AGENDA

Wednesday, February 10, 2021

The Harrison County Courthouse will be opened with limited seating at the County Commission meeting due to the COVID – 19 requirements for social distancing. However, you may join and listen via Zoom Conference Call by the following steps. Public participation will be allowed during public comment period and/or scheduled appointments.

Join Zoom Meeting

****

https://us02web.zoom.us/j/7628160712

Dial: 1-888-788-0099 US Toll-free

Meeting ID: 762 816 0712

Passcode: 270967

Appointments:

10:00 A.M. --- Call To Order --- Invocation --- Pledge of Allegiance

10:00 A.M. --- Mendi Scott--- Funding Request --- Homes for Harrison

10:15 A.M. --- Marissa Rexroad --- United Way – Request for Sponsorship of Grant

10:30 A.M. --- Sherri Heavner --- Funding Request --- Harrison County Historical Society, Inc.

11:30 A.M. --- Board of Review and Equalization

NEW BUSINESS – Action Items for Consideration or Approval:

1. **Public Comment Period**
2. **Consent Agenda**
3. **Payroll Change Notices:**
   a. **Ivan George --- New Hire --- Part Time until Education Completed--- Tax Division --- Effective 02-10-2021 -Full Time May 2021**
4. **Exonerations --- Corrective Tickets --- Joint Property Application**
5. **Consolidations of Land --- Segregations of Land**
6. **Consideration of approval of a Project Fund Requisition for the payment of costs associated with the project to be financed from proceeds of the Series 2019 Bonds issued for the Charles Pointe Economic Opportunity Development District, Series 2015 A & B (Development District No. 3 White Oaks Project No. 2) & Series 2008 A (Charles Pointe Project No. 2 – North Land Bay Improvements)**
7. **Consideration of Approval of Project Fund Requisitions for the payment of costs associated with the General Services Administration Building Project to be financed from proceeds of the Series 2020 Bonds issued for the Harrison County Building Commission**
8. **Review – Discuss – Consider Resolution Authorizing the Acceptance of the FY 2021-22 Records Management and Preservation Grant Program Application; Adopting all Understandings and Assurances Contained in Said Application; Appointing the President of the Harrison County Commission to Administer Said Program; Committing Funds to the Project; Committing to Provide Installation and Support Services**

9. Review – Discuss – Consider Designating Commission Representative on the Benedum Airport Authority from Members Appointed by the Harrison County Commission
10. Review – Discuss – Consider Approval of Transfer of Leave per Approved Policy
11. Review – Discuss – Consider the Employment of a County Engineer
12. Review – Discuss – Consider Preliminary Timeframe for Vital Service Levy and Mass Transit Levy --- October 9, 2021
13. Review – Discuss - Consider Public Hearing Harrison County Subdivision & Land Development Ordinance --- 10:00 A.M. March 31, 2021
14. Review – Discuss – Consider Property Owned by the County and/or Related Agencies
15. Commissioner Comments – Questions

CONSENT AGENDA - (NOTE: Items May Require Discussion, Review and/or Action)

A. Minutes and/or Amended Minutes of Previous Meeting
B. Requisitions --- Purchase Orders --- Invoices
C. Weekly Fiduciary Report from the County Clerk
D. Monthly Fiduciary Commission Settlements
E. Monthly Minutes/Financial Information from Various Boards, Committees and Public Service Districts
F. Correspondence from Governor Justice approving our application for $75,000.00 for Community Development Block Grant CARES Act Funding Program for COVID-19 Emergency Assistance Project
G. Correspondence with Town of West Milford --- Fire Hydrants

TABELED ITEMS - - Items May Require Discussion and /or Approval

RECEIVED

JAN 27 2021

HARRISON COUNTY COMMISSION

2-10-2021

10:00 AM

HARRISON COUNTY COMMISSION
SPECIAL FUNDING REQUEST

Thank you for the opportunity to suport your project. Please complete this application an
the Harison County Commission, 301 West Main Street, Clarksburg, WV 26301 by fax
Facsimile: 304-624-8673; Email: wparker@harrisoncountywv.com ; Question: 304-
Funding is derived from the State of West Virginio/Video Lottery Funding.

Date of Request: January 25, 2021

Organization Name: Homes For Harrison

Name and Title of Requester: Mendi Scott- Executive Director

Mailing Address of Organization and Responsible Person:
PO Box 2022, Clarksburg, WV 26301- Mendi Scott
If approved, this is where the check will be sent

Telephone: (304) 266-6239 Fax: N/A E-mail: Mendi-HomesForHarrison@Outlook.com

FEIN# 55-0770579 Is your organization an IRS 501(c) 3 not-for-profit? (X) Y ( ) N
If yes, attach IRS Status Letter
If no, please explain:

TOTAL Cost of Project/Activity: $ 500.00

Dollar Amount REQUESTED - Grant: $ 500.00 Loan: $

Was project funded previously by HCC? Y ( ) N (X) If so, when _____; how much: $

Have you previously received funds from the Harrison County Commisson: Y (N)
If Yes, how much? If funded multi years - list by fiscal year?
When: _____; how much: $
When: _____; how much: $
When: _____; how much: $

Purpose of request (one sentence): Homeless services

If for a fair/festival/event, give dates and location: Date: Location:

Describe the proposed activities with dollar amounts to be funded by this request:
Homes For Harrison is fighting homelessness in Harrison Co, WV A $500 Donation can insure that at least one individual or family is assisted with getting into housing As we can assist them with A security deposit which is sometimes hard for those struggling with homelessness and or poverty. Even with A full time job many struggle to come up the upfront funds

Are your financial statements audited by an outside accounting firm? ( ) Y (X) N
If Yes, by whom:

Do you plan to recognize the Harrison County Commission 's contribution? (X) Y ( ) N
If Yes, how? Social Media & Also Exponent Telegram

0256539163
Dec. 13, 2018 LTR 4168C 0
55-0770579 000000 00
00030897

NORTH CENTRAL WEST VIRGINIA
COALITION FOR THE HOMELESS INC
% THE OPEN DOOR
PO BOX 2022
CLARKSBURG WV 26302

local time, Monday through Friday (Alaska and Hawaii follow Pacific time).

Thank you for your cooperation.

Sincerely yours,

Kim A. Billups, Operations Manager
Accounts Management Operations 1

IRS Department of the Treasury
Internal Revenue Service
Cincinnati Service Center
CINCINNATI OH 45999-0038

In reply refer to: 0256539163
Dec. 13, 2018 LTR 4168C 0
55-0770579 000000 00
00030896
BODC: TE

NORTH CENTRAL WEST VIRGINIA
COALITION FOR THE HOMELESS INC
% THE OPEN DOOR
PO BOX 2022
CLARKSBURG WV 26302

1608

Employer ID number: 55-0770579
Form 990 required: N

Dear Taxpayer:

We're responding to your request dated Dec. 06, 2018, about your tax-exempt status.

We issued you a determination letter in March 2003, recognizing you as tax-exempt under Internal Revenue Code (IRC) Section 501(c)(03).

We also show you're not a private foundation as defined under IRC Section 509(a) because you're described in IRC Sections 509(a)(1) and 170(b)(1)(A)(vi).

Donors can deduct contributions they make to you as provided in IRC Section 170. You're also qualified to receive tax deductible bequests, legacies, devises, transfers, or gifts under IRC Sections 2055, 2106, and 2522.

In the heading of this letter, we indicated whether you must file an annual information return. If you're required to file a return, you must file one of the following by the 15th day of the 5th month after the end of your annual accounting period:

- Form 990, Return of Organization Exempt From Income Tax
- Form 990EZ, Short Form Return of Organization Exempt From Income Tax
- Form 990-N, Electronic Notice (e-Postcard) for Tax-Exempt Organizations Not Required to File Form 990 or Form 990-EZ
- Form 990-PF, Return of Private Foundation or Section 4947(a)(1) Trust Treated as Private Foundation

According to IRC Section 6033(j), if you don't file a required annual information return or notice for 3 consecutive years, we'll revoke your tax-exempt status on the due date of the 3rd required return or notice.

You can get IRS forms or publications you need from our website at www.irs.gov/forms-pubs or by calling 800-TAX-FORM (800-829-3676).

If you have questions, call 877-829-5500 between 8 a.m. and 5 p.m.,

HOMES FOR HARRISON

2021 BOARD OF DIRECTORS

Stephanie Sumpter- President

Diane Young – Vice President

Rachel Toothman – Treasurer

DeeAnn Shaw – Secretary

Rhonda Lindsay

Rose Sterling

David Frame

Louise Martin

Misty Richardson

Katie Wolfe-Elbon

Kizzie Mcle

Noel Minnix

Contributors to Homes For Harrison

United Way - $37,500 to fund the Executive Director and Homeless services for 1 year.

We also received a $2500 grant from Your Community Foundation of West Virginia

Date 12/31/20 Page 1

NO CENTRAL WV COALITION FOR THE HOMELESS
DBA HOMES FOR HARRISON
PO BOX 2022
CLARKSBURG WV 26301

For questions about your Statement or Account,
please contact your local branch at: (304) 624-0181

Summary of Accounts

Account Number	Type of Account	Current Balance	Images
@XXXXXXXXXX@9522	SM BUSINESS INTEREST CHECKING	34,108.86	7

Checking Account

Account Title: NO CENTRAL WV COALITION FOR THE HOMELESS
DBA HOMES FOR HARRISON

SM BUSINESS INTEREST CHECKING		Number of Images	7
Account Number	@XXXXXXXXXX@9522	Statement Dates	12/01/20 thru 12/31/20
Previous Balance	32,311.85	Days in the statement period	31
1 Deposits/Credits	2,916.67	Average Ledger Balance	34,829.19
6 Checks/Debits	1,122.60	Average Collected Bal	34,741.56
Service Charge	.00	Interest Earned	2.94
Interest Paid	2.94	Annual Percentage Yield Earned	0.10%
Current Balance	34,108.86	2020 Interest Paid	32.87

Activity in Date Order

Date	Description	Check#	Amount	Balance
12/03	DEPOSIT		2,916.67	35,228.52
12/10	CHECK	2324	50.00-	35,178.52
12/16	CHECK	2333	100.00-	35,078.52
12/21	CHECK	2335	84.16-	34,994.36
12/23	CHECK	2336	141.44-	34,852.92
12/29	CHECK	2334	450.00-	34,402.92
12/31	Interest Deposit		2.94	34,405.86
12/31	CHECK	2338	297.00-	34,108.86

Summary by Check Number

Date	Check No	Amount	Date	Check No	Amount	Date	Check No	Amount
12/10	2324	50.00	12/29	2334	450.00	12/23	2336	141.44
12/16	2333*	100.00	12/21	2335	84.16	12/31	2338*	297.00

* Denotes missing check numbers

Summary of Deposits

Date	Amount	Date	Amount
12/03	2,916.67	12/31	2.94

Date 12/31/20 Page 2

NO CENTRAL WV COALITION FOR THE HOMELESS
DBA HOMES FOR HARRISON
PO BOX 2022
CLARKSBURG WV 26301

SM BUSINESS INTEREST CHECKING @XXXXXXXXXX@9522 (Continued)

Interest Rate Summary

Date	Rate
11/30	0.100000%

End of Statement

HOMES
FOR HARRISON COUNTY

Homes for Harrison County is a United Way non-profit organization whose mission is to end homelessness in Harrison County. Homes for Harrison County is supported by several local partners, agencies, and volunteers in Harrison County committed to ending homelessness in our communities.

Homes for Harrison helps to assist individuals and/or families that are literally homeless and those that are at risk of becoming homeless. However, funds are very limited, which is why we reach out to our local businesses and individuals to support this campaign of ending homelessness in Harrison County. These funds have helped many homeless families and individuals and we continue to strive towards being able to help those that are struggling with homelessness and to assist them in any way possible. Funds have also helped with getting chronically homeless families and individuals housed and become productive members of society. The stories of people who have turned their lives around make the program worthwhile because many of them now can take a shower, get a job, and be productive citizens. Many people experience improvements in quality of life, in the areas of health, mental health, substance use, and employment, as a result of achieving housing. Thank you in advance for your support. Your donation will make a difference in your community and can help keep a homeless family, individual or a veteran off the street.

If you have any questions please feel free to contact Mendi at Homes For Harrison at (304) 266-6239 or email at Mendi-HomesForHarrison@Outlook.com

United Way
United Way of Harrison County, Inc.

RECEIVED
JAN
HARRISON COUNTY
COMMISSION

HOMES
FOR HARRISON COUNTY

January 5, 2021

Harrison County Commission
301 W Main Street
Clarksburg, WV 26301

I, Mendi Scott am writing to you on behalf of West Virginia Coalition for the Homeless DBA Homes For Harrison. Homes For Harrison is a non profit agency that was formed with the compassion of community members and professionals desiring to work on resolving homelessness in our county.

Homes for Harrison helps to assist individuals and/or families that are literally homeless and those that are at risk of becoming homeless. However, funds are very limited, which is why we reach out to our local businesses and individuals to support this campaign of ending homelessness in Harrison County. We are requesting a $500 donation that will help a homeless family or individuals with rent and/or a security deposit as we continue to strive towards being able to help those that are struggling with homelessness and to assist them in any way possible. Funds have also helped with getting chronically homeless families and individuals housed and become productive members of society. The stories of people who have turned their lives around make the program worthwhile because many of

them now can take a shower, quality of life, in the areas of health, mental health, substance use, and employment, as a get a job, and be productive citizens. Many people experience improvements in result of achieving housing. Thank you in advance for your support. Your donation will make a difference in your community and can help keep a homeless family, individual or a veteran off the street.

If you have any questions regarding our organization, please feel free to email me at Mendi-HomesForHarrison@Outlook.com.

Thank you

Mendi Scott

Mendi Scott

Executive Director

Homes For Harrison

United Way

United Way
of Harrison County, Inc.

10:15 A.M.
Marissa Rexroad
United Way

In conjunction with the United Way of Harrison and Doddridge Counties, t
Commission is reviewing sponsorship of a Community Development Bloc
that will aid in the prevention of, preparation for, and response to the Coro
funding source for the CDBG-CV grant is the Coronavirus Aid, Relief, and
Security Act (CARES Act). In response to the Covid-19 Pandemic, the U.S
Housing and Urban Development (HUD) allocated the State of West Virgi
in CDBG-CV. Funding for any entity will be governed by the requirements
program. A public hearing will be conducted as a part of the weekly Harrison County Commission meeting on 2/17/21 to obtain the views and proposals of citizens regarding community and housing needs, including the needs of low and moderate-income persons. Reasonable special accommodations (i.e., TTDY for those hearing impaired, interpreters for bilingual citizens) can be requested, if necessary, to allow individuals to participate in the public hearing. The meeting will be held on Zoom, or can be attended in person at the Meeting Chambers on the 3rd floor of the Harrison County Courthouse on Wednesday, February 17th, 2021 at 10am. Join the Zoom meeting at:
https://us02web.zoom.us/j/7628160712

Meeting ID: **762 816 0712**
Passcode: **270967**
Phone Number: **1-888-788-0099 (US Toll-free)**

CONTACT: Marissa Rexroad, Housing and Communications Director, United Way of Harrison and Doddridge Counties
Email: mrexroad@uwhdc.onmicrosoft.com
Phone: 304-624-6337

William A."Willie" Parker

From: William A."Willie" Parker
Sent: Monday, February 01, 2021 4:57 PM
To: Marissa Rexroad
Cc: Brad Riffee; Jessica L. Sell; Gina Jones; Michelle Tonkin; David Hinkle; Patsy Trecost II; Susan Thomas
Subject: FW: Proposed CDBG-CV TImeline
Attachments: Harrison Tentative Timeline -2.pdf; CDBG-CV2.pdf; CDBG Ad #1.pdf

Good Afternoon
****

Marissa --- Time line looks Ok to me --- Let me give some specific times

1. **February 10, 2021 10:15 a.m. Request Sponsorship of Grant Application**
2. **February 17,2021 10:00 a.m. First Public Hearing --- Obtain Views and Proposals from Community Prior to Grant Preparation**
3. **March 03, 2021 10:15 a.m. Second Public Hearing --- Prior to Submission of Grant Application**
4. **March 10, 2021 10:00 a.m. Request Approval for Grant Submission**

Will you prepare the legal ad for the paper? If that is not correct, please advise.
Any questions let me know.

Thanks
William A. "Willie" Parker
Harrison County Administrator
Phone: (304) 624-8500
Cell: (304) 695-0535
Fax: (304) 624-8673
wparker@harrisoncountywv.gov

"Do not let what you cannot do interfere with what you can do" - John Wooden

This e-mail and any attachments may contain private, confidential and privileged material for the sole use of the intended recipient. Any review, copying, or distribution of this email (or any attachments hereto) by others is strictly prohibited. If you are not the intended recipient, please contact the sender immediately and delete the original and any copies of this e-mail and any attachments.

From: Marissa Rexroad [mailto:mrexroad@uwhdcwv.onmicrosoft.com]
Sent: Monday, February 01, 2021 2:34 PM
To: William A."Willie" Parker <wparker@harrisoncountywv.gov>

Cc: Brad Riffee <briffee@uwhdcwv.onmicrosoft.com>
Subject: Proposed CDBG-CV TImeline

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Willie,

Thank you again for your time today. I've attached a proposed timeline for the CDBG-CV2 application process to this email. Please have a look and let me know if this will work well for you all. I've also attached the application which outlines the process in detail, as well as the eligible activities for this round of funding. You will also find the legal ad that we used in the last round for reference. We would need to publish a similar ad on 2/5/21 in order to follow the timeline I've outlined in this email. If we cannot publish the ad until we get approval from the full commission on 2/10/21, we will just need to adjust the timeline a bit to meet the requirements outlined in the application. The ad would not explicitly state that the County will submit a CDBG-CV application, only that it will review the sponsorship of an application which may give us more flexibility.

Thank you,
Marissa

Marissa Rexroad
Housing and Communications Director
United Way of Harrison and Doddridge Counties, Inc.
445 W. Main Street, Suite 203, Clarksburg, WV
O: 304-624-6337
C: 304-677-2321

United Way
of Harrison County, Inc.

Harrison County CDBG-CV2 Proposed Timeline (Version 1)

- **2/5/21:** Publish a legal ad in the Exponent Telegram announcing the details of the CDBG application process to include the following: information regarding the required public hearings, amount of CDBG funds expected to be made available, range of activities that can be funded by CDBG, estimated amount of CDBG funds used for activities to meet the national objective, citizen participation process must identify each proposed project; project location, including target area boundaries, if any; proposed project activity; total project cost, grant amount requested, and if the project is likely to result in relocation and anti-displacement.
- **2/10/21:** Marissa to attend County Commission Meeting to seek sponsorship of a collaborative application between the United Way and Harrison County to include other nonprofit service providers throughout the County. Marissa to introduce the Citizen Participation Plan (CPP), give an overview of the available CDBG-CV2 funding and public hearing schedule.
- **2/17/21:** First Public Hearing to be conducted as a part of the weekly County Commission Meeting.
    - Public hearings must be held at times and places convenient for affected citizens, potential or actual beneficiaries, and including persons with disabilities. Public hearings must contain bilingual communications for non-English speaking residents when they will be affected by a proposal and reasonable advanced notification is given to the local government. The hearings can be held virtually.
    - Local governments shall conduct a minimum of two (2) public hearings to be conducted with regard to any CDBG application. One hearing shall be conducted prior to the preparation of the application to obtain the views and proposals of citizens regarding community and housing needs including the needs of low and moderate-income persons
- **2/17/21- 2/23/21:** First public comment period to be held.
- **3/3/21:** Second Public Hearing to be held as a part of the weekly County Commission Meeting.
    - The second public hearing shall be prior to submission of application to the State to obtain citizen input, comments or opinions with regard to such application) and with regard to program or project performance.
- **3/3/21-3/9/21:** Second public comment period to be held.
- **3/12/21**: Application to be submitted at noon by Marissa Rexroad via email

The State of West Virginia Community Development Block Grant Coronavirus Response (CDBG-CV) Application



West Virginia Development Office

There are three approaches for meeting the Low to Moderate Income qualifications:

1) ***Low to Moderate Income (LMI)***: an activity which provides benefits to a specific group of persons of which at least 51% of the beneficiaries of the activity qualify as LMI persons earning less than 80% of the area median income as defined located at HUD exchange for each county. To qualify, all individuals must establish, by means of financial information on *household size and income*, that *at least 51%* of the clientele are persons whose household income does not exceed the LMI limit.

2) ***Low to Moderate Income Limited Clientele (LMC):*** There are certain populations that HUD presumes to be low to moderate income. For programs serving these populations, income data does not need to be collected, but race and ethnicity do. Limited clientele populations include *abused children, elderly persons, battered spouses, homeless persons, severely disabled adults, illiterate adults, persons living with AIDS, and migrant farm workers.*

3) ***Low to Moderate Income Area Benefit (LMA)***: an activity *which is available to benefit all the residents of an area,* in which at least 51% of the households are low- to moderate-income, qualifying under HUD guidelines. HUD has identified neighborhoods eligible to receive funding based on income data provided by the census and American Community Survey.

Benefit to Low- to Moderate- Area-Wide (LMA) Benefit: Refer to 24 CFR 570.483(b)(1)(i) and HUD CPD Notice 14-10 and 19-02.

https://files.hudexchange.info/resources/documents/Notice-CPD-14-10-Transition-Policy-for-LMISD-Updates-during-FY-2014-CDBG-State.pdf

www.hudexchange.info/manage-a-program/acs-low-mod-summary-data-block-groups-places

APPLICATION INSTRUCTIONS

A. INTRODUCTION

In response to the Coronavirus Pandemic (COVID-19), the U.S. Department of Housing and Urban Development (HUD) allocated the State of West Virginia $11,872,752.00in CDBG-CV Statewide Cities and Counties.

This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed on March 27, 2020. A Notice of Program Rules, Waivers, and Alternative Requirements Under the CARES Act for Community Development Block Grant Program Coronavirus Response Grants, Fiscal Year 2019 and 2020 Community Development Block Grants and Other Formula Programs was published on August 7, 2020. Supplementary information and resources are available at https://www.hudexchange.info/programs/cdbg/disease/ and https://www.hudexchange.info/resource/6113/fr-6218-n-01-notice-of-program-rules-waivers-alt-requirements-under-cares-act-cdbg/. Additionally, the State of West Virginia amended FY2019 Annual Action Plan is available at https://wvcad.org/resources.

The State of West Virginia Department of Community Advancement and Development (WVCAD), a division of the West Virginia Development Office, is accepting applications from qualifying Units of General Local Government (UGLG) to help in the prevention of, preparation for, and response to the Coronavirus in communities throughout the State. All applications that meet a National Objective, Eligible Activity, **AND** prevent, prepare for, or respond to the Coronavirus will be reviewed. WVCAD is making funding available for applicants in the following categories:

- Public Facilities
- Public Services
- Planning

B. AVAILABLE FUNDING

CDBG-CV funds are available to qualifying public facility projects, public services and planning activities serving residents State-wide with at least 51% benefit to low- to moderate-income persons. Please note, only allowable costs beginning January 21, 2020 are eligible.

C. FEDERAL HUD REGULATIONS

1. **NATIONAL OBJECTIVES:** To be considered for CDBG-CV funding a program or project must Benefit Low- to Moderate-Income Persons:

   Benefit Low to Moderate Income (LMI) Persons

   To qualify for funding under the LMI category, the persons or households served must have income levels at or below 80% of the *area median income* (AMI). HUD requires stratified income data on beneficiaries. Applicants will need to report which category beneficiaries fall into below 80% of AMI, 50% of AMI or 30% of AMI. 2020 HUD Low to Moderate Income Guidelines for each county in the State of West Virginia can be found at the following location: https://www.huduser.gov/portal/datasets/il.html#2020

D. APPLICATION GUIDELINES

1. Application

Provide an eligible CDBG-CV project that serves low- to moderate-income residents in Cities and Counties in West Virginia. Please complete and submit the CDBG-CV Application, Budget Form, and attachments.

2. FUNDING REQUEST RESTRICTIONS:

a. Public Facilities projects have an award limit of $2,000,000
b. Public Service projects have an award limit of $500,000
c. Planning grants have no grant size limit

As outlined in the Notice of Program Rules, Waivers, and Alternative Requirements, Under the CARES Act for CDBG-CV Grants, FY2019 and 2020 CDBG Grants, and for Other Formula Programs, only allowable costs beginning from January 21, 2020 are eligible.

Please note, there are no match requirements for all projects.

3. SUBMISSION GUIDELINES

All applications must follow the formatting described below:

a. Submit separate electronic PDF applications (if electronic) for each project requesting funds;
b. Applications must be completed within the application requirements provided;
c. All sections and narrative questions must be answered completely;
d. Maps and attachments must be shrunk to fit onto an 8 ½ x 11" paper;
e. The check list provided must be completed and submitted with the application;
f. Required and supporting documents shall be labeled and placed in an appendix. Extraneous information will not be considered;
g. Required documents must be attached:
    - All documents identified on the Community Development Block Grant Coronavirus (CDBG-CV) Application Please note, the application checklist must also be submitted with application.
    - ***If collaborating with a Non-profit Organization:*** Applicant must provide verification of Non-profit's 501(c)3 status; agency organizational chart; most recent agency operating budget; most recent audit or **if not available,** the most recent 990 financial statement.
    - Project Timeline: describes when the program will occur with specific milestones and dates

2. **LIST OF ELIGIBLE CDBG-CV State-Wide ACTIVITIES**: In addition to meeting the Low- to Moderate-Income Benefit National Objective, project activities can only be used to prevent, prepare for, or respond to the Coronavirus. Eligible activities are listed below by category:

PUBLIC FACILITIES

- Construct a facility for testing, diagnosis, or treatment.
- Rehabilitate a community facility to establish an infectious disease treatment clinic.
- Construct or rehabilitate a group living facility that may be used to centralize patients undergoing treatment.
- Rehabilitate a commercial building to establish an infectious disease treatment clinic, (e.g., by replacing the HVAC system).
- Construct or renovate health care facilities to better respond to the Coronavirus.
- Construct or renovate senior, youth, childcare, and community centers to better respond to the Coronavirus.

PUBLIC SERVICES (projects must provide a new or increased level of a public service):

- Provide testing, diagnosis, or other services at a fixed or mobile location.
- Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.
- Support operations of food banks/pantries including staffing, supplies, utilities, maintenance, sanitary maintenance, and insurance.
- Support feeding programs to vulnerable populations such as seniors, children, and youth affected by the COVID-19 outbreak.
- Provide emergency payments (no more than six months) on behalf of individuals and families to prevent homelessness, including utility payments to prevent cutoff of service and rent/mortgage payments to prevent eviction.
- Homeless/AIDS Patients Programs for those affected by COVID-19.
- Senior Services for those affected by COVID-19.
- Services for Persons with Disabilities affected by COVID-19.
- Legal Services for those affected by COVID-19.
- Youth Services for those affected by COVID-19.
- Transportation Services for those affected by COVID-19.
- Substance Abuse Services for those affected by COVID-19.
- Services for victims of domestic violence affected by COVID-19.
- Employment Training for those affected by COVID-19.
- Crime Awareness/Prevention with a tie back to COVID-19.
- Fair Housing, Tenant/Landlord Counseling for those affected by COVID-19.
- Child Care Services for those affected by COVID-19.
- Services for Abused and Neglected Children affected by COVID-19.
- Mental Health Services for those affected by COVID-19.

COMMUNITY PLANNING

- Planning activities in conjunction with an activity or planning only as an activity.

