

AGENDA
JEFFERSON COUNTY COMMISSION
SECOND QUARTERLY SESSION - APRIL-JUNE 2021
THURSDAY, JUNE 3, 2021
9:30 A.M.

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

***This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through GoToWebinar. Invites will be posted on Facebook and email alerts.*

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- May 19, 2021 - Special Session
- May 20, 2021 - Regular Meeting

APPROVAL OF REQUISITIONS

- June 3, 2021

APPROVAL OF ACCOUNTS PAYABLE

- May 27, 2021
- June 3, 2021

APPROVAL OF MANUAL CHECKS

- May 28, 2021
- June 4, 2021

APPROVAL OF PAYROLL

- May 27, 2021

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PRESENTATIONS

1. 9:35 a.m. **Angie Banks, Assessor**
 - Request Commission signatures on the Certificate of Oaths for the Real Estate & Personal Property Books - Discussion/Action

2. 9:40 a.m. **Michelle Gordon, Finance Director and Stephanie Grove, County Administrator**
 - Review and Approval of the Hartford Short Term Disability Proposal Options for FY022 - Discussion/Action
 - Review and Approval of the Hartford Long Term Disability Proposal Options for FY022 - Discussion/Action
 - Review and Approval of the Donated Leave Policy 218, effective 07/01/2021 - Discussion/Action
 - Review and Approval of Health and Welfare Benefits Policy 220, effective 07/01/2021 - Discussion/Action

3. 10:00 a.m. **Roger Goodwin, Chief County Engineer**
 - Request approval to fill the position of Office Clerk in the Department of Engineering, Planning & Zoning - Discussion/Action

4. 10:15 a.m. **PUBLIC COMMENT**
 - **You may participate in public comment during the virtual meeting by raising your hand. Please submit comments via email to info@jeffersoncountywv.org. Your comments will be included in the minutes and agenda correspondence. Please include your name.*

5. 10:35 a.m. **Nathan Cochran, Assistant Prosecuting Attorney**
 1. Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto - Discussion/Action
 2. Discussion of legal issues regarding proposed solar text amendment including bonding and related matters, including Jefferson County Civil Action No.'s 2021-C-33 through 37 and Jefferson County Civil Action No.'s 2021-C-46 through 50 - Discussion/Action
 3. Discussion of issues regarding impact fees and proffers - Discussion/Action
 4. Discussion of WV Supreme Court of Appeals No. 21-0229 (appeal from Jefferson County Circuit Court Civil Action No. 19-P-69) - Discussion/Action
 5. Discussion of WV Human Rights Commission Docket No. EREP-49-21 - Discussion/Action

NEW BUSINESS

- 6. Request that the Commission direct the Maintenance Director prepare a RFP and purchase all Capital Outlay Fund vehicles and equipment beginning FY22 - Discussion/Action (SS)

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

----- AFTERNOON SESSION -----

- 7. 1:30 p.m. Public Hearing
Zoning Map Amendment (rezoning) for the property designated as Tax District Middleway (07); Tax Map: 3; Parcels: 29 and 35. The property consists of two vacant parcels located east of Route 480 (Kearneysville Pike) and one mile north of the Route 9 interchange. The property owner/applicant is Mark Ralston, Jefferson Orchards Inc. The combined parcel size is approximately 238.9 acres (based on survey). The Property is currently zoned Rural and a petition has been made to the County Commission by the property owner to change the zoning classification of 43.7 acres of the property from Rural to Light Industrial and 195.2 acres from Rural to Residential Growth (Planning Commission File #21-2-Z).

8. ADJOURN

CORRESPONDENCE/INFORMATION

Correspondence received from West Virginia Division of Culture and History regarding Taylor’s Meadow being listed in the National Register of Historic Places on April 19, 2021.

Correspondence received from David Tabb regarding comments for the Commission May 20, 2021 meeting.

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

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held virtually via GoToWebinar in Charles Town, West Virginia on Wednesday, May 20, 2021, beginning at 9:30 o'clock a.m.

PRESENT: Steve Stolipher, Vice President
Caleb Hudson, Commissioner
Tricia Jackson, Commissioner
Jane Tabb, Commissioner
Stephanie Grove, County Administrator
Jessica Carroll, Administrative Assistant

In re: Selection of Interview Candidates for the Charles Town District Commission Seat Vacancy

The meeting was called to order at 9:30 a.m. by Vice President Stolipher.

The purpose of the meeting was to choose the candidates to be interviewed for the Charles Town District commission seat vacancy created upon Commissioner Compton's resignation at the beginning of May.

Commissioner Stolipher's interviewee selections were Clare Ann Ath and Jacob Harris.

Commissioner Hudson's interviewee selection was Jack Hefestay.

Commissioner Tabb's interviewee selection was Mason Offutt.

Commissioner Jackson stated her interviewee selection had withdrawn his name from the applicant pool, but she was satisfied with the other commissioners' selections and had no additions.

There being no further business, the meeting was adjourned at 9:36 am.

Steve Stolipher, PRESIDENT

Respectively Submitted:
Jessica D. Carroll
Administrative Assistant

Minutes

Jefferson County Commission

Thursday, May 20, 2021

A meeting of the Jefferson County Commission was held on Thursday, May 6, 2021 during the second quarterly session at 9:30 a.m. The meeting was held via GoToWebinar. Present were Commissioners Steve Stolipher, Vice President, Caleb Hudson, Tricia Jackson, and Jane Tabb. Also present were Stephanie Grove, County Administrator and Jessica Carroll, Executive Assistant (The archived meeting of the Thursday, May 6, 2021 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Stolipher led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Stolipher to approve the minutes for the May 6, 2021 Regular Meeting Minutes as with noted correction. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Mr. Stolipher to approve the Requisitions for May 20, 2021 in the amount of \$28,927.67 to include Requisition No. 21052 and 21053. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
84692	AMERIFLEX	\$ 128.00
84693	BERKELEY GLASS INC	\$ 330.00
84694	BOLAND TRANE SERVICES INC	\$ 1,931.00
84695	BUREAU OF CHILD SUPPORT	\$ 502.16
84696	CAPITAL ELECTRIC	\$ 278.45
84697	CITY OF CHARLES TOWN	\$ 60.00
84698	COMPILED TECHNOLOGIES LLC	\$ 3,600.00

05/20/21

84699		EFTPS IRS TAXES	\$ 91,898.44
84700		EMPOWER RETIREMENT	\$ 5,398.60
84701		FIFTH THIRD BANK	\$ 1,078.50
84702		FIFTH THIRD BANK	\$ 105,628.19
84703		GUTTMAN OIL CO	\$ 6,770.11
84704		IPC TECHNOLOGIES INC.	\$ 1,487.50
84705		JEFFERSON SECURITY BANK	\$ 4,409.00
84706		JOSEPH MURPHY	\$ 227.34
84707		JUSTTECH LLC	\$ 183.87
84708		MICHAEL MONAGHAN	\$ 791.59
84709		MONROE SYSTEMS FOR BUSINESS	\$ 33.00
84710		NATIONWIDE RETIREMENT SOLUTIONS	\$ 834.00
84711		POTOMAC EDISON	\$ 27,990.89
84712		R.E. MICHEL CO. LLC	\$ 355.80
84713		RENTALS UNLIMITED, INC	\$ 513.00
84714		RETIREE HEALTH BENEFIT TRUST	\$ 6,790.00
84715		ROBERT L PETERSON SR	\$ 4.46
84716		RONALD DANTZIC	\$ 55.61
84717		SHERIFF OF JEFFERSON COUNTY	\$ 23.53
84718		STATE TAX DEPARTMENT	\$ 822.22
84719		TEK ADVISORS LLC	\$ 4,200.00
84720		THE HARTFORD	\$ 2,400.30
84721		VERIZON WIRELESS SERVICES LLC	\$ 50.00
84722		VINCENT TIONG	\$ 3,133.45
84723		WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 15,915.97
84724		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 44,864.28
84725		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	\$ 53,278.00
84726		XEROX CORPORATION	\$ 3,409.88
84727		XEROX FINANCIAL SERVICES	\$ 249.81
84728		CROWLEY MICROGRAPHIC	\$ 10,000.00
TOTAL			\$ 399,626.95

Motion by Mr. Stolipher to approve the Accounts Payable for May 13, 2021 in the amount of \$399,626.95. Motion seconded and unanimously approved.

CHECK#		VENDOR NAME		AMOUNT
84729		AT&T		\$ 226.38
84730		COMPILED TECHNOLOGIES LLC		\$ 689.00
84731		RICCI MCINTYRE		\$ 3,250.00
84732		ROGER GOODWIN		\$ 537.52
84733		ANGELA L BANKS		\$ 164.50
84734		ELIZABETH JUNE BOWERS		\$ 109.50
84735		RHONDA WILLINGHAM		\$ 164.50
84736		VICTORIA MYERS		\$ 109.50
TOTAL				\$ 5,250.90

Motion by Mr. Stolipher to approve the Accounts Payable for May 20, 2021 in the amount of \$5,250.90. Motion seconded and unanimously approved.

APPROVAL OF MANUAL CHECKS

14-May-21				
Check#	Fund	VENDOR		Amount
735	HD/8	ATTENTI		\$ 2,224.00
736	HD/8	ENVIVO HEALTH LLC		\$ 440.00
737	HD/8	FIFTH THIRD BANK		\$ 57.03
738	HD/8	SHERIFF OF JEFFERSON CO		\$ 1,454.92
337	FP/57	JEFFERSON CO FARMLAND PROT.		\$ 104,282.77
882	AV/56	CROWLEY MICROGRAPHIC		\$ 25,640.00
883	AV/56	FIFTH THIRD BANK		\$ 673.56
884	AV/56	GLOBAL SCIENCE & TECH		\$ 16,908.64
885	AV/56	JUSTTECH		\$ 163.93
886	AV/56	MILLERS SUPPLIES AT WORK		\$ 503.49
TOTAL				\$ 152,348.34

Motion by Mr. Stolipher to approve the Manual Checks for May 14, 2021 in the amount of \$152,348.34. Motion seconded and unanimously approved.

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount

1281	IP/249	SHERIFF OF JEFFERSON COUNTY		107,916.57
1282	IP/249	SHERIFF OF JEFFERSON COUNTY		3,170.65
1283	IP/249	SHERIFF OF JEFFERSON COUNTY		8,664.18
1284	IP/249	SHERIFF OF JEFFERSON COUNTY		936.88
905	CW/059	WICL-FM		1,598.00
906	CW/059	WICL-FM		200.00
907	CW/059	CHARLIE'S KANSAS CITY SMOKED BBQ		810.75
908	CW/059	ROBERT S. SELL		34.78
909	CW/059	TROPHIES 'R' US INC		263.60
910	CW/059	SCOOP DAWG ICE CREAM		100.00
TOTAL				\$ 123,695.41

Motion by Mr. Stolipher to approve the Manual Checks for May 21, 2021 in the amount of \$123,695.41. Motion seconded and unanimously approved, with the stipulation that a memo to be sent to the Sheriff's Office regarding the policy and procedures concerning the purchase of food.

PAYROLL APPROVAL

Motion by Mr. Stolipher to approve the Payroll for May 13, 2021 in the amount of \$261,323.69. Motion seconded and unanimously approved.

PRESENTATIONS

1. County Commissioner Vacancy – Interviews and Appointment. The Commission interviewed the following applicants: Clare Ann Ath, Jack Hefestay, Mason Offut, and Jacob Harris. Once interviews were complete, the following nominations were made:
 - Ms. Jackson offered her nomination for Clare Ann Ath. Ms. Ath received three votes (Commissioners Jackson, Stolipher, and Tabb)
 - Mr Hudson offered his nomination for Jack Hefestay. Mr. Hefestay received one vote (Commissioner Hudson)
 - **After receiving the majority vote, Clare Ann Ath was sworn in to office to serve as the Jefferson County Commissioner for the Charles Town District seat for one unexpired term ending December 31, 2022.**
2. Oath of Office for Newly Appointed Commissioner
 - a. Selection of President

- Mr. Hudson offered his nomination to Mr. Stolipher to serve as President of the Jefferson County Commission until January 1, 2022. No other nominations were made and Mr. Stolipher's nomination was supported unanimously.

b. Selection of Vice President

- Mr. Stolipher offered his nomination to Ms. Jackson to serve as Vice President. Ms. Jackson received three votes (Commissioners Ath, Jackson, and Stolipher)
- Ms. Tabb offered her nomination to Mr. Hudson to serve as Vice President. Mr. Hudson received two votes (Commissioner Hudson and Tabb)
- **After receiving the majority vote, Ms. Jackson was selected to serve as Vice President of the Jefferson County Commission until January 1, 2022.**

- c. Vacant Committee Assignments - it was decided that Commissioner Ath would fill in as the Commission liaison for the boards on which Commissioner Compton served.

Assignment to Boards, Commissions & Organizations Calendar Year 2020		
<i>Organization</i>	<i>Commissioner 2020</i>	<i>Commissioner 2021</i>
Approval of Bills	Compton	Jackson
Board of Health	Hudson	Hudson
Charles Town Utility Board Liaison	Hudson	Hudson
Building Repair & Security Courthouse Committee	Lorenzetti	Hudson
Community Corrections Committee - Day Report Center	Hudson	Jackson
Development Authority	Lorenzetti	Stolipher
E-911 Council	Tabb	Ath
Extension Service	Tabb	Tabb
Farmland Protection Board	Tabb	Tabb
Jefferson County Convention & Visitors Bureau	Noland	Stolipher
Jefferson County Emergency Services Agency / Fire & Rescue	Tabb	Jackson/Ath
Historic Landmarks Commission	Hudson	Hudson
Homeland Security/LEPC	Tabb	Jackson
Legislative Liaison	County Admin.	County Admin.
MPO Interstate Council	Noland	Stolipher

Eastern Panhandle Transportation Authority (EPTA)	Tabb	Tabb
Parks and Recreation	Compton	Ath
Planning Commission	Lorenzetti	Stolipher
Region 9	Noland	Stolipher
Solid Waste Authority	Compton	Ath
Water Advisory Committee	Hudson	Tabb
Workforce Investment Act Liaison	Lorenzetti	Jackson

3. Tom Hansen, Sheriff

a. PRO Grant/Agreement

- **Motion by Mr. Stolipher to approve the PRO BOE Agreement and authorize the President of the Commission to sign the associated documents. Motion seconded and unanimously approved.**

b. Bailiff Employment

- **Motion by Mr. Stolipher to approve the employment of Thomas F. Jones as a Bailiff for the Jefferson County Sheriff's Department with a salary of \$13.00/hr, effective immediately. Motion seconded and unanimously approved.**

c. Unclaimed Property

- **Motion by Mr. Stolipher to approve the unclaimed property resolution and authorize the President to sign the associated documents. Motion seconded and unanimously approved.**

d. COPS Hiring Grant

- **Motion by Mr. Stolipher to approve the application for three deputy positions for the COPS Hiring Grant and authorize the Sheriff's Office to sign electronically on behalf of the Commission. Motion seconded and passes on a vote of 3-2 with Commissioners Hudson and Tabb opposing.**

e. MOU with USDA for Harpers Ferry Job Corps

- **Motion by Mr. Stolipher to approve the MOU with the USDA for Harpers Ferry Job Corps and authorize the president to sign the agreement.**

f. Fix-A-Pit Grant Award Acceptance

- **Motion by Mr. Stolipher to accept the Fix-a-Pit grant award and authorize the**

President of the Commission to sign the associated documents. Motion seconded and unanimously approved.

4. Michelle Gordon, Finance Director and Stephanie Grove, County Administrator
 - a. Review and Approval of the Hartford Short Term Disability Proposal Options for FY22
 - b. Review and Approval of the Hartford Long Term Disability Proposal Options for FY22
 - c. Review and Approval of the Donated Leave Policy 218, effective 07/01/2021
 - d. Review and Approval of Health and Welfare Benefits Policy 220, effective 07/01/2021
 - o It was decided action would be taken on these items during the June 3, 2021 regularly scheduled Commission meeting.
 - e. Review and Approval of Employee Policies and Procedures Acknowledgement Form, effective 05/20/2021
 - **Motion by Ms. Jackson to approve Employee Policies and Procedures Acknowledgement Form effective May 20, 2021. Motion seconded and unanimously approved.**

5. Dennis Jarvis, II, Director, Jefferson County Development Authority – requested additional compensation for JCDA staff member
 - **Motion by Mr. Stolipher to increase compensation for Krista Hoffman, Executive Assistant, in the amount of \$1,713.00 total over the months of June, July, and August, effective June 10, 2021 and ending on the August 26, 2021 pay period. Motion seconded and unanimously approved.**

6. Nathan Cochran, Assistant Prosecuting Attorney
 - a. Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto
 - b. Discussion of legal issues regarding proposed solar text amendment including bonding and related matters

- c. Discussion of possible agreement with the City of Ranson regarding storage of extra PPE items and related matters
 - d. Discussion of Jefferson County Civil Action No.'s 2021-C-33 through 37
 - e. Discussion of issues regarding impact fees and proffers
 - f. Discussion of Jefferson County Civil Action No.'s 2021-C-46 through 50
- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice regarding item a, the new business item regarding JCESA board member misconduct, and the contract with Fitch & Associates. Motion seconded and unanimously approved.**
 - **Motion by Mr. Stolipher to come out of Executive Session. Motion seconded and unanimously approved.**

NEW BUSINESS

7. Jefferson County Emergency Services Agency – Board Director Member Misconduct – this was tabled.

PUBLIC COMMENT

Public comment was made by the following: Lyn Widmyer.

COUNTY ADMINISTRATOR REPORTS

- Approval of Contract with Fitch & Associates
 - Motion by Ms. Jackson to approve the contract with Fitch & Associates for \$35,000 to be funded from the Coal Severance Fund and authorize President Stolipher to sign the associated documents. Motion seconded and unanimously approved.
- Discuss Ambulance Fee Collections Plan – Ms. Grove stated she would present this item at a later meeting.
- State of West Virginia – Legislative Citation – Recognizing County Officials and Personnel as Essential Workers

- American Rescue Plan Overview – it was the consensus of the Commission to hold a Special Meeting on June 23, 2021 at 9:30 am to discuss and receive input from department heads, elected officials, boards, and outside agencies regarding the use of the American Rescue Plan monies.
- 8. There being no further business, a motion by Mr. Stolipher was made to adjourn at 8:49 pm. Motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant

REQUISITIONS TO BE APPROVED

June 3, 2021

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
OTHER BUILDINGS	22002	\$ 14,399.00	Gruber Latimer	Brick Repair & Repointing
	22003	\$ 15,105.00	BOLAND	Replacement Compressor
COMMUNICATIONS	21056	\$ 12,765.60	MobileWireless	NetMotion Annual Subscription
COUNTY COMMISSION	21058	\$ 35,000.00	Fitch & Associates	EMS Delivery Model Consulting Svcs
GRAND TOTAL		\$ 77,269.60		

Requisitions

- Back
- Add
- Excel
- Mass Allocate
- Duplicate
- Custom Interface
- Notes
- Actions/ Approvers
- Release
- Activate
- My Approvals
- Attach

Requisition: 2022/22002

Released, Laura Kuhn, 05/12/2021

Total Cost: \$14,399.00

Requisition

Vendor Quotes (0) General Notes (0)

Fiscal Year* 2022 Requisition Number* 22002 Created Date* 05/12/2021

Department* (425) OTHER BUILDINGS ... View

Commodity ... View

Description BRICK REPAIR AND REPOINTING

Buyer ...

Type (N) NORMAL

Purchase order

Review

Needed by

PO Expiration

- Project Accounts Applied
 - Notify Originator When Converted or Rejected
 - Notify Originator of Overages
 - Receive by Amount
 - Three Way Match Required
 - Inspection Required
- by

Items (1)

Add Item

Line	Description	Qty	UOM	Unit Price	Line Total	GL Account
1	BRICK REPAIR AND REPOINTING BRICK IS FAILING IN O	1.00	EACH	\$14,399.00000	\$14,399.00	E (001425-421500) MAINT/REP BLDG AND GRNDS



Restoration

Post Office Box 52
Sharpsburg, Maryland 21782
301.223.8848 f
301.223.8971 f
www.gl-restore.com

PROPOSAL

Date: April 29, 2021

Presented To: Jefferson County Maintenance Department; ATTN: Laura Rubin
Project: Brick Wall Repair & Repointing

Location: 112 East Washington Street, Charles Town, WV 25414

Proposal Number: 21-003

Gruber-Latimer has outlined its findings and recommended Scope of Work in the proposal below:

Section 1 -- Scope of Work

- 1.01 Mobilization -- Stage materials and equipment on site at the east wall walkway (to the right when facing the building).
- 1.02 Mortar Removal -- Working around the exterior stairs, cut out 100% of the existing mortar joints on exterior brick wall to a height of approximately 6 feet and to a depth suitable for repointing.
- 1.03 Replacement of Individual Brick/Stone -- Cut out and replace up to 150 deteriorated or damaged brick as needed -- approximately 50 in front of the stairs and approximately 100 behind the stairs.
- 1.04 Brick Repointing -- Repoint all affected brick using Type N mortar with a joint profile and color to match existing brickwork
- 1.05 Cleaning Masonry -- Clean all affected brick/stone using a medium-pressure/hot-water process and -- if needed -- a bio-degradable masonry detergent and restoration cleaner to remove dirt, dust, staining, vegetation and mortar residue.
- 1.06 Siloxane -- Because the limited airflow in the walkway does not always allow the brickwork to dry thoroughly, Gruber-Latimer recommends applying one coat of siloxane water repellent.
- 1.07 Demobilization -- Clean work area. Remove all debris and excess materials that result directly from our work

1.08 Add Alternate #1 -- Lime Mortar

The original builders used lime-based mortar, a formulation that took advantage of lime's physical and chemical properties. The process resulted in a mortar that was intentionally softer than brick/stone. And thus, the mortar was the "sacrificial" material in the wall. Modern Portland cement reverses the relative hardness of the brick/stone and mortar and can do long-term damage to the masonry.

The modern mortar speed in the base proposal uses Portland cement but in a ratio that lowers the hardness of the mortar to avoid harm to the wall. It is, however, still a modern cement-based mortar. A more historically sensitive option is hydraulic lime-based mortar that uses no modern cement and more closely approximates the material used in the original construction. Lime-based mortar is often required for tax credit projects, grant-funded projects, and projects on properties under easements.

This Add Alternate price below reflects the additional cost of using hydraulic lime-based mortar on this project.

Section 2 -- Special Notes

- 2.01 **Water and Electricity** – Owner/General Contractor (GC) will provide potable water and electrical service to the site of our work at no charge.
- 2.02 **Surrounding Landscape, Structures, Materials, and Finishes** – Gruber-Latimer will make a diligent effort to limit the amount of disturbance to adjacent soils, landscaping, structures, sidewalks, and finishes. However, we can offer no guarantee in this regard. Should we need to replace materials and finishes, we will match the existing as closely as possible.
- 2.03 **Mortar Removal** – Gruber-Latimer will remove existing mortar both by hand and by mechanical means, using masons with substantial experience in restoration work.
- 2.04 **Brick/Stone Reconstruction** – Where possible and practical to do so, misaligned stone/brick will be repositioned to remove the more obvious misalignment conditions. Nonetheless, some widening of mortar joints and uneven coursing may be difficult or impossible to avoid.
- 2.05 **Additional Reconstruction** – Any additional reconstruction which exceeds the above scope – the need for which is discovered in the course of our work – is excluded from this proposal. The additional work can be added with a written change order, signed by both the owner/GC and Gruber-Latimer Restoration.
- 2.06 **Additional Stone/Brick** – If needed, Gruber-Latimer will supply additional stone and/or historic brick on a "time and material" basis with a written change order, signed by both the owner/GC and Gruber-Latimer Restoration.
- 2.07 **Matching Brick/Stone/Mortar** -- Gruber-Latimer will make every effort to match existing brick/stone/mortar. However, bricks produced at different times are subject to slight variations in color and shading. Likewise, mortar colors are susceptible to change as a result of differing humidity, sand texture/color, etc., making an absolute match very difficult.
- 2.08 **Exclusions** – The following are specifically excluded from this proposal: Layout, structural steel, carpentry, framing, painting/caulking, paint removal, hazmat abatement, plaster/GWB work, roof work, window/door work, insulation, gutters/down spouts, concrete work, finished grading and landscaping, removal of vegetation, removal of tree roots, electrical/mechanical/HVAC work.
- 2.09 **Permits & Fees** – The Owner/GC is responsible for cost of all fees, permits, and costs related to compliance (e.g. safety, environmental, etc.).
- 2.10 **Siloxane** – Regarding the proposed silane/siloxane water repellent for vertical masonry surfaces:
 - Product dries clear with no adverse affects to the color of the stone or mortar.
 - Product is temperature-sensitive in terms of ambient conditions at the time of application.
 - One saturation coat typically provides the desired level of protection.
 - Product may require up to 14 days to develop optimal performance.
 - Product has a service life of 7-10 years, after which a maintenance coat is recommended.
 - A diligent effort will be made to prevent overspray of the water repellent onto adjacent surfaces and landscaping. However, while this water-based product will not damage other materials/surfaces and will be cleaned off windows with a standard window cleaning agent, all parking and driveway areas need to be clear of vehicles.

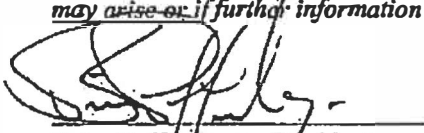
Section 3 – Price

- 3.01 All labor, materials and equipment to complete the above Scope of Work:
\$13,740.00 (Dollars and 00/100), plus any applicable state or local taxes
- 3.02 Add Alternate #1 (Initial here to accept _____)
\$659.00 (Dollars and 00/100), plus any applicable state or local taxes

Section 4 – Terms

- 4.01 Payment in full upon completion of the work performed. Due upon receipt.
- 4.02 This agreement constitutes the full Scope of Work for the project outlined. Any additions, corrections, or deletions will be in the form of a written change order – with full explanation and adjustments to the price – dated and signed by both the owner/GC and Gruber-Latimer Restoration.
- 4.03 Gruber-Latimer guarantees all material to be as specified and that all work will be completed in a workmanlike manner according to standard practices and warranted for a period of one (1) year.
- 4.04 This proposal, and any contract that results from this proposal, is made with the expressed condition that Gruber-Latimer Restoration cannot be held responsible for strikes, accidents, delays or other circumstances beyond our control.
- 4.05 Owner/GC is responsible for the cost of all additional permits and fees related to compliance, e.g. safety, environmental protection, etc. Owner will be responsible for fire, tornado and other necessary and applicable insurance. Gruber-Latimer Restoration employees are fully covered by workers' compensation insurance.
- 4.06 Maryland Home Improvement Commission (MHIC) License #137288.
- 4.07 Gruber-Latimer Restoration reserves the right to withdraw this proposal if not accepted within 30 days.

Thank you for considering Gruber-Latimer Restoration to be your partner on this project. We are confident that our experience will enable us to meet your expectations. Please call with any questions that may arise or if further information would be helpful. We look forward to working with you.



Brien Poffenberger, President
Gruber-Latimer Restoration

Section 5 – Acceptance of Proposal

The above specifications, price estimates and terms and conditions are satisfactory and are hereby accepted. Gruber-Latimer Restoration is authorized to do the work as specified. Payment will be made as outlined above.

Signature: _____ Date: _____

To complete this agreement, please

- Make two original copies
- Initial each Add Alternate that you accept in Section 3 (if applicable)
- Sign both copies
- Retain one copy for you records
- Return the other signed copy to Gruber-Latimer Restoration via e-mail, mail, or FAX:

Gruber-Latimer Restoration
PO Box 52
Sharpsburg, MD 21782
(301) 223-8971 FAX
brien@gl-restore.com



Requisitions

- Back
- Add
- Excel
- Mass Allocate
- Duplicate
- Custom Interface
- Notes
- Actions/ Approvers
- Release
- Activate
- My Approvals
- Attach (1)

Requisition: 2022/22003

Released, Laura Kuhn, 05/21/2021

Total Cost: \$15,105.00

Requisition

Vendor Quotes (0) General Notes (0)

Fiscal Year*	Requisition Number*	Created Date*
2022	22003	05/21/2021

Type
(N) NORMAL

Department*
(425) OTHER BUILDINGS ... View

Purchase order

Commodity
... View

Review

Description
REPLACED FAILED COMPRESSOR - ST MARGARETS BUILDING

Needed by

Buyer

PO Expiration

- Project Accounts Applied
 - Notify Originator When Converted or Rejected
 - Notify Originator of Overages
 - Receive by Amount
 - Three Way Match Required
 - Inspection Required
- by

Items (1)

Add Item

Line	Description	Qty	UOM	Unit Price	Line Total	GL Account
1	REMOVE FAILED COMPRESSOR AND REPLACE WITH NEW COMP	1.00	EACH	\$15,105.00000	\$15,105.00	E (001425-421600) MAINT/REP EQUIPMENT

Notifications (1) Save Cancel

BOLAND

30 West Watkins Mill Road, Gaithersburg MD, 20878

Office: (240) 306-3243 Cell: (301) 370-6318

www.boland.com E-mail: brandt.petrie@boland.com

DATE: May 5, 2021

PRESENTED TO:

Jefferson County Commission
P.O. Box 250

Charlestown, WV 25414

JOB LOCATION:

St. Margret Building
110 N. George Street
Charlestown, WV 25414

Model Number: TED360

Serial Number: J99C90701

SCOPE OF WORK:

- Mechanically and electrically isolate the unit listed above.
- Recover and store remaining refrigerant on circuit according to EPA standard regulations.
- Disconnect and remove failed compressor 1.
- Provide necessary crane and labor for rigging failed compressor and setting new compressor.
- Supply labor to install (x1) new OEM compressor and (x1) contactor supplied by Boland.
- Leak check our repairs and evacuate the unit.
- Charge the circuit with the new R-22 refrigerant charge supplied by Boland.
- Startup unit and verify repairs & performance.
- Cleanup work area and remove failed parts from job site.

EXCLUSIONS:

- Extraordinary and or unusual failures are not covered unless specifically stated in this proposal. If Boland encounters latent defects and/or unusual failures etc., we will stop work and advise you of our recommendation.

Price: \$15,105.00

Fifteen Thousand One Hundred Five Dollars and No Cents

CLIENT ACCEPTANCE:

SIGNATURE:
PRINT NAME:

TITLE:
PO:

DATE:

BOLAND CONTACT:

SIGNATURE
PRINT NAME:

TITLE:
DATE:

We Are Not Comfortable Until You Are

BOLAND TERMS & CONDITIONS

1. General Conditions

- 1.1 Boland agrees to perform the Work specified in the Proposal ("the Work"), incorporated herein by reference.
 - 1.2 Customer agrees to provide reasonable and timely access to all equipment related to the Work. Unless otherwise specified in the Proposal, the Work shall be performed during normal working hours (Monday – Friday, 7:00 a.m. – 4:00 p.m.).
 - 1.3 For Service Contracts, Boland will provide recommended repair proposals after the first running inspection. For Full Service (Parts & Labor) Contracts, completion of these repairs is a prerequisite for coverage under the contract
 - 1.4 Assignment/Transfer of Ownership. This agreement may not be assigned in whole or in part, nor may the service(s) or equipment provided hereunder be resold, sublet, or otherwise transferred to any third party without the express, prior written consent of Boland. Customer agrees, in the event of sale or transfer of ownership or management of the premises at which the equipment is located, to remain liable for the total annual cost of the contract, unless the transferee, subject to Boland credit approval, agrees in writing to Boland to assume all Customer's obligations under this contract.
 - 1.5 Choice of Law/Forum Selection. Should any dispute arise under this agreement, it shall be interpreted pursuant to the laws of the state of Maryland. Any such dispute requiring litigation shall be decided in the state of Maryland in a court of competent jurisdiction located in Montgomery County, Maryland.
 - 1.6 Entire Agreement. All prior representations or agreements not incorporated herein are superseded. This agreement, together with the Proposal and any exhibits, shall constitute the entire agreement between Boland and Customer.
 - 1.7 If the conditions at the Work site differ materially and cause an increase in Boland's cost of, or time required for, performance of any part of the Work, Boland shall be entitled to, and Customer shall consent by Change Order to, an equitable adjustment in the Contract Price, contract time, or both.
- ### 2. Payment
- 2.1 Unless otherwise specified in the Proposal, payment in full shall be due within 30 days of receipt of the merchandise and/or services. Boland reserves the right to issue progress billings at a minimum of once per month. Failure of the Customer to make timely payment shall release Boland of its obligations under this the Proposal and Agreement.
 - 2.2 For any accounts outstanding for more than 30 days, Boland reserves the right to add a service charge of 1.5% per month or 18% per year.
 - 2.3 Maintenance Agreements. As to maintenance agreements with monthly or quarterly payment obligations, the parties agree that the payments terms of these contracts are determined by Boland based on the annual payment amount and the monthly payments are offered as a courtesy to the Customer; accordingly, upon any termination by Customer, an Amount proportional to the work performed to date will be due to Boland.
 - 2.4 Emergency Services. Unless otherwise specified in the Proposal, Customer will be responsible for additional invoicing for any emergency services provided by Boland. If work performed outside of the hours set forth in Section 1.2 is requested by customer or reasonably required to remediate any emergency, Boland will charge "time and a half" for work on Saturday and after normal hours Monday through Friday; Boland will charge "double time" for work on Sunday and holidays and after normal hours on Saturday.
- ### 3. Warranty
- 3.1 Unless otherwise specified in the Proposal, Boland will complete all work in a workmanlike manner according to standard trade practices and will guarantee service for 90 days following the completion date, subject to the conditions and exclusions set forth in Section 4.
 - 3.2 Subject to the exclusions specified in Section 4, Boland will pass to Customer any and all manufacturer warranties that apply to any materials supplied by Boland.
- THIS WARRANTY AND LIABILITY SET FORTH IN THE PRIOR PARAGRAPHS IS IN LIEU OF ALL OTHER WARRANTIES AND LIABILITIES, EXPRESSED OR IMPLIED IN LAW OR FACT, INCLUDING IMPLIED WARRANTIES OF MERCHANTABILITY AND FITNESS FOR PARTICULAR USE.**

4. Exclusions

4.1 Warranty Exclusions. The following exclusions shall void any warranty otherwise in place:

- (a) Corrosion or other deterioration resulting from forces not within Boland's control;
- (b) Substitution of materials for any reason including, but not limited to, government regulations;
- (c) Failure to properly operate equipment according to the manufacturer's Installation, Operation, and Maintenance Manual;
- (d) Failure to supply adequate power to the equipment; and/or
- (e) Repair or any alteration made by anyone other than Boland.

