breeding license fees as set forth in state law 19-20-26.

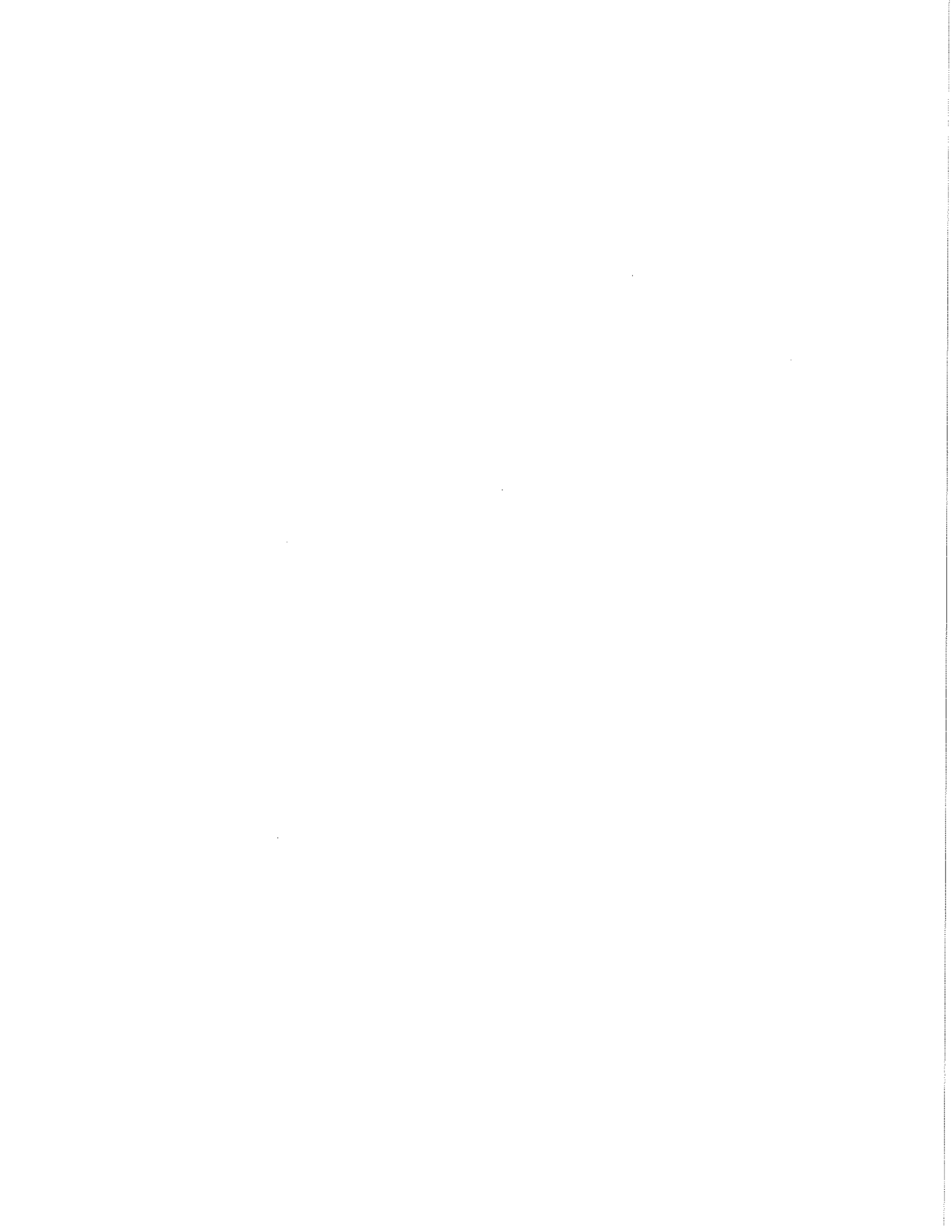
Attach supporting documents for request, or request may be denied.

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

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

Contact information:

Email address: cbrosan@humanesociety.org Phone Number: 240-708-6895



WV Code 19-20-26 Commercial Dog Breeder Inspections – County Responsibilities

County Commission –County commissions are authorized to charge a fee to commercial dog breeders and shall deposit the fees collected in a specially designated account to be used for animal shelters, animal rescue and spay neuter programs administered by county animal shelters or other humane organizations.

- No commercial dog breeder may breed dogs without a business registration certificate in accordance with section three, article twelve, chapter eleven of this code and a valid business license issued by the locality in which the dog breeding operation is located.
- Commercial dog breeder” means any person who:
 - o Maintains **11 or more** unsterilized dogs over the age of 1 year for the exclusive purpose of actively breeding;
 - o Is engaged in the business of breeding dogs as household pets for direct or indirect sale or for exchange in return for consideration;
- “Class I Commercial Dog Breeder” means a commercial dog breeder that possesses **11 to 30** unsterilized dogs over the age of 1 year at any one time for the exclusive purpose of actively breeding.
- “Class II Commercial Dog Breeder” means a commercial dog breeder that possesses **more than 30** unsterilized dogs over the age of 1 year at any time.
 - o The fee for a Class I commercial dog-breeding permit shall be an amount determined by the county commission, not to exceed **\$250** per year. The fee for a Class II commercial dog breeding permit shall be an amount determined by the county commission, not to exceed **\$500** per year

County Law Enforcement/Humane Officers – (during biannual/twice yearly inspections) Check that breeder has:

1. Obtained an annual certification by a licensed veterinarian that the dog is in suitable health for breeding. (yearly for each breeding dog)
2. Maintains current, valid rabies certificates for every dog pursuant to article 20a of this chapter.
3. Include the breeder’s annual permit number on any advertisement for the sale of a dog
 - a. If selling directly to the public, post a conspicuous notice containing the breeder’s name, address and annual permit number on each cage;

4. Provide for the humane treatment of dogs in accordance with 61-8-19 of this code.
5. Provide dogs with easy and convenient access to adequate amounts of clean food and water. Food and water receptacles must be regularly cleaned and sanitized. All enclosures must contain potable water that is not frozen, is substantially free from debris and is readily accessible to all dogs in the enclosure at all times unless otherwise directed by a veterinarian for the health of the dog.
6. Provide veterinary care without delay when necessary.
7. Maintain adequate staffing levels to ensure compliance with this section;
8. Maintain adequate housing facilities and primary enclosures that meet the following minimum requirements
 - a. Housing facilities and primary enclosures must be kept in a sanitary condition and in good repair; must be sufficiently ventilated at all times to minimize odors, drafts, ammonia levels and to prevent moisture condensation; must have a means of fire suppression, such as functioning fire extinguishers or a sprinkler system on the premises; and must have sufficient lighting to allow for observation of the dogs at any time of day or night;
 - b. Housing facilities and primary enclosures must enable all dogs to remain dry and clean;
 - c. Housing facilities must provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs;
 - d. Housing facilities must provide sufficient shade to simultaneously shelter all of the dogs housed therein;
 - e. A primary enclosure must have solid floors that are constructed in a manner that protects the dogs' feet and legs from injury;
 - f. Primary enclosures must be placed no higher than forty-two inches above the floor and may not be placed over or stacked on top of another cage or primary enclosure
 - g. Feces, hair, dirt, debris and food waste must be removed from primary enclosures and housing facilities at least daily or more often if necessary to prevent accumulation and to reduce disease hazards, insects, pests and odors;
9. All dogs in the same enclosure at the same time must be compatible, as determined by observation. Breeding females in heat may not be in the same enclosure at the same time with sexually mature males, except for breeding purposes. Breed-

ing females and their litters may not be in the same enclosure at the same time with other adult dogs. Puppies under twelve weeks may not be in the same enclosure at the same time with other adult dogs, other than the dam or foster dam unless under immediate supervision;

10. Sick dogs shall be isolated sufficiently so as not to endanger the health of other dogs.

11. No previous animal cruelty violations. It is unlawful for a commercial dog breeder to operate if he or she has been convicted of animal cruelty in any local, state or federal jurisdiction.

- exclusions: Any person who keeps or breeds dogs **exclusively** for the purpose of herding or guarding livestock or farm animals, hunting, tracking or exhibiting in dog shows, performance events or field and obedience trials. (note that none of these animals could be sold as household pets) and any person who holds an occupational permit from, and has registered a greyhound kennel name with, the West Virginia Racing Commission.

COMMITTEE SUBSTITUTE

FOR

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 437

(By Senators Unger, Beach and Yost)

[Originating in the Committee on the Judiciary;
reported April 1, 2013.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §19-20-26, relating to protecting dogs by creating regulations for commercial dog-breeding operations; providing definitions; providing exceptions; allowing commercial breeders to sell dogs only as household pets; requiring a business license if required by the locality; authorizing county commissions to charge a fee to a commercial dog breeder to obtain an annual permit to operate; limiting the amount of the fee; setting forth responsibilities of the commercial dog breeder; setting forth the requirements for

maintaining adequate enclosures; providing for inspections; prohibiting a commercial dog breeder to operate if convicted of animal cruelty; providing no exemption for United States Department of Agriculture licensees; and providing criminal penalties or granting an improvement period.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §19-20-26, to read as follows:

ARTICLE 20. DOGS AND CATS.

§19-20-26. Commercial dog-breeding operations.

1 (a) As used in this section:

2 (1) “Advertisement” means any media used to promote
3 the sale of dogs including, but not limited to, the Internet,
4 newspapers, flyers, magazines, radio, television, bulletins
5 and signs.

6 (2) “Commercial dog breeder” means any person who:

7 (A) Maintains eleven or more unsterilized dogs over
8 the age of one year for the exclusive purpose of actively
9 breeding;

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[Com. Sub. for Com. Sub. S. B. No. 437

10 (B) Is engaged in the business of breeding dogs as
11 household pets for direct or indirect sale or for exchange in
12 return for consideration; and

13 (C) Commercial dog breeder shall not include:

14 (i) Any person who keeps or breeds dogs exclusively
15 for the purpose of herding or guarding livestock or farm
16 animals, hunting, tracking or exhibiting in dog shows,
17 performance events or field and obedience trials; and

18 (ii) With respect to greyhound dogs only, any person
19 who holds an occupational permit from, and has registered
20 a greyhound kennel name with, the West Virginia Racing
21 Commission.

22 (3) "Class I Commercial Dog Breeder" means a
23 commercial dog breeder that possesses eleven to thirty
24 unsterilized dogs over the age of one year at any one time
25 for the exclusive purpose of actively breeding.

26 (4) "Class II Commercial Dog Breeder" means a
27 commercial dog breeder that possesses more than thirty
28 unsterilized dogs over the age of one year at any time.

29 (5) "Housing facility" means a structure in which dogs
30 are kept that provides them with shelter, protection from the
31 elements and protection from temperature extremes.

32 (6) "Primary enclosure" means a structure that restricts
33 a dog's ability to move in a limited amount of space, such as
34 a room, cage or compartment.

35 (b) No commercial dog breeder may breed dogs without
36 a business registration certificate in accordance with section
37 three, article twelve, chapter eleven of this code and a valid
38 business license issued by the locality in which the dog
39 breeding operation is located, if the locality so requires.

40 (c) A commercial dog breeder shall:

41 (1) Obtain a permit annually to operate, as required by
42 the county commission in which the commercial dog breeding
43 operation is located. County commissions are authorized to
44 charge a fee to commercial dog breeders and shall deposit
45 the fees collected in a specially designated account to be
46 used for animal shelters, animal rescue and spay neuter
47 programs administered by county animal shelters or other

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[Com. Sub. for Com. Sub. S. B. No. 437

48 humane organizations. The fee for a Class I commercial
49 dog-breeding permit shall be an amount determined by the
50 county commission, not to exceed \$250 per year. The fee
51 for a Class II commercial dog breeding permit shall be an
52 amount determined by the county commission, not to exceed
53 \$500 per year;

54 (2) Breed female dogs only after the breeder has
55 obtained an annual certification by a licensed veterinarian
56 that the dog is in suitable health for breeding;

57 (3) Dispose of dogs only by gift, sale, transfer, barter or
58 euthanasia by a licensed veterinarian;

59 (4) Maintain current, valid rabies certificates for every
60 dog pursuant to article twenty-a of this chapter;

61 (5) Include the breeder's annual permit number on any
62 advertisement for the sale of a dog;

63 (6) If selling directly to the public, post a conspicuous
64 notice containing the breeder's name, address and annual
65 permit number on each cage;

66 (7) Provide for the humane treatment of dogs in
67 accordance with section nineteen, article eight, chapter
68 sixty-one of this code;

69 (8) Provide dogs with easy and convenient access to
70 adequate amounts of clean food and water. Food and water
71 receptacles must be regularly cleaned and sanitized. All
72 enclosures must contain potable water that is not frozen, is
73 substantially free from debris and is readily accessible to all
74 dogs in the enclosure at all times unless otherwise directed
75 by a veterinarian for the health of the dog;

76 (9) Provide veterinary care without delay when
77 necessary;

78 (10) Maintain adequate staffing levels to ensure
79 compliance with this section; and

80 (11) Maintain adequate housing facilities and primary
81 enclosures that meet the following minimum requirements:

82 (A) Housing facilities and primary enclosures must
83 be kept in a sanitary condition and in good repair; must be
84 sufficiently ventilated at all times to minimize odors, drafts,

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[Com. Sub. for Com. Sub. S. B. No. 437

85 ammonia levels and to prevent moisture condensation; must
86 have a means of fire suppression, such as functioning fire
87 extinguishers or a sprinkler system on the premises; and
88 must have sufficient lighting to allow for observation of the
89 dogs at any time of day or night;

90 (B) Housing facilities and primary enclosures must
91 enable all dogs to remain dry and clean;

92 (C) Housing facilities must provide shelter and
93 protection from extreme temperatures and weather
94 conditions that may be uncomfortable or hazardous to the
95 dogs;

96 (D) Housing facilities must provide sufficient shade to
97 simultaneously shelter all of the dogs housed therein;

98 (E) A primary enclosure must have solid floors that are
99 constructed in a manner that protects the dogs' feet and legs
100 from injury;

101 (F) Primary enclosures must be placed no higher than
102 forty-two inches above the floor and may not be placed over
103 or stacked on top of another cage or primary enclosure;

104 (G) Feces, hair, dirt, debris and food waste must be
105 removed from primary enclosures and housing facilities at
106 least daily or more often if necessary to prevent accumulation
107 and to reduce disease hazards, insects, pests and odors;

108 (H) All dogs in the same enclosure at the same time
109 must be compatible, as determined by observation. Breeding
110 females in heat may not be in the same enclosure at the
111 same time with sexually mature males, except for breeding
112 purposes. Breeding females and their litters may not be
113 in the same enclosure at the same time with other adult
114 dogs. Puppies under twelve weeks may not be in the same
115 enclosure at the same time with other adult dogs, other than
116 the dam or foster dam unless under immediate supervision;
117 and

118 (I) Sick dogs shall be isolated sufficiently so as not to
119 endanger the health of other dogs.

120 (d) To ensure compliance with state animal care laws
121 and regulations, commercial dog breeding locations are
122 subject to biannual inspections by animal control officers or
123 law-enforcement officers.

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[Com. Sub. for Com. Sub. S. B. No. 437

124 (e) It is unlawful for a commercial dog breeder to
125 operate if he or she has been convicted of animal cruelty in
126 any local, state or federal jurisdiction.

127 (f) Any commercial dog breeder who violates any
128 provision of this section is guilty of a misdemeanor and,
129 upon conviction thereof, shall be fined not more than \$1,000
130 per violation. In any proceeding brought pursuant to the
131 provisions of this section, a circuit judge or magistrate
132 may grant a person accused of violating this section an
133 improvement period not to exceed one year upon such terms
134 and conditions as the judge or magistrate may determine.
135 Upon successful completion of the improvement period the
136 judge or magistrate shall dismiss the charges.

137 (g) Nothing in this section exempts a facility licensed
138 by the United States Department of Agriculture from
139 compliance.

140 (h) Nothing in this section prevents any local, state or
141 federal law-enforcement agency from investigating animal
142 cruelty in commercial dog breeding operations.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **October 29, 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*): **Decision – Resolution support adequate Purse Fund sufficient to sustain year round, live thoroughbred horse racing at the Hollywood Casino at Charles Town Races**

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: Ken Lowe & George Rutherford

Department or Organization: **Businessman and President, NAACP#1**

Estimation of amount of time needed for appointment: 15 to 20 minutes if questions are asked

Date Requested – 1st Choice: **October 15, 2015 . . . scheduling conflicts other dates**
If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **“Save our County”**

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

Is this a funding request? Y/N **NO**
If so, how much? \$ n/a
Provide exact financial impact/request: n/a

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

The Jefferson County Commission supports and endorses live year round thoroughbred racing and breeding to sustain the jobs, economic contribution, tourism, agricultural and tax base of this county.

Furthermore, the voters of Jefferson County voted by referendum to “allow” LVT’s (slots) and table games with the assurance from the WV Legislature that live racing and breeding would be supported, promoted and enhanced. We must continue with this important industry to “Save Our 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: klowe@clarionshepherdstown.com

Phone Number: (304) 279-7000

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

RESOLUTION

Be it hereby RESOLVED and DECLARED by each of the persons and entities whose signatures appear below:

First, that year round, live thoroughbred horse racing and thoroughbred horse breeding at farms in West Virginia cannot be sustained without an adequate Purse Fund at the Hollywood Casino at Charles Town Races;

Second, that year round, live thoroughbred horse racing at the Hollywood Casino at Charles Town Races and thoroughbred horse breeding at farms in West Virginia are an integral part of the Eastern Panhandle of West Virginia's agriculture, and that agriculture is a critical ingredient in West Virginia's economy;

Third, that year round, live thoroughbred horse racing at the Hollywood Casino at Charles Town Races and local thoroughbred horse breeding at farms in West Virginia protects and enhances tourism in the Eastern Panhandle of West Virginia, including but not limited to, hotels, motels, bed & breakfasts, restaurants, historic tourism, and purveyors and sellers of goods and services of every kind and variety, and that tourism is a critical ingredient in West Virginia's economy;

Fourth, that year round, live thoroughbred horse racing at the Hollywood Casino at Charles Town Races and thoroughbred horse breeding at farms in West Virginia promote job creation and continued

employment and the generation of state revenues, and that job creation and continued employment are essential not only to the financial and moral well-being of those who are employed, but to the spouses, children, and families of those so employed who, without the benefits of such employment, would be forced to rely upon scarce public resources or suffer penury;

Fifth, that year round, live thoroughbred horse racing at the Hollywood Casino at Charles Town Races and thoroughbred horse breeding at farms in West Virginia generate tax revenues that support the provision of essential government services, including public education, police and fire services, and our municipal and county governments who, without such tax revenues, would be forced to further scale-back essential services and employment.

WHEREFORE, as evidenced by our signatures below, we support an adequate Purse Fund sufficient to sustain year round, live thoroughbred horse racing at the Hollywood Casino at Charles Town Races and we support thoroughbred horse breeding at farms in West Virginia.

SAVE OUR COUNTY

What happens to "OUR COMMUNITY" when live thoroughbred racing is diminished and the agricultural base is eliminated? Approximately 57% of Jefferson County is considered farming ground. A great amount of those farms are involved in one way or another with thoroughbred racing, breeding, boarding, or raising crops (hay, straw, grain, etc.) for the horses. When the "green space" farms and families are basically forced out of business, what happens next? Do the 4H Clubs survive? How about the Future Farmers of America, the Farm Bureau, Jefferson County Fair, and Camp Frame? Can you imagine most of the land being developed and the issues that come with it? Could Jefferson County end up looking like Prince Georges County, MD...OMG!

According to WVU School of Business and Economics, approximately 2,000 people are employed because of live thoroughbred year-round racing and farms in the area. Think about it. In these economic times, 2,000 local citizens going unemployed and all the local small businesses that would be negatively affected, estimated at over \$100 million in economic activity annually. Since the days of the Washington Family, racing horses down Washington Street in Charles Town and breeding and raising crops to nurture these magnificent animals, to one of the older Race Tracks in America being located near Shepherdstown at NCTC, this community has continued to support and count on live year-round horse racing and breeding.

Charles Town, West Virginia, with a full-fledged CASINO and only a limited number of racing days, which may eventually lead to ZERO DAYS as the industry winds down and almost self-destructs...Charles Town may become just another Atlantic City, New Jersey. How horrible and when it's GONE, IT'S GONE FOREVER!! Slot machines and table games were approved by the Jefferson County Voters with the assurances that live racing would be promoted, enhanced, and continued if "we the people" voted for Casinos. Now somebody(s) wants to change the rules and alter the deal without our approval. Was it "bait and switch" or did some know all along this was the game plan? That issue remains to be solved. Review the Preambles to both pieces of legislation and you will understand the promises that were made to this community in order to secure our votes and support.