3. LIST OF INELIGIBLE CDBG-CV ACTIVITIES

a. Any activity that is not directly related to the prevention of, preparation for, or response to the Coronavirus.

b. Income payments.

c. Supplanting or substituting expenses currently paid for by other sources.

d. Improvements to buildings for the general conduct of government.

e. General government expenses.

f. Political activities and lobbying.

g. Purchase of equipment, specifically for construction but also including fire protection equipment, furnishings, and personal properties.

h. Operating and maintenance expenses.

If submitting an application electronically, the full application with signatures must be saved as a single PDF and submitted via email to Ryan.J.Halsey@wv.gov no later than **5:00PM on Friday March 12, 2021**. You will receive a receipt of application confirmation email within 7 days of submission.

If submitting a paper application, the full application with signatures must be mailed to and received by the WVDO no later than **5:00PM on Friday March 12, 2021**. A receipt of application confirmation will be mailed within 7 days upon receipt of application. Please mail to the attention of Ryan Halsey at the address below:

Ryan Halsey
Community Advancement and Development
A Division of the West Virginia Development Office
1900 Kanawha Blvd. East
Building 3, Suite 700
Charleston, WV 25305

E. DEADLINES

1. **SUBMISSION DEADLINES** The complete version (electronic PDF or paper copy) of the application must arrive by **5:00 PM on Friday March 12, 2021.**

NO LATE APPLICATIONS OR SECTIONS OF THE APPLICATION WILL BE ACCEPTED.

F. REVIEW PROCESS AND SCORING

1. REVIEW PROCESS

West Virginia Community Advancement and Development (WVCAD) Office staff will review and score all applications based on the rating categories listed below.

2. SCORING CATEGORIES AND POINT DISTRIBUTION

Applications will be rated and ranked based on their responses to the following criteria:

a) **Project Description… ..... up to 10 points**
Project demonstrates detailed scope of work, professional current cost estimates, clearly defined milestones, quantifiable outcome measures, and a budget that does not supplant existing public/private funding.

b) **Highest benefit to low- to moderate-income persons ..... up to 15 points**
Highest benefit to LMI benefit is 51% or more, with a higher percentage eligible for more criteria points.

c) **Need for the project and CDBG-CV funds, tie back to the COVID-19 Pandemic..... up to 35 points**
Description of tie back to COVID-19 Pandemic; how need was determined; what, why and how the project prevents, prepares, and/or responds to COVID-19 Pandemic;

d) **Project management.....up to 10 points**
Applicant clearly and concisely demonstrates project management experience and financial and internal controls to receive full criteria points.

e) **Readiness to proceed..... up to 20 points**
Public Facility Projects – design complete, cost estimates reviewed by engineer or contractor, secured site control.

Public Service Projects – service location secured,

For all projects, Environmental Review Status. Please note: Applicants may receive more points in the Readiness to Proceed Scoring portion of the Scoring Criteria if the project proposes an expansion or improvement to owned property. **Under no circumstance should an applicant acquire a proposed site in hopes to achieve more points in the Readiness to Proceed Scoring Criteria.** The WVDO is unable to release funds for acquisition, construction, or rehabilitation activities until the proper level of Environmental Review is determined and approved.

The Grantee is responsible for the completion of the Environmental Review Record, as specified and required in regulations pursuant to 24 CFR Part 58. The Grantee must certify to the State that it has complied with all requirements and obligations as set forth by 24 CFR Part 58 prior to the obligation of any funds. These requirements prohibit the Grantee executing a "choice limiting action" prior to the completion of the environmental review. Choice-limiting actions include any activity that will result in a physical change such as property acquisition or demolition.

f) **Project budget..... up to 10 points**
Other funding sources committed, cost estimates, costs reasonable, budget free of errors.

TOTAL.....up to 100 points

3. Duplication of Benefits Calculation

The CARESAct provides that the Secretary shall ensure there are adequate procedures in place to prevent any DOB as required by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law155-254; 132 Stat. 3442). HUD is requiring that each Grantee have procedures to prevent the duplication of benefits when it provides financial assistance with CDBG-CV funds.

Federal disaster law prohibits the provision of federal assistance in excess of the need. Before paying a cost with federal disaster assistance, WVCAD must check to see that the assistance will not cause a duplication of benefits, meaning that the cost has not or will not be paid by another source. HUD grantees are required to prevent the duplication of benefits when carrying out HUD-funded programs to provide disaster assistance, including CDBG CARES Act funds.

4. Tie-back to COVID-19 Pandemic

Applicants must demonstrate, through the application process, the direct tie-back to the COVID-19 Pandemic. The need and/or direct impact from the pandemic must be clearly and concisely described and documented. CDBG-CV funding is only available for eligible activities that address the prevention of, preparation for, or response to the Coronavirus.

G. RESERVATION OF RIGHTS

The West Virginia Community Advancement and Development (WVCAD) Office reserves the right, at its sole discretion, to recommend all, a portion, or none of the available CDBG-CV funding, and may reject any and all proposals based on the quality and/or merits of the proposals, or when it is determined to be in the public interest to do so. Furthermore, the State may extend deadlines, timeframes and have subsequent Request for Proposal contingent on available CDBG CARES Act funding, as needed.

The WVCAD Office reserves the right to substantiate any applicant's qualifications, financial information, capability to perform, availability, and past CDBG performance if applicable.

The WVCAD Office reserves the right to waive any informalities in proposals, to accept any proposal or portion thereof, and, to reject any and all proposals, should it be in the best interest of the State to do so.

H. POST AWARD AND RECIPIENT CRITERIA

All awards are subject to the State's receipt of its CDBG-CV appropriation from the U.S. Department of Housing and Urban Development (HUD). All awards are subject to pre-contract negotiations with the recipient. Additionally, all recipients must follow procurement policies identified in FR-6218-N-01 and 2 CFR 200.

All procurement and construction contracting shall be executed in a manner that provides maximum open and free competition consistent with the procedures identified in the CDBG Policies and Procedures Manual, and in accordance with Chapter 5-22-1 of the West Virginia Code and Federal Regulations, 2 CFR 200. The local government is required to take affirmative steps to assure that Section 3 and Women and Minority-Owned Business Enterprises (WBE/MBE) are encouraged to bid. These steps must include direct solicitation of Section 3 and WBE/MBE contractors and businesses, proof of which must be included in the project file.

Written authorization from the WVDO is required prior to the expenditure of any funding associated with this project. The WVDO will provide template language for Requests for Proposals (RFP). **The RFP must contain the applicable HUD language and must be approved by the WVDO prior to release.**

The West Virginia Community Advancement and Development (WVCAD) Office is committed to monitoring the performance of grant recipients to ensure that all Federal funds are used appropriately and, in a manner, to maximize low- and moderate-income public benefit. Grant recipients are limited to Units of General Local Government (UGLG) and County Commissions. Monitoring each grant recipient ensures that the goals and objectives identified within the State's FY2019 amended Annual Action Plan. Copies of the monitoring reports are kept in the WVCAD Office.

Recipients that do not comply with the Post-Award and Sub-Recipient Criteria listed below will forfeit their award of CDBG-CV funds. The forfeited funds will be then returned to the CDBG-CV program for reallocation.

- Recipient shall not incur any costs or obligate any CDBG-CV funding until a release of funds is received from the U.S. Department of Housing and Urban Development by the State of West Virginia WVDO Office, a contract between The West Virginia Community Development Office and the recipient is executed, and an environmental review is complete.
- CDBG-CV Planning and Public Service Projects will have **ONE** year to complete their project from execution of the grant agreement with WVDO. A one-year extension can be requested for projects subject to WVCAD approval.
- CDBG-CV Public Facilities Projects will have **TWO** years to complete their project from execution of the grant agreement with WVDO. A one-year extension can be requested for projects subject to WVCAD
  approval.
- CDBG-CV recipients will be required to maintain accurate records documenting the prevention of, preparation for, response to the Coronavirus **AND** records documenting targeted populations and/or areas being served by the program or project.
- Recipients will be asked to provide a final summary reporting all accomplishments and outcomes to be provided to the State and the public. This includes a description of the impact or outcomes of the program or project. Final payment will not be issued until WVCAD receives the final summary report.

- Grantees are required to:
  - Collect and track data elements associated with the program/project requesting funding. These elements may include how the person/household was directly impacted by the coronavirus, number of persons/ households served, family size, race/ethnicity, income documentation, and residency documentation. Additional elements may be required, collected, and tracked depending upon the nature of the program.
  - Submit performance reports to Grantee on a quarterly basis. The reports are reviewed for accuracy, performance measures and compliance. In addition, on-site monitoring/auditing of agencies for ongoing compliance and eligibility is done by West Virginia Community Advancement and Development Office to ensure income guidelines and residency are being met and goals are being reached. A monitoring will be conducted by WVCAD at least once during the project duration.
- Payments: Requests for Payment must be submitted monthly, including all required invoices and documentation to substantiate costs, to the West Virginia Community Advancement and Development Office for approval and remittance. CDBG-CV funds are not paid to Grantees before costs are accrued. Grantees must be financially suited to cover initial costs in anticipation of reimbursement.

- Please note, costs incurred before the execution of the grant agreement with WVDO is subject to the CARES Act provisions that CDBG-CV funds may be used to cover or reimburse allowable costs of activities to prevent, prepare for, and respond to Coronavirus incurred by a State or locality. WVDO can pay costs in accordance with pre-agreement cost authority under 24 CFR 570.489(b) (States). Reimbursed costs must comply with all grant agreements and the CARES Act Federal Register.

COMMUNITY DEVELOPMENT BLOCK GRANT CORONAVIRUS RESPONSE (CDBG-CV) APPLICATION CHECKLIST

PLEASE SUBMIT EACH SECTION OF THE APPLICATION, INCLUDING THIS CHECKLIST:

- ☐ CDBG-CV Application Checklist
- ☐ Part 1-Application Summary
- ☐ Part 2-Project Eligibility, National Objective, and Low to moderate income benefit
- ☐ Part 3-Scope of Work
- ☐ Part 4-Project Implementation Schedule
- ☐ Part 5-Project Needs Analysis
- ☐ Part 6-Proposed Project Budget & Budget Justification Narrative

*Budget worksheet **MUST** match budget listed on the Application Summary page and narratives.*

- ☐ Part 7-Budget Narrative
- ☐ Part 8- Maturity and Project Readiness
- ☐ Part 9-Duplication of Benefits
- ☐ Part 10-Environmental Review

ATTACHMENTS

- ☐ **A. ACS/Census Beneficiary Analysis Source Documentation**
  (American FactFinder or Census Source Documentation)
- ☐ **B. HUD LMISD Source Documentation (Low-Mod Data)**
- ☐ **C. Fair Housing Plan**
- ☐ **D. Citizen Participation Plan**
- ☐ **E. Section 3 Plan**
  (Public Facilities Grant Applications Only)
  A sample Section 3 Plan is available at www.wvcad.org/resources.
- ☐ **F. Assurances Form**
- ☐ **G. Disclosure/Update Report**

☐ **H. Authorization and Certifications Form**

☐ **I. Resolution Authorizing Filing of the Application and SAM.gov Registration Page**

☐ **J. Copy of Most Recent Audit**

☐ **K. Other Funding Sources Commitment Letters**
(If applicable)

☐ **L. Signed and dated copy of Cost Estimates from Local Government Official, Architect or Engineer**

☐ **M. Clearly defined project area topographical, aerial, and driving maps**

☐ **N. Maps clearly reflecting the census area and data if the applying project is based on Census Tract information**
(Note: The census area must coincide with the project area)

☐ **O. CDBG-CV Budget and Duplication of Benefits Calculation Form**

ADDITIONAL DOCUMENTS REQUIRED IF COLLABORATING WITH A NON-PROFIT ORGANIZATION:

☐ **P. Verification of Partner Agency's 501(c)3 Status**

☐ **Q. Partner Agency Organizational Chart to show how the proposed program fits into the overall organization structure; include program staff or position**

☐ **R. Most Recent Independent Auditors Report and identified findings for Partner Agency or if an Audit is not available, the most recent 990 Financial Statement**

PART 1 - APPLICATION SUMMARY

A. Name of Lead City/Town/County w/address:

DUNS #:

FEIN #:

B. Name, Title, Email & Phone No. of Primary Contact Person:

C. Name, Title, Email & Phone No. of Grant Author (if different from above):

G. Total Project Cost: $

FUNDING SOURCES	AMOUNT	STATUS OF COMMITMENT
CDBG-CV Request		Requested
Local Cash		
Local In-Kind		
State		
Other:		
Other:		
Other:		
TOTAL ESTIMATED COST		

H. % CDBG-CV:

D. Project Name:

E. Project Location (City/County/Neighborhood):

F. Type of Project: (Check One)

☐ Planning

☐ Public Facilities

☐ Public Service

I. Brief Description of Project:

NOTE: If the City or County is applying for CDBG-CV funds to pass through to a non-profit organization, list the name, address, phone number and contact person for the non-profit organization on the following page.

CERTIFICATION of Mayor, Chair or Commission President: I hereby certify that, to the best of my knowledge and belief, the information in this application is true and correct, and that this application has been duly authorized by the governing body of the applicant.

Typed Name and Title Signature Date

If City/County is sponsoring an applicant, please provide the following details:

DEVELOPMENT/NON-PROFIT AGENCY (NON-PROFIT, HOUSING AUTHORITY, ETC.):	
Organization:	
Street/PO Box:	
Town/City/Zip Code:	
Chief Executive Officer:	
Phone Number:	
Grant Contact Person:	
Phone Number:	
e-mail address:	
DUNS #:	
FEIN #:	

AUDIT INFORMATION & FUNDING HISTORY	Grantee	Sub-Recipient
Does the City/County/Sub-Recipient expect to receive $750,000 or more in direct and indirect (i.e. through State agencies) in federal financial assistance during any fiscal year of the project period? **If so, the WVDO office requires a copy of the single audit for the year(s) of the project, if funded.**	☐YES ☐NO	☐YES ☐NO
Has the City/County/Sub-Recipient received federal assistance from CDBG before?	☐YES ☐NO	☐YES ☐NO
If YES, list the dates of the most recent project(s)		
If NO, has the City/County/Sub-Recipient received federal financial assistance from any source – directly or indirectly – in the current or most recent fiscal year?	☐YES ☐NO	☐YES ☐NO
If YES, list dates and sources below.		

FUNDING AGENCY	**DATE**

PART 2 - PROJECT ELIGIBILTY, NATIONAL OBJECTIVE AND LOW TO MODERATE BENEFIT

PROJECT ELIGIBILITY

Please check the type of project you are proposing from the activities listed below:

PUBLIC FACILITIES

☐ Construct a facility for testing, diagnosis, or treatment.

☐ Rehabilitate a community facility to establish an infectious disease treatment clinic.

☐ Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment.

☐ Rehabilitate a commercial building to establish an infectious disease treatment clinic, (e.g., by replacing the HVAC system).

☐ Acquire and rehabilitate (if needed) a motel building to expand capacity of hospitals isolation of patients during recovery.

PUBLIC SERVICES

☐ Provide testing, diagnosis, or other services at a fixed or mobile location

☐ Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.

☐ Support operations of food banks/pantries including staffing, supplies, utilities, maintenance, sanitary maintenance, and insurance.

☐ Support feeding programs to vulnerable populations such as seniors, children, and youth affected by the COVID-19 outbreak

☐ Provide emergency payments (no more than six months) on behalf of individuals and families to prevent homelessness, including utility payments to prevent cutoff of service and rent/mortgage payments to prevent eviction. Payments must be made to the provider, not the individual/families.

☐ Homeless/AIDS Patients Programs for those affected by COVID-19

☐ Senior Services for those affected by COVID-19

☐ Services for Persons with Disabilities affected by COVID-19

☐ Legal Services for those affected by COVID-19

☐ Youth Services for those affected by COVID-19

☐ Transportation Services for those affected by COVID-19

☐ Substance Abuse Services for those affected by COVID-19

- ☐ Services for victims of domestic violence affected by COVID-19
- ☐ Employment Training for those affected by COVID-19
- ☐ Crime Awareness/Prevention with a tie back to COVID-19
- ☐ Fair Housing, Tenant/Landlord Counseling for those affected by COVID-19
- ☐ Child Care Services for those affected by COVID-19
- ☐ Health Services for those affected by COVID-19
- ☐ Services for Abused and Neglected Children affected by COVID-19
- ☐ Mental Health Service for those affected by COVID-19

COMMUNITY PLANNING

- ☐ Planning activities in conjunction with an activity or planning only as an activity.

NATIONAL OBJECTIVE

All projects must meet the Benefit to Low and Moderate Income (LMI) Persons national objective.

1. BENEFIT TO LOW AND MODERATE INCOME (LMI) PERSONS

If selecting this National Objective, choose one of the following and provide the necessary supporting information:

(a) ☐ City/County-Wide Area (LMI-A)

(b) ☐ Limited Clientele (LMI-C)

(c) ☐ Site Specific (LMI-S)

(d) ☐ Low- To Moderate-Income Persons (LMI)*

*Please note, (d) Low- To Moderate-Income Persons (LMI) may only be used by applicants submitting a Public Service application that does not target a limited clientele. Public Service applications not targeting a limited clientele must serve 100% LMI households/persons.

If LMI-C, indicate the targeted "presumed LMI" category that will be served by the project:

☐ Children who are abused
☐ Spouses who are battered
☐ Adults who are severely disabled: Low income
☐ Persons who are homeless: Extremely low income
☐ Persons who are illiterate: Low income
☐ Persons with AIDS: Low income
☐ Persons who are migrant farm workers: Low income
☐ Persons who are elderly: Senior center – Mod income; not center-based – Low Income

Note: For ***Limited Clientele***, demographics and ethnicity information are required for all beneficiaries. ***Please provide an explanation how the beneficiaries will be counted.***

PROJECT BENEFICIARIES

Number of Beneficiaries and Data Sources:

	Persons	Households
1. Total number of individuals/households	☐	☐
2. Total number of LMI individuals/households*	☐	☐
3. Percentage of LMI beneficiaries (Divide line 2 by 1) %	☐	☐

***Please note, for *ALL* Public Services projects, all individuals/households must be LMI.**

The beneficiary figures were calculated or obtained:

a. From the **2018 American Communities Survey (ACS) or HUD LMISD**, cite Web link, Census Tract(s), and Block Group(s)

i. Web link: [ ] or HUD LMISD: [ ]

ii. Census Tract(s): [ ]

iii. Block Group(s): [ ]

b. Explain how the plan will benefit LMI persons.

[ ]

c. How do you propose to collect and document beneficiary data?

[ ]

PART 3 - SCOPE OF WORK (SoW)

Provide a clear, concise description of the proposed project identifying how the project will prevent, prepare for, and respond to coronavirus, including any milestones, reports, and deliverables (task and outcomes) expected to be provided. What are the project outcomes? How will outcomes be measured, collected, documented? Fully describe ***all activities*** for all parts of the proposed project; a description of the immediate and adjacent geographical areas; all effects the project will have on low to moderate income persons; all contemplated actions. Maps and photographs may be an attachment to the application, if applicable.

PART 4 - PROJECT IMPLEMENTATION SCHEDULE

Provide the timeline that indicates activities and estimated dates to complete the project in the recommended 12(Public Service) or 24 (Public Facilities) month timeframe. Please note, extensions are granted at the discretion of the WVCAD Office for Public Facility projects ONLY.

TASK	MONTH
PROJECT START UP:	
PROCUREMENT OF PROFESSIONAL ASSISTANCE (including professional engineers, architects, community development consultants, etc.)	
PROJECT IMPLEMENTATION (START OF CONSTRUCTION IF APPLICABLE):	
END OF CONSTRUCTION (IF APPLICABLE):	
PROJECT CLOSEOUT:	

PART 5 - PROJECT NEEDS ANALYSIS

1. What is the need of the project area and how was it determined?

2. How is it being addressed presently, if at all?

3. What is the proposed response to prevent, prepare for, and respond to coronavirus?

4. Why is the proposed project required to prevent, prepare for, and respond to coronavirus?

5. How does the proposed project activity prevent, prepare for, or respond to coronavirus?

6. How will the potential grantee know if the need has been met or the project has prevented, prepared for, and responded to coronavirus?

7. What documentation is being provided to substantiate a project Tie-Back to COVID-19 Pandemic?

PART 6 - PROPOSED PROJECT BUDGET & BUDGET JUSTIFICATION NARRATIVE

Please complete the following tables that summarize budget categories and funding sources for the proposed project. When entering Cost Category, be sure to only use CDBG-CV eligible expenses.

Project Title: **Date:**

Cost Category	CDBG-CV	Local		State	Other Federal	Other	Totals
		Cash	In Kind				
Total Costs							

NOTE: Public Facility construction, reconstruction, or rehabilitation over $2,000 labor costs are subject to Davis-Bacon wage rates. DB Wage Rates can be found at the following location: https://beta.sam.gov/

Additional Funding Details:

Type of Funding	Amount ($)	Sources of Funding	Secured? YES/NO	If not, when? (dd/mm/yyyy)
Local Cash				
Local in Kind				
State				
Other Federal				
Other				

NOTE: Please attach letters of commitment or letters of intent for sources of other funding.

PART 7 - BUDGET NARRATIVE

Provide a narrative explaining the budget and each line item/expense for the program. ***Describe exactly what and who the CDBG-CV and other funding will pay for in this proposed project.*** How were costs determined? What is the source of the cost estimate? Please ensure that budget amounts listed in the narrative match the summary and budget worksheet.

PART 8 - PROJECT READINESS

Provide details regarding the project applicant's readiness to implement the proposed project:

1. Status of prior work/preliminary planning.

2. Capacity within the jurisdiction/implementing agency to implement the project.

3. Is the proposed project part of a larger project? If so, please ensure this has been addressed in the Scope of Work.

4. Ownership information ***(Public Facility Projects Only)***
   a. Who currently holds title to the property involved?

   b. In whom will the title be vested upon completion of the project?

PART 9 - Duplication of Benefit (DOB)

The CARES Act provides that the Secretary shall ensure there are adequate procedures in place to prevent any DOB as required by section 312 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5155), as amended by section 1210 of the Disaster Recovery Reform Act of 2018 (division D of Public Law155-254; 132 Stat. 3442). HUD is requiring that each Grantee have procedures to prevent the duplication of benefits when it provides financial assistance with CDBG-CV funds.

WVCAD must check to see that the assistance will not cause a duplication of benefits, meaning that the cost has not or will not be paid by another source.

What is the cost the project?

Have you received any funds to date for your project? If yes, please list.

PART 10 - ENVIRONMENTAL REVIEW

1. What level of environmental review is required for the proposed project if known?

   ☐ Environmental Impact Statement (EIS)
   ☐ Environmental Assessment (EA)
   ☐ Categorically Excluded/ Does not convert to Exempt
   ☐ Categorically Excluded/Converts to Exempt
   ☐ Exempt
   ☐ Unknown

2. At what stage in the environmental review process is the project currently?

3. If other state or federal agencies are involved in this project and require an environmental review, provide the name and address of the agency and the name and phone number of the contact person at that agency.

5. Indicate whether the proposed project involves any of the following:

   ☐ Historic structure (designated or 50+ years old)

   ☐ Historic or prehistoric site

   ☐ Historic District

   ☐ YES ☐ NO

ATTACHMENTS

For the application to be accepted for review, label all attachments and list them in the Attachment Index, ensuring all references are correct. Do not include attachments unless they are needed to understand the project.

A. **ACS/Census Beneficiary Analysis Source Documentation (American FactFinder or Census Source Documentation)**
B. **HUD LMISD Source Documentation (Low-Mod Data)**
C. **Fair Housing Plan**
D. **Citizen Participation Plan**

(Must attach the newspaper advertisement of public notice of public hearings with an affidavit of the newspaper ad, minutes, documentation of any public comments received and response to each public comment received. and documentation of attendance-not verbal attendance (screen shot or virtual meeting software attendance report).

Pursuant to the Office of Community Planning Development Memorandum Availability of Waiver of Community Planning and Development (CPD) Grant Program and Consolidated Plan Requirements to Prevent the Spread of COVID-19 and Mitigate Economic Impacts Caused by COVID-19 signed 3-31-2020, the following waivers are applicable:

1. **Citizen Participation Reasonable Notice and Opportunity To Comment**
   The 14-day notice for public comments and hearings is waived as approved by CPD on 4-20-20. CDBG-CV, ESG-CV, HOPWA-CV funding and HOME program COVID-19 waivers will be subject to *a 7-day notice to the public related to the funding and any amendments. Public hearings may be held virtually. Additionally, the public comment period of 30 days has been reduced to 5 days. The 7 days' notice begins the day after the newspaper advertisement for the public hearing is published. The public hearing will be held on day 8. The 5 day public comment period will begin on day 8 (day of the publice hearing) and will continue through day 12.*

2. **Citizen Participation Requirements for Local Governments**
   Upon application for funding, local governments are required to submit a certification of a local Citizen Participation Plan (CPP). Local CPP ensure that the units of local government are meeting the requirements of title 24 of the code of federal regulations part 570.486.
   The local participation plans should include the following provisions at a minimum:

   - Local governments shall conduct a minimum of two (2) public hearings to be conducted with regard to any CDBG application. One hearing shall be conducted at the prior to the preparation of the application to obtain the views and proposals of citizens regarding community and housing needs including the needs of low and moderate-income persons and a second public hearing shall be prior to submission of application to the State to obtain citizen input, comments or opinions with regard to such application) and with regard to program or project performance.

   - Notices of public hearings to be conducted by the local government shall be published and posted within 7 days prior to the date of the hearings. Please note, all public hearing advertisements must show the Fair Housing Logo and include language that informs the public that reasonable special accommodations may be requested if necessary to participate in the public hearing.

- The following information must be made available: Amount of CDBG funds expected to be made available, range of activities that can be funded by CDBG, estimated amount of CDBG funds used for activities to meet the national objective, citizen participation process must identify each proposed project; project location, including target area boundaries, if any; proposed project activity; total project cost, grant amount requested, and if the project is likely to result in relocation and anti-displacement required by 570.488.

- Public hearings must be held at times and places convenient for affected citizens, potential or actual beneficiaries, and including persons with disabilities. Public hearings must contain bilingual communications for non-English speaking residents when they will be affected by a proposal and reasonable advanced notification is given to the local government. The hearings can be held virtually.

E. Section 3 Plan
A sample Section 3 Plan is available at www.wvcad.org/resources.

F. Assurances Form

G. Disclosure/Update Report

H. Authorization and Certifications Form

I. Resolution Authorizing Filing of the Application and SAM.gov Registration Page

J. Copy of Most Recent Audit

K. Other Funding Sources Commitment Letters
(If applicable)

L. Signed and dated copy of Cost Estimates from Local Government Official, Architect or Engineer

M. Clearly defined project area topographical, aerial, and driving maps

N. Maps clearly reflecting the census area and data if the applying project is based on Census Tract information. *(Note: The census area must coincide with the project area)*

O. CDBG-CV Application Budget and Duplication of Benefits Calculation Form

ADDITIONAL DOCUMENTS REQUIRED IF COLLABORATING WITH A NON-PROFIT ORGANIZATION:

A. Verification of Partner Agency's 501(c)3 Status

B. Partner Agency Organizational Chart
(To show how the proposed program fits into the overall organization structure; include program staff or position)

C. Most Recent Independent Auditors Report and identified findings for Partner Agency or if an Audit is not available, the most recent 990 Financial Statement

WVDO does business in accordance with the Fair Housing Act (The Civil Rights Act of 1968, as amended by the Fair Housing Amendments Act of 1988) with equal access to all persons regardless of race, color, national origin, religion, sex, familial status, or disability.