4.2 Unless otherwise specified in the Proposal, Boland does not assume responsibility for the following:

- (a) Any item set forth in Section 4.1;
- (b) Normal day-to-day operation of the equipment;
- (c) Duct work, heat exchangers, electrical disconnect switches, air filters, recording instruments, gauges or thermometers, chilled or condenser water piping;
- (d) Water treatment;
- (e) Maintenance and repair of ancillary equipment; and/or
- (f) Equipment failure, except where damages are directly due to the sole negligence of Boland.

4.3 Force Majeure. Boland shall not be responsible for any damages, including but not limited to damages for delay or inability to perform the Work owing to the following reasons:

- (a) Flood, fire, lightning, riots, civil unrest, or any other force of nature;
- (b) Strikes or labor troubles affecting Boland's employees or agents who perform the services related to the Work;
- (c) Delays in transportation that are outside of Boland's control;
- (d) Orders or regulations established by government authority;
- (e) Any utility or power service connected to the equipment involved in the Work, including any failure or disruption thereof; and/or
- (f) Any other reasonably unforeseeable cause outside of Boland's control, including but not limited to Boland's inability to obtain necessary parts despite reasonable efforts.

It is expressly agreed that any unauthorized alteration of the equipment shall further release and terminate all obligations of Boland pursuant to this agreement.

5. Indemnification

5.1 To the fullest extent permitted by law, Customer shall indemnify, defend, and hold harmless Boland from any and all claims, actions, costs, expenses, damages, and liabilities, including reasonable attorneys' fees, resulting from death or bodily injury or damage to real or tangible property not caused by the sole negligence or intentional misconduct of Boland. This duty to indemnify shall continue in full force and effect, notwithstanding the expiration or early termination of this agreement.

5.2 In addition to the indemnity provision set forth above, Customer agrees to indemnify and save Boland, its employees, and subcontractors harmless from and against any loss, injury, or liability of any nature arising out of or resulting from exposure to any person or property to hazardous conditions and/ or materials at the job site.

5.3 In no event shall Boland be liable to Customer for any special, indirect, consequential, punitive, or exemplary damages, including but not limited to business interruption or lost profits, arising out of or relating to this Agreement or the performance or breach thereof. Any liability on the part of Boland shall be limited to the purchase price for products or services agreed upon with the Customer.

6. Hazardous Conditions and/or Materials

6.1 Unless otherwise specified in the Proposal, Customer shall be responsible for proper disposal of hazardous materials including but not limited to used oil and contaminated refrigerant.

6.2 Boland shall not be responsible for the detection, abatement, encapsulation, or removal of any hazardous conditions and/or materials, including but not limited to asbestos, lead, mold, mildew and the growth of hazardous microbic organism or mycotoxins.

If Boland encounters hazardous conditions and/or materials at the Work site Boland shall immediately stop work and notify Customer of such conditions promptly.

6.3 If any such hazardous conditions and/or materials are discovered, Customer shall immediately endeavor to:

- (a) Abate and/or remove any such hazardous materials and/or remediate any other hazardous condition(s); and
- (b) Protect Boland, its employees, agents, and subcontractors from any such hazardous materials if Boland reasonably deems it necessary to perform the Work.

7. Energy Policy Act Design Allocation

7.1 For projects in government-owned buildings, Customer agrees that for the Work on the Project hereunder, Boland Trane Services, Inc. shall be the "designer" as that term is identified in the Energy Policy Act of 2005, and Boland Trane Services, Inc. shall have the exclusive right to report to any federal, state, or local agency, authority or other party, including without limitation under Section 179(b) of the Energy Policy Act of 2005, any tax benefit associated with the Work.

Upon Final Completion, Customer agrees to execute a Written Allocation including a Declaration related to Section 1790 of the Internal Revenue Code. Boland Trane Services, Inc. will prepare the Declaration and all accompanying documentation. Boland Trane Services, Inc. will be designated the Section 1790 beneficiary



Requisitions

- Back
- Add
- Excel
- Mass Allocate
- Duplicate
- Custom Interface
- Notes
- Actions/ Approvers
- Release
- Activate
- My Approvals
- Attach (1)

Requisition: 2021/21056

Released, Elizabeth A. Dutko, 05/06/2021

Total Cost: \$12,765.60

Requisition

Vendor Quotes (0) General Notes (0)

Fiscal Year* 2021 Requisition Number* 21056 Created Date* 05/06/2021

Department* (712) COMMUNICATIONS CENTER-911 ... View

Commodity ... View

Description NETMOTION 12 MONTH COMPLETE SUBSCRIPTION

Buyer (jpolczynski) Jeffrey Polczynski ...

Type (N) NORMAL

Purchase order

Review

Needed by 06/30/2021

PO Expiration 08/31/2021

- Project Accounts Applied
- Notify Originator When Converted or Rejected
 - Notify Originator of Overages
- Receive by Amount
- Three Way Match Required
- Inspection Required
 - by

Items (1)

Add Item

Line	Description	Qty	UOM	Unit Price	Line Total	GL Account
1	12 MONTHS OF THE FULL SUITE OF NETMOTION CAPABILIT	1.00	EACH	\$12,765.60000	\$12,765.60	E (001712-421600) MAINT/REP EQUIPMENT



4/18/2021

Presented by: Mobile Wireless LLC

Jeffrey Polczynski
Jefferson County Emergency Communications
28 Industrial Boulevard, Suite 100
Kearneysville, WV 25430
(304) 728-2100
jpolczynski@jeffersoncountywv.org

Re: NetMotion Complete renewal

Jeff,

Thank you for being a valued customer. Please find below the pricing from Mobile Wireless LLC. We appreciate the opportunity!

NetMotion Complete Renewal

Product Description	SKU	Qty	Per Unit	Extended Price
NetMotion Complete Subscription – 12 Months of the full suite of NetMotion capabilities, including all of the functionality available in Core plus the ability to gather and analyze data on your mobile fleet in clean, real-time dashboards. Complete also features powerful policy controls, extending your security perimeter and further enhancing the user experience. (Effective from 7/2/2021 – 7/1/2022)	NMS-COMplete-SUBS	180	\$70.92	\$12,765.60
Total				\$12,765.60

Respectfully,

Alan McClintock
Mobile Wireless LLC
Phone: 972-516-1365
Fax: 469-574-5000
alan@mobwireless.com

Mobile Wireless LLC. • 1525 Brazos Trl. • Plano, Texas 75075 • Mobile: 214-850-9886



Requisitions

- Back
- Add
- Excel
- Mass Allocate
- Duplicate
- Custom Interface
- Notes
- Actions/ Approvers
- Release
- Activate
- My Approvals
- Attach

Requisition: 2021/21058

Released, Michelle Gordon, 05/25/2021

Total Cost: \$35,000.00

Requisition

Vendor Quotes (0) General Notes (0)

Fiscal Year*	Requisition Number*	Created Date*
2021	21058	05/25/2021

Type
(N) NORMAL

Department*
(401) COUNTY COMMISSION ... View

Purchase order

Commodity ... View

Review

Description
EMS DELIVERY MODEL CONSULTING SERVICES

Needed by

Buyer

PO Expiration

- Project Accounts Applied
 - Notify Originator When Converted or Rejected
 - Notify Originator of Overages
 - Receive by Amount
 - Three Way Match Required
 - Inspection Required
- by

Items (1)

Add Item

Line	Description	Qty	Unit Price	Line Total	GL Account
1	EMS DELIVERY MODEL CONSULTING SERVICES	1.00	\$35,000.00000	\$35,000.00	E (002401-422300) PROFESSIONAL SERVICES

PROFESSIONAL CONSULTING SERVICES AGREEMENT

THIS PROFESSIONAL CONSULTING SERVICES AGREEMENT, (“**Agreement**”) is made and entered into as of May 18, 2021 (the “**Effective Date**”) by and among **FITCH & ASSOCIATES, LLC** (“**Consultant**”), **COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA** (“**Jefferson County**”).

1. **Retention of Consultant.** Jefferson County wishes to benefit from Consultant’s industry expertise and knowledge in the area of public safety, fire, and emergency services. Therefore, on the terms and conditions set forth in this Agreement, Jefferson County engages Consultant to perform the consulting services described below, and Consultant accepts such retention by Jefferson County. Consultant warrants that it has no non-compete or other agreement, arrangement, or conflict of interest that prevents or would prevent Consultant from carrying out and performing the Services (as defined below) under this Agreement.
2. **Services.** Consultant shall provide to Jefferson County the services described in **Exhibit A** (the “**Services**”). Such Services shall be performed in accordance with: (i) applicable laws, rules and regulations; (ii) generally accepted industry standards; (iii) applicable rules, regulations, policies and standards of Jefferson County as provided by Jefferson County to Consultant. , Jefferson County agrees and acknowledges that Consultant is not performing Services for Jefferson County on an exclusive or full-time basis.
3. **Qualifications.** Consultant shall have and maintain during the term of this Agreement all licenses, permits, certifications, registrations, accreditations and approvals as are required by applicable law for Consultant to provide the Services to Jefferson County, and shall promptly notify Jefferson County of the loss, suspension, or material restriction of any of the foregoing.
4. **Compensation.** Jefferson County shall compensate Consultant for performing the Services outlined in **Exhibit A** in the manner as described in **Exhibit B**. Upon request by Jefferson County, Consultant shall submit documentation to Jefferson County, describing in detail Consultant’s activities in performing the Services. Compensation for Services shall be made payable to Consultant and sent to the address set forth in **Exhibit B**. Undisputed invoices are to be paid within forty-five (45) days of receipt by Jefferson County.
5. **Term.** This Agreement shall commence on the Effective Date and shall continue until completion of the Services as outlined in Exhibit A, unless terminated earlier or extended as provided in this Agreement.
6. **Termination of Agreement.** This Agreement may be terminated prior to completion of the Services, as follows:
 - (a) Jefferson County shall have the right to immediately terminate this Agreement if Consultant:
 - (i) attempts to assign or otherwise transfer this Agreement without Jefferson County’s prior written consent; or (ii) materially breach(es) of Section 10 of this Agreement, to the extent Section 10 is applicable to this Agreement;
 - (b) If Consultant breaches any term of this Agreement, and fails to cure such breach within ten (10) business days following receipt of Jefferson County’s written notice of the breach, Jefferson County may terminate this Agreement, provided that Jefferson County shall be responsible for payment

of any undisputed and completed Services incurred by Consultant prior to the termination date;

- (c) If Jefferson County breaches any term of this Agreement, and fails to cure such breach within ten (10) business days following receipt of Consultant's written notice of the breach, Consultant may terminate this Agreement and Consultant shall be entitled to recover payment of any undisputed and completed Services incurred by Consultant prior to the termination date; and
- (d) Jefferson County shall be entitled to terminate this Agreement at any time without cause upon thirty (30) calendar days' advance written notice to Consultant, provided that Jefferson County shall be responsible for payment of any undisputed and completed Services incurred by Consultant prior to the termination date.

Upon the termination of this Agreement, the parties shall have no further rights or obligations under this Agreement, except as otherwise provided for in this Agreement, including, without limitation, under Sections 8-12, and except to the extent accruing prior to the effective date of such termination.

7. **Insurance.** Throughout the term of this Agreement, Consultant agrees to carry and maintain, at its expense and in connection with this Agreement, such insurance coverage as is customary in Consultant's line of business. At a minimum, such insurance coverage shall include each of the following coverages:

- (a) Professional liability insurance, providing coverage of at least \$1,000,000 per occurrence and at least \$3,000,000 in the aggregate (or in any such other amount as required by Jefferson County). Both the occurrence and annual aggregate limits shall be separately applicable to Consultant and each of the licensed professionals providing Services on its behalf under this Agreement.
- (b) Commercial general liability insurance, providing blanket contractual coverage with combined single limit, bodily injury, and property damage liability of at least \$1,000,000 per occurrence and at least \$3,000,000 in the annual aggregate.
- (c) Workers' Compensation, providing statutory limits and any other elements of protection required by applicable law, with a waiver of subrogation against Jefferson County and its affiliates.
- (d) Employer's Liability, providing coverage of at least \$1,000,000 per occurrence.
- (e) Such other coverages and limits as may be mutually agreed upon by Consultant and Jefferson County from time to time based on the nature of Services provided under this Agreement.

Except for Workers' Compensation and Employer's Liability insurance, each of the required coverages shall be provided by means of a policy or policies of insurance and name Jefferson County as an additional insured under each policy. Consultant shall not cancel, limit, or reduce any such coverages in any way without 30 calendar days' prior written notice to Jefferson County. Upon request, current certificates of insurance evidencing the

required coverages shall be given to Jefferson County. The provisions in this Section shall survive termination of this Agreement in accordance with the terms of such insurance coverage.

8. **Indemnification.** Each party (“**Indemnifying Party**”) assumes responsibility and liability for the actions of itself, its employees, and its agents. Each party agrees to cooperate with the other, to the extent applicable under the circumstances, in the investigation and/or settlement of any loss or damage or alleged loss or damage arising out of this Agreement. The provisions in this Section shall survive termination of this Agreement.

9. **Nondisclosure of Confidential Information.** Jefferson County and Consultant acknowledge that, in the course of the performance of this Agreement, they will have access to information or communications, including proprietary information claimed to be unique, secret, or confidential, and which constitutes the exclusive property or trade secrets of the other party, and not made generally public (the “**Confidential Information**”). Jefferson County and Consultant agree to maintain the confidentiality of the Confidential Information and to use the Confidential Information only to the extent necessary for legitimate business uses in connection with this Agreement. Jefferson County and Consultant will use commercially reasonable efforts and take all reasonable precautions to protect the Confidential Information. Jefferson County and Consultant agree to hold in strict confidence all Confidential Information related to this Agreement in order to ensure such Confidential Information is not disclosed to any third persons other than Qualified Third Parties (as defined below), unless required to do so by law, without the prior written consent of the other party. For purposes of this Section, “**Qualified Third Parties**” shall include those advisors, attorneys, accountants, consultants and/or other representatives as necessary to enforce its rights and perform its agreements and obligations under this Agreement. While Qualified Third Parties may receive information without the prior written consent of Jefferson County or Consultant, all such Qualified Third Parties shall be informed that the shared information is confidential and should be treated as such by them consistent with the terms of this Agreement. Upon the disclosing party’s request or the termination or expiration of this Agreement, the receiving party shall either return or destroy the Confidential Information then in its possession. Notwithstanding the foregoing to the contrary, the receiving party shall have the right to retain one copy of Confidential Information for regulatory compliance or legal purposes, and shall not be obligated to purge extra copies of Confidential Information from electronic media used solely for data backup purposes; provided, however, such retention shall subject to the terms and conditions of this Agreement and the receiving party shall continue to be bound by its obligations of confidentiality and other obligations hereunder for as long as that Confidential Information is retained. The term “**Confidential Information**” shall not include any information that (i) becomes generally available to the public other than as a result of a disclosure by the receiving party, its affiliate representatives, directors, officers, employees or agents, (ii) was in the possession of the receiving party on a non-confidential basis prior to its disclosure to the receiving party by the disclosing party or (iii) becomes available to the receiving party on a non-confidential basis from a source other than the disclosing party that is entitled to make the disclosure to the receiving party without violation of any obligation of confidentiality to the disclosing party or any other party. The provisions of this Section shall be binding on the parties and shall survive the termination of this Agreement.

10. **Ownership of Deliverables.** All documents, materials, and information which are prepared by the Consultant specifically and exclusively for Jefferson County in the performance of the Services under this Agreement (“**Deliverable**”) upon full and final payment to Consultant hereunder, shall become the property of Jefferson County and, unless previously delivered to Jefferson County, shall be delivered to Jefferson County upon termination of this Agreement if Jefferson County so requests. Unless Consultant provides its prior written consent, Jefferson

County shall not use or disclose to any third party, except its attorneys, accountants, or financial advisors with a need to know, any Services, Deliverables or Consultant Information other than (a) as mutually contemplated when Consultant first was retained to provide the Services, and Consultant shall have no liability with respect to, modifications made by Jefferson County or its representatives to the Deliverables.

11. **Patient Information.** The parties do not anticipate that Consultant will need or be given access to any protected health information, as that term is defined by the Health Insurance and Portability and Accountability Act of 1996 (“HIPAA”), under this Agreement. Provided, however, to the extent that Consultant needs or is given access to any protected health information of Jefferson County to provide Services, Consultant agrees that it will enter into Jefferson County’s standard business associate agreement or addendum prior to such access and prior to any resulting use or disclosure.
12. **Remedies.** Consultant acknowledges that Jefferson County’s remedy at law for any breach by Consultant of his obligations under Sections 9 or 10 of this Agreement would likely be inadequate, and further acknowledges that, notwithstanding any other provision of this Agreement, temporary and permanent injunctive relief may be sought from any appropriate tribunals or courts and granted in any court or other tribunal proceeding to enforce Sections 9 and/or 10, as applicable, without the necessity of proof of actual damage. However, this Section shall in no way affect Jefferson County’s rights and remedies afforded by law, and Jefferson County shall retain the right to recover such damages as Jefferson County may have sustained by reason of any breach of this Agreement. The provisions in this Section shall survive termination of this Agreement.

Jefferson County acknowledges that Consultant’s remedy at law for any breach by Jefferson County of its obligations under Sections 9 of this Agreement would likely be inadequate, and further acknowledges that, notwithstanding any other provision of this Agreement, temporary and permanent injunctive relief may be sought from any appropriate tribunals or courts and granted in any court or other tribunal proceeding to enforce Sections 9 as applicable, without the necessity of proof of actual damage. However, this Section shall in no way affect Consultant’s rights and remedies afforded by law, and Consultant shall retain the right to recover such damages as Consultant may have sustained by reason of any breach of this Agreement. The provisions in this Section shall survive termination of this Agreement.

13. **Work Product Generated by Consultant During Provision of Services.** Consultant shall prepare all deliverables set forth in **Exhibit A**, including but not limited to the Consultants’ report, as its deliverables in providing the Services pursuant to this Agreement (the “**Deliverables**”). Consultant represents and warrants that all work produced in the Deliverables will be original and will not infringe on any intellectual property rights of any third party. The parties acknowledge that the Deliverables are the exclusive property of Jefferson County, except to the extent that such records include information which is publicly available (unless publicly available through a breach of this Agreement by Consultant), and subject to the rights of Consultant as described below.
14. **Pre-Existing Works.** Each party acknowledges that the other party (the “**Owner**”) owns all of its pre-existing works, as well as all notes, work papers and other internal documents which are developed by the Owner independently of this Agreement and the Services and without use of the other party’s Confidential Information and which are not otherwise public records (collectively, the “**IP**”). Each party further acknowledges that the Owner may own the copyright in such IP. A non-owning party may not use, nor allow any of its agents or employees to use, such IP in any manner, other than in connection with this Agreement, unless

such use is expressly consented to in writing, in advance, by the Owner, except as set forth in this section. Notwithstanding the foregoing, Consultant hereby grants to Jefferson County, and Jefferson County hereby accepts, a non-exclusive worldwide, perpetual, irrevocable, royalty-free, fully paid-up license to freely use any of Consultant's IP contained in the Deliverables or reasonably necessary for the use of the Deliverables as intended, for Jefferson County's internal business purposes. Such license shall be transferable in connection with a sale, merger, transfer or acquisition of all or part of Jefferson County's business to which this Agreement relates. In no event will Jefferson County sell, publish for compensation, or distribute for compensation any Deliverable developed by Consultant.

Notwithstanding the foregoing, the parties acknowledge and agree that the Owner shall have and retain its rights and interest in all of its Knowledge Capital. The term "**Knowledge Capital**" shall mean the Owner's ideas, know-how, approaches, methodologies, concepts, system, skills, tools, techniques, expressions and processes, including any intellectual property rights associated therewith. This Agreement does not preclude the Owner from developing, marketing or using, for itself or others, any services, products or other items that are the same as or similar to those provided by the Owner under this Agreement.

15. **Independent Contractor Status.** Consultant is performing the Services and duties required of Consultant pursuant to this Agreement as an independent contractor and not as an employee, partner or joint venture with Jefferson County. Consultant shall not have authority to bind or obligate Jefferson County in any manner. Jefferson County shall neither have nor exercise any control over the methods by which Consultant accomplishes the performance of the Services. The sole interest of Jefferson County is to assure that the Services are provided in a competent, efficient, and satisfactory manner. Consultant shall be solely responsible for the payment or withholding of all income taxes, Social Security taxes, unemployment taxes, and any other similar taxes imposed by any jurisdiction, workers' compensation and other insurance required by law arising from Consultant's compensation under this Agreement.
16. **Dispute Resolution.** Consultant and Jefferson County shall in good faith attempt to resolve any controversy, dispute or disagreement arising out of or relating to this Agreement by web-based application negotiations by the Executive Directors of Consultant and Jefferson County, or their respective designees.
17. **Non-Exclusion/Conviction.** Consultant represents and warrants to Jefferson County that neither it, any of its affiliates nor any person providing Services under this Agreement: (a) is excluded from participation in any federal health care program, as defined under 42 U.S.C. § 1320a-7b (f), for the provision of items or services for which payment may be made under such federal health care programs; or (b) has been recently convicted (as that term is defined under 42 U.S.C. § 1320a-7(i)) of a criminal offense related to health care. Consultant further represents and warrants that it has not arranged or contracted (by employment or otherwise) with any employee, contractor or agent that such party or its affiliates know or should know are excluded from participation in any federal health care program, to provide Services. Consultant represents and warrants to Jefferson County that no final adverse action, as such term is defined under 42 U.S.C. § 1320a-7e (g), has occurred or is pending or threatened against such Consultant or its affiliates or to their knowledge against any employee, contractor or agent engaged to provide Services.
18. **Assignment: Benefit.** Consultant shall not assign nor subcontract (except as provided herein) any portion of its obligations under this Agreement without the prior written consent of Jefferson County and any such assignment shall be null and void. Jefferson County shall be permitted to assign this Agreement to any of its affiliates. Otherwise, this Agreement shall be binding on and inure to the benefit of the parties hereto and their respective successors, assigns, executors,

representatives and heirs.

19. **Enforceability of Remainder of Agreement.** If any term, provision, covenant, or condition of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, then that term, provision, covenant or condition shall be reformed or rescinded as ordered by the court. However, the remainder of this Agreement shall remain in full force and effect.
20. **Notice.** All notices, demands or other writings shall be deemed sufficiently given if personally delivered or deposited in the United States mail in a properly stamped envelope, certified or registered mail, return receipt requested, or delivered to an overnight mail service, call-back requested, addressed to the party to whom it is given at the addresses set forth below or such other persons or addressees or numbers as shall be given by notice of any party:

If to Client:

Jefferson County Commission
124 East Washington Street
Charles Town, West Virginia 25414
Attn: Stephanie Grove, County Administrator

If to Consultant:

Fitch & Associates, LLC
2901 Williamsburg Terrace #G
Box 170
Platte City, MO 64079
Attn: President

-and-

Bryan Cave Leighton Paisner LLP
1200 Main Street, #3800
Kansas City, MO 64105
Attn: Vicki Westerhaus

Miscellaneous. This Agreement shall be governed by and construed in accordance with the laws of the State of West Virginia. This Agreement, including its exhibits, all of which are incorporated herein by reference, constitutes the entire understanding between the parties concerning this subject matter and supersedes any and all previous agreements between the parties on this subject matter. This Agreement may be executed in counterparts, each of which shall be deemed an original and all of which, when taken together, shall constitute one agreement.

This Agreement may be amended or modified by a written instrument executed by Jefferson County and Consultant.

The failure by Jefferson County or Consultant to exercise any right shall not be deemed a waiver of any right. The captions of the various sections of the Agreement are not a part of its context and are inserted merely for convenience in locating the different provisions and shall be ignored in construing this Agreement.

(signature page to follow)

IN WITNESS WHEREOF, the parties, through their respective authorized representatives, have executed this Agreement as of the Effective Date.

FITCH & ASSOCIATES, LLC

By: Roxanne Shanks
Roxanne Shanks, President

**CLIENT ORGANIZATION
NAME**

By: Steve Stolipher
Jefferson County Commission
By its President, Steve Stolipher

EXHIBIT A

Services

Jefferson County is seeking to study if the current EMS delivery model is both cost effective and operationally optimal.

Fitch & Associates (“Consultant”) will assist Jefferson County in this evaluation by performing consulting services with respect to a 360 degree evaluation that looks at everything from operational requirements through fiscal solvency and establishes a proforma P&L against which options can be developed from which maximum efficiency and optimal effectiveness can be discussed.

Consulting Services

The Consultant will provide consulting services to accomplish the following objectives:

Undertake an organizational and operational effectiveness and efficiency review for the system to ensure all options available are considered. This evaluation will include a review of the local environment in which the EMS system operates, its staffing, current operations, structure, facilities and equipment and performance, to develop future oriented options. At a high level in the assessment phase the county seeks to:

- Analyze staffing, conditions, and capabilities;
- Recommend the optimal number of equipment and personnel while maximizing efficiency and effectiveness and eliminating duplication of services;
- Analyze the number, distribution, and location of 3 to 5-years of historical incidents by type and severity for along with changes and trends in response history;
- Evaluation of policies and procedures that impact operational, financial, or procurement related activities and/or exposures;
- Analyze the apparatus and resource configuration to meet both current and future projected needs;
- Analyze the current organization, staffing, and management functions and effectiveness;
- Recommend optimal alternatives to control costs while maintaining high quality services that meet community expectations;
- Identify opportunities for enhanced collaborative efforts, shared services, or contracted services (as appropriate);
- Assist in developing future oriented reporting tools;
- Compare performance with national recommendations;
- Ultimately the county has to be able to decide what is best for the county.

Timeline and Deliverables

Consultant is prepared to initiate this engagement upon execution of the Professional Consulting Services Agreement. The comprehensive system specifications document is a key deliverable for the project. It embodies the clinical, operational, administrative oversight, and financial projections for county to decide on options.

The Consultant’s Primary Team

Guillermo Fuentes – COO/Partner – Project Lead. Guillermo Fuentes, MBA, has 25 years of emergency services experience that spans multiple public safety services and jurisdictions. He has held executive positions for more than a decade being named Deputy Chief of Montreal (Canada) EMS in 1999. Montreal EMS is the 5th largest municipal ambulance service in North America answering over 300,000 calls for service, while in Montreal he was responsible for overseeing 1100 field employees. One of his core duties was to manage a 118-person communication center. He subsequently served as Deputy Chief of EMS for

Niagara EMS and was responsible for building and staffing a new communications center. He led both centers through their NAED accreditation process.

Mr. Fuentes subsequently served as the Chief Administrative Officer for the Niagara Regional Police Service. In this role he was responsible for Information Technology, Human Resources, Records, Communication Center, Fleet, and other administrative duties including the finance function. As CAO he also served as the CFO overseeing a 150-million-dollar operating budget.

Mr. Fuentes has worked with Fitch & Associates on a part time basis for eight years and joined the firm full time in 2012. He routinely is involved in complex projects. His ability to move between field operations, dispatch centers and administrative functions - applying statistical analysis to real life situations makes his contribution to projects both complete and practical. He holds a Master's Certificate in Management from Tulane University and a Master's in Business Administration from Aspen University.

Thomas Moore, BS, EMT-P, Senior Associate — Mr. Moore serves as the firm's contract Director for University Medical Center EMS in Lubbock, Texas. In addition to on-site management services, he coordinates client engagements and assessments and serves as faculty for the Ambulance Service Manager and Communications Center Manager certification programs.

Thomas' areas of expertise include risk management, stakeholder relations, financial analysis, system design, operations and technology optimization, data and strategic analysis and public affairs. Prior to joining the firm, he served as an Operations Manager a large private ambulance service provider. He also provided consulting, risk evaluations, strategic planning, and leadership in a number of markets for mergers and startups. He earned a Bachelor of Science in Management from the University of Alabama at Birmingham and is currently pursuing an MBA at UAB.

Other key team members will be involved to support comprehensive and timely accomplishment of the project objectives. Additional information about the firm and our team can be found at www.fitchassoc.com.

EXHIBIT B

Compensation

Jefferson County shall compensate Consultant for the provision of Services as follows:

- **Professional Service Fee:** The Consultant fee shall be a total project rate of \$35,000 USD, to be invoiced as follows:
 - *25% - upon completion of initial data request*
 - *75% after final report delivered.*

- **Expenses:** Travel and expenses are billed at cost. This project is largely seen as an offsite project done through zoom and document review.

If, during the term of this Agreement, the scope of the Services to be provided by Consultant is modified or Consultant identifies any unforeseen circumstances that will extend the length of the Services, Consultant shall proactively discuss such issues with Jefferson County. In such circumstance, the parties agree to discuss in good faith any necessary modifications to the compensation and Services provided by the Consultant.

Consultant shall submit its invoices to:

ATTN: Jefferson County Commission
124 East Washington Street
Charles Town, West Virginia 25414
Michelle Gordon, Finance Director
Email: mgordon@jeffersoncountywv.org

Undisputed invoices are to be paid within 45 days of receipt by Jefferson County.

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$394,834.60		\$394,834.60
6.2% Tax Payable OASDI	\$23,367.12		\$23,367.12
1.45% Tax Payable HI	\$5,464.97		\$5,464.97
Fed Withholding	\$34,059.90		\$34,059.90
WV State Withholding	\$16,038.69		\$16,038.69
PERS Retirement Deduct 4.5%	\$9,625.25		\$9,625.25
PERS Retirement Deduct 6%	\$5,315.16		\$5,315.16
Hosp. Pre-Taxed	\$15,495.00		\$15,495.00
Cancer/ICU Pre-Taxed	\$586.74		\$586.74
Cancer/ICU Not Pre-Taxed	\$933.10		\$933.10
Optional Life Not Pre Taxed	\$1,756.29		\$1,756.29
Christmas Club	\$4,409.00		\$4,409.00
Wage Attach #1	\$502.16		\$502.16
Wage Attach #2	\$822.22		\$822.22
Wage Attach #3			\$0.00
DSRS Retirement Deduct 8.5%	\$6,481.75		\$6,481.75
457 - Nationwide	\$834.00		\$834.00
457I - Empower	\$4,632.06		\$4,632.06
457R - Roth	\$775.00		\$775.00
MD State Tax	\$848.21		\$848.21
D/VF	\$1,863.34		\$1,863.34
VA State Tax	\$142.30		\$142.30
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
Total Deductions	\$134,000.10	\$0.00	\$134,000.10
Net Wages Total	\$260,834.50	\$0.00	\$260,834.50
Payroll Date	May 27, 2021		



Name: Angie Banks, Assessor

Department or Organization: Assessor's Office

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **June 3, 2021**

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):

✦ Request Commission signatures on the Certificate of Oaths for the Real Estate & Personal Property Books - Discussion/Action

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

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

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

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

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

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

Is equipment needed? Projector Y/N Click here to enter text. Internet/WiFi 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: Michelle Gordon, Finance Director
Stephanie Grove, County Administrator

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1st Choice: **June 3, 2021**

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

Date Requested – 2nd Choice:

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

- Review and Approval of the Hartford Short Term Disability Proposal Options for FY022
- Review and Approval of the Hartford Long Term Disability Proposal Options for FY022
- Review and Approval of the Donated Leave Policy 218, Effective 07/01/2021
- Review and Approval of Health and Welfare Benefits Policy 220, effective 07/01/2021

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

The Hartford has provided quotes for short-term disability (STD) and long-term disability (LTD). Selected plans would become effective 7/1/2021 and proposal rates are valid until 6/26/2021. \$80,000 was included in the FY22 budget and we have \$57,500 in savings from our FY22 health insurance renewal.

Short –Term Disability –OR Donated Leave

Short Term Disability Options:

Fully Insured –

Option 1- 66 2/3 of weekly earnings, maximum benefit amount is \$2,000 weekly, day injury commences – 15th day, benefit duration is 11 weeks, 2 year rate guarantee. **Cost is \$45,500.** Employer pays 100% of premiums.

Option 2 - 66 2/3 of weekly earnings, maximum benefit amount is \$2,000 weekly, day injury commences – 15th day, benefit duration is 11 weeks, 2 year rate guarantee. Employee and employer pay a portion of the premium and we must have 25% participation. **The cost will also vary based on enrolled employee age and employee to employer contributory percentage.**

Self Insured -

Option 3 - *Self Insured*- 66 2/3 of weekly earnings, maximum benefit amount is \$2,000 weekly, day injury commences – 15th day, benefit duration is 11 weeks. Cost is \$7,300 per year plus self pay for all claims.

Donated Leave Policy 218- STD and Donated leave typically serve the same purpose for employees. Donated leave is cost or budget neutral in that an employee's salary is already included in each departmental annual budget. No additional cost would be incurred. However, providing employees with additional paid leave instead of requiring the employee to take time off without pay means that the County would not have budgetary savings as a result of the employee's unpaid status. (NOTE: Draft Policy will be distributed on May 20, 2021)

Long-Term Disability –

Fully Insured –

Option 1- Benefit percentage - 60%, maximum benefit amount is \$7,000 monthly (minimum is the greater of \$100 or 10%), 90 day elimination period, Benefit Duration is based on ADEAI with SSNRA (based on age-varies from 1-5 years), Definition of Disability – 2 years own occupation, 2 year rate guarantee. **Cost is \$44,200.** Employer pays 100% of premiums. No Employee “Buy Up” permitted.