My remarks are not to be construed as representing any group, organization, or entity, past or present. As part of my disclosure, I have been licensed as a WV Owner for years, although I currently have no horses in training or racing within West Virginia. Throughout the years, I have served as a Commissioner of Tourism, member of Cable TV Advisory Council, member of WV Economic Development Council, Chairman, WV Infrastructure and Jobs Council, President and Board Member of CTHBPA, and employed as a mutual clerk and racing official at the Charles Town Races, plus a few other assignments. I'm believed to be Sixth Generation Jefferson Countian with generations to follow and I DON'T WANT OUR COUNTY DESTROYED! Whether you are pro-growth or no-growth, greenspace and open minded, younger or older, retired or employed, fixed income or just trying to survive...what is happening will affect the "quality of life" for all of us and time is running out. SAVE OUR COUNTY!

Ken Lowe, Jr.

klowe@clarionshepherdstown.com

NAACP Jefferson County

P.O. Box 411

Ranson, WV 25438

Jefferson County NAACP strongly supports the Charles Town Horsemen Benevolent Protection Agency (CTHBPA)' resolution in relation to maintaining and adequately providing for year round live thoroughbred racing in Jefferson County.

The branch is gravely concerned about the action taken by the West Virginia legislature in 2014. In 2005, the Workers' Compensation Debt Reduction Fund was established. This action reduced the percentage of revenue going to horsemen's purses by \$11 million per year and applied it to the state's workers' compensation debt fund. Up to 2014 this bill reduced the local horsemen's purses by nearly \$60 million. A provision in the original bill stipulated that whenever the workers' compensation debt was paid in its entirety, the annual \$11 million appropriated would revert back to the purse fund. However, in the first special session of the 2014 legislature this provision was changed and deemed to expire, and language was inserted to subject roughly half of all previously allocated purse monies to appropriation. This action has had a devastating effect on the racing industry in Jefferson County.

Beside the horsemen, the branch is concerned about the economic loss and its impact in the community, such as: increased unemployment, increased homelessness, decreased real estate rental and sales, decreased tourism, increased taxes, decreased farmer income. In general, the entire community will be negatively impacted and will suffer.

As president of the NAACP, I have personally met with the hard working men and women that work in the stable area, the betting area, the parking area, also the owners, trainers, farmers, merchants and others. They are all seriously concerned as to what will happen to their livelihood if racing is reduced and/or closed.

The branch is requesting that the county and the local municipal governments request that our state legislators use whatever means necessary to repeal the action taken by the 2014 legislature and the funding returned to the horsemen's purses.

Also, we request the public to support the continuance of year round thoroughbred racing in Jefferson County by signing the online resolution. (www.petitionbuzz.com/petitions/support-thoroughbred-racing).

The future of racing affects all of us in the county. We cannot afford to lose it.

George Rutherford
President

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nathan Cochran, Assistant Prosecuting Attorney**

Department or Organization: **Prosecuting Attorneys Office**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **October 29, 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*): **Decision – Jefferson County Dog Tethering and Confinement Ordinance**

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

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

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

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

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

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

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

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

Contact information:

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

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 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 reasonably protect the animal from injury; 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 roof, 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 provide reasonably adequate protection from weather conditions.
- d. "Adequate water" means provision of and access to 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
- g. Every person owning or harboring a female dog, whether licensed or unlicensed, shall keep such dog confined in a building or secure enclosure for twenty-five days during the period of estrus.
- h. *Provided*, that the requirements herein 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 fourteen (14) 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.
- d. Bedding, 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.
- e. 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.
- f. 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 fourteen (14) 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 *Provided, that in the event that the dog being tethered is less than 20 pounds the tether shall not be less than six feet in length.* All tethers 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 two hours, the dog must be provided with adequate shelter, space, food, and water as defined in Section I of this Ordinance.
- e. No dog under the age of six months may be tethered.

V. Penalties

- a. It is hereby declared unlawful for an owner or caretaker of a dog to violate any of the provisions of this Ordinance.
- b. Any person who violates any provision of this Ordinance, shall be guilty of a misdemeanor, may 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.
- c. *Warning Period:* Any person found by Animal Control officers to be confining or tethering an animal in violation of this Ordinance may be issued a warning citation and be allowed up to 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.
- d. Any person who is issued a warning citation and does not conform the keeping of their dogs to the requirements of this Ordinance within the time period provided in the warning citation may be issued a citation immediately and is thereupon subject to fines and penalties stipulated in this Ordinance.

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

Jessica Carroll

From: Greg Renz [greg.renz@yahoo.com]
Sent: Thursday, October 15, 2015 8:59 AM
To: info@jeffersoncountywv.org
Subject: Vote FOR anti-tethering law in Jefferson County

Dear County Commissioners,

I encourage you to take a step in the right direction and VOTE FOR the anti-tethering law today.

The day we went to see Timber at Animal Welfare Society (AWS) he looked as if his life was over, his spirit had been broken, and he looked as though he was ready to die. When he arrived at AWS he was dragging a chain, whatever happened to him before that is unknown, but it is pretty evident he was tied up outside. After we adopted Timber and got him home and the days started to pass, his spirit began to return, his eyes lit up, and he began to smile... He smiled more than any dog I know. He was truly, finally happy to be in a home where he was cared for and loved. We only had him for a short time, but in that time he gave us a lifetime of memories.

Today, we as a community, have the opportunity to educate. The opportunity to educate our children and members of this community that tethering their dog is no life for their best friend. In fact at the previous meeting, the comment was made "if you have to tether a dog, you should have one"... I couldn't agree more.

I feel that any opportunity to help teach our children the proper way to care and treat their dog is going to be an opportunity to help fight against animal cruelty. Studies have shown that children who participate in animal cruelty are often a catalyst for committing bigger and more violent crimes later in life.

I understand that you might be inclined to say these are two different issues and are unrelated; you might say, "we are ONLY talking about tethering". However, I very much disagree, by passing an anti-tethering law today we are taking the first step in educating our community to begin thinking about how they treat their dog. We have the opportunity to educate children and adults that their dog needs to be a consideration; they need to consider how long they can be gone, consider how many hours they are allowed to leave them alone, consider what type of restraint they use, consider do they have water and food, consider do they have a proper shelter?

This IS the proper step in the right direction, educating our children from the beginning that it ISN'T ok to tether their dog and forget about them, treat them like Timber was treated through much of his empty life, help them understand their canine companion needs proper care and love just like they do.

I implore you to take this step today in the right direction by enacting the anti-tether law.

Thank you,

Greg Renz
Jefferson County Resident

Jessica Carroll

From: Tracy Eastman [tracyeastman@hotmail.com]
Sent: Thursday, October 15, 2015 8:35 AM
To: info@jeffersoncountywv.org
Subject: FW: Vote FOR the Anti-tethering Ordinance in Jefferson County

Dear County Commissioners:

I hope you choose to vote FOR the anti-tethering ordinance in Jefferson County at the meeting later today. To me it's an ordinance about common sense, about humanity and about ensuring a basic level of care for animals.

Last winter, each time the temperature dropped I thought of only one thing: what about the dogs that are chained outside just a few houses away? Is tonight the night they'll freeze to death because their miserable owners won't take them in. Their dog houses are inadequate, their care is inadequate, but legally there is nothing we can do but watch. The people who chose to chain them outside won't care for them while the rest of us stand idly by.

To make matters worse, these people have children. These children see that it's "normal" to chain a dog outside no matter how hot, or how cold it may be. A teacher once told me that one of their students said their dog died over a hot summer weekend because they "forgot to water it." The children see that the dogs don't get walked or played with or paid attention to, in some cases they don't get food or fresh water on a regular basis. It's as though they aren't living creatures and yet the adults in their lives, the people they look up to for direction, show them that it's okay to relentlessly chain a living creature outside - it's their right.

We need to take a step back and remember other events in history that weren't right by today's standards, but that were accepted at the time.

The anti-tethering ordinance is about improving the lives of the dogs that are relentlessly chained and treated inhumanely, but it's also about setting an example for next generation about respect and humanity. Please vote FOR the anti-tethering ordinance in Jefferson County.

Sincerely,
Tracy Eastman
Jefferson County Resident

Jessica Carroll

From: Marellen Aherne [marellenaherne@gmail.com]
Sent: Wednesday, October 14, 2015 8:35 PM
To: info@jeffersoncountywv.org
Cc: wvbreeze@citlink.net
Subject: RE: Anti-Tethering Ordinance

Please seriously consider passing an ordinance that would would stop the terrible practice of tethering dogs outdoors. I cannot be at the public hearing on Thursday, October 15th due to travel obligations. If I was here I would participate and strongly support the passage of this ordinance.

Sincerely, Marellen J. Aherne
Shepherdstown, WV

Jessica Carroll

From: Judy Dawson [bjticket@frontiernet.net]
Sent: Wednesday, October 14, 2015 5:58 PM
To: info@jeffersoncountywv.org
Subject: Dog confinement

This law is a minimum of what should be done. But it is a start.
Judy Dawson

Jessica Carroll

From: Shannon Holliday [akadallasalice@yahoo.com]
Sent: Wednesday, October 14, 2015 11:50 AM
To: info@jeffersoncountywv.org; Shannon Holliday
Subject: Impliment the Jefferson County Dog Tethering and Confinement Ordinance

Dear members of the Jefferson County Commission,

I support the ordinance protecting dogs from being chained outside in all conditions and without proper food, water and freedom. Animals should not be exposed to these torturous conditions, and the current regulations in the county are not strong enough to ensure the protection of animals. Too often, I see dogs chained outdoors in dangerous or severe weather; animals left regularly without shelter or access to clean water and food. Please include my support in your consideration of this ordinance at tomorrow's Jefferson County Dog Tethering and Confinement Ordinance Public Hearing. This is a great step toward improving the life of animals in Jefferson County.

Thank you,
Shannon Holliday
163 Berridge Dr.
Shepherdstown, WV 25443

Jessica Carroll

From: Marellen Aherne [marellenaaherne@gmail.com]
Sent: Wednesday, October 14, 2015 8:35 PM
To: info@jeffersoncountywv.org
Cc: wvbreeze@citlink.net
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Shepherdstown, WV

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Thank you,
Shannon Holliday
163 Berridge Dr.
Shepherdstown, WV 25443

Jessica Carroll

From: Lloyd, Kristina [KLloyd@APUS.EDU]
Sent: Friday, October 16, 2015 1:45 PM
To: 'info@jeffersoncountywv.org'
Subject: Support for the Anti Tethering Ban!

Good Afternoon,

I am writing you today to express my support of the proposed ban on anti-tethering, and creating stricter laws regarding the number of hours an animal can be tied up unattended. I am in favor of a maximum 10 hour limit on being chained, as well as enforcing citations and removal of animals after the first strike. The three strikes you're out concept is absurd, by the third strike in many cases the animal will have frozen to death and suffered a slow and painful departure. It is beyond cruel and inhumane to allow animals to be tied up for countless hours, without access to the basic essentials of life. It is our responsibility to show humanity and compassion and serve as advocates for those without a voice, the dogs that are left outside for endless hours, with no other choice because of sheer human neglect. It is imperative that we establish this ban, to allow law enforcement and animal control officials more freedom in taking action to rectify these situations when encountered, and providing penalties to those who fail to comply. My hopes are that Jefferson County will do the right thing and pass this proposed ban, providing a glimpse of hope that we are moving in the right direction for our animals.

Thank you in advance for your consideration of these comments.

Kristina

Kristina Lloyd | Training and Development Manager, Enrollment Management and Student Support

American Public University System

American Military University | American Public University
111 W. Congress Street, Charles Town, WV 25414
T 304-885-5284 | F 304-724-3787 | klloyd@apus.edu | www.apus.edu

This message is private and confidential. If you have received it in error, please notify the sender and remove it from your system.

Jessica Carroll

From: webmaster@jeffersoncountywv.org
Sent: Thursday, October 22, 2015 9:04 AM
To: info@jeffersoncountywv.org
Subject: Jefferson County Commission, WV Website Form Notification

A new entry to a form/survey has been submitted.

Form Name: County Commission Contact
Date & Time: 10/22/2015 9:03 AM
Response #: 18
Submitter ID: 55
IP address: 172.79.195.211
Time to complete: 16 min. , 14 sec.

Survey Details

Page 1

1. Name

Cheryl K. Durster

2. Email

wolfdreamer5@frontier.com

3. Questions or Concerns

Dear Commissioners,

I am writing to ask that you pass humane legislation concerning the anti-tethering ordinance that is currently under consideration in your county. No dog deserves to be tethered for more than 10/12 hours a day and even that amount of time in extreme weather is inhumane to the animal not to mention the fact that tethered dogs become aggressive and unsocial. Thank you very much for taking on this issue and deciding that changes need to be made in order to protect the dogs in your county from the horrible existence they might suffer from being tethered for their entire lives. As most all of us realize, dogs are meant to be part of a family and not segregated to being tethered to a 'dog box' in an obscure part of someone's property. I am the legislative chairperson for Animal Advocates of West Virginia and am also a District Leader for the HSUS and I applaud you for taking this issue under consideration for passage into county law.

Sincerely,
Cheryl Durst

4. Would you like to receive email notifications from Jefferson County?

Yes

Thank you,
Jefferson County Commission, WV

This is an automated message generated by the Vision Content Management System™. Please do not reply directly to this email.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Roger Goodwin, Chief County Engineer**

Department or Organization: **Engineering Department**

Estimation of amount of time needed for appointment: **10 minutes**

Date Requested – 1st Choice: **October 29, 2015**

Date Requested – 2nd Choice: **November 19, 2015**

Subject (*Wording to be placed on agenda*): **Property Safety Enforcement Agency Case 12-002 (Williams) – Request for County Commission to rescind Notice-of-Award to Remac America, Inc.**

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

Property Safety Enforcement Agency Case 12-002 (Williams)

Jefferson County Circuit Court – Civil Action No. 14-C-211

111 Fairway Drive

Lot 16, Sleepy Hollow Estates Subdivision, Jefferson County, WV

Harpers Ferry Tax District, Map 11B, Parcel 15

The property owner failed to carry out the action necessary to bring the property into compliance with the Property Safety Enforcement Ordinance and as outlined in the County Commission's order issued on October 17, 2013. The Circuit Court then issued an order on August 28, 2014, giving the County Commission permission to carrying out the work required to bring the property into compliance

Three prices/bids were received to complete the scope of work, as follows:

Remac America, Inc.	\$5,222.00 (Low Bidder)
Pittsnogle, LLC	\$5,782.00
United Wreckers & Excavators, Inc.	\$5,963.00

The County Commission issued a Notice-of-Award on August 10, 2015, to Remac America, Inc. to perform the work to mitigate the violation. However, the contractor failed to provide a satisfactory certificate of liability insurance and post the performance bond, as required under the attached Notice-of-Award to Remac America, Inc.; in addition, the contractor is non-responsive to my October 14, 2015, email request on this matter. Therefore, I am requesting that the County Commission find the contractor in default of the requirements under the Notice-of-Award and rescind the Notice-of-Award to Remac, Inc.

Also request that the County Commission issue a Notice-of-Award to Pittsnogle, LLC, to complete the work for the amount of \$5,782.00; and that the County Commission provides additional funding (the difference between the two prices) in the amount of \$560.00, contingent upon the Finance Director demonstrating that the additional funding is available. The County Commission already authorized funding in the amount of \$5,222.00 under the original request.

Is this a funding request? **Yes.**

If so, how much? **An additional \$560.00 in addition to the \$5,222.00 already approved. (a lien will be placed on the property upon completion of the work)**

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

- 1. Move to find the contractor in default of the requirements of the Notice-of-Award and to therefore annul the Notice-of-Award to Remac America, Inc., for Property Safety Case 12-002, and find their Bid null and void; and**
- 2. Move to issue the attached Notice-of-Award to Pittsnogle, LLC, in the amount of \$5,782.00 and to authorize staff to move forward with contracting with Pittsnogle, LLC to carrying out the work required for Property Safety Case 12-002 (Williams); and**
- 3. Move to authorize additional funding for this project in the amount of \$560.00, contingent upon the Finance Director demonstrating that the additional funding is available.**

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: engineering@jeffersoncountywv.org Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

--

Notice of Award

Date: August 10, 2015

Project: Property Safety Enforcement Agency Case 12-002 (Williams) Mitigation Project	
Owner: Jefferson County Commission (via Civil Action No. 14-C-211)	Owner's Contract No.: 2012-002
Contract: Case 12-002 (Williams) Mitigation Project	Engineer's Project No.: N/A
Bidder: Remac America, Inc.	
Bidder's Address: <i>[send Notice of Award Certified Mail, Return Receipt Requested]</i>	
10860 Spring Knoll Drive	
Potomac, MD 20854	



You are notified that your Bid dated June 5, 2015, for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for the Case 12-002(Williams) Mitigation Project.

The Contract Price of your Contract is (\$5,222.00).

Five thousand and Two Hundred and Twenty-two Dollars and no cents

2 copies of the signed/accepted Agreement & Scope of Work accompany this Notice of Award.

You must comply with the following conditions precedent within [15] days of the date you receive this Notice of Award.

1. Deliver to the project Owner's agent:

Jefferson County Engineering Department
116 East Washington Street, Suite 100
Charles Town, WV 25414
Attn: Roger Goodwin, P.E., Chief County Engineer

the following:

- a. Provide Certificate of Liability Insurance (minimum \$1,000,000 amount)
- b. Provide current West Virginia Workers Compensation insurance certificate.
- c. Provide satisfactory Performance Bond in the amount of 100% of the Contract Price.
- d. Sign both copies of the Agreement & Scope of Work, and return one copy.

Failure to comply with these conditions within the time specified will entitle Owner to consider you in default, annul this Notice of Award, and declare your Bid null and void.

Within approximately fifteen (15) days after you comply with the above conditions, Owner will return to you the Notice to Proceed. Bid Bond (if applicable) will be returned along with the Notice to Proceed.

On behalf of the Jefferson County Commission, West Virginia

By: Jane M. Tabb
Authorized Signature
Jane Tabb, President
Jefferson County Commission, West Virginia

Copy to County Engineer

Notice of Award

Date: October 29, 2015

Project: Property Safety Enforcement Agency Case 12-002 (Williams) Mitigation Project	
Owner: Jefferson County Commission (via Civil Action No. 14-C-211)	Owner's Contract No.: 2012-002
Contract: Case 12-002 (Williams) Mitigation Project	Engineer's Project No.: N/A
Bidder: Pittsnogle, LLC	
Bidder's Address: <i>[send Notice of Award Certified Mail, Return Receipt Requested]</i>	
1225 Rock Cliff Drive	
Martinsburg, WV 25401	

You are notified that your Bid dated June 5, 2015, for the above Contract has been considered. You are the Successful Bidder and are awarded a Contract for the Case 12-002(Williams) Mitigation Project.

The Contract Price of your Contract is (\$5,782.00).

Five Thousand and Seven Hundred and Eighty-two Dollars and no cents

1 copy of the signed/accepted Proposal & Scope of Work accompanies this Notice of Award.

You must comply with the following conditions precedent within [15] days of the date you receive this Notice of Award.

1. Deliver to the project Owner's agent:

Jefferson County Engineering Department
116 East Washington Street, Suite 100
Charles Town, WV 25414
Attn: Roger Goodwin, P.E., Chief County Engineer

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On behalf of the Jefferson County Commission, West Virginia

By: _____

Authorized Signature

Jane Tabb, President

Jefferson County Commission, West Virginia

Copy to County Engineer

PITTSNOGLE, LLC
1225 ROCK CLIFF DRIVE
MARTINSBURG, WV 25401
Phone/Fax 304-596-9966

WV Asbestos Contractor #AC002257
WV Contractors # WV043361

VA Asbestos Contractor #3306 001014
VA Class A Contractor #2705 131470A

PROPOSAL

May 29, 2015

Jefferson County Engineering Department
116 East Washington Street, Suite 100
Charles Town, WV 25414

Attn: Joe Kent, Land Development Inspector

Re: Property Safety Case 12-002 (Williams)
111 Fairway Drive, Lot 16, Sleepy Hollow estates Subdivision

Scope of Work:

As per the "REQUEST FOR PROPOSAL", copy attached.