10:30 A.m
Feb. 10th

HARRISON COUNTY COMMISSION
SPECIAL FUNDING REQUEST

Thank you for the opportunity to suport your project. Please complete this application and retur
the Harison County Commission, 301 West Main Street, Clarksburg, WV 26301 by fax or emc
Facsimile: 304-624-8673; Email: wparker@harrisoncountywv.com ; Question: 304-624-8500
Funding is derived from the State of West Virginia/Video Lottery Funding.

Date of Request: 1/26/2020

Organization Name: Harrison County West Virginia Historical Society, Inc.

Name and Title of Requester: Sherri Heavner, Treasurer

Mailing Address of Organization and Responsible Person:

445 W. Main St., STE 150, Clarksburg, WV 26301
If approved, this is where the check will be sent

Telephone: 304-709-4902 Fax: _____ E-mail: hcwvhs@gmail.com

FEIN# 37-1663211 Is your organization an IRS 501(c) 3 not-for-profit? (•) Y ( ) N
If yes, attach IRS Status Letter
If no, please explain: _____

TOTAL Cost of Project/Activity: $ 51,976.14

Dollar Amount REQUESTED - Grant: $ 10,000 Loan: $ _____

Was project funded previously by HCC? Y (•) N ( ) If so, when 2020 ; how much: $ 6500

Have you previously received funds from the Harrison County Commisson: Y N
If Yes, how much? If funded multi years - list by fiscal year?
When: 2020 ; how much: $ 6500
When: 2019 ; how much: $ 8000
When: _____ ; how much: $ _____

Purpose of request (one sentence): ~~Funds to maintain and operate the Neff-Hardesty Archives~~

If for a fair/festival/event, give dates and location: Date: _____ Location: _____

Describe the proposed activities with dollar amounts to be funded by this request:
A projected estimate of 2021 expenses is $51,976.14. At present our funding has been reduced primarily due to constraints of the covid-19 ~~pandemic. The requested funds would cover the cost of archival supplies, shelving for storage, and cabinets. To operate a a bare minimum the cos~~ of rent and an Americorps member is necessary. Last year our funding was severely down. We were able to continue with the funds from the county, an SBA PPP loan and a grant from West Virginia Humanities.

Are your financial statements audited by an outside accounting firm? ( ) Y (•) N
If Yes, by whom: We use a tax preparer but have not had an outside audit.

Do you plan to recognize the Harrison County Commission 's contribution? (•) Y ( ) N
If Yes, how? Contributors are recognized on social media, member newsletters, webs

(Name of Applicant) Sherri Heavner agrees that in the event of any embezzlement, theft or misappropriation of funds or property of any kind or nature or in the event of any alleged embezzlement theft or misappropriation of funds or property of any kind or nature from (Name of Applicant) Sherri Heavner, the recipient of funding from the Harrison County Commission hereunder, that (Name of Applicant) Sherri Heavner shall immediately report said incident(s) to the proper police agency having jurisdiction over such matters and, further, shall immediately report said incident(s) along with a writing describing said incident(s) have been reported to the police agency having jurisdiction, to the Harrison County Commission. Further, that (Name of Applicant) Sherri Heavner agrees to fully cooperate with the police and the Prosecuting Attorney's Office toward the successful prosecution of such activity.

Please attach to this Request the following:

1. IRS Letter of Tax Exemption, if you have one
2. Current List of Board of Directors with addresses
3. List other contributors with dollar amounts to your project/event
4. Balance sheet and income statement for immediate prior year, or reason why no available
5. Any additional information about your organization

FINAL REPORT REQUIRED: If approved, you agree to submit within 15 days of the event or end of project the "Final Report for Special Funding Request", on page 3 of this application OR a detailed statement of revenues and expenditures.

On behalf of the Applicant, I certify that all required information in this request is attached and correct, that we agree to the above terms, and that a Final Report (on attached Final Report or by Internal Financial Report detailing substantially same information) will be submitted within 15 days of the end of the project/event.

Signature and Title of Applicant Sherri Heavner **Date** 2-4-2021

For Official Use:

This funding request is: APPROVED NOT APPROVED TABLED

Amount Approved: $_____ Paid Date: _____

With the following notations:

_____

_____

_____

Action taken at Harrison County Commission meeting on: _____

Name of Organization/Applicant _____

FINAL REPORT OF THE SPECIAL FUNDING REQUEST

AMOUNT RECEIVED FROM THE HARRISON COUNTY COMMISSION: $ _____

ITEMIZED EXPENSES FOR THE AMOUNT RECEIVED FROM THE HCC (ATTACH EXTRA SHEETS IF NECESSARY OR DETAILED STATEMENT OF REVENUED AND EXPENSES RELATED THERETO):

_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
TOTAL	$ _____

NAME OF PROJECT/EVENT: _____

TOTAL PROJECT/EVENT INCOME AND EXPENSES: (ATTACH EXTRA SHEETS IF NECESSARY OR A DETAILED STATEMENT OF REVENUES AND EXPENSES RELATED THERETO):

INCOME SOURCE:	_____	$ _____
	_____	$ _____
	_____	$ _____
	TOTAL	$ _____
EXPENSE ITEM:	_____	$ _____
	_____	$ _____
	_____	$ _____
	TOTAL	$ _____

LIST ALL CONTRIBUTORS TO THIS PROJECT/EVENT: (ATTACH EXTRA SHEETS IS NECESSARY)

_____	$ _____
_____	$ _____
_____	$ _____
_____	$ _____
TOTAL	$ _____

I CERTIFY THAT THE ABOVE INFORAMTION IS CORRECT

_____ _____

Applicant Date

(Revised 8/19/14)

Submit Form Print Form

Reset Form

HCWVHS 2021 Funding Request

	Quantity	Cost Per	Total
Commercial 6 level Shelving	10	89.98	899.8
Acid Free Folders	10	57	570
B-Flute Book Trays	20	7.59	151.8
Oversized File Folders (10 pk)	20	19.7	394
Newspaper File Folders (10 pk)	10	20.25	202.5
Deep Lid Texile Boxes	10	29.15	291.5
B-Flute Shallow Textile Box	10	48.55	485.5
File Cabinet 5 Drawer Letter	2	370	740
File Cabinet 5 Drawer legal	2	430	860
Rent			1200
Americorp			5500
Insurance			2337
Workman's Comp			343
Utilities			2430
Payroll			23517
Payroll Taxes			8724.04
Tax Consultant			550
Printing and Reproduction			350
Office Supplies			430
Building Maitenance/Projected			2000
otal			51976.14

INTERNAL REVENUE SERVICE
P. O. BOX 2508
CINCINNATI, OH 45201

DEPARTMENT OF THE TREASURY

Date:

HARRISON COUNTY WEST VIRGINIA
HISTORICAL SOCIETY INC
PO BOX 4695
BRIDGEPORT, WV 26330

Employer Identification Number:
37-1663211
DLN:
17053075319002
Contact Person:
FELICIA JOHNSON ID# 31287
Contact Telephone Number:
(877) 829-5500
Accounting Period Ending:
Decmber 31
Public Charity Status:
170(b)(1)(A)(vi)
Form 990 Required:
Yes
Effective Date of Exemption:
January 31, 201
Contribution Deductibility:
Yes
Addendum Applies:
No

Dear Applicant:

We are pleased to inform you that upon review of your application for tax exempt status we have determined that you are exempt from Federal income tax under section 501(c)(3) of the Internal Revenue Code. Contributions to you are deductible under section 170 of the Code. You are also qualified to receive tax deductible bequests, devises, transfers or gifts under section 2055, 2106 or 2522 of the Code. Because this letter could help resolve any questions regarding your exempt status, you should keep it in your permanent records.

Organizations exempt under section 501(c)(3) of the Code are further classified as either public charities or private foundations. We determined that you are a public charity under the Code section(s) listed in the heading of this letter.

Please see enclosed Publication 4221-PC, Compliance Guide for 501(c)(3) Public Charities, for some helpful information about your responsibilities as an exempt organization.

Sincerely,

Lois G. Lerner
Director, Exempt Organizations

Enclosure: Publication 4221-PC

Letter 947 (DO/CG)



Harrison County WV Historical Society
Board of Directors/Staff Contacts

Jim Crim, President
844 S. Chestnut Street
Clarksburg, WV 26301
304-669-7561
Jcrim834@aol.com

VACANT, Vice President

Lori Hostuttler, Secretary
115 Roosevelt Road
Clarksburg, WV 26301
304-626-5092
Lori.hostuttler@gmail.com

Sherri Heavner, Treasurer
1504 Berry Run Road
Flemington, WV 26347
304-739-2685 (Home)
304-677-9033 (Cell)
Srheavner@aol.com

Carol Schweiker, Board Member
709 Pennsylvania Avenue
Bridgeport, WV 26330
304-842-4336
carol@aagg.com

Crystal L. Wimer, Executive Director
101 Oak Mound Road
Clarksburg, WV 26301
304-813-8569 (Cell)
clwimer28@gmail.com

Laura Goff Davis, Board Member
P.O. Box 707
Clarksburg, WV 26302-0707
304-624-4535 (Home)
304-931-4233 (Cell)
Omfarm707@gmail.com

Ann Davis, Board Member
101 Rodney Street
Clarksburg, WV 26301
304-623-1461 (Home)
annbyrn@ma.rr.com

Victor Folio, Board Member
202 E. Main Street
Clarksburg, WV 26301
304-669-0688
vfolio@aol.com

Carmen Tyce, Board Member
209 Arbor Ct
Bridgeport, WV 26330
808-371-4771
Carmen.tyce@gmail.com

Ryan Kennedy, Board Member
140 West Main Street, Suite 300
Clarksburg, WV 26301
304-539-6465
kennedykompound@hotmail.com

Summary - Last year

1/1/2020 through 12/31/2020

Category	1/1/2020-12/31/2020
INCOME	
Consulting Income (Business)	30.00
Donation	21,143.51
Fundraiser	604.67
Grant	13,431.00
Interest	5.05
Loan	6,200.00
Membership	483.70
Royalties	338.26
West Virginia Humanities Grant	2,598.00
TOTAL INCOME	**44,834.19**
EXPENSES	
Uncategorized	31.31
Administrative	2,919.21
Association Fees	288.00
Building Maitenance	461.59
Security	0.00
TOTAL Building Maitenance	461.59
Education	34.00
Public Education	1,386.20
TOTAL Education	1,420.20
Event	12.48
Fire Fees	21.54
Grant Match	5,000.00
Insurance (Business)	2,335.00
Office Expenses (Business)	439.00
Payroll	24,477.66
Postage and Delivery (Business)	167.92
Printing and Reproduction (Business)	306.98
Reimbursement	-10.54
Rent	1,200.00
Tax	875.00
Taxes (Business)	8,916.02
Local Tax (Business)	78.32
TOTAL Taxes (Business)	8,994.34
Training	30.90
Utilities (Business)	
business Phone	32.41
Electric	984.34
Gas	1,073.41
Water	652.59
TOTAL Utilities (Business)	2,742.75
Workman's Compensation	343.00
Workshop	-200.00
TOTAL EXPENSES	**51,856.34**
OVERALL TOTAL	**-7,022.15**

PAYROLL CHANGE NOTICE

3-a.

DATE OF CHANGE	EMPLOYEE #	SOCIAL SECURITY NO
2/10/2021		

NAME	ADDRESS
Ivan George	

PHONE	CITY/STATE/ZIP	DEPARTMENT	SHIFT
		Tax Division	

THE CHANGE(S):

✓ All Applicable Boxes	FROM	TO
☐ DEPARTMENT		
☐ JOB		
☐ SHIFT		
☐ RATE		
☐ ADDRESS/PHONE		
☐ BENEFIT PLAN		
☐ OTHER _____		
☐ OTHER _____		

THE REASON FOR THE CHANGE(S):

- ■ HIRED
- ☐ RE-HIRED
- ☐ PROMOTION
- ☐ DEMOTION
- ☐ TRANSFER
- ☐ MERIT INCREASE
- ☐ WAGE SCALE CHANGE
- ☐ LEAVE OF ABSENCE FROM _____ (DATE) UNTIL _____ (DATE)
- ☐ PROBATIONARY PERIOD COMPLETED
- ☐ LENGTH OF SERVICE INCREASE
- ☐ RE-EVALUATION OF EXISTING JOB
- ☐ RESIGNATION
- ☐ RETIREMENT
- ☐ LAYOFF
- ☐ DISCHARGE

TYPE OF LEAVE _____

☐ OTHER (Explain) Effective 2/10/2021 Mr. George will be paid at an hourly rate, paygrade/step 4-1

AUTHORIZATION:

EMPLOYEE SIGNATURE	DATE
SUPERVISOR SIGNATURE Kate G. Martin, Sheriff	DATE 02/04/2021
HUMAN RESOURCES MANAGER	DATE 02-05-2021

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Toll Free 1-866-466-1438 or online www.amsterdamforms.com
Amsterdam

HARRISON COUNTY
SHERIFF AND TREASURER

ROBERT G. MATHENY

301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301
PHONE (304) 624-8550 FAX (304) 624-8734

February 4, 2021

Harrison County Commission
301 West Main St
Clarksburg, WV 26301

Dear Commissioners:

We have selected Ivan George to fill the vacant position of Tax Deputy in the Tax Division with a start date of Wednesday, February 10, 2021, pending the consent of the Harrison County Commission. Mr. George will be part-time status until he completes his education and then he will move to full time status in May 2021.

Sincerely,

Robert G. Matheny
Sheriff

EXONERATIONS

STATE OF WEST VIRGINIA **COUNTY OF HARRISON**

REAL PROPERTY

At a regular term of the County Commission of Harrison County, West Virginia, held at the Courthouse of said County, Commissioners

David Hinkle ***Susan Thomas*** ***Patsy Trecost II***

on the _____ day of February**, 2021,** issued the following order, which was made and entered, to-wit:

Upon application of ***M Copeland, Deputy*** for **MILLER RUBY J (LIFE ESTATE)** whose address is, %HARRISON COUNTY SHERIFF 301 W MAIN ST CLARKSBURG WV 26301, who proved to the satisfaction of the Commission that said property owner is aggrieved by an assessment of **200** on **MM #6927501 INT LEASED O&G (ANT/API #5445)**, Class 3/4 in **EAGLE OUTSIDE** District, Harrison County, West Virginia, should have been assessed at **0,** in and for the year **2020**, resulting in a difference in assessed value of **200.** The Commission therefore, orders that the said applicant be and is hereby exonerated from the said erroneous assessment and from the payment of the taxes so assessed in and for the year 2020, if the same has not been paid, and if it has been paid, that the Sheriff refund the same to them.

The commission certifies the following facts upon which it grants said relief:

The above mentioned is duplicated with account #6256623. Exonerate a value of 200 at a Class 3 rate of levy to correct the overcharge. CANCEL THIS TICKET & MARK IMPROPER

District **EAGLE OUTSIDE 9**
Account No. **6927501** ***TIF #***
Ticket No. **32511**
Tax Year **2020**

Amount Exonerated: ***4.60***

_____ _____

PRESENT: Prosecuting Attorney
(or)

APPROVED: President, County Commission

_____

PRESENT: Tax Commissioner

_____

ATTEST: County Clerk

ASSESSOR

ORDER ENTERED TO STATE AUDITOR

_____

EXONERATIONS

STATE OF WEST VIRGINIA **COUNTY OF HARRISON**

REAL PROPERTY

At a regular term of the County Commission of Harrison County, West Virginia, held at the Courthouse of said County, Commissioners

David Hinkle ***Susan Thomas*** ***Patsy Trecost II***

on the _____ day of February**, 2021,** issued the following order, which was made and entered, to-wit:

Upon application of ***A Bowen, Deputy*** for **MAYLE LINETTE S (LE) (MICHELLE L & BRIAN K MAYLES)** whose address is, 8249 MONTANA AVE STONEWOOD WV 26301-7858, who proved to the satisfaction of the Commission that said property owner is aggrieved by an assessment of **11,040** on **MAP 204/63 1 LOT 281 STONEWALL PARK**, Class 2 in **CLARK STONEWOOD** District, Harrison County, West Virginia, should have been assessed at **0,** in and for the year **2020**, resulting in a difference in assessed value of **11,040.** The Commission therefore, orders that the said applicant be and is hereby exonerated from the said erroneous assessment and from the payment of the taxes so assessed in and for the year 2020, if the same has not been paid, and if it has been paid, that the Sheriff refund the same to them.

The commission certifies the following facts upon which it grants said relief:

The Disability Exemption was errorneously removed from the above said property when in fact it is owner occupied & the exemption needs to be applied. Exonerate a value of 11040 at a Class 2 rate of levy to correct the overcharge. CANCEL THIS TICKET MARK IMPROPER

District **CLARK STONEWOOD 2** Amount Exonerated: ***168.70***
Account No. **6313713** ***TIF #***
Ticket No. **4018**
Tax Year **2020**

_____ _____

PRESENT: Prosecuting Attorney APPROVED: President, County Commission
(or)

_____

PRESENT: Tax Commissioner

_____

ATTEST: County Clerk

ASSESSOR ORDER ENTERED TO STATE AUDITOR

_____ _____

EXONERATIONS

STATE OF WEST VIRGINIA **COUNTY OF HARRISON**

REAL PROPERTY

At a regular term of the County Commission of Harrison County, West Virginia, held at the Courthouse of said County, Commissioners

David Hinkle ***Susan Thomas*** ***Patsy Trecost II***

on the _____ day of February**, 2021,** issued the following order, which was made and entered, to-wit:

Upon application of ***P Shiflet, Deputy*** for **ZIRKLE EVA A** whose address is, 919 EAST AVE SHINNSTON WV 26431-1254, who proved to the satisfaction of the Commission that said property owner is aggrieved by an assessment of **48,300** on **MAP 1005/173 1 LOT 60X120 SHINNSTON**, Class 3/4 in **CLAY SHINNSTON** District, Harrison County, West Virginia, should have been assessed at **24,150,** in and for the year **2020**, resulting in a difference in assessed value of **24,150.** The Commission therefore, orders that the said applicant be and is hereby exonerated from the said erroneous assessment and from the payment of the taxes so assessed in and for the year 2020, if the same has not been paid, and if it has been paid, that the Sheriff refund the same to them.

The commission certifies the following facts upon which it grants said relief:

The above mentioned property was erroneously changed to Class 4 when in fact it was owner occupied until January 2021, therefore Class 2 applies. Exonerate a value of 24150 at a Class 4 rate of levy to correct the overcharge.

District **CLAY SHINNSTON 6**
Account No. **6153770** ***TIF #***
Ticket No. **19003**
Tax Year **2020**

Amount Exonerated: ***738.12***

_____ _____

PRESENT: Prosecuting Attorney APPROVED: President, County Commission
(or)

_____

PRESENT: Tax Commissioner

_____

ATTEST: County Clerk

ASSESSOR

_____

ORDER ENTERED TO STATE AUDITOR

_____

EXONERATIONS

STATE OF WEST VIRGINIA **COUNTY OF HARRISON**

REAL PROPERTY

At a regular term of the County Commission of Harrison County, West Virginia, held at the Courthouse of said County, Commissioners

David Hinkle ***Susan Thomas*** ***Patsy Trecost II***

on the _____ day of February**, 2021,** issued the following order, which was made and entered, to-wit:

Upon application of ***P Shiflet, Deputy*** for **QUICKENS LOANS INC** whose address is, %HUD 2401 NW 23RD ST STE 1-D OKLAHOMA OK 73107, who proved to the satisfaction of the Commission that said property owner is aggrieved by an assessment of **51,540** on **MAP 1004/79 78 2 LOTS 136 137 FLEMING ADD INC PAR 78,** Class 3/4 in **CLAY SHINNSTON** District, Harrison County, West Virginia, should have been assessed at **25,770,** in and for the year **2020**, resulting in a difference in assessed value of **25,770.** The Commission therefore, orders that the said applicant be and is hereby exonerated from the said erroneous assessment and from the payment of the taxes so assessed in and for the year 2020, if the same has not been paid, and if it has been paid, that the Sheriff refund the same to them.

The commission certifies the following facts upon which it grants said relief:

The above mentioned property was erroneously assessed as Class 4. The previous owner was alive for 2019 tax year. Deceased for 2020 tax year which gets cl2/1yr as vacant & foreclosed. Exonerate a value of 25770 at a Class 4 rate of levy to correct the overcharge.

District **CLAY SHINNSTON 6** Amount Exonerated: ***787.64***
Account No. **6156571** ***TIF #***
Ticket No. **18516**
Tax Year **2020**

_____ _____
PRESENT: Prosecuting Attorney APPROVED: President, County Commission
(or)

_____
PRESENT: Tax Commissioner

_____
ATTEST: County Clerk

ASSESSOR

ORDER ENTERED TO STATE AUDITOR

_____

EXONERATIONS

STATE OF WEST VIRGINIA **COUNTY OF HARRISON**

REAL PROPERTY

At a regular term of the County Commission of Harrison County, West Virginia, held at the Courthouse of said County, Commissioners

David Hinkle ***Susan Thomas*** ***Patsy Trecost II***

on the _____ day of February**, 2021,** issued the following order, which was made and entered, to-wit:

Upon application of ***D Dorsey, Appraiser*** for **LENTZ TIMOTHY L & JOLYN M** whose address is, 10229 WALLACE PIKE WALLACE WV 26448-8809, who proved to the satisfaction of the Commission that said property owner is aggrieved by an assessment of **99,940** on **MAP 123/38.1 50 AC MIDDLE RUN**, Class 2 in **SARDIS** District, Harrison County, West Virginia, should have been assessed at **96,740,** in and for the year **2020**, resulting in a difference in assessed value of **3,200.** The Commission therefore, orders that the said applicant be and is hereby exonerated from the said erroneous assessment and from the payment of the taxes so assessed in and for the year 2020, if the same has not been paid, and if it has been paid, that the Sheriff refund the same to them.

The commission certifies the following facts upon which it grants said relief:

The above mentioned property was erroneously assessed with a garage when in fact it was removed per appraiser. Exonerate a value of 3200 at a Class 2 rate of levy to correct the overcharge.

District **SARDIS 14** Amount Exonerated: ***36.90***
Account No. **6122411** ***TIF #***
Ticket No. **46050**
Tax Year **2020**

_____ _____
PRESENT: Prosecuting Attorney APPROVED: President, County Commission
(or)

_____
PRESENT: Tax Commissioner

_____
ATTEST: County Clerk

ASSESSOR

_____

ORDER ENTERED TO STATE AUDITOR

_____

CORRECTIVE TICKET

STATE OF WEST VIRGINIA **COUNTY OF HARRISON**

REAL PROPERTY

At a regular term of the County Commission of Harrison County, West Virginia, held at the Courthouse of said County, Commissioners

David Hinkle ***Susan Thomas*** ***Patsy Trecost II***

on the _____ day of **February, 2021,** issued the following order, which was made and entered, to-wit

Upon application of ***P Shiflet, Deputy*** for **QUICKENS LOANS INC** whose address is, 635 WOODWARD AVE DETROIT MI 48226-3408, who proved to the satisfaction of the Commission that said property owner is aggrieved by an erroneous assessment of **8,760** on **MAP 1004/26 1 LOT 138 FLEMING ADD** Class **2** in **CLAY SHINNSTON** District, Harrison County, West Virginia, of which should be assessed at **8,760** in and for the year **2020.** The Commission therefore, orders that the said applicant be and is hereby exonerated from the said erroneous assessment and from the payment of the taxes so assessed, and that a corrected assessment and the payment of the correct taxes so assessed in and for the year 2020, as described below, be so ordered.

-

The commission certifies the following facts:
The above mentioned property had ownership change that was erroneously missed in DB1639/988. CORRECT NAME FROM PRITCHARD TO QUICKEN LOANS

District	6 CLAY SHINNSTON	Amount Exonerated:	**133.86**
Account No.	**6156580** ***TIF #***	Corrective Ticket Amount:	**133.86**
Ticket No.	18507	NEW Ticket No.	_____
Tax Year	**2020**		

_____ _____

PRESENT: Prosecuting Attorney APPROVED: President, County Commission
(or)

_____

PRESENT: Tax Commissioner

_____

ATTEST: County Clerk

ASSESSOR ORDER ENTERED TO STATE AUDITOR

_____ _____

CORRECTIVE TICKET

STATE OF WEST VIRGINIA **COUNTY OF HARRISON**

REAL PROPERTY

At a regular term of the County Commission of Harrison County, West Virginia, held at the Courthouse of said County, Commissioners

David Hinkle ***Susan Thomas*** ***Patsy Trecost II***

on the _____ day of **February, 2021,** issued the following order, which was made and entered, to-wit

Upon application of ***P Shiflet, Deputy*** for **QUICKENS LOANS INC** whose address is, 635 WOODWARD AVE DETROIT MI 48226-3408, who proved to the satisfaction of the Commission that said property owner is aggrieved by an erroneous assessment of **7,260** on **MAP 1004/80 1 LOT 135 FLEMING ADD** Class **2** in **CLAY SHINNSTON** District, Harrison County, West Virginia, of which should be assessed at **7,260** in and for the year **2020.** The Commission therefore, orders that the said applicant be and is hereby exonerated from the said erroneous assessment and from the payment of the taxes so assessed, and that a corrected assessment and the payment of the correct taxes so assessed in and for the year 2020, as described below, be so ordered.

-

The commission certifies the following facts:

The above mentioned property had ownership change that was erroneously missed in DB1639/988. CORRECT NAME FROM PRITCHARD TO QUICKEN LOANS

District	6 CLAY SHINNSTON	Amount Exonerated:	**110.94**
Account No.	**6156562** ***TIF #***	Corrective Ticket Amount:	**110.94**
Ticket No.	18508	NEW Ticket No.	_____
Tax Year	**2020**		

_____ _____

PRESENT: Prosecuting Attorney APPROVED: President, County Commission

(or)

_____

PRESENT: Tax Commissioner

_____

ATTEST: County Clerk

ASSESSOR ORDER ENTERED TO STATE AUDITOR

_____ _____

6

REQUISITION FOR PAYMENT FROM
SERIES 2019 A EXCISE TAX BONDS PROJECT FUND

$36,500,000
The County Commission of Harrison County
Special District Excise Tax Revenue and Improvement Bonds,
Series 2019 A
(Charles Pointe Economic Opportunity Development District)

REQUISITION FOR PAYMENT NO. 19

The County Commission of Harrison County, a public corporation and governing body of Harrison County, a political subdivision of the State of West Virginia (the "Issuer") the Charles Pointe Economic Opportunity Development District Board (the "District Board") and Genesis Partners, Limited Partnership, a West Virginia limited partnership (the "Developer") by their duly Authorized Officers, hereby certify, in connection with this Requisition for Payment from Series 2019 A Excise Tax Bonds Project Fund (the "Requisition") under an Indenture of Trust for the above captioned Bonds (the "Series 2019 A Excise Tax Bonds"), dated as of August 16, 2019 (the "Indenture") between the Issuer and Wilmington Trust, N.A., as trustee thereunder (the "Trustee") and a Development Agreement, dated as of August 16, 2019, by and among the Issuer, the District Board, the Developer and Charles Pointe Crossing, LLC (the "Site Developer") (the "Development Agreement"), that:

1. Terms used herein and not otherwise defined hercin shall have the meanings given such terms in the Indenture and in the Development Agreement.

2. This Requisition requests payment of costs of the Charles Pointe Crossing Project which are now due and owing and have not been theretofore paid and/or reimbursed from the proceeds of the Series 2019 A Excise Tax Bonds and are otherwise an allowable expenditure under the EODD Act, the Project Plan, the Indenture and the Development Agreement.