Option 2-Core Option for Buy UP- Benefit percentage - 40%, maximum benefit amount is \$7,000 monthly (minimum is the greater of \$100 or 10%), 90 day elimination period, Benefit Duration is based on ADEAI with SSNRA (based on age-varies from 1-5 years), Definition of Disability – 2 years own occupation, 2 year rate guarantee. **Cost is \$20,300.** Employer pays 100% of premiums. Employee is permitted to “Buy Up” or purchase additional coverage to increase their benefit percentage to 60%. The employee would pay 100% of the cost of the “Buy Up”.

Option 3-Class Option- Class I – FT Management, Class II- FT Non-management, Benefit percentage - 60%, maximum benefit amount is \$7,000 monthly (minimum is the greater of \$100 or 10%), 90 day elimination period, Benefit Duration is based on ADEAI with SSNRA (based on age-varies from 1-5 years), Definition of Disability – Class I – Own occupation to age 65 and Class II - 2 years own occupation, 2 year rate guarantee. **Cost is \$47,900.** Employer pays 100% of premiums. No Employee “Buy Up” permitted.

Health and Welfare Benefits Policy 220 – Attached. New policy to better define health and welfare benefits offered to employees. NOTE: This policy may need amendments based on the approval or denial of STD, LTD or Donated Leave being made today.

Is this a funding request? Y/N Yes
If so, how much? \$ \$10,000-100,000
Provide exact financial impact/request:

\$80,000 was included in the FY22 budget and we have \$57,500 in savings from our FY22 health insurance renewal.

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

- Motion to accept OPTION _____ for the short term disability insurance plan from The Hartford Business Insurance
- Motion to accept OPTION _____ for the long term disability insurance plan from The Hartford Business Insurance
- Motion to approve Donated Leave Policy 218 effective 7/1/2021 with no amendments/ as amended
- Motion to approve Health and Welfare Benefits Policy 220 effective 7/1/2021 with no amendments/ as amended

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: Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION
not applicable



**A Proposal of Employee Benefits from The Hartford for the
U.S. Employees of**

Jefferson County Commission

Administrative Service Only (Short Term Disability)

Presented by:

Millenium Insurance Group

Proposal valid until: June 25, 2021

Short Term Disability

Class Description(s):

All Active Full-time Employees

Full Time Eligibility: 30 hours per week

Feature	Description
PLAN TYPE	Self-insured STD
CLAIM SERVICE LEVEL	Advice to Pay (ATP)
BENEFIT SCHEDULE	66 2/3 of Weekly Earnings
MAXIMUM BENEFIT AMOUNT	\$2,000 Weekly
DAY INJURY BENEFIT COMMENCES	15th day
DAY SICKNESS BENEFIT COMMENCES	15th day
BENEFIT DURATION	11 Weeks
FIRST DAY HOSPITAL	Non Included
COVERAGE BASIS	Non-Occupational
EMPLOYEE CONTRIBUTION	None
PARTICIPATION REQUIREMENT	100%

Administrative Services Only Short Term Disability (ASO STD) Standard Services Summary

The following outlines the standard services provided to ASO STD Contractholders. In conjunction with the "Selected Services", described following this section, constitutes the proposed array of services. The final, signed Service Agreement between the parties, if any, shall control. This list represents the available services only, and is not an agreement to provide the services listed herein.

Please Note: Some features may have qualifications for availability. These will be indicated within the document where appropriate.

Features	Description
Eligibility Verification	On-line certification process or electronic eligibility using our format preferred; verification of eligibility via telephone or fax accepted.
Submission	Telephonic: Standard toll free number (available to employers with 50+ employees only) Online: Via The Hartford's dedicated consumer benefits website. Paper: May be mailed or faxed.
Attending Physician Information	Standard process: The Hartford will seek to obtain medical information by contacting the claimant's attending physician within 24 hours after filing of the claim. We will follow up with a second call the next day, if necessary. In the event the physician has not responded to our requests for information, the examiner will contact the claimant on the fifth business day to ask him or her to have the physician call us to provide the necessary information
Claim Management	Specified through the "Selected Services" and "Optional Services" menus.
Transition	STD/LTD transition: For cases with both STD and LTD, a "midpoint" evaluation is conducted to assess potential for LTD. Please Note: This service is not applicable to CAVDI plans.



Communication of Decisions	<p>Decisions:</p> <ul style="list-style-type: none"> • If The Hartford is paying the benefits, approvals are communicated via Explanations of Benefits (EOB) and a phone call to employee with automated e-mail copy of the EOB going to the employer • For “Advice to Pay” cases where The Hartford is not issuing payments: <ul style="list-style-type: none"> ○ The employer is called for approval ○ The employee receives a letter • In either instance, denials are communicated via a letter to employee; employer receives a copy of the denial notification.
Status Inquiry	<p>Multiple status inquiry mechanisms:</p> <ul style="list-style-type: none"> • Interactive Voice Response (IVR): telephone-based vehicle • Daily Activity Reports (DAR): e-mail • Self-service website for employers • Self-service website for employees
Additional	<p>As selected under the “Selected Services” menu. For ASO with Payment cases, flexible funding option(s):</p> <ul style="list-style-type: none"> • Flexible method (ACH debit or credit). • Flexible frequency (bimonthly, weekly, or monthly) • Standard funding activity reporting • Standard paper report, faxed to employer • Monthly Banking Activity reports, mailed to employer

ASO STD Proposed Quote for 1	
<p>\$3.43 per employee per month</p> <p>The above per employee per month (PEPM) fee is based upon a service expectation on a quoted number of covered lives of 177. These lives will be used for billing purposes. The Hartford reserves the right to adjust the sold PEPM fees based on a deviation in the quoted versus billable lives.</p>	<ul style="list-style-type: none"> • Base per employee per month (PEPM) fee includes all the Standard Services listed above and all the Selected Services listed below. • Optional Services chosen (below) will increase the cost of this program.
<p>Rate Guarantee Period: 2 Years</p>	<ul style="list-style-type: none"> • The Rate Guarantee Period is subject to the terms and conditions of the Service Agreement regarding substantive changes.



**ASO STD 1
Selected Services
(included in base per employee per month fee displayed above)**

Where noted below, employers can choose from the specific selected service offerings.

Selected Services:	Description:
Claim Services	<ul style="list-style-type: none"> • Clinical telephonic claim intake and online claim reporting. • Review claims for restrictions and limitations based on the definition of disability. • Ensure that the employee's absence from work is supported by medical information and meets the definition of disability of the plan. • Provide ongoing rehabilitation and clinical case management services on claims that will benefit from such involvement. • Provide Return-to-Work coordinator services on claims that will benefit from such involvement. • For Advice to Pay (ATP) offering, we are evaluating and managing each claim (we are not calculating the benefit payable or issuing a payment to the claimant).
Appeal Acknowledgement	The Hartford will receive the appeal letter, and forward the letter and complete claim file to the Contractholder. The Hartford sends claimant an acknowledgement letter only. The Hartford has no involvement in the appeal determination.
Waiver of Plan Document or Program Description Services	The standard offering provides no plan document or program description writing services. We will use the Contractholder's current plan document or program description to administer the claims under this Service Agreement. You must provide your plan document or program description prior to the effective date of the Service Agreement.



**ASO STD 1
Optional Services (Additional Costs Required)**

“Optional Services” allow an employer to select additional services and features, as part of their ASO STD Agreement, which they feel are appropriate. These are optional and will have an impact on the overall cost of the plan.

Optional Service Descriptions:	Additional Fees Required:
<p>Appeal Assistance. The Hartford will agree to assist the Contractholder with denied claims on appeal. This will include one written recommendation to the Contractholder based on the information available within the timeframes specified within the Service Agreement.</p> <p>Appeal Assistance and Communication. The Hartford will agree to assist the Contractholder with denied claims on appeal. This will include one written recommendation to the Contractholder based on the information available within the timeframes specified within the Service Agreement. In addition, The Hartford agrees to communicate, in writing, the Contractholder’s appeal decision to the claimant on behalf of the Contractholder when that decision is received within the timeframes specified in the Service Agreement.</p>	<p>\$.10 per employee per month, for either the “Appeal Assistance” or the Appeal and Communication” service options.</p>
<p>Plan Document or Program Description Writing Only.</p> <p>Adapt our standard plan document or program description to Contractholder’s Plan or Program, with up to two subsequent versions to clarify intent. Document sent to Contractholder in PDF form to facilitate posting on company intranet or printing by Contractholder.</p> <p>Plan Document or Program Description Printing, only available with Plan Document or Program Description Writing services.</p> <p>We will print an amount of booklets equal to 120% of the number of covered lives.</p>	<p>\$0 flat fee.</p> <p>Minimum cost of a \$1,000, with additional charges as applicable.</p>
<p>Takeover Claims</p> <p>The Hartford will agree to evaluate claims incurred prior to the effective date of the Service Agreement, based on all required information being presented to us no later than two weeks prior the case effective date.</p>	<p>\$250 per open/active claim.</p>



<p>Run-Out Claims For the defined period of time, we will continue to evaluate claims after the agreement has terminated.</p>	<p>\$250 per open/active claim.</p>
<p>Customization beyond our standard offerings for claims process and reporting</p>	<p>Billed at an hourly rate of \$250.</p>
<p>Standard Outbound or Inbound File Feeds (for customers with >1,000 lives).</p> <p>Outbound or inbound file feed customization (non-standard feeds) will be subject to a feasibility/requirements review and approval by The Hartford.</p> <p>Preliminary time/cost efforts will be evaluated as part of the sale; however, this is subject to change as part of ongoing implementation discussions and defining the needs.</p>	<p>Cost per file is \$1,500, \$6,000 or \$9,000 depending on selected standard or inbound/outbound file feed</p> <p>Outbound file feed customization (non-standard feeds) billed at an hourly rate of \$250.</p>
<p>Telephonic Intake without eligibility</p>	<p>Telephonic intake without an eligibility file will be offered for an additional fee.</p>
<p>Non-ERISA</p>	<p>Groups not subject to ERISA will be charged an additional fee.</p>



Assumptions

The following are assumptions upon which this proposal is based:

1. The effective date of this case will be July 1, 2021.
2. Proposal and rates are valid until June 25, 2021.
3. Rates assume a SIC code of 9111.
4. Quote assumes a Situs State of WV. The Hartford standard filed contract language applies, subject to state exceptions. If specially drafted contract language is approved by Underwriting, then it is subject to approval by the Department of Insurance.
5. ASO products cannot be sold stand-alone and requires a collateral line of fully insured coverage.
6. Assumes employees must be actively-at-work on the effective date and the deferred effective date provision applies.
7. The enrolled census information must include coverage election amounts, and be within 10% of the census data used to develop this quote.
8. The Hartford reserves the right to re-price:
 - if the sold plan design differs from the proposed/quoted plan design
 - for changes in State or Federal Insurance regulations
 - if a material misstatement of the information provided in the RFP, bid specifications, claim experience, or plan of benefits is discovered post-sale
9. If any contributory lines of coverage are sold, a 45-day Grace Period will apply to all lines of coverage. If only non-contributory lines of coverage are sold, a 31-day Grace Period will apply.
10. The Hartford assumes no liability to extend coverage under severance agreements unless reviewed and approved by Underwriting in advance.
11. Contract language and standard benefits approved by The Hartford Life & Accident Insurance Company will be used for all insured contract and employee booklet communication material.
12. The Disability definition of earnings includes Base Annual Earnings and Pre-Disability Earning. Overtime pay and target income is not included.
13. The Hartford's standard policyholder reporting package and frequency applies.
14. We assume all eligible employees are U.S. citizens or U.S. residents, working in U.S. locations or are Accepted International Employees.
Accepted International Employees are:
 - U.S. Expatriates (U.S. citizens employed by a U.S. company, who live and work outside the U.S. on temporary assignment) or
 - Third Country Nationals (non-U.S. citizens employed by a U.S. company and who work in a country other than their own) or
 - Canadian Local Nationals (Canadian citizens working in Canada),
who have met the full time eligibility requirements, are paid on the U.S. payroll, and do not work in countries subject to sanctions programs administered by the US Department of the Treasury's Office of Foreign Assets Control (OFAC).
15. We assume the company has been in business for at least 2 years. If otherwise, additional underwriting approval will be required prior to sale.
16. Assumes claims incurred prior to the effective date of the contract will be the liability of the prior carrier.
17. Assumes the plan of benefits is subject to ERISA regulations.
18. Quote assumes 1 Contract/Booklet, 1 Bill Unit, and 1 Experience Unit.
19. The employer pays the cost of Non-Contributory Short Term Disability coverage on a pre-tax basis.
20. Coverage for Retirees is not included.



Deviations

Our proposal reflects our standard product and, consequently, may deviate from the features and/or plan designs that you requested. Accordingly, please review our proposal carefully, as we have not identified specific areas where our proposal deviates from your request. Please note that this proposal does not constitute a final offer or agreement, and it is only a summary of the benefits offered to your company.

The rates and costs shown in this proposal are based on the information provided. Rates may be affected by the actual enrollment (and transferred business information) provided. Please consult with the Producer regarding all terms and conditions in this proposal.



Please note the following descriptions that further explain some of our benefits and features. The descriptions are based on our Standard Language. The benefits shown below are available in most states, however, please be aware that state variations may apply.

General:

Customer Support and Online Self-Service Capabilities

We're committed to providing best-in-class service to our customers and their employees. That's why we offer online capabilities designed to save time and make it easier to manage your group benefits.

Employer Portal

Our employer portal is a secure, mobile-responsive site where employers can quickly obtain plan information and transact business to help reduce administrative burden. We continually work to enhance the site's capabilities to make it more responsive to your needs. Through our portal, you are able to access such features as:

- Electronic billing
- Reports (available in either PDF or Excel)
- Medical underwriting status for evidence of insurability
- Claim status inquiry
- Booklets
- Administration kits with forms specific to your coverage(s)

Employee Portal

Our employee portal is a secure, mobile-responsive site where employees can manage their claims, payment information and more. Your employees can access this site at any time to:

- Submit disability claims and leave of absence requests.
- View claim and payment status.
- Check their medical underwriting status for evidence of insurability.
- File an STD claim in place of telephonic submission (if your plan offers this coverage).
- Start an LTD claim.
- Upload and view documents from mobile or desktop.
- Registered users can access forms specific to your plan's coverage(s).
- Obtain information on coverage overviews and frequently asked benefit questions.
- Enroll in direct deposit for their claim payments.
- Manage their preference for alerts/notifications – email and text.

Additional Support from our Customer Solutions Center

Questions or services that cannot be handled online can be addressed by our Customer Solutions Center. Our skilled representatives, who are familiar with your case, are available Monday through Friday from 8 a.m. to 8 p.m. EST at 1-800-523-2233 and provide support to new and existing customers.

Local Service Representatives

If our Customer Solutions Center representatives can't assist you with your request, they'll be glad to put you in touch with a local service representative.



Commissions and Other Payments to Producers

Note to Producers: We are changing the way that we administer flat commissions. Flat commissions will continue to be an alternative to graded commissions. For all proposals with a flat commission, the policyholder must receive the services listed in Schedule C or E of the 2015 Group Insurance Producer Agreement, which are available to you on our website <http://thehartford.com/group-benefits-producer-compensation> and on the Producer View website at www.ProducerView.com.

The Hartford compensates producers for the sale and service of our products. In most cases, producers are paid a Commission, which is either a graded or fixed flat percentage of the premium and is incorporated into the premium rate(s). In addition, producers may be eligible for various types of Other Payments. Other Payments are incurred as general operating expenses of The Hartford and will not be directly charged to any policy issued as the result of this quote.

Commissions and certain Other Payments are paid pursuant to the Hartford's Group Insurance Producer Agreement ("GIPA"). Quotes based on fixed or flat percentage Commissions reflect services provided by the producer to the policyholder. We rely on the producer to determine that these Commissions are supported by services described in the GIPA. The Hartford reports Commissions and Other Payments on the annual Schedule A Worksheet provided to policyholders in accordance with applicable law.

For additional information regarding eligibility for Commissions and Other Payments and terms and conditions relating thereto, please review our website <http://thehartford.com/group-benefits-producer-compensation> or contact your Hartford representative. Producers may also access the GIPA on Producer View[®].

This quote includes [no] commissions.

The Hartford[®] is The Hartford Financial Services Group, Inc. and its subsidiaries, including Hartford Life and Accident Insurance Company, which provides administrative and claim services for employer leave of absence programs and self-funded disability benefit plans. Home Office is Hartford, CT.

This document outlines in general terms certain benefits and services that may be afforded under a Hartford policy or service contract. In the event of a conflict, the terms and conditions of the policies and contracts prevail. All Hartford policies and services described in this document may be offered by one or more subsidiaries of The Hartford Financial Services Group, Inc.



**A Proposal of Employee Benefits from The Hartford for the
U.S. Employees of**

**JEFFERSON COUNTY
COMMISSION**

Short Term Disability and Long Term Disability Insurance

Presented by:

Millenium Insurance Group Incorporated

Proposal valid until June 26, 2021



JEFFERSON COUNTY COMMISSION

Short Term Disability Option 1

Class Description(s):
 All Full-time Active Employees
 Full Time Eligibility: 30 hours per week

Feature	Description			
Plan Type	Fully Insured			
Benefit Schedule	66 2/3% of Weekly Earnings			
Maximum Benefit Amount	\$2,000 Weekly			
Day Injury Benefit Commences	15th day			
Day Sickness Benefit Commences	15th day			
Benefit Duration	11 Weeks			
First Day Hospital	Not Included			
Definition Of Disability	Includes Disabled and Working Disability Benefit			
Disabled And Working Benefit Formula	Standard			
Benefit Commencement Option	Included (Can satisfy Benefit Commence Period with days of Total or Disabled and Working)			
Coverage Basis	Non-Occupational			
Coverage Continuation During Family Medical Leave	Included			
Employer Participates In Worker's Compensation	Yes			
Offset Salary Continuation/Sick Leave	Dollar for Dollar			
Employee Contribution	Non-Contributory			
Initial Rate Guarantee Period	2 Years			
Participation Requirement	100% of Eligible Employees			
IRCA Match Service	Not Included			
Rate Summary				
Coverage Category/Class	No of Lives	Rate Basis	Volume	Monthly Premium
STD	177	\$0.32 Per \$10 Of Weekly Benefit	118,462.97	\$3,790.82



JEFFERSON COUNTY COMMISSION

Short Term Disability Option 2

Class Description(s):

All Full-time Active Employees

Full Time Eligibility: 30 hours per week

Feature	Description
Plan Type	Fully Insured
Benefit Schedule	66 2/3% of Weekly Earnings
Maximum Benefit Amount	\$2,000 Weekly
Day Injury Benefit Commences	15th day
Day Sickness Benefit Commences	15th day
Benefit Duration	11 Weeks
First Day Hospital	Not Included
Definition Of Disability	Includes Disabled and Working Disability Benefit
Disabled And Working Benefit Formula	Standard
Benefit Commencement Option	Included (Can satisfy Benefit Commence Period with days of Total or Disabled and Working)
Pre-Existing Condition Option	Limitation - Maximum Duration of Benefits is 4 Weeks if Pre-existing Condition Limitation applies. Look-back/Treatment Free/Insured 3/3/12 months
Coverage Basis	Non Occupational
Coverage Continuation During Family Medical Leave	Included
Employer Participates In Worker's Compensation	Yes
Offset Salary Continuation/Sick Leave	Dollar for Dollar
Employee Contribution	Contributory
Enrollment Type	Traditional EOI (Annual Enrollment) ²
Initial Rate Guarantee Period	2 Years
Participation Requirement	25% of Eligible Employees
FICA Match Service	Not Included

Rate Summary

Coverage Category/Class	No of Lives (TBD)	Rate Basis	Volume(TBD)	Monthly Premium(TBD)
STD		Per \$10 Of Weekly Benefit Stepped		
		UNDER 25 \$0 479		
		25 - 29 \$0.614		
		30 - 34 \$0 772		
		35 - 39 \$0 411		
		40 - 44 \$0 395		
		45 - 49 \$0 424		
		50 - 54 \$0 491		
		55 - 59 \$0 61		
		60 - 64 \$0 722		
		65 AND UP \$0 807		

² Assumes a scheduled enrollment period and standard evidence of insurability requirements apply for late entrants (employees who were previously eligible for coverage who did not enroll within 31 days of the date they were initially eligible) and for increases in coverage



JEFFERSON COUNTY COMMISSION

Long Term Disability Option 1

Class Description(s):

All Full-time Active Employees

Full Time Eligibility: 30 hours per week

Feature	Description			
Benefit Percentage	60%			
Maximum Monthly Benefit	\$7,000			
Minimum Monthly Benefit	Greater of \$100 or 10%			
Elimination Period	90 Days			
Benefit Duration	ADFA I with Social Security Normal Retirement Age*			
Definition Of Disability	2 Years Own Occupation			
Earnings Loss From Day 1	Included			
Return To Work Incentive Applies	Yes			
Integration Method	Direct			
Social Security Offset	Family			
Pre-Existing Condition Limitation	Look-back/Insured 3/12 months			
Takeover Provision	None			
Mental Illness Limitation	24 Month Outpatient			
Substance Abuse Limitation	24 Month Outpatient			
Specified Condition Limitation	24 Month Limitation			
Family Care Credit	Included			
Workplace Modification Benefit	Included			
Rehabilitation Participation Requirements	Included			
Recommended Treatment Requirements	Included			
Survivor Income Benefit Option	3 Times Last Monthly Net Benefit			
Employer Participates In Worker's Compensation	Yes			
Employee Contribution	Non-Contributory			
Participation Requirement	100% of Eligible Employees			
FICA Match Service	Included			
Initial Rate Guarantee Period	2 Years			
Rate Summary				
Coverage Category/Class	No of Lives	Rate Basis	Volume	Monthly Premium
LTD	177	\$0.48 Per \$100 Of Covered Salary	766,176.88	\$3,671.65

*Reminder: Compliance with ADEA is the responsibility of the Employer. Please consult your legal counsel to determine if this cutback schedule complies with ADEA guidelines.



JEFFERSON COUNTY COMMISSION

Long Term Disability Core Option for Buy Up

Class Description(s):

All Full-time Active Employees

Full Time Eligibility: 30 hours per week

Feature	Description			
Benefit Percentage	40%			
Maximum Monthly Benefit	\$7,000			
Minimum Monthly Benefit	Greater of \$100 or 10%			
Elimination Period	90 Days			
Benefit Duration	ADFA I with Social Security Normal Retirement Age*			
Definition Of Disability	2 Years Own Occupation			
Earnings Loss From Day 1	Included			
Return To Work Incentive Applies	Yes			
Integration Method	Direct			
Social Security Offset	Family			
Pre-Existing Condition Limitation	Look-back/Insured 3/12 months			
Takeover Provision	None			
Mental Illness Limitation	24 Month Outpatient			
Substance Abuse Limitation	24 Month Outpatient			
Specified Condition Limitation	24 Month Limitation			
Family Care Credit	Included			
Workplace Modification Benefit	Included			
Rehabilitation Participation Requirements	Included			
Recommended Treatment Requirements	Included			
Survivor Income Benefit Option	3 Times Last Monthly Net Benefit			
Employer Participates In Worker's Compensation	Yes			
Employee Contribution	Non-Contributory			
Participation Requirement	100% of Eligible Employees			
FICA Match Service	Included			
Initial Rate Guarantee Period	2 Years			
Rate Summary				
Coverage Category/Class	No of Lives	Rate Basis	Volume	Monthly Premium
LTD	177	\$0.22 Per \$100 Of Covered Salary	766,176.88	\$1,685.59

*Reminder - Compliance with ADEA is the responsibility of the Employer. Please consult your legal counsel to determine if this cutback schedule complies with ADEA guidelines.



JEFFERSON COUNTY COMMISSION

Long Term Disability Option 3

Class Description(s):

Class 1: All Full-time Active Employees who are Management Employees

Full Time Eligibility: 30 hours per week

Class 2: All Full-time Active Employees excluding Management

Other Eligibility: 30 hours per week

Feature	Description
Benefit Percentage	60%
Maximum Monthly Benefit	\$7,000
Minimum Monthly Benefit	Greater of \$100 or 10%
Elimination Period	90 Days
Benefit Duration	ADFA 1 with Social Security Normal Retirement Age*
Definition Of Disability	Class 1 - Own Occupation to Age 65 Class 2 - 2 Years Own Occupation
Earnings Loss From Day 1	Included
Return To Work Incentive Applies	Yes
Integration Method	Direct
Social Security Offset	Family
Pre-Existing Condition Limitation	Look-back/Insured 3/12 months
Takeover Provision	None
Mental Illness Limitation	24 Month Outpatient
Substance Abuse Limitation	24 Month Outpatient
Specified Condition Limitation	Class 1 - None Class 2 - 24 Month Limitation
Family Care Credit	Included
Workplace Modification Benefit	Included
Rehabilitation Participation Requirements	Included
Recommended Treatment Requirements	Included
Survivor Income Benefit Option	3 Times Last Monthly Net Benefit
Employer Participates In Worker's Compensation	Yes
Employee Contribution	Non-Contributory
Participation Requirement	100% of Eligible Employees
FICA Match Service	Included
Initial Rate Guarantee Period	2 Years

Rate Summary

Coverage Category/Class	No of Lives	Rate Basis	Volume	Monthly Premium
LTD /Composite	177	\$0.52 Per \$100 Of Covered Salary	766,176.88	\$3,984.12

*Reminder - Compliance with ADFA is the responsibility of the Employer. Please consult your legal counsel to determine if this cutback schedule complies with ADFA guidelines.



JEFFERSON COUNTY COMMISSION

Long Term Disability Core Buy Up

Class Description(s):

All Full-time Active Employees

Full Time Eligibility: 30 hours per week

Feature	Description
Buy-Up Benefit Percent	60%
Buy-Up Maximum Benefit	\$7,000
Buy-Up Elimination Period	90 Days
Buy-Up Benefit Duration	ADEA 1 with Social Security Normal Retirement Age*
Buy-Up Definition Of Disability	2 Years Own Occupation
Employee Contribution	Contributory
Enrollment Type	Traditional EOI (Annual Enrollment) ²
Participation Requirement	25% of Eligible Employees
Buy-Up Earnings Loss From Day 1	Not Included

Rate Summary

Coverage Category/Class	No of Lives (TBD)	Rate Basis	Volume(TBD)	Monthly Premium(TBD)
LTD		Per \$100 Of Covered Salary Stepped		
		UNDIR 25 \$0 073		
		25 - 29 \$0 094		
		30 - 34 \$0 156		
		35 - 39 \$0 264		
		40 - 44 \$0 456		
		45 - 49 \$0 732		
		50 - 54 \$0 99		
		55 - 59 \$1 06		
		60 - 64 \$0 733		
		65 AND UP \$0 621		

*Reminder - Compliance with ADEA is the responsibility of the Employer. Please consult your legal counsel to determine if this cutback schedule complies with ADEA guidelines

² Assumes a scheduled enrollment period and standard evidence of insurability requirements apply for late entrants (employees who were previously eligible for coverage who did not enroll within 31 days of the date they were initially eligible) and for increases in coverage



JEFFERSON COUNTY COMMISSION

Qualifications and Assumptions

With this rate structure the employer may be electing to partially support employer paid coverages with the rate for the employee paid coverages. This means that premiums paid for one coverage may cover the cost of another coverage under the Plan. When we quote rates with such partial support between the employee paid and employer paid coverages we do so with the understanding that the employer and employee coverages are part of a single ERISA plan sponsored by the employer and that the employer has determined that the rate structure is consistent with information provided to employees and with its ERISA obligations. If this understanding is not accurate, please contact us.

Age Reduction: The employer is responsible for making sure that the offer of insurance to employees under its Benefit Plans complies with the Age Discrimination in Employment Act (ADEA). This quote may include reduced coverage for older workers based on age reduction tables. The Hartford offers a variety of age reduction tables so employers can choose the ones that work best in their Benefit Plans. Please consult your legal counsel to determine whether ADEA applies to your Benefit Plans and, if so, whether your Benefit Plans comply with ADEA and other applicable laws.

The following are assumptions upon which this proposal is based:

1. The effective date of this case will be July 1, 2021.
2. Proposal and rates are valid until June 26, 2021.
3. Rates assume a SIC code of 9111.
4. Quote assumes a Situs State of WV. Hartford standard filed contract language applies unless approved in advance by Underwriting. State filings or specially drafted contract language is not assumed in the quoted rates.
5. Assumes a fully insured, non-participating, non-dividend eligible funding arrangement, unless otherwise specified.
6. Assumes employees must be actively-at-work on the effective date and the deferred effective date provision applies.
7. The enrolled census information must include coverage election amounts, and be within 10% of the census data used to develop this quote.
8. The Hartford reserves the right to re-price:
 - if the sold plan design differs from the proposed/quoted plan design
 - for changes in State or Federal Insurance regulations
 - if a material misstatement of the information provided in the RFP, bid specifications, claim experience, or plan of benefits is discovered post-sale
 - if the quoted minimum enrollment threshold is not met
9. The Hartford reserves the right to change the plan to comply with state mandated benefits, including charging additional premium for such changes, if applicable.
10. If any contributory lines of coverage are sold, a 45-day Grace Period will apply to all lines of coverage. If only non-contributory lines of coverage are sold, a 31-day Grace Period will apply.
11. Assumes Military Leave of Absence is 12 weeks.
12. The Hartford assumes no liability to extend coverage under severance agreements unless reviewed and approved by underwriting in advance.
13. Contract language and standard benefits approved by The Hartford will be used for all insured contract and employee booklet communication material.

JEFFERSON COUNTY COMMISSION

14. The Disability definition of earnings includes Base Annual Earnings and Pre-Disability Earning. Overtime pay and target income is not included.
15. The Hartford's standard policyholder reporting package and frequency applies.
16. Quoted rates are based on all coverage lines being sold as a package.
17. We assume all eligible employees are U.S. citizens or U.S. residents, working in U.S. locations or are Accepted International Employees.
Accepted International Employees are:
 - U.S. Expatriates (U.S. citizens employed by a U.S. company, who live and work outside the U.S. on temporary assignment) or
 - Third Country Nationals (non-U.S. citizens employed by a U.S. company and who work in a country other than their own) or
 - Canadian Local Nationals (Canadian citizens working in Canada),
who have met the full time eligibility requirements, are paid on the U.S. payroll, and do not work in countries subject to sanctions programs administered by the US Department of the Treasury's Office of Foreign Assets Control (OFAC), Afghanistan, Algeria, Chad, Chechnia, Columbia, Democratic Republic of Congo, Iraq, Israel, Saudi Arabia, Somalia, Sudan (South of lat. 10 deg. North), Japan, Russia, Philippines, Indonesia or the Canadian provinces of British Columbia, Manitoba, Newfoundland/Labrador, Northwest Territories, Nunavut, and Saskatchewan.
18. We assume the company has been in business for at least 2 years. If otherwise, additional underwriting approval will be required prior to sale.
19. Assumes claims incurred prior to the effective date of the contract will be the liability of the prior carrier.
20. Employees are required to complete Hartford Enrollment forms. All others must be approved by underwriting in advance.
21. Late entrants are required to provide Evidence of Insurability to enter into the plan at any coverage level/amount, unless otherwise noted.
22. All enrollment materials, which include enrollment forms and brochures, must be reviewed by Underwriting prior to the enrollment date. This includes material prepared by The Hartford or any other source.
23. Assumes the plan of benefits is subject to ERISA regulations.
24. Quote assumes 1 Contract/Booklet, 1 Bill Unit, and 1 Experience Unit.
25. The Disability Core/Buy-up billing methodology assumes premium payment from first dollar of covered salary for both the Core and Buy-up plans, unless otherwise specified.
26. The employer pays the cost of Non-Contributory Long Term Disability coverage on a pre-tax basis.
27. The employer pays the cost of Non-Contributory Short Term Disability coverage on a pre-tax basis.
28. LTD Employee contributions are on a post-tax basis.
29. STD Employee contributions are on a post-tax basis.
30. Coverage for Retirees is not included.

JEFFERSON COUNTY COMMISSION

Deviations

Our proposal reflects our standard product and, consequently, may deviate from the features and/or plan designs that you requested. Accordingly, please review our proposal carefully, as we have not identified specific areas where our proposal deviates from your request. Please note that this proposal does not constitute a final offer or agreement, and it is only a summary of the benefits offered to your company.

The rates and costs shown in this proposal are based on the information provided. Rates may be affected by the actual enrollment (and transferred business information) provided. Please consult with the Producer regarding all terms and conditions in this proposal.

JEFFERSON COUNTY COMMISSION

Please note the following descriptions that further explain some of our benefits and features. The descriptions are based on our Standard Language. The benefits shown below are available in most states, however, please be aware that state variations may apply.

General:

Customer Support and Online Self-Service Capabilities

We're committed to providing best-in-class service to our customers and their employees. That's why we offer online capabilities designed to save time and make it easier to manage your group benefits.

Employer Portal

Our employer portal is a secure, mobile-responsive site where employers can quickly obtain plan information and transact business to help reduce administrative burden. We continually work to enhance the site's capabilities to make it more responsive to your needs. Through our portal, you are able to access such features as:

- Electronic billing
- Reports (available in either PDF or Excel)
- Medical underwriting status for evidence of insurability
- Claim status inquiry
- Booklets
- Administration kits with forms specific to your coverage(s)

Employee Portal

Our employee portal is a secure, mobile-responsive site where employees can manage their claims, payment information and more. Your employees can access this site at any time to:

- Submit disability claims and leave of absence requests.
- View claim and payment status.
- Check their medical underwriting status for evidence of insurability.
- File an STD claim in place of telephonic submission (if your plan offers this coverage).
- Start an LTD claim.
- Upload and view documents from mobile or desktop.
- Registered users can access forms specific to your plan's coverage(s).
- Obtain information on coverage overviews and frequently asked benefit questions.
- Enroll in direct deposit for their claim payments.
- Manage their preference for alerts/notifications – email and text.