Firm Lump Sum

\$ 5,782.00

EXCLUSIONS:

None

Terms: As per the contract documents

Proposed by: 
David M. Pittsnogle, Sole Member

Date 5/29/15

Accepted by: _____

Date _____

Printed Name: _____

JEFFERSON COUNTY, WEST VIRGINIA

Engineering Department

116 East Washington Street

P.O. Box 716

Charles Town, West Virginia 25414

Email: engineering@jeffersoncountywv.org

Phone: 304-728-3257

Fax: 304-728-3953

REQUEST FOR PROPOSALS

Property Safety Remediation

Case 12-002 (Williams)

By Order of the Circuit Court of Jefferson County (Civil Action No. 14-C-211); proposals are being accepted by the County Commission of Jefferson County, West Virginia, for the following work to remediate a fire hazard and unsafe condition at an abandoned, unoccupied, and dilapidated dwelling in Jefferson County:

Project: Property Safety Enforcement Agency Case 12-002 (Williams)

Property Location: Jefferson County Tax Map 11B

Parcel 15

Harpers Ferry Tax District

Deed Book 927, Page 532.

Property is located at 111 Fairway Drive, Lot 16, Sleepy Hollow Estates Subdivision off of Old Country Club Road, approximately ½ mile north of intersection with Route 340, near Charles Town in Jefferson County.

The scope of work generally involves the removal of overgrown vegetation, shrubs and trees from around the structure, mowing of the overgrown lawn, removal of refuse and debris located on the property and the boarding up of the doors and windows.

Written Proposals shall be submitted to:

Jefferson County Engineering Department

116 East Washington Street, Suite 100

Charles Town, WV 25414

Attn: Joe Kent, Land Development Inspector

304-728-3257

SCOPE OF WORK

**Property Safety Case 12-002 (Williams)
111 Fairway Drive, Lot 16, Sleepy Hollow Estates Subdivision
Jefferson County, West Virginia**

1. Contractor shall provide all materials, labor and equipment necessary to remove all brush, trees & vegetation within 10 feet of the dwelling unit and along the fence in rear yard (inside and outside), and remove it from the property and dispose of it in a legal manner. Trees and bushes that are to remain will be indicated/marked by the Chief County Engineer.

Contractor shall also cut any overgrown brush on the property and mow the overgrown lawn; all to the satisfaction of the Chief County Engineer.

2. Contractor shall provide all materials, labor and equipment necessary to remove all refuse and debris located on the property that is located outside the dwelling/structure and dispose of it in a legal manner, all to the satisfaction of the Chief County Engineer.
3. Contractor shall provide all materials, labor and equipment necessary to board up the lower level windows and doors located as follows:
 - a. Both double doors at the deck
 - b. The windows at the front bay window
 - c. The front door
 - d. The two foundation windows left side of the front door
 - e. The two foundation windows at the end on left side of the driveway
 - f. The double basement door
 - g. The two foundation windows at the rear of the house
 - h. Secure/board up the fence gates to the rear yard to prevent access.

The doors and windows shall be secured using a minimum 3/8" bc plywood sheathing fastened to the window or door frame in a manner satisfactory to the Chief County Engineer. Foundation windows may need 2"x3" framing fastened to the masonry foundation (or other satisfactory fastening means) in order to have a means of securely fastening the plywood sheathing.

The plywood shall be fastened using a sufficient number and size of screws to prevent them from being easily removed without the use of tools. The plywood shall be painted on the exposed side with primer and one coat of white semi-gloss exterior grade paint to protect it from moisture and decay.

All materials shall be new and all work shall be performed in a workman like manner such that work shall not significantly detract from the appearance of the dwelling.

4. Contractor shall provide all materials, labor and equipment necessary to perform work in a manner that results in the least disturbance to the lot and vegetation. Contractor shall seed and mulch any areas disturbed area as a result of the Contractor's work.
5. Contractor shall maintain traffic access throughout the subdivision during completion of the work and provide all temporary traffic control necessary until the work is 100% complete; including but not limited to, traffic control signs, barricades, warning lights, flagmen, etc. as deemed necessary. All temporary traffic control devices shall be in accordance with West Virginia Division of Highways standards and specifications.
6. Contractor shall provide all materials, labor and equipment necessary to clean up all trash, debris, and dirt that may be deposited on the roadway as a result of the contractor's work.
7. All Contractors submitting a proposal shall hold a current West Virginia Contractor's License and shall be in good standing with the State of West Virginia. Contractor shall provide with their written proposal a copy of the contractor's license issued by the West Virginia Contractor's Licensing Board.
8. The Contractor shall pay for and provide liability and West Virginia Worker's Compensation Insurance. Upon Notice of Award, the Contractor shall provide to the County Commission of Jefferson County a certificate of liability insurance in the amount of one million dollars (\$1,000,000) and a copy of the Contractor's current West Virginia Workers' Compensation Insurance certificate.
9. The Contractor agrees to save and hold harmless, and to protect the Jefferson County Commission, its agents and employees from any and all liability resulting out of any acts and/or negligence by the Contractor in the completion of the work for this project.
10. Contractor shall be responsible for safety on this project and performing work in accordance with all local, state and federal safety regulations.

CONTRACT TIME

1. The time limit for completing the work is 21 calendar days from the date when the Notice to Proceed is delivered to the Contractor. All time limits for completion and readiness for final payment are of the essence.

PAYMENT FOR WORK & RELEASE OF LIENS

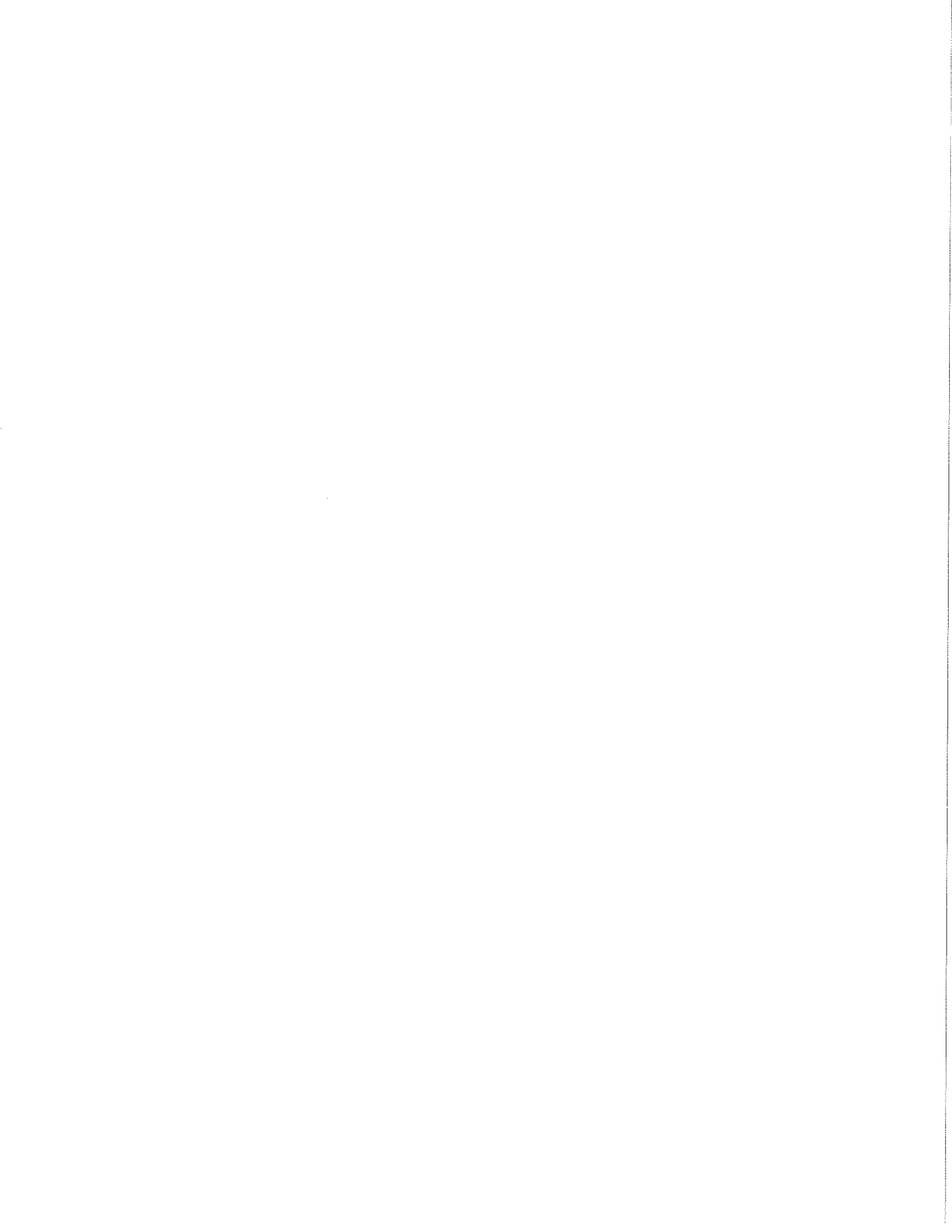
1. The Invoice for payment may be submitted upon 100% completion of the work by the Contractor. The Invoice for Payment shall be in a format acceptable to the Chief County Engineer.

The invoice shall be charged to the Jefferson County Commission and submitted for payment to the Chief County Engineer at the Jefferson County Engineering Department, 116 East Washington Street, Charles Town, WV 25414. The Chief County Engineer shall review the Invoice for Payment and verify the work is 100% complete.

A satisfactory and approved invoice shall then be submitted by the Chief County Engineer to the Jefferson County Commission at their next regular meeting for their approval for payment. Terms for payment shall be net 30 days from approval of the invoice for payment by the Jefferson County Commission.

2. The final Invoice for Payment shall be accompanied by:
 - a. Complete and legally effective releases or waivers (satisfactory to the Jefferson County Commission) of all Lien rights arising out of or Liens filed in connection with the Work; and
 - b. Documentation and/or certification that the applicable State of West Virginia prevailing wage rate was fully paid for each type of worker on the job upon completion of the work; and

S:\Engineering\engineering\Engineering\ENGINEERING\ENFORCEMENT AGENCY\2012 CASE CORRESPONDENCE & RECORDS\12-002 (Williams and Yastrzemski)\2014-10-27 Request for Proposals\2014-10-29 Request for Proposals 12-002 (Williams).doc



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: October 29, 2015

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Recommendation from the Planning Commission to the County Commission to amend various sections of the Subdivision and Land Development Regulations pertaining the Major/Minor Site Plan and Subdivision Processes (see staff memo for a list of specific sections to be amended [PC File #STA15-05]). The purpose of this request is to schedule a public hearing to be held by the County Commission.

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

On September 22, 2015 the Planning Commission held a work session with the citizen's committee to review their proposed redlined edits to the Subdivision Regulations.

On October 13, 2015 the Planning Commission held a Public Hearing, during which there was no public comment. The Planning Commission voted unanimously to recommend the proposed text amendment to the County Commission for consideration and final action.

WV Code 8A-4-5 states that "After the enactment of the subdivision and land development ordinance by the governing body, all amendments to the subdivision and land development ordinance shall be made by the governing body after holding a public hearing with public notice."

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 (schedule) a public hearing to receive input on the proposed redlined edits to the Jefferson County Subdivision Regulations (File #STA15-05) on _____, 2015 at _____ a.m./p.m..

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

Attachments:

- September 22, 2015 Staff Memo to the Planning Commission
- STA15-05, proposed redlined edits to the Subdivision Regulations as submitted by the Citizen's Committee on 07-29-15

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, 2nd Floor

P.O. Box 338

Charles Town, WV 25414

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

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

MEMO

To: Jefferson County Planning Commission

From: Jennifer M. Brockman, AICP
Director of Planning and Zoning

Date: September 22, 2015

RE: Proposed red-lined edits to the Jefferson County Subdivision and Land Development Regulations regarding the Major/Minor Processes (STA15-05)

On February 10, 2015 the Planning Commission appointed a citizen's committee to draft an amendment to the Jefferson County Subdivision and Land Development Regulations regarding the Major/Minor Subdivision and Site Plan processes.

On August 11, 2015 staff distributed for your review the first draft of the proposed redlined edits (STA15-05) as submitted by the committee.

Attached for your review is the first draft of the proposed red-lined edits as submitted by the committee. Note, the only revision made on this version from the first version you received is that **Section 24.105E Minor Site Plan Application – Determination** has been re-added to the text by staff because it is mandated by WV Code §8A-5-4.

The next step would be to schedule a Public Hearing to receive public input on the proposed text amendment.

Attachments

- ❖ Cover Memo dated 07-29-15
- ❖ Article 26 – Terminology, Definition of Major Site Plan and Minor Site Plan
- ❖ Minor Site Plan Process
 - Sections 20.203; 24.105
 - Proposed new Sections (not yet numbered):
 - Minor Site Plan Concept Plan – Submission and Completeness Review
 - Minor Site Plan Concept Plan – Public Workshop
 - Minor Site Plan Concept Plan Direction
 - Minor Site Plan Process After Concept Plan Direction (working title)
- ❖ Major Subdivision/Site Plan Processes
 - Sections 23.203; 24.206; 24.107; 24.109; 24.110; 24.111; 24.112; 24.114; and 24.115
 - 24.113 - Major Subdivision Final Plat – Public Hearing – Recommendation is to delete this section entirely.

MEMORANDUM

TO: Steve Stolipher, President, Jefferson County Planning Commission

FROM: Committee on Subdivision and Site Plan Process Ordinance Amendments *PR*

SUBJECT: Draft of Proposed Amendments to the Subdivision and Site Development Ordinance

DATE: July 29, 2015

As you are aware, this Committee has been working diligently on proposed ordinance amendments for the processing of Subdivisions and Site Plans. The Committee has met for many months to come up with reasonable amendments to the process that would both streamline an application while keeping the Public involved and informed during the process.

The Committee understood that our task was to come up with a more workable process for plan and plat approvals that more closely reflected the intent of the West Virginia State Code and the experiences of the last several years of processing plans. When the Subdivision/Site Development Ordinance was adopted in 2008, the procedures for processing developments were incorporated into the document without much direction from a very vague new enabling legislation.

Although the Enabling Legislation does not contain a lot of public participation, the Committee felt that it served both the Public and the Applicant if the Concept Plan stage remained in the early stages of the plan approval process. Accordingly, the proposed amendments should achieve a balanced approach to public participation along with quicker processing times.

While the State Code makes it difficult to make the process perfect, the Committee believes that it succeeded with their task. The active participants of the Committee included: Suzanne Malesic; Katy Fidler; Mike Shepp; Michael Boyle; Debra Lee Hovatter; and, Paul J. Raco.

As discussed with Staff, the Committee would like the draft of the proposed amendments distributed to the Planning Commission at your August 11, 2015 meeting, but would hope for time in a September meeting to discuss the amendments with you. Ideally, we discussed the possibility of scheduling a second meeting in September to adequately address the amendments.

We appreciate the opportunity that we had to work on this important matter and hope that we can continue on the project until the final version is adopted. Thank you.

cc: Jennie Brockman, AICP, Director of Planning and Zoning

RECEIVED
JUL 29 2015
JEFFERSON COUNTY PLANNING.
ZONING & ENGINEERING



M

Maintenance Guarantee. A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to these Regulations or to maintain same.

Major Change. A change to the plan that increases density or floor area, decreases open space, *bufferyards*, or which alters the alignment or layout of streets by more than five feet. For conditional approvals granted prior to the effective date of these Regulations, any proposed use not contained in the original advertisement shall be considered a major change.

Major Site Plan³. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where new all structures or new additions located on the parcel are equal to or total more than 250,000 square feet or more of GFA on any site;
 - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- C. ~~Apartment or multi-family development of ten or more dwelling units~~; or
- D. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Major Subdivision Plat. A plat that proposes subdivision of land, whether residential or non-residential, that requires the development of streets (public or private) or rights-of-way access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street.

Manufactured Home. Housing built in a factory according to the federal manufactured home construction and safety standards effective June 15, 1976. (*Source: W.Va. Code §8A-1-2(r)*)

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum to which base flood elevations shown on a community's flood Insurance Rate Map are referenced.

Mean Surface Water Elevation. The observed limit of dry weather flow elevation in a *watercourse* or mean high water level in tidal areas.

Minimize. To reduce to the smallest amount possible using *Best Management Practices*. "Minimize" shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the conservation of the natural features of land, the requirement to "minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted development.

Minor Change. A change to the plan that does not increase density or floor area, does not decrease open space, bufferyards, or parking, or does not *alter* the alignment or layout of streets by more than five feet.

Subdivision Regulations

Jefferson County, West Virginia



Minor Site Plan^{1&3}. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

- A. Building(s), both new and additions to existing, where new all structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all structures located on the parcel total more than 5,000 and less than ~~50,000~~ 250,000 square feet gross floor area (GFA) on any site shall:
 - Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
 - ~~Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.~~
- B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Section A of this definition does not apply to this provision;¹
- C. Apartment or multi-family development ~~of nine or less dwelling units.~~

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.³

Minor Subdivision Plat. A plat that will not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, that proposes subdivision of land into five or less lots including the parent parcel.

Mitigation. Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

Moderately Vulnerable Area. An area where the combination of soils, subsurface conditions, geologic features, hydrology, population density, and Source Water Protection Areas makes the aquifer and groundwater moderately vulnerable to contamination. This area contains a lower intensity of the conditions found in a highly vulnerable area.

Monument. A stone or concrete boundary marker, as required by these Regulations, intended to fix the physical location of property lines.



- 2. Judicial sales or tax sales;
- 3. Mortgages;
- 4. Deeds of partition under or pursuant to an order of Court;
- 5. Real estate transferred by will or intestacy.

d. A parent or a child may receive only one such exempt lot within the County after July 19, 1979.

e. Parents who are married are entitled to only one such parcel.

B. Non-Residential.

The re-subdividing of a lot located in an approved industrial park or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. When a non-residential subdivision is provided for in the rural district, such development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot. All minor non-residential subdivisions shall contain, but are not limited to, the following criteria:

- 1. **Lots.** A minor non-residential subdivision divides the property into more than one lot.
- 2. **Access.** All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District.
- 3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.

Where, in the judgment of staff, a residential or non-residential proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations, the proposed subdivision shall be classified as a major subdivision. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.202 Major Subdivision

A major subdivision, whether residential or non-residential, is any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street. (See definition of "Major Subdivision.") A subdivision may be classified as major if in the judgment of staff, a proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.203 Minor Site Development^{1, 3, &4}

Minor Site Developments are those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.

If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Minor site development proposes one or more of the following:

Subdivision Regulations

Jefferson County, West Virginia



(1) Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all new structures or additions to structures located on the parcel total more than 5,000 and less than ~~50,000~~ 250,000 square feet gross floor area (GFA) on any site shall:

- Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
- In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
- ~~Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.~~

(2) Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Section 20.203 Sub-Section (1) does not apply to this provision;

(3) Apartment or multi-family development, ~~of nine or less dwelling units.~~

Minor Site Development requires Stormwater Management Plans and stormwater management activities per the Jefferson County Stormwater Management Ordinance, as identified in A, B, C, and D within this Section.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this section; unless, development/redevelopment activity at the site triggers stormwater management policy as described in the Jefferson County Stormwater Management Ordinance.

- A. **No Site Plan or Stormwater Management Plan Required.** No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:
 1. The footprint of the addition or the new structure is less than 250 square feet; and
 2. No additional parking is required per Zoning Ordinance standards; and
 3. The disturbed area is no more than 3000 square feet.
- B. **Limited Site Plan and Stormwater Management Plan Addressing Quantity Only Required.** A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:
 1. An addition to an existing structure, or, ancillary to an existing use; and
 2. The footprint does not exceed 1600 square feet or 35% of the existing structure, whichever is smaller.
 3. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.²
- C. **Full Site Plan Required.** Any development which does not meet all of the criteria for a limited or rural site plan shall meet all the requirements of these Regulations and the appendices.