3. The parties to this Requisition are not aware that any Event of Default has occurred pursuant to Section 9.01 of the Indenture or any termination event has occurred pursuant to Section 9.02 of the Development Agreement.

4. The amount requested to be disbursed pursuant to this Requisition is authorized under Section 4.03 of the Indenture.

5. The total amount requested to be disbursed pursuant to this Requisition is $608,310.63. As set forth in **Schedule I** attached hereto, of the total amount of such disbursement:

(a) $0.00 is to be paid to the District Board, the Developer or the Site Developer as reimbursement to the District Board, the Developer or the Site Developer for an invoice or statement previously paid by the District Board, the Developer or the Site Developer to an entity that is not affiliated with the District Board, the Developer or the Site Developer; and

(b) $608,310.63 is to be paid to a third party payee that is not affiliated with the District Board, the Developer or the Site Developer (including any contractor or supplier of materials) or on a joint basis to the District Board, the Developer or the Site Developer and such third party payee with respect to an expense previously incurred.

In either event, the amounts set forth herein and in **Schedule I** attached hereto are supported by the attached copies of invoices, statements or proof of payment.

IN WITNESS WHEREOF, this Requisition has been duly executed by the Issuer, by the District Board and by the Developer by their duly Authorized Officers this 10th day of February, 2021.

THE COUNTY COMMISSION OF
HARRISON COUNTY

By: _____
Its President

CHARLES POINTE ECONOMIC OPPORTUNITY
DEVELOPMENT DISTRICT BOARD

By: _____
Its Chairman

GENESIS PARTNERS, LIMITED PARTNERSHIP

By: Realcom, Inc., its Managing General Partner

By: _____
James A. Corton, President of Realcom, Inc.

RESIDENT PROJECT REPRESENTATIVE'S CERTIFICATE

Robert F. Stuart, Director of Planning/Engineering, Genesis Partners, Limited Partnership, as Resident Project representative for the Project Plan, hereby certifies that the portion of the Project Plan for which payment is requested hereby has been constructed in accordance with the plans and specifications therefore, that payment is now due and owing for such costs, and that such costs have not been the subject of a previous requisition by the District Board, the Developer or the Site Developer.

RESIDENT PROJECT REPRESENTATIVE

By: _____

Name: Robert F. Stuart

Title: Resident Project Representative

Schedule I
to Requisition

REIMBURSEMENT AND THIRD PARTY PAYMENTS

(1) Total Amount of disbursement pursuant to this Requisition: $608,310.63

(2) Reimbursement to the District Board, the Developer or the Site Developer:

	Vendor	Description of Expense	Date of Payment	Amount
1.				
2.				
3.				
TOTAL				$ 0.00

(3) Payment to third party payees:

	Vendor	Description of Expense	Amount	Payee Name(s)/ Address(es)
1.				
2.		(See attached schedule and supporting materials)		
3.				
TOTAL			$ 608,310.63	

The items listed for reimbursement to the Developer, the Site Developer or the District Board or payment to third party payees are supported by attached copies of invoices, statements or proof of payment.

Schedule I
to Requisition
(continued)

Copies of Invoices, Statements or Proof of Payment
(Attached)

Genesis Partners, Limited Partnership
2019 Series A Bonds
Third Party Payees
Summary and Wiring Instructions
Application 19

Vendor	Wiring Instructrions	Amount	Mailing Address
Wolfe Excavating LLC	Wolfe Excavating LLC Clear Mountain Bank ABA #051502599 Acct #3334910	484,880.66	70 Columbia Blvd Clarksburg, WV 26301

484,880.66

Genesis Partners, Limited Partnership
2019 Series A Bonds
Third Party Payees
Application 19

Vendor	Invoice Number	Invoice Date	Description of Expense	Amount	Address	Account Number
Bear Contracting, LLC	7	1/15/2021	Offsite Utilities	118,413.97	PO Box 1196 Bridgeport, WV 26330	
James R. Christie, Esq.	40-5	1/31/2021	Legal Services-Existing Utilities Relocation	5,016.00	P. O. Box 1133 Bridgeport, WV 26330	

TOTAL 123,429.97

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ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

Contractor's Application for Payment No. 16

	Application Period: 12/19/2020 - 01/15/2021	Application Date:	1/20/2021
To (Owner): Genesis Partners, Limited Partnership	From (Contractor): Wolfe's Excavating	Via (Engineer):	Civil & Environmental Consultants, Inc.
Project: Charles Pointe Crossing	Contract: Charles Pointe EODD #2 - Contract #2 (Offsite Utilities)		
Owner's Contract No.:	Contractor's Project No.:	Engineer's Project No.:	165-037

Application for Payment : Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
1	$810,168.00	
2	$306,788.15	
3	$3,650,967.64	
TOTALS	$4,767,923.79	
NET CHANGE BY CHANGE ORDERS	$4,767,923.79	

1. ORIGINAL CONTRACT PRICE	$	$13,437,688.89
2. Net change by Change Orders	$	$4,767,923.79
3. Current Contract Price (Line 1 ± 2)	$	$18,205,612.68
4. TOTAL COMPLETED AND STORED TO DATE (Column O total on Progress Estimates)	$	$16,023,234.41
5. RETAINAGE:		
a. 10% X $16,023,234.41 Work Completed	$	$1,602,323.44
b. X Stored Material	$	
c. Total Retainage (Line 5.a + Line 5.b)	$	$1,602,323.44
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)	$	$14,420,910.97
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	$	$13,936,030.31
8. AMOUNT DUE THIS APPLICATION	$	$484,880.66
9. BALANCE TO FINISH, PLUS RETAINAGE (Column Q total on Progress Estimates + Line 5.c above)	$	$3,784,701.71

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective

Contractor Signature

By: Jason Manning 2-1-2021

Payment of: $ 484,880.66
(Line 8 or other - attach explanation of the other amount)

is recommended by: Steven A. Cass 02/01/21
(Engineer) (Date)

Payment of: $ 484,880.66
(Line 8 or other - attach explanation of the other amount)

is approved by: 2/2/21
(Owner) (Date)
RESIDENT PROJECT REPRESENTATIVE

Approved by:
Funding or Financing Entity (if applicable) (Date)

EJCDC® C-620 Contractor's Application for Payment
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Progress Estimate - Unit Price Work **Contractor's Application**

For (Contract):	Charles Pointe Crossing - EODD #2 - Contract 1							Application Number:		16		
Application Period:	12/19/2020 - 01/15/2021							Application Date:		1/20/2021		
ITEM		CONTRACT INFORMATION										
ITEM	DESCRIPTION	PLAN QTY	UNITS	UNIT PRICE	SCHEDULED VALUE	PREVIOUS COMP QTY/%	PREVIOUS APPL	COMP QTY/% THIS PERIOD	COMP AMT THIS PERIOD	COMPLETED TO DATE	%	BALANCE TO FINISH
1	Mobilization/Demobilization	1	LS	$399,000 00	$399,000 00	0 50	$199,500 00	0 50	$199,500 00	$399,000 00	100 0%	
2	Temporary/Permanent Traffic and Access Controls	1	LS	$70,639 07	$70,639 07	0 50	$35,319 54	0 50	$35,319 54	$70,639 07	100 0%	
3	Unclassified Cut Bank Excavation/Embankment	4,010,876	CY	$2 59	$10,388,168 84	3,973,671 21	$10,291,808 43	41,481 21	$107,436 33	$10,399,244 77	100 1%	-$11,075 93
4	Topsoil Stripping/Stockpile	68,124	CY	$3 87	$263,639 88	89,320 64	$345,670 88			$345,670 88	131 1%	-$82,031 00
5	Abandoned Gas Line Removal	6,535	LF	$4 31	$28,165 85	6,310 00	$27,196 10			$27,196 10	96 6%	$969 75
6	Gravel Pad Surfacing	770	TN	$24 12	$18,572 40	770 00	$18,572 40			$18,572 40	100 0%	
7	Construction Staging Area Gravel Pad Surfacing	1,735	TN	$24 17	$41,934 95	1,735 00	$41,934 95			$41,934 95	100 0%	
8	Fill Foundation Key/Intermediate Fill Key Drain	15,600	LF	$15 33	$239,148 00	14,584 88	$222,819 71			$222,819 71	93 2%	$16,328 29
9	Fill Foundation Key/Intermediate Fill Key Drain Outlet	2,250	LF	$7 30	$17,155 00	2,065 30	$15,076 69	67 00	$489 10	$15,565 79	90 7%	$1,589 21
10	Rock Underdrain	5,750	LF	$17 62	$101,315 00	8,414 70	$148,267 01			$148,267 01	146 3%	-$46,952 01
11	Settlement Monitoring Monument	14	EA	$406 88	$5,696 32	7 00	$2,848 16			$2,848 16	50 0%	$2,848 16
12	Wet Mine Seal	1	EA	$28,989 65	$28,989 65							$28,989 65
13	WVDOH Type "G" Inlet	3	EA	$3,211 75	$9,635 25	3 00	$9,635 25			$9,635 25	100 0%	
14	15" HDPE Corrugated Pipe	535	LF	$17 94	$9,597 90	500 60	$8,980 76			$8,980 76	93 6%	$617 14
15	18" HDPE Corrugated Pipe	400	LF	$22 65	$9,060 00	438 15	$9,924 10			$9,924 10	109 5%	-$864 10
16	24" HDPE Corrugated Pipe	90	LF	$31 00	$2,790 00	90 00	$2,790 00			$2,790 00	100 0%	
17	30" HDPE Corrugated Pipe	160	LF	$42 90	$6,864 00	160 00	$6,864 00			$6,864 00	100 0%	
18	Inlet/Outlet Protection (6" Rip Rap)	42 5	TN	$53 78	$2,285 65	30 80	$1,656 42			$1,656 42	72 5%	$629 23
19	Roadside Ditch (Synthetic,Jute,Rip Rap,Concrete)	9,575	LF	$11 47	$109,825 25	4,052 99	$46,487 80	206 80	$2,372 00	$48,859 79	44 5%	$60,965 46
20	Diversion Ditch (Synthetic,Jute,Rip Rap,Concrete)	3,260	LF	$8 17	$26,634 20	2,676 08	$21,863 57			$21,863 57	82 1%	$4,770 63
21	Grass Ditch	6,500	LF	$8 96	$58,240 00	5,912 27	$52,973 94			$52,973 94	91 0%	$5,266 06
22	Rip Rap Apron	75	TN	$81 53	$6,114 75	36 50	$2,975 85			$2,975 85	48 7%	$3,138 91
23	1 5" (Size) Crusher Run Aggregate	9,500	TN	$23 37	$222,015 00	2,151 16	$50,272 61	668 49	$15,622 61	$65,895 22	29 7%	$156,119 78
24	2 5" (Size) Crusher Run Aggregate	1,350	TN	$23 37	$31,549 50	4,816 72	$112,566 75	3,323 46	$77,669 26	$190,236 01	603 0%	-$158,686 51
25	Geotextile Separation Fabric	27,539	SY	$1 04	$28,640 56	10,702 67	$11,130 78			$11,130 78	38 9%	$17,509 78
26	Guardrail (WVDOH Specifications)	1,660	LF	$18 79	$31,191 40	2,148 00	$40,360 92			$40,360 92	129 4%	-$9,169 52
27	Guardrail End Terminal (WVDOH Specifications)	10	EA	$70 45	$704 50	12 00	$845 40			$845 40	120 0%	-$140 90
28	Clearing and Grubbing	1	LS	$448,203 25	$448,203 25	1 00	$448,203 25			$448,203 25	100 0%	
29	Permanent Seeding	120	AC	$2,961 75	$355,410 00	58 00	$171,781 50	6 00	$17,770 50	$189,552 00	53 3%	$165,858 00
30	Underground Electric & Phone Duct Bank	1	LS	$53,697 20	$53,697 20	1 00	$53,697 20			$53,697 20	100 0%	
31	E&S BMP's	1	LS	$407,981 52	$407,981 52	1 00	$407,981 52			$407,981 52	100 0%	
32	Subsurface Drain	200	LF	$74 12	$14,824 00	1,517 65	$112,488 22	291 25	$21,587 45	$134,075 67	904 5%	-$119,251 67
CO1												
CO1	Mobilization/Demobilization	1	LS	$116,277 88	$116,277 88	0 50	$58,138 94			$58,138 94	50 0%	$58,138 94
CO1	Unclassified Cut Bank Excavation/Embankment	4,010,876	CY	$0 12	$481,305 12	3,973,671 21	$476,840 55	41,481 21	$4,977 75	$481,818 29	100 1%	-$513 17
CO1	Construction Staging Area Gravel Pad Surfacing	1,735	TN	$1 00	$1,735 00	1,735 00	$1,735 00			$1,735 00	100 0%	
CO1	1 5" (Size) Crusher Run Aggregate	9,500	TN	$1 00	$9,500 00	2,151 16	$2,151 16	668 49	$668 49	$2,819 65	29 7%	$6,680 35
CO1	2 5" (Size) Crusher Run Aggregate	1,350	TN	$1 00	$1,350 00	5,586 72	$5,586 72	3,323 46	$3,323 46	$8,910 18	660 0%	-$7,560 18
CO1	Clearing and Grubbing	1	LS	$135,000 00	$135,000 00	1 00	$135,000 00			$135,000 00	100 0%	
CO1	E&S BMP's	1	LS	$65,000 00	$65,000 00	1 00	$65,000 00			$65,000 00	100 0%	
CO2												
CO2-1	E&S Extended Maintenance	1	LS	$48,500 00	$48,500 00	1 00	$48,500 00			$48,500 00	100 0%	

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Progress Estimate - Unit Price Work **Contractor's Application**

For (Contract):	Charles Pointe Crossing - EODD #2 - Contract 1							Application Number:		16		
Application Period:	12/19/2020 - 01/15/2021							Application Date:		1/20/2021		
ITEM		CONTRACT INFORMATION										
ITEM	DESCRIPTION	PLAN QTY	UNITS	UNIT PRICE	SCHEDULED VALUE	PREVIOUS COMP QTY/%	PREVIOUS APPL	COMP QTY/% THIS PERIOD	COMP AMT THIS PERIOD	COMPLETED TO DATE	%	BALANCE TO FINISH
CO2-2	Slower Production on Smaller Fill Area	587,982	CY	$0.08	$47,038.56	587,982.00	$47,038.56			$47,038.56	100.0%	
CO2-3	Slower Production on Remaining Fill	469,164	CY	$0.36	$168,899.04	469,164.00	$168,899.04			$168,899.04	100.0%	
CO2-4	Reworking Temporary 2:1 Fill Slope	128,335	SY	$0.33	$42,350.55	128,335.00	$42,350.55			$42,350.55	100.0%	
CO3												
CO3-1	Mobilization/Demobilization	1	LS	$24,000.00	$24,000.00	0.50	$12,000.00			$12,000.00	50.0%	$12,000.00
	EROSION CONTROL											
CO3-2	18" Compost Filter Sock	385	LF	$7.98	$3,072.30	165.00	$1,316.70			$1,316.70	42.9%	$1,755.60
CO3-3	32" Compost filter Sock	275	LF	$39.34	$10,818.50	343.00	$13,493.62			$13,493.62	124.7%	-$2,675.12
CO3-4	Inlet Protection	3	EA	$228.72	$686.16	1.00	$228.72			$228.72	33.3%	$457.44
CO3-5	Stabilized Construction Entrance	-	EA	$2,905.02								
CO3-6	Miscellaneous E&S Controls	1	LS	$9,410.55	$9,410.55	0.50	$4,705.28			$4,705.28	50.0%	$4,705.28
	ROAD IMPROVEMENTS											
CO3-7	Sub-Base Excavation/Embankment	2,180	CY	$19.16	$41,768.80	215.80	$4,134.73			$4,134.73	9.9%	$37,634.07
CO3-8	9" WVDOH Class 1 Stone Sub Base	10,740	TN	$25.76	$276,662.40	6,776.50	$174,562.64	189.66	$4,885.64	$179,448.28	64.9%	$97,214.12
CO3-9	4.5" HMA Type 37 S Base Course	4,974	TN	$79.76	$396,726.24							$396,726.24
CO3-10	2.5" HMA Type 19 Base Course	2,764	TN	$83.40	$230,517.60							$230,517.60
CO3-11	1.5" HMA Type 9.5 Wearing Course	1,658	TN	$95.24	$157,907.92							$157,907.92
CO3-12	Stabilization Fabric	22,610	SY	$2.79	$63,081.90	11,451.00	$31,948.29			$31,948.29	50.6%	$31,133.61
CO3-13	Pavement Striping & Markings	1	LS	$27,772.78	$27,772.78							$27,772.78
CO3-14	Concrete Curb and Gutter	5,580	LF	$27.56	$153,784.80	1,848.20	$50,936.39	478.10	$13,176.44	$64,112.83	41.7%	$89,671.97
CO3-15	Concrete Curb	4,960	LF	$27.52	$136,499.20	1,517.90	$41,772.61	183.70	$5,055.42	$46,828.03	34.3%	$89,671.17
CO3-16	Concrete Median	-	SY	$123.56								
CO3-17	Concrete Sidewalk	1,319	SY	$95.50	$124,843.00							$124,843.00
CO3-18	Sidewalk Ramps	8	EA	$3,637.66	$29,101.28							$29,101.28
CO3-19	Ramp Detectible Warning Surface	8	EA	$289.30	$2,314.40							$2,314.40
CO3-20	Guardrail Type 1	690	LF	$20.83	$14,372.70							$14,372.70
CO3-21	Guardrail Type 1 Terminal Flare	1	EA	$578.60	$578.60							$578.60
CO3-22	Signage	1	LS	$37,019.00	$37,019.00							$37,019.00
	MISCELLANEOUS SITE FEATURES											
CO3-23	Permanent Seeding	6.64	AC	$4,347.23	$28,865.61							$28,865.61
CO3-24	P3-1 Light Pole and Assembly	69	EA	$1,088.64	$75,116.16							$75,116.16
CO3-25	Lighting Electrical Conduit	1	LS	$57,564.54	$57,564.54	0.05	$2,878.23			$2,878.23	5.0%	$54,686.31
	SITE UTILITIES (WATER)											
CO3-26	12" PVC - C-900 (Main Line) (0-3)	2,720	LF	$41.71	$113,451.20	2,710.20	$113,042.44			$113,042.44	99.6%	$408.76
CO3-27	8" PVC - C-900 (Service Laterals) (0-3)	160	LF	$28.35	$4,536.00	160.50	$4,550.18			$4,550.18	100.3%	-$14.18
CO3-28	Air Release Valves	1	EA	$3,268.95	$3,268.95			1.00	$3,268.95	$3,268.95	100.0%	
CO3-29	12" Gate Valve Assembly	3	EA	$4,989.13	$14,967.39	3.40	$16,963.04			$16,963.04	113.3%	-$1,995.65
CO3-30	12" Cap for Future Connection	1	EA	$3,567.05	$3,567.05	1.00	$3,567.05			$3,567.05	100.0%	
CO3-31	8" Cap for Future Connection	4	EA	$2,407.94	$9,631.76	4.00	$9,631.76			$9,631.76	100.0%	
CO3-32	20" Steel Casing (Dig and Backfill)	298	LF	$142.80	$42,554.40	298.00	$42,554.40			$42,554.40	100.0%	
CO3-33	16" Steel Casing (Dig and Backfill)	87.5	LF	$110.69	$9,685.38	88.00	$9,740.72			$9,740.72	100.6%	-$55.34
CO3-34	Fire Hydrant/Flushing Hydrant	4	EA	$5,598.82	$22,395.28	4.00	$22,395.28			$22,395.28	100.0%	

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Progress Estimate - Unit Price Work **Contractor's Application**

For (Contract):	Charles Pointe Crossing - EODD #2 - Contract 1						Application Number:		16		
Application Period:	12/19/2020 - 01/15/2021						Application Date:		1/20/2021		
ITEM		CONTRACT INFORMATION									
ITEM	DESCRIPTION	PLAN QTY	UNITS	UNIT PRICE	SCHEDULED VALUE	PREVIOUS COMP QTY/%	PREVIOUS APPL	COMP QTY/% THIS PERIOD	COMP AMT THIS PERIOD	COMPLETED TO DATE	%	BALANCE TO FINISH
	SITE UTILITIES (SANITARY SEWER)											
C03-35	10" PVC SDR - 35 Sanitary Sewer Line (6-9)	139	LF	$109 44	$15,212 16							$15,212 16
C03-36	10" PVC SDR - 35 Sanitary Sewer Line (9-12)	48	LF	$115 34	$5,536 32							$5,536 32
C03-37	8" PVC SDR - 35 Sanitary Sewer Line (0-6)	1,091	LF	$59 50	$64,914 50	1,367 90	$81,384 10			$81,384 10	125 4%	-$16,469 60
C03-38	8" PVC SDR - 35 Sanitary Sewer Line (6-9)	2,986	LF	$65 09	$194,358 74	1,811 40	$117,904 03			$117,904 03	60 7%	$76,454 71
C03-39	8" PVC SDR - 35 Sanitary Sewer Line (9-12)	200	LF	$67 15	$13,430 00	108 40	$7,279 06			$7,279 06	54 2%	$6,150 94
C03-40	Sanitary Sewer Cleanout	11	EA	$1,908 69	$20,995 59	6 00	$11,452 14			$11,452 14	54 5%	$9,543 45
C03-41	Sanitary Manhole	16	EA	$9,215 19	$147,443 04	9 00	$82,936 71			$82,936 71	56 3%	$64,506 33
C03-42	48" Sanitary Manhole Vertical Riser Pipe	20	VF	$784 10	$15,682 00	19 00	$14,897 90			$14,897 90	95 0%	$784 10
	SITE UTILITIES (MISC.)											
C03-43	Gas Service Line (Ditch, Dust, and Backfill)	2,870	LF	$14 86	$42,648 20							$42,648 20
C03-44	12" Steel Casing (Dig and Backfill)	360	LF	$112 37	$40,453 20	254 00	$28,541 98			$28,541 98	70 6%	$11,911 22
C03-45	Underground Electric, Phone, Cable	4,840	LF	$12 97	$62,774 80	225 00	$2,918 25			$2,918 25	4 6%	$59,856 55
	STORMWATER MANAGEMENT											
C03-46	48" N-12 HDPE (9-12)	253	LF	$194 62	$49,238 86	191 15	$37,201 61			$37,201 61	75 6%	$12,037 25
C03-47	48" N-12 HDPE (12+)	482	LF	$226 95	$109,389 90	522 25	$118,524 64			$118,524 64	108 4%	-$9,134 74
C03-48	48" CMP (6-9)	134	LF	$180 16	$24,141 44	139 00	$25,042 24			$25,042 24	103 7%	-$900 80
C03-49	48" CMP (9-12)	31	LF	$184 66	$5,724 46	25 00	$4,616 50			$4,616 50	80 6%	$1,107 96
C03-50	48" CMP (12+)	60	LF	$211 04	$12,662 40	34 50	$7,280 88			$7,280 88	57 5%	$5,381 52
C03-51	42" N-12 HDPE (9-12)	751	LF	$168 61	$126,626 11	628 60	$105,988 25			$105,988 25	83 7%	$20,637 86
C03-52	42" N-12 HDPE (12+)	257	LF	$175 88	$45,201 16	285 00	$50,125 80			$50,125 80	110 9%	-$4,924 64
C03-53	36" N-12 HDPE (9-12)	299	LF	$147 43	$44,081 57	403 30	$59,458 52			$59,458 52	134 9%	-$15,376 95
C03-54	30" N-12 HDPE (6-9)	380	LF	$159 86	$60,746 80	162 80	$26,025 21			$26,025 21	42 8%	$34,721 59
C03-55	30" N-12 HDPE (9-12)	152	LF	$139 97	$21,275 44	200 40	$28,049 99			$28,049 99	131 8%	-$6,774 55
C03-56	30" N-12 HDPE (12+)	132	LF	$139 72	$18,443 04							$18,443 04
C03-57	18" N-12 HDPE (0-6)	280	LF	$81 35	$22,778 00	227 10	$18,474 58	10 00	$813 50	$19,288 09	84 7%	$3,489 92
C03-58	18" N-12 HDPE (6-9)	201	LF	$86 99	$17,484 99	254 90	$22,173 75			$22,173 75	126 8%	-$4,688 76
C03-59	15" N-12 HDPE (0-6)	461	LF	$61 09	$28,162 49	452 50	$27,643 23			$27,643 23	98 2%	$519 26
C03-60	Type E Inlet	28	EA	$9,958 67	$278,842 76	6 00	$59,752 02			$59,752 02	21 4%	$219,090 74
C03-61	Type G Inlet	1	EA	$5,518 31	$5,518 31							$5,518 31
C03-62	60" Manhole Vertical Riser Pipe	6	VF	$1,921 22	$11,527 32	4 00	$7,684 88			$7,684 88	66 7%	$3,842 44
C03-63	48" Manhole, Frame and Lid	1	EA	$3,898 36	$3,898 36	1 00	$3,898 36			$3,898 36	100 0%	
C03-64	60" Manhole, Frame and Lid	1	EA	$6,074 86	$6,074 86							$6,074 86
C03-65	Concrete Headwall	1	EA	$2,393 75	$2,393 75			1 00	$2,393 75	$2,393 75	100 0%	
C03-66	6" Rip Rap	32 9	TN	$74 95	$2,465 86							$2,465 86
C03-67	9" Rip Rap	56 4	TN	$76 23	$4,299 37	14 00	$1,067 22	294 19	$22,426 10	$23,493 32	546 4%	-$19,193 95
	Totals				$18,305,612.68		$15,484,478.12		$538,796.19	$16,023,234.41	88.01%	$2,183,378.27

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EJCDC
ENGINEERS JOINT CONTRACT DOCUMENTS COMMITTEE

Contractor's Application for Payment No. 7 (Final)

	Application Period: 12/19/20 - 01/15/21	Application Date:	1/15/2021
To (Owner): Genesis Partners, Limited Partnership	From (Contractor): Bear Contracting	Via (Engineer):	Civil & Environmental Consultants, Inc.
Project: Charles Pointe Crossing	Contract: Charles Pointe EODD #2 - Contract #2 (Offsite Utilities)		
Owner's Contract No.	Contractor's Project No.: 2020-043	Engineer's Project No.: 165-057	

Application for Payment : Change Order Summary

Approved Change Orders		
Number	Additions	Deductions
CO1		$14,285.25
TOTALS		$14,285.25
NET CHANGE BY CHANGE ORDERS	-$14,285.25	

1. ORIGINAL CONTRACT PRICE	$	$1,198,425.00
2. Net change by Change Orders	$	-$14,285.25
3. Current Contract Price (Line 1 ± 2)	$	$1,184,139.75
4. TOTAL COMPLETED AND STORED TO DATE (Column F total on Progress Estimates)	$	$1,184,139.75
5. RETAINAGE:		
a. X ____ Work Completed	$	
b. X ____ Stored Material	$	
c. Total Retainage (Line 5.a + Line 5.b)	$	
6. AMOUNT ELIGIBLE TO DATE (Line 4 - Line 5.c)	$	$1,184,139.75
7. LESS PREVIOUS PAYMENTS (Line 6 from prior Application)	$	$1,065,725.78
8. AMOUNT DUE THIS APPLICATION	$	$118,413.97
9. BALANCE TO FINISH, PLUS RETAINAGE (Column G total on Progress Estimates + Line 5.c above)	$	

Contractor's Certification

The undersigned Contractor certifies, to the best of its knowledge, the following:
(1) All previous progress payments received from Owner on account of Work done under the Contract have been applied on account to discharge Contractor's legitimate obligations incurred in connection with the Work covered by prior Applications for Payment;
(2) Title to all Work, materials and equipment incorporated in said Work, or otherwise listed in or covered by this Application for Payment, will pass to Owner at time of payment free and clear of all Liens, security interests, and encumbrances (except such as are covered by a bond acceptable to Owner indemnifying Owner against any such Liens, security interest, or encumbrances); and
(3) All the Work covered by this Application for Payment is in accordance with the Contract Documents and is not defective.