Additional Support from our Customer Solutions Center

Questions or services that cannot be handled online can be addressed by our Customer Solutions Center. Our skilled representatives, who are familiar with your case, are available Monday through Friday from 8 a.m. to 8 p.m. EST at 1-800-523-2233 and provide support to new and existing customers.

Local Service Representatives

If our Customer Solutions Center representatives can't assist you with your request, they'll be glad to put you in touch with a local service representative.

JEFFERSON COUNTY COMMISSION

Long Term Disability:

Definition of Disability

The Hartford's enhanced Ability Long Term Disability contract is built on the Hartford's *Ability* philosophy, a belief in the desire of disabled employees to lead active, independent lives.

Definition of "Disability"

In order to be considered Disabled, a claimant must have both a loss of earnings and the inability to perform his or her Essential Duties. A claimant is able to satisfy each requirement with only a partial loss of earnings and the inability to perform one or more Essential Duties. Total Disability is not required. Disability Benefits are payable when the claimant has both a loss of earnings and a "duties loss" for the duration of the Elimination Period.

Definition of Disability

The Hartford's enhanced Ability Long Term Disability contract is built on the Hartford's *Ability* philosophy, a belief in the desire of disabled employees to lead active, independent lives.

Definition of "Disability"

A Loss of Earnings is not required to satisfy the plan Elimination Period. Disability Benefits are payable when a claimant is prevented from performing one or more of their Essential Duties and a Loss of Earnings. If, at the end of the Elimination Period, a claimant still has only a Loss of Duties, we will extend the Elimination Period for up to 12 months from the Date of Disability.

We are one of a few carriers offering such an "and/or" definition of disability, and it offers a unique and powerful complement to our Ability Philosophy. Effectively utilizes an "or" definition of disability during the elimination period, allowing a claimant to attempt to return to work without the fear of delaying the satisfaction of the elimination period. Benefits will be paid when a claimant needs it the most, when they have suffered both a loss of duties and a loss of income. The language will allow an employer the flexibility to extend the elimination period, for up to 12 months from original date of disability, through their decision to continue a disabled employee at their pre-disability earnings level. It more effectively supports a return to work focus for both employers and employees.

Benefit Calculation

The benefit calculation is based on the Monthly Income Loss, which is the difference of the employee's pre-disability earnings less the current monthly earnings. The Monthly Benefit will not be less than the Minimum Monthly Benefit, if one is applicable. This calculation takes into account any income that the employee may earn while still meeting the definition of disability, and eliminates the need for additional benefit calculation methods such as partial and residual. If an overpayment occurs, we may recover all or any portion of an overpayment by reducing or withholding future benefit payments, including the Minimum Monthly Benefit.

JEFFERSON COUNTY COMMISSION

Benefit Duration

The Benefit Duration is the maximum time for which we pay benefits. Depending on the schedule selected and the age at which disability occurs, the maximum duration may vary.

Age Disabled	Benefits Payable - Elimination period less than 180 days
Prior to Age 63	To Normal Retirement Age or 48 months if greater
Age 63	To Normal Retirement Age or 42 months if greater
Age 64	36 months
Age 65	30 months
Age 66	27 months
Age 67	24 months
Age 68	21 months
Age 69 and over	18 months

Normal Retirement Age means the Social Security Normal Retirement Age as stated in the 1983 revision of the United States Social Security Act. It is determined by the date of birth as follows:

Year of Birth	Normal Retirement Age
1937	65
1938	65 + 2 months
1939	65 + 4 months
1940	65 + 6 months
1941	65 + 8 months
1942	65 + 10 months
1943 thru 1954	66
1955	66 + 2 months
1956	66 + 4 months
1957	66 + 6 months
1958	66 + 8 months
1959	66 + 10 months
1960 or after	67



JEFFERSON COUNTY COMMISSION

Family Care Benefit

This benefit is available to help a claimant with family care expenses while he or she is participating in a rehabilitation program. The allowable expenses are treated as a deduction from earnings for purposes of calculating the monthly benefit payable. The maximum monthly family care credit allowed for each qualifying child or family member is \$350 during the first 12 Months of the rehabilitation program and \$175 thereafter, not to exceed \$2500 in a calendar year. The benefit is built into the coverage at no additional cost, and is designed to decrease as the employee's earnings increase.

Job Offered but Refused

In determining benefits payable, the amount of potential income from a job offered by the employer, or another employer, will be considered as earned income, even if the offer is refused. This encourages claimants to utilize return-to-work opportunities.

Pre-existing Condition Limitation

This limitation applies to conditions for which an employee receives medical services within 3 months of the effective date of coverage. No benefits are payable for a disability resulting from such a condition until the employee has been covered for 12 consecutive months. In addition, the amount of a benefit increase, which results from a change in benefit options, a change of class or a change in the Plan, will not be paid for any Disability that is due to, contributed to by, or results from a Pre-Existing condition.

Note: This limitation does not include "prudent person" language, which is difficult to administer and can be unfair.

Recommended Treatment Requirement

Benefit payments will terminate if the claimant refuses to receive recommended treatment that is generally acknowledged by physicians to cure, correct or limit the disabling condition. This language also encourages claimants to participate in programs and treatments that can help them return to work and achieve independence. (This is not applicable in New Jersey.)

Rehabilitation Participation Requirement

Benefit payments will terminate if the claimant:

- refuses to participate in a rehabilitation program (not applicable in CA or NJ);
- refuses to cooperate with or try modifications made to the work site or job process, or adaptive equipment or devices designed to accommodate the claimant's identified medical limitations and enable the claimant to perform the essential duties of his/her or any occupation. A qualified physician must also agree that specific modifications or adaptive equipment accommodates the claimant's medical limitations.

This language encourages claimants to take advantage of the programs and resources offered to them whenever appropriate to help them return to active, productive, independent lives.

JEFFERSON COUNTY COMMISSION

Return to Work

This incentive allows employees who return to work while disabled to receive up to 100% of pre-disability earnings for the first 12 months after they return to work. This encourages employees to return to full-time work as soon as possible.

Any Occupation Earnings Test

When the Disability Definition moves to the Any Occupation definition, The Hartford will base the determination of Disability on the claimant's ability to work in an occupation that matches his or her education, training or experience and also has an earnings potential equal to or greater than the product of his or her Pre-disability Earnings and the Disability Benefit percentage (or equal to or greater than the Maximum Monthly Benefit, if lower).

Survivor Income Benefit

If an employee dies while receiving disability benefits, a benefit will be paid to the spouse or child(ren) of the employee. This is a way of providing eligible survivors with valuable financial help when the loss of the insured family member occurs.

Workplace Modification

Workplace Modification provides reimbursement to the employer for the expense of reasonable modifications made to a workplace to accommodate an employee's disability and return him/her to active full-time employment.

Self-Reported or Subjective Illness Limitations

This Hartford LTD contract contains contract wording to limit certain specified conditions, including self-reported and subjective illnesses. The types of conditions that are limited are chemical and environmental illnesses, chronic fatigue illnesses, musculoskeletal and connective tissue illnesses, self-reported symptoms not attributed to a specific diagnosis, and other specified diagnosis.

We do not include "prudent person" wording in our definition of what constitutes a pre-existing condition, as this is a highly subjective measurement.

Self-Reported or Subjective Illness Limitations

This Hartford LTD contract does not contain contract wording to limit self-reported or subjective illnesses. We handle claims for these conditions the same way we handle all claims – by focusing on functionality instead of the diagnosis.

We also do not include "prudent person" wording in our definition of what constitutes a pre-existing condition, as this is a highly subjective measurement.

JEFFERSON COUNTY COMMISSION

FICA Match Service

The Hartford will match and pay a Long Term Disability policyholder's share of FICA taxes on benefits paid to disabled employees. We will also prepare all necessary Long Term Disability W-2 forms at year-end.

Guarantee Issue

The Guarantee Issue level is the maximum benefit available without Evidence of Insurability. The Guarantee Issue level applies to all eligible employees who properly enroll for coverage within 31 days after becoming eligible.



JEFFERSON COUNTY COMMISSION

Short Term Disability:

Definition of Disability

Disabled and Working Benefit, which is standardly included in the plan, allows benefits to be payable to a claimant that meets the definition of disability while working. If the Benefit Commencement Option is not included, the claimant is required to be totally disabled during the waiting period in order for benefits to commence. If the Benefit Commencement Option is included, the claimant can satisfy the waiting period with days of Total Disability or days of disability while working.

Telephonic STD Claim Services

The Hartford's convenient paperless process allows claimants to simply call an 800# to report a Short Term Disability claim, instead of filling out and submitting a paper claim form. Necessary information to process the claim is gathered via telephone which ensures timely notification and prompt claim service. At the same time it alerts The Hartford's claim specialists so they are prepared to offer their services early in the process, if needed.

The Harford's Rewarding Returns Service – Return to Work (RTW) Support

When an employee is out of work due to an illness or injury, their absence impacts the organization in many ways. Employers with effective return-to-work programs provide opportunities to safely ease the recovering employee back into the workplace. A return-to-work philosophy is a win-win for both the employer and the employee. The employer may see reduced lost time costs, improved workplace productivity, shorter STD durations and improved LTD experience. The employee may benefit from shorter recovery time, improved morale and an increased feeling of being valued by the organization.

While most employers recognize the positive aspects of effective return-to-work efforts, they may need help and support in developing a process or program to do so. In response, we designed RTW support services, called Rewarding Returns, which is customized to the unique needs of each employer.

Our Rewarding Returns service provide employers with tools, sample documents and guidance so they can develop formalized and sustainable return-to-work practices.

Toolkit includes:

- Sample RTW Policy: Provides a template and suggestions for the employer's internal policy or program.
- Sample RTW Project Plan: Outlines key activities and milestones to be considered in formalizing RTW.
- Sample Communications: Directed to employees to reinforce the employer's commitment to return-to-work assistance.
- Sample Medical Provider Note: Offered to engage the medical provider in RTW collaboration.
- Sample Transitional Work Plan: Can be used as a "mini-contract" with the employee to clearly state the parameters of the RTW or transitional work option.
- Sample Manager's Training: Educate the employer stakeholders on the purpose and value of RTW considerations.

Our toolkit is combined with individualized consultative services provided by an industry professional, skilled in employer guidance and disability management. RTW consultation is available to help the employer determine the scope of their work efforts, prioritize decisions and activities, gain industry best practices and learn about peer companies' experiences to help customize their programs. Our comprehensive approach to RTW helps employers become effective RTW partners, which benefits everyone involved in the disability management arena.

To learn more about these services, please contact your Harford representative who can connect you with The Harford's RTW Consultant.



JEFFERSON COUNTY COMMISSION

Additional Services:

Travel Assistance and ID Theft Protection Services

Travel Assistance & ID Theft Protection Services' Services include pre-trip information that helps employees feel safe and secure while traveling. It also gives them access to medical professionals across the globe for medical assistance when traveling 100+ miles away from home for 90 days or less when unexpected detours arise. Another important service is ID theft protection, available 24/7 whether home or away. Protection is provided two ways: Educational materials to help prevent identity theft. And access to caseworkers who can help victims resolve problems that result from identity theft.

'Travel Assistance and ID Theft Protection Services are provided by Generali Global Assistance, Inc. Generali Global Assistance, Inc. is not affiliated with The Hartford and is not a provider of insurance services.

The Hartford is not responsible and assumes no liability for the goods and services described in this material and reserves the right to discontinue any of these services at any time. Services may vary and may not be available in all states. Visit <https://www.thhartford.com/employee-benefits/value-added-services> for more information.

<i>Jefferson County Policies & Procedures</i>			
Policy Name:	Compassionate Leave Program	Approved:	DRAFT
Policy Number:	218	Author:	Gordon/Grove
Associated:	208: Absence Time with Pay; 216: FMLA		

PURPOSE

To establish conditions, criteria, and procedures for administering a county-wide Compassionate Leave Program, allowing full-time employees to voluntarily donate vacation leave to other full time employees who need additional sick leave.

COVERED EMPLOYEES

All full-time employees who accrue leave benefits and who have been employed with the County for one full year are eligible to receive leave donations and are covered by this policy.

PROVISIONS

(A) Definitions:

- (1) **Compassionate Leave:** Leave transferred from one employee to another in accordance with the procedures detailed in this policy. All compassionate leave is considered sick leave once transferred to the employee who solicited the leave, and shall be subject to all County policies and procedures governing sick leave unless otherwise noted herein.
- (2) **Immediate Family:** For the purposes of this policy only, extended family is defined as parents, children, spouse, parents-in-law, step-parents, step-children, and individuals in a legal guardianship relationship
- (3) **Healthcare Provider:** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices and who is treating the employee or family member for the medical condition for which leave is sought.
- (4) **Serious Health Condition:** an illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

(B) Recipient Eligibility:

Any full time employee who accrues leave benefits and has completed his/her probationary period is eligible to solicit leave donations when the following criteria are met:

- (1) The employee is suffering from a serious health condition as certified by a healthcare provider;

-OR-

- (2) The employee is caring for an immediate family member who is suffering a serious health condition as certified by a healthcare provider;

-AND-

- (3) The employee has not used more than 12 weeks of sick leave in any fiscal year;
- (4) The employee is not receiving or eligible to receive Worker's Compensation Benefits for his or her absence from work;
- (5) The employee has exhausted **all** of his/her available leave balances.

The County Administrator in consultation with the employee's supervisor may deny an application of an employee who has been disciplined for abuse of sick leave.

(C) Donor Eligibility:

In order to be eligible to make donations of annual leave, an employee must meet the following criteria:

- (1) The employee must have a remaining balance of 80 hours of accrued sick/and or annual leave after making the annual leave donation; and
- (2) The employee must make the leave donation according to the procedures established in this policy.

(D) Use of Donated Leave:

- (1) All donated leave is considered sick leave for the recipient. The use of donated leave is subject to all County policies and procedures applicable to the use of Sick leave, unless otherwise noted in this Policy.
- (2) Donated leave may be used at any time within 12 months from the date the Application to Receive Donated Leave is approved.
- (3) Donated leave may only be used for the purpose for which the leave recipient was approved.
- (4) Donated leave may not be used to supplement Workers' Compensation Benefits
- (5) Donated leave is not permitted to be used on an intermittent basis.
- (6) Employees are not required to pay back leave donations. Hours of donated leave are considered taxable income to the recipient and subject to the applicable payroll taxes.
- (7) The maximum donation any employee may receive is 480 hours.

- (8) Any un-used leave donation shall be returned to the donor and re-credited to his or annual leave balance.
- (9) Donations may not be applied retroactively.
- (10) To protect the privacy of employees who participate, County Administration/ Payroll will not reveal the names of those employees who either receive donated leave or those who donate hours.

PROCEDURES

(A) Request Leave:

- (1) Employees in need of donated leave must make a request by completing the “Application to Receive Compassionate Leave” form, including the medical certification of the employee’s healthcare provider.
- (2) The employee shall submit the completed application to the County Administrator.
- (3) Once the County Administrator reviews the submitted application, it will be reviewed for eligibility.
- (4) If an employee is eligible to receive donated leave, the County Administrator or Payroll will provide of “Notice of Eligibility” to all county employees informing them that a fellow employee is eligible to receive compassionate leave.

(B) Donate Leave:

- (1) Employees who wish to donate leave are only permitted to donate annual leave.
- (2) An employee who wishes to donate leave shall submit a completed “Application to Donate Annual Leave” to the County Administrator.
- (3) An employee may only donate leave once the “Notice of Eligibility” is forwarded to all employees.
- (4) Donations of leave must be in whole hours.
- (5) Once a donation of leave is complete, it cannot be withdrawn.

(C) Solicitation of Leave:

- (1) Upon receipt of written approval to receive Compassionate Leave from the County Administrator, employees may personally contact County employees to solicit leave donations.
- (2) County Administration will also send a notice to all County employees that there is an employee who is eligible to receive donated leave. The notice shall maintain the confidentiality of the employee eligible to receive leave.

LIMITATIONS

- (A) Compassionate Leave is not intended for routine or elective procedures
- (B) Nothing contained in this policy should be construed to limit or expand the maximum allowable absences pursuant to the Family Medical Leave Act.

Jefferson County Policies & Procedures			
Policy Name:	Health and Welfare Benefits	Approved:	
Policy Number:	220	Author:	Gordon / Grove
Associated:			

The County provides full-time employees and elected officials (“full-time employee”) with certain group insurance programs and offers eligible employees the opportunity to elect participation in other voluntary insurance programs. The terms of the County’s benefits plans are subject to change. The County is not responsible for any changes in or elimination of benefits or benefit plans. All county benefits and related forms are detailed on the County’s website at www.jeffersoncountywv.org and selecting **County Government**, then **County Employee Benefits**.

These programs include a wide range of plans including health, dental, vision, group term life and accidental death and dismemberment insurance, short- and long-term disability insurance, and other specialized insurance plans. Payment for your cost share of insurance premiums for voluntary benefit programs you elect are made through payroll deduction during each bi-weekly payroll period. Other benefits include: holiday pay, vacation and sick leave (refer to policy 208-Absence Time with Pay). The County strives to offer a comprehensive and competitive array of benefit programs to attract and retain employees while maintaining a reasonable level of cost sharing with you.

CONFIDENTIALITY OF MEDICAL RECORDS

Medical records and sensitive information regarding an employee’s health will be kept confidential as required by law. Limited information may be provided to supervisors and managers, first aid and safety personnel, government officials, and as necessary for insurance purposes.

WHEN CAN I ELECT COVERAGE?

If you are a full-time employee of the County, you are eligible to elect coverage for yourself and your eligible dependents during your initial enrollment period within your first thirty (30) days of employment. Additionally, you can elect healthcare coverage or make changes in your coverage election annually during the County’s Benefits Open Enrollment Period unless you experience a life status change. To change your coverage(s) when a qualified life status change occurs, you must contact Payroll within thirty (30) days of the qualifying event for the expected change to be accepted by the County. Otherwise, you will need to wait for the next Open Enrollment Period in which you are eligible to participate and the change(s) will become effective the following July 1. You should contact the Payroll or Human Resources Department to request changes as a result of a qualified life status change. Examples of a qualifying event includes but is not limited to: marriage; birth or adoption of a child; a new job; spouse’s loss of coverage; divorce; and death.

GROUP HEALTH INSURANCE

If you are a full-time employee of the County, you are eligible to participate in one of the group healthcare insurance plans offered by the County beginning on the first day of the month, the following month after your first full day of employment. (i.e. You must have worked one full day prior to the 1st day of the month to be eligible for that month.) Provisions of the group healthcare insurance plans,

including the summary plan description, are available on the County's website at www.jeffersoncountywv.org by selecting **County Government**, then **County Employee Benefits**. New employees will also receive information regarding plan details during their initial thirty (30) days of employment. The County's health insurance plans include prescription coverage.

This is a voluntary benefit. If you elect to participate, both you and the County will share the premium costs for the level of coverage you elect, i.e., employee only, employee plus one dependent, employee plus family—via biweekly payroll deduction. Premiums are paid on a pre- tax basis. You may elect coverage during your initial enrollment period within your first thirty (30) days of employment, or within thirty (30) days of a life status change event.

HEALTH REIMBURSEMENT ACCOUNTS

If you are a full time employee, you may be eligible to participate in the health reimbursement account (HRA). Rules and regulations regarding the flexible benefits plans are governed by the Internal Revenue Service (IRS) and they may change benefits periodically. Employees may elect to participate in a Health Reimbursement Account (HRA) offered by the County. The HRA provides a way for you to obtain reimbursement for out of pocket deductibles for your own and/or eligible dependent's medical expenses covered by the County's health plan up to the total dollar amount established by the health plan Deductible Limits and in excess of the plan HRA Limits. The HRA may reimburse the difference between the plan deductibles that are in excess of the HRA Limits and the Deductible Limits. Health Reimbursement Account balances reset each July 1. Reimbursements should be submitted timely and must be submitted prior to any end of plan year required submission dates. HRA Limits, Deductible Limits, reimbursement forms and required submission deadlines are located on the County's website (see the first paragraph of this policy).

For example: If the HRA Limit is \$100 Individual /\$200 Family and the plan Deductible Limit is \$500 Individual /\$1000 Family, the maximum HRA reimbursement would be the difference between the two or \$400 Individual / \$800 Family. Plan HRA Limits and Deductible Limits are subject to change; and, this example does not represent the plan's actual HRA Limit or Deductible Limit.

GROUP DENTAL INSURANCE

If you are a full-time employee of the County, you are eligible to participate in the County's stand-alone group dental insurance plan beginning on the first day of the month following your first day of employment. Details and provisions of the group dental insurance plan are available on the County's website (see the first paragraph of this policy), in the Payroll Department, and in the Human Resources Department. New employees will also receive information regarding plan details during their initial thirty (30) days of employment

This is a voluntary benefit. If you elect to participate, both you and the County will share the premium costs for the level of coverage you elect, i.e., employee only, employee plus one dependent, employee plus family—via biweekly payroll deduction. Premiums are paid on a pre- tax basis. You may elect coverage during your initial enrollment period within your first thirty (30) days of employment. Additionally, you can make changes annually during the County's Benefits Open Enrollment Period.

GROUP VISION INSURANCE

If you are a full-time employee of the County, you are eligible to participate in the County's stand-alone group vision insurance plan beginning on the first day of the month following your first day of employment. Details and provisions of the group vision insurance plan are available on the County's website (see the first paragraph of this policy), in the Payroll Department, and in the Human Resources Department. New employees will also receive information regarding plan details during their initial thirty (30) days of employment.

This is a voluntary benefit. If you elect to participate, both you and the County will share the premium costs for the level of coverage you elect, i.e., employee only, employee plus one dependent, employee plus family—via biweekly payroll deduction. Premiums are paid on a pre-tax basis. You may elect coverage during your initial enrollment period within your first thirty (30) days of employment. Additionally, you can make changes annually during the County's Benefits Open Enrollment Period.

EMPLOYEE ASSISTANCE PROGRAM (EAP)

The County has established an Employee Assistance Program (EAP) for all employees and their immediate family members living in the employee's household. EAP is available beginning on your date of hire.

The EAP is a confidential resource for you and your family members who wish to speak with a professional who can help you identify and resolve your personal or family problems. Contacts with the EAP are held in strict confidence. The County understands that problems, whether affecting an employee or a family member, can have a direct effect on personal well being and work performance. The County recognizes that there may be times when these problems become too great to handle alone and encourages you and your family members to seek assistance from the EAP. In some cases, where your job is adversely affected, your supervisor may require EAP intervention.

The County, at no cost to the employee, provides up to three (3) counseling sessions per issue. The counselor may make referrals to appropriate resources in the local community or provide short-term problem solving as appropriate. Fees charged by outside referral professionals are your responsibility in coordination with your health insurance benefits. For confidential assistance call the Employee Assistance Program, details are available on the County's website (see the first paragraph of this policy), in the Payroll Department, and in the Human Resources Department.

SHORT-TERM DISABILITY INSURANCE (STD)

If you are a full-time employee of the County and have been employed for thirty (30) days or more, you may be eligible for short- and/or long-term disability leave if you incur a non-work related injury or illness. To be eligible to apply, you must have exhausted all your accrued time off balances; first your sick leave accruals, and then all other accruals such as vacation and compensatory leave.

Disability leave provides taxable income for the period of time it takes for you to be rehabilitated to perform your original job or obtain a different occupation (in cases when you would never be able to perform your original job). In the latter case, the County will attempt to place you in a position that you are capable of performing. The County will make reasonable accommodation for the known physical or

mental limitation of a qualified applicant or employee with a disability upon request unless accommodation would cause undue hardship to operation of County business.

Short-Term Disability – Important Information about Your Benefit:

- Your benefit is XX percent (XX%) of your regular base salary up to \$XXX.00 per week.
- You must meet the definition of 'disabled' to be eligible to receive STD benefits.
- A X-day elimination period is required before you may begin receiving STD benefits.
- The maximum STD benefit is XXXXXX (XX) days or XXXXX (XX) weeks for a non-work related injury/illness.
- The County pays XXX XXXX percent (XXX%) of the premium costs for this benefit.

To Place a Claim for Short-Term Disability Benefits:

- The STD claim packet is available from the County's Human Resources Department.
- You will need to complete your claim and your licensed attending physician will need to provide the STD Administrator with information regarding your injury/illness.
- Your completed STD claim paperwork must be returned to Human Resources for submission to the STD Administrator for review and approval or denial.
- The STD Administrator will notify you directly about approval or denial of your STD claim.
- If your claim is approved, your STD benefits checks will be paid directly to you weekly by the STD Administrator at your home address on record with the County.

Continuation of Benefits While on Short-term Disability:

- Since you will receive STD benefits directly from the STD Administrator, you will not receive pay from the County.
- You will have the option to continue or suspend your insurance coverage (medical, dental and vision coverage). If you opt to continue your medical, dental or vision benefits, you will pay the same rate as that paid by active employees. You are responsible for all payments that are usually deducted from your County pay, i.e., medical, dental and vision premiums. All other deductions will be suspended (e.g., savings bonds, 457 contributions, credit union loan payments, pension plan contributions, statutory pay withdrawals such as garnishments).

When you have exhausted your own leave accrual banks, and you are collecting either donated leave (See also policy 218-Donated Leave), short-term or long-term disability, Workers' Compensation, or you are in an unpaid status, your accruals will be frozen until you are actively back at work. You may be separated from service after being off work six (6) months for a disability. In special cases where the physician's report verifies that you will not be returning to work and the County is unable to successfully place you in another position, you may be separated from service prior to six (6) months of disability leave. (See also policy 216- Family and Medical Leave Act for additional information.) If separation occurs, and you are a full-time employee, you will be paid for all accrued, unused vacation leave.

LONG-TERM DISABILITY INSURANCE (LTD)

If you are a full-time employee who has been absent from work for your own injury/illness and you need to be off from work for a period longer than XXXX (XX) weeks, you may apply for long-term disability benefits. You will follow the same process outlined above to process your claim for long-term disability benefits. If your claim for long-term disability benefits is approved, you will receive the benefit

as indicated in the plan document up to a maximum monthly amount. Since this is a County-paid benefit (i.e., the County pays 100% of the premiums), long-term disability benefits are fully taxable. If your claim is approved, benefits will continue as long as you continue to meet the LTD Administrator's definition of 'disabled' and/or up to age 65. Long-term disability benefits are offset by any Social Security benefits you may receive and may be offset by other income you receive. Please refer to "Continuation of Benefits While on Short-term Disability" in the previous section for important information regarding continuation of your County benefits while on long-term disability.

GROUP TERM LIFE INSURANCE

Life insurance offers you and your family important financial protection. The County automatically provides County-paid Basic Term Life and Accidental Death and Dismemberment Insurance coverage for eligible full-time employees equal to a flat amount of \$50,000. The premiums for this benefit are paid by the County.

Employees have the option to purchase supplemental life insurance for themselves, their spouse and/or dependent children; and, the employee is responsible for paying the one hundred percent (100%) of premium for supplemental life insurance.

You are eligible to participate in this coverage beginning on the first of the month following your initial thirty (30) calendar days of employment. Details and provisions of the group term life insurance plan are available on the County's website (see paragraph 1 of this policy). New employees will be provided information regarding this and other employee benefits during their initial thirty (30) days of employment.

When you end employment with the County, you will have an opportunity to elect to continue your group term life benefit through a convertible option.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



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

Department or Organization: **Department of Engineering, Planning & Zoning**

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

Date Requested – 1st Choice: **June 3, 2021**

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*): **Request approval to fill the position of Office Clerk in the Department of Engineering, Planning & Zoning.**

Please provide the County Commission with a description of your request or presentation, including any background information: **The Director of Engineering, Planning & Zoning is requesting approval to fill the position of Office Clerk in the Department of Engineering, Planning & Zoning. The position has been vacant for 12 months. The Engineering Office needs additional help due to the increased work load generated by the construction industry and help with the ongoing digital scanning project.**

The current budgeted salary amount is \$35,000/year. The proposed action is an FY 2021 & FY 2022 budget neutral action. No additional funding is needed.

Is this a funding request? **Y/N No: funding is already provided in the FY 2021 & FY 2022 Engineering, Planning & Zoning Budget.**

If so, how much?

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): **Move to fill the position of Office Clerk in the Department of Engineering, Planning & Zoning, at \$35,000 per year.**

Attach supporting documents for request, or request may be denied. If not attached, explain: **Office Clerk Job Description**

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

Contact information: **Roger Goodwin, Chief County Engineer**

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

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

**Jefferson County, West Virginia
Job Description**

Position Title:	Office Clerk	Grade Level:	II
Department	Engineering, Planning & Zoning Engineering Office	Date:	April 26, 2021
Reports to:	Office Manager	FLSA Status	Non-Exempt

Statement of Duties: The employee performs administrative and clerical services in support of the operation of the Department of Engineering, Planning and Zoning. Employee is required to perform all similar or related duties.

Supervision Required: Under general supervision of the Office Manager, the employee is familiar with the work routine and uses initiative in carrying out recurring assignments independently with specific instruction. The supervisor provides additional, specific instruction for new, difficult or unusual assignments, including suggested work methods. The employee is expected to recognize instances which are out of the ordinary and which do not fall within existing instructions; the employee is then expected to seek advice and further instructions. Reviews and checks of the employee's work are applied to an extent sufficient to keep the supervisor aware of progress, and to insure that completed work and methods used are technically accurate and that instructions are being followed. In many cases, the work is self checking, for example, requiring accounts to balance before proceeding.

Supervisory Responsibility: Employee, as a regular and continuing part of the job does not regularly supervise other employees.

Confidentiality: Employee has access to some confidential information, not department-wide that is obtained during performance of essential functions, where the effect of any disclosure would probably be negligible or where the full significance of the overall confidential matter would not be apparent in the work performed.

Accountability: Consequences of errors, missed deadlines or poor judgment may include time loss, adverse public relations, monetary loss, and legal repercussions, jeopardize programs.

Judgment: Numerous standardized practices, procedures, or general instructions govern the work and in some cases, may require additional interpretation. Judgment is needed to locate, select, and apply the most pertinent practice, procedure, regulation or guideline.

Complexity: The work consists of a variety of duties which generally follow standardized practices, procedures, regulations or guidelines. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation.

Work Environment: The work environment involves everyday discomforts typical of indoor environments such as office settings, with infrequent exposure to outside elements. Noise or physical surroundings may be distracting, but conditions are generally not unpleasant. Employee may be required to work beyond normal business hours to attend evening meetings.

Nature and Purpose of Personal Contact: Relationships are primarily with co-workers and occasionally with the public involving frequent explanation, discussion or interpretation of practices, procedures, regulations or guidelines in order to render service, plan or coordinate work efforts, or resolve operating problems. Other regular contacts are with service recipients and

Engineering, Planning & Zoning Department
Engineering Office Clerk
4/26/2021

**Jefferson County, West Virginia
Job Description**

employees of outside organizations such as vendors, banks and/or developers/ contractors. More than ordinary courtesy, tact, and diplomacy may be required to resolve complaints or deal with uncooperative or uninformed persons. Employee may furnish news media with routine information such as meeting agendas, press releases or departmental procedures.

Occupational Risk: Duties of the job present little potential for injury. Risk exposure is similar to that found in typical office settings.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

1. Preparing Bank Deposits
2. Maintaining Employee Time Sheet Records
3. Maintaining Employee Leave Calendar
4. Prepare Purchase Orders
5. Copying & Filing Documents
6. Gathering Information for FOIA Requests
7. Scanning Documents into the Content Management System (CMS)
8. Research & Gather Information for Projects, Reports, Ordinances, etc.
9. Customer Service for the walk-in public by providing personal assistance and professional direction regarding general questions, researching fee amounts, pulling files for public review, providing copies of requested file information, and maintaining daily "walk-in" log.
10. Monitor and address incoming telephone inquiries, transcribe clear and concise messages, assist in resolving issues by communicating concerns to the appropriate recipients and follow-up communication with callers, when applicable. Maintain daily call log. Assist with telephone coverage in Engineering Department, as needed.
11. Stamp and distribute incoming mail/correspondence and process outgoing mail; dispatch and receive deliveries, and take inventory of content to assure compliance with purchase agreements upon receipt of packages. Notify staff when deliveries and fax messages arrive.
12. Evaluate office inventory and purchase supplies utilizing the County Commission Credit Card, as required. Coordinate maintenance/service of office equipment.
13. Reconcile monthly County Credit Card expenditures and maintain/submit associated Purchasing Card Procurement Log for payment approval by the County Commission. Prepare Bill Head Invoices and Per Diem submissions for employee reimbursement requests.

Engineering, Planning & Zoning Department
Engineering Office Clerk
4/26/2021

**Jefferson County, West Virginia
Job Description**

14. Cross-train as a temporary fill-in for the Permits Clerk position and other positions in the office; and perform other duties as assigned by the Office Manager and/or Director of Engineering, Planning & Zoning.

Recommended Minimum Qualifications:

Education and Experience: High School Diploma with one year related work experience. Basic knowledge of arithmetic, English and grammar. Excellent computer skills (keyboarding, email, internet research, etc.). Course work with Microsoft Office Suite (Word, Excel, Outlook) and related computer software. Experience with viewing and printing maps from a geographic information system (GIS) is preferred.

Special Requirements: Driver's license and Notary Public may be required.

Knowledge, Abilities and Skill

Knowledge: Common policies, practices and procedures of the department and office operations; laws and regulations pertinent to position functions. Working knowledge of the Internet in support of department operations and researching and gathering information, and Microsoft Office Suite.

Abilities: Use good judgment and decision making abilities, to work independently with minimum supervision, and follow established office policies. Ability to communicate professionally with people of diverse backgrounds and levels of education is required. Ability to work well with and assist other employees.

Skills: Good typing, written and verbal communication, record keeping, and time management skills are required. Effective customer service skills.