**Sec. 24.105 Minor Site Plan Application –Determination**

- A. **General.** An applicant for a minor site plan, who does not schedule a pre-proposal conference, shall be subject to the procedures of this Section upon submittal of a copy of a site plan application and the corresponding fees to the Planning Commission. All minor site plans shall follow the site plan standards in Appendix A, *Plan & Plat Standards*.
- B. **Application Meeting.** Within seven days after the submission of the site plan, the applicant and the staff shall meet to discuss the proposed site plan and the criteria used to classify the proposal as minor. The applicant may choose to waive this meeting but shall do so upon submission.
- C. **Site Inspection.** The staff shall make a site inspection of the site plan.
- D. **Determination.** Within ten days after the submission of the site plan, the staff shall notify the applicant in writing that the proposed site plan has or has not been classified a minor site development. If the Staff determines that the site plan has been classified as a minor site development and is over 5,000 square feet as described in Section 20.201, then the project shall proceed with Section XXXX, Minor Site Plan Concept Plan. All other Minor Site Plans (under 5,000 sq. ft. and in Industrial/Business Park) shall proceed with Section XXXX (page 50D) Minor Site Plan Process After Concept Plan Direction (Page 50D).
- E. **Approval.** Within ten days after the site plan has been classified as minor site plan, the staff shall approve, approve with conditions, or deny the site plan.

(For minor site plan criteria see the definition, Site Plan, Minor and Sec. 20.201, Minor Subdivisions.)

Sec. XXXXX Minor Site Plan Concept Plan - Submission and Completeness Review^{2, 4}

The submission of a concept plan is a required step for minor site plans determined in Section 24.105. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the planning department. It shall be accompanied by the fee for concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*. Show or note if all features are addressed.

Subdivision Regulations

Jefferson County, West Virginia

**3. Zoning Information.** This shall include:

- a. Determination of the zoning district in which the proposed site plan project is situated.
- b. Density calculations.
- c. Site resource map. (See definition)
- d. Use designations for all adjoining and confronting parcels.

4. Proposal Description. This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is multifamily residential.**5. Traffic Impact Data.** This shall include:

- a. ADT figures for the adjoining or accessible State road.
- b. Trip generation figures based on the following table:

<u>USE</u>	<u>PEAK HOUR</u>	<u>AVERAGE DAILY</u>
<u>Townhouse</u>	<u>0.6</u>	<u>7.0 per d.u.</u>
<u>Mobile Home</u>	<u>0.6</u>	<u>5.0 per d.u.</u>
<u>Light Industrial</u>	<u>1.2</u>	<u>5.5 per 1000 s.f.</u>
<u>Industrial Park</u>	<u>0.99</u>	<u>7.0 per 1000 s.f.</u>
<u>Warehousing</u>	<u>1.63</u>	<u>4.9 per 1000 s.f.</u>
<u>Mini-warehousing</u>	<u>0.29</u>	<u>2.8 per 1000 s.f.</u>
<u>Office</u>	<u>2.82</u>	<u>17.7 per 1000 s.f.</u>
<u>Small Shopping Center</u>	<u>15.51</u>	<u>118.0 per 1000 s.f.</u>
<u>Convenience Market</u>	<u>54.80</u>	<u>625/1000 leasable s.f.</u>

- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
 - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
 - e. If a use is not listed in the table above, the most current edition of the Institute of Transportation Engineers Trip Generation Manual or Handbook shall be referenced to determine appropriate trip generation figures.
- 6. A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the site plan.⁴**



- 7. Agency Reviews.** The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide copy of letter sent to outside agencies to the Departments of Planning and Zoning with 7 days of submission of Concept Plan. If any review agency failed to respond, they shall be deemed by these Regulations to have approved the plan.
- 8. Other Data.** Any other data or information the applicant believes will assist in the review.
- 9. Other Reviews.** Any other staff or agency reviews of the plans.
- 10. Adjoining Property.** The applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. The adjoining and Homeowner's Associations shall be notified by staff of the date of the workshop.
- C. Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.
- D. Department.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a site plan submittal.
 2. Staff opinion as to whether the plan meets the site plan criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- E. WVDOH.** WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.
- F. Traffic Impact.** The review shall indicate whether a traffic impact study will be required based on analysis required in 24.116.B.5.e.
- G. Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.
- H. Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.
- I. Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors

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that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.

- J. **Effect.** At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in a local newspaper of general circulation in the area one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

Sec. XXXX Minor Site Plan Concept Plan - Public Workshop

At the scheduled Planning Commission meeting, the Planning Commission shall hold a public workshop to take public comments, concerns, and inputs on the proposed concept plan. This workshop is intended to provide the developer and the Planning Commission with said public input.

- A. **Plan Presentation.** The developer shall make a short presentation of the plan.
- B. **Agency Comments.** The staff shall briefly outline agency comments. The planning department shall specifically address whether the project can meet the standards of the Zoning Ordinance.
- C. **Public Comment.** The public will be invited to comment. The Planning Commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the site plan and report such transportation or engineering matters.

Sec. XXXX Minor Site Plan Concept Plan - Direction

After the close of the public workshop, the Planning Commission shall, during their regular meeting or at a specific public meeting within 14 days, provide direction on the concept plan. If the Planning Commission decides to postpone action for 14 days, the workshop shall be closed for public comment; however the applicant or designated representative will be permitted to interact with the Planning Commission at that meeting to answer questions raised during the public comment at the workshop.

- A. **Direction.** The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions, unless they are proffered by the applicant.

Effect. The direction is to the developer to proceed to prepare a site plan (Section 24.119, *Major Site Plan Application – Submission and Completeness Review*). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Section XXXX Minor Site Plan Process After Concept Plan Direction

- A. Formal Site Plan Submission. An Application, applicable fees, two copies of a Site Plan as outlined in Appendices A and B, 2 copies of Storm Water Management Calculations with Stormwater Narrative and all other applicable Site Plan support material can be submitted after the Concept Plan Direction is given by the Planning Commission.
- B. Required Elements. Within 7 days, Engineering Staff shall determine if the Site Plan is sufficient and support material contains at least 70 percent of the required elements of a site plan submission.
- C. Staff Review Conference. Once Engineering Staff determines that the Site Plan contains 70 percent of the required elements, Staff shall place an advertisement in the Spirit of Jefferson noticing a Staff Review Conference will be held on the first available Staff Review Schedule held on the first and third Fridays of every month. This Staff Review Conference shall be open to the public, but will be conducted only between the Staff, applicant and Design Consultant. The Design Consultant is required to attend, or the Staff Review Conference will be postponed to the next available Staff Review Schedule on a first or third Friday of the month. The purpose of the Staff Review Conference is for the Staff, applicant and design consultant to exchange checklists, ideas, suggestions and questions regarding the applicable site plan regulations as it relates to the submitted site plan and support data.
- D. Site Plan Approval. Once the Staff Review Conference is held, the site plan will be exchanged back and forth between the design consultant and Staff via the approved checklist process until such time that the Staff believes that the site plan and support data meets all applicable local and state regulations. Once the Staff determines that the site plan meets all such regulations, the Staff shall approve the site plan and allow the project to proceed to bond the project under the current Jefferson County Bonding Policy. All Health Department, Highway Department, Public Service District, WVDEP and other applicable State and Local Agency Approvals shall be in place prior to the Staff's Approval.
- E. Site Plan/Checklist Approval Process. Under Section D above, the applicant may at any time request to be on the Planning Commission agenda pursuant to current agenda rules in order to request that the Planning Commission approve the site plan if the applicant believes that the site plan meets the site plan rules and regulations.
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Sec. 23.203 County Agencies

The following Jefferson County agencies are involved or may be involved in the subdivision and site development review process.

- A. **On-Site Water Supply and Sanitary Waste Disposal.** The Jefferson County Health Department and West Virginia Department of Health shall be responsible for the review of any on-site water supply or sanitary waste disposal for the proposed development. Approval needed at Preliminary Plat Stage.
- B. **Centralized Water Supply/Distribution and Sewage Collection/Treatment.** The Jefferson County Public Service District or other applicable local agency supplying centralized utilities, West Virginia Health Department, and WVDEP shall be responsible for the review and approval for any centralized sewer and water supply intended to serve the proposed development. Approval needed at Preliminary Plat Stage.
- C. **Jefferson County Historical Landmarks Commission.** This body shall submit a report and findings on whether historical resources exist on the site of the proposed subdivision of site development. If there are, they shall submit findings on whether the proposal meets the requirement of zoning with respect to such structures or places at Concept Plan Stage.
- D. **Jefferson County Parks and Recreation Department.** This body shall determine the adequacy of park, recreation, and trail facilities intended to serve a proposed residential development at Concept Plan stage. This is a courtesy review for Park Planning Purposes.
- E. **Jefferson County Addressing/GIS Office.** This body shall verify adequacy of proposed addresses, road names, and names of subdivisions in accordance with Jefferson County E 9-1-1 Addressing Ordinance. Approval is needed at either Concept Plan or Preliminary Plat Stage.
- F. **Jefferson County Engineering Department.**⁴ This body shall review and either approve or deny the Stormwater Management Plan relating to stormwater management.

Sec. 23.204 Other Agencies

The following are the responsibilities of other agencies:

- A. **West Virginia Division of Highways (WVDOH).** WVDOH is responsible for reviewing the site access and potential improvements to public roads at Preliminary Plat Stage.
- B. **Jefferson County Schools.** The Board of Education should determine the adequacy of school facilities intended to serve a proposed residential development at Concept Plan Stage. This is a courtesy review for School Planning purposes.
- C. **Emergency Services.** Fire, police, and EMS providers should determine the adequacy of emergency response and lifesaving services provided to their respective service area if potentially affected by a proposed subdivision or development project at Concept Stage.
- D. **U.S. Postal Service.** ~~The U.S. Postal Service shall determine which zip code wholly contains the new subdivision and acknowledge which postal delivery mechanism is approved when affected by a proposed subdivision or development project.~~ WVDEP, DEP approval for NPDES, SWPPP, GPP, and other applicable approvals (if required) are needed prior to Preliminary Plat Approval.

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- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
 - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
 - e. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study ~~may will~~ be required which includes generators, etc. or unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study, the traffic study shall not be required. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative. The traffic study or a letter from the West Virginia Division of Highways outlining proposed improvements shall be received prior to ~~with the first submission of~~ the preliminary plat approval.⁴
6. **Agency Reviews.** The reviewing agencies may shall conduct reviews of the proposed concept plan. Agency comments, if responding, shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide a copy of the letter sent to outside agencies to the Department of Planning and Zoning within 7 days of the submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.
7. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners’ addresses adjoining the subject property. The adjoining and Homeowner’s Associations shall be notified by staff of the date of the workshop.
8. **Other Data.** Any other data or information the applicant believes will assist in the review.
9. **Other Reviews.** Any other staff or agency reviews of the plans.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.
- D. **Department.** The Department review shall include the following:
- 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal.
 - 2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.

- E. **WVDOH.** The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval. ~~When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these~~



~~Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.~~

- F. **Traffic Impact.** ~~The WVDOH shall determine. The review shall indicate~~ whether a traffic impact study will be required during the preliminary plat stage. ~~based on analysis required in 24.106.B.5.e.~~
- G. **Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.
- H. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a preliminary plat or reasons why the plat should be denied.
- I. **Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.
- J. **Effect.** At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in the local newspaper one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

Sec. 24.107 Major Subdivision Concept Plan - Public Workshop

At the scheduled Planning Commission meeting, the Planning Commission shall hold a public workshop to take public comments, concerns, and inputs on the proposed concept plan. This workshop is intended to provide the developer and the Planning Commission with said public input.

- A. **Plan Presentation.** The developer shall make a short presentation of the plan.
- B. **Agency Comments.** The staff shall briefly outline agency comments. The planning department shall specifically address whether the project can meet the standards of the Zoning Ordinance.
- C. **Public Comment.** The public will be invited to comment. The Planning Commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission or Applicant. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the preliminary plat and report such transportation or engineering matters.

Sec. 24.108 Major Subdivision Concept Plan - Direction

After the close of the public workshop or at any public meeting within 14 days thereafter, the Planning Commission shall provide direction on the concept plan. If the Planning Commission decides to postpone action for 14 days, the workshop shall be closed for public comment; however the applicant or designated representative will be permitted to interact with the Planning Commission at that meeting to answer questions raised during the public comment at the workshop.

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- A. **Direction.** The Planning Commission shall direct the preparation of a preliminary plat subject to conditions to be addressed in the preliminary plat application. The purpose of this review is to guide the developer so that when the preliminary plat application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a preliminary plat (Section 24.109). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, and then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.109 Major Subdivision Preliminary Plat - Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70 % of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
 3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.



4. **Preliminary Engineering Plans.** A ~~preliminary~~ engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.
5. **Preliminary Landscape Plans.** A ~~preliminary~~ landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
6. **Transportation Impact Study.** If required, TIS and materials agreed to at the concept plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review. Where applicable, analysis, commentary, drawings, or other material specifically addressing conditions in the concept direction. This shall include comments or material from WVDOH regarding the impact study and any responses from the developer's engineers.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity Letters are required at Completeness Stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** A Phase I archaeological study is required. A historic resources impact study shall also be included.
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan and Narrative, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Jefferson County Engineering Department. This is a required element in the first submission or the submission will automatically be determined as incomplete.⁴
13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.

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- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department of Planning.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
 2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat Approval by Staff. ~~When appropriate, the WVDOH review shall determine whether the on-site conditions of the preliminary plat are acceptable to the Department, including sight distances, access location, turning or by-pass lanes, road configuration, road alignment and road drainage. A review of the traffic study shall be conducted and any problems or concerns with the study methodology or findings identified. WVDOH shall identify any off-site improvements that shall be required of the developer. A list of concerns to be addressed on the final plat shall be provided.~~
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the preliminary plat and application with the condition that the remaining items identified as necessary by the Ordinance be completed prior to final preliminary plat approval
- I. **Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.110, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.110 Major Subdivision Preliminary Plat - Public Hearing

Within 45 days of accepting an application as complete or essentially complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed preliminary subdivision plat. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing. The scope of this public hearing shall be limited to whether the application meets the requirements of these Regulations and the Zoning Ordinance.

**Sec. 24.111 Major Subdivision Preliminary Plat -Approval**

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning Commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up for 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set by the Planning Commission simultaneously with the vote to hold. Additional legal advertisement is not required.

A. **Approval.** The Planning Commission shall review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. The Planning Commission may approve the plan if it meets the standards of the land use ordinances, deny the plan if it does not meet the standards of the land use ordinances, or approve the plan with conditions to complete any remaining items. In the event that the preliminary plat is approved with conditions to complete any remaining items, unless otherwise directed by the Planning Commission, the Staff shall have the authority to grant final approval of the preliminary plat once the conditions are met. Also, if the Planning Commission conditionally approves the preliminary plat, then the Applicant shall be required to submit a notarized document expressly and explicitly waiving the 45 day time requirement for the Commission and/or Staff to act. If the Applicant is unwilling to provide such document, then the Planning Commission shall proceed in the final consideration of the preliminary plat. In making the decision, the following rules apply:

1. **Zoning.** The preliminary plat application must be denied on zoning grounds if the staff's decision is that the proposed project does not comply with the Zoning Ordinance. If staff indicates it can meet zoning with a specific condition, these conditions shall be required by the Planning Commission. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
2. **Impact Fees.** The County has adopted impact fee requirements that apply to parks and recreation, schools, law enforcement, fire protection, and emergency services. All fees are collected from individual landowners or builders in conjunction with the building permit process. For this reason, the preliminary plat application cannot be denied on the grounds of adverse impact on these services.
3. **Roads.** The Planning Commission shall defer to the WVDOH on final requirements and approvals for improvements to the public roads. Staff, Applicant and WVDOH are encouraged to work together for an acceptable final approval by WVDOH. have the jurisdiction over any developer or subdivider to require the installation of such improvements as are deemed proper within or adjacent to the subdivision to assure safe access to and from the public highway, and maintain an adequate flow of traffic on the public highway. Improvements required may include the installation of traffic signs and signals, constructing left or right turn lanes, acceleration and deceleration lanes, or reconstructing public roads to eliminate vertical or horizontal curves. Such improvements shall be acceptable to and approved by the West Virginia Division of Highways, provided a denial of such approval shall supersede Planning Commission authority under this provision. The roads impacted by a development are State roads under the jurisdiction of WVDOH. The Planning Commission shall not substitute its judgment of the safety or performance of roads for that of WVDOH unless there is compelling professional evidence that WVDOH has erred in its determination of impact.

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6. **Engineering and Landscaping.** The plan being reviewed consists of substantial sediment and erosion control, stormwater management and sewer or water system engineering, landscaping, and site development plan. There will be adjustments in additional work that needs to be done for final engineering, landscaping, and site development plan. The preliminary plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and Engineering Department may attach conditions to ensure that specific issues are addressed.
 7. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the preliminary plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.
- B. **Conditions.** It is anticipated that there will be conditions for slight site adjustments and many conditions from the planning department and agencies on engineering and landscaping that must be met in the preparation of the final plat, final engineering, and final landscaping. In addition, there will be conditions on surety, payment of impact fees, and any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.
- C. **Effect.** The approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping.

Sec. 24.112 Major Subdivision Final Plat - Application - Submission and Completeness Review⁴

The submission of a final **recordable** plat, **bonding estimate and**-application is a required step for all subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. ~~At the time of submission, the final plat shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the completeness public hearing.~~ Within the 45 days, the department shall have ten

(10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. **Approval of the Final Plat shall be administrative, pursuant to Section 24.112E.** ~~In order to keep on the proposed schedule, the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission meeting.~~

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department of Planning. It shall be accompanied by the fee for final plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Final Plat.** The final plat shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.



2. **Density Calculation.** ~~The final recording plan shall include a current density calculation note or table. and Site Resource Map.~~ This map shall have the final plat superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Final Engineering Plans.** ~~The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Department of Engineering. If preliminary engineering plans satisfy the requirements of the Department of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.~~
5. **Final Landscape Plans.** ~~The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.~~
6. **Transportation Impact Study and WVDOH Approvals.** ~~A transportation impact study shall be re-submitted only if there was a condition for revisions in the preliminary plat approval. WVDOH approvals shall be secured prior to final approval.~~
7. **Water and Sewer Services.** ~~This shall include a declaration of Public Service District's approval of plats, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.~~
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system, and its **their** location on the site shall be indicated.
9. **Special Engineering.** ~~If the site is in or partially in areas designated as high vulnerability areas, preliminary geotechnical engineering assessment may be required. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations shall be complied with and require final engineering approval. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.~~
10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the final plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
11. **Stormwater Management Plan.** ~~If the preliminary Stormwater Management Plan satisfies the requirements of the Department of Engineering and no modifications to the preliminary Stormwater Management Plan is required, then preliminary plans previously approved shall be considered final plans. Preliminary stormwater management plans requiring modifications will require a final Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, to be submitted as part of the final plat to be reviewed by the Jefferson County Engineering Department.⁴~~
12. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*.
13. **Other Agencies.** Required agency sign-offs that the final plat is approved by that agency. These agencies shall include the Jefferson County Health Department, West

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Jefferson County, West Virginia



~~Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County 911 Addressing Department, and other review agencies certifying that the application is consistent with approved preliminary plat and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.~~

14. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
- C. **Endorsements on Final Plats.** The following certificates shall be placed on all final plats:
1. **Surveyor.** Certificate of accuracy and mapping by professional licensed surveyor signed and sealed.
 2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, and corporations, and lenders with financial security interests.
- D. **Additional Information.** The Department shall:
1. Review and approve all matters under its jurisdiction.
 2. Issue a zoning compliance letter.
 3. Certify that all proffers have been satisfied.
- E. **Approval.** Based on the Planning Commission's approval or conditional approval of the final Preliminary Plat, the approval of the final recording plat shall be an administrative function of Staff unless there is a disagreement between the Staff and the Applicant. The Staff or Applicant can request that the final recording document be addressed by the Planning Commission by having the matter placed on the next available meeting agenda. If the final plat is found by the Planning Commission to be incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.
- F. **Effect.** ~~After staff concludes the completeness review, staff shall place the final plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.113, Major Subdivision Final Plat Public Hearing. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.~~

Sec. 24.113 Major Subdivision Final Plat – Public Hearing

~~Within 45 days of accepting the application as complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed final plat. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing.~~

- A. **Subjects Covered.** ~~The scope of this public hearing shall be limited to whether the final plat application meets the requirements of these Regulations and the Zoning Ordinance.~~
- B. **Hearing Procedure.** ~~The hearing shall be conducted in accordance with the Bylaws of the Jefferson County Planning Commission.~~

Sec. 24.114 Major Subdivision Final Plat -Approval

~~After the close of the public hearing or at any meeting within 14 days thereafter, the Planning commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up to 45 days for additional information.~~



- A. **Approval.** If the final plat application is consistent with the preliminary plat application and meets all other requirements of these Regulations and the Zoning Ordinance and has received sign-off from the agencies specified in Section 24.112 (B)(12), the Planning ~~Director-Commission~~ shall approve the subdivision application.
- B. **Denial.** Denial can only be done on the following basis:
1. The plat (plan, ~~plat, final engineering, or final landscaping~~) is inconsistent with the approved preliminary plat or conditions of said approval.
 2. Failure to provide approved surety.
- C. **Plat Signing.** The Planning Director, or their representative shall sign ~~Commission President shall authorize the signing of~~ the plat.
- D. **Effect and Vesting.** The approval of the final plat application and signing of the plat makes the document recordable.