Contractor Signature

By: [redacted] Date: 1/15/2021

Payment of: $ 118,413.97
(Line 8 or other - attach explanation of the other amount)

is recommended by: Steven A. Peters (Engineer) 02/01/21 (Date)

Payment of: $ 118,413.97
(Line 8 or other - attach explanation of the other amount)

is approved by: [signature] (Owner) 2/2/21 (Date)
RESIDENT PROJECT REPRESENTATIVE

Approved by: _____ (Funding or Financing Entity (if applicable)) _____ (Date)

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Progress Estimate - Unit Price Work

Contractor's Application

For (Contract):		Charles Pointe - EODD #2 - Contract #2						Application Number:				7 (Final)
Application Period:		12/19/20 - 01/15/21						Application Date:				1/15/2021
ITEM		CONTRACT INFORMATION				FINAL QUANTITY	FINAL QUANTITY ADJUSTMENT	PLAN VS FINAL VALUE	ADJUSTED FINAL VALUE	COMPLETED TO DATE	%	BALANCE TO FINISH
ITEM	DESCRIPTION	PLAN QTY	UNITS	UNIT PRICE	SCHEDULED VALUE							
1	Mobilization/Demobilization	1	LS	$14,937.00	$14,937.00	1			$14,937.00	$14,937.00	100.0%	
2	Erosion and Sediment Control (BMP's)	1	LS	$127,000.00	$127,000.00	1			$127,000.00	$127,000.00	100.0%	
3	Permanent Seeding	13.50	AC	$2,000.00	$27,000.00	13.50			$27,000.00	$27,000.00	100.0%	
4	12" PVC C-900 DR-14, Water Line	550	LF	$100.00	$55,000.00	556.00	6.00	$600.00	$55,600.00	$55,600.00	100.0%	
4A	24" Steel Casing (Bore & Jack)	130	LF	$390.00	$50,700.00	130			$50,700.00	$50,700.00	100.0%	
5	12" Gate Valve Assembly, Complete	1	EA	$2,850.00	$2,850.00	1			$2,850.00	$2,850.00	100.0%	
6	20" Steel Casing (Bore & Jack)	100	LF	$400.00	$40,000.00	100			$40,000.00	$40,000.00	100.0%	
7	24" Steel Casing (Open-Cut & Backfill)	65	LF	$145.00		75	10.00	$1,450.00	$10,875.00	$10,875.00	100.0%	
8	12" Tie-In to Existing 12" Water Line	1	EA	$7,500.00	$7,500.00	1			$7,500.00	$7,500.00	100.0%	
9	Remove Existing Sidewalk	34	SY	$158.00	$5,372.00	23	-11.00	-$1,738.00	$3,634.00	$3,634.00	100.0%	
10	Asphalt Trench Repair	135	LF	$80.00	$10,800.00	118	-17.00	-$1,360.00	$9,440.00	$9,440.00	100.0%	
11	Concrete Trench Repair	38	LF	$85.00	$3,230.00	38			$3,230.00	$3,230.00	100.0%	
12	10" PVC SDR-35 Sanitary Sewer Line (Depth: 0' – 6')	860	LF	$44.00	$37,840.00	785	-75.00	-$3,300.00	$34,540.00	$34,540.00	100.0%	
12A	12" HDPE DR11 Variable Grade Sewer	658	LF	$62.00	$40,796.00	658			$40,796.00	$40,796.00	100.0%	
13	10" PVC SDR-35 Sanitary Sewer Line (Depth: 6' – 9')	2,102	LF	$50.00	$105,100.00	1,691	-411.00	-$20,550.00	$84,550.00	$84,550.00	100.0%	
14	10" PVC SDR-35 Sanitary Sewer Line (Depth: 9' – 12')	345	LF	$78.00	$26,910.00	840	495.00	$38,610.00	$65,520.00	$65,520.00	100.0%	
15	Concrete Anchor	2	EA	$1,200.00	$2,400.00	2			$2,400.00	$2,400.00	100.0%	
16	48" Sanitary Manhole	15.0	EA	$4,300.00	$64,500.00	15			$64,500.00	$64,500.00	100.0%	
17	48" Diameter Concrete Manhole Risers (Vertical Foot)	26	VF	$190.00	$4,940.00	26.65	0.65	$123.50	$5,063.50	$5,063.50	100.0%	
18	10" Tie-In to Existing Sanitary Manhole	1	EA	$2,100.00	$2,100.00	1			$2,100.00	$2,100.00	100.0%	
19	Gas Service Line (Dig, Dust, Backfill)	350	LF	$60.00	$21,000.00	190	-160.00	-$9,600.00	$11,400.00	$11,400.00	100.0%	
20	12" Steel Casing (Bore& Jack)	130	LF	$275.00	$35,750.00	130			$35,750.00	$35,750.00	100.0%	
21	48" N-12 HDPE Pipe (Depth: 6' – 9')	245	LF	$125.00	$30,625.00	248	3.00	$375.00	$31,000.00	$31,000.00	100.0%	
22	48" CMP (Depth: 6' – 9')	915	LF	$130.00	$118,950.00	853	-62.00	-$8,060.00	$110,890.00	$110,890.00	100.0%	
23	48" CMP (Depth: 9' – 12')	1,062	LF	$150.00	$159,300.00	1,110.50	48.50	$7,275.00	$166,575.00	$166,575.00	100.0%	
24	72" Diameter Concrete Manhole Risers (Vertical Foot)	35	VF	$350.00	$12,250.00	26.47	-8.53	-$2,985.50	$9,264.50	$9,264.50	100.0%	
25	72" Diameter Storm Manhole	14	EA	$7,800.00	$109,200.00	12	-2.00	-$15,600.00	$93,600.00	$93,600.00	100.0%	
26	Concrete Headwall	2	EA	$5,850.00	$11,700.00	2			$11,700.00	$11,700.00	100.0%	
27	Plunge Pool	2	EA	$20,500.00	$41,000.00	2			$41,000.00	$41,000.00	100.0%	
28	Flexmat Lined Channel	270	SY	$75.00	$20,250.00	276.33	6.33	$474.75	$20,724.75	$20,724.75	100.0%	
	Totals				$1,189,000.00			-$14,285.25	$1,184,139.75	$1,184,139.75	100.00%	

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JAMES R. CHRISTIE, ESQ.
P.O. BOX 1133
BRIDGEPORT, WV. 26330

Genesis Partners
Genesis Partners
P.O. Box 1050
Bridgeport, WV 26330

January 31, 2021
40-5

Matter No. 40-5
Project Fund

Fees:			Hours	
10/23/20	JRC	Review Dominion draft easement; Conference with Rob and Todd re: Dominion easements and surrenders	1.50	$360.00
01/15/21	JRC	Conference with Todd and Rob re: Dominion surrenders and easements	1.20	$288.00
01/20/21	JRC	Work on Dominion surrenders and easements; Conference with Rob Stuart re: surrenders; review title file on Charles Pointe Crossing; review draft Dominion easement by Steptoe and Johnson; Conference with Rob re: plats for easement; prepare surrenders for three gas lines; prepare notes	2.90	$696.00
01/20/21	JRC	Conference with Rob and Todd re: abandonment and surrender documents and plats, shut-ins and easements; prepare additional surrenders; review and revise surface use easement agreement; proof and revise v.2 of the surface use easement; Conference with Todd re: line easements; review v.1 of easements; review Dominion agreement; email to	6.00	$1,440.00

		Rob; draft pipeline easements for TL-260 and H-22343		
01/21/21	JRC	Conference with Rob and Todd re: easement for feeder line; make revisions to easement agreement; Conference with Rob and Jamie Corton, with Steve Cain on phone re: CEC certification; review SDA; email to Rob; Telephone call with Rob; prepare easement for 17146; revise easements; prepare file of docs for Rob and Todd's review; Conference with Jamie Corton re: CEC certification; review certification; email to Aman and Swan	1.50	$360.00
01/22/21	JRC	Conference with Todd and Rob re: revise and discuss Dominion Agreement and changes; exchange emails with Misty Heitz	1.50	$360.00
01/25/21	JRC	Revise Abandonments, Easements and Site Agreements; exchange emails with Misty Heitz re: meeting	2.70	$648.00
01/26/21	JRC	Work with Misty on Dominion (Eastern) agreements; prepare table of contents; prepare document copies for meeting with Dominion; revise table of content; review final documents; prepare folders; Conference with Todd re: Dominion documents	2.20	$528.00
01/27/21	JRC	Conference with Rob re: meeting with Dominion officials; Conference with Misty Heitz, John Love, Jeff Renner, Todd and Rob re: Eastern Gas abanondments, easements and site agreement; prepare document	1.40	$336.00

package for Jeff Hull

Hours:	20.90	
Total fees:		$5,016.00

Billing Summary

Previous balance	$0.00
Payments & adjustments	0.00
Current fees & expenses	5,016.00
Total now due	**$5,016.00**

RFS 2/2/21

EODD CHARLES POINTE CROSSING
LEGAL SERVICES :
DIVISION TRANSMISSION DOCUMENTS

REQUISITION FOR PAYMENT FROM
SERIES 2019 C EXCISE TAX BONDS PROJECT FUND

$17,600,000
The County Commission of Harrison County
Junior Subordinate Special District Excise Tax Revenue and Improvement Bonds,
Series 2019 C
(Charles Pointe Economic Opportunity Development District)

REQUISITION FOR PAYMENT NO. 19

The County Commission of Harrison County, a public corporation and governing body of Harrison County, a political subdivision of the State of West Virginia (the "Issuer"), the Charles Pointe Economic Opportunity Development District Board (the "District Board") and Genesis Partners, Limited Partnership, a West Virginia limited partnership (the "Developer") by their duly Authorized Officers, hereby certify, in connection with this Requisition for Payment from Series 2019 C Excise Tax Bonds Project Fund (the "Requisition") under an Indenture of Trust, dated as of August 16, 2019 (the "Original Indenture"), between the Issuer and Wilmington Trust, N.A., as trustee thereunder (the "Trustee"), a First Supplemental Indenture of Trust for the above captioned Bonds (the "Series 2019 C Excise Tax Bonds"), dated as of August 16, 2019 (the "First Supplemental Indenture" and together with the Original Indenture, the "Indenture") between the Issuer and the Trustee and a Development Agreement, dated August 16, 2019 (the "Development Agreement"), by and among the Issuer, the Developer, the District Board and Charles Pointe Crossing, LLC (the "Site Developer"), that:

1. Terms used herein and not otherwise defined herein shall have the meanings given such terms in the Indenture and in the Development Agreement.

2. This Requisition requests credit for Costs of the Project previously paid by the Developer or the Site Developer for a portion of the principal amount and purchase price of the Series 2019 C Excise Tax Bonds for a cost which constitutes an allowable expenditure under the EODD Act, the Project Plan, the Indenture and the Development Agreement.

3. The total amount requested to be credited to the purchase price of the Series 2019 C Excise Tax Bonds pursuant to this Requisition is $30,415.53 as more particularly described in **Schedule I** attached hereto and made a part hereof. The amounts set forth herein and in **Schedule I** attached hereto are supported by the attached copies of invoices or statements.

IN WITNESS WHEREOF, this Requisition has been duly executed by the Issuer, by the District Board and by the Developer by their duly Authorized Officers this 10th day of February, 2021.

THE COUNTY COMMISSION OF
HARRISON COUNTY

By: _____
Its President

CHARLES POINTE ECONOMIC OPPORTUNITY
DEVELOPMENT DISTRICT BOARD

By: _____
Its Chairman

GENESIS PARTNERS, LIMITED PARTNERSHIP

By: Realcom, Inc., its Managing General Partner

By: _____
James A. Corton, President of Realcom, Inc.

RESIDENT PROJECT REPRESENTATIVE'S CERTIFICATE

Robert F. Stuart, Director of Planning/Engineering, Genesis Partners, Limited Partnership, as Resident Project representative for the Residual Project, hereby certifies that the portion of the Project Plan for which payment has been made by Developer or Site Developer and which is requested to be credited to a portion of the principal amount and purchase price of the Series 2019 C Excise Tax Bonds has been constructed in accordance with the plans and specifications therefore and such costs have not been the subject of a previous requisition by the District Board and the Developer.

RESIDENT PROJECT REPRESENTATIVE

By: _____

Name: Robert F. Stuart

Title: Resident Project Representative

Schedule I
to Requisition

CREDIT FOR COSTS OF THE PROJECT PAID
BY DEVELOPER OR SITE DEVELOPER

(1) Total Amount of credit requested pursuant to this Requisition: $30,415.53

(2) Costs of the Project Paid by Developer or Site Developer:

Vendor	Description of Expense	Date of Payment	Amount
1. Genesis Partners, Limited Partnership	Project Management Services	February 2, 2021*	$30,415.53
2.			
3.			
TOTAL			$ 30,415.53

*Invoice submitted for services provided during the period of Requisition #19 from the Series 2019 A Excise Tax Bonds Project Fund

The items listed as having been paid by the Developer or Site Developer are supported by the attached copies of invoices or statements and proof of payment.

Schedule I
to Requisition
(continued)

Copies of Invoices or Statements
and Proof of Payment by Developer or Site Developer
(Attached)

Genesis Partners, Limited Partnership

Bridgeport, WV 26330

Invoice

Date	Invoice #
2/2/2021	19

Bill To
Charles Pointe Economic Opportunity Dev. % Harrison County Commission 301 W. Main St. Clarksburg, WV 26301

P.O. No.	Terms	Project
	Net 30	

Quantity	Description	Rate	Amount
	RFP #19 $608,310.63 Series 2019 A Bond Project Fund - 5%	30,415.53	30,415.53
		Total	$30,415.53

A RESOLUTION AUTHORIZING THE ACCEPTANCE OF THE FY 2021-22 RECORDS MANAGEMENT AND PRESERVATION GRANT PROGRAM APPLICATION; ADOPTING ALL UNDERSTANDINGS AND ASSURANCES CONTAINED IN SAID APPLICATION; APPOINTING THE PRESIDENT OF THE HARRISON COUNTY COMMISSION TO ADMINISTER SAID PROGRAM; COMMITTING FUNDS TO THE PROJECT; COMMITTING TO PROVIDE INSTALLATION AND SUPPORT SERVICES

WHEREAS, The Harrison County Commission participated in the County Records Management and Preservation Grants Program sponsored by the State of West Virginia and was awarded $10,000, and

WHEREAS, by the terms and provisions of said award, it is necessary for the Harrison County Commission to adopt by official resolution authorizing the acceptance of funds from Records Management and Preservation Grant Program, and

WHEREAS, the Harrison County Commission is also required to adopt by official resolution all understandings and assurances contained in, and made part of, said Grant, and

WHEREAS, it is required that the Harrison County Commission appoint an official representative of the Harrison County Commission to administer said program and to provide all additional information required by the State government, and

WHEREAS, Harrison County Commission commits funds to this project of the required 10% match, and

NOW, THEREFORE, BE IT RESOLVED, by the Harrison County Commission that:

1. The Harrison County Commission authorizes the acceptance of the FY 2021-22 Records Management and Preservation Grants Program funds in the amount of $10,000, with the proper state official be in proper form and comply with all federal, state and local laws.

2. The Harrison County Commission considers and adopts that certain document entitled "Certification Form" made part of said Resolution as is set forth herein.

3. The Harrison County Commission hereby appoints the President of the Harrison County Commission to serve as the official representative of the Harrison County Commission in administering said Grant Program, including providing necessary additional information to the State government.

4. The Harrison County Commission hereby commits the 10% match as required by the 2021-22 Records Management Program.

PASSED by the Harrison County Commission on this 10th day of February 2021.

_____

Susan J. Thomas, President
Harrison County Commission

ATTEST:

_____

John Spires
County Clerk

OCTOBER 09, 202

12

NOTICE OF LEVY ELECTION
TO BE HELD IN HARRISON COUNTY, WEST VIRGINIA
ON TUESDAY, MAY 10, 2016

An Order Authorizing a Levy Election Under the
Provisions of West Virginia Code
Chapter 11, Article 8, Section 16,
To Provide Funds for the Operation of the
Harrison County Senior Citizens Center and Satellites,
Harrison County Emergency Ambulance Authority,
Bi-County Nutrition Program Inc.,
Health Access Inc.,
Susan Dew Hoff Memorial Clinic Inc.,
United Summit Center,
Clarksburg/Harrison Health Department, and
Harrison County Commission for:
Harrison County Courthouse Security
Harrison County Animal Control Department/Facility
Harrison County Bureau/Office of Emergency Services and
Emergency Dispatch Operations Department/Facility
Harrison County Parks and Recreation Department/Facility

IT IS HEREBY ORDERED by the County Commission of Harrison County, West Virginia:

Section 1: The County Commission of Harrison County, West Virginia, is of the opinion, and does hereby find:

(a) That the following organizations are providing vital public services to the citizens of Harrison County, West Virginia, and that such organizations are as follows: Harrison County Senior Citizens Center and Satellites; Harrison County Emergency Ambulance Authority, Bi-County Nutrition Program Inc., Susan Dew Hoff Memorial Clinic Inc., United Summit Center, Clarksburg/Harrison Health Department, and Harrison County Commission for Harrison County Courthouse Security; Harrison County Animal Control Department/Facility; Harrison County Bureau/Office of Emergency Services/Emergency Dispatch Operations Department/Facility; Harrison County Parks and Recreation Department/Facility.

(b) That the aforesaid organizations are funded for operation in Harrison County, West Virginia, only in an amount to adequately operate said organizations until June 30, 2017, and that the aforesaid organizations on and after July 1, 2017, will not have adequate funds for operation in Harrison County, West Virginia;

(c) That for the aforesaid organizations to be operated beyond June 30, 2017, in an adequate manner to serve the citizens of Harrison County, additional revenues are needed;

(d) That for the good of the public welfare, it is necessary that an increase levy be utilized to fund the operation of the aforesaid organizations on and after July 1, 2017; and

(e) That the aforesaid organizations will be funded for the approximate amounts set forth in this order and the Harrison County Commission will provide the amount allocated to each organization for each of the five fiscal years of the levy beginning July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021.

Section 2: The purpose for which the increased levy funds are needed is to continue the operation of the aforesaid organizations at an adequate level of funding. This adequate level of funding for each of said organizations for five fiscal years beginning July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021, is as follows:

Agency	**Fiscal Year 2017**	**Fiscal Year 2018**	**Fiscal Year 2019**	**Fiscal Year 2020**	**Fiscal Year 2021**
Harrison County Senior Citizens Center and Satellites	$193,260	$202,923	$213,070	$223,723	$234,909
Harrison County Emergency Ambulance Authority	$552,157	$579,765	$608,753	$639,190	$671,150
Bi-County Nutrition Program, Inc.	$50,000	$52,500	$55,125	$57,881	$60,775
Health Access, Inc.	$50,000	$52,500	$55,125	$57,881	$60,775

Agency	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021
Susan Dew Hoff Memorial Clinic, Inc.	$50,000	$52,500	$55,125	$57,881	$60,775
United Summit Center	$69,015	$72,466	$76,089	$79,894	$83,888
Clarksburg/Harrison Health Department	$151,844	$159,436	$167,408	$175,779	$184,568
Harrison County Commission for: Harrison County Courthouse Security	$329,709	$346,194	$363,504	$381,679	$400,763
Harrison County Animal Control Department/Facility	$361,529	$379,605	$398,586	$418,515	$439,441
Harrison County Bureau/Office of Emergency Services/ Emergency Dispatch Operations Department/Facility	$999,572	$1,049,550	$1,102,028	$1,157,129	$1,214,986
Harrison County Parks and Recreation Department/Facility	$905,464	$949,507	$998,826	$1,053,071	$1,099,578
Totals	$3,712,550	$3,896,946	$4,093,639	$4,302,623	$4,511,608

Section 3: The total amount of funds needed for the purposes above stated is approximately $3,712,550 for the fiscal year beginning July 1, 2017; $3,896,946 for the fiscal year beginning July 1, 2018; $4,093,639 for the fiscal year beginning July 1, 2019; $4,302,623 for

the fiscal year beginning July 1, 2020; and $4,511,608 for the fiscal year beginning July 1, 2021. These funds will be used to provide for the continued operation of the Harrison County Senior Citizens Center and Satellites, Harrison County Emergency Ambulance Authority, Bi-County Nutrition Program Inc., Health Access Inc., Susan Dew Hoff Memorial Clinic Inc., United Summit Center, Clarksburg/Harrison Health Department, and Harrison County Commission for Harrison County Courthouse Security, Harrison County Animal Control Department/Facility; Harrison County Bureau/Office of Emergency Services and Emergency Dispatch Operations Department /Facility; Harrison County Parks and Recreation Department/Facility at an adequate level of funding, and said funds obtained from the levy will be used for the various services provided by each of the aforesaid organizations to the citizens and residents of Harrison County, West Virginia. The Harrison County Commission will each year provide the amount of funds from the levy to each organization in the amounts as set forth in this order.

In the event any of these entities or agencies would cease to exist, for whatever reason, the funding allocated to said entity or agency may be utilized by the Harrison County Parks and Recreation Department for program operations and/or by the Harrison County Commission for capital improvement projects at county owned facilities covered by this levy order.

In the event that any funds may be obtained from the United States of America, State of West Virginia, or any other legal source, by gift, grant or otherwise, in aid of furtherance of the aforesaid purposes, then any of the aforesaid organizations shall be authorized to match such funds, if required by the granting authority, from the proceeds of the increased levy.

Section 4: The separate and aggregate assessed valuation of each class of taxable property within Harrison County, West Virginia, as shown by the last assessment thereof for State, County and City taxation is as follows:

Class I	$0
Class II	$1,272,198,298
Class III	$1,617,271,262
Class IV	$1,047,705,842
Total	$3,937,175,402

Section 5: The proposed additional rate of levy in cents on each One Hundred Dollars ($100) assessed valuation of taxable property in Harrison County, West Virginia, for the fiscal year beginning July 1, 2017, to raise approximately $3,712,550 allowing for 5% delinquencies and 2% discount is as follows:

Upon Class I Properties	3.02 cents
Upon Class II Properties	6.04 cents
Upon Class III and Class IV Properties	12.08 cents

Section 6: The proposed additional rate of levy in cents on each One Hundred Dollars ($100) assessed valuation of taxable property in Harrison County, West Virginia, for fiscal year beginning July 1, 2018, to raise approximately $3,896,946 allowing for 5% delinquencies and 2% discount is as follows:

Upon Class I Properties	3.17 cents
Upon Class II Properties	6.34 cents
Upon Class III and Class IV Properties	12.68 cents

Section 7: The proposed additional rate of levy in cents on each One Hundred Dollars ($100) assessed valuation of taxable property in Harrison County, West Virginia, for fiscal year beginning July 1, 2019, to raise approximately $4,093,639 allowing for 5% delinquencies and 2% discount is as follows:

Upon Class I Properties	3.33 cents
Upon Class II Properties	6.66 cents
Upon Class III and Class IV Properties	13.32 cents

Section 8: The proposed additional rate of levy in cents on each One Hundred Dollars ($100) assessed valuation of taxable property in Harrison County, West Virginia, for fiscal year beginning July 1, 2020, to raise approximately $4,302,623 allowing for 5% delinquencies and 2% discount is as follows:

Upon Class I Properties	3.50 cents
Upon Class II Properties	7.00 cents
Upon Class III and Class IV Properties	14.00 cents

Section 9: The proposed additional rate of levy in cents on each One Hundred Dollars ($100) assessed valuation of taxable property in Harrison County, West Virginia, for fiscal year beginning July 1, 2021, to raise approximately $4,511,608 allowing for 5% delinquencies and 2% discount is as follows:

Upon Class I Properties	3.67 cents
Upon Class II Properties	7.34 cents
Upon Class III and Class IV Properties	14.68 cents

Section 10: In the event the separate and aggregate assessed valuation of each class of taxable property within the County of Harrison increases during the term of the special levy, the levy rate shall be adjusted so that the projected tax collection will be a maximum of $3,712,550 for the fiscal year beginning July 1, 2017; a maximum of $3,896,946 for the fiscal year beginning July 1, 2018; a maximum of $4,093,639 for the fiscal year beginning July 1, 2019; a maximum of $4,302,623 for the fiscal year beginning July 1, 2020; and a maximum of $4,511,608 for the fiscal year beginning July 1, 2021.

Section 11: The proposed years to which the additional levy shall apply are the five fiscal years beginning July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021.

Section 12: Upon approval of the proposed increased levy, the Harrison County Commission will not issue bonds as authorized by West Virginia Code Chapter 11, Article 8, Section 16, as amended.

Section 13: The question of laying such additional levy shall be submitted to the voters of Harrison County, West Virginia, in a primary election to be held in said County on the 10th day of May, 2016, in accordance with the election laws of the State of West Virginia.

Section 14: The registration of voters and the use of registration books shall be governed by the permanent registration laws of the State of West Virginia, and the registration lists of Harrison County, West Virginia, as amended and corrected according to law, shall be the official registration list for such primary election.

Section 15: The Notice calling such election shall be given by the publication of this Order as a Class II-0 legal advertisement in compliance with the provisions of West Virginia Code, Chapter 59, Article 3 (1931 as amended) being published once a week for two (2) successive weeks prior to the date of the election in two (2) newspapers, of opposite politics, and of general circulation in Harrison County, West Virginia.

Section 16: The form of the ballot for such election shall be as follows:

Harrison County Levy for the Operation of the
Harrison County Senior Citizens Center and Satellites,
Harrison County Emergency Ambulance Authority,
Bi-County Nutrition Program Inc.,
Health Access Inc.,
Susan Dew Hoff Memorial Clinic Inc.,
United Summit Center,
Clarksburg/Harrison Health Department,
Harrison County Commission for:
Harrison County Courthouse Security
Harrison County Animal Control Department/Facility
Harrison County Bureau/Office of Emergency Services and
Emergency Dispatch Operations Department/Facility
Harrison County Parks and Recreation Department/Facility

Special election to authorize additional levies for the fiscal years beginning July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020 and July 1, 2021, for the purpose of providing for the operation of the following organizations in the following amounts:

Agency	**Fiscal Year 2017**	**Fiscal Year 2018**	**Fiscal Year 2019**	**Fiscal Year 2020**	**Fiscal Year 2021**
Harrison County Senior Citizens Center and Satellites	$193,260	$202,923	$213,070	$223,723	$234,909

Agency	Fiscal Year 2017	Fiscal Year 2018	Fiscal Year 2019	Fiscal Year 2020	Fiscal Year 2021
Harrison County Emergency Ambulance Authority	$552,157	$579,765	$608,753	$639,190	$671,150
Bi-County Nutrition Program Inc.	$50,000	$52,500	$55,125	$57,881	$60,775
Health Access Inc.	$50,000	$52,500	$55,125	$57,881	$60,775
Susan Dew Hoff Memorial Clinic Inc.	$50,000	$52,500	$55,125	$57,881	$60,775
United Summit Center	$69,015	$72,466	$76,089	$79,894	$83,888
Clarksburg/Harrison Health Department	$151,844	$159,436	$167,408	$175,779	$184,568
Harrison County Commission for: Harrison County Courthouse Security	$329,709	$346,194	$363,504	$381,679	$400,763
Harrison County Animal Control Department/Facility	$361,529	$379,605	$398,586	$418,515	$439,441
Harrison County Bureau/Office of Emergency Services/ Emergency Dispatch Operations Department/Facility	$999,572	$1,049,550	$1,102,028	$1,157,129	$1,214,986
Harrison County Parks and Recreation Department/Facility	$905,464	$949,507	$998,826	$1,053,071	$1,099,578
Totals	$3,712,550	$3,896,946	$4,093,639	$4,302,623	$4,511,608

In the event any of these entities or agencies would cease to exist, for whatever reason, the funding allocated to said entity or agency may be utilized by the Harrison County Parks and Recreation Department for program operations and/or by the Harrison County Commission for capital improvement projects at county owned facilities covered by this levy order.