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions.

Physical Demands: Little or no physical demands are required to perform the work. Work effort principally involves sitting to perform work tasks, with intermittent periods of stooping, walking, and standing. There may also be some occasional lifting of objects such as books, office equipment and computer paper (up to 30 lbs).

Motor Skills: Duties are largely mental rather than physical, but the job may occasionally require minimal motor skills for activities such as moving objects, operating a telephone system, computer and/or most other office equipment, typing and/or word processing, filing, and sorting.

Visual Demands: Visual demands include constantly reading documents for general understanding and for analytical purposes.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Steve Stolipher, Commissioner**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **June 3, 2021**

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

Subject (*Wording to be placed on agenda*): **Request that the Commission direct the Maintenance Director to prepare a RFP and purchase all Capital Outlay Fund vehicles and equipment beginning FY22 - Discussion/Action**

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

Is this a funding request? **Y/N** [Click here to enter text.](#)

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

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

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

If not attached, explain: [Click here to enter text.](#)

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

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

Please Run 2 Times:

May 19 & May 26

**NOTICE OF PUBLIC HEARING
Thursday, June 3, 2021 at 1:30 PM**

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the property designated as Tax District Middleway (07); Tax Map: 3; Parcels: 29 and 35. The property consists of two vacant parcels located east of Route 480 (Kearneysville Pike) and one mile north of the Route 9 interchange. The property owner/applicant is Mark Ralston, Jefferson Orchards Inc. The combined parcel size is approximately 238.9 acres (based on survey). The property is currently zoned Rural and a petition has been made to the County Commission by the property owner to change the zoning classification of 43.7 acres of the property from Rural to Light Industrial and 195.2 acres from Rural to Residential Growth (Planning Commission File #21-2-Z).

The hearing will be held on **Thursday, June 3, 2021 at 1:30 PM** as a virtual meeting via GoToWebinar. The URL will be published on the meeting agenda.

Oral or written comments can be provided at the hearing on **Thursday, June 3, 2021 at 1:30 PM**. Written comments may also be submitted to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

Please contact the Office of Planning and Zoning for additional information on the proposed request: 304-728-3228 or visit the County's website: www.jeffersoncountywv.org.

By Order of the Jefferson County Commission
Steve Stolipher, Vice President

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Mark Dyck (GORDON)

Department or Organization: N/A

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1st Choice: April 15, 2021

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

Date Requested – 2nd Choice: April 29, 2021

Subject (*Wording to be placed on agenda*): Miller Rezoning Request

Please provide the County Commission with a description of your request or presentation, including any background information: Miller Zoning Map Amendment: Request that a public hearing be scheduled before the County Commission and referral to the Planning Commission to review rezoning request for the 242.2+/- acre property identified in the Middleway District (7), Map Number 3, Parcels 29 & 35.

Is this a funding request? 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*):

Motion to accept the zoning map amendment request, refer to Planning Commission for review of Comprehensive Plan consistency and to schedule a public hearing before the County Commission.

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: mdyck@gordon.us.com

Phone Number: 304-725-8456

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

Zoning Map Amendment Application Addendum

Miller Property

April 7, 2021

Owner:

Jefferson Orchards Inc.
PO Box 700
Kearneysville, WV 25430

Applicant:

Mark Ralston
Jefferson Orchards Inc.

Property Tax Identification:

Middleway District (7), Map 3, Parcel 29 – 15.71 acres
Middleway District (7), Map 3, Parcel 35 – 226.5 acres

Deed Information:

Parcel 35 - Deed Book 1215, Page Number 429
Parcel 35 - Deed Book 1199, Page Number 506

Property Characteristics:

Location: East of Route 480, 1 mile north of the Route 9 Interchange
Current Zoning: Rural
Current / Historic Use: Vacant / Agricultural
Tract Size: 242.21+/- Acres
Area of Rezoning: 242.21+/- Acres

Substantiation for Request

DESCRIBE PROPOSED USE

The properties are located in Jefferson County, immediately north of the City of Ranson annexation referred to as Jefferson Orchards or Northport. The site has frontage on Route 480 and is directly connected to Route 115 through Ranson.

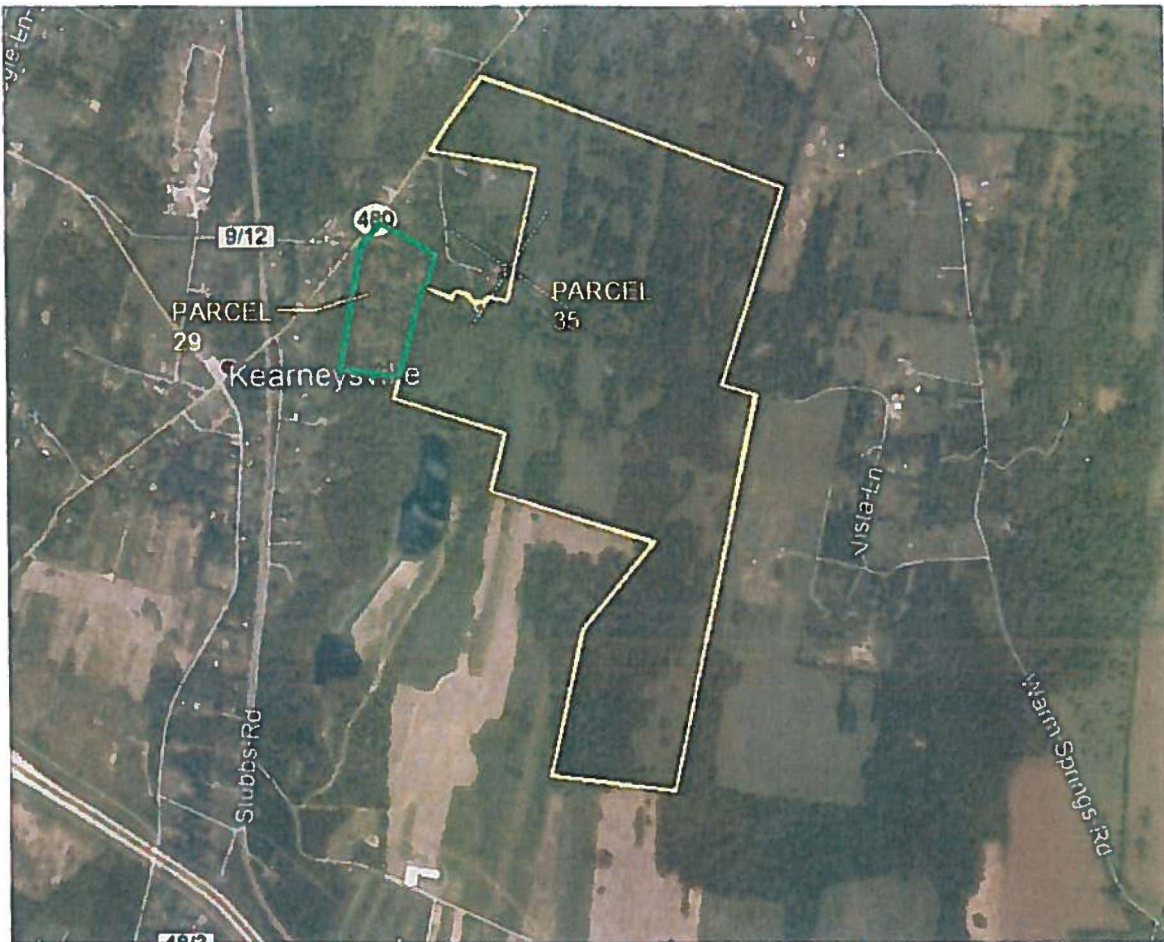


Figure 1 – Aerial Map

The properties are approximately 5 miles from Shepherdstown, 9 miles from Interstate 81 and about 8 miles from Charles Town. The properties are a mixture of wooded areas and open fields.

Residential Development

All of Parcel 29 and the majority (approximately 180 acres) of Parcel 35 are planned for residential development. The development will include homes, open spaces/buffers, parks, amenities, stormwater management and roads. The majority of the residences will be single family residential with up to 20% of the total units being townhomes. The residential development will be phased over multiple years.

As part of the development plan the project would extend the existing WVDOH road from its termination point in Ranson through to Route 480. This land would be dedicated by the owners at no cost to WV. This connection will provide an important transportation link in Jefferson County that will enhance the transportation network. It is expected that a traffic study will be required by WVDOH as part of the subdivision design process.

The project will have multiple phases and include at least two connections points to Route 480. Phase A - E are shown to graphically demonstrate how the site could potentially be sequenced.

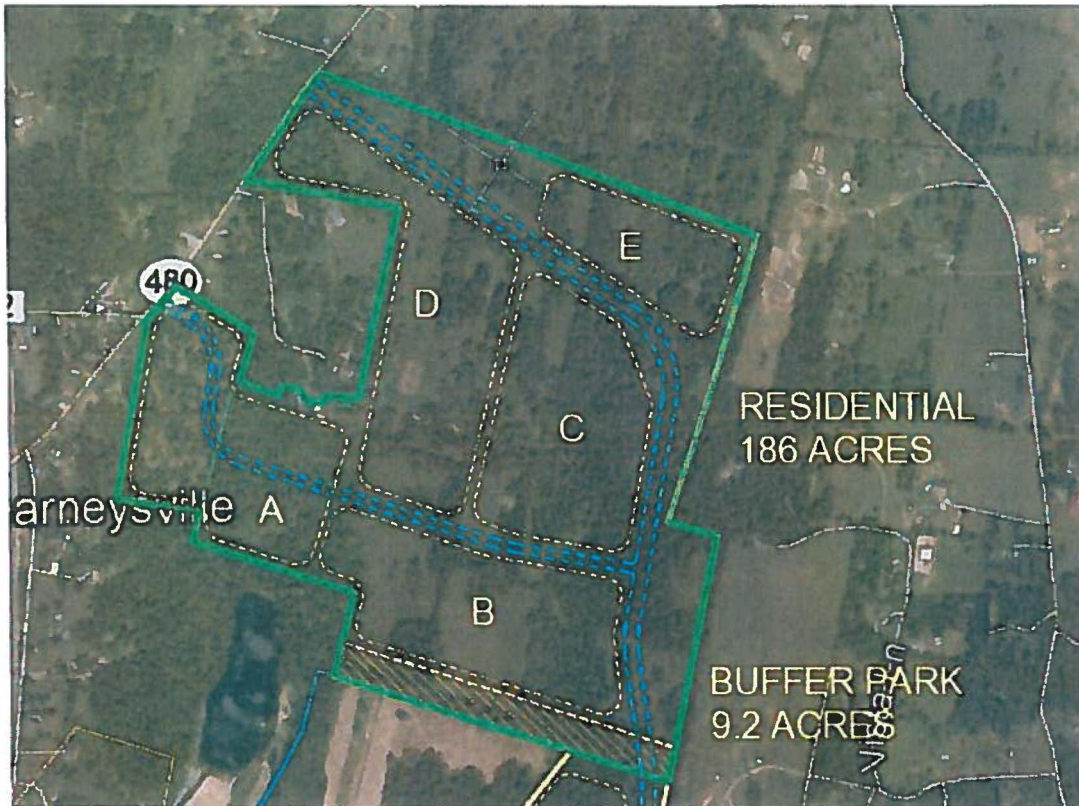


Figure 2 – Residential Development Plan

Light Industrial Zone

Approximately 43.7 acres of Parcel 35 curves around the City of Ranson limits and abuts to the Rockwool site at its southern end. The land located in Ranson is zoned as a Special Industrial District and the applicant is proposing a zone that is compatible with this adjacent use.

The Light Industrial Zone significantly limits heavy manufacturing and does not permit heavy industrial uses. It will serve as an excellent transition zone while providing a large parcel of land that can support future investment in employment-based uses. By definition in the Zoning Ordinance a light industrial use is one that does not use a significant amount of water, does not create noise, odors, smoke and objectionable nuisances or hazards.

This development will be served by a WVDOH road and is adjacent to existing public sewer and water infrastructure. As noted in the residential development summary, the land required for the WVDOH road would be donated by the property owner.

It is possible that the development may consist of a single larger use, or it might be multiple smaller buildings similar to those found in the Burr/Bardane Park.



Figure 3 – Light Industrial Development Plan

DESCRIBE WHY THE ZONING MAP AMENDMENT IS NECESSARY FOR THE PROPOSED USE

A zoning map amendment is necessary since the Rural Zone does not permit the proposed uses.

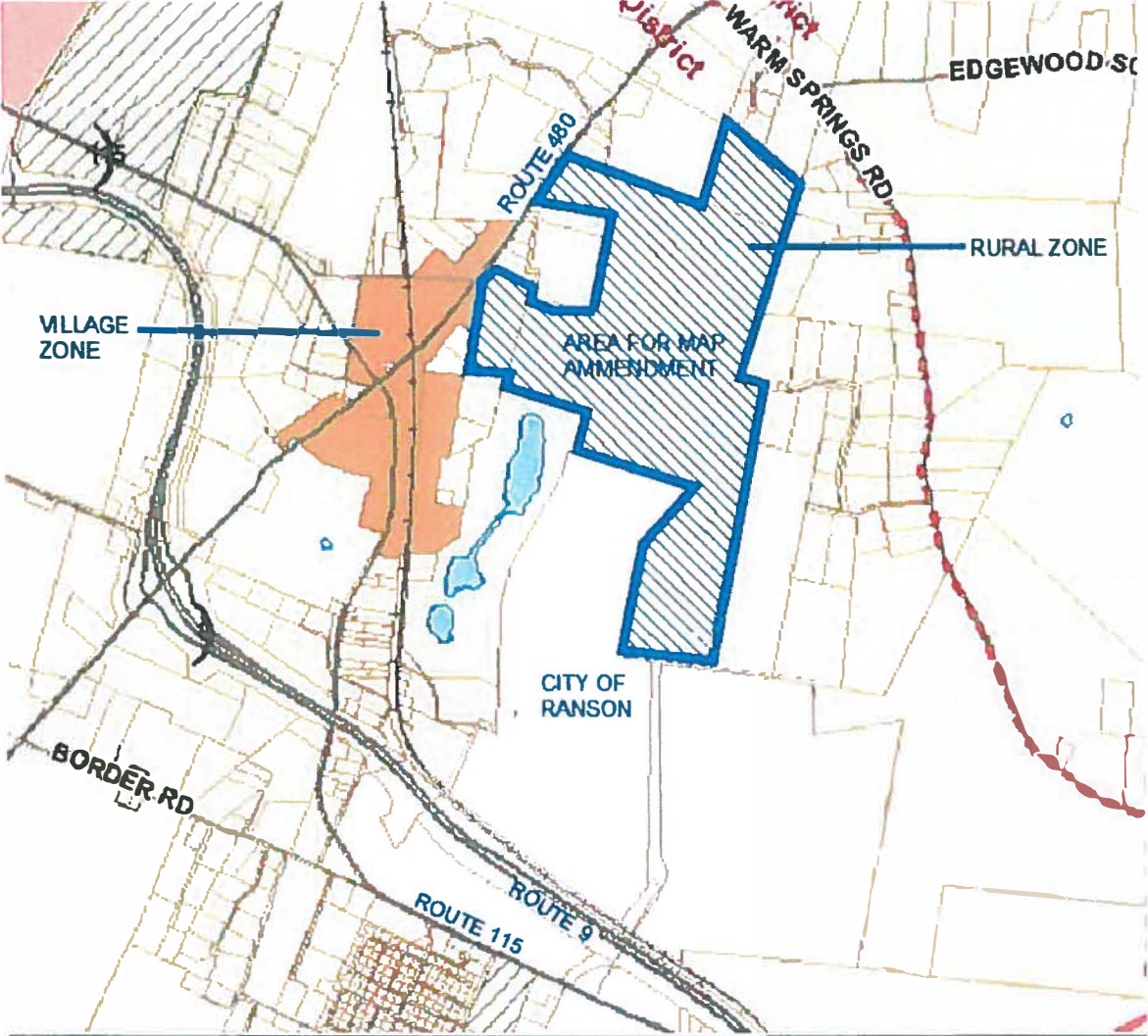


Figure 4 – Jefferson County Zoning Map

HOW IS THE ZONING MAP AMENDMENT CONSISTENT WITH THE OBJECTIVES AND POLICIES OF THE COMPREHENSIVE PLAN

1. Preferred Growth Areas (page 22)

d. **Route 9 PGA**

(between Keameysville and the Jefferson/Berkeley County line)

This area would be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The village of Keameysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. The intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange. A map of the Route 9 PGA can be found in Appendix F – Maps.

In 2012 the Kearneysville area was designated as a PGA, with the expectation that sanitary sewer and water would be extended from Berkeley County. With its location at a major interchange the area is a good location for growth. The proposed map amendment would support this PGA by allowing for the extension of water, sewer and natural gas from Ranson. These utilities are especially important to the Village of Kearneysville which lacks access to adequate infrastructure to even maintain its current businesses and homes. A residential community on the Miller Property could support the growth of village scale commercial enterprises that were historically located in this area.

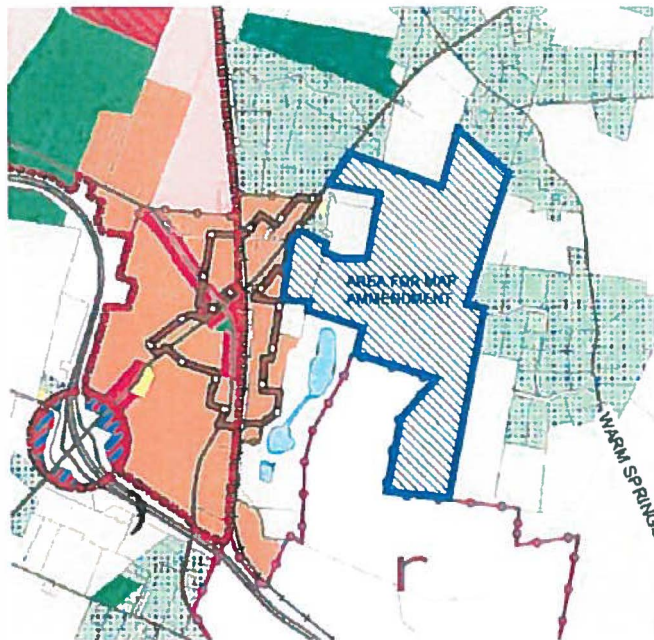


Figure 5 – Jefferson County Future Land Use Map

2. Urban Level Development Recommendations Direction (page 30)

2.	Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:
	a. Economic Well-Being of the County; or
	b. Error or Under Scrutinized Property on the Future Land Use Guide; or
	c. Change in Neighborhood; or
	d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	e. Environmental impacts are considered.

The above list of requirements are found in the Comprehensive Plan and provide direction on justification the County Commission can use to make zoning map amendments. These conditions allow the County Commission to evaluate the individual circumstances of any parcel in Jefferson County in a manner that is not practical or possible during the preparation of a Comprehensive Plan.

Economic Well-Being of the County

- Residential Land Use – Jefferson County has not met the comprehensive plans growth projections of 0.95% per year and is only at 0.55% as of 2019. The lack of residential growth has impacted the strength of the local economy. While there are pockets of residential activity, the County is not benefiting from a robust residential economy.

The development of the proposed residential community will strengthen the ability of Jefferson County to grow and prosper. There are limited opportunities for residential growth in the western part of Jefferson County. This lack of residential development negatively impacts the growth and development of commercial services. Future residents would support restaurants, shops, and other services in the village of Kearneysville. They could walk/bike to this area enhancing the character of the village.

- Light Industrial Land Use – Jefferson County suffers from a lack of land with sufficient infrastructure to serve light industrial development. While there are still a number of small parcels available in the Burr Industrial Park there are no other options available to employers without the expenditure of significant money to extend infrastructure. This land will also be the only industrial development where natural gas is available to business.

The zoning map amendment would have a direct positive impact on the economic well-being of the County. It would attract investment and create jobs in Jefferson County.

Error or Under Scrutinized Property

- Residential Land Use/Light Industrial – during the preparation of the Comprehensive Plan from 2012-2014 the steering committee focused on the municipalities, villages, and major intersections on Route 9 and 340 as the probable destination for residential and light industrial development. This analysis failed to evaluate the logical extension of water and sewer, in part driven by upgrades related to a growing Burr Industrial Park. These factors have led to the upgrade of utilities that would serve residential development on the Miller Property. These properties would have been included within the growth area if water and sewer expansion plans had been included in the Comprehensive Plan.
- Jefferson Orchards Plan – while the Comprehensive Plan references this planned community in Ranson, it did not evaluate the document to determine the impacts on the Miller Property. The plan shows a direct connection via a 2-lane boulevard divided road with parallel parking to the Miller Property, clearly indicating that it would be part of a future development pattern.

Change in Neighborhood

The following changes to the neighborhood have occurred since the preparation of the Comprehensive Plan in 2012-2014.

- Water and Sewer – the property is now served by water and sewer. These utilities were designed for future expansion, anticipating development in this area. It is important to note that without extension of water and sewer through the land included in this application that the Route 9 PGA will likely not occur. Berkeley County has shown no interest in extending their utilities deep into Jefferson County.
- Natural Gas – the property is one of the few in Jefferson County where light industrial and residential development would have the benefit of a natural gas utility. The use of natural gas is supported in the Comprehensive Plan.
- Roads and Trails – it is rare for a new WVDOH road to be constructed in Jefferson County. Through a partnership with Ranson, the Department of Highways constructed Northport Avenue, this road will be extended to Route 480 through the land being rezoned. The project will also continue the trail system located on Route 9 and extended along Northport Avenue. The proposed rezoning would add a significant portion of new pedestrian/biker trails that is eventually expected to extend to Shepherdstown.
- Development – the Rockwool project brought significant changes to the development characteristics of this neighborhood. These changes validate the condition found on the Zoning Map Amendments as follows:
 - The construction of Rockwool was not evaluated in 2012.

- The elimination of residential development on the Jefferson Orchards property significantly reduced the adjacent land available to support the employment uses on this property.
- Ranson Rezoning – the rezoning approved by Ranson in 2017 changed the characteristics of this area. These changes support the zoning map amendment.



Figure 6 – Jefferson Orchards Land Development Plan

3. Urban Level Development Recommendations Direction (Page 31)

6.	Require new urban level development to provide opportunities for multi-modal accessibility and to occur in a manner that enables connectivity to existing street and infrastructure networks or for future connectivity as development is extended to municipalities, UGBs, PGAs, or Villages.
a.	Create and implement the results of small area studies that would address the potential provision of infrastructure, accessibility, place making, and community facilities.
b.	Require viable integration of multi-modal accessibility to facilities as part of new development plans.
c.	In coordination with the West Virginia Division of Highways, identify key corridors where publicly owned roadways might be beneficial to the overall development of the County.
d.	Coordinate with existing property owners/HOA's to extend existing roadway corridors when possible to connect into adjoining neighborhoods or new development. At a minimum, this may include pedestrian, non-motorized vehicle, and/or emergency access ways.

Transportation is a key consideration of land use and growth management in the Comprehensive plan. The rezoning is support by objectives 6.b and 6.c.

- 6.b – the proposed development area would have direct access to multi-modal pedestrian and bike trails. It would be the first residential subdivision in Jefferson County to have access to this trail system without first traveling on a roadway.
- 6.c – WVDOH has identified Northport Avenue as a key corridor for Jefferson County, whose development would benefit the County as a whole.

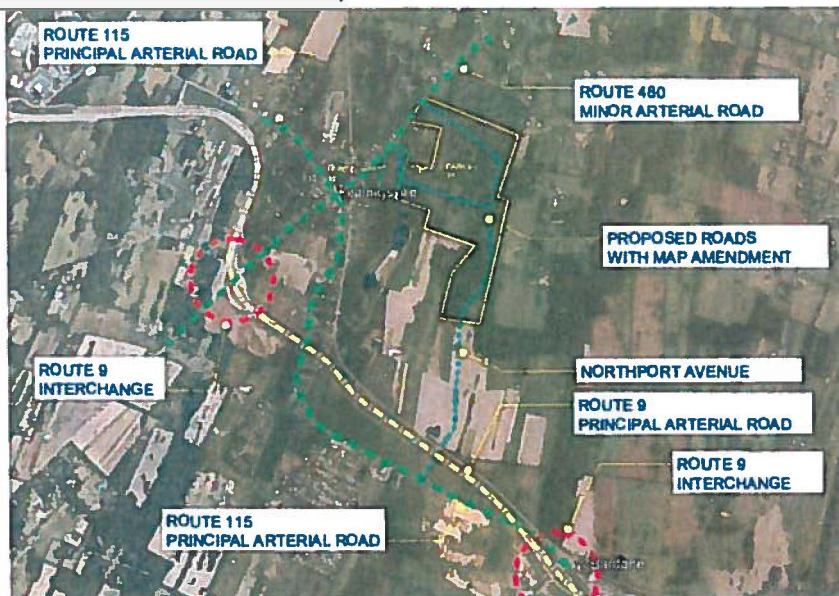


Figure 7 – Transportation Map

4. Village Objectives (Page 45)

3. Collaborate with key village stakeholders to implement and create water and sewer improvements, internal interconnections between adjacent commercial properties, area-wide shared stormwater and parking facilities within village centers.

Protection and enhancement of Jefferson County's villages is a theme in the Comprehensive Plan. Most of the villages are limited due to the lack of water and sewer which prohibits the development pattern of historic villages. While supported by the Comprehensive Plan, many of the characteristics of a village, small lots, commercial/residential mix, etc. are restricted by the subdivision and development ordinance. The rezoning of the subject properties would allow for the extension of water and sewer to the village of Kearneysville. These utilities would serve to revitalize this historic area.

5. Finance Recommendations (Page 141)

1. Develop policies that result in a well-balanced tax base that is not overly reliant on residential taxes, but is diversified by the presence of a robust commercial and industrial tax base.

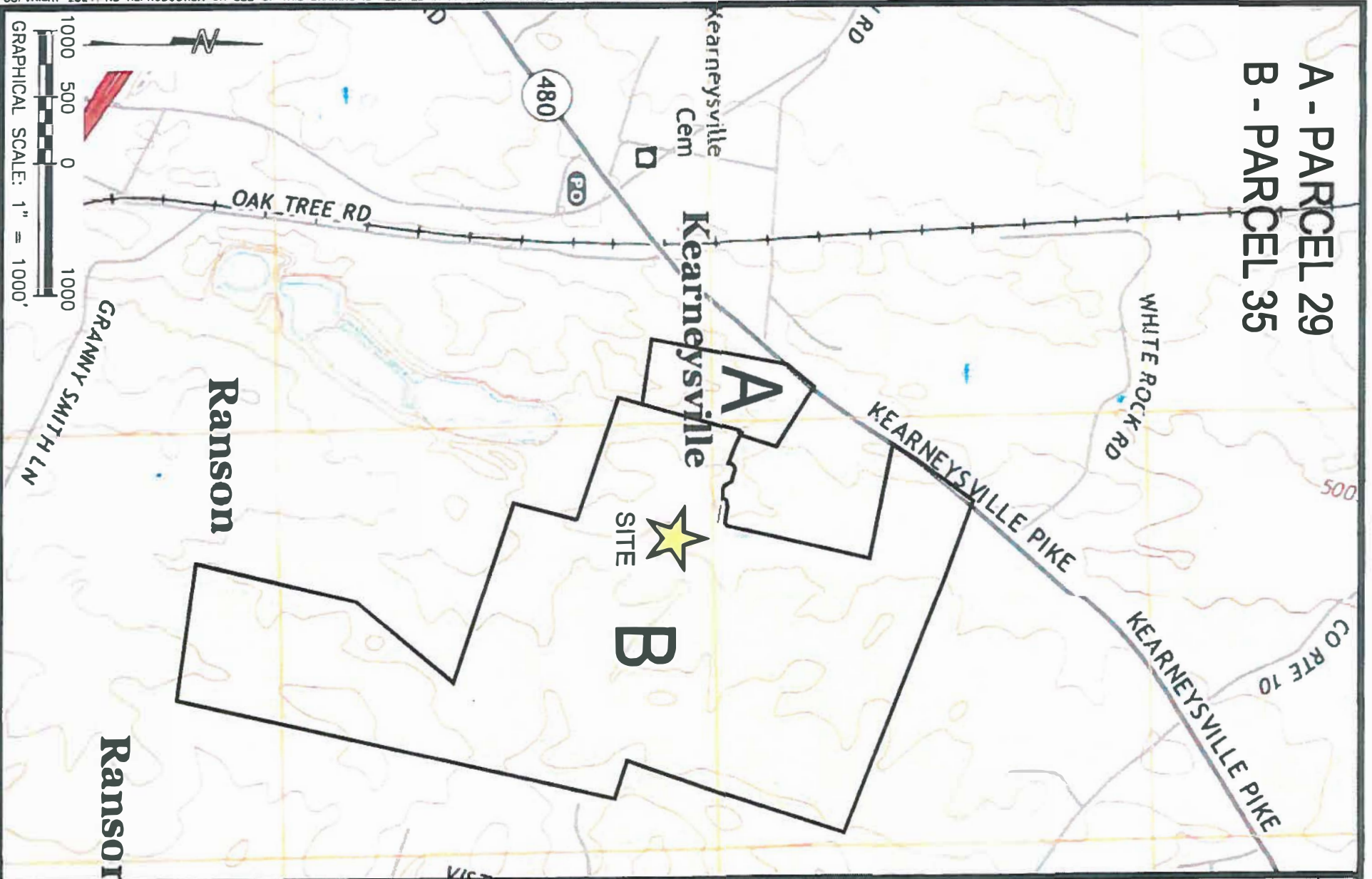
The proposed rezoning includes both a residential tax base and a light industrial tax base, achieving the noted finance recommendation. From a tax perspective the rezoning offers a huge increase in county taxes after development. The current tax for both properties is approximately \$2,100.00, this is less than one single family home in a new subdivision.

DISCUSS ANY CHANGES OF TRANSPORTATION CHARACTERISTICS FROM WHEN THE ORIGINAL ORDINANCE WAS ADOPTED

1. A 4-lane divided Route 9 was constructed, providing a high-capacity road corridor between Jefferson County and Interstate 81.
2. Two interchanges to a 4-lane divided highway have been constructed in close proximity to the property.
3. WVDOH is in planning to further upgrade the east west connection between Jefferson county and Interstate 81.
4. Northport Avenue was constructed, providing a direct connection to Route 115 and the interchange at Route 9 and Wiltshire Road.

DISCUS ANY CHANGES OF NEIGHBORHOOD CHARACTERISTICS FROM WHEN THE ORIGINAL ORDINANCE WAS ADOPTED.

1. Ranson annexed lands adjacent to and in close proximity to the subject properties.
2. Rockwool was constructed on the Jefferson Orchards property.
3. Jefferson Orchards was rezoned to Smart Code New Community, this zoning was modified in 2017 to support industrial development.
4. Commercial businesses in Kearneysville have greatly decreased.



A - PARCEL 29
B - PARCEL 35

MILLER PROPERTY
JEFFERSON COUNTY, WV

04-07-2021

ZONING MAP AMENDMENT

EXHIBIT 1 - VICINITY MAP



JEFFERSON COUNTY, WEST VIRGINIA

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MEMO

TO: County Commission of Jefferson County
FROM: Jennifer M. Brockman, AICP, County Planner
DATE: May 14, 2021
RE: Planning Commission Recommendation regarding the Jefferson Orchard (Miller) property (File #21-2-Z) Zoning Map Amendment Request

On Thursday, April 15, 2021, the Jefferson County Commission was presented with a petition for a Zoning Map Amendment by Mark Ralston, Jefferson Orchards Inc., for two vacant parcels located on the east side of WV 480 (Kearneysville Pike), approximately 1 mile north of the WV 9 interchange. The parcels, designated as Middleway (07); Tax Map: 3; Parcels: 29 and 25, have a combined parcel size of 238.9 acres, based on a recent survey. The property is currently zoned Rural and a petition requested rezoning 43.7 acres of the property from Rural to Light Industrial (LI) and 195.2 acres from Rural to Residential Growth (RG). A Public Hearing has been scheduled on this rezoning request by the County Commission for Thursday, June 3, 2021 at 1:30 PM. At the April 15th meeting, the County Commission, in accordance with WV Code 8A and the Jefferson County Zoning Ordinance Article 12, referred the petition to the Planning Commission for their review and recommendation as to whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan*.

On Tuesday, May 11, 2021 at the Jefferson County Planning Commission meeting, the Planning Commission heard a presentation regarding the Zoning Map Amendment (#21-2-Z) petition by the applicant. Additionally, a staff report was presented which identified relevant portions of the *Envision Jefferson 2035 Comprehensive Plan* for the Planning Commission's consideration and review. This staff report is attached to this memo for the County Commission's information and consideration. Staff provided comments on the application and the relevant sections of the *2035 Plan*. Staff presented a finding to the Planning Commission that that the request is not consistent with the Future Land Use Guide of the *2035 Plan* because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary.

After reviewing the applicant's presentation, the staff report, and further discussion, the Planning Commission found, with a unanimous vote, that the proposed Zoning Map Amendment "is not in accordance with the *Comprehensive Plan*; however, there have been many changes of an economic, physical or social nature within the area involved which were not anticipated when the *Comprehensive Plan* was adopted and those changes have substantially altered the basic characteristics of the area. Among those changes were roads, sewer, water, gas, the zoning in Ranson and Rockwool."

Attachment:

- *Staff Report -- Zoning Map Amendment #21-2-Z for 5/11/21 Planning Commission Meeting*

Staff Report
Jefferson County Planning Commission Meeting
May 11, 2021

Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

Applicant's Request

The applicant's request involves two vacant parcels East of Route 480, 1 mile North of Route 9 interchange (Middleway (07); Tax Map: 3; Parcel: 29 and 35). The two parcels consist of a total of 238.9 acres (based on a recent survey). The request is to rezone a 43.7 acre portion of Parcel 29 from Rural (R) to Light Industrial (LI) and the remaining 195.2 acres from Rural (R) to Residential Growth (RG).