Sec. 24.115 Major Subdivision Final Plat -Recording

The applicant shall have 180 days after approval to file and record the final plat for lots to be recorded, together with any deed restrictions as may be required, in accordance with W.Va. Code §39-1-13. The approval shall become void if it is not recorded within the 180 day period. The Planning Commission may grant a waiver to this provision pursuant to the waiver process. The following documents shall be submitted to the Department of Planning:

- A. One (1) Mylar copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;
- B. Three (3) paper copies of the Final Plat;
- C. One (1) digital copy of the Final Plat compatible with the Jefferson County GIS, as specified by the Jefferson County GIS Office-requirements; and
- D. One (1) digital and one (1) paper copy of any deed restrictions/covenants in a form suitable to the Department.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Dale Manuel, Commissioner

Department or Organization: County Commission

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **October 29, 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*): Resolution in support of the December 12th School Levy

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.

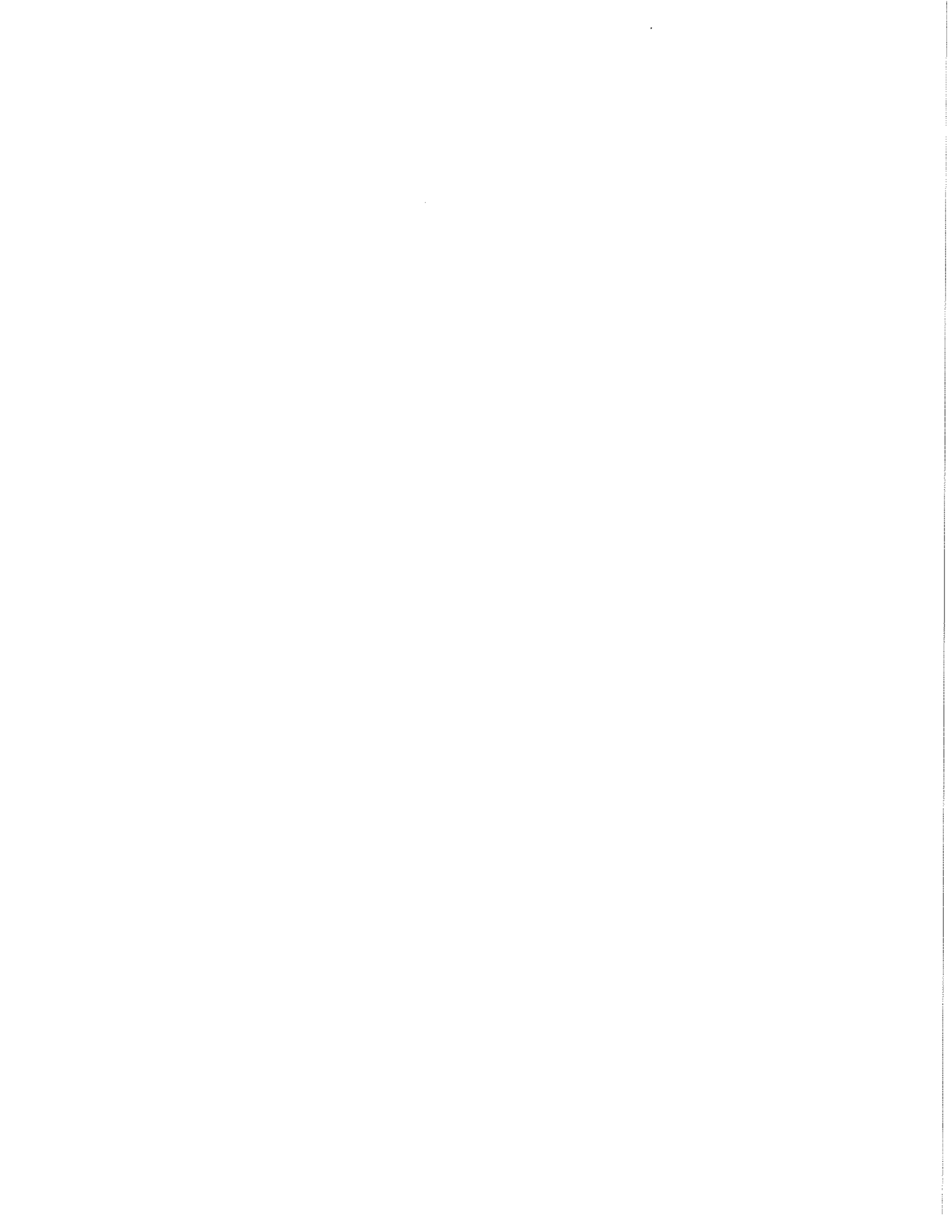
Telephone for conference call Y/N Click here to enter text.

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: **Dale Manuel, Commissioner**

Department or Organization: County Commission

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **October 29, 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*): **Proclamation**

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.

A PROCLAMATION OF THE JEFFERSON COUNTY COMMISSION RECOGNIZING
KERYN NEWMAN FOR HER CONTRIBUTIONS TO THE WELFARE OF ELECTRICITY
CONSUMERS AND CITIZEN ADVOCACY

WHEREAS, many residents of Jefferson County, West Virginia, were faced with the prospect of losing their homes or property for the construction of the Potomac Appalachian Transmission Highline (PATH) project; and

WHEREAS, many residents of West Virginia, Maryland, and Virginia, faced the same prospect in furtherance of the PATH project; and

WHEREAS, the PATH project had an estimated cost of \$2.1 billion, plus interest, to be paid for by ratepayers in the PJM Regional Transmission Organization territory, comprised of more than 50 million ratepayers in 13 states and the District of Columbia; and

WHEREAS, Keryn Newman helped organize grassroots advocacy to object to the PATH project at the appropriate state commissions in all three states; and

WHEREAS, after the project was terminated for lack of need, PATH requested of the Federal Energy Regulatory Commission (FERC) that ratepayers in the PJM territory compensate PATH for \$121 million, plus interest, spent on the project before termination; and

WHEREAS, Keryn Newman and Alison Haverty, of Chloe, West Virginia, continued to advocate for ratepayers throughout the PJM territory at FERC, representing themselves as *pro se* intervenors at FERC, without recourse to outside legal counsel; and

WHEREAS, Keryn Newman and Alison Haverty spent hundreds of hours and thousands of dollars of their own money, without recompense, researching, writing, and arguing significant regulatory issues before FERC; and

WHEREAS, Keryn Newman and Alison Haverty did establish important precedents safeguarding the rights of citizens to participate in FERC proceedings; and

WHEREAS, Keryn Newman and Alison Haverty did obtain an administrative judicial decision establishing important precedents for utility companies' conduct of transmission projects; and

WHEREAS, said administrative judicial decision does require PATH to refund in excess of \$6 million, plus interest, to ratepayers throughout the PJM territory; and

WHEREAS, without Keryn Newman's single-minded dedication to the pursuit of both justice and fairness on behalf of said ratepayers, neither those precedents nor that refund would have occurred;

NOW THEREFORE, BE IT RESOLVED, that today, October ____, 2015, the citizens of Jefferson County, represented by the elected members of the Jefferson County Commission, do

formally express their thanks and gratitude to Keryn Newman for her hard work and commitment on their behalf.

JEFFERSON COUNTY COMMISSION

President

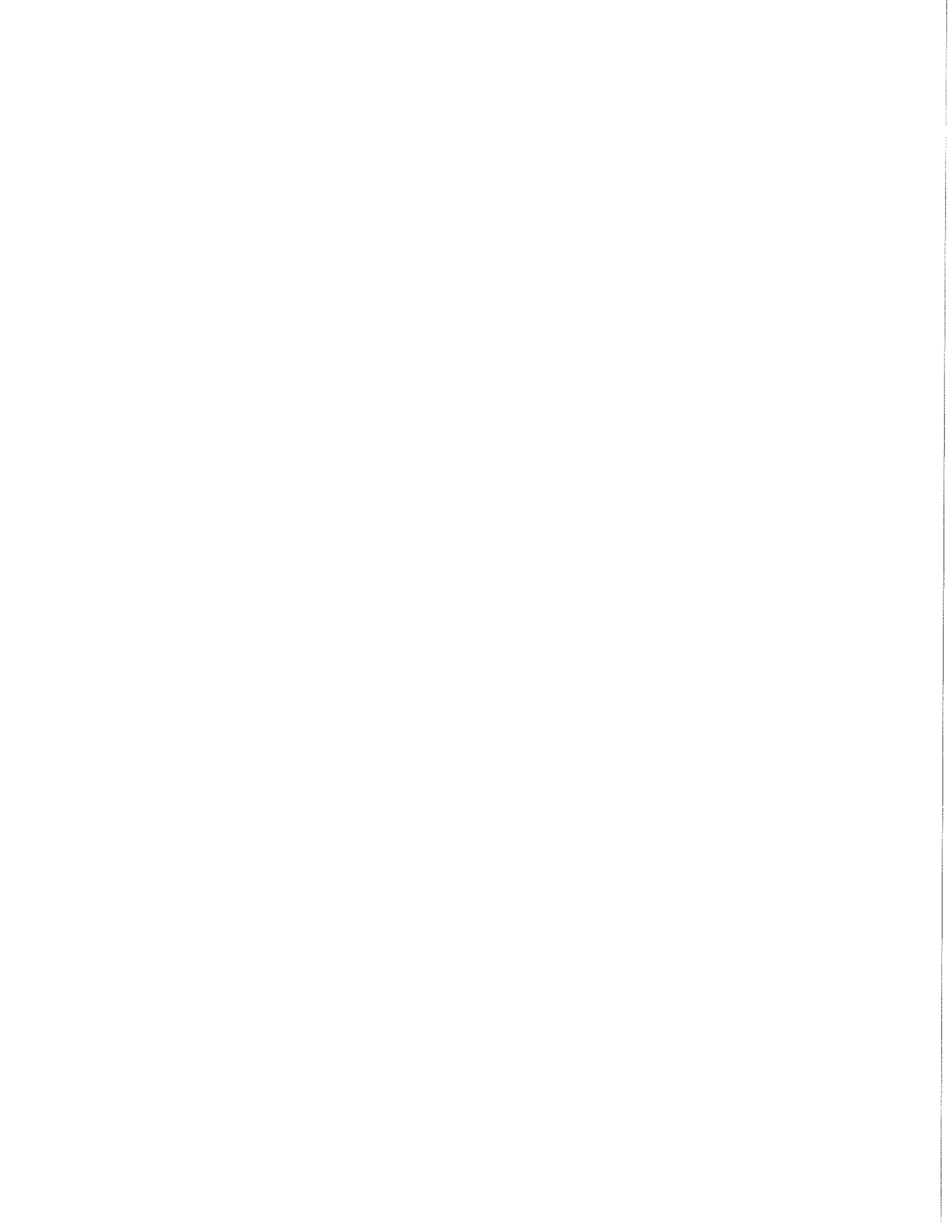
Commissioner

Commissioner

Commissioner

Commissioner

Jefferson County Administrator
Dated:





AGENDA REQUEST FORM
www.jeffersoncountywv.org

Name:

Department or Organization:

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **October 29, 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*): **Discuss making a recommendation to Governor Earl Tomblin for the Chesapeake and Ohio Canal National Historical Park Commission**

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.



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO
10.A (CHOH)

October 8, 2015

Honorable Jane M. Tabb
County Commissioner
124 E. Washington Street
PO Box 250
Charles Town, WV 25414

Received

OCT 16

Jefferson County Commission

Dear Chairman Tabb,

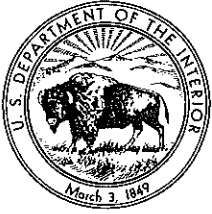
The Chesapeake and Ohio Canal National Historical Park Commission is being reestablished thanks to Congressional action last year. The purpose of the Commission is to meet and consult with the Secretary of the Interior or the Secretary's designee on general policies and specific matters related to the national park's administration and development. The Park was established to preserve and interpret the historic and scenic features of the Canal and to develop the potential for public recreation including such restoration as may be needed.

The Secretary of the Interior appoints two members from nominations submitted by the Governor of the Commonwealth of West Virginia. Because of the long-standing relationship between citizens of Jefferson County and the C&O Canal National Historical Park I encourage you to consider making a recommendation to Governor Earl Tomblin. I am attaching two letters that further describe the opportunities, duties and type of individual we are seeking to make a difference at the national park and the necessary information to provide about your recommended individual.

I look forward to receiving nominations from Governor Earl Tomblin. Your continued interest in the C&O Canal National Historical Park is greatly appreciated. If you have any questions about these appointments or other matters related to the Park, please contact me at 301-714-2201.

Sincerely,

Kevin D. Brandt
Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO

10.B (Management)

May 4, 2015

To Whom It May Concern:

Attached you will find two letters that were sent to the Honorable Earl Tomblin on March 19 and April 2, 2015, requesting nominations for the reestablished Chesapeake & Ohio Canal National Historical Park Federal Advisory Commission. To date we have not received any nominations from your office. The deadline for receiving these nominations is May 8, 2015. Please send them as soon as possible .

If you have any questions or need more clarification please do not hesitate to contact me at 301-714-2201.

Sincerely,

Kevin D. Brandt
Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE
C&O Canal National Historical Park
1850 Dual Highway, Suite 100
Hagerstown, Maryland 21740

IN REPLY REFER TO
10.B (Management)

April 2, 2015

The Honorable Earl Tomblin
Governor of West Virginia
1900 Kanawha Blvd. E.
Charleston, West Virginia 25305

Dear Mr. Tomblin,

In the last week I have fielded several inquiries regarding the qualifications that nominating jurisdictions should be looking for in making nominations to the C&O Canal Federal Advisory Commission. The standard language in the letter that was sent out states:

Nominations should describe and document the proposed member's qualifications for membership to the Commission, and include a resume listing his or her full name, title, address, telephone, email, and fax number. Nominations should include information that would enable the Department of the Interior to make an informed decision regarding meeting the membership requirements of the Commission, and to permit the Department to contact a potential member.

There is no further description provided on the Federal Advisory Committee Act website regarding membership requirements of the commission. So, in response to these requests for further elaboration I would suggest the following as a starting point.

Congress re-authorized the commission on September 24, 2014 for the purpose of meeting and consulting with the Secretary of the Interior or the Secretary's designee on general policies and specific matters related to the Park's administration and development.

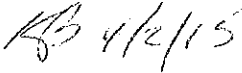
A highly qualified nominee will have the following attributes:

- Is a well-respected and engaged member of the community
- Is familiar with the Canal – at least within the area represented by the nominating body
- Is fairly balanced in terms of points of view represented
- Is willing to provide advice on park-related matters that is relevant, objective and open to the public
- Is willing to spend one weekday per quarter actively participating in commission meetings

- Is willing to spend approximately 10-20 hours per month engaged in the work of the commission
- Is willing to serve on subcommittees and task groups associated with the business of the commission
- Is willing to serve as a two-way communicator with their nominating body and the broader community

Thank you for your support and assistance. If you have additional questions don't hesitate to contact me at 301-714-2201.

Sincerely,

Handwritten signature of Kevin D. Brandt, dated 4/2/15.

Kevin D. Brandt
Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE
National Capital Region
1100 Ohio Drive, S.W.
Washington, D.C. 20242

IN REPLY REFER TO:

7.A.2 (NCR-CHOH)

March 19, 2015

Honorable Earl Tomblin
Governor of West Virginia
1900 Kanawha Blvd. E.
Charleston, West Virginia 25305

Dear Mr. Tomblin:

The Chesapeake and Ohio Canal National Historical Park Commission is being reestablished thanks to Congressional action last year. Originally established by Section 6 of the Chesapeake and Ohio Canal Development Act (16 U.S.C. 410y-4) of 1971, and terminated January 8, 2011, the Commission has been extended by Public Law 113-178 and the new termination date is September 26, 2024.

The purpose of the Commission is to meet and consult with the Secretary of the Interior or the Secretary's designee on general policies and specific matters related to the Park's administration and development. The Park was established to preserve and interpret the historic and scenic features of the Canal and to develop the potential for public recreation including such restoration as may be needed.

Pursuant to the enabling legislation, the Secretary of the Interior appoints two members from nominations submitted by you. Accordingly, I invite you to nominate, within 45 days of the date of this letter, two individuals to serve as members of the Advisory Commission. Please include a resume as well as home and business addresses and telephone numbers of the individuals you nominate. Please address your nominations to National Park Service, Superintendent, Chesapeake and Ohio Canal National Historical Park, 1850 Dual Highway, Suite 100, Hagerstown, Maryland 21740.

I look forward to receiving your response in this matter of mutual interest. Your interest in the C&O Canal National Historical Park is greatly appreciated. If you have any questions about these appointments or other matters related to the Park, please contact Superintendent, Kevin D. Brandt at (301) 714-2201.

Sincerely,

Robert A. Vogel
Regional Director



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Jessica Carroll

Department or Organization: Jefferson County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: October 29, 2015

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Reappointment of Pete Kelley to the NEREMS, Inc. Board for one two-year term ending October 31, 2017

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

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Received

OCT 26 2015

Jefferson County Commission

October 23, 2015

R. M. (Pete) Kelley
141 Sand Piper Lane (P. O. Box 1257)
Shepherdstown, WV 25443

Jefferson County Commission
124 East Washington Street (P. O. Box 250)
Charles Town, WV 25414
Attn: Jessica Carroll, Executive Administrative Assistant


Dear Ms. Carroll,,

Per your letter dated October 16, 2015 relating to my term on the NEREMS, Inc, I hereby request that I be considered for appointment to the NEREMS board. I have served on said board in several positions, which requires my traveling to various counties in the WV Eastern Panhandle to attend their meetings. I believe that my years of experience in the EMS and Fire service as well as my many years experience serving on different boards, both at the county level and the individual fire company levels demonstrates my qualifications.

I hold an RN degree from Shepherd College, and am also a certified paramedic. I retired from Summit Point Raceway, where I was the EMS/SAFETY Director. They provided EMS service to their own motorsport events and the various government agencies that trained there. Note: They have seven ems units and other rescue units needed to cover their events.

I believe my knowledge and experience while serving on the NEREMS, Inc. board has proven to be beneficial to the board and the regional EMS services . Please advise when the interviews are to be held . I thank you in advance for your attention to my request.

Sincerely,


R. M. (Pete) Kelley

CC; Commissioners Tabb, Noland, Manual, Pellish, Bell

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Tabby Bennett

Department or Organization: Orion Strategies/Coalition for Safe, Affordable Food

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: October 1, 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 to Endorse Statement of Support for National Food Labeling Standards - Discussion/Action

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

Is this a funding request? Y/N 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

Good afternoon,

My name is Tabby Bennett and I work for a Public Relations Firm called Orion Strategies with offices located in Charleston and Buckhannon. We are working with the Coalition for Safe and Affordable Food on an issue regarding state-based food labeling laws, and I wanted to know if your commissioners would sign the letter of support attached in this email.

The issue is that individual states are trying to set food labeling rules – which would force food producers to have 50 different labeling (and distribution) systems instead of one national one – all of which will raise food costs drastically. West Virginia had this same legislation introduced in the latest session in Charleston (but it did not pass this time).

These changes are being brought on by legislators in some states wanting new state-level restrictions on GMOs - which are found in more than 70% of foods we eat (and often in the feed provided to cattle, chickens, etc.).

Having one national standard for food labeling that is set by the federal government, as opposed to a patchwork of standards created by various states, will ensure consistency and keep food costs down for everyone. Not only that, safety can also be ensured with one national standard, because all food labels and protocols will come from one transparent place instead of 50 different locations.

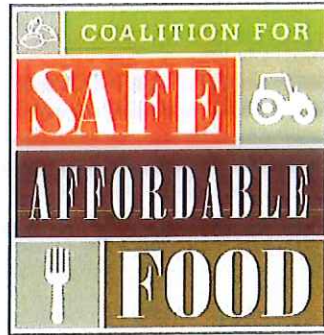
I have contacted you about this issue because we have already received a letter of support from one of your community members who runs an orchard, and because the Harrison County Commission, and the Upshur County Commission, have signed a letter of support. I thought this issue would concern you as a similar organization that already has community support, and that cares about the economic stability of your food producers, businesses, and families that will be affected by this issue.