According to the Order of the Harrison County Commission, adopted on the 21st day of January, 2016. The funds raised will be used for providing adequate funding to operate the aforesaid organizations.

The additional levy, allowing for 5% delinquencies and 2% discount, for the fiscal year beginning July 1, 2017, shall be on Class I property 3.02 cents; and on Class II property 6.04 cents; and on Class III and Class IV property 12.08 cents; per $100.00 valuation.

The additional levy, allowing for 5% delinquencies and 2% discount, for the fiscal year beginning July 1, 2018, shall be on Class I property 3.17 cents; and on Class II property 6.34 cents; and on Class III and Class IV property 12.68 cents; per $100.00 valuation.

The additional levy, allowing for 5% delinquencies and 2% discount, for the fiscal year beginning July 1, 2019, shall be on Class I property 3.33 cents; and on Class II property 6.66 cents; and on Class III and Class IV property 13.32 cents; per $100.00 valuation.

The additional levy, allowing for 5% delinquencies and 2% discount, for the fiscal year beginning July 1, 2020, shall be on Class I property 3.50 cents; and on Class II property 7.00 cents; and on Class III and Class IV property 14.00 cents; per $100.00 valuation.

The additional levy, allowing for 5% delinquencies and 2% discount, for the fiscal year beginning July 1, 2021, shall be on Class I property 3.67 cents; and on Class II property 7.34 cents; and on Class III and Class IV property 14.68 cents; per $100.00 valuation.

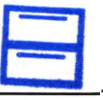
That in the event the separate and aggregate assessed valuation of each class of taxable property within the County of Harrison increases during the term of the special levy, the levy rate shall be adjusted so that the projected tax collection will be a maximum of $3,712,550 for the fiscal year beginning July 1, 2017; a maximum of $3,896,946 for fiscal year beginning July 1, 2018; a maximum of $4,093,639 for the fiscal year beginning July 1, 2019; a maximum of $4,302,623 for the fiscal year beginning July 1, 2020; and a maximum of $4,511,608 for the fiscal year beginning July 1, 2021.

( ) Yes, for continued funding for Harrison County Senior Citizens Center and Satellites, Harrison County Emergency Ambulance Authority, United Summit Center, Clarksburg/Harrison Health Department, and Harrison County Commission for: Harrison County Courthouse Security, Harrison County Animal Control Department/Facility, Harrison County Bureau/ Office of Emergency Services/Emergency Dispatch Operations Department/Facility, Harrison County Parks and Recreation Department/ Facility.

( ) No, for continued funding for Harrison County Senior Citizens Center and Satellites, Harrison County Emergency Ambulance Authority, United Summit Center, Clarksburg/Harrison Health Department, and Harrison County Commission for: Harrison County Courthouse Security, Harrison County Animal Control Department/Facility, Harrison County Bureau/ Office of Emergency Services/Emergency Dispatch Operations Department/Facility, Harrison County Parks and Recreation Department/ Facility.

Given under our hand and seal of the County of Harrison, this 21st day of January, 2016.

ENTERED:



RONALD R. WATSON, President

Attest:



SUSAN J. THOMAS, Clerk of the County Commission

OCTOBER 09, 2021

NOTICE OF LEVY ELECTION

TO BE HELD IN HARRISON COUNTY, WEST VIRGINIA
ON TUESDAY, May 10, 2016

An Order Authorizing a Levy Election Under the
Provisions of West Virginia Code
Chapter 11, Article 8, Section 16,
To Provide for the Continued Operation of the Mass
Transportation Bus System

IT IS HEREBY ORDERED by the County Commission of Harrison County, West Virginia:

Section 1: The County Commission of Harrison County, West Virginia, is of the opinion, and does hereby find:

(a) That the existing mass transportation bus system operated by the Central West Virginia Transit Authority is funded for operation in Harrison County, West Virginia, only in an amount to adequately operate said system until June 30, 2017, and that on and after July 1, 2017, the Central West Virginia Transit Authority will not have funds to adequately operate the existing mass transportation bus system;

(b) That for the existing mass transportation bus system to be operated beyond June 30, 2017, additional revenues are needed; and

(c) That for the good of the public welfare, it is necessary that an increased levy be utilized to fund the operation of the mass transportation bus system on and after July 1, 2017.

Section 2: The purpose for which the increased levy funds are needed is to continue the operation of the mass transportation bus system in Harrison County, West Virginia, at an adequate level of funding. This adequate level of funding for each of the five years beginning July 1, 2017 is $2,261,951; July 1, 2018 is $2,384,882; July 1, 2019 is $2,495,522; July 1, 2020 is $2,618,453; and July 1, 2021 is $2,753,678.

Section 3: The total amount of funds needed for the purpose above stated is approximately $2,261,951 for the fiscal year beginning July 1, 2017; $2,384,882 for the fiscal year beginning July 1, 2018; $2,495,522 for the fiscal year beginning July 1, 2019; $2,618,453 for

fiscal year beginning July 1, 2020; $2,753,678 for fiscal year beginning July 1, 2021. The funds will be used to provide for the continued operation of the mass transportation bus system in Harrison County, West Virginia, and funds obtained from the levy may be used for the operation of the mass transportation bus system for routes which originate and terminate within the geographical confines of Harrison County, West Virginia.

Any surplus funds received may be utilized for the same purpose during the fiscal year so received.

In the event that any funds may be obtained from the United State of America, State of West Virginia, or any other legal source, by gift, grant or otherwise, in aid of furtherance of the aforesaid purpose, the Central West Virginia Transit Authority shall be authorized to match such funds, if required by the granting authority, from the proceeds of the increased levy.

Section 4: The separate and aggregate assessed valuation of each class of taxable property within Harrison County, West Virginia, as shown by the last assessment thereof for State, County and City taxation is as follows:

Class I	$ - 0 –
Class II	$1,272,198,298
Class III	$1,617,271,262
Class IV	$1,047,705,842
Total	$3,937,175,402

Section 5: The proposed additional rate of levy in cents on each One Hundred Dollars ($100.00) assessed valuation of taxable property in Harrison County, West Virginia, for the fiscal year beginning July 1, 2017, to raise a maximum of $2,261,951 allowing for 5% delinquencies and 2% discount, is as follows:

Upon Class I Properties	1.84 cents

Upon Class II Properties	3.68 cents
Upon Class III Properties and Class IV Properties	7.36 cents

The proposed additional rate of levy in cents on each One Hundred Dollars ($100.00) assessed valuation of taxable property in Harrison County, West Virginia, for the fiscal year beginning July 1, 2018, to raise a maximum of $2,384,882 allowing for 5% delinquencies and 2% discount, is as follows:

Upon Class I Properties	1.94 cents
Upon Class II Properties	3.88 cents
Upon Class III Properties and Class IV Properties	7.76 cents

The proposed additional rate of levy in cents on each One Hundred Dollars ($100.00) assessed valuation of taxable property in Harrison County, West Virginia, for the fiscal year beginning July 1, 2019, to raise a maximum of $2,495,522 allowing for 5% delinquencies and 2% discount, is as follows:

Upon Class I Properties	2.03 cents
Upon Class II Properties	4.06 cents
Upon Class III Properties and Class IV Properties	8.12 cents

The proposed additional rate of levy in cents on each One Hundred Dollars ($100.00) assessed valuation of taxable property in Harrison County, West Virginia, for the fiscal year beginning July 1, 2020, to raise a maximum of $2,618,453 allowing for 5% delinquencies and 2% discount, is as follows:

Upon Class I Properties	2.13 cents
Upon Class II Properties	4.26 cents
Upon Class III Properties and Class IV Properties	8.52 cents

The proposed additional rate of levy in cents on each One Hundred Dollars ($100.00) assessed valuation of taxable property in Harrison County, West Virginia, for the fiscal year beginning July 1, 2021, to raise a maximum of $2,753,678 allowing for 5% delinquencies and 2% discount, is as follows:

Upon Class I Properties	2.24 cents
Upon Class II Properties	4.48 cents
Upon Class III Properties and Class IV Properties	8.96 cents

Section 5 (a): That in the event the separate and aggregate assessed valuation of each class of taxable property within the County of Harrison increases during the term of the special levy, the levy rate shall be adjusted so that the projected tax collection will not exceed the maximum sum of $2,261,951 for the fiscal year beginning July 1, 2017; $2,384,882 for the fiscal year beginning July 1, 2018; $2,495,522 for the fiscal year beginning July 1, 2019; $2,618,453 for the fiscal year beginning July 1, 2020; and $2,753,678 for the fiscal year beginning July 1, 2021.

Section 6: The proposed years to which the additional levy shall apply are the five fiscal years beginning July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020 and July 1, 2021.

Section 7: Upon approval of the proposed increased levy, the Harrison County Commission will not issue bonds as authorized by West Virginia Code Chapter 11, Article 8, Section 16, as amended.

Section 8: The question of laying such additional levy shall be submitted to the voters of Harrison County, West Virginia, in a primary election to be held in said County on the 10th day of May, 2016, in accordance with election laws of the State of West Virginia.

Section 9: The registration of voters and the use of registration books shall be governed by the permanent registration laws of the State of West Virginia, and the registration lists of Harrison County, West Virginia, as amended and corrected according to law, shall be the official registration list for such general election.

Section 10: The Notice calling such election shall be given by the publication of this Order as a Class II-0 legal advertisement in compliance with the provisions of West Virginia Code, Chapter 59, Article 3 (1931 as amended) being published once a week for two (2) successive weeks prior to the date of the election in two (2) newspapers, of opposite politics, and of general circulation in Harrison County, West Virginia.

Section 11: The form of the ballot for such election shall be as follows:

Harrison County Levy for Funds to
Continue Public Bus Transportation

Special election to authorize additional levies, allowing for 5% delinquencies and 2% discount, for the fiscal years beginning July 1, 2017, July 1, 2018, July 1, 2019, July 1, 2020, and July 1, 2021, for the purpose of providing for the continued operation of the mass transportation bus system in Harrison County, West Virginia, according to the Order of the Harrison County Commission, adopted on the 21st day of January, 2016. The funds raised will be used for general operating expenses, including matching funds to obtain federal funds for replacement of existing bus inventory, and other improvements to garage facilities.

The additional levy allowing for 5% delinquencies and 2% discount for fiscal year beginning July 1, 2017, shall be on Class I property 1.84 cents; on Class II property 3.68 cents; and on Class III and Class IV property 7.36 cents; per $100.00 valuation.

The additional levy allowing for 5% delinquencies and 2% discount for fiscal year beginning July 1, 2018, shall be on Class I property 1.94 cents; on Class II property 3.88 cents; and on Class III and Class IV property 7.76 cents; per $100.00 valuation.

The additional levy allowing for 5% delinquencies and 2% discount for fiscal year beginning July 1, 2019, shall be on Class I property 2.03 cents; on Class II property 4.06 cents; and on Class III and Class IV property 8.12 cents; per $100.00 valuation.

The additional levy allowing for 5% delinquencies and 2% discount for fiscal year beginning July 1, 2020, shall be on Class I property 2.13 cents; on Class II property 4.26 cents; and on Class III and Class IV property 8.52 cents; per $100.00 valuation.

The additional levy allowing for 5% delinquencies and 2% discount for fiscal year beginning July 1, 2021, shall be on Class I property 2.24 cents; on Class II property 4.48 cents; and on Class III and Class IV property 8.96 cents; per $100.00 valuation.

That in the event the separate and aggregate assessed valuation of each class of taxable property within the County of Harrison increases during the term of the special levy, the levy rate shall be adjusted so that the projected tax collection will not exceed the maximum sum of: $2,261,951 for the fiscal year beginning July 1, 2017; $2,384,882 for the fiscal year beginning July 1, 2018; $2,495,522 for the fiscal year beginning July 1, 2019; $2,618,453 for the fiscal year beginning July 1, 2020; and $2,753,678 for the fiscal year beginning July 1, 2021.

( ) Yes, for levy for continued mass transportation bus system.

( ) No, against levy for continued mass transportation bus system.

Given under our hand and seal of the County of Harrison, this 21st day of January 2016.

ENTERED:



RONALD R. WATSON, President

Attest:



SUSAN J. THOMAS, Clerk of the County Commission

Harrison County
Subdivision and Land Development Ordinance

§ 8A-4-3 13
MARCH 31, 2021
10:00 A.M.
PUBLIC HEARING

Draft

Enactment [Date]

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Article 1. GENERAL PROVISIONS

Section 1.1 Title

This Ordinance shall be referenced and known as "The Harrison County Subdivision and Land Development Ordinance," and shall be referred to herein as "this Ordinance."

Section 1.2 Authority

The subdivision and land development standards for Harrison County, West Virginia, are established in accordance with West Virginia Code, Chapter 8A, Articles 4 and 5, as amended.

Section 1.3 Statement of Purpose

This subdivision and land development ordinance has been created and adopted for the following purposes:

A. To protect and provide for the public health, safety, and general welfare of Harrison County citizens.
B. To guide in the orderly and efficient growth and development of Harrison County, in accordance with the Harrison County Comprehensive Plan.
C. To provide for adequate light, air, and privacy; to secure safety from fire, flood, and other dangers; and to prevent overcrowding of the land and undue congestion of population.
D. To ensure that proper provisions are made for drainage, water supply, sewage, and other needed improvements.
E. To protect and conserve the value of land throughout Harrison County and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings.
F. To prevent the pollution of air, streams, ponds, and all other water bodies to safeguard the water table and to encourage the proper use and management of natural resources throughout Harrison County.
G. To preserve the natural beauty and topography of Harrison County and to ensure appropriate development with regard to these natural features.
H. To ensure equitable processing of all subdivision and land development plans and plats by providing uniform procedures and standards for observance by both developers and the Harrison County Planning Commission.

Section 1.4 Statement of Intent

It is the intent of this Ordinance to provide reasonable control and regulations concerning subdivision plans and plats within Harrison County, West Virginia. The ordinance will control the division and development of land within the county for transfer, sale, development, or similar purpose.

Section 1.5 Jurisdiction

This Ordinance applies to all subdivision and development of land, as defined herein, only within the unincorporated portions of Harrison County, West Virginia, within the jurisdiction of the County Commission of Harrison County.

Section 1.6 Interpretation

The provisions of this Ordinance shall be held to be the minimum requirements to meet the objectives presented in Chapter 8A, Articles 4 and 5, of the West Virginia Code, as well as the purposes outlined herein. In the interpretation and application of the provisions of this Ordinance, said provisions shall be deemed the minimum requirements necessary for the promotion and protection of public health, safety, and welfare.

Where the provisions of this Ordinance and all implementing standards and specifications are more restrictive than those of any other law or any applicable subdivision or land development agreement, the provisions of this Ordinance and its standards and specifications shall be controlling. Where the provisions of any law or applicable land development agreement impose greater restrictions upon land development or subdivision than this Ordinance, the provisions of such law or applicable land development agreement shall be controlling.

Section 1.7 Severability and Saving Provision

If a court of competent jurisdiction declares any provisions of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

These regulations shall not be construed as abating any action now pending under, or by virtue of, prior existing subdivision regulations; as discontinuing, abating, modifying, or altering any penalty accruing or about to accrue; as affecting the liability of any person, firm, or corporation; as waiving any right of Harrison County under any section or provision existing at the time of adoption of these regulations; or vacating or annulling any rights obtained by any person, firm, or corporation by lawful action of Harrison County except as shall be expressly provided for in these regulations.

Section 1.8 Non-exclusionary Intent

It is not the intent of this Ordinance to exclude any persons or groups with differing economic status, race, color, religion, sex, national origin, disability, or familial status from enjoyment of a residence, land ownership, or tenancy within Harrison County; nor is it the intent of this Ordinance to use public powers in any way to promote the separation within Harrison County of economic, racial, religious, or ethnic groups, except as may be an incidental result of meeting the purposes outlined in this Ordinance.

Section 1.9 Enactment

In order that land may be subdivided in accordance with the stated purposes and policies, these subdivision and land development regulations are hereby adopted and made effective as of [Insert DATE of Ordinance Enactment] and shall remain in effect until modified, amended, or rescinded by the Harrison County Commission.

Section 1.10 Exemptions

The following are exempt from the provisions of this Ordinance:

A. *Agricultural Activity.* The subdivision of real estate or land development for agricultural purposes into parcels of more than ten (10) acres, not involving any new streets or easements of access and

used solely for agricultural activity, as defined herein, referred to as an "agricultural subdivisions," are exempt from this Ordinance, provided that:

1. Agricultural activity begins or continues within one (1) year of the approval of the agricultural subdivision and continues with not more than one (1) year of abandonment.
2. All agricultural subdivisions shall contain a covenant on the final plan or plat and on any deed transferring such property that reads.

> *This property has been subdivided through the agricultural subdivision provisions of the Harrison County Subdivision and Land Development Ordinance and shall continue in agricultural use unless complying with all applicable Harrison County Ordinances.*

Said covenant is revocable only by consent of the Harrison County Commission and the landowners.

B. *Conversion of a Single-family Dwelling.* The conversion of an existing single-family detached dwelling or single-family, semi-detached dwelling into not more than three (3) separate residential dwelling units, unless such units are intended to be part of a condominium.
C. *Accessory Buildings.* The addition of an accessory building, including farm structures, subordinate to an existing principal building on a lot or lots.
D. Subdivision or land development resulting from partition of land by order of an appropriate court of law.
E. The subdivision or land development is for public purposes such as public utilities, public schools, parks, and public streets.
F. Land owned by government entities.
G. Farm structures, as defined herein.
H. Cemetery development.

Article 2. DEFINITIONS

Section 2.1 Interpretation of Words

For the purpose of this Ordinance, certain terms and words used herein shall be interpreted as follows:

A. Words used in the present tense include the future tense.
B. Words used in the singular number include the plural, and words used in the plural number include the singular.
C. Words in the masculine include the feminine and vice versa.
D. The word "person" includes a firm, association, organization, limited liability company, limited partnership, corporation, trust, company, as well as a natural individual.
E. The word "County" means Harrison County.
F. The word "shall" and "must" are used to indicate mandatory directives. The word "may" indicates a permissive directive.
G. The terms "governing body" and "County Commission" shall both mean the County Commission for Harrison County, West Virginia.
H. The term "Planning Commission" shall mean the Planning Commission for Harrison County, West Virginia, pursuant to Chapter 8A of the West Virginia Code.
I. The term "Planning Department Staff" shall mean the Harrison County Planning Department.

Section 2.2 Definition of Terms

1. Abandonment: The cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or lessee to continue the use or without any intention to resume the use for a period of one (1) year. Abandonment shall be presumed if one (1) or more of the following conditions exists, indicating intent on the part of the property owner to abandon the nonconforming use:
    i. When the intent of the owner to discontinue the use is apparent;
    ii. Utilities, such as water, gas, and electricity to the property have been disconnected;
    iii. The property, buildings, and grounds have fallen into disrepair as evidenced by proper code violation documentation; or
    iv. The business license has expired.

2. Agent: Any person authorized by another to act for him or her.

3. Aggrieved or Aggrieved Person is a person who:
    i. Is denied by the Planning Commission, in whole or in part, the relief sought in any application or appeal; or
    ii. Has demonstrated that he or she will suffer a peculiar injury, prejudice, or inconvenience beyond that which other residents of the county may suffer.

4. Agricultural Activity: The practice of farming, including cultivation of the soil for the growing of crops and the rearing of animals to provide food and other products.

5. Alley: A service roadway less than twenty (20) feet in width, providing a secondary means of access to abutting property and not intended for general traffic circulation.

6. Applicant: The owner of land proposed to be subdivided or developed or its representative who shall have express written consent to act on behalf of the owner. Consent shall be required from the legal owner of the premises.

7. Application: The completed form or forms and all accompanying documents, exhibits, materials, and fees required of an applicant by the applicable department, board, or commission of the county for subdivision or land development review, approval, or permitting purposes.

8. Block: A tract of land bounded by streets, or a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways, or other natural boundaries.

9. Bollard: A short, vertical, and permanent post, usually ornamental in nature, used to inhibit trespass by persons or vehicles, or to prevent encroachment onto private property or other defined space.

10. Boundary Line Adjustment: Also known as a lot line adjustment, accommodates a transfer of land between separate, but adjacent lots. Boundary line adjustments do not create additional lots or building sites. A boundary line adjustment allows legal transfer of ownership and minor relocation of property boundaries, or merging lots for any recorded or unrecorded, subdivided

parcel. Changes in lot configuration are also included, provided that the building site remains within the original parent parcel. This process allows for corrections to created gaps or overlaps of property caused by erroneous occupation or legal description. Boundary line adjustments include transfer of parcels of real estate to achieve boundary line settlement or adjustment. Boundary line adjustments cannot involve more than 10% of the land in either parcel involved in the adjustment.

11. Building: Any structure built for the support, shelter, or enclosure of persons, animals, chattels, or movable property of any kind.

12. Building Setback The required minimum distance between any structure and an adjacent right-of-way or property line.
    i. Front Setback: The shortest distance between the building setback line and the front lot line.
    ii. Rear Setback: The shortest distance between the building set back line and the rear lot line.
    iii. Side Setback: The shortest distance between the building set back line and the side lot lines.

13. Buffer Area: An area of undeveloped land with regularly maintained plantings or vegetated space.

14. Campground: A site designed, designated, maintained, intended, or used for the purpose of supplying a location for seasonal, recreational, and temporary living purposes in cabins, tents, or recreational equipment open to the public for free or for a fee.

15. Clear Sight Triangle: Also referred to as adequate sight distance. An area of unobstructed vision at street intersections defined by lines of sight between points at a given distance from the intersection of the center lines of streets.

16. Clerk of the County Commission: The Clerk of the County Commission of Harrison County, West Virginia.

17. Cluster: A development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel as in conventional subdivision development. Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural or built resources.

18. Common Area: Property held in common by mutual ownership or by an association of property owners within a development or held in corporate ownership for the benefit of each owner within a development.

19. Community Facilities: Existing, planned, or proposed parks, playgrounds, schools, and other public lands and buildings owned or maintained by a local government.

20. Comprehensive Plan: A plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals, and objectives for all activities that affect growth and development in the governing body's jurisdiction.

21. Condominium: Ownership in common with others of a parcel of land and certain parts of a building thereon that would normally be used by all the occupants, together with individual ownership in fee, of a particular unit or apartment in such building or on such parcel of land and may include dwellings, offices, and other types of space in commercial buildings or on property.

22. Construction Plans. The engineering drawings showing the construction details and the types of material for the physical structures and facilities (excluding dwelling units) and infrastructure to be installed in conjunction with the development of the project.

23. Contiguous: Next to, abutting, and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads, or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine whether lots, parcels, municipal boundaries, or county boundaries are contiguous.

24. Covenant: An agreement, restriction, or condition placed on a parcel of land that remains attached to the land and entitles successive landowners to its benefits or obligations.

25. Cul-de-sac: A local street, one end of which is permanently closed to dedication to public use and consists of a circular turn around or other approved design, for the purpose of allowing vehicles to change their direction of travel within the improved right-of-way.

26. Curb: A stone, concrete, or other improved boundary marking the edge of the roadway or paved area.

27. Dedication: The deliberate setting aside and appropriation of land by its owner for any general or public uses, reserving to the owner only those rights that are compatible with the full exercise and enjoyment of the public uses to which the property has been dedicated.

28. Deed Restriction: A limitation placed within a deed that controls the use of the property. Deed restrictions run with the land and cannot generally be removed by new owners.

29. Density: The average number of dwelling units allowed on one (1) acre of land. It may also measure the number of families, housing units, or rental rooms.

30. Developer: The individual or entity undertaking the land development or subdivision in an application.

31. Drainage: Any ditch, gutter, pipe, culvert, stormwater management facility, storm sewer, or other structure designed, intended, or constructed for the purpose of diverting diffused waters from or carrying surface waters off streets, public rights-of-way, parks, lots, recreational areas, or any part of any subdivision, land development, or contiguous land areas.

32. Driveway: A privately owned vehicular access from a street to properties that abut the street and that serve no more than four (4) dwelling units. Any vehicular access that serves more than 4 dwelling units shall either be considered either a street or a private road.

33. Dwelling unit: Any dwelling or portion thereof used or intended to be used by one (1) family and providing complete housekeeping facilities.

34. Easement: A grant by a property owner of the use of a designated part of his or her land by another party for a specified purpose and for a specified time.

35. Factory-built Home includes manufactured and mobile homes as defined:
    i. "Manufactured Home" means a home that meets the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six, and the federal manufactured home construction and safety standards and regulations promulgated by the secretary of the United States department of housing and urban development.
    ii. "Mobile Home" means a transportable structure that is wholly, or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and designed for long-term residential use and built prior to enactment of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 (42 U. S. C. §5401, et seq.), effective on the fifteenth day of June, one thousand nine hundred seventy-six, and usually built to the voluntary industry standard of the American national standards institute (ANSI), A119.1 standards for mobile homes.

36. Factory-built Home Community: A parcel of land subdivided or developed for two (2) or more factory-built homes occupied on a continual, non-recreational basis, together with any structure, equipment, street, or facility intended for use incidental to the occupancy of the factory-built home or homes.

37. Family: An individual or two (2) or more persons related by blood, marriage, adoption, or foster relationship, or no more than three (3) unrelated individuals and individuals related by blood, marriage, adoption, or foster relationship to any of those three (3) unrelated individuals, living together on a non-profit basis as a single housekeeping unit and sharing common living, dining, and kitchen areas.

38. Farm Structure: Buildings and other structures used primarily for agricultural activities, as defined herein, including, but not limited to, garages, barns, coops, sheds, stables, silos, greenhouses, root cellars, pigpens, and slaughterhouses.

39. Fire Hydrant: A connection point, usually along a public right-of-way, where firefighters can connect into a water supply for purposes of fire suppression.

40. Frontage: The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets, the arc between the side lot lines is the lot frontage.

41. Governmental Entity: Any federal, state, or local government, and any body, board, department, commission, court, tribunal, authority, agency or other instrumentality of any such government or otherwise exercising any executive, legislative, judicial, administrative, or regulatory functions of such government.

42. Grade: The natural level of the ground adjoining the object whose height is to be measured. Where grade refers to a street or road, it is the existing grade at that point.

43. Grading: Any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled, or any combination thereof.

44. Gross Floor Area: The total area of a building measured by taking the outside dimensions of the building at each floor level.

45. Homeowner's Association (HOA) or Business Owner's Association (BOA): An incorporated nonprofit organization operating under a recorded land agreement through which (a) each lot owner is automatically a member and (b) each lot is typically subject to a proportionate share of the expense for the organization's activities, including, but not limited to, maintaining drives, streets, roads, and other common areas.

46. Immediate Family Members: With respect to a "family subdivision," means a spouse, any child or children, and any stepchild or stepchildren, grandchild or grandchildren, step-grandchild or step-grandchildren, and parent or parents.