Existing Conditions/Neighboring Uses

The proposed area to be rezoned is located on the northeast side of the Village of Kearneysville, which is the crossroads where WV 1 (Leetown Road) and WV 480 (Kearneysville Pike) meet and intersect with WV 115 (Old WV 9/Charles Town Road), and north/northwest of the Rockwool facility under construction within the Corporation of Ranson.

Kearneysville is a small village with a limited number of single family homes, a bank branch, a Post Office, and a limited number of commercial establishments. A corner gas station/convenience store that has been closed for a number of years is currently being reestablished. Historically, Charles Town Road (now WV 115; previously WV9) was the main southeast/northwest route from Charles Town/Ranson to Martinsburg. A new four-lane WV 9 was constructed approximately 10 years ago, which bypasses Kearneysville to the southwest.

To the west of Kearneysville toward the Berkeley County line are a number of rural residential lots, the West Virginia University Kearneysville Tree Fruit Research and Education Center and Hospice of the Panhandle. Berkeley County Public Water and Sewer Districts serve the industrial area within this area of Berkeley County and is slated to serve some new developments in Jefferson County in this area.

To the east of Kearneysville, properties in the unincorporated area of the County are either rural residential lots or rural/agricultural. A large orchard property that was annexed by the Corporation of Ranson has recently developed as a large industrial insulation manufacturing Plant. Public water and sewer services were extended from Ranson/Charles Town to serve this property.

Properties to the north of the rezoning request are zoned Rural and identified as general agricultural and large lot/rural residential uses on the Future Land Use Guide and are not served by public water and sewer. WV 480 is a two lane rural road owned and maintained by the state.

Scope of this Assessment

This staff report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various *Plan* sections and elements. Staff's professional recommendation is that the request is not consistent with the Future Land Use Guide of the *2035 Plan* because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary. If it is determined to be inconsistent, the Planning Commission should advise the County Commission whether the adjoining industrial development, and the related extension of utilities to the property, is a major change of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted (per §8A-7-9 et seq of the West Virginia State Code).

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

Staff Report
Jefferson County Planning Commission Meeting
May 11, 2021

Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

Zoning Map Amendment Public Hearing Process

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body with the advice of the Planning Commission must find that the amendment is consistent with the adopted *Comprehensive Plan*, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-9 et seq of the West Virginia State Code, as amended.” [See WVC 8A-7-9(c) below].

“§8A-7-9. Amendments to the zoning ordinance by petition.

(c) If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”

Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

A. Land Use and Growth Management Element:

Preferred Growth Areas (PGA)/Urban Growth Boundaries (UGB)/Villages

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17): Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) are the areas of Jefferson County where urban scale development is to be targeted; and Rural/Agricultural Areas and Villages, are where limited development is possible, but not intended for urban-scale development.

The *Envision Jefferson 2035 Plan* recommends that new development should take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of the *Plan*. By encouraging higher densities within the Urban Growth Boundaries (UGBs) and Preferred Growth Areas (PGAs) and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It also noted that these statements are not about reducing development, but about growing in a fashion that more efficiently uses existing infrastructure and services (p.27).

The *Plan* further discusses that a series of Preferred Growth Areas (PGAs) were identified in addition to the defined UGBs. These areas are outside the UGBs and are generally intended to develop using the County’s development standards. The *Plan* expected that water and sewer services and other

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infrastructure are either currently available or could be made available in the next two decades within the identified PGAs, due to the PGAs proximity to existing services or anticipated growth. It also states that while the PGAs are not intended to be promoted in favor of the UGB for the municipalities, both areas are expected to be viable areas for development (p.20).

In addition to the identified Preferred Growth Areas, the Comprehensive *Plan* discusses the nine (9) areas of the County that are zoned “Village”, one of which includes Kearneysville. The *Plan* acknowledges that the potential provision of water and sewer services, as well as other shared infrastructure, that could lead to the revitalization of the County’s villages and the restoration of the village centers as distinct, mixed-use communities. (p. 23) The *Plan* also recognizes that some of the existing villages may have opportunities for limited expansion that would complement the existing historic areas and support the sense of community that currently exists. Kearneysville is one of four villages that is included within one of an identified Preferred Growth Areas and has a Village Expansion Area identified on the Future Land Use Guide as a part of the PGA in which they are located. (p. 43)

The *Plan* recommends that, within the villages themselves, and the village expansion areas shown on the Future Land Use Guide, the form, scale, and design of new development in these areas will complement and integrate with the existing village areas. The *Plan* includes recommendations on the form and design of future development within the village expansion areas and states that new development within the Village Expansion Areas should reflect the traditional grid network and encourage the interconnectivity and walkability found in traditional village areas. (p. 43-44)

Goal #1 of the *Plan* clearly states that the goal is to require urban intensity residential and non-residential development to occur within existing urbanized areas, approved Urban Growth Boundaries, Villages, and/or the County’s identified Preferred Growth Areas. (p. 190) The fifth recommendation under this Goal is to “create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the *Plan* recommendations” (p.30).

B. Future Land Use Guide/Map:

Route 9 Preferred Growth Area (PGA)/Ranson Urban Growth Boundary (UGB)

The subject properties are located between the Route 9 PGA (between Kearneysville and Berkeley County) and the Ranson UGB Proposed Expansion Area, and outside the Kearneysville Village Expansion Area. It is an area that was not expected to have urban development and is, therefore, designated as Future Rural/Agricultural on the Land Use Guide.

Route 9 PGA (between Kearneysville and the Jefferson/Berkeley County line:

The *Plan* identifies this area as one that could be able to access water, sewer, and natural gas services from Berkeley County thereby allowing more intense business park/commercial uses to develop along the County line. The *Plan* expected that as growth occurred east from the Berkeley County line, the village of Kearneysville could redevelop with small businesses and residential uses in a pattern and scale compatible with the village district. It also anticipated that the intersection of Route 9 and County Road 1 (Leetown Pike) would be characteristic of a commercially oriented highway interchange.” (p. 22, see Map from Appendix F below)

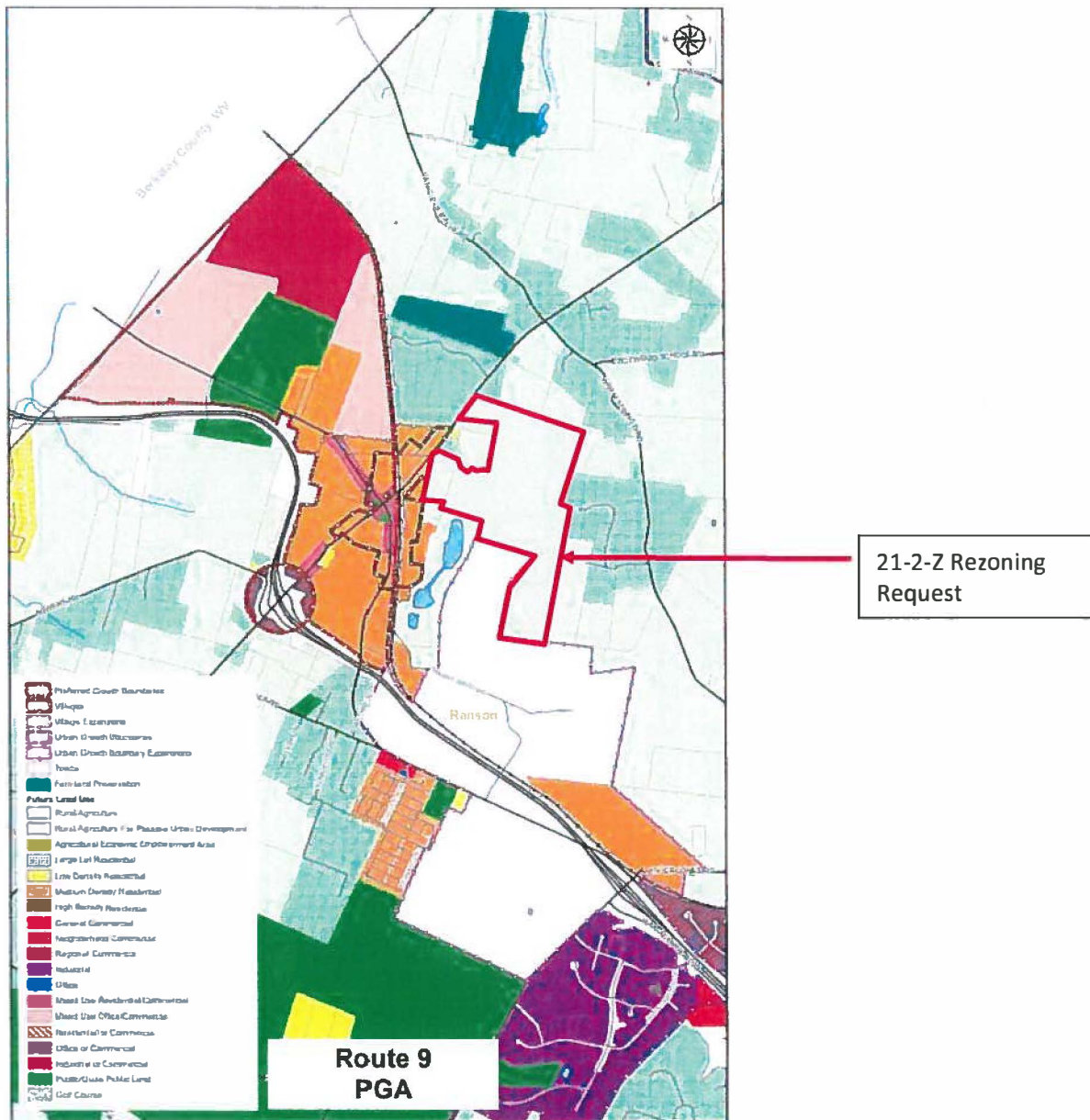
Ranson UGB/Expansion Area

In 2009, when the state law was amended to allow for the creation of Urban Growth Boundaries, Ranson formally requested that the County Commission approve their Urban Growth Boundary (UGB) and reflect it on the County Zoning Map. The Ranson UGB does not include the entire

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Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

annexation area and ends south of the Burr Industrial and Business Park. The *Envision Jefferson 2035 Plan* proposed that the Ranson UGB be expanded to encompass the areas that are located outside of the adopted UGB, but within the municipality boundary, as well as the unincorporated area northeast of the intersection of WV 9 and Luther Jones Road. This expansion would include the properties referred to as Tackley Farm and Jefferson Orchards. At the time the *Plan* was written, the Jefferson Orchard property was proposed to become a transit oriented development and the proposed expansion area would have allowed the development of this area to occur in conjunction with the related Ranson development. (p.19)



The proposed Residential Growth and Light Industrial zoning classifications are not consistent with the Future Land Use Guide of the *2035 Plan* because the subject properties are designated as Future

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Rural/Agricultural on the Land Use Guide and are outside the Preferred Growth Area (PGA) and the Urban Growth Boundary.

C. County Commission Authority

Under the Urban Level Development Recommendations (Goal 1), the County Commission added a recommendation that reads as follows:

“Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:

- a. Economic Well-Being of the County; or
- b. Error or Under Scrutinized Property on the Future Land Use Guide; or
- c. Change in Neighborhood; or
- d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
- e. Environmental impacts are considered.”

This discretionary authority does not appear to apply to the Planning Commission but can be considered by the County Commission after receiving input from the Planning Commission regarding conformance with the *Comprehensive Plan* and after the Public Hearing. As noted previously, WV Code §8A-7-9 states that if the amendment is found to be inconsistent, then the governing body, with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted, and those changes have substantially altered the basic characteristics of the area, prior to approving the request.

Proposed Zoning District – Residential Growth (RG) and Light Industrial (LI)

This petition is requesting that the two parcels in question, with a combined acreage of 238.9 acres (based on recent survey) be partly rezoned to Light Industrial (~43.7 acres) and partly to Residential Growth (~195.2 acres). The Zoning Ordinance describes the purposes of these districts as follows:

Section 5.4 of the Zoning Ordinance states that the Residential Growth (RG) District is intended to provide for a variety of residential uses and densities that can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of the Ordinance.

Section 5.14 of the Zoning Ordinance states that the Light Industrial (LI) District is intended to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials. The Ordinance states that the LI zoning category is intended for use on properties in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted *Comprehensive Plan*. There are no other properties in the County utilizing the LI zoning at this time.

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Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

Staff Recommendation

Staff finds that the proposed rezoning of this property from Rural (R) to Residential Growth (RG) and Light Industrial (LI) is not consistent with the Future Land Use Guide of the *2035 Plan* because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary.

Planning Commission Action

Article 12 of the Zoning Ordinance and the relevant sections of WV State Code requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. It further states that if it is determined to be inconsistent, the Planning Commission should advise the County Commission of whether findings can be made in accordance with the requirements of §8A-7-9 et seq of the West Virginia State Code, as amended. §8A-7-9(c) states that if a zoning map amendment is inconsistent with the *Comprehensive Plan*, then the governing body, with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”

Such recommendation is required to be sent to the County Commission prior to the County Commission’s public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on April 15, 2021 and the required Public Hearing has been scheduled on June 3, 2021 at 1:30 pm. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to June 3rd.

Attachments:

- Section 5.4 Residential Growth (RG) District
- Section 5.14 Light Industrial (LI) District

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Jefferson Orchards Inc. (Miller Property) Rezoning Request (21-2-Z)

ATTACHMENTS:

Section 5.4 Residential Growth (RG) District

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.

The following regulations govern development within the Residential Growth District.

A. Principal Permitted and Conditional Uses^{23,27, 32}

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.

B. Minimum Lot Area, Height, and Yard Requirements

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.
3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.

C. Commercial Services in Residential Developments

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Conditional Use Permit process as outlined in Section 6.3 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process.

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D. Standards for Commercial Uses

1. Commercial uses are subject to the following access requirements:
 - a. Such uses will not use adjacent residential roads for through traffic; and
 - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.
2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

Section 5.14 Light Industrial (LI) District

A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials.

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

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

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

Jessica Carroll

From: robert barrat <rbarrat@earthlink.net>
Sent: Monday, May 24, 2021 11:00 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county’s groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be “cluster subdivisions” in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County’s own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson’s recent development, doesn’t mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson’s government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and

agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

--

robert barrat
rbarrat@earthlink.net
Martinsburg 25401

A copy of the previous form letter was received by the following individuals:

100. Susan Lewis
101. Kraig Benson
102. John Allen
103. Gerard Huesman
104. Barbara Schectman
105. Kenneth Albright
106. Megan Stickel
107. Megan Hovey
108. Elizabeth Wisecarver
109. Rosemary Nickerson
110. Alan Engelberg
111. Ruth Hatcher
112. Mary Fortuna
113. Sue Ellen Myers
114. Janet Bailey
115. Michelle Vance
116. Kevin Hughes
117. Daniell Toth
118. Joy Bridy
119. Pia Peltola
120. Ed Wheelless
121. David Rumpy
122. William Fritts
123. Debbie Royalty
124. Tracy Slone
125. Caroline Dittrich
126. Melissa Renzela
127. Rie Wilson
128. Sarah Arzt
129. Jim Guempel
130. Kay Schultz
131. Adriana Torres
132. Jeff Feldman
133. Emma Damm
134. Diane Harrel
135. Deborah Arrit
136. Rebecca Phipps
137. Martin Burke
138. Mary Adams Chatham
139. Joy Ackert
140. Mary Reed
141. BJ Applegren
142. Hali Taylor
143. Gail Strohl
144. Susan Burke
145. Matthew Zenkovich
146. Andrew Singletary
147. Nicholas Singletary
148. Jean Klem

149. Scott Hastings
150. Michelle Reid
151. Michael Chalmers
152. Elizabeth Cardiel
153. Gretchen Connors
154. Patty Bain Bachner
155. Gonzalo Baeza
156. Bill Neufeld
157. Eric Whitman
158. Rachel Cardiel
159. Barbara Hartman
160. John Doyle
161. Joan Harstad
162. Curt Harstad
163. Jan Hafer
164. Megan Santini
165. Harriet Saffa
166. Annette Stover
167. Christine Marshall
168. Jade Smith
169. Nicole Hein
170. Kristina Billings
171. Andrey Fedotov
172. Jenny Haynes
173. Christine Mann
174. Jeike Redden
175. Jennifer Lindsey
176. Robert Blanck
177. John Marshal
178. Sarah Lawrence
179. James Lusby-Treber
180. Leanne Cobb
181. Sherry Sturman
182. Joshua Arzt
183. Autumn Louthier
184. Juliane Ford
185. Michelle Sanders
186. Jean-Martin Bauer
187. Edward Zanheiser
188. Christine Aron
189. Susan Kennedy
190. Ben Sade
191. Stephen Jenkins
192. James Puglisi
193. Barbara Spicher
194. Jack Kendall
195. Patricia Zoe Morgens
196. Alice Ellis
197. Regina Foster
198. Sinida Rodes
199. Victoria Meyding
200. Karen Freer
201. Renny T. Smith

202. Jayne O'Hara
203. Robert Young
204. Mildred Youler
205. Susan Brousseau
206. Lindsay McLaughlin
207. Barbara Humes
208. Lisa Bagnall
209. Carolyn Jackson
210. Colin Voigt
211. Wilbert Starks
212. George Rutherford
213. Doreen Voigt
214. Traci Barrientos
215. Carisa Figgins
216. JoAnne Grove
217. Barbara Bergman
218. Windsong Bergman
219. Billie Garde
220. Anne Teresa
221. William H. Adams
222. Sara McCann
223. Bryan McCann
224. Diance Berkoski
225. Tom Berkoski
226. Denise Kupiszewski
227. Rebecca White-Ayraud
228. Sue Cardella
229. Anne Young
230. Craig Howie
231. Carol Siflinger
232. April Davis
233. Irene Yates
234. Aline Schelling
235. Lois Spreen
236. Amy Silver
237. Lillian Potter-Saum
238. Cecile Claude
239. Kendra Clark
240. Richard Polonchak
241. Pamela Underhill
242. MaryEllen Ross
243. Amy Bartell
244. Cathryn Polonchack
245. Karli Rogers
246. Marie Uehling
247. James Walker
248. Amanda Godlove
249. Jeffrey Feaga
250. Megan Cotter
251. Tim Ross
252. Kathryn Bellacosa

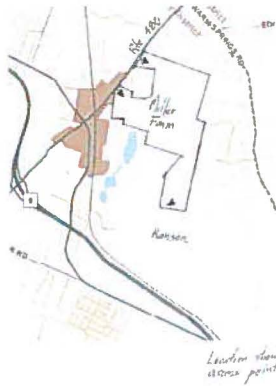
253. Lily Geyer

254. Elizabeth Meehan

County Commission of Jefferson County
116 East Washington Street, Suite 201.
Charles Town, WV 25414

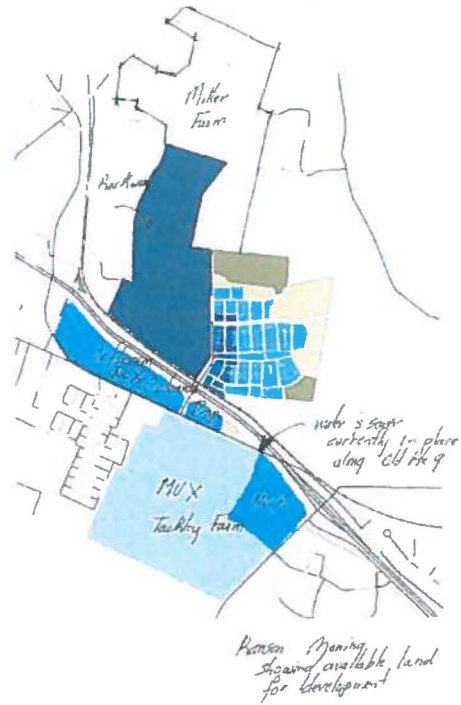
Subject: Zoning Map Amendment Request
Miller Property (Planning Dept. Case No. 21-2-Z)

Jefferson Orchards Inc. is requesting the rezoning of two parcels located in Middleway District, Parcel 29 on Map 3 consisting of approximately 15 acres and Parcel 25 on Map 3, consisting of approximately 226 acres. Both parcels current zoning is rural. They are not located within the Ranson Urban Growth Boundary and they are not currently served by water and sewer. Two access points are on Route 480, the southernmost one on top of a rocky ridge and the other across from a church and on a hill. The other access point is thru the Jefferson Orchards property located in Ranson, WV. The properties are located in the Rocky Marsh Watershed and drain principally to the northwest. Seasonal and heavy rain flooding occurs along Rte. 480 adjacent to the two parcels. Both parcels are currently in farmland use or lying fallow.



The zoning request is for light industrial zoning and residential growth zoning. Currently in Jefferson County, light industrial zoning is principally located in Bardane at the Burr Industrial Park. There currently is land available within the Industrial Park that is located less than 2 miles from the subject properties. Additionally, land along Old Rte. 9 at the Jefferson County Line is also zoned light industrial and is available and would be served by the gas line coming from Berkeley County.

There is undeveloped land in Ranson fronting old Rte. 9 with water and sewer suitable for residential development. The first parcel is available is located between the 4 lane Rte. 9 and Old Rte. 9 on the Jefferson Orchards property and is zoned Neighborhood Center (NCX) and the second property at Old Rte. 9 and Wiltshire Rd. in Bardane (Tackley Farms property) is zoned NCX and Mixed Use (MUX). Both zoning classifications allow a mix of uses with up to 80% mixed residential in the MUX zone and up to 60% residential in the NCX zone. Many of the uses that might go into a light industrial area such as office spaces, medical clinics, self-storage units, dance studios etc. are allowed in these zones.



Though there has been change to the general area since the Comprehensive Plan was written, there was only one major change, the construction of the Rockwool Factory located within Ranson, **not in the County**. The provision of water and sewer to the area is to serve the factory. Both the factory and the provision of water and sewer were opposed by a great many residents of Jefferson County.

In its Comprehensive Plan, the County strives for a balance of uses as noted in the Vision Statement "*We envision Jefferson County in the year 2035 as a place of natural beauty and historic value. It is an active, vibrant place to live, work, and play. ... There is a well-diversified economic base of*

manufacturing, services, government, tourism, and agriculture that is not reliant on any single business type. The County's rich historic, cultural and natural resources are preserved and are an integral part of its economy. ... It is a community with well-defined rural, village, and urban areas. ..."

It is a sound planning principle that urban scale development such as that proposed in the rezoning request should be located inasmuch as possible within existing municipalities or directly adjacent to them where public utilities are already available. The Comprehensive Plan states at page 12 that urban scale development is to be directed to the Charles Town and Ranson Growth Areas over the life span of the Plan and that the rural/agricultural economy is to be enhanced and promoted. This rezoning proposal is directly contrary to these principals. It would create:

- Dense residential growth in an area currently zoned rural
- It is outside the Ranson Growth Area
- It is adjacent to the Kearneysville Village Area for just a small portion of the area (at one of the entrances to the property) and actually separated from the village area on its west side by two water filled quarries where practically speaking, development would not occur.
- It would convert currently open agricultural land into dense housing and industrial uses.

Furthermore, it would require the construction of a new road from the Rockwool Facility to Rte.480 to be built not by the developer but by the State (note the request only states that the developer will donate the land, not build the road). The access point for this proposed road from Rte. 480 is on a ridge with a slight curve. Though there is another access point near the Reformed Church on Rte. 480, it is narrow and adequate sight distance may not be available at either location.

In reviewing the request for the rezoning it appears that many of the applicant's stated changes noted as reasons for granting the rezoning are actions that have occurred within Ranson, which has its own Comprehensive Plan, not changes that have occurred in the unincorporated portions of the County (covered by the current "Envision Jefferson" Comprehensive Plan). Rte. 9 was already partially built, and Ranson had annexed the Jefferson Orchards property. Though language can be found in the Comprehensive Plan, it is taken out of context of the greater vision for Jefferson County, which is for a balance of uses, that preserves the County's natural resources and maintains well defined rural and urban areas.

Also, the proposed rezoning sets a precedent for spot zoning of rural areas if developers can find land at the price they are seeking. This will lead to scattershot housing development throughout the County and will only cause increases to the cost of government services including education, police and fire protection, etc. Maintaining compact development around existing towns will no longer be the preferred choice as indicated in the Comprehensive Plan.

Based upon the above, I respectfully request that you do not grant this request for rezoning. The developer can seek alternate sites located along Old Route 9 that currently have water and sewer and are located within Ranson. The existing land can be preserved for rural use and can continue to act as a buffer to the Rockwool industrial facility.

Sincerely


Annette van Hilst



May 27, 2021

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

Dear Commissioners,

Jefferson County Vision wholeheartedly agrees with the Planning Commission Professional Staff that the proposed rezoning of Jefferson Orchards Number 21-2-Z "is not consistent" with the Land Use Guide of Jefferson County and the 2035 Comprehensive Plan. We adamantly disagree with the recommendation of the Planning Commission that there have been major changes of economic, physical, or social nature of the area. Thus, JCV requests the Commission to not approve the subject zoning amendment.

The only change to the area is the building of the Rockwool insulation plant. This is a change enabled by the City of Ranson. Since the legality of the rezoning by Ranson is still being challenged in the court system, you could well be endorsing the results of illegal acts. In addition, since the purpose of the establishment of the utilities and road was to facilitate heavy industry you would be endorsing further expansion of industrialization in Jefferson County, which is a major violation of the Comprehensive Plan, which could lead to legal action against the County.

The Planning Commission accepted the information that Mr. Dyck presented as fact and based their decision upon these unquestioned "facts." We believe that the Planning Commission (PC) erred in doing so and pray that this commission will not make the same errors. The County Commission's duty is to at least consider the PC recommendation, but you must consider the compatibility criteria under WV Code §8A-7-2 on Zoning and Land Use Planning when enacting an ordinance.

Jefferson Orchards Inc. logic follows the adage "if you build it, they will come." If you approve this request it will be extremely difficult to regulate the next applicant who wishes to take advantage of the utilities "next door." It will be even more difficult to deny the next. If the Commission really thinks unanticipated major changes have occurred to disregard the Plan then it makes more sense to change the Plan, but only with the input of the entire county, not piecemeal by individual zoning applications.

The applicants argued that at the time of the creation of the Comprehensive Plan the drafters envisioned that the utilities would come from Berkeley County and wouldn't extend past the Kearneysville area and other border areas. News stories dating back to 2005 describe ideas to bring natural gas to Jefferson County, and still this area in question was not designated for

industrial expansion. Simply having access to natural gas is not a valid reason to rezone land from rural and to stop preserving agricultural land.

And is there really a ready supply of gas to support the requested housing and industry? One could debate Mr. Dyck's statement based on the suspension of the Mountaineer Gas pipeline extension from Pennsylvania to Jefferson County. How will enough gas be supplied? The applicant gave no proof that there are adequate supplies for Rockwool nor the forecasted development. This question should be answered before any approval is made.

Mr. Dyck says that the state Department of Highways wishes to extend Northport Boulevard to Route 480. While the DOH has completed one phase under the Rockwool project, who will fund several miles of additional road? Has documentation been provided of this commitment by the DOH? Surrounding residential properties do not find comfort with the possibility of two access points created for industry feeding heavy truck traffic. The general public welfare will further be compromised. Is it reasonable that hundreds of families will want to live in close proximity to more industry in addition to the second largest polluter in West Virginia? The people that live close to the plant now don't support it.

Mr. Dyck said that we need more residential growth because our school population is falling. What is the reason for this decline? Are more people homeschooling? Are people moving away because of Rockwool and the threat of heavy industry? If people are moving away, then why build more houses? It doesn't appear that they are moving away. In the May 2021 issue of *The Observer* the County's Planning Department was quoted to report that "there are several large developments under construction in the County" ... with a total of 1032 houses in progress. In addition, in the first three months of 2021 there have been 149 residential building permits issued countywide. There appears to be substantial capacity in the planned growth boundaries. These statistics would argue for more protection of our rural, agricultural districts, not less preservation.

Mr. Dyck also stated that the Comprehensive plan must be updated soon, so the plan could be changed to reflect these new circumstances. He was mistaken. The County does not have to update the plan in 2022, but 2024 is the earliest by state code that it can be updated. Be that as it may, the Plan is "entitled Envision Jefferson 2035, encouraging all participants to look ahead to 2035 to determine how they would like Jefferson County to function in the future." The Plan recognized that Jefferson County already has a well-diversified economic base and the rich historic, cultural, and natural resources are preserved and are an integral part of its economy. That being said, a limited amount of industrialization was designated on the future zoning and land use guide. Even considering, "a priority of this Plan [was] to ensure that sufficient area exists for commercial, office, and/or industrial uses that may serve to bolster Jefferson County's employment base while balancing the environmental and quality of life concerns that may arise from larger scale businesses." With all factors considered, when the plan was designed for a "20-year horizon", the proximity of utilities is not reason enough to disregard the intent. If you approve this request, you are not only violating the Comprehensive plan but invalidating it.



Jefferson County Vision

www.JeffersonCountyVision.com

The City of Ranson allowed heavy industry in this county by saying it did not violate their smart code and comprehensive plan. Ranson brought in all the utilities. Ranson has aggressively sought development, so why would the city not wish to advance this? Mr. Dyck skirted the issue of why he applied to the county for rezoning, instead of Ranson and didn't give a firm answer as to why they didn't apply to be annexed into Ranson. The commission should seek input from Ranson and the applicant as to their logic before deciding on this application. The ramifications of Ranson's error continue to increase and are well known by all of you. To allow degradation caused by a municipality to justify further degradation by the county is a foolish and perilous path to take.

Please do not approve zoning amendment 21-2-Z.

Sincerely,

Anastasya Tabb
President, Jefferson County Vision

Jessica Carroll

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Sunday, May 16, 2021 7:36 PM
To: JCCInfo
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: 05/16/2021 7:35 PM
Response #: 1957
Submitter ID: 5690
IP address: 50.110.216.85
Time to complete: 4 min. , 55 sec.

Survey Details

Page 1

1. Name

Alyyce Ane Moore

2. Email

wvsoccermom@hotmail.com

3. Questions or Concerns

To keep this short, the Jefferson County Orchard property that is up for rezoning should NOT be rezoned for industrial/residential. This is not in keeping with what most Jefferson Co residents desire. Keep Jefferson County a place that people want to visit for its clean air, historic venues, and outdoor opportunities.

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

No

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.

May 19, 2021

To a county commissioner/President:
Josh Compton;

This is a comment on the 242.2 acre tract called Jefferson Farms, I am in favor of changing it to industrial zoning in hopes that solar panels may one day be installed there. Being designated Rural doesn't mean it will be pristine. Lots of farms pollute with fertilizers & weed killers.

Mary Lee Vandevander

Mary Lee Vandevander
67 C Edward Lane
Charles Town, WV 25414
1-330-831-5773

SRV5004@yahoo.com

Diana Suttentfield Abshire
67 Falling Spring Road
Shepherdstown, West Virginia 25443

Jefferson County Commission
PO Box 250
Charles Town, West Virginia 25414

May 25, 2021

Re: rezoning Map Amendment, File 21-2-Z

Dear County Commissioners,

From personal experience I am requesting the application to rezone 238 acres from Rural/Agriculture to Industrial/Residential be denied.

I live catty-corner to Morgan's Grove Park, located on Morgan's Grove Road and SR 480. My parents moved here in 1963 and my mother gave me two acres of land on which I built an artist studio in 1986, at which time a water well was drilled.

In 1995 the studio was converted to a house and I moved in. About five/six years ago the stream running through the park was discovered to be polluted by E. Coli. I do not know if the problem was solved.

In 2017, I started having upper chest and intestinal discomfort which went on for almost eight months. I thought I would get better. My husband and I finally had our well water tested by the Jefferson County Health Department; our water was contaminated. Blood tests results: I was positive for a disease caused by water contamination. Since then, we purchase bottled water.

I cannot say that the polluted water in the park affected our well water. What I can say is that we all know that Jefferson County is karst topography; what happens "there" can happen "here."

Side effects of drinking contaminated water can be;

- gastrointestinal problems
- diarrhea
- nausea
- intestinal or stomach cramping
- dehydration.....and maybe death.

Jefferson County needs to provide a safe and healthy environment for the people who live and work here.

Jefferson County needs to protect our water, above ground and underground.

Please choose our health and clean water over industry money, and vote to deny the proposed zoning Map Amendment, File 21-2-Z.

Sincerely,

A handwritten signature in blue ink that reads "Diana Suttentfield". The signature is written in a cursive style with a large initial "D" and a long horizontal stroke across the middle.

Diana Suttentfield

Jessica Carroll

From: Lisa Payne <lisagpayne@comcast.net>
Sent: Wednesday, May 26, 2021 4:25 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Chairman Stolipher and Commissioners
Jefferson County Commission
124 E. Washington St.
P.O. Box 250
Charles Town, WV 25414

Chairman Stolipher and Hon. Commissioners:

I am asking the Commission to vote “no” on the Zoning Map Amendment File 21-2-Z, (hereafter referred to as ZMA File 21-2-Z), as proposed by Jefferson Orchards, Inc. Before considering approval for this rezoning, the Commission needs to do more research and gain more information on both the negative impacts and a newly created economic opportunities suitable to this property, when weighing your decision. The Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County, and newly enacted state legislation, allows Jefferson County to consider extremely attractive opportunities, previously prohibited, that would be directly applicable to this property.