If you sign the statement of support I sent, I ask that you please send a signed copy back to me either by email, fax, or mail. If you have any questions, please feel free to call me ANY time. Thank you for taking the time to consider this issue and my request.

If you have any questions you can call me at any of the phone numbers below, or you can visit: <http://coalitionforsafeaffordablefood.org>

Best Regards,
Tabby Bennett
Junior Account Executive

Orion Strategies
O: (304) 473-7200 Ex. 14
C: (304) 439-5279
F: (866) 747-3738
tabby@orion-strategies.com



Statement of Support

The Coalition for Safe Affordable Food is an alliance of American farmers, concerned parents, food producers and consumers who support a national, science-based labeling standard for all products containing genetically modified ingredients (GMOs). We believe that only federal standards overseen by the U.S. Food & Drug Administration (FDA) can provide the public with the accurate, consistent information they need. We advocate for federal legislation that will enact these standards nationwide, and that will specifically:

- **Eliminate confusion and provide consistency** by establishing the FDA as the nation's single authority over use and labeling of GMO products, removing the uncertainty and inconsistency of having multiple standards across the 50 states.
- **Advance food safety** by empowering the FDA to review new GMO traits before they enter the marketplace and to require labeling of GMO ingredients if they find a health, safety or nutritional issue present.
- **Inform consumers** by establishing FDA standards for companies that choose to voluntarily label their products as containing or not containing GMO ingredients, including a federal definition of the term "natural."

H.R. 1599 the *Safe and Accurate Food Labeling Act*, introduced by Representatives Mike Pompeo (R-KS) and G.K. Butterfield (D-NC) in the U.S. House of Representatives, would establish this much-needed federal standard under the FDA. The Coalition for Safe Affordable Food endorses this legislation and supports its passage.

GMOs are present in 70-80 percent of the food we eat in the United States, and benefit our communities by not only helping the environment but also keeping food costs affordable for families. Granting FDA authority over all GMO labeling will better protect these benefits.

If you or your organization would like to join the Coalition for Safe Affordable Food, please indicate your support by providing your signature below:

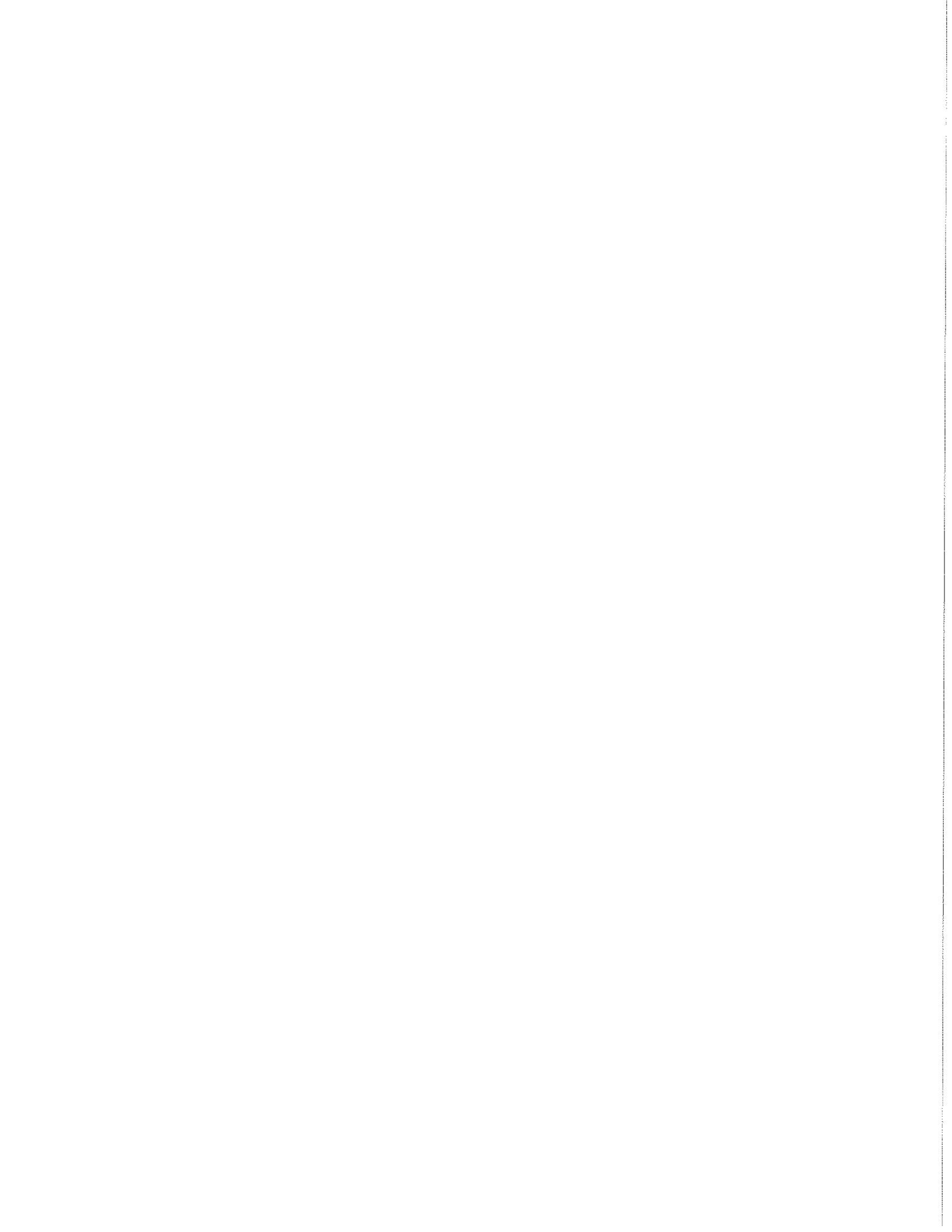
Organization (Please Print): _____

Contact (Please Print): _____

Mailing Address: _____

Phone: _____ Email: _____

Signature: _____ Date: _____



AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Michelle Pombo, Finance Director

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: **October 29, 2015**

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

Date Requested – 2nd Choice:

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

Review of Budget to Actual as of September 30, 2015

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? \$N/A

Provide exact financial impact/request: N/A

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

N/A

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Jefferson County Commission

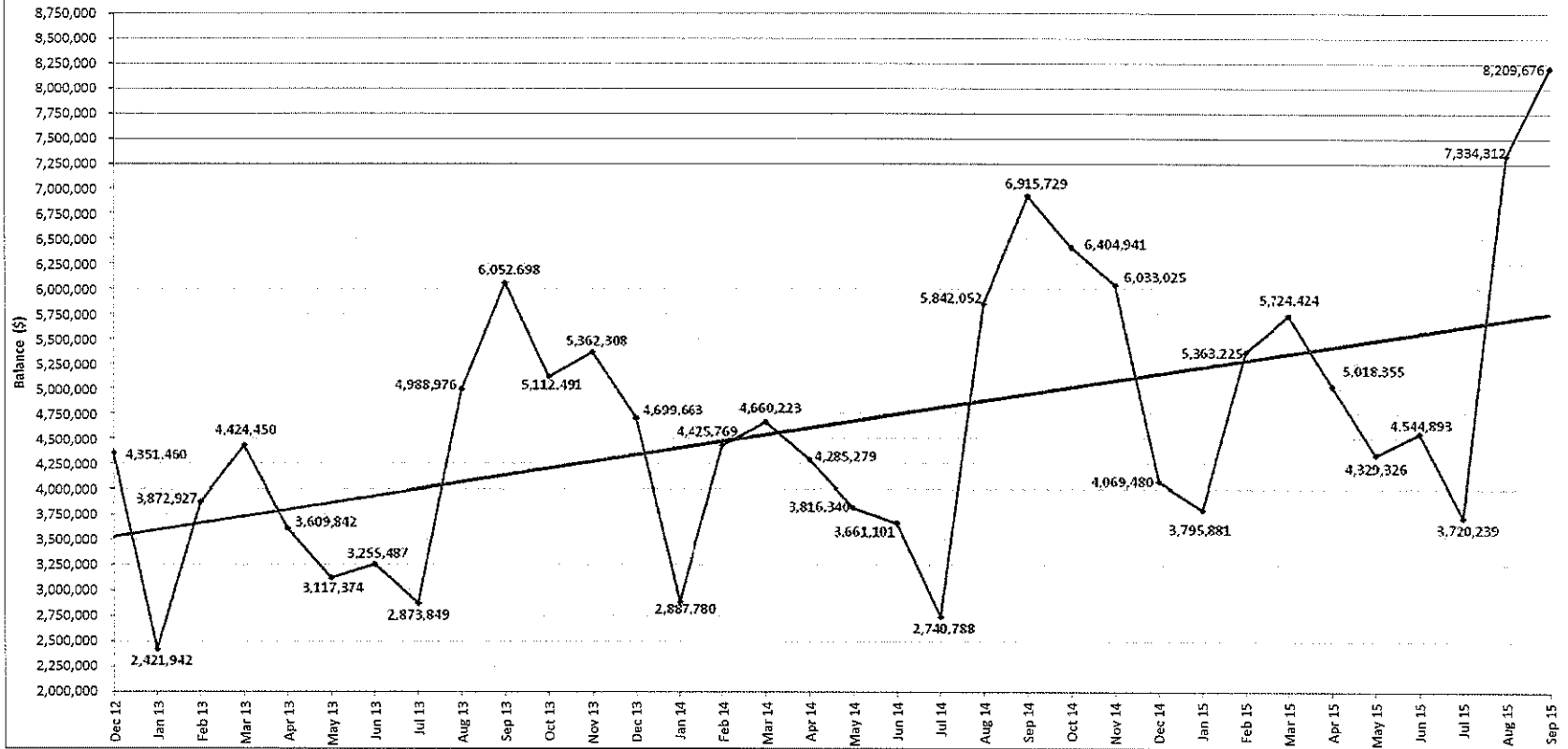
Cash Balances by Fund

As of 09-30-2015

Fund	Discription	Balance
001	General Operating	\$ 8,209,676
002	Coal Severance	42,773
003	Dog & Kennel	19,126
004	General School	-
005	Magistrate Court	2,756
006	Worthless Check	29,967
008	Home Confinement	19,339
009	Federal Grants	-
010	State Grant	-
023	Flood Mitigation	34,959
039	Waste Coal	8,362
056	Assessor Valuation	514,940
057	Farmland Protection	1
059	Concealed Weapons	51,285
063	Voter Registration	62
074	Drug Forfeiture	13,532
075	Sub Division Bond Forfeiture	172
077	Teen Court	925
244	Bardane Public Health Center	63,727
246	Capital Outlay	4,339,385
247	Parks Land Fund	-
249	Impact Fees	1,870,953
315	State Police	60
369	Deputy Sheriff Retire	1
Total Cash all Funds		<u>\$ 15,222,001</u>

Jefferson County Commission General Fund Cash Balance 34 Month Trend

Series1
Cash Trend



Jefferson County Commission
 FY16 General Fund Revenues and Expenditures
 Compiled October 15, 2015
 Expenditures by Department

	Budget			YTD Actual		
	FY16 YTD	Variance		FY15 YTD	FY16-FY15 Var	
	Actual	Favorable /	% Rec'd	Actual	Favorable /	% Rec'd
FY16 Budget	as of 09/30/15	(Unfavorable)	/Exp'd	as of 09/30/14	(Unfavorable)	/Exp'd
REVENUE						
UNENCUMBERED BALANCE	3,951,985	-	(3,951,985)	-	-	-
AD VALOREM TAXES	12,582,514	6,281,409	(6,301,105)	49.92 %	6,041,787	239,622 103.97 %
TAX PENALTIES	295,000	80,135	(214,865)	27.16 %	79,699	436 100.55 %
PROPERTY TRANSFER TAX	598,000	170,328	(427,672)	28.48 %	174,474	(4,146) 97.62 %
GAS & OIL SEVERANCE TAX	41,000	-	(41,000)	-	-	-
HORSE & DOG RACING TAX	12,686	3,707	(8,979)	29.22 %	4,079	(373) 90.86 %
WINE & LIQUOR TAX	32,000	5,225	(26,775)	16.33 %	6,712	(1,487) 77.85 %
HOTEL OCCUPANCY TAX	549,500	196,562	(352,938)	35.77 %	173,831	22,731 113.08 %
LICENSE/DECALS	65	20	(45)	30.77 %	10	10 200.00 %
BUILDING PERMIT FEES	200,000	6,508	(193,492)	3.25 %	56,916	(50,408) 11.43 %
MISC. RENTS	131	110	(21)	83.97 %	102	8 107.84 %
FEDERAL GOV GRANTS	160,462	19,217	(141,245)	11.98 %	-	19,217 -
FED PYMNT IN LIEU OF TAXS	11,676	-	(11,676)	-	11,676	(11,676) -
SHERIFF'S SRVC OF PROCESS	17,600	6,255	(11,345)	35.54 %	5,100	1,155 122.65 %
SHERIFF EARNINGS	30,000	5,779	(24,221)	19.26 %	10,116	(4,337) 57.13 %
COUNTY CLERK'S EARNING	192,375	48,606	(143,769)	25.27 %	43,957	4,649 110.58 %
CIRCUIT CLERK'S EARNING	65,815	15,536	(50,280)	23.60 %	17,041	(1,505) 91.17 %
PROSECUTING ATTY EARNINGS	1,278	170	(1,108)	13.30 %	455	(285) 37.34 %
ACCIDENT REPORTS	3,500	1,060	(2,440)	30.29 %	950	110 111.58 %
MAP SALES	2,700	968	(1,732)	35.85 %	522	446 185.44 %
RENT - CONCESSIONS	47,400	7,900	(39,500)	16.67 %	11,650	(3,750) 67.81 %
AMBULANCE FEES	675,000	-	(675,000)	-	125,000	(125,000) -
EMG COMM - 911 FEE	1,760,000	471,033	(1,288,967)	26.76 %	192,442	278,591 244.77 %
FRANCHISE FEES	400,000	113,291	(286,709)	28.32 %	105,398	7,893 107.49 %
IRP FEES-INTNATL REG PGM	8,000	6,540	(1,461)	81.74 %	3,425	3,115 190.94 %
INSURANCE CLAIMS	95,000	97,813	2,813	102.96 %	96,912	901 100.93 %
INTEREST EARNED	20,290	6,382	(13,908)	31.45 %	4,936	1,446 129.29 %
MISCELLANEOUS REVENUE	100	10	(90)	9.53 %	9	0 102.36 %
SHERIFF'S COMMISSION	15,000	11,563	(3,437)	77.09 %	11,619	(56) 99.52 %
REIMBURSEMENTS	277,873	136,101	(141,772)	48.98 %	99,594	36,508 136.66 %
GEN SCHOOL FUND REIMB	250,000	45,594	(204,406)	18.24 %	65,165	(19,571) 69.97 %
TRANS/ASSR VAL FUND	430,228	-	(430,228)	-	-	-
TOTAL REVENUES	22,727,178	7,737,823	(14,989,355)	34.05 %	7,343,579	394,244 105.37 %
EXPENDITURES						
COUNTY COMMISSION	1,753,199	457,764	1,295,435	26.11 %	497,711	39,947 108.73 %
COUNTY CLERK	753,392	159,793	593,599	21.21 %	164,869	5,076 103.18 %
CIRCUIT CLERK	632,182	142,378	489,804	22.52 %	148,153	5,775 104.06 %
SHERIFF AND TREASURER	575,687	146,014	429,673	25.36 %	159,493	13,479 109.23 %
PROSECUTING ATTORNEY	1,799,740	415,645	1,384,096	23.09 %	417,481	1,836 100.44 %
ASSESSOR	526,372	117,381	408,991	22.30 %	126,804	9,424 108.03 %
ASSESSOR'S VALUATION FUND	430,228	101,193	329,035	23.52 %	108,886	7,693 107.60 %
STATEWIDE COMPUTER NET	63,100	(15,019)	78,119	(23.80) %	-	15,019 -
AGRICULTURAL AGENT	129,461	26,333	103,128	20.34 %	27,097	765 102.90 %

Jefferson County Commission
 FY16 General Fund Revenues and Expenditures
 Compiled October 15, 2015
 Expenditures by Department

	Budget				YTD Actual			
	FY16 YTD		Variance		FY15 YTD		FY16-FY15 Var	
	FY16 Budget	Actual as of 09/30/15	Favorable / (Unfavorable)	% Rec'd /Exp'd	Actual as of 09/30/14	Favorable / (Unfavorable)	% Rec'd /Exp'd	
ELECTIONS COUNTY CLERK	336,434	36,960	299,474	10.99 %	38,216	1,256	103.40 %	
MAGISTRATE COURT	1,000	386	614	38.59 %	162	(224)	42.06 %	
COURTHOUSE (MAINTENANCE)	1,130,004	265,043	864,961	23.46 %	238,025	(27,019)	89.81 %	
OTHER BUILDINGS	634,750	130,457	504,293	20.55 %	120,244	(10,213)	92.17 %	
DATA PROCESSING	335,993	30,935	305,058	9.21 %	49,102	18,167	158.73 %	
REGIONAL DEVELOPMENT AUTH	19,795	19,794	1	100.00 %	19,794	-	100.00 %	
ECONOMIC DEVELOPMENT	429,155	103,741	325,414	24.17 %	133,696	29,956	128.88 %	
GIS DEPT	246,674	54,046	192,628	21.91 %	54,944	898	101.66 %	
PLANNING AND ZONING	315,787	69,117	246,670	21.89 %	89,333	20,215	129.25 %	
ENGINEERING	769,844	178,877	590,967	23.24 %	174,177	(4,700)	97.37 %	
DEPT OF ZONING	149,360	35,335	114,025	23.66 %	16,630	(18,705)	47.06 %	
FINANCIAL STABILIZATION	2,106,758	-	2,106,758	-	-	-	-	
CONTINGENCIES	2,094,886	-	2,094,886	-	-	-	-	
SHERIFF LAW ENFORCEMENT	3,521,034	864,643	2,656,391	24.56 %	795,211	(69,432)	91.97 %	
SHERIFF SVC OF PROCESS	18,000	-	18,000	-	3,198	3,198	-	
REGIONAL JAIL	1,350,000	101,808	1,248,193	7.54 %	225,810	124,003	221.80 %	
EMERGENCY SERVICES	274,197	57,649	216,548	21.02 %	48,062	(9,587)	83.37 %	
COMMUNICATIONS CENTER	1,991,164	407,769	1,583,395	20.48 %	424,647	16,878	104.14 %	
FIRE DEPARTMENTS	420,000	160,000	260,000	38.10 %	70,000	(90,000)	43.75 %	
AMBULANCE AUTHORITY	2,123,312	362,641	1,760,671	17.08 %	361,891	(750)	99.79 %	
ANIMAL CONTROL	325,809	68,950	256,859	21.16 %	70,272	1,322	101.92 %	
CENTRAL GARAGE	306,979	64,158	242,821	20.90 %	72,048	7,890	112.30 %	
PARKS AND RECREATION	505,160	78,527	426,633	15.54 %	107,137	28,611	136.43 %	
ARTS AND HUMANITIES	10,990	1,154	9,836	10.50 %	1,990	835	172.39 %	
HISTORICAL COMMISSION	15,900	1,709	14,191	10.75 %	2,946	1,237	172.39 %	
VISITOR'S BUREAU	275,110	28,854	246,257	10.49 %	49,741	20,887	172.39 %	
LIBRARIES	250,000	62,500	187,500	25.00 %	58,500	(4,000)	93.60 %	
PUBLIC TRANSPORTATION	10,275	2,569	7,706	25.00 %	2,569	-	100.00 %	
TOTAL EXPENDITURES	26,631,731	4,739,101	21,892,630	17.79 %	4,878,840	(139,739)	102.95 %	
NET PRIOR TO GAMING REVENUE	(3,904,553)	2,998,722	(36,881,985)		2,464,739	533,983	121.66 %	
TABLE GAMES	790,000	227,577	(562,423)	28.81 %	236,151	(8,574)	96.37 %	
VIDEO LOTTERY	3,114,553	1,225,659	(1,888,894)	39.35 %	1,218,093	7,566	100.62 %	
NET REVENUE LESS EXPENDITURE	-	4,451,957	(39,333,302)		3,918,983	532,975	113.60 %	