47. Improvement Location Permit: A permit issued for the construction, erection, installation, placement, rehabilitation, or renovation of a structure or development of land, and for the purpose of regulating development within flood-prone areas.

48. Infrastructure: Facilities and services needed to sustain industrial, residential, commercial, and all other land use activities, including water, sewer lines, and other utilities; stormwater management facilities; streets and roads; communications facilities; emergency or public facilities such as fire stations, parks, and similar facilities; but not including solar or wind facilities utilized for electrical-generating purposes.

49. Land Development: The improvement of one (1) or more lots, tracts, or parcels of land by any means and for any purpose except the following: easements; rights-of-way; exemptions under Section 1.10; and construction of private roads for extraction, harvesting, or transporting of natural resources or agricultural products.

50. Land Development, Major: As defined in Section 3.4 in this Ordinance.

51. Land Development, Minor: As defined in Section 3.3 in this Ordinance.

52. Landscaping: The bringing of the soil surface to a smooth finished grade, installing trees, shrubs, ground cover, grass, and similar vegetation to soften building lines, provide shade, and generally produce a pleasing visual effect of the premises.

53. Lot: A portion of a subdivision or land development or other parcel of land legally described or delineated as a unit.

54. Lot, Corner: A lot situated at the intersection of two (2) streets, the interior angle of such intersection not exceeding one hundred and thirty-five (135) degrees.

55. Lot Width: The measure of frontage for lots and the distance across the lot (side lot line to side lot line) at the minimum front setback line or at the midpoint of the buildable area, whichever is less.

56. Metes and Bounds: A method of describing the boundaries of land by courses and distances.

57. Multi-family Development: A structure designed for or occupied exclusively as a residence with two (2) or more dwelling units, whether they have direct access to the outside or access to a common entrance.

58. Monument: A marker placed in the ground for delineating the survey of a subdivision or land development, the boundaries of a political subdivision, or to facilitate a geographic information system.

59. Official Submission Date: The date upon which an appropriate employee or agent of Harrison County receives an application for a subdivision or land development.

60. Off-tract Infrastructure: Facilities and systems created, maintained, and operated by a governmental or quasi-governmental entity that are not found on the parcel or parcels in question for a given application pursuant to this Ordinance. These facilities and systems include, but are not limited to, roads, wastewater facilities and collection lines, water facilities and distribution lines, and stormwater management facilities.

61. Open Space: Land area to be left undeveloped as part of a natural resource preservation, recreation, buffer yards, or other open space provision of this Ordinance. Open space excludes areas in lots, street rights-of-way, or parking. Private open space is designed and intended for common use and the enjoyment of the residents of the subdivision. Public open space is designed and intended for common use and the enjoyment of the residents of Harrison County.

62. Owner: Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity having sufficient proprietary interest in the land sought to be subdivided or developed to commence and to maintain proceedings to subdivide or develop the same under this Ordinance.

63. Parcel: Land that can be owned, sold, and developed. Parcels have legal descriptions that not only describe their boundaries but also contain information concerning rights and interests.

64. Parent Parcel or Tract: A parcel or tract of land prior to subdivision.

65. Plan: A written description for the development of land or subdivision.

66. Plat: The map, drawing, or chart on which the applicant's plan or layout of a land development or subdivision is shown, indicating the location and boundaries of individual properties, and that is submitted to the Planning Commission for approval as part of a major land development or subdivision plan or to staff for approval of minor land developments or subdivisions.

67. Plat, Final: The map, drawing, or chart, based upon the advancement of the preliminary plan, in which the applicant's plan is submitted to the Planning Commission for final approval and which, if approved, shall be recorded in the office of the Clerk of the County Commission in accordance with Chapter 39, Article 1, Section 13, of West Virginia Code, 1931, as amended.

68. Plat, Preliminary: The map, drawing, or chart on which the layout and design of a proposed subdivision or land development is shown and which is submitted to the Planning Commission for consideration and advancement as part of a preliminary plan.

69. Practicable, Not: When the physical characteristics of the terrain prevent meeting a standard of this Ordinance without incurring significant additional costs.

70. Professional Engineer: A person who has been duly registered or licensed as a professional engineer by the West Virginia State Board of Registration for Professional Engineers. The board may designate a professional engineer, based on education, experience, and examination, as being licensed in a specific discipline or branch of engineering signifying the area in which the engineer has demonstrated competence. Anywhere the term "engineer" is used, a professional engineer is required.

71. Public Improvement: Modifications to land which increase its value or utility. Improvements include, but are not limited to, buildings and structures, road grading, road surfacing, landscaping, curbs, gutters, storm sewers and drains, sidewalks, street signs, modifications to watercourses, water supply facilities, sewage disposal facilities, and park and recreation equipment.

72. Public Service District: A legally constituted public corporation created by the County Commission pursuant to Article 13a, West Virginia Code, authorized to acquire, construct, and operate water and sewer systems.

73. Public Sewer System: Any sewer, sewerage system, sewage treatment works or part thereof, designed, intended, or constructed for the collection, treatment, or disposal of liquid waste, including industrial waste, with a daily design flow greater than one thousand (1,000) gallons per day with subsurface discharge or greater than six hundred (600) gallons per day with surface discharge, serving one (1) or more dwellings or establishments. A single entity owns and performs maintenance on the system.

74. Public Utilities: All persons, firms, corporations, co-partnerships or municipal authorities providing gas, electricity, water, steam, telephone, sewer, or other services of a similar nature.

75. Public Water: A public water system:
    i. Shall include any water system or supply that regularly supplies or offers to supply piped water to the public for human consumption, if serving at least an average of twenty-five (25) individuals per day for at least sixty (60) days per year, or which has at least fifteen (15) service connections;
    ii. Shall include any collection, treatment, storage, and distribution facilities under the control of the owner or operator of such system and used primarily in connection with such system;

iii. Shall include any collection or pretreatment storage facilities not under such control that are used primarily in connection with such system; and

iv. Shall not include a system that meets all of the following conditions:

a. Consists only of distribution and storage facilities (and does not have any collection and treatment facilities);

b. Obtains all of its water from, but is not owned or operated by, a public water system which otherwise meets the definition;

c. Does not sell water to any person; and

d. Is not a carrier conveying passengers in interstate commerce.

76. Recreational Vehicle: Includes travel trailers, pickup coaches, motorized homes, and similar vehicles.

i. "Travel Trailer" means a portable structure built on a chassis, designed to be towed and used as a temporary dwelling for travel, recreational, and vacation purposes, and permanently identified as a travel trailer by the manufacturer of the trailer.

ii. "Pickup Coach" means a structure designed primarily to be mounted on a pickup or other truck chassis with sufficient equipment to render it suitable for use as a temporary dwelling for travel, recreational, and vacation purposes.

iii. "Motorized Home" means a portable dwelling designed and constructed as an integral part of a self-propelled vehicle.

77. Recreational Vehicle Park: A location for recreational vehicles to park or locate overnight or longer in allotted spaces for temporary recreational purposes.

78. Reserve Strips: Also known as "spite strips," means a parcel of ground in separate ownership, separating a street from adjacent properties.

79. Re-subdivision: The subdivision of land that has been previously subdivided. Re-subdivisions may include, but are not limited to, combining of lots, dividing a lot between adjacent lots, and alterations or changes of lot lines.

80. Right-of-way: An area of land that is dedicated to be occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

81. Road Right-of-way Width: The distance between property lines measured at right angles to the centerline of the right-of-way.

82. Roadway: The portion of a street right-of-way that is paved, improved, designated, or intended for vehicular traffic.

83. Septic Tank: A multiple compartment, watertight receptacle that receives sewage from a building or structure and is designed and constructed to permit settling of solids from the sewage, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

84. Sidewalk: A pedestrian way extending along, parallel to, and within an easement or the right-of-way of a public or private street.

85. Single-family Dwelling: A detached structure designed for or occupied exclusively as a residence for only one family.

86. Slope: The change in the vertical measurement (rise) divided by the change in the horizontal measurement (run). Slope is written as a ratio or a percentage.

87. Special Flood Hazard Area (SFHA): Also referred to as a flood-prone area, the area that will be inundated by flood waters and having a one (1%) percent chance of being equaled or exceeded in any given year. The one (1) percent annual chance flood is also referred to as the base flood area or the one hundred (100) year flood area.

88. Stormwater Management: The mitigation of the hydrologic impacts of lost natural runoff storage by the use of constructed storage facilities.
    i. For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff that may be caused by land disturbing activities or activities upon the land; and
    ii. For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

89. Street: Avenues, boulevards, highways, roads, lanes, alleys, and other public ways.

90. Street, Arterial: A street that serves, or is designed to serve, as a connection between uses that generates heavy traffic volumes or between other arterial streets.

91. Street, Collector: A street that serves or is designed to serve as the connection from local streets to the arterial street system, such as the main entrance street of a residential development, or as a secondary connection between arterial streets.

92. Street, Local: A street that serves or is designed to serve primarily as access to abutting properties.

93. Subdivision: The division of a lot, tract, or parcel of land into two or more lots, tracts, or parcels of land, or the recombination of existing lots, tracts, or parcels. For the purposes of this Ordinance a re-subdivision is considered a subdivision.

94. Subdivision, Major: As defined in Section 3.2 in this Ordinance.

95. Subdivision, Minor: As defined in Section 3.1 in this Ordinance.

96. Surety: A financial guaranty that the improvements proposed in the subdivision or land development application are made as planned. If improvements are not made by the applicant,

the local government can use surety funds to complete the work as planned. Includes but is not limited to performance bonds, cash in escrow, a letter of credit, and similar collateral.

97. Tract: Means the same as and used interchangeably with the term "lot," particularly where a "tract" is subdivided into several lots, parcels, sites, units, plots, condominiums, tracts, or interests.

98. Utility Easement: Conveyance of a right-of-way for purposes of facilitating, metering, or transmission of water, sewer, electricity, gas, telephone, cable television services, internet, and similar services.

99. Waiver: The intentional deviation of a portion of the requirements of this Ordinance by the Planning Commission or Planning Department Staff.

100. Water Well: Any excavation or penetration in the ground, whether drilled, bored, cored, driven, or jetted that enters or passes through an aquifer for purposes that may include, but are not limited to a water supply, exploration for water, dewatering, or heat pump wells, but not including groundwater monitoring activities and all activities for the exploration, development, production, storage, and recovery of coal, oil, and gas, and other mineral resources regulated under Chapters 22, 22a, or 22b of the West Virginia Code.

101. Yard, Front: A space extending the full width of the lot between the architectural front of the principal building and the front lot line or the fronting street right-of-way measured perpendicular to the building at the closest point to the front lot line.

102. Yard, Rear: A space extending across the full width of the lot between the architectural rear of the principal building and the rear lot line and measured perpendicular to the building to the closest point of the rear lot line. Rear yards extend from the back of a building to a property line.

103. Yard, Side: A space extending from the front yard to the rear yard between the principal building façade and the side lot line and measured perpendicular from the side lot line to the closest point of the principal building façade.

Article 3. GENERAL REVIEW STANDARDS

Section 3.1 Minor Subdivisions

A. Minor subdivisions are those divisions of land that do not require the development of new off-tract infrastructure, do not require the extension of existing off-tract infrastructure, and result in the creation of five (5) lots or less, including the parent parcel or residue, from contiguously-owned parcels of record, and include the consolidation of parcels of land, except that:
    1. In no case shall an applicant or applicants be permitted to pursue a series of minor subdivision processes when, in total, the parent tract to be subdivided would otherwise be subject to the major subdivision process.
    2. New lots created under the minor subdivision process may not be re-subdivided under the same minor subdivision process.

B. *Family Subdivisions.* Land transfers to immediate family members, as defined herein, are subject to the same standards as minor subdivisions and require the following:

1. The deed shall identify the relationship between the Grantor and Grantee, describing the real estate and right-of-way center line being conveyed by use of plat and metes and bounds description prepared by a licensed West Virginia surveyor.
2. Any rights-of-way deeded for ingress and egress shall have a width of not less than sixteen (16) feet if providing access to four (4) or fewer lots, If providing access to more than four (4) lots, the rights-of-way deeded for ingress and egress shall have a width of not less than twenty-four (24) feet. If a family subdivision ingress and egress is originally services four (4) or fewer lots but later additional lots subdivided under this section are created and are to be serviced by existing ingress and egress then the rights-of-way shall be widened to no less than twenty-four (24) feet. These rights-of-way widths are in addition to easements or rights-of way that may be required for drainage, construction maintenance, and placement or maintenance of public utilities.
3. A family subdivision grantee may receive any number of lots resulting from family subdivision within Harrison County, so long as each transfer independently meets the requirements contained within this provision. When lots conveyed by family subdivision are subsequently conveyed to anyone other than an immediate family member, as defined herein, said lots shall not be transferred as a family subdivision and shall be subject to the provisions of this subdivision and land development ordinance as a minor or major subdivision without the benefits of the provisions applying to family subdivisions.
4. Before any transfer by an immediate family member is recorded, the following language shall be included in the deed:

   "The lot transferred is to be used for a single-family residence. Any further subdivision will be considered a major subdivision and will be subject to the major subdivision or equivalent county subdivision and land development laws in effect at that time. This lot cannot be transferred again for at least five (5) years, except to an immediate family member. Any other transfer of this lot within the five (5) year period to anyone but an immediate family member shall place the lot in violation of the Harrison County Subdivision and Land Development Ordinance."
5. Proof of immediate family member status shall be provided in the form of official documents, including, but not limited to, birth certificates, marriage licenses, and court documents finalizing adoption.
6. For the purposes of this subsection, "land transfers" shall not include:
   i. Deeds to trustees to secure a debt, except foreclosures not transferred at public auction, and provided the provision set out in Subsection 4. appears in the deed of trust;
   ii. Judicial sales or tax sales;
   iii. Mortgages;
   iv. Deeds of partition under or pursuant to a court order; or
   v. Real estate transferred by will or intestacy.

Section 3.2 Major Subdivisions

Major subdivisions are subdivisions that are (1) not a minor subdivision and (2) not exempt from this Ordinance under Section 1.10.

Section 3.3 Minor Land Development

Minor land development follows the same procedures as a minor subdivision and includes only the following, provided that public improvements are not required:

A. A residential improvement or development of two (2) or fewer dwellings on a lot (single family or stacked duplex); or
B. A commercial improvement or development with less than five thousand (5,000) square feet of gross floor area developed.
C. Merger or boundary line adjustment.

Section 3.4 Major Land Development

Major land development shall include all development not defined as minor land development, and shall follow the same procedures that a major subdivision follows.

Article 4. MINOR SUBDIVISION AND MINOR LAND DEVELOPMENT APPLICATION

Section 4.1 Purpose

The purpose of this Article is to enumerate the procedures, requirements, and criteria for the division of land and land development within Harrison County, West Virginia, that meet the definition of "Minor Subdivision" or "Minor Land Development" pursuant to Article 3 of this Ordinance.

Section 4.2 Criteria

The Planning Department Staff is responsible for determining whether a subdivision or land development application meets the criteria for a minor subdivision or minor land development process.

The Planning Department Staff shall approve a minor subdivision or land development application if all applicable requirements contained within this Ordinance are fulfilled. In order for a subdivision or land development to be classified as a minor subdivision or land development, the applicable criteria of Articles 3 and 4 of this Ordinance must be met. All minor subdivisions and land development shall be consistent with the comprehensive plan.

Section 4.3 Minor Subdivision and Minor Land Development Application Requirements

In addition to the requirements herein, all minor subdivisions and minor land development plans and plats shall have no less than the following before being considered complete:

A. A map showing the relative location of the land to be subdivided or developed, with roads, place names, and other identifiable landmarks.
B. All plans and plats should be printed on paper no less than eleven (11) by seventeen (17) inches in size.
C. All plans and plats shall have a north arrow, map legend, scale bar, date of completion, and title.
D. Harrison-Clarksburg Health Department approval for on-site well and septic system is required for minor subdivisions and land development.

Section 4.4 Minor Subdivision and Minor Land Development Procedures

The following procedures must be followed in accordance with the West Virginia Code, as amended:

A. *Application Meeting.* Within seven (7) days after the submission of the subdivision or land development plan and plat, the applicant and the staff of the Planning Department Staff shall meet to discuss the proposed subdivision or land development and the criteria used to classify the proposal as minor.
B. *Site Inspection.* Planning Department Staff may make a site inspection of the proposed subdivision or land development.
C. *Determination.* Within ten (10) days after the submission of the subdivision or land development plan and plat, Planning Department Staff shall notify the applicant in writing if the proposed subdivision or land development application has been classified as a minor subdivision or minor land development.
D. *Approval.* Within ten (10) days after a subdivision or land development application has been classified a minor subdivision or minor land development, the Planning Department Staff, shall approve or deny the plan and plat. If the Planning Department Staff approves the plan and plat, then the Staff shall affix its stamp on the plan and plat. If the Planning Department Staff approves the plan and plat with conditions, then the Planning Department Staff must state the conditions. If the Planning Department Staff denies the plan and plat, then the Planning Department Staff shall notify the applicant in writing of the reasons for the denial.
E. *Recordation.* After approval of a minor subdivision or minor land development plan and plat by the Planning Department Staff and before the subdivision or land development is commenced, the subdivision or land development plan and plat shall be recorded, within ninety (90) days of approval, by the applicant in the office of the Clerk of the County Commission where the land is located. Three (3) paper copies of the final plan and plat must be submitted to the Planning Department Staff.
F. *Appeals.* Appeals of any decision made by the planning department staff in regard to a minor subdivision or land development application shall follow Article 16 of this Ordinance.

Article 5. MAJOR SUBDIVISION AND MAJOR LAND DEVELOPMENT APPLICATION

Section 5.1 Purpose

The purpose of this Article is to enumerate the procedures, requirements, and criteria for the division of land and land development within Harrison County, West Virginia, that meets the definition of "Major Subdivision" and "Major Land Development" pursuant to Article 3 of this Ordinance.

Section 5.2 Criteria

The Planning Commission is responsible for determining whether a subdivision or land development application meets the criteria for a major subdivision or major land development process. The Planning Commission shall approve a major subdivision or major land development application if all applicable requirements contained within this Ordinance are fulfilled. All major subdivisions and land development shall be consistent with the comprehensive plan.

Section 5.3 Applicant's Election as to Process

A. An applicant for approval of a major subdivision or land development may elect, by appropriately indicating on the applicant's initial application, either to:
    1. Seek final plan and plat approval in the initial application and forgo the optional step of preliminary plan and plat approval; or
    2. Initially seek approval of the preliminary plan and plat and, after such approval has been obtained, later seek separate approval of the final plan and plat.

B. *Final Plan and Plat Approval as Initial Step.* If the applicant elects to seek final plan and plat approval in the initial application, the final plan and plat shall satisfy all the requirements under Section 6.5 of this Ordinance. Sections 5.6 and 5.7 of this Ordinance shall apply to the application for approval of the final plan and plat.

C. *Preliminary Plan and Plat Approval and Final Plan and Plat Approval as Separate Steps.* If the applicant elects to first seek approval of a preliminary plan and plat, followed by approval of a final plan and plat, the following provisions shall apply:
    1. Section 5.5 shall apply to both the application for approval of the preliminary plan and plat and the application for approval of the final plat. The Planning Commission may develop application forms specific to each process and, in such case, the appropriate form shall be submitted.
    2. Section 5.6 shall apply to both the application for approval of the preliminary plan and plat and the application for approval of the final plan and plat. In the case of the application separate preliminary and final approvals, the review for completeness shall include a determination of whether the final plan and plat conforms substantially to the preliminary plan and plat previously approved by the Planning Commission. If the Planning Commission determines by vote that the final plan and plat conform substantially to the approved preliminary plan and plat and that the application otherwise contains all required content, the application for approval of the final plan and plat shall be approved without further public hearing or action of the Planning Commission, such approval may include conditions if approved by vote of the Planning Commission. If the Planning Commission determines by vote that the final plan and plat fails to conform substantially to the approved preliminary plan and plat, the application shall be deemed an application for approval of a revised preliminary plan and plat that must be reconsidered for approval by the Planning Commission after an additional public hearing.
    3. Section 5.7 only applies to the application for approval of the preliminary plan and plat. The seal placed upon a preliminary plan and plat under subsection (F) shall clearly and legibly specify that only the preliminary plan and plat is approved and that the plan and plat may not be filed in the office of the Clerk of the Harrison County Commission.
    4. The final plan and plat application must be submitted and completed within three (3) years of the approval of the preliminary plan and plat. The applicant may seek an extension in one (1) year increments, not to exceed two (2) in number. The Planning Commission, in reviewing the extension, shall take into consideration the status of the application from outside agencies and changes within the vicinity to better accommodate a changed level of service.

D. *Amendment of Approved Plans and Plats.* Approved final subdivision or land development plans and plats may be amended only if the proposed amendment is approved by the Planning Commission by vote. The Planning Commission shall require a public hearing, in accordance with Section 5.7, regarding the amendment if the Planning Commission determines by vote that the nature of the proposed amendment, and the degree to which it modifies the previously approved plan and plat, create a legitimate interest of the public.

E. *Amendments to Preliminary and Final Plans and Plats.* All amendments to preliminary or final plans and plats must be approved by the Planning Commission. Amendments considered by the Planning Commission to be major will require a new public hearing. Major changes include an increase in density or number of lots or units, increase in traffic impact, changes to the proposed uses or types of units (i.e. a change from single-family housing to townhouse units), or any other change the Planning Commission deems substantial in nature. Minor changes, such as layout within a subdivision or land development, that do not increase or reduce the number of lots, roads, or other such infrastructure may be approved by the Planning Department Staff on a case-by-case basis.

Section 5.4 Optional Pre-submittal Conference

In addition to the requirements of Section 5.3, and other applicable requirements, an applicant may request in writing a pre-submittal conference with the Planning Department Staff. The Planning Department Staff shall schedule and hold the pre-submittal conference within fifteen (15) business days of request receipt. The meeting can be held beyond fifteen (15) days if at the request of or due to inactivity by the applicant. The applicant should bring ideas and concepts for the proposed subdivision or land development to the pre-submittal conference. The purpose of the pre-submittal conference is for Staff to explain the SALDO process, application requirements, approval process, and key deadlines and to provide the applicant an opportunity to present ideas and concepts and receive comments and suggestions from the Planning Department Staff before an application is submitted.

Section 5.5 Application

A request for approval of a major subdivision or major land development by the Harrison County Planning Commission shall be made by filing an application for approval of a plan and plat, which shall be prepared in accordance with the regulations set forth in this Section. The application shall consist of the following:

A. A written application in the format developed and approved by the Planning Commission, completed and signed by the applicant;
B. A copy of the proposed subdivision or land development plan and plat, compliant with the requirements of this Ordinance; and
C. The appropriate fees, proportionate to the cost of checking and verifying proposed plan and plats, as established by the County Commission for the subject subdivision or land development. Approval of the plan and plat by the Harrison-Clarksburg Health Department, the applicable Public Service District, applicable Utility Board, the 911 office, the applicable electric utility, the West Virginia Division of Highways, and all other applicable permitting authorities shall also accompany the application if the application is for final plat and plan approval. These approvals are required for consideration of final plat and plan approval.

Section 5.6 Determination of Completeness of Application

A. Upon written request of the applicant for a determination of completeness, and within forty-five (45) days after receipt of the application, the Planning Commission shall review the application for completeness. The Planning Commission shall determine by vote whether the application is complete based upon a finding that the application meets or does not meet the requirements for completeness as set forth in this Ordinance.

B. If the Planning Commission determines the application is complete and the subdivision or land development has been appropriately categorized as major or minor under Article 3, the application is accepted for further review.
C. If the application is not complete or if the Planning Commission determines the subdivision or land development has not been appropriately categorized as major or minor under Article 3, the Planning Commission shall deny the application and notify the applicant in writing the reasons for denial. Any such denial shall not prevent the applicant from re-submitting a complete application for the same project.

Section 5.7 Approval of Major Subdivision and Land Development Plan and Plats

A. In accordance with West Virginia Code Section 8A-5-8, at the meeting at which an application is determined to be complete, the Planning Commission shall set a date, time, and place for a public hearing and a meeting to follow the public hearing to vote on the application. The public hearing must be held within forty-five (45) days of the meeting at which the application is determined to be complete. The public meeting at which the vote on the application is made shall take place within fourteen (14) days of the public hearing.
B. The Planning Commission shall notify the applicant of the public hearing and meeting in writing unless notice is waived in writing by the applicant. The Planning Commission shall publish notice of the public hearing and meeting in a newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing.
C. The applicant must post, at least twenty-one (21) days prior to the public hearing, and thereafter maintain until the conclusion of the public hearing, a sign giving notice of the date, time, and place of the public hearing, which will be provided to the applicant and shall be placed by the applicant on the property such that the information is clearly legible from the public right-of-way. The applicant shall notify by certified mail the owners and homeowner's association of any abutting property owners at least fourteen (14) days prior to the public hearing.
D. At the meeting at which the vote on the application is made, the Planning Commission shall vote to approve, approve with conditions, deny, or hold the application. If the Planning Commission determines by vote that additional information is necessary to determine whether to approve or deny the application, the application may be held for up to forty-five (45) days for such additional information.
E. The Planning Commission shall approve the application if the Planning Commission determines by vote that the application is complete and meets the requirements of this Ordinance. Each application shall demonstrate compliance with all requirements set forth in this Ordinance specific to the applicable category of subdivision or land development, as well as all applicable general standards in this Ordinance.
F. If the Planning Commission approves the application, the Planning Commission shall place upon the subdivision or land development plan and plat the Planning Commission's seal and the date of approval, provided the seal placed upon a preliminary plan and plat shall clearly and legibly specify that only the preliminary plan and plat is approved and may not be filed in the office of the Clerk of the County Commission.
G. If the Planning Commission approves the application with conditions, the Planning Commission shall provide the conditions in writing to the applicant and attach the same to the plan and plat before placing the seal and date of approval.
H. If the Planning Commission denies the application, the Planning Commission shall notify the applicant in writing by certified mail of the reasons for the denial, postmarked not more than ten

(10) days from the date of the meeting when the denial occurred. The applicant may request, one (1) time, a reconsideration of the decision of the Planning Commission, which request for reconsideration must be made in writing by mail, postmarked not more than ten (10) days after the decision of the Planning Commission is received by the applicant.

Section 5.8 Recording a Major Subdivision or Land Development Plan and Plat

After final approval of a major subdivision or land development plan and plat by the Harrison County Planning Commission, and after any conditions for such approval have been incorporated into the plan and plat, the subdivision or land development plan and plat shall be recorded by the applicant in the office of the Clerk of the Harrison County Commission within thirty (30) business days. No subdivision or development of land shall be commenced until the approved plan and plat is recorded in said office.

Article 6. PLAN AND PLAT REQUIREMENTS

Section 6.1 Purpose

The requirements contained in this Article shall govern the submission and processing of all applications for subdivision and land development in Harrison County.

Section 6.2 Plan and Plat Process Options

A. An applicant shall indicate on the application, pursuant to Section 5.3, whether the applicant is seeking (1) a preliminary plan and plat review approval, then a final plan and plat approval or (2) only final plan and plat approval.
    1. If the applicant chooses the preliminary plan and plat review process option, the application is subject to Sections 6.3 and 6.4 (not 6.5).
    2. If the applicant chooses the final plan and plat review process only option, the application is subject only to Section 6.5 (not 6.3 and 6.4).
B. Re-platting any part of a major subdivision or land development project requires a new application and adherence to the same processes outlined herein.