First, ZMA File 21-2-Z would allow development and uses not compatible with the geography, by introducing land uses posing negative impacts to the health, safety, and welfare of a large number of Jefferson County residents. The hydrogeologic characteristics of the karst topography in this area make the groundwater extremely vulnerable to surface area pollutants, creating an incompatibility for many industrial uses and other overly intensive types of residential development. The underground water sources are interconnected, and it is not known how much overlaps exist between these unseen waters. They are the drinking water sources supplying private wells and public drinking water in communities throughout the county, including the City of Ranson. The risks posed by allowing the permitted uses in the rezoning are far greater than those in areas where the soils are compatible for protecting groundwater. Contamination of these underground water resources would also create contamination of surface water, including the Opequon Creek, Shenandoah, and Potomac Rivers, endangering multiple downstream public drinking water supplies. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

Setting precedent by making exceptions and amendments to Comprehensive Plans eventually renders them ineffective. This ZMA File 21-2-Z is not consistent with several objectives and policies in the Jefferson County Comprehensive Plan. The proposed land use will not conform to the Future Land Use Guide, and it is located outside the Urban Growth Boundaries and the Preferred Growth Areas. It is specifically stated in the Comprehensive Plan that land use decisions protect agricultural land and the rural nature of the County as a priority. ZMA File 21-2-Z ignores the Plan’s statement that residential development in rural areas should be “cluster subdivisions”, which enhance traffic flows and protect existing open spaces. The allowable zoning for development would allow a corridor of intense development in the heart of the County, violating a critical principle of the Comprehensive Plan. The County’s own Planning and Zoning Staff evaluation does not support this proposed zoning amendment. It would be very disappointing to learn the County Commission’s intention is to render the Comprehensive Plan irrelevant. Many newer residents moved from communities where county governments chose to ignore their comprehensive plans resulting in creating land use that resulted in permanent damage to entire local economies and degraded the quality of life.

The location and proximity to neighboring zones with similar zoning and land uses are not legitimate factors for consideration of ZMA File 21-2-Z. The Comprehensive Plan includes five reasons for which the Zoning Map can be amended which include determining the risks and negative impacts on the health, safety, welfare, and economy for residents of Jefferson County. The fifth reason, set forth by the Comprehensive Plan, is location and proximity to neighboring zones. This property is outside of both the Ranson corporate limits and its current Urban Growth Area. It is irrelevant to consider the current landowner's acceptance certain deed restrictions made to accommodate Ranson's recent development, since the property is geographically located far from the City of Ranson. While the municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean the County needs to make the same environmental mistakes. County residents, not Ranson residents, will bear the immediate consequences of this proposed amendment. These five considerations overwhelmingly weigh against this zoning change. A corporate entity within the county should not be the arbiters for the decisions made on behalf of those comprising the entire county, or even those located outside the Ranson city limits.

This proposed Zoning Map Amendment conflicts with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort, and welfare of residents must be considered when enacting a zoning ordinance. The Jefferson County Zoning and Land Development Ordinance does reflect the State Code, which does not support the proposed Zoning Map Amendment. This development will bring vastly different uses near each other, reducing order and attractiveness. Approving this Zoning Map Amendment will ultimately make Jefferson County a less desirable area for people to visit, move to and remain in the future.

The proposed ZMA File 21-2-Z completely ignores consideration of the very qualities attracting most new residents to relocate in Jefferson County. These qualities include its rural land use, lower housing density, less traffic, and a safe, healthy place to live and raise a family. These buyers are leaving places like eastern Loudoun County and Frederick, MD to escape from mixed use, higher density residential and light industrial neighborhoods. They want to live somewhere affordable, where traffic and neighborhood congestion are not issues and are willing to commute long distances to work so they can come home to what the county currently offers. This proposed rezoning does not promote these qualities and will undermine the long-term outcomes anticipated by the county.

There are newly created attractive alternatives to consider by denying this rezoning request as proposed. Recently enacted legislation (described in HB 2025), making it legal for vineyards with wineries, hops farmers with breweries and other crops used for distilleries, to grow, manufacture and sell their products on-site. These new opportunities and uses offer a spectacular opportunity to Jefferson County, since it already possesses the natural and land use resources to establish these agricultural-commercial ventures: location, existing land and water resources. These features expand opportunities to successfully compete with neighboring states by increasing tourist traffic and offers opportunities increase our local revenues while supporting WV's long-term objectives to increase our population our state and local revenues. Right now, Jefferson County has a perfect advantage because it possesses excellent soils for growing crops like grapes, hops and specialty grains and large tracts of land. These enterprises have economic benefits that cannot be overstated, having revitalized the local, rural economy in western Loudoun County, VA.

Jefferson County has a choice between making land use decisions determining the course of its not-so-distant economic future but lasting for the foreseeable future, with truly opposing outcomes. Please carefully consider unique characteristics offered by the land and the existing assets of the area and how these would best serve the citizens and the county in the future.

I urge you to reject the proposed Zoning Map Amendment, File 21-2-Z. It is not in keeping with the current rules, regulations, and relevant laws, of Jefferson County or the State of West Virginia.

Respectfully submitted,
Lisa G. Payne

--

Lisa Payne
lisagpayne@comcast.net
Harpers Ferry 25425-5781

Jessica Carroll

From: Barbara Humes <bhumes1@comcast.net>
Sent: Wednesday, May 26, 2021 9:41 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The location to be rezoned industrial is highly environmentally sensitive. The groundwater at the site is readily contaminated and rapidly carries pollutants through the ground water, surface waters, and into the Potomac affecting drinking water and the economy.

As former chair of the Harpers Ferry Water Commission and former chair of the Elks Run Watershed Group, I am keenly aware of the need to prevent industrial use of our rural areas and the need to keep pollutants out of our water sources. Rezoning of this site to light industrial and residential would put more burden on our downstream drinking water sources.

More manufacturing industrial sites are not needed in Jefferson County. We have successfully capitalized on our tourism industry, our outdoor recreational industry, and our farming and equine industry and that is what we should continue to support.

--

Barbara Humes
bhumes1@comcast.net
Harpers Ferry 25425

Jessica Carroll

From: Walter Chatham <walter@wfchatham.com>
Sent: Wednesday, May 26, 2021 10:22 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Dear Jefferson County Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

It may seem to be a positive step in the economic development now; but it will come to be regretted later when the reality of this large concentration of differently classed industrial uses becomes clear- a development which is entirely out of character with the adjacent area with its lovely rural character.

Introducing additional industry on top of Rockwool will literally doom this lovely corner of Jefferson County. There are many appropriate sites for "light industry". Please dont concentrate it into an intensive development and then pretend that its desirable for adjacent residential uses. That is too cynical !

Respectfully submitted,
Walter Chatham
Hazelfield Farm

--

Walter Chatham
walter@wfchatham.com
Shennadoah Junction 25442

Jessica Carroll

From: Debra Anderson <hulagn@icloud.com>
Sent: Thursday, May 27, 2021 8:47 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Jefferson County is a place others from surrounding metropolitan areas come to visit, recreate and live.

With Harpers Ferry, the C&O Canal by and even Antietam Battlefield all within a short distance this county has much to offer those seeking its natural beauty.

Growing this county in a smart and respectful way is hugely important in adding income and tax base and growing the county while being good stewards of its environment and geological backbone.

This county has much to offer. It can grow through residential and smart commercial offerings that make this county even more attractive.

Commercial areas that offer people places to be out walking, enjoying shopping, eating, visiting in this beautiful place.

Because of the geological back bone, the sink holes, openings in bedrock -Industry, heavy industry is not suited for this area. Pollution of ground water and rivers is not the way to grow our county.

We must be smart and protective of what we have, we must realize how attractive it is to others who come here in droves in the summer and who move here and increase our tax base.

We must enhance the beauty we have with commerce that makes life more convenient and attractive. We must protect that which this county has been given naturally. Being a karst area actually directs us on how to best protect this county while still growing this county.

That is not heavy industry.

Work with your county residents, work with the environment we all live with in this county to support it. Protect it. Grow it in smart attractive ways through smart zoning plans.

Do not let industry come in. That seems like an easy solution. Not real hard to plan that. But...it will ruin this county. It is not suited for this county. Not only because some residents don't want it BUT...because our county environment and geological structure can support it.

We can grow, no one is saying not too. Let this area be a stellar well designed area that grows our county's income and tax base because of how we love and protect our area. How we want others to come and enjoy what our county and surrounding area has to offer folks.

Industry should never be a consideration in a geological area such as ours.

We have to protect our land and especially our water.

So many states and cities across our country are running out of water or living with contaminated water because of huge commercial farming and heavy industry.

Water...ground water is a resource we can't afford to damage or lose.

Please work with what we have been given in this county. Don't let it be destroyed.

Let's find other ways to responsibly use lands and compensate owners so that we don't damage and pollute our precious county.

There are so many examples of other counties in the US who made the choice to preserve, protect and grow. It has worked well for them and they are wealthy counties because of taking a protective approach to their growth.

We can grow But... not this way!

Please give another path for the county's growth a chance.

Vote no on the rezoning.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County's own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson's recent development, doesn't mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small

group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

--

Debra Anderson
hulagn@icloud.com
Shenandoah Junction 25442

Jessica Carroll

From: Lois Spreen <lcspreen@comcast.net>
Sent: Thursday, May 27, 2021 10:11 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

I am very concerned that the hydrogeologic characteristics of this portion of Jefferson County make the groundwater very sensitive to surface pollutants and therefore ill-suited to industrial development.

In addition, the proposed admendment does not align with the Comprehensive plan - a plan that was carefully developed based on a holistic assessment of the needs of the county rather than the desires of a single organization. It is not clear, based on information I have read, that there is any compelling basis to change the zoning absent Jefferson Orchard's request.

Jefferson County is a gem and thoughtful development is critical now and for future generations.

Please vote "no" on this rezoning request.

Thank you,

Lois Spreen

--

Lois Spreen
lcspreen@comcast.net
Shepherdstown 25443

Jessica Carroll

From: Tim Ross <trxccl@gmail.com>
Sent: Thursday, May 27, 2021 1:32 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

There are many reasons why I am asking you to please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

The main reason you should vote no is so you can do the due diligence that the Planning Commission didn't do. They accepted the claims of the applicant without question. The PC didn't even have any public discussion of the amendment, but only in executive session.

The PC agreed that because of Rockwool many changes have come to the county so the Comprehensive Plan and Land Use Map could be ignored. Ranson violated their comprehensive plan to do so and degraded the county. You can stop the continued degradation of our County and should do so by voting no.

If you are going to change the Comprehensive Plan then do so via public input instead of by bits and pieces through zoning amendments. You are already involved in one lawsuit over the Solar Amendment for violating the comprehensive plan.

And this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be “cluster subdivisions” in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County’s own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson’s recent development, doesn’t mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson’s government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

Thank you very much for considering my input.

Sincerely,
Tim Ross

--
Tim Ross
trxcel@gmail.com
Charles Town 25414

Jessica Carroll

From: Bill Gillette <wkgille@gmail.com>
Sent: Thursday, May 27, 2021 1:40 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

Your own Planning and Zoning Staff does not support this proposed zoning amendment.

I have read the letter submitted by Jefferson County Foundation, Inc., and have followed the actions of the JCC for several years now. JCFI's careful consideration and point by point denouncement of this amendment should be enough.

But I will reiterate what I consider the major issue I have with this amendment.

The so-called reasoning the applicant uses (which clearly the JCC is also in step with) is that when the Comprehensive Plan was developed heavy industry and sewer and water didn't exist!?!?!?

That is illogical beyond comprehension. The introduction of heavy industry into Jefferson county does not in and of itself make the Comprehensive Plan null and void, Anyone thinking that is abandoning their public responsibility and clearly has interests other than those of Jefferson County residents in their minds and doesn't understand how representative government should work.

For the sake of our county's future as a desirable place for West Virginians to live and others to visit, please vote no to the amendment.

Call it what you want, the domino theory defense, slippery slope etc, etc, someone needs to stand up and protect what still remains as our counties crown jewel: the beauty of the Shenandoah Valley and the rivers and mountains that are a part of it.

If not you, then who?

If not now, then when?

--

Bill Gillette
wkgille@gmail.com
Harpers Ferry 25425

Jessica Carroll

From: Carrie Messenger <carriemess@hotmail.com>
Sent: Thursday, May 27, 2021 1:54 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

I have lived in Shepherdstown for ten years now, and my kids have grown up here. They love it. It's beautiful. I am not against change, but change like this one would allow the county to develop in a way that is against plans that would allow for best practices in a county that has such a strong tourist economy. I see no compelling reason for Jefferson County to deviate from its current Comprehensive Plan. I'd like Jefferson County to be a place my kids could return to as adults and raise their own children. I don't want them to be worrying about the health of their children. The water situation in our county is particularly worrying.

Thank you for your consideration.

--
Carrie Messenger
carriemess@hotmail.com
Shepherdstown 25443

Jessica Carroll

From: Kathryn Bellacosa <kbella21@gmail.com>
Sent: Thursday, May 27, 2021 2:18 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I've been a resident of this county since I was 10 years old, when my family moved here in 1978. I've watched how this county has grown in some ways for the better but mostly not. We are an historic, rural county of unimaginable natural beauty. Why in the world we solicit HEAVY INDUSTRY where we have farms, livestock, history, parks and a flourishing eco-tourism industry. What says visit wild wonderful WV - the oldest town in WV, Washington family estates, PIVOTAL Civil War history in Harpers Ferry, Shepherdstown and nearby Antietam, horse farms, farmers markets, art, the two most famous rivers on the east coast and all the water activities one could enjoy, Bed and Breakfasts, etc etc etc??? Or giant smokestacks disgracing our views and pouring untold toxins into our air and water. There is no thought to the decisions being made. What are the repercussions. Housing developments are going up in rapid succession, farms are going under and wildlife is being displaced, but without enough schools, doctors and vets, fire and rescue, hospitals, water - we aren't yet prepared. We are already too many for the infrastructure and to add the burden of something that will ruin this place forever. This is not Jefferson County. Develop responsibly. Develop for the future, not for the moment. Quit pushing out farms and welcoming cheap housing and heavy industry. We are beauty, history, eco-tourism and agri-business. Look to that and develop to those strengths and resources. PLEASE.

--

Kathryn Bellacosa
kbella21@gmail.com
Charles Town 25414

Jessica Carroll

From: Lori Maloney <ladavias@gmail.com>
Sent: Thursday, May 27, 2021 3:19 PM
To: JCCInfo
Cc: Steve Stolipher; Tricia Jackson Commissioner; Caleb Hudson for JeffersonWV; commissioner.ath@gmail.com; Jane Tabb
Subject: zoning proposal Jefferson Orchards

Dear Commissioners:

I am writing to ask that you please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. I live just a few miles from the parcel in question and my 5 year old may eventually attend North Jefferson Elementary.

I have many reasons for opposing this amendment, including that this is an incredibly sinkhole prone area, but I believe the most important one is that the county planning staff and the Comprehensive Plan both advise against it. There are reasons this parcel is zoned rural, and we should not throw those reasons out simply because Jefferson Orchards now has an issue with a deed restriction that it signed onto four years ago. I think a lot about 'process', and it bothers me that professional opinion by the county's own staff could be disregarded, and that a land use change of this type could happen because ultimately it benefits a company like Rockwool, a company that was brought here in an underhanded way, violated state environmental regulations, and also was operating for months without a valid stormwater registration from the state. That does not tell the story of a great community partner. It's not even the story of a mediocre community partner. I know that Rockwool's zoning was the decision of Ranson, but the current parcel in question is in the county's hands.

What story will you tell?

I hope that the JCC can take a good look at this, see that a zoning change is not in line with the County Comprehensive Plan, and that furthermore it is against the best interest of the county to change to zoning to allow light industrial here, in such close proximity to current and future residences and on top of so many possible sinkholes.

Thank you for reading this email and I urge you to vote no on the rezoning.

Lori Maloney
Kelly Maloney
Kearneysville, WV

Jessica Carroll

From: Tracy Riordan <tdmriordan@gmail.com>
Sent: Wednesday, May 26, 2021 6:12 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson County Orchard.

As a homeowner who grows much of my own food, I am deeply concerned about the possible move away from the comprehensive county plans that looked after interests of people like me. After a doctor's orders to limit preservatives and pesticides, I moved to a place where I thought I could do that. As I have lived in places that were very economically healthy from tourist dollars, I saw that the Eastern Panhandle had all of those aspects as well as the agreement by those living here that it should continue. Over time, I have seen many of our dollars be distributed to the rest of the state, and our environment sold to support those choices. Seeing those areas that are in dire need because they depended on industry which destroyed much of their environment, only underscores how short sighted a choice increasing industry is. What this area offers is unique and in demand. Looking around the world at areas that grow their industrial footprint shows areas in the long term with illness and lack of community. We have an opportunity to develop this area into a destination for people to experience community, healthy living, and connection to our history. Agreeing to increase the already deeply unpopular and harmful decisions made to bring in industry, even light industry, is a decision that will quickly tarnish our area. Don't let the old ideas with harmful consequences be allowed to have a louder voice than it should in a new day and new economy.

--

Tracy Riordan
tdmriordan@gmail.com
Shepherdstown 25443

Jessica Carroll

From: George Miller <fourseasonsn@yahoo.com>
Sent: Wednesday, May 26, 2021 6:11 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

PLEASE vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and completed in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

As a native of Jefferson County, I appreciate our beautiful county and hope that YOU TOO can appreciate what we have here before it is too late. Play a powerful part in keeping our air and water as free from pollution as possible!

and Thank You!

--

George Miller
fourseasonsn@yahoo.com
Charles Town 25414

Jessica Carroll

From: Jane King <plane_jane_22@hotmail.com>
Sent: Wednesday, May 26, 2021 4:43 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Industrial development will negatively affect many of our local water ways that we rely on for tourism and drinking water. Changing the zoning will impact residents in a negative way (health, safety, etc). It's also not in line for our comprehensive plan which was designed to protect agricultural/wildlife areas. It would also be in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. This zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

--

Jane King
plane_jane_22@hotmail.com
Charles Town 25414-2529

Jessica Carroll

From: Leslie Williams <lesliewms1@gmail.com>
Sent: Monday, May 24, 2021 10:31 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

There are a million objective reasons why this project should not go forward. I would like to make a more personal plea. I imagine that you Commissioners profess to love this county. Many of you are developers, so perhaps you love it for its development potential. You are alone in that. People who live here love it because it is a clean, peaceful, beautiful place to live - the kind of place that is disappearing by the day. Once you approve this, you will destroy the things about this area that make it special - things we will never be able to get back once the bulldozers come.

Please be worthy of the faith citizens have put in you to protect their interests and the integrity and history of this County. Deny this zoning request.

--

Leslie Williams
lesliewms1@gmail.com
SHEPHERDSTOWN 25443

Jessica Carroll

From: Gale Seiler <galeslr@gmail.com>
Sent: Sunday, May 23, 2021 10:19 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. I moved to this area because I value the environment and its unique characteristics of the land. These assets would be jeopardized if you approve this zoning amendment. What is the point of zoning plans and regulations, if they can be so easily overturned to accommodate businesses, who do not have the county's best interest.

I have read a great deal about this issues and talked to many people about it. Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

Please vote "no" and save this area from destruction. Keep people moving here, not moving away. Please!

--

Gale Seiler
galeslr@gmail.com
Shepherdstown 25443

Jessica Carroll

From: L. Hardy Mason <hardymason@yahoo.com>
Sent: Sunday, May 23, 2021 7:27 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

I live adjacent to the Miller farm on the east side. I wake to the sound of owls, songbirds, woodpeckers, turkey, and a peregrine falcon. I live where I do because of its rural nature, restoring my ten acres of mostly woods, where I have trees that have become rare including American Elm and Red Elm. I've also found an understory tree that two professional arborists have been unable to identify, a species that may have never been identified.

A few yards from the property line in a corner of the Miller land is a healthy oak that may be 300 years old. I would love to buy a few acres to protect it, but Mr. Slonaker has not agreed.

This area is full of rock breaks and sinkholes, one of which I've been filling for 15 years to no avail. Surely there are enough building lots in the county already on land more suitable.

--

L. Hardy Mason
hardymason@yahoo.com
Shenandoah Junction 25442

Jessica Carroll

From: Gail KOHLHORST <kohlhorst@comcast.net>
Sent: Sunday, May 23, 2021 2:46 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Dear County Commissioners, I am writing to urge you to vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. I am personally upset by the failure of the Commission to listen to the citizens when changing current County ordinances and granting permits to companies. This amendment needs to be carefully considered with the particular characteristics of the land and neighboring properties in mind.

The Zoning Map Amendment is not in line with the objectives and policies of the Comprehensive Plan for Jefferson County. I don't even know why we spent thousands of dollars developing a Comprehensive Plan and then proceeded to ignore it completely! This proposed Amendment is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. . I understand that the County's Planning and Zoning Staff does not support this proposed zoning amendment. Again, I wonder why we even bother to have a Planning and Zoning staff if the Commission doesn't ever consider its advice

The characteristics of this portion of Jefferson County make the groundwater exceptionally sensitive to surface pollutants and is not suitable for industrial or other intensive development. The groundwater at the site is easily contaminated by surface activities which can be carried rapidly to nearby streams and waters. This land should be protected and remain zoned rural.

Please consider developing our county's equine industry and tourist attractions and bringing high speed internet to all parts of the county so white collar and high tech businesses can move here without negative environmental impact on our lovely County.

Thank you,

Gail and Allyn Kohlhorst
Harpers Ferry, WV

--

Gail KOHLHORST
kohlhorst@comcast.net
WV - Harpers Ferry 25425

Jessica Carroll

From: LINDA KATO <lindanicosiakato@gmail.com>
Sent: Sunday, May 23, 2021 2:17 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards. Please follow the advice of the Planning Commission and be consistent with the Future Land Use Guide, 2035 Plan.

I want to continue to have clean water and not fear possible pollution. Let us respect the geology of this area and the special needs it presents.

--

LINDA KATO
lindanicosiakato@gmail.com
Shepherdstown 25443

Jessica Carroll

From: AnnaMary Walsh <gawalsh@frontiernet.net>
Sent: Sunday, May 23, 2021 8:10 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I continue to be concerned with those who are making decisions about land planning in Jefferson County where I live, specifically the Jefferson Orchards area.

Jefferson County has karst topography which should be a red flag for many types of land use planning--especially with what Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development is proposing.

For years, West Virginia has been noted for its tourism as an economic plus. With the continued denigration in bringing in more industry, this diminishes the ability for Jefferson County to remain one of the highlights of the state in historical significance and our ability to maintain this high standard.

The hydrogeologic characteristics of this portion of Jefferson County make the groundwater sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at this specific area is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county. We all know the importance of clean water for the survival of all, including the water sources for agriculture, tourism, and all areas of life. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

Add to the above concern the following:

- This Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County.
- The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide.
- The Comprehensive Plan glaringly shows that protecting agricultural land and the rural nature of the county is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors.
- The proposed zoning change ignores cluster subdivisions by promoting the development of a corridor of intense development in the heart of the county. This violates a critical principle of the Comprehensive Plan.

While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental changes.

A noteworthy thought to remember is that, no matter how it's outlined, this area is not Ranson city proper--it's Kearneysville which has always been noted as agricultural in nature and development has needed to be handled in a professional manner, taking into consideration all areas in existent at this time, from farms to developments to an elementary school. . The actions of a small group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire county.

A vote of no to this Amendment File 21-2-Z is the right thing to do. Please consider my points.

--

AnnaMary Walsh
gawalsh@frontiernet.net
Shepherdstown 25443

Jessica Carroll

From: Aileen Curfman <acurfman@gmail.com>
Sent: Saturday, May 22, 2021 9:01 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

To the Jefferson County Commission:

I urge you vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

This rezoning would endanger the health of many residents. The area where the rezoning is proposed is unusually prone to groundwater contamination and resulting contamination of surface water. Zoning should protect our drinking water. What good are factory jobs if nobody wants to live here because the water is unsafe to drink?

Jefferson County's Comprehensive Plan clearly states the need to protect our agricultural land and the rural character of the county. This rezoning is not consistent with the Comprehensive Plan. Even the County's own Planning and Zoning staff does not support this proposed amendment.

The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. This development would put housing right next to factories and far from stores, medical offices, and other services. Not only would the amendment make the county an unappealing place to call home, this amendment is contrary to state law.

This is a poorly thought out plan. We already have a good plan in place. I urge you to vote AGAINST Rezoning Amendment 21-2-z.

--

Aileen Curfman
acurfman@gmail.com
Shepherdstown 25443

Jessica Carroll

From: Terry Tucker <terrytuckersunforest@gmail.com>
Sent: Saturday, May 22, 2021 4:05 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Dear members of the Jefferson County Commission,

I am opposed to the rezoning the land that constitutes the Jefferson Orchards. I am opposed to the industrialization of land in our county. Our county has some of the richest, most productive soil in the nation and I am appalled at the current lack of understanding and appreciation of this fact. Our county was once full of peach and apple orchards and small family farms. I realize that many people have found this little bit of heaven and have moved here, so many orchards and farms have turned into housing developments, but people didn't move here for industry, trust me.

Currently, we have pretty good air, soil and water quality here in Jefferson County. The introduction of Industry/manufacturing/factories will change that so quickly it will make your head spin, not to mention what it will do to your lungs, your skin, your internal organs.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

Thank you. Best Wishes,
Terry Tucker

--

Terry Tucker
terrytuckersunforest@gmail.com
Shepherdstown 25443

Jessica Carroll

From: Michael Janney <mwjanney@gmail.com>
Sent: Saturday, May 22, 2021 2:29 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

I live within a stone's throw of the Potomac. I exercise on the canal trail. Shepherdstown gets its water from the river. This zoning change has the potential to introduce pollution into my backyard via groundwater contamination.

We need to look toward our future as a suburb of the D.C. metro area, not a just another pitstop for industry on the already crowded I-81

--

Michael Janney
mwjanney@gmail.com
SHEPHERDSTOWN 25443

Jessica Carroll

From: Tina Pegues <tinapgs@gmail.com>
Sent: Saturday, May 22, 2021 11:44 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. This is not the type of development that the people of Jefferson County want in that area. For many reasons changing that area to light industrial would not be good for anyone.

Changing the zoning to allow for a few jobs to come into the county does not compensate for the damage that would occur to the environment effecting not only the wildlife but the health of the citizens living in this county regardless of how many regulations are put in place.

Again I urge you to vote No on this matter.

--

Tina Pegues
tinapgs@gmail.com
Charles Town 25414-5027

Jessica Carroll

From: Sheila Vertino <sheilavertino@yahoo.com>
Sent: Saturday, May 22, 2021 10:31 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. This change in zoning is inappropriate because of the environmentally sensitive nature of the land and because it does not align with the Comprehensive Plan, the local ordinance, and the state code.

Our property is on a well and we are very concerned about any additional building on this property which is riddled with sinkholes. One spill of a toxic substance could ruin our well water and greatly decrease the value of our home.

--

Sheila Vertino
sheilavertino@yahoo.com
Shepherdstown 25443

Jessica Carroll

From: Deborah Rochefort <ballata@comcast.net>
Sent: Friday, May 21, 2021 6:57 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. I can't stress this enough: please, please vote NO.

I feel like I am a broken record, but I will say it again -- there are serious environmental concerns here. We are all on karst -- therefore our water systems are all connected. Putting polluting businesses, especially heavy industry, on this land ****will**** end up contaminating all waters in the county. And, as a scientist, I do say 'will' instead of 'can', based clearly on the evidence that Jefferson Orchards' parcel already has a number of known sinkholes, and therefore the karst layer is particularly unstable there. Nothing, absolutely nothing, is worth the price of permanently damaging our land and water supply.

I will also mention that there are endangered cave species living underground in Jefferson County which would also be gravely threatened by contamination of aquifers - it is not just us, and the other above-ground creatures who are at risk.

So, in sum, protect us all - as is your job to do. Do NOT permit this irresponsible rezoning to occur. Thank you.

Sincerely, Dr. Deborah Rochefort

--

Deborah Rochefort
ballata@comcast.net
SHENANDOAH JUNCTION 25442

Jessica Carroll

From: Richard Freer <rffreer@discoverygroup.biz>
Sent: Wednesday, May 26, 2021 12:58 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Our family owns and operates a equine services farm on Warm Springs Road in Shenandoah Jct. For all the obvious reasons It is clear that heavy industry is inappropriate for this region, especially an industry which will be emitting massive amounts of toxins into the air and ground water. Details and analysis of legal and jurisdictional problems with this amendment as well as hard data have been presented to you so we will not restate the obvious.

For us personally, the concern is that our farm is extremely close to the site and, as do all in the region, relies exclusively on well water for persons and livestock. The results of mismanagement of that life sustaining resource will be devastating. Recall the results in Flint, MI!

So, your responsibility is to see to it that development of this land is carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county. Your friends and neighbors and, perhaps, family will be at risk otherwise. Protecting them is also your responsibility.

Therefore, we respectfully ask that you vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

Thank you.

Dick, Jo, and Karen Freer

--

Richard Freer
rffreer@discoverygroup.biz
Shenandoah Jct 25442

Jessica Carroll

From: Chris Craig <ccraig@laurellodge.com>
Sent: Wednesday, May 26, 2021 11:25 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

As a resident of Harpers Ferry involved in the tourism industry, I am concerned about the proposed change of zoning in the Jefferson Orchards area.

One, because the headwaters of Elk Run, which supplies water to Harpers Ferry/Bolivar lie within or near this area, I believe the karst formations that would allow water contaminants from development and industry to enter our watershed threaten our well-being downstream.

Two, this rural and open area is presently compatible with the heritage tourism so important to Jefferson County. And industrial and dense residential development will further Loudounize our county and detract from why people in and beyond our region want to come here. It also seems wildly out-of-place with the present comprehensive plan for the county.

I urge you to vote no on this change of zoning. Thank you for your consideration of my views.

--

Chris Craig
ccraig@laurellodge.com
Harpers Ferry 25425

Jessica Carroll

From: Tom CONANT <crowdawgie@gmail.com>
Sent: Tuesday, May 25, 2021 4:30 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

You must vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Doing otherwise would be a violation of the trust placed in you by Jefferson County voters, and will not conform to the Comprehensive Plan, the County Zoning Ordinance, or the State Zoning regulations. It is high time the JCC made reparations for the mistakes made with the Rockwool development.

We live on a small farm 1.5 miles from the subject parcel, and had to fight with the state when they wanted to claim our property under eminent domain for the Rte. 9 bypass some years ago. I'm now 65 and tired of fighting, but fight I will.

--

Tom CONANT
crowdawgie@gmail.com
Kearneysville+WV 25430

Jessica Carroll

From: Midge Flinn Yost <mflinnyost@aol.com>
Sent: Wednesday, May 26, 2021 8:12 AM
To: JCCInfo
Subject: Not sure if this comment went through

Dear JCC members:

No. It's a complete sentence. It's the action you should take. Why are you even considering this industrial/R land use when it's inconsistent with the comprehensive plan you're required to follow in your decision making? Why do you once again create a situation that monopolizes the time and energy of Jefferson County residents in defending our natural resources? We need clean water to live. This sinkhole land was zoned agricultural and rural because it's adjacent to the Harpers Ferry watershed where my community's clean drinking water comes from. Stop industrial spot zoning on sinkhole lands that were zoned agricultural and rural to protect our watershed. Stop creating situations like this that make us have to fight for our rights, that waste our family and work time with needing to petition you to protect our health, safety and right to peaceful living, that show a fundamental lack of sensitivity and understanding of the karst geology and ecosystem of Jefferson County. The natural resources of our county may be the most highly researched, studied, and documented in the nation. There's no excuse for ignorance at this point. It's all on you. Vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

Sincerely,
Marjorie Yost
Resident
Harpers Ferry, WV

Jessica Carroll

From: John Spears <jnsiii125@gmail.com>
Sent: Tuesday, May 25, 2021 5:25 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. I make this request based on 4 major considerations:

1. This Zoning Map Amendment conflicts with the West Virginia State Code on Zoning and Land Use, which directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic sites and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance.
2. The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. It is supremely unfair that Ranson should have such a disproportionate say in the future of the whole county.
3. The Karst physical characteristics of this portion of the County make the groundwater exceptionally liable to surface pollution and therefore ill-suited to industry. This land should be protected rather than used for industrial and other intensive development.
4. This Zoning Map Amendment does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas for the County.

This zoning change is not in accordance with the relevant laws, rules, and regulations and threatens to undermine the very reasons the County has flourished in the last 20 years. I believe firmly that a no vote is necessary to allow that growth to continue.

John Spears
Shepherdstown, WV

--
John Spears
jnsiii125@gmail.com
Shepherdstown WV

Jessica Carroll

From: Joanne Bario <joannebario@gmail.com>
Sent: Tuesday, May 25, 2021 2:38 PM
To: JCCInfo
Subject: Proposed rezoning of Jefferson Orchards

I have lived and worked in Jefferson County for nearly forty years. What brought me here was the beauty of the area, clean air and water. The county has already changed in many ways that have compromised our air and water. This karst landscape is not designed to support industrial usage. At a time when we are all concerned about the future of our planet, Jefferson County needs to support clean growth, not industry that fouls our air and water. If this zoning change is voted in, I will be forced to move out of my home. My lungs won't be able to function here.

Please vote no on this proposed zoning change.

Respectfully,

Joanne Bario, LLC

Jessica Carroll

From: Betsy Cardiel <ecardiel105@comcast.net>
Sent: Tuesday, May 25, 2021 3:29 PM
To: JCCInfo
Subject: Rezoning

Please do not rezone the area near Rockwool site to heavy industry. Are you trying to poison us all and destroy our county for future generations? This county is one of progressive growth & we industries that promote jobs, technology & improve the lives of the citizens of our county. Keep the area as light industrial/residential.

Concerned citizen, parent, & nurse,
Betsy Cardiel

Sent from my iPhone

Jessica Carroll

From: Pia Peltola <piakpeltola@gmail.com>
Sent: Tuesday, May 25, 2021 8:16 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

JCC,
As a Jefferson County resident, I ask that you vote NO on the proposed zoning map amendment, file 21-2-Z proposed by Jefferson Orchards, Inc.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents and the Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County.

This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

Sincerely,
Pia Peltola

--

Pia Peltola
piakpeltola@gmail.com
SHEPHERDSTOWN 25443

Jessica Carroll

From: Deborah Royalty <dar.royalty@gmail.com>
Sent: Tuesday, May 25, 2021 6:53 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Taken together, evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is dangerous for the health and welfare of Jefferson County citizens.