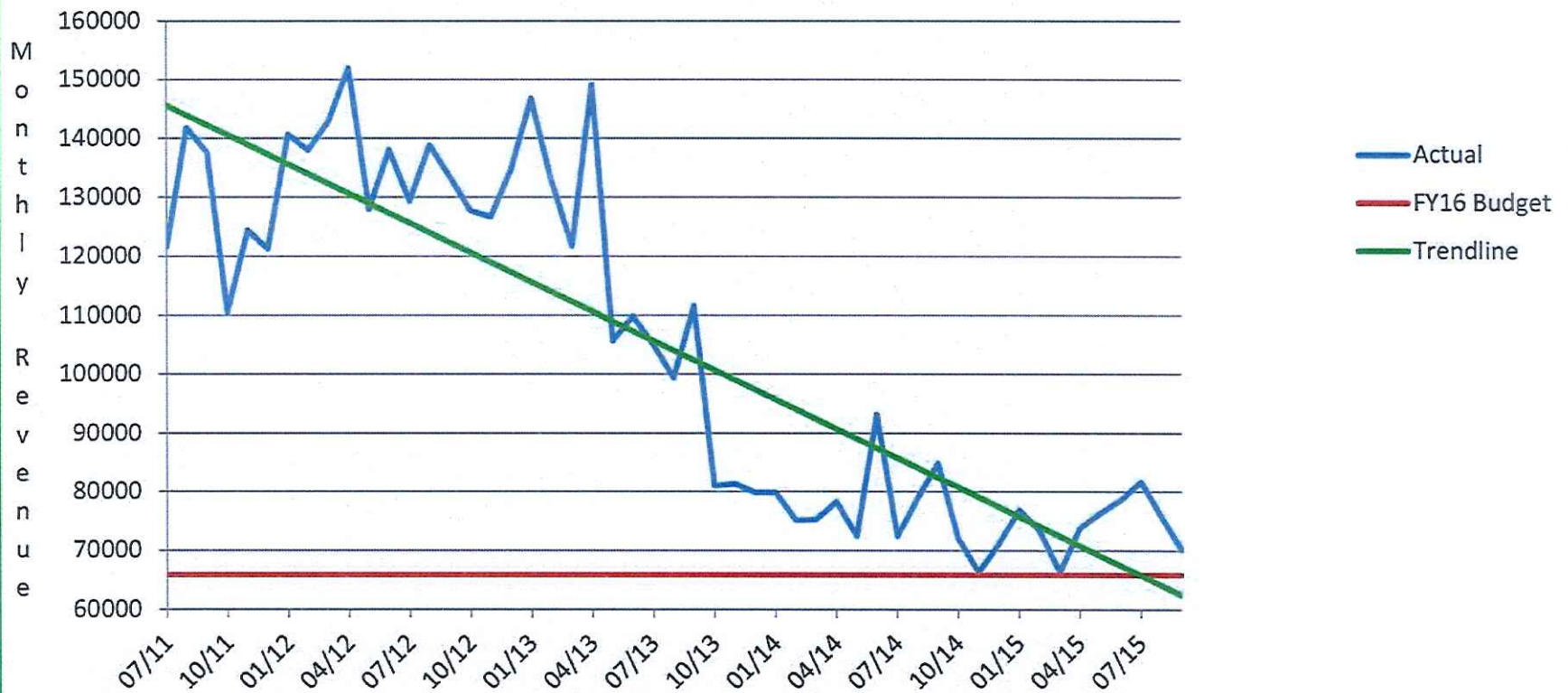
Jefferson County Commission
 FY16 Revenue and Expenditure
 Compiled October 15, 2015
 General Fund Expenditures by Object Code

	FY16 Budget	Budget			YTD Actual		
		FY16 YTD Actual as of 09/30/15	Variance Favorable / (Unfavorable)	% Rec'd /Exp'd	FY15 YTD Actual as of 09/30/14	FY16-FY15 Var Favorable / (Unfavorable)	% Rec'd /Exp'd
REVENUES							
UNENCUMBERED BALANCE	3,951,985	-	(3,951,985)	-	-	-	-
AD VALOREM TAXES	12,582,514	6,281,409	(6,301,105)	49.92 %	6,041,787	239,622	103.97 %
TAX PENALTIES	295,000	80,135	(214,865)	27.16 %	79,699	436	100.55 %
PROPERTY TRANSFER TAX	598,000	170,328	(427,672)	28.48 %	174,474	(4,146)	97.62 %
GAS & OIL SEVERANCE TAX	41,000	-	(41,000)	-	-	-	-
HORSE & DOG RACING TAX	12,686	3,707	(8,979)	29.22 %	4,079	(373)	90.86 %
WINE & LIQUOR TAX	32,000	5,225	(26,775)	16.33 %	6,712	(1,487)	77.85 %
HOTEL OCCUPANCY TAX	549,500	196,562	(352,938)	35.77 %	173,831	22,731	113.08 %
LICENSE/DECALS	65	20	(45)	30.77 %	10	10	200.00 %
BUILDING PERMIT FEES	200,000	6,508	(193,492)	3.25 %	56,916	(50,408)	11.43 %
MISC. RENTS	131	110	(21)	83.97 %	102	8	107.84 %
FEDERAL GOV GRANTS	160,462	19,217	(141,245)	11.98 %	-	19,217	-
FED PYMNT IN LIEU OF TAXS	11,676	-	(11,676)	-	11,676	(11,676)	-
SHERIFF'S SRVC OF PROCESS	17,600	6,255	(11,345)	35.54 %	5,100	1,155	122.65 %
SHERIFF EARNINGS	30,000	5,779	(24,221)	19.26 %	10,116	(4,337)	57.13 %
COUNTY CLERK'S EARNING	192,375	48,606	(143,769)	25.27 %	43,957	4,649	110.58 %
CIRCUIT CLERK'S EARNING	65,815	15,536	(50,280)	23.60 %	17,041	(1,505)	91.17 %
PROSECUTING ATTY EARNINGS	1,278	170	(1,108)	13.30 %	455	(285)	37.34 %
ACCIDENT REPORTS	3,500	1,060	(2,440)	30.29 %	950	110	111.58 %
MAP SALES	2,700	968	(1,732)	35.85 %	522	446	185.44 %
RENT - CONCESSIONS	47,400	7,900	(39,500)	16.67 %	11,650	(3,750)	67.81 %
AMBULANCE FEES	675,000	-	(675,000)	-	125,000	(125,000)	-
EMG COMM - 911 FEE	1,760,000	471,033	(1,288,967)	26.76 %	192,442	278,591	244.77 %
FRANCHISE FEES	400,000	113,291	(286,709)	28.32 %	105,398	7,893	107.49 %
IRP FEES-INTNATL REG PGM	8,000	6,540	(1,461)	81.74 %	3,425	3,115	190.94 %
INSURANCE CLAIMS	95,000	97,813	2,813	102.96 %	96,912	901	100.93 %
INTEREST EARNED	20,290	6,382	(13,908)	31.45 %	4,936	1,446	129.29 %
MISCELLANEOUS REVENUE	100	10	(90)	9.53 %	9	0	102.36 %
SHERIFF'S COMMISSION	15,000	11,563	(3,437)	77.09 %	11,619	(56)	99.52 %
REIMBURSEMENTS	277,873	136,101	(141,772)	48.98 %	99,594	36,508	136.66 %
GEN SCHOOL FUND REIMB	250,000	45,594	(204,406)	18.24 %	65,165	(19,571)	69.97 %
TRANS/ASSR VAL FUND	430,228	-	(430,228)	-	-	-	-
TOTAL REVENUES	22,727,178	7,737,823	(14,989,355)	34.05 %	7,343,579	394,244	105.37 %
EXPENDITURES							
SALARIES	9,785,552	2,157,931	7,627,621	22.05 %	2,208,653	50,721	97.70 %
FICA	748,886	190,764	558,122	25.47 %	192,655	1,891	99.02 %
HEALTH INSURANCE	1,860,168	458,269	1,401,899	24.64 %	459,901	1,632	99.65 %
RETIREMENT	1,215,056	320,620	894,436	26.39 %	336,901	16,281	95.17 %
TELEPHONE	222,167	40,451	181,716	18.21 %	22,528	(17,923)	179.56 %
PRINTING	24,920	3,577	21,343	14.35 %	4,691	1,114	76.25 %
UTILITIES	284,700	59,783	224,917	21.00 %	43,852	(15,931)	136.33 %
TRAVEL	61,214	8,026	53,188	13.11 %	4,636	(3,391)	173.15 %
MAINT/REP BLDG & GRNDS	60,000	14,933	45,067	24.89 %	10,786	(4,147)	138.45 %
MAINT/REP EQUIPMENT	192,721	15,128	177,593	7.85 %	21,434	6,306	70.58 %
MAINT/REP AUTO	8,000	335	7,665	4.19 %	256	(79)	131.01 %
POSTAGE	123,763	47,188	76,575	38.13 %	35,843	(11,345)	131.65 %
BLDG/EQUIP RENTAL	140,717	33,417	107,300	23.75 %	33,546	129	99.61 %
ADVERTISING/LEGAL PUBS	48,184	5,450	42,734	11.31 %	2,169	(3,280)	251.20 %
TRAINING AND EDUCATION	50,767	6,138	44,629	12.09 %	2,566	(3,573)	239.25 %
DUES AND SUBSCRIPTIONS	72,990	24,750	48,240	33.91 %	25,147	397	98.42 %
PROFESSIONAL SERVICES	270,928	24,882	246,046	9.18 %	44,702	19,820	55.66 %
AUDIT COSTS	70,000	17,300	52,700	24.71 %	17,300	-	100.00 %
INSURANCE AND BONDS	479,379	190,234	289,145	39.68 %	217,671	27,437	87.40 %

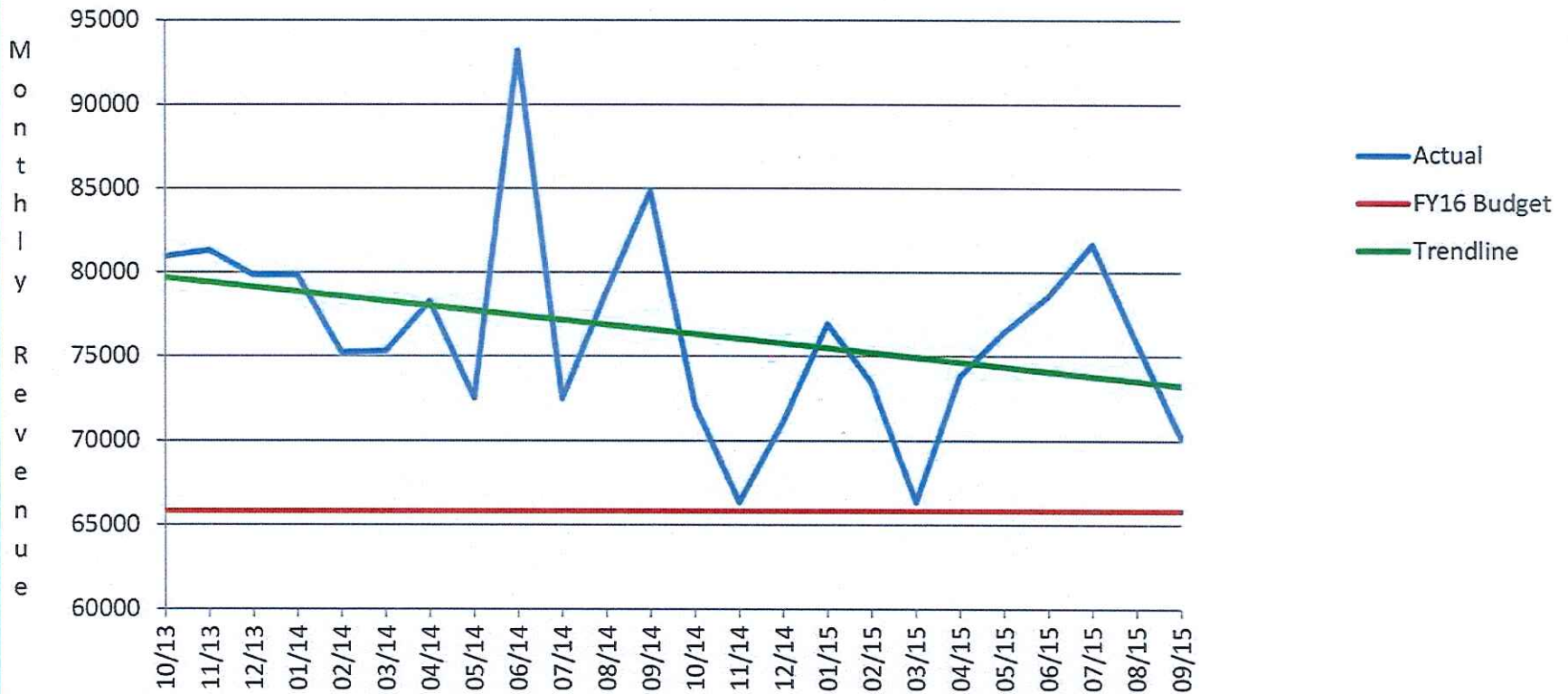
Jefferson County Commission
 FY16 Revenue and Expenditure
 Compiled October 15, 2015
 General Fund Expenditures by Object Code

	Budget			YTD Actual			
	FY16 YTD Actual as of 09/30/15	FY16 Budget	Variance Favorable / (Unfavorable)	% Rec'd /Exp'd	FY15 YTD Actual as of 09/30/14	FY16-FY15 Var Favorable / (Unfavorable)	% Rec'd /Exp'd
COURT COSTS AND DAMAGES	1,000	-	1,000	-	-	-	-
CONTRACTED SERVICES	336,812	60,195	276,617	17.87 %	68,528	8,333	87.84 %
BANK CHARGES	500	-	500	-	-	-	-
REMITTANCE FEES COLLECTED	675,000	-	675,000	-	-	-	-
INSURANCE PREMIUM RETIREE	89,484	21,543	67,941	24.07 %	20,922	(621)	102.97 %
MATERIALS AND SUPPLIES	385,479	46,388	339,091	12.03 %	55,913	9,525	82.97 %
RECORD BOOKS	6,450	30	6,420	0.47 %	2,113	2,083	1.42 %
AUTO SUPPLIES	198,744	38,391	160,353	19.32 %	51,785	13,394	74.13 %
JAIL COSTS	1,350,000	101,808	1,248,193	7.54 %	225,810	124,003	45.09 %
UNIFORMS	25,875	3,684	22,191	14.24 %	8,408	4,724	43.82 %
STATE COMPUTER	63,100	(15,019)	78,119	(23.80) %	-	15,019	-
COMPUTER SOFTWARE	50,160	1,527	48,633	3.04 %	-	(1,527)	-
COMPUTER HARDWARE	50,907	(149)	51,056	(0.29) %	3,282	3,430	(4.53) %
IT SUPPORT	102,500	16,512	85,988	16.11 %	122	(16,390)	13,534.83 %
TECH FEES & LIC	76,443	99	76,344	0.13 %	14,498	14,399	0.68 %
CAPITAL OUTLAY-EQUIPMENT	94,000	78,000	16,000	82.98 %	-	(78,000)	-
CONTRIBUTIONS TO OTHER ENTITIES	5,080,851	725,988	4,354,863	14.29 %	682,856	(43,132)	106.32 %
TRANSFER TO OTHER FUNDS	229,428	40,928	188,500	17.84 %	59,365	18,437	68.94 %
CONTINGENCY	2,094,886	-	2,094,886	-	-	-	-
TOTAL EXPENDITURES	26,631,731	4,739,101	21,892,630	17.79 %	4,878,840	139,739	22.29 %
NET PRIOR TO GAMING REVENUE	(3,904,553)	2,998,722			2,464,739		
TABLE GAMES	790,000	227,577	(562,423)	28.81 %	236,151	(8,574)	96.37 %
VIDEO LOTTERY	3,114,553	1,225,659	(1,888,894)	39.35 %	1,218,093	7,566	100.62 %
NET REVENUE LESS EXPENDITURES	-	4,451,957			3,918,983	(1,008)	

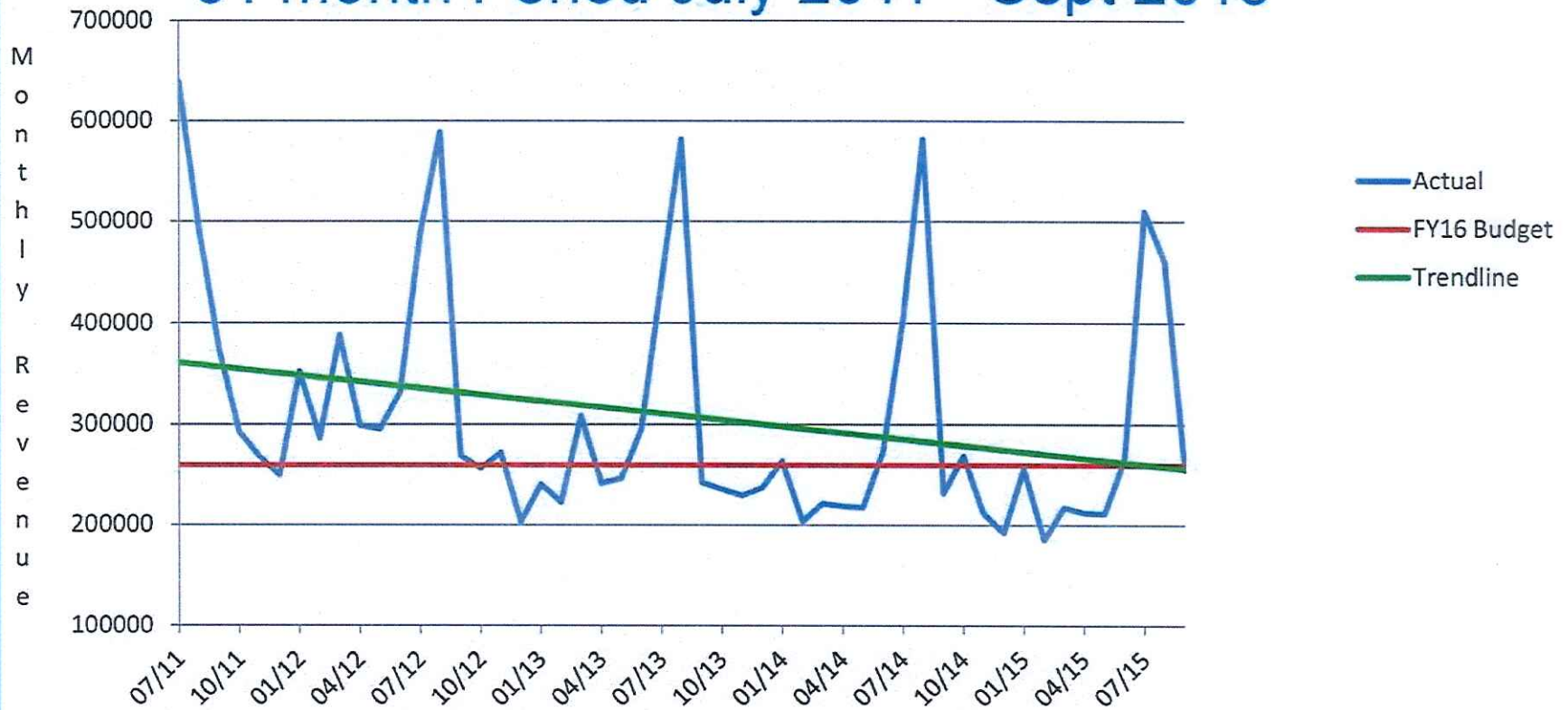
Jefferson County Commission Table Games Revenue G/L Account 001-370-OT-000 51 month Period July 2011 - Sept 2015



Jefferson County Commission Table Games Revenue G/L Account 001-370-OT-000 24 month Period Oct 2013 - Sept 2015

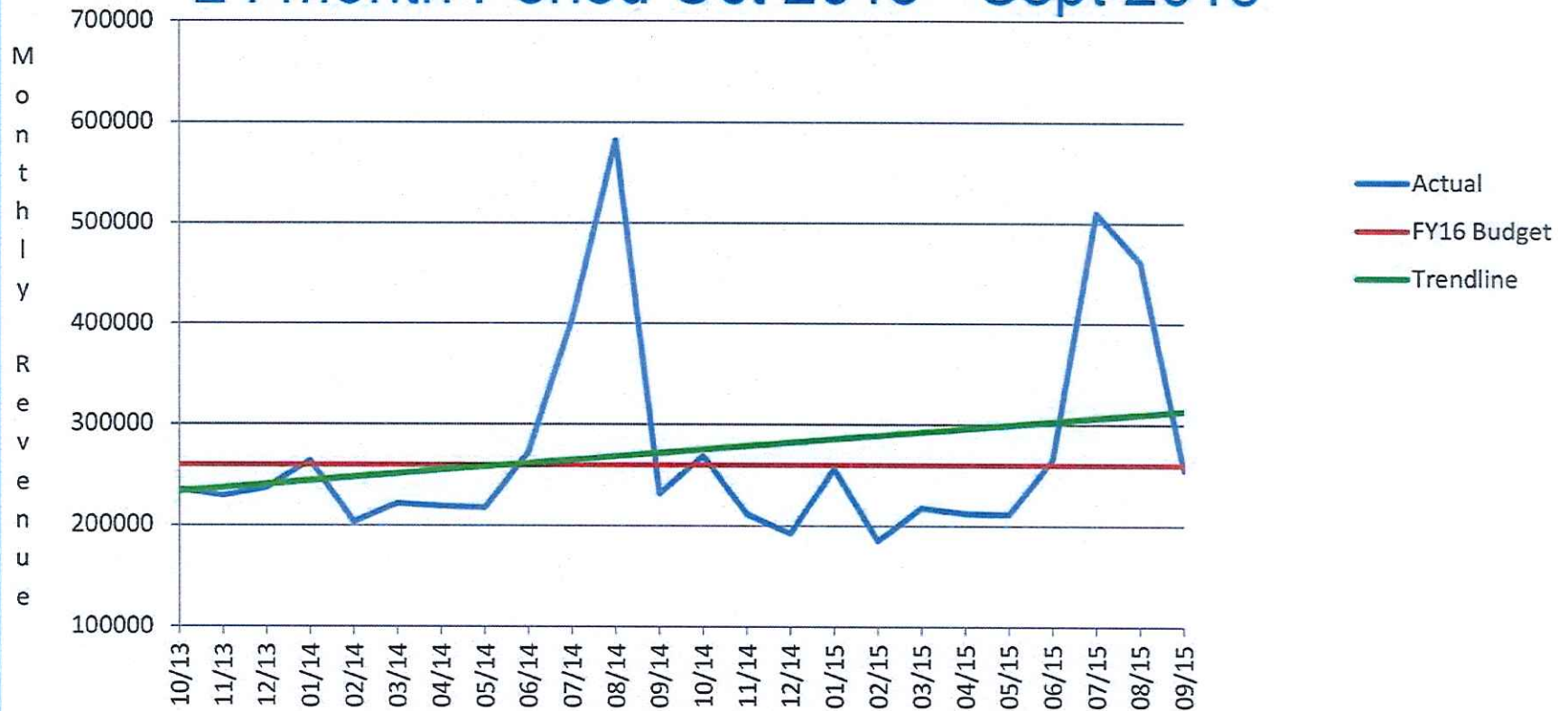


Jefferson County Commission Video Lottery Revenue G/L Account 001-373-OT-000 51 month Period July 2011 - Sept 2015



Jefferson County Commission Video Lottery Revenue G/L Account 001-373-OT-000

24 month Period Oct 2013 - Sept 2015







**JEFFERSON COUNTY
COMMISSION OFFICES
WILL BE CLOSED ON
WEDNESDAY NOVEMBER
11TH, 2015 IN
OBSERVANCE OF
VETERANS DAY**

PRESS RELEASE

For Immediate Release

Contact: Sandy McDonald, Deputy County Administrator - 304-728-3284

Jefferson County Legislative Summit

On November 5, 2015, the Jefferson County Commission will hold a Jefferson County Legislative Summit in the County Commission Meeting Room located at the Old Charles Town Library, 200 E. Washington Street, Charles Town WV, beginning at 9:30 a.m.

West Virginia Senators and Delegates will be invited to attend and participate in this Summit.

During this event, the Commissioners will be meeting to present their top legislative issues they would like to see the legislature address.

Please visit www.jeffersoncountywv.org and subscribe to the email alerts to stay informed of upcoming events and public hearings.

The public is encouraged to attend.

For further information contact: Stephanie Grove, County Administrator, Jefferson County Commission - 304-728-3281

#

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

Received

OCT 13 2015

October 8, 2015

Dear President Tabb and members of the Jefferson County Commission: Jefferson County Commission

On Thursday, October 29 at 7 PM, the League of Women Voters of Jefferson County will sponsor a forum on the County Commission budget process in the county commission meeting room. Topics we plan to cover include how the budget for Jefferson County is prepared, the timeline for adoption, the role of citizen input and key budget issues facing the county.

The agenda includes comments from Tim Stanton, former county finance officer, on past trends in the budget. Michelle Pombo, Finance Director for the county commission, will address current issues, the potential effect of recent state cuts on the budget, and how citizens may access the budget.

We would like to invite each of the county commissioners to present your thoughts on what the key budget issues will be in the coming year and beyond. The time allotted to each of you would be 3-5 minutes. After the formal agenda, members of the audience will be invited to ask questions and this will afford you more time to address specific issues.

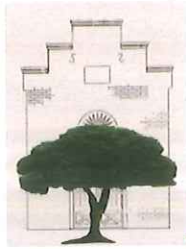
The League believes providing information about the budget process will promote more citizen interest and involvement in this critical aspect of county government.

Please respond as to whether you will be attending to Lyn Widmyer, program chair for this forum, at lynwidmyer@gmail.com.

Thank you and we look forward to seeing you on October 29!

Sincerely,


Debbie Royalty, President



SHEPHERDSTOWN PUBLIC LIBRARY

100 E. German Street • P.O. Box 278 • Shepherdstown, WV 25443

October 19, 2015

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

Re: **Shepherdstown Public Library Independent Auditor's Report and Related Financial Statements**

Dear Commissioner Pellish,

As the designated commissioner for the Shepherdstown District, please find enclosed Shepherdstown Public Library's Independent Auditor's Report and Related Financial Statements for the year ended June 30, 2015 for your review and files. Our audit findings are consistent with prior year audits and will be routinely reviewed internally to the extent our budgetary constraints will allow.

I would also like to take this opportunity to provide a brief update on the progress of our new library project. Work on site development and architectural design of our new facility is ongoing. The Jefferson County Planning Commission unanimously approved our concept plan at the Public Workshop held last week, and our project engineers are coordinating cost sharing site planning with adjacent property owners in a combined effort to maximize the effectiveness of necessary utility and storm water management, public access, and landscape design. Some exciting new building design elements include two separate entrances, a green roof viewing platform adjacent to the Children's Story Time area, a light well walkway, and a soundproofed media lab. We will continue to provide you with updates as we go along.

Thank you and the County Commissioners for your ongoing support. Should you have any questions, please do not hesitate to contact me.

Warm regards,

Hali

Hali Taylor
Director

Thanks for your ongoing support!!

Enclosure – Auditor's Report and Financial Statements

Mr. Curtis Myers
Cambridge, LLC
11 Manchester Drive
Charles Town, WV 25414

Received

OCT 13 2015

Jefferson County Commission

October 1, 2015

Ms. Ingrid Ferrell, Executive Secretary
Public Service Commission of West Virginia
201 Brooks Street
Charleston, WV 25323

In Re: Case Number 15-1338-PSD-42R-PC
Jefferson County Public Service District

Dear Ms. Ferrell,

Please accept this filing for the above stated rate case filed by the Jefferson County Public Service District.

As an introduction, Cambridge Manufactured Home Park/Subdivision is the only Manufactured/Mobile Home Park that processed completely through the Jefferson County Subdivision Ordinance. Our Park includes single wide mobile homes and doublewide manufactured homes. We are approved for approximately 170 units of manufactured housing. This affordable housing subdivision was approved many years ago and was committed to be served by the appropriate agencies for wastewater treatment services. It has been extremely difficult to continue to add manufactured housing to this community because of all of the various fees added in Jefferson County AFTER our approvals and sewer commitments were granted. This development has slowed considerably because of the Impact Fees and the Sewer Capital Improvement Fees (CIF) that have been in place at various levels for the past 10 years. The combined amount of Impact Fee and CIF was over \$20,000 (\$7,500 CIF and \$13,000 Impact Fee) for each mobile/manufactured home just three years ago. These \$20,000 in fees were for EACH \$20,000 - \$75,000 home in our community. It is pretty easy to understand why lenders refused to lend \$40,000 on a \$20,000 Mobile Home and \$95,000 on a \$75,000 Manufactured Home. Therefore, one of the only truly affordable home developments in Jefferson County hit a brick wall.

In the last couple of years, the State Public Service Commission overturned the JCPSD's CIF; and, the State Legislature passed a law requiring that the Impact Fee Ordinance include an affordable housing component. Accordingly, both fees have gone down recently. However, it will take some years for Cambridge to rebound with the economy in order for it to continue to develop as a vibrant community.

However, now that we started to recover with several new units in the past several years, we are again confronted with what we believe to be misapplied Impact Fees in the form of CIFs. The Local Powers Act (WV State Code 7-20) appears to clearly vest the County Commission with the jurisdiction to adopt Sewer Impact Fees (after a needs study is conducted) that may be needed to offset growth needs. This theory was apparently already confirmed by the Courts in the Faircloth Realty vs BCPSD (Civil Action Number 09-C-826) which was filed in Berkeley County. Likewise, this theory on CIFs appeared to be reinforced by the WV Public Service Commission in Case Number 12-0513-PSD-42T-PC.

We are now faced with a surprise 42R filing that instituted a multi-thousand dollar fee/tariff/tax per unit without any due process of public hearings. It is even more devastating to the Manufactured Home Park as a CIF since Impact Fees would have to at least be reduced as required by the Legislature for our affordable housing units. This surprise filing is at a time when we were about to file for two new manufactured housing units. We now have to tell these mobile home/doublewide owners that the sewer fee is now \$4,832 instead of \$1,127. Again, that is over 20% of the cost of a \$20,000 unit and over 10% for a \$40,000 unit. Our community will again grind to a halt. We simply can't afford to put money into a CIF escrow account. We know what happened to the last money that went into a JCPSD CIF account as evidenced in WVPSC Case Number 13-1832-PSD-PC. The rest of that money apparently is being sought again in this filing. What assurance do we have that we would even get the escrowed monies returned?


Many aspects of this filing refer to 'developers' and developer's fair share, etc. Please be advised, that the developer of this project, long ago paid for their service by the construction of the infrastructure to serve this development that was then dedicated to the appropriate agencies. It is not 'the developer' that suffers by the imposition of this fee (without even a public hearing). It is the purchaser of doublewide unit that is trying to get financing for a housing unit that is up to 20% higher than the actual value of the unit. That is a problem, especially for an affordable housing development that was given a commitment of service many years before Impact Fees or CIFs.

The Cambridge Manufactured Home Subdivision is the definition of affordable housing in Jefferson County. We would like to finish developing our 170 units so that the subdivision can provide affordable units to the labor force that works in Jefferson County. As the only 'mobile home park' that processed through the complete subdivision ordinance, it is the only 'mobile home park' in Jefferson County that has paved streets, sidewalks, street lights, storm water management, green space, buffering, parks, etc. In our opinion, Cambridge has more amenities than most stick built communities have. It was extraordinarily expensive to build to this point and will cost quite a bit to finish. It is also very expensive to maintain and is set up to be properly maintained when it is completely built. The only way to do that is to do what the Legislature intended and to discount these Impact **type** fees for affordable housing units.

Based on the above, we respectfully believe that the JCPSD CIFs should be immediately suspended until the filing is thoroughly vetted by a proper public procedure. The Public Service Commission's primary duty is to approve rates, fees and tariffs within the proper public process BEFORE they are put into place. Once you consider the actual case, we hope that you take into account the effect of the fees on affordable housing units.

Thank you in advance for your consideration of this testimony.

Sincerely,



Curtis Myers
Cambridge, LLC

cc: Ms. Jane Tabb, President, Jefferson County Commission ✓
Ms. Stephanie Grove, County Administrator
Mr. Ronald E. Robertson, Jr., Staff Attorney, WVPSC

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

Week Ending Date	FY16 October 10, 2015
To be Deposited on:	October 19, 2015
Amount Played	56,196,079.84
Amount Won	50,700,655.72
Amount Promo	254,879.80
MWAP Contribution	<u>1,870.91</u>
Adjusted Gross Terminal Revenue	<u>5,238,673.41</u>
Administrative Costs @ 4%	209,546.93
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,029,126.48</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>5,029,126.48</u>
Racetrack @ 46.50% / 42%	2,338,543.81
Lottery Fund @ 30% / 0%	1,508,737.99
Excess Lottery Fund @ 0% / 41%	0.00
Excess Lottery Fund @ 12.85% / 9.55%	646,242.73
Race Track Purses @ 90% of 7% / 4%	316,834.97
Employee Pension Fund @ 1% / .5%	50,291.26
Greyhound Development @ 90% of .75%	33,946.60
Thoroughbred Development @ 90% of .75%	33,946.60
County/Municipality @ 2%	<u>100,582.52</u>
	<u>5,029,126.48</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
09/05/15	\$ 111,781.52	\$ 55,890.76	\$ 55,890.76	\$ 4,432.14	\$ 22,300.41	\$ 1,212.83	\$ 18,824.01	\$ 9,121.37
09/12/15	\$ 126,546.60	\$ 63,273.30	\$ 63,273.30	\$ 5,017.57	\$ 25,246.05	\$ 1,373.03	\$ 21,310.45	\$ 10,326.20
09/19/15	\$ 108,466.12	\$ 54,233.06	\$ 54,233.06	\$ 4,300.68	\$ 21,638.99	\$ 1,176.86	\$ 18,265.69	\$ 8,850.84
09/26/15	\$ 104,879.20	\$ 52,439.60	\$ 52,439.60	\$ 4,158.46	\$ 20,923.40	\$ 1,137.94	\$ 17,661.66	\$ 8,558.14
10/03/15	\$ 106,209.88	\$ 53,104.94	\$ 53,104.94	\$ 4,211.22	\$ 21,188.87	\$ 1,152.38	\$ 17,885.74	\$ 8,666.73
10/10/15	\$ 100,582.52	\$ 50,291.26	\$ 50,291.26	\$ 3,988.10	\$ 20,066.21	\$ 1,091.32	\$ 16,938.10	\$ 8,207.53
Subtotal	\$ 1,659,112.72	\$ 1,285,588.10	\$ 373,524.62	\$ 29,620.50	\$ 149,036.32	\$ 8,105.49	\$ 125,803.09	\$ 60,959.22

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	9/5/2015	55,890.76
9/10/2011	84,845.80	9/15/2012	61,838.04	9/14/2013	53,374.22	9/13/2014	51,364.96	9/12/2015	63,273.30
9/17/2011	66,748.62	9/22/2012	56,996.90	9/21/2013	54,277.94	9/20/2014	50,664.54	9/19/2015	54,233.06
9/24/2011	68,929.80	9/29/2012	61,611.40	9/28/2013	54,881.50	9/27/2014	50,127.22	9/26/2015	52,439.60
10/1/2011	68,871.64	10/6/2012	62,715.20	10/5/2013	55,950.74	10/4/2014	53,531.28	10/3/2015	53,104.94
10/8/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92	10/11/2014	51,127.00	10/10/2015	50,291.26
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

1,285,588.10

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	August, 2015	70,064.73
September, 2014	71,967.51	September, 2015	64,845.44
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	210,584.96

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
August, 2015	210,194.19
September, 2015	194,536.32

Total 2015-2016	631,754.88
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*West Virginia State
Treasurer's Office*

John D. Perdue
State Treasurer

<u>Political Subdivision</u>	<u>Amount</u>
Huntington	1,077.36
Hurricane	1,077.36
Huttonsville	1,077.36
laeger	1,077.36
Jackson County	4,288.32
Jane Lew	1,077.36
Jefferson County	64,845.44
Jefferson County School Board	194,536.32
Junior	1,077.36
Kanawha County	27,165.20
Kenova	1,077.36
Kermit	1,077.36
Keyser	1,077.36
Keystone	1,077.36
Kimball	1,077.36
Kingwood	1,077.36
Leon	1,077.36
Lester	1,077.36
Lewis County	4,288.32

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

Week Ending Date	FY16 October 17, 2015
To be Deposited on:	October 23, 2015
Amount Played	58,194,136.16
Amount Won	52,387,909.46
Amount Promo	278,091.00
MWAP Contribution	<u>2,219.34</u>
Adjusted Gross Terminal Revenue	<u>5,525,916.36</u>
Administrative Costs @ 4%	221,036.66
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>5,304,879.70</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>5,304,879.70</u>
Racetrack @ 46.50% / 42%	2,466,769.06
Lottery Fund @ 30% / 0%	1,591,463.88
Excess Lottery Fund @ 0% / 41%	0.00
Excess Lottery Fund @ 12.85% / 9.55%	681,677.06
Race Track Purses @ 90% of 7% / 4%	334,207.42
Employee Pension Fund @ 1% / .5%	53,048.80
Greyhound Development @ 90% of .75%	35,807.94
Thoroughbred Development @ 90% of .75%	35,807.94
County/Municipality @ 2%	<u>106,097.60</u>
	<u>5,304,879.70</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
09/05/15	\$ 111,781.52	\$ 55,890.76	\$ 55,890.76	\$ 4,432.14	\$ 22,300.41	\$ 1,212.83	\$ 18,824.01	\$ 9,121.37
09/12/15	\$ 126,546.60	\$ 63,273.30	\$ 63,273.30	\$ 5,017.57	\$ 25,246.05	\$ 1,373.03	\$ 21,310.45	\$ 10,326.20
09/19/15	\$ 108,466.12	\$ 54,233.06	\$ 54,233.06	\$ 4,300.68	\$ 21,638.99	\$ 1,176.88	\$ 18,265.69	\$ 8,850.84
09/26/15	\$ 104,879.20	\$ 52,439.60	\$ 52,439.60	\$ 4,158.46	\$ 20,923.40	\$ 1,137.94	\$ 17,661.66	\$ 8,558.14
10/03/15	\$ 106,209.88	\$ 53,104.94	\$ 53,104.94	\$ 4,211.22	\$ 21,188.87	\$ 1,152.38	\$ 17,885.74	\$ 8,666.73
10/10/15	\$ 100,582.52	\$ 50,291.26	\$ 50,291.26	\$ 3,988.10	\$ 20,066.21	\$ 1,091.32	\$ 16,938.10	\$ 8,207.53
10/17/15	\$ 106,097.60	\$ 53,048.80	\$ 53,048.80	\$ 4,206.77	\$ 21,166.47	\$ 1,151.16	\$ 17,866.84	\$ 8,657.56
Subtotal	\$ 1,765,210.32	\$ 1,338,636.90	\$ 426,573.42	\$ 33,827.27	\$ 170,202.79	\$ 9,256.65	\$ 143,669.93	\$ 69,616.78

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	9/5/2015	55,890.76
9/10/2011	84,845.80	9/15/2012	61,838.04	9/14/2013	53,374.22	9/13/2014	51,364.96	9/12/2015	63,273.30
9/17/2011	66,748.62	9/22/2012	56,996.90	9/21/2013	54,277.94	9/20/2014	50,664.54	9/19/2015	54,233.06
9/24/2011	68,929.80	9/29/2012	61,611.40	9/28/2013	54,881.50	9/27/2014	50,127.22	9/26/2015	52,439.60
10/1/2011	68,871.64	10/6/2012	62,715.20	10/5/2013	55,950.74	10/4/2014	53,531.28	10/3/2015	53,104.94
10/8/2011	70,866.90	10/13/2012	60,710.18	10/12/2013	55,837.92	10/11/2014	51,127.00	10/10/2015	50,291.26
10/15/2011	75,262.66	10/20/2012	62,333.08	10/19/2013	61,327.20	10/18/2014	56,414.64	10/17/2015	53,048.80
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

1,338,636.90

Table Game Revenue

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

<u>Date</u>	<u>Amount</u>	<u>Date</u>	<u>Amount</u>
July, 2014	78,639.07	July, 2015	75,674.79
August, 2014	84,726.51	August, 2015	70,064.73
September, 2014	71,967.51	September, 2015	64,845.44
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	210,584.96

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
August, 2015	210,194.19
September, 2015	194,536.32

Total 2015-2016	631,754.88
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