The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

Some of you are familiar with the many hours of citizen input, public comment, volunteer and professional time spent developing the 2035 Comprehensive Plan. This is the plan that a Patriotic, Democratically elected Republic of government officials and citizens developed to express the freedom of our Democratic Republic and direct our future. The Planning Commission has determined: "Staff finds that the request is not consistent with the Future Land Use Guide of the 2035 Plan because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary."

Do not commit treasonous actions by voting against the will of The People. Vote NO to the Amendment.

--
Deborah Royalty
dar.royalty@gmail.com
Charles Town 25414-4736

Jessica Carroll

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Wednesday, May 19, 2021 2:33 PM
To: JCCInfo
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: 05/19/2021 2:32 PM
Response #: 1964
Submitter ID: 5702
IP address: 69.140.52.84
Time to complete: 14 min. , 58 sec.

Survey Details

Page 1

1. Name

Alex Bain

2. Email

Alex.s.bain@frr.co

3. Questions or Concerns

Rezoning thr 400 acres behind my residence known as the Miller farm to light industrial will impact the value of my property. My well water among an already overused traffic count. We've had 2 fatal accidents in the front of the house in 480 in 5 years

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.

Jessica Carroll

From: Cheryl Pullen <ccpullen@verizon.net>
Sent: Tuesday, May 25, 2021 11:37 AM
To: Stephanie Grove; Sandra McDonald; Jessica Carroll
Subject: Please add this to the packet re: Zoning Map Amendment File 21-2-Z

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

Our very future is at stake. The Jefferson County Zoning and Land Development's section that means so much to me is the protection of our health, safety and welfare. As my husband and I were born and educated in West Virginia, living here prior to a military career, we are familiar with many areas of the state, past and present. We choose to Jefferson County for our return to the state. The zoning and development plans included no heavy industry, it is pleasant driving past agricultural areas, and it appeared to be a place offering a healthy environment for retirement with opportunities for my husband to fish, for historical places to show our guests, etc.. When we moved back here, there was no heavy industry in the county. Family and friends love to visit for the history and beauty of the area.

I remember county commission meetings with the map from the 2035 Plan prominently in sight showing so many areas designated for agriculture. I've learned that our county has the most land designated for agriculture in the state. From that plan: "Balance artisan, home occupation, and cottage industry rights with the maintenance of the character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods." Please keep that in mind.

Now it seems we want to destroy what makes our county so special.

We have a great obligation to take care of our water. Much of the area is underlaid with Karst. As you know, this treasure is very special and we must prioritize our care of it. What we do on the surface can all too quickly cause pollution not only for the 70% on public or private wells, but to our streams, to our sources of drinking water, and our little creeks from which cattle and horses may drink. In the case of Shepherdstown, the Town Run is the second source of water if the Potomac is contaminated. These waterways support our agriculture, our tourism, and our very lives.

The designation of the land needs to be kept as "rural." From the 2035 Plan: If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating "The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation".²³

First and foremost from the 2035 Comprehensive Plan: The purpose of this Ordinance is to:

A. Protect and encourage the health, safety, and general welfare of the present and future population of Jefferson County.

The County, or rather Ranson, has already created a pollution hazard in rezoning. One so large that the air pollution will equal all our current pollution added together. Some people have or are leaving because of Rockwool. Others would but cannot afford to do so. Why would one endanger what we, the richest county in the state, have here?

Our state code includes provisions for preserving historic and agricultural land and, like the 2035 county plan, includes the concerns of the safety and welfare of the people. Changing rural to dense population and light manufacturing works against that code.

Please do what is right for our county so that our grandchildren and beyond may who look back on this time and say thank goodness they followed the 2035 plan. They saved this previous county for us to enjoy. Let it not be, "My grandmother and grandfather told me about what it was like before all the development. I wish they had not destroyed what was such a special place--or Heaven forbid, I wish they had not destroyed the precious waters."

Please vote, no. Thank you.

Cheryl Pullen
Shepherdstown, WV 25443

Jessica Carroll

From: Stephen Ayraud <salias1@mac.com>
Sent: Monday, May 24, 2021 3:27 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. I agree with Planning Staff that finds: the request is not consistent with the Future Land Use Guide of the 2035 Plan because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary. Staff finds that the request is not consistent with the Future Land Use Guide of the 2035 Plan because it is designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary.

--

Stephen Ayraud
salias1@mac.com
Shepherdstown 25443

Jessica Carroll

From: nicola bastian <nicolashandy@aol.com>
Sent: Tuesday, May 25, 2021 9:12 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Today after Pentecost Holy Days, I implore the great unnamable spirit to inspire the Jefferson County Commission members to do the right thing in the interest of residents, old and new, and the visitors who come here to de-stress in nature from hectic life styles.

Great Spirit from above and of the earth, I pray, to illumine where there is greed, let there be a true feeling for need where there is narrow mindedness, let there be a clear vision into seven generations to come, where there is hatred, soften the hearts and let the love stream in, where there is prejudice, let there be a renewal of curiosity and a dedication to research, where there is decision making based on hear-say let there be consultation with people who are knowledgeable, have a sense of justice, value the democratic process, and value highly the welfare of all people, especially the children, present and future.

In the name of all that is holy

nicola bastian

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development

in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County's own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson's recent development, doesn't mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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nicola bastian
nicolashandy@aol.com
Millville 25432 WV USA 25432

Jessica Carroll

From: Howard Wachtel <wachtel@americn.edu>
Sent: Tuesday, May 25, 2021 9:48 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Jefferson County Commission

May 24, 2021

I am a resident of Jefferson County and am writing to oppose the proposed re-zoning of two parcels from Parcel 29 you are considering at your June 3, 2021 meeting.

I believe there should be a pause of sufficient time (approximately 5 years) before any further industrial development occurs in this area of Jefferson County until such time as there are definitive results from the environmental impact from Rockwool industrial activity. Such environmental impacts are not immediately apparent until such time as the accumulation of effluents potentially contaminate water and air and soil. Therefore, the five year moratorium is proposed,

Although the re-zoning is from rural to "light industrial" in the past this has become a subterfuge for something more than light industry. So the verbiage does not assuage my concerns that it could become, and probably would become, a cover for what proponents would label as light industry but would, nevertheless, impose potential further environmental degradation when added to Rockwool's.

It is time, I believe, for the JCC to step back from its pursuit of industry-polluting projects and assess what are the county's real assets that include natural beauty with a relatively (for now) unspoiled landscape; the people and the resources they bring to the county; its location. All this in order to fashion an appropriate development strategy that is compatible with the county's distinguished history.

Howard M. Wachtel
85 Hartzell Drive
Shepherdstown, WV 25443
202-281-4835

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be “cluster subdivisions” in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County’s own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson’s recent development, doesn’t mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson’s government), elected by less than 200 people, should not change the future of our entire County.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Howard Wachtel
wachtel@americn.edu
Shepherdstpwn 25443

Jessica Carroll

From: Rie Wilson <riewilson@me.com>
Sent: Monday, May 24, 2021 5:28 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I worked in the Shepherdstown Visitors Center for several years. I proudly could share how wonderful our area is for the environment and those of us who live here. Do you honestly want to devastate our home and reputation? I can't imagine that you do!

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Rie Wilson
riewilson@me.com
Shepherdstown 25443

Jessica Carroll

From: Jill Guempel <jill.guempel@gmail.com>
Sent: Monday, May 24, 2021 7:09 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I feel that bringing in Rockwool against the wishes of the majority of the county is a betrayal of our trust. Enlarging their footprint by the proposed zoning change (don't lie) is further betrayal.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson's recent development, doesn't mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire County.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Jill Guempel
jill.guempel@gmail.com
Charles Town 25414

Jessica Carroll

From: Kay Schultz <kay.nixschultz@gmail.com>
Sent: Monday, May 24, 2021 7:28 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I am writing in opposition to the proposed amendment to the Zoning map File 21-1-Z proposed by Jefferson Orchards.

I am a resident of Jefferson County where my two daughters and three grandchildren also live. The County has many assets, its beauty, natural resources and historic character, its rural landscape and agricultural heritage. Growing food for our population is and will become ever more important in the years ahead. Let's protect our rural and agricultural land. It is a feature of the area that attracts new residents. Already, the County zoning ordinance permits too large a number of uses on land that is zoned rural.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson’s government), elected by less than 200 people, should not change the future of our entire County.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Kay Schultz
kay.nixschultz@gmail.com
Shepherdstown 25443

Jessica Carroll

From: Christine Marshall <Balmertmarshall@icloud.com>
Sent: Tuesday, May 25, 2021 4:31 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Dear County Commissioners,

I sign this form letter in support of its content that addresses some of the major concerns with this proposed development and change in zoning. I would like to add a few questions:

How will Route 480 accommodate the new high density development? Will Route 480 be widened through to Shepherstown to address the additional vehicles? How many housing units and businesses are proposed? How many additional vehicles will this Jefferson Orchards development add to the roadway? Will this development and the extension of Northport Boulevard connect to the Proposed Novak Drive Connector Road? Has the route of the Novak Drive Connector been chosen and if so what is that plan? Please understand and disclose details to the public before approving zoning changes.

Will there be enough groundwater to accommodate the many new residents and businesses that are and will be serviced by groundwater (private wells, Jefferson and Charles Town Utilities water)? Will the County Commission direct a study to investigate the availability and abundance of drinking water? It is important in planning to know if drinking water sourced from groundwater will be available for the proposed growth; please conduct a study before approving additional high density development.

Is there adequate sewer availability? Hundreds of future houses have been approved to be serviced by the two Charles Town wastewater treatment plants. In 2018 both Charles Town and Tuscahill wastewater treatment plants were at 90% capacity with some issues due to infrastructure and stormwater, will Charles Town utility be able to service yet another large and high density development before expanding capacity?

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the

rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be “cluster subdivisions” in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County’s own Planning and Zoning Staff does not support this proposed zoning amendment.

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Christine Marshall

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Christine Marshall
Balmertmarshall@icloud.com
Shepherstown 25443

Jessica Carroll

From: michael bucci <bucci114@verizon.net>
Sent: Tuesday, May 25, 2021 6:39 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

These changes impact generations and cannot be undone.

Please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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michael bucci
bucci114@verizon.net
Gaithersburg 20877

Jessica Carroll

From: Leslie Randall <Irene.randall@gmail.com>
Sent: Wednesday, May 26, 2021 2:31 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

As someone who has recently moved out of Jefferson county West Virginia because of this kind of development, I encourage you to think about this decision and what it says to young people looking for a place to call home. This won't encourage people to stay or move to West Virginia. This kind of development only pushes people out. Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County's own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson's recent development, doesn't mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Leslie Randall
Irenee.randall@gmail.com
Loudon 03307

Jessica Carroll

From: Emily Chiappinelli <emily@groupmuse.com>
Sent: Wednesday, May 26, 2021 11:34 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Hi there,

I'm so gutted to hear about this proposal. This is the polar opposite of the action I wish our officials were considering. As a young person who moved from NYC to Jefferson County a few years ago, I was so excited to live in a place that relishes its natural environment and was willing to stymie extractive development for the benefit of preserving rural land. This additional zoning proposal is the kind of development that decreases the quality of our lives collectively in this county, and increases the risk to our ecosystems and health in the future. It is NOT what I want to see happen! And it is something that makes me want to leave this county and not settle down as I had intended.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

All best,

Emily

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Emily Chiappinelli
emily@groupmuse.com
Charles Town, WV 25414

Jessica Carroll

From: Karen Henry <henrykaren44@yahoo.com>
Sent: Wednesday, May 26, 2021 4:46 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I move back to West Virginia three years ago after having lived in Colorado for many years. The natural resources here in the eastern panhandle, like the incredible natural resources of Colorado, are an attraction for business, recreation, and a healthy economy. But it is all dependent on a healthy environment. Let's preserve a way of life here! Keep the farmland, keep the orchards, build on the tourism and keep our air and water safe and clean.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Karen Henry
henrykaren44@yahoo.com
Shepherdstown 25443

Jessica Carroll

From: Scott Sarich <scottsarich@yahoo.com>
Sent: Wednesday, May 26, 2021 5:18 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

When I moved my family here this is not what I envisioned. This is not an industrial region and the risk to our groundwater is too great.

Please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county’s groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson’s recent development, doesn’t mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson’s government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Scott Sarich
scottsarich@yahoo.com
Shepherdstown 25443

Jessica Carroll

From: Dr. Catherine Feaga <drfeaga@gmail.com>
Sent: Wednesday, May 26, 2021 5:45 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Dear Jefferson County Commission,

I write to you as a Jefferson County Family Physician. Each community that retains a physician benefits from \$1 million in downstream revenue per year (not directly a result of medical practice) through child care, food service, etc. Making decisions that will drive high earners and professionals from the county due to concerns of negative health impacts is a poor long term financial strategy. It is my expectation that the JCDA and JCC begin to expand their understanding of tax-base management to include supporting choices that encourage high earners to STAY within the county rather than leave it.

For this reason, I urge you to please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

Sincerely,
Dr. Catherine Feaga

--
Dr. Catherine Feaga
drfeaga@gmail.com
Shepherdstown 25443

Jessica Carroll

From: Jennifer Miller <pikemiller@msn.com>
Sent: Wednesday, May 26, 2021 6:05 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

As a long time Jefferson County resident who deeply appreciates the natural beauty of our area, PLEASE vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this area needs to be carefully considered and developed, or not, with appreciation for the unique characteristics of the area.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county’s groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson’s recent development, doesn’t mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson’s government), elected by less than 200 people, should not change the future of our entire County.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Jennifer Miller
pikemiller@msn.com
Charles Town 25414

Jessica Carroll

From: Myles Morse <mmorse2714@gmail.com>
Sent: Wednesday, May 26, 2021 6:02 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

How many times do we need to make the same mistakes with regard to the environmental sensitivities of the geology/hydrology of Jefferson County? You folks have been told many times about our karst terrain and how easily our groundwater is contaminated. Any increase in industrial zoning is a mistake in this county. Do not amend the zoning map for Jefferson Orchards. Do not expand our urban growth boundaries. Our remaining agricultural land is an important natural resource - do not continue to squander and destroy it.

If you have trouble remembering why Jefferson County hydrogeology is so environmentally sensitive - think about this add for Lakeland Cave from early last century -

<https://georgewashingtoncave.org/2018/11/26/geographics/>

Why is this relevant? Because the lake and caves under Charles Town and Ranson and most of Jefferson County are typical of our karst geology. It represents a highly sensitive easily polluted environment. Why is this no longer accessible to the public? It was closed because of pollution with petroleum products that leached into the groundwater from local businesses.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County's own Planning and Zoning Staff does not support this proposed zoning amendment.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Myles Morse
mmorse2714@gmail.com
Harpers Ferry, WV 25425

Jessica Carroll

From: Darlene Hassler <Sixwolves@aol.com>
Sent: Wednesday, May 26, 2021 7:48 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I agree with the foundations assessment of this rezoning. I live very close to this proposed development and I'm very concerned about the long term impacts. We need open space in order to keep Jefferson county a livable place. People visit this area in part because of the balance between rural and business. People move here also because of this balance. More development and more industry means less balance, and less enjoyment for the people who live, work and visit.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County's own Planning and Zoning Staff does not support this proposed zoning amendment.

The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson's recent development, doesn't mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small

group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire County.

Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Darlene Hassler
Sixwolves@aol.com
Shenandoah Junction 25442

Jessica Carroll

From: Ilsa Gregg <greggilsa@yahoo.com>
Sent: Monday, May 24, 2021 10:52 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Real estate is the most effective use of the land and the highest tax revenue. The housing market is on fire and demand cannot be met. Time and time again Jefferson county and the state of West Virginia and now Rockwool, influences for tax free industrial and polluting industry. Sucking the pure water from the ground, ruining views, air and sky. People visit Harper's Ferry from aroused the world, via trips to DC, want to move here, but there's no more farm land to buy to build a dream home, why? Because you sit around scheming with mooching corporate welfare seeking, polluting freeloaders. Take a look at Virginius island. Industry will never be successful here. It's cursed Nature will always wipe it clean One day a simple sink hole at Rockwool will have the government and EPA shut down all industry at this spot. You may not live to see it, but don't be the idiots who approved destruction of Harper's Ferry

vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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Ilsa Gregg
greggilsa@yahoo.com
Harpers Ferry 25425

Jessica Carroll

From: Marianne Alexander <marianne_alexander@yahoo.com>
Sent: Sunday, May 23, 2021 11:23 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

This proposal is a threat to the water quality and therefore the health of the citizens of Jefferson County. Please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county’s groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code

directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Marianne Alexander
marianne_alexander@yahoo.com
Shepherdstown 25443

Jessica Carroll

From: Ronald Garvin <rongarvin@aol.com>
Sent: Sunday, May 23, 2021 10:26 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

This is the second email that I am voting NO on the 21 2 Z proposal as I hit send prior to stating why I vote NO on the proposal. I retired to Shepherdstown last November after an extensive search in Pennsylvania, Delaware, Virginia, Maryland and North Carolina. I wanted a small university town with low traffic density, economic stability and low crime rate. I investigated 20 towns, including the comprehensive development plans of each. I chose Shepherdstown. I have purchased a home and have relocated my permanent residence here based upon the Jefferson County vision and my desired environment. To alter the County Comprehensive plan and for the other reasons noted below, I vote No. The proposed changes in the county could also alter the desirability of Jefferson County as a place to live.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Ronald Garvin
rongarvin@aol.com
Shepherdstown 25443

Jessica Carroll

From: Marie Tyler-McGraw <mtylermc@verizon.net>
Sent: Sunday, May 23, 2021 6:12 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

IF THE TIME FOR RESPONDING TO THIS WERE NOT SO SHORT, I WOULD WRITE A LONGER LETTER AND MORE PEOPLE WOULD RESPOND.
IT IS SO CLEAR THAT THIS HAS BEEN PART OF A PLAN TO INDUSTRIALIZE THAT ACREAGE FROM THE FIRST NEGOTIATIONS WITH ROCKWOOL.
PLEASE LISTEN TO THE PLANNING COMMISSION STAFF REPORT.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

--

Marie Tyler-McGraw
mtylermc@verizon.net
Shepherdstown 25443

Jessica Carroll

From: Angela Blair <Mark-angie@comcast.net>
Sent: Sunday, May 23, 2021 4:37 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I implore you to please vote “NO” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. These proposed zoning changes negatively affect Jefferson County by making us more about industry (and all its consequences) rather than a county that protects farm land, the environment, our drinking water and other natural resources. Preservation of the environment, public health and well-planned communities matters to people more than ever, and it has A LOT to do with where people choose to live and raise their families! I saw my hometown in Allegany County, MD changed in terribly negative ways when everything was zoned to allow all the prisons. It’s beyond sad how that area has gone downhill. Jefferson County is in a prime location with beautiful resources- let’s maximize these for the better rather than handing it over to industries. Consider the ramifications of these decisions over the long term.

For instance, the hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county’s groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Angela Blair
Mark-angie@comcast.net
Harpers Ferry 25425

Jessica Carroll

From: Diane Walker <icontradance@gmail.com>
Sent: Sunday, May 23, 2021 3:44 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county’s groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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The Comprehensive Plan does have five reasons for which the Zoning Map can be amended. However, the environmentally sensitive nature of this land and the resulting potential negative impacts on the health, safety, and welfare of the residents of Jefferson County and its economy mean that four out of five of these considerations are in opposition to this zoning change. And as to the fifth reason set forth by the Comprehensive Plan: While the neighboring municipality of Ranson has recently made zoning changes to land within its jurisdiction, this does not mean that Jefferson County needs to make the same environmental mistakes. Likewise, just because the landowner of the subject property accepted certain deed restrictions to accommodate Ranson’s recent development, doesn’t mean the county needs to accommodate those changes with rezoning. When critically evaluated, it is clear that these five considerations overwhelmingly weigh against this zoning change. And, remember that since the proposed Zoning Map Amendment concerns land that is actually relatively far from Ranson city proper, it is not Ranson residents that will bear the burden of the zoning change—it is the county land and residents that surround the land in question. The actions of a small group of people (Ranson’s government), elected by less than 200 people, should not change the future of our entire County.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

As a property owner in Shepherdstown, WV, this development would affect my decision on whether or not to relocate to this area, which was my planned retirement home.

Diane Walker
Homeowner
76 Shepherd Village Circle
Shepherdstown, WV

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Diane Walker
icontradance@gmail.com
Winchester 22601

Jessica Carroll

From: Paula Tremba <p.tremba@icloud.com>
Sent: Sunday, May 23, 2021 1:23 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

It breaks my heart again to hear that our beautiful county is once again threatened with industry, and our health and the health of our friends and neighbors is at stake.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County's own Planning and Zoning Staff does not support this proposed zoning amendment.

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Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Paula Tremba
p.tremba@icloud.com
Shepherdstown 25443

Jessica Carroll

From: Sherri Neilson <sherridn@aol.com>
Sent: Sunday, May 23, 2021 7:26 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc.

Bringing more industry like Rockwool to this county will ruin people's lives, impacting their health and forcing long-time residents to leave, destroying their finances as well.

Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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group of people (Ranson's government), elected by less than 200 people, should not change the future of our entire County.

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Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Sherri Neilson
sherridn@aol.com
Harpers Ferry 25425

Jessica Carroll

From: Shawn Dorsey <skdorsey@yahoo.com>
Sent: Saturday, May 22, 2021 10:57 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Rezoning to industrial in this instance is simply wrong for Jefferson County. I am asking the Commission to please vote No on 21-2-Z.

I moved to Jefferson County eight years ago with my family. We chose this area because of its relatively rural and uncrowded nature, as well as its natural beauty and welcoming and friendly population. Barely restrained growth has followed, and rapid development and unchecked sprawl are changing the nature of Jefferson County, and threatening the very things that make it such an appealing place to live.

Jefferson County does not need yet more industrial growth, and our residents overwhelmingly don't want it. We are surrounded by areas becoming rapidly overcrowded and over developed, and should not follow those examples.

Additionally, other parts of our state have seen the damage and environmental devastation that follows embracing industrial development as a means of economic growth. We have already begun down a slippery slope with Rockwool setting up shop here, and additional rezoning for industry as a cash grab for developers would further threaten so much of what makes Jefferson County great.

Additional reasons laid out in a far more articulate fashion are below, but please, it is up to this commission to protect the character, environment, and people of Jefferson County.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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Shawn Dorsey
skdorsey@yahoo.com
Shenandoah Junction 25442

Jessica Carroll

From: Sharon Wilt <Sw25442@aol.com>
Sent: Saturday, May 22, 2021 4:28 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

The NO VOTE IS VERY IMPORTANT TO MY FAMILY..

Please vote “no” on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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Sharon Wilt
Sw25442@aol.com
Kearneysville 25430

Jessica Carroll

From: Charlotte Fremaux <cmfremaux@gmail.com>
Sent: Saturday, May 22, 2021 3:54 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

If you haven't gotten the message already, Jefferson County residents who care about the environment, the intended plan for the area (the Comprehensive Plan), our wells and drinking water, and our farms and livestock do not want any more heavy industry here. In case you've missed it, the geological and hydrological studies have clearly shown that industrial development of karst topography is dangerous. In case you've not been paying attention to the real economical drivers of the area, they are NOT industry. Tourism, agriculture, historic preservation, and a rural way of life are what draw people here and what delivers more economic impact than industry. As someone who moved here for the lifestyle, clean air and access to outdoor recreation, and who contributes to the local and state economy, I don't see a future here for me if the JCC doesn't even listen to science and the raised voices of the residents and taxpayers.

Unlike Ranson, which, despite enormous public outcry, made a terrible deal with a multinational corporation that will pollute our air and water, forever change our view shed, and give pitifully little back to the local economy, you don't have to ignore the Comprehensive Plan and the voices of thousands of residents and the science that underlies our objections.

If you persist you with your plan you will be violating:

1. The environment, endangering our resources and public health.
2. The Comprehensive Plan which outlined development in proportion to the area, retaining our rural and historic character and agricultural economy.
3. The Jefferson County Zoning and Land Development Ordinance.
4. The West Virginia State Code on Zoning and Land Use.

I was hopeful that the JCC, having heard and clearly understanding all of the objections to Rockwool, would not be blinded by shiny objects. The fact that you are putting "industrial" and "residential" in the same sentence, much less the same zoning plan, is fatuous. No one is going to want to live there.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

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approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be “cluster subdivisions” in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County’s own Planning and Zoning Staff does not support this proposed zoning amendment.

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Charlotte Fremaux
cmfremaux@gmail.com
Harpers Ferry 25425

Jessica Carroll

From: Sarah Lannon <s.e.anderson24@gmail.com>
Sent: Saturday, May 22, 2021 3:39 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

Hello,

I am originally from Teays Valley and grew up in the Winfield high school system located on the Kanawha river. I'm sure I don't need to say much more. The area is heavily industrialized and polluted. I moved to Jefferson county because it does not have the heavy pollution I grew up with. It is incredibly frustrating to watch a potential Kanawha valley situation start here. I enjoy not having emergency drills for chemical clouds, little to no boil water notices, and no rotten egg smell. Please do not zone for any type of industry.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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Concerned Jefferson County resident,

Sarah Lannon

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Sarah Lannon
s.e.anderson24@gmail.com
Shepherdstown 25443

Jessica Carroll

From: Jennifer King <info@eversweetapiaries.com>
Sent: Saturday, May 22, 2021 11:13 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: ***BULK*** ***BULK*** Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I am Kearneysville native with deep ancestral roots here. Kearneysville residents have been threatened by Ranson's usurpation for decades. Kearneysville residents don't want sewer or water service... our wells & septic systems are fine!

Kearneysville is & wants to be a rural agricultural village... not a sacrifice zone for industry. We don't want this type of camel's nose under the tent/bait & switch development. The rezoning application left the door open for industry with its catch all sentence "It is possible that the development may consist of a single larger use, or it might be multiple smaller buildings similar to those found in the Burr/Bardane Park." No thank you!! Small industry can stay in the Burr/Bardane Industrial park... there's many empty lots & buildings. Large industry/manufacturing has no place in Kearneysville!!! Rockwool should have never happened here & all the citizens of Jefferson County were deceived!

No traffic studies have been completed & we get enough traffic already!

The citizens of Kearneysville do not approve of this inappropriate rezoning for the remaining Jefferson Orchards land.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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Finally, this Zoning Map Amendment does not support the purpose of the Jefferson County Zoning and Land Development Ordinance, and is in conflict with the West Virginia State Code on Zoning and Land Use. The state code directs that lessening congestion, promoting orderly development, ensuring attractiveness, preserving historic site and agricultural land, promoting the convenience, health, safety, comfort and welfare of residents must be considered when enacting a zoning ordinance. The County zoning ordinance echoes these requirements in its purpose and adds a strong concentration on conservation of natural resources and protection of the environment. This development will bring vastly different uses in close proximity reducing order and attractiveness. It will create a high-density residential area amid industrial and rural land uses with long distances to services and no clear safe or expedient access to high throughput transportation, increasing congestion and reducing convenience. For these reasons and those cited in the above paragraphs, critical consideration of these factors provide overwhelming evidence in opposition to this zoning change.

Taken together, the evidence demonstrates that this zoning change is not in accordance with the relevant laws, rules, and regulations and is not the right thing for Jefferson County.

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Jennifer King
info@eversweetapiaries.com
Kearneysville 25430

Jessica Carroll

From: Nieltje Gedney <ngedney@homedialyzorsunited.org>
Sent: Saturday, May 22, 2021 10:15 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I lived in the Eastern Panhandle since 1982. It has always been my "safe haven" - a place called home that always drew me back, no matter where in the world I roamed. No, with the advent of Rockwell, and health issues, I will be forced to leave my home, grandchildren and family because I can no longer breathe here! Having lived with debilitating lung issues for 30 years, I fear for the children going to schools in the areas surrounding Rockwool and any subsequent industrial development. Why? There was a wonderful mixed use development plan approved years ago that would have provided jobs, homes, and business within a planned community. Instead. We get toxic industry? Why?

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

The proposed zoning change would negatively impact the health, safety, and welfare of a large portion of Jefferson County residents. The hydrogeologic characteristics of this portion of Jefferson County make the groundwater exquisitely sensitive to surface pollutants and therefore ill-suited to industrial and other overly-intensive development. The groundwater at the site is easily contaminated by surface activities and this pollution is rapidly carried to large portions of the county's groundwater, multiple surface streams, the Opequon Creek, the Shenandoah River, and the Potomac River endangering drinking water for large portions of the county and the water sources the agriculture, tourism, and equine industries rely on. This land should be protected and remain zoned rural due to the environmental sensitivity of the land.

If that reason alone is not enough, this Zoning Map Amendment is not consistent with the objectives and policies of the Comprehensive Plan for Jefferson County. The land use that would be allowed, should the Zoning Map Amendment be approved, does not conform to the Future Land Use Guide, and it is outside the Urban Growth Boundaries and outside of the Preferred Growth Areas. It is very clear from the Comprehensive Plan that protecting agricultural land and the rural nature of the County is a priority. The Plan goes on to suggest that residential development in rural areas should be "cluster subdivisions" in order to protect existing agricultural land and wildlife corridors. The proposed zoning change flatly ignores this development approach, and instead promotes the development of a corridor of intense development in the heart of the County. This violates a critical principle of the Comprehensive Plan. Indeed, the County's own Planning and Zoning Staff does not support this proposed zoning amendment.

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Nieltje Gedney
ngedney@homedialyzorsunited.org
Kearneysville 25430

Jessica Carroll

From: Doris McGillick <mcgillickd@gmail.com>
Sent: Saturday, May 22, 2021 1:44 AM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson
Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

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Doris Mcgillick
mcgillickd@gmail.com
Shenandoah junction 25442

Jessica Carroll

From: David Glenn <chester4@comcast.net>
Sent: Friday, May 21, 2021 8:39 PM
To: Josh JJ Compton; Steve Stolipher; Caleb Hudson for JeffersonWV; Tricia Jackson Commissioner; Jane Tabb; JCCInfo; A200917438@gmail.com
Subject: Vote No on Zoning Map Amendment application 21-2-Z

Dear Commissioners:

I am opposed to this zoning change. Apart from the negative health, safety and commercial/tourism effects, this is an attempt by Rockwool to introduce other manufacturing plants so that the resulting pollution cannot be pinned on them, the sole point-source polluter.

Please vote "no" on the Zoning Map Amendment File 21-2-Z proposed by Jefferson Orchards, Inc. Development of this land needs to be carefully considered, and done in light of the unique characteristics of the land and the existing assets of the area of the county and the overall goals for the area of the county.

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David Glenn
chester4@comcast.net
shepherdstown 25443



The Culture Center
1900 Kanawha Blvd., E.
Charleston, WV 25305-0300

Randall Reid-Smith, Commissioner

Phone 304.558.0220 • www.wvculture.org
Fax 304.558.2779 • TDD 304.558.3562
EEO/AA Employer

May 7, 2021

Steve Stolipher
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Dear Commissioner Stolipher:

We are pleased to inform you that the following historic property was listed in the National Register of Historic Places on April 19, 2021:

Taylor's Meadow
161 McMurrin Farm Lane
Shepherdstown, Jefferson County, WV

This honorary designation identifies this cultural resource's significant contribution to the history of West Virginia. Congratulations on the honor.

If our office can ever be of assistance to you, please do not hesitate to contact us. We can be reached at 304.558.0240.

Sincerely,

Susan M. Pierce
Deputy State Historic Preservation Officer

SMP/ESV

From: David Tabb <sssi27@yahoo.com>
Sent: Thursday, May 20, 2021 1:58 PM
To: JCCInfo
Subject: Public Comment for Jefferson County Commission meeting May 20, 2021

Public Comment for Jefferson County Commission meeting May 20, 2021

I, David Tabb, a lifelong resident/taxpayer protests the Jefferson County Commission (JCC) hindering residents/taxpayers from the recorded public comment.

It is time to reopen the meetings to the public comment or stop making decisions that affect the resident/taxpayer of this county. Such as appointments, purchases, projects: new and old, permits, studies or any non-essential approvals and/or actions. *The Governor said it's okay to re-open!*

It appears the JCC and Jefferson County Administrator have yet release the FIOA of the 12 proposals/bids connected to the proposed Courthouse complex.

It appears the JCC has failed to sit properly, post notice, since May 2, 2019 and previously with the Jefferson County Circuit Court ignoring the August 2018 County Commission Meeting requirements of the same. If the JCC was not sitting properly, to approve the minutes, then the Commission was not proper to hold a meeting, hence Case # 21-0229, West Virginia Supreme Court, Respondent: Jefferson County Commission, Jefferson County Administrator and now to include Matthew Harvey, PA, Judge Hammer and Laura Storm, Circuit Clerk.

PUBLIC COMMENT:

With the JCC approving the State ATV Rule/Laws, I believe the JCC has opened themselves up to a wrongful death possibility. You may want to rethink this or publish it.

Jefferson County Emergency Ambulance Service

The JCC approved (May 6, 2021) for the staff to seek outside assistance/consultation to improve the ambulance service. The JCC just 3 weeks ago held a joint meeting with the volunteer fire companies, of which, the volunteer personal offered their expertise and guidance on how to make the ambulance service operate efficiently. The volunteers have been doing this for 70 years without any funding. Once again, the JCC is spending money on outside sources instead of funding the volunteer fire companies as required by law.

PRESENTATION #7 – # 2 – OVERVIEW SOLAR ENERGY REVISIONS

It appears there is new text added and/or changed to the proposed solar text amendment without any of the proposed changes listed within the agenda packet. So, how is one to review what the JCC is considering change without informing the public.

“The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The government’s order to “stay at home” deprived the public of notice and comments without reimbursement provisions. This is affecting every resident and business owner to be responsible for all loses, including the government.”

It is hard to be safe, with the current County Commission.

Have a nice day!