Section 6.3 Preliminary Plans and Plats Requirements

Seven (7) copies of all required documentation in this section shall be provided by the applicant at the time of application submittal. No application shall be given preliminary plan and plat approval without having all required documentation.

A Preliminary Plan and Plat Application shall adhere to the following provisions:

A. A written plan shall be developed for a subdivision or land development that includes, but is not limited to:
    1. The name of the subdivision or land development;
    2. The names and addresses of all applicants and all property owners;
    3. The type of subdivision or land development and the number of uses to be conducted in the subdivision or land development;
    4. Total area (acres or square miles) of the proposed subdivision or land development;
    5. Provisions for obtaining water, sewer, utilities, and other services;

6. An analysis of the soil type in the proposed subdivision or land development; and
7. An erosion and sediment control plan developed pursuant to West Virginia Department of Environmental Protection Erosion and Sediment Control Best Practices Manual and applicable provisions of this ordinance.

B. Preliminary plats shall be drawn to a scale of one hundred (100) feet to the inch or larger on a sheet or sheets not less than nine (9) inches by fifteen (15) inches, nor more than twenty-four (24) inches by thirty-six (36) inches. If shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. A blank space, three (3) inches by five (5) inches shall be reserved for use of the approving authority. The preliminary plat shall contain:
   1. The preliminary plat shall be labeled "Preliminary Plat" clearly and in large letters (not less than 1/10 of an inch tall);
   2. The name of the subdivision or land development;
   3. The names and addresses of the applicants;
   4. A north arrow;
   5. A map legend;
   6. An explanation of scale and a scale bar;
   7. A topographic map of the land to be subdivided or developed at the same scale as the plat;
   8. All existing pertinent features, either natural or man-made, that may influence the design of the subdivision, such as watercourses, tree groves, wetlands, rock outcrops, existing buildings, historic areas, cemeteries, drainage structures, year-round springs and existing wells;
   9. Special Flood Hazard Areas;
   10. Boundary survey information with date of survey. A boundary survey shall have an error of closure within the limit of one in seventy-five hundred (1/7500) relating to the true meridian and show all monuments' location and type of material. The boundary survey may be related to United States Coast and Geodetic Survey (U.S.C. and G.S) and state grid north if the coordinates of two (2) adjacent corners of the subdivisions or land development are shown. Bearing and distance ties to at least two (2%) percent tract corners or significant adjoining corners shall be indicated;
   11. Number and layout of lots clearly marked with approximate dimensions and areas;
   12. Proposed well locations and septic system reserve areas;
   13. Approximate locations of existing and proposed sewer, water, and storm drainage signs;
   14. Approximate location and type of streets, sidewalks, and landscaping;
   15. Approximate locations for all existing and proposed easements and rights-of-way;
   16. Areas dedicated to public use;
   17. The approximate location and size information for any structures or structural developments that are planned to be constructed;
   18. The name, address, and registration number of the surveyor or engineer who made the plan and plat; and
   19. A survey or drawing showing any proposed land disturbances or grading.
   20. All plans and plats shall be stamped by professional engineer or surveyor licensed by the State of West Virginia.

C. A proximity map that shows location of proposed subdivision or land development at a scale of not less than one (1) inch equals five thousand (5,000) feet indicating:
   1. Adjoining roads' approximate location, names, and numbers;
   2. Names and addresses of all adjoining property owners;
   3. The type of land use existing on all adjoining properties;

4. Names of municipalities and subdivisions within five (5) miles of proposed subdivision or land development;
5. All existing pertinent features, within five hundred (500) feet of and including the proposed subdivision or land development, either natural or man-made, that may influence the design of the subdivision, such as watercourses, tree groves, wetlands, rock outcrops, existing buildings, historic areas, cemeteries, drainage structures, year-round springs, and existing wells;
6. Special Flood Hazard Areas within five hundred (500) feet of and including the proposed subdivision or land development; and
7. Existing topography with five (5) foot contour intervals (or smaller) within five hundred (500) feet of and including the proposed subdivision or land development.

D. A letter from the property owner, if different from the applicant, authorizing the applicant to act as their agent with full authority.

E. A title letter signed by an attorney currently licensed in the State of West Virginia setting forth the source of title of owner of the land to be subdivided or developed, and the place of record of the last instrument in the chain of title. When the subdivision or land development consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.

F. Copies of existing and proposed deed restrictions or protective covenants.

G. *Topography, Geologic, and Soil Conditions.* Topographic, soil, and geologic conditions must be suitable for the type of construction proposed. The Planning Commission may require the applicant to provide a report prepared by a licensed engineer with supporting data sufficient to establish all pertinent surface and subsurface soil conditions that could adversely affect the development and showing proposed solutions.

H. *Utilities.*
1. The proposed location and size of all utilities.
2. Details regarding the material of water distribution and sewer collection lines.
3. Information regarding whether or not all structures will have utilities, and if not, which structures are lacking certain utilities.

I. *Streets.*
1. The proposed location of all street and center lines of streets and all existing and platted streets with street names, within the boundaries of the subdivision or land development and for lands adjoining such boundaries.
2. All site entrances, opposing entrances, and median breaks on adjacent streets.
3. A proper connection to any existing or proposed public street shall be shown where appropriate.
4. A typical cross section of each type of street shall be included.
5. An access permit from the WVDOH shall be required for all subdivision and land development streets that directly access public streets or highways prior to subdivision or land development approval.
6. The applicant shall demonstrate that adequate site distance requirements can be achieved where subdivision or land development streets intersect existing streets and at intersections within the subdivision or land development.
7. Projected Average Daily Traffic (ADT) counts for the development project at build out shall be shown at internal street intersections and all entrances to the site.

Section 6.4 Final Plan and Plat Approval

Seven (7) copies of all documentation required in this section shall be provided by the applicant at the time of application submittal. The final plan shall conform substantially to the preliminary plan as approved by the Planning Commission. If substantive changes have been made, as determined by the Planning Commission, the plan shall be considered a revised preliminary plan, which must be re-approved by the Planning Commission and the permitting agencies indicated in Section 6.3.

The Final Plan and Plat Application shall include the following information:

A. The location of the proposed development on a vicinity map at a scale of one thousand (1,000) feet or more to the inch, indicating the location of the property with respect to surrounding property and roads;
B. The final plat shall have the words "Final Plat" printed clearly and in letters measuring at least one-tenth (1/10) of an inch in height;
C. The accurate location and dimensions by bearings and distance with all curve data of all lot lines;
D. Boundaries of all easements, parks, school sites, and public areas;
E. The number and area of building sites;
F. All dimensions shall be shown in feet and decimals of a foot to the closest one (0.01) hundredth (1/100th) of a foot and meters to the closest millimeter; all bearings in degrees in minutes and seconds to the nearest thirty (30) seconds.
G. Organizational papers for a homeowners association, including the proposed Articles and By-Laws;
H. Exact location and type of streets, sidewalks, and landscaping;
I. Exact locations for all existing and proposed easements and rights-of-way;
J. Areas dedicated to public use; and
K. The exact location and size information for any structures or structural developments that are planned to be constructed.
L. *Utilities.*
    1. The location and size of all utilities.
    2. Details rega+rding the material of water distribution and sewer collection lines.
    3. Information regarding whether or not all structures will have utilities, and if not, which structures are lacking certain utilities.
    4. Show location of all utilities, including aboveground and underground lines and pipes. This provision shall include all utilities within or adjacent to the street right-of-way for those streets extending onto or adjacent to the subject property.
M. *Streets.*
    1. The accurate location of all streets and street center lines, including all existing and platted streets with street names, within the boundaries of the subdivision or land development and for lands adjoining such boundaries. The accurate location and dimensions by bearings and distance with all cure data of all street and center lines of streets and all existing and platted streets with street names, within the boundaries of the subdivision or land development and for lands adjoining such boundaries. Traffic control signage and structures (e.g. street delineators, barricades, and stop signs) and street signs shall be shown on the plans. Signage shall conform to the requirements of the County and WVDOH.
    2. All site entrances, opposing entrances, and median breaks on adjacent streets.
    3. A proper connection to any existing or proposed public street shall be shown, where appropriate.

4. A typical cross section of each type of street shall be included.
5. An access permit from the WVDOH shall be required for all subdivision and land development streets that directly access public streets or highways prior to subdivision or land development approval.
6. The applicant shall demonstrate that adequate site distance requirements can be achieved where subdivision or land development streets intersect existing streets and at intersections within the subdivision or land development.
7. Projected traffic for the development project at build out shall be shown at internal street intersections and all entrances to the site.
8. The data for all curves along street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearing.
9. For street sections consisting of more than two (2) lanes, pavement striping indicating the travelways, tapers, turn lanes, and directional markings (e.g. turn and through arrows, solid and dashed line delineators) shall be provided. Where appropriate, pedestrian crosswalks shall be included.

N. *Lighting.* Lighting shall utilize fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors such that the light does not project beyond the boundaries of the subdivision or land development.

O. *Approval in writing from all required agencies.* These agencies shall include the Harrison-Clarksburg Health Department, West Virginia Department of Environmental Protection, the West Virginia Health Department, the West Virginia Department of Transportation, the applicable Public Service District, appropriate utility service providers, Harrison County GIS/Addressing Office, and other applicable agencies certifying that the application meets all requirements of the applicable codes, ordinances, or standards when determined appropriate by Planning Commission. The Harrison County GIS/Addressing Office shall verify adequacy of proposed addresses, road names, and names of subdivisions and land development in accordance with Harrison-Taylor E 9-1-1 Center.

P. *Construction Plans.* Complete design and construction plans, profiles, cross-sections and engineering specifications for roads, sidewalks, curbs and gutters to be installed.

Q. *Surety for Improvements.* Verification that the applicant has obtained an appropriate amount of surety for all subdivision or land development improvements permitted after preliminary and final plan and plat approval, in accordance with "6.6 Surety for Improvement."

Section 6.5 Final Plan and Plat Process and Approval Only Requirements

Section 6.5 only pertains to applicants that choose to forgo the preliminary plan and plat application process found in Sections 6.3 and 6.4. Seven (7) copies of all documentation required in this section shall be provided by the applicant at the time of application submittal. No application shall be given final plan and plat approval without having all required documentation.

A. A written plan shall be developed for the subdivision or land development that includes, but is not limited to:
    1. The name of the subdivision or land development;
    2. The names and addresses of all applicants and all property owners;
    3. A letter from the subdivision property owner, if different from the applicant, authorizing the applicant to act as their agent with full authority;

4. A detailed description of the type of subdivision or land development and the type and number of uses to be conducted in the subdivision or land development;
5. Total area (acres or square miles) of the proposed subdivision or land development;
6. Provisions for obtaining water, sewer, utilities, and other services;
7. An analysis of the type of soil in the proposed subdivision or land development; and
8. An erosion and sediment control plan developed pursuant to West Virginia Department of Environmental Protection Erosion and Sediment Control Best Practices Manual and applicable provisions of this ordinance.

B. Final plans and plats shall be drawn to a scale of one hundred (100) feet to the inch or larger on a sheet or sheets not less than nine (9) inches by fifteen (15) inches, nor more than twenty-four (24) inches by thirty-six (36) inches. If shown on more than one (1) sheet, match lines shall clearly indicate where the several sheets join. A blank space, three (3) inches by five (5) inches shall be reserved for use of the planning commission. The final plat shall contain:
   1. The final plat shall be labelled "Final Plat" clearly and in large letters;
   2. The name of the subdivision or land development;
   3. The names and addresses of the applicants;
   4. A north arrow;
   5. A map legend;
   6. An explanation of scale, including a scale bar;
   7. A topographic map of the area at the same scale as the plat;
   8. Boundary survey information with date of survey. A boundary survey shall have an error of closure within the limit of one in seventy-five hundred (1/7500) relating to the true meridian and show all monuments' location and type of material. The boundary survey may be related to United States Coast and Geodetic Survey (U.S.C. and G.S) and state grid north if the coordinates of two (2) adjacent corners of the subdivisions or land development are shown. Bearing and distance ties to at least two (2%) percent tract corners or significant adjoining corners shall be indicated;
   9. Number and layout of lots clearly marked with dimensions and areas;
   10. Well locations and septic system reserve areas;
   11. Exact location of existing and proposed sewer, water, and storm drainage systems;
   12. Exact location and type of streets, sidewalks, and landscaping;
   13. Location and descriptions for all existing and proposed easements and rights-of-way;
   14. Areas dedicated to public use;
   15. The location and size information for any proposed structures or structural developments; and
   16. The name, address, and registration number of the surveyor or engineer who made the plan and plat.

C. Proximity map that shows location of proposed subdivision or land development at a scale of not less than one (1) inch equals five thousand (5,000) feet, indicating:
   1. Adjoining roads' location, names, and numbers;
   2. Names and addresses of all adjoining property owners;
   3. The type of land use existing on all adjoining properties to the proposed subdivision or land development;
   4. Names of municipalities and subdivisions within five (5) miles of proposed subdivision or land development;
   5. All existing pertinent features, within five hundred (500) feet of the proposed subdivision or land development, either natural or man-made, that may influence the design of the subdivision, such as watercourses, tree groves, wetlands, rock outcrops, existing

buildings, historic areas, cemeteries, drainage structures, year-round springs, and existing wells;

6. Special Flood Hazard Areas within five hundred (500) feet of and including the proposed subdivision or land development; and
7. Existing topography with five (5) foot contour intervals (or smaller) within five hundred (500) feet of and including the proposed subdivision or land development.

D. A letter from the property owner, if different from the applicant, authorizing the applicant to act as his agent with full authority.

E. A title letter signed by an attorney currently licensed in the State of West Virginia, setting forth the source of title of owner of the land to be subdivided or developed, and the place of record of the last instrument in the chain of title. When the subdivision or land development consists of land acquired from more than one (1) source of title, the outlines of the various tracts shall be indicated by dashed lines, and identification of the respective tracts shall be placed on the plat.

F. A survey or drawing showing any proposed land disturbances or grading.

G. No construction, land disturbance, improvements, or grading shall begin prior to Final Plan and Plat approval. The applicant shall be required to obtain all permits and approval from appropriate governmental entities related to all construction, grading, development or land disturbance, prior to final plan and plat approval.

H. Building front setback lines with dimensions and rear and side setback distances stated for each lot.

I. Copies of existing and proposed deed restrictions or protective covenants related to the proposed subdivision or land development.

J. Approval in writing from all required agencies. These agencies shall include the Harrison-Clarksburg Health Department, West Virginia Division of Highways (WVDOH), West Virginia Department of Environmental Protection, the West Virginia Health Department, the West Virginia Department of Transportation, the applicable Public Service District, appropriate utility service providers, Harrison County GIS/Addressing Office, and other appropriate agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards when determined appropriate by Planning Department Staff. The Harrison County GIS/Addressing Office shall verify adequacy of proposed addresses, road names, and names of subdivisions and land development in accordance with Harrison-Taylor E 9-1-1 Center.

K. Topography, Geologic, and Soil Conditions. Topographic, soil, and geologic conditions must be suitable for the type of construction proposed. The Planning Commission may require the applicant to provide a report prepared by a licensed engineer with supporting data sufficient to establish all pertinent surface and subsurface soil conditions that could adversely affect the development and showing proposed solutions.

L. *Utilities.*

1. The location and size of all utilities.
2. Details regarding the material of water distribution and sewer collection lines.
3. Information regarding whether or not all structures will have utilities, and if not, which structures are lacking certain utilities.
4. Show location of all utilities, including aboveground and underground lines and pipes. This provision shall include all utilities within or adjacent to the street right-of-way for those streets extending onto or adjacent to the subject property.

M. *Streets.*

1. The accurate location of all streets and street center lines, including all existing and platted streets with street names, within the boundaries of the subdivision or land

development and for lands adjoining such boundaries. The accurate location and dimensions by bearings and distance with all cure data of all street and center lines of streets and all existing and platted streets with street names, within the boundaries of the subdivision or land development and for lands adjoining such boundaries. The data for all curves along street frontages shall be shown in detail at the curve or in a curve data table containing the following: delta, radius, arc, tangent, chord, and chord bearing.

2. All site entrances, opposing entrances, and median breaks on adjacent streets.
3. A proper connection to any existing or proposed public street shall be shown, where appropriate.
4. A typical cross section of each type of street shall be included.
5. An access permit from the WVDOH shall be required for all subdivision and land development streets that directly access public streets or highways prior to subdivision or land development approval.
6. The applicant shall demonstrate that adequate site distance requirements can be achieved where subdivision or land development streets intersect existing streets and at intersections within the subdivision or land development.
7. Projected Average Daily Traffic (ADT) counts for the development project at build out shall be shown at internal street intersections and all entrances to the site.
8. Traffic control signage and structures (e.g. street delineators, barricades, and stop signs) and street signs shall be shown on the plans. Signage shall conform to the requirements of the County and WVDOH.
9. For street sections consisting of more than two (2) lanes, pavement striping indicating the travelways, tapers, turn lanes, and directional markings (e.g. turn and through arrows, solid and dashed line delineators) shall be provided. Where appropriate, pedestrian crosswalks shall be included.

N. *N. Lighting*. Lighting shall utilize fixture shielding, directional control designed into fixtures, fixture location, height, or aim, or a combination of these or other factors such that the light does not project beyond the boundaries of the subdivision or land development. *Construction Plans.* Complete design and construction plans, profiles, cross-sections and engineering specifications for roads, sidewalks, curbs and gutters to be installed. Construction plans shall be stamped by a West Virginia licensed engineer.

O. *Surety for Improvements*. Verification that applicant has obtained appropriate amount of surety for all subdivision or land development improvements permitted after final plan and plat approval and in accordance with "6.6 Surety for Improvement."

Section 6.6 Surety for Improvements

A. *Purpose.* To obtain surety acceptable to guarantee of performance and to assure the timely construction and completion of public and other improvements in accordance with approved plans, current county standards and specifications, and relevant state code requirements.

B. *Surety for Improvements.* The applicant shall submit a written request for surety approval from the Harrison County Commission for subdivision or land development construction prior to final subdivision or land development approval. The Planning Commission shall retain an independent engineering firm, of its choice, at the cost of the applicant to study the development and provide a cost estimate for the completion of the project to meet the provisions of this Ordinance. Based on the estimate, the applicant shall present surety to the Planning Commission.

C. *Developers Agreement.* Upon receiving Planning Commission Final Approval and prior to the Chair signing the final plans, the developer shall complete a Developers' Agreement (Appendix __) and post financial security as required by the Agreement and this ordinance with the County Planning Commission. The bond shall provide satisfactory surety in the amount of one hundred fifteen percent (115 %) of the estimated construction cost of the ultimate installation of the public improvements at prevailing rates. The bond shall be subject to forfeiture to the County Council for the sole purpose of installation or completion of required improvements. The Planning Commission shall have authority on its own initiative and after thirty (30) days' notice to the principal, to increase the amount of surety at any time, over and above five percent (5%), if in its judgment and sole discretion, such increase is found to be appropriate. The Planning Commission must justify such decision by a demonstrable increase in costs, which must be disclosed to the principal.

D. Surety shall:
    1. Be forfeitable or payable to the County Commission;
    2. The principal sum shall be one hundred and fifteen (115%) percent of the estimated construction cost of the required improvements subject to subparagraph C.;
    3. Specify the time for completion of the improvements; and
    4. Specify the date or condition for when surety will be released.

E. Funds from any such surety shall be used by the County Commission only for the completion of the required improvements in the event they are not completed as contemplated in the approved plan and plat.

F. The following inspections shall be required:
    1. Installation of Sediment and Erosion Control Devices prior to beginning site grading;
    2. Roadway and parking lot subgrade proof roll prior to placing stone base;
    3. Roadway and parking lot stone base depth check prior to placing asphalt or concrete pavement;
    4. Water system and sanitary sewer system inspection and approval by the public service district or utility prior to backfilling of trenches;
    5. Final inspection including, but not limited to, seeding and mulching, roadways and parking lot paving, sidewalks, storm drainage and stormwater management system, traffic control signs and paving markings, and landscaping.

    The developer shall request county inspections a minimum of forty-eight (48) hours in advance. The Planning Commission may accept third-party inspection and certification reports in place of inspections performed by the Planning Commission upon prior approval. Third party inspection reports shall be submitted in the format specified by the Planning Commission.

G. When the construction is completed, an engineer shall submit a final as-built drawing and a certification that the stormwater management plan meets of the requirements of this Ordinance. The Planning Commission shall perform a post-construction certification review at the completion of the construction. Surety shall not be released until the Planning Commission approves the construction of the stormwater drainage system.

H. In the event required improvements are not constructed to the terms of the surety, the County Commission shall declare the surety in default and shall request funds from the surety sufficient to complete the unfinished construction. The surety shall, without delay, inspect the subdivision or land development and shall immediately thereafter release the funds requested. Improvements alleged by the applicant to have been made after inspection by the surety shall not be grounds for a re-inspection or for a reduction of the requested funds to be released.

I. All major subdivisions and land development shall be required to provide surety that meets the approval of the Harrison County Commission and Planning Commission.
    1. *Improvements Requiring Surety*. Each of the following elements or systems requires surety:
        i. Clearing, grading, and site preparation.
        ii. Stormwater facilities.
        iii. Water and sewer utilities or facilities.
        iv. Streets, sidewalks, parking, curbs, street drainage, and lighting.
        v. Landscaping and recreation facilities.
        vi. Other utilities.
    2. *Exceptions*. Utilities that install their own infrastructure (such as telephone, electric, gas, and cable companies) will not require surety pursuant to this Ordinance.
    3. *Cost Estimates*. The applicant shall submit cost estimates from the project engineer for the cost of such installation.
    4. *Review and Approval*. An independent engineering firm of the county's choosing shall review the cost estimates and make upward adjustments if the cost estimates are below those the County currently expects.
    5. *Amount*. The surety shall be in the amount of one hundred and fifteen (115%) percent of the approved estimate. This amount covers inflation, the cost of inspecting, and rebidding if the applicant defaults and the County must take over construction or construction supervision.

Section 6.7 Vacating All or Part of Plan and Plat

A. The Planning Commission may vacate a subdivision or land development plan and plat either in whole or in part if it is demonstrated that:
    1. The persons making application for vacating a plan or plat own the fee simple title to the whole tract, or the entirety of that part of the tract covered by the plan and plat that is sought to be vacated;
    2. Vacating the plan or plat will not affect the ownership or right of convenient access of persons owning other parts of the subdivision or land development; and
    3. All easement holders whose easements are indicated only on the plat (and not by separate recorded instrument) must provide written consent to the vacating of the plat.
B. The applicant shall record any approved vacation of all or part of a plan and plat in the office of the Clerk of the County Commission where the land is located within one hundred and twenty (120) days of final approval from the Planning Commission.

Article 7. SUBDIVISION AND LAND DEVELOPMENT DESIGN

Section 7.1 General Street Design

A. Streets shall be designed and constructed to properly connect with existing, platted, or planned streets. Such streets shall be designed and constructed so as to ensure coordination with regard to location, width, grade, and drainage of existing, platted, or planned streets within the general area.
B. The arrangement, character, extent, width, grade, and location of all streets shall conform to the comprehensive plan and shall be considered in relation to existing and planned streets, topographic conditions, public convenience and safety, and the proposed uses of the land to be served by such streets.
C. Subdivision or land development streets that are continuations of existing subdivision or land development streets must meet the specifications of the existing streets or the requirements in this

ordinance, whichever is more stringent as to the type of service, level of service, paved width, shoulders or curbs, etc.

D. Reserve strips (spite strips) controlling access to streets or utilities shall be prohibited.
E. Subdivision or land development street design shall have a reasonable relationship to tract topography in order to minimize earthwork and erosion, ensure reasonable grades, and produce useable lots.
F. All stumps, downed trees, and other debris that have been displaced and accumulate as a result of street, ditch, and other construction, shall be properly disposed of by the applicant through approved means such as burning, burying, or suitably removing from the property.
G. No more than seventy-five (75) dwelling units in a subdivision or land development shall obtain their access from a single point of access.
H. The West Virginia Division of Highways (WVDOH) is responsible for all roads, except those intended to remain private or that are maintained by an HOA. WVDOH shall determine the safety of the roads, access locations, and off-site improvements. County staff shall coordinate with WVDOH to make all determinations of safety. Likewise, the capacity of the adjoining roads is a technical issue to be determined by WVDOH. The Planning Commission may require the applicant to work with WVDOH to specifically address off-site or capacity issues or concerns prior to final approval.
I. *Access Management*. For state highways, including ingress and egress to state highways, an applicant must show compliance with the access management principles found in "Chapter 8. General Principals of Access Management, Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-of-Way" (WV DOH, 2004). Adjacent commercial or office properties shall provide a cross access drive and pedestrian access to allow circulation between sites. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided for access to abutting properties or to extend the street system into the surrounding area. All street stubs shall be provided with temporary turn-around or cul-de-sacs unless exempted by the Planning Commission, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.
J. *Street Lights*. Street lighting is typically required in concentrated areas of pedestrians or vehicles. Areas of potential need for lighting for the safety of pedestrians and motorists include, but are not limited to multi-family, commercial, and industrial development. Lighting shall be shielded and directed downward to prevent glare and to minimize light trespass.
K. *Blocks*.
    1. Block length generally shall not exceed sixteen hundred (1,600) feet, nor shall a block be less than four hundred (400) feet.
    2. Blocks shall be wide enough to allow two (2) tiers of lots of minimum depth. Where this would require lots to front on a highway or where topographical conditions or the size of the property prevent two (2) tiers of lots, single lots with necessary alterations may be used.
    3. Pedestrian access easements not less than ten (10) feet in width shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Section 7.2 Road Intersections and Clear Sight Triangle

A. Minor streets leading from the same subdivision or land development shall not intersect on the same side of a major street at intervals of less than eight hundred (800) feet.

B. Where any street intersection will involve topographic features or existing vegetation inside any lot corner that might create a traffic hazard through limited site distance visibility, such ground or vegetation shall be cut and kept cut to a height not exceeding three and one-half (3.5) feet in conjunction with the grading of the public right-of-way to a distance of seventy-five (75) feet from the point of intersection of two (2) or more road centerlines out to provide adequate sight distance.
C. Minimum curb radius at the intersection of two (2) local streets shall be at least twenty (20) feet, and minimum curb radius at an intersection involving a collector street shall be at least twenty-five (25) feet. Minimum curb radius at the intersection of a street and alley shall be at least ten (10) feet.
D. Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two (2) new streets at an angle of less than seventy-five (75) degrees shall not be permitted. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. The Planning Commission may approve the intersection of more than two (2) streets in a development where avoiding doing so is not practicable.
E. When streets parallel to the railroad right-of-way intersect a street that crosses the railroad right-of-way at grade, they shall, to the extent practicable, be at a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of appropriate approach gradients.

Section 7.3 Fire Hydrants

A. Fire hydrants shall be required for all major subdivisions and land development if sufficient water pressure and volume are available. To be exempted from this requirement, a professional engineer is required to show how volume or water pressure are such that installing functional pressurized hydrants is not feasible. If water lines are not available or only existing water lines less than six (6) inches in width are available, this section does not apply.
B. Fire hydrants shall be connected to water lines that are at least six (6) inches in diameter.
C. If a new approved central water supply is utilized, the system shall be designed with adequate main sizes and fire hydrant water supply. Such system shall be approved by the public agency or authority operating the central water system and the fire marshal's office.
D. Fire Hydrants shall be located no more than one thousand (1,000) feet apart and within five hundred (500) feet of any structure and shall be approved by the applicable fire protection unit. This distance may be extended if structures are equipped with an automatic fire sprinkler system. Minor deviations to these distances may be allowed subject to the approval of the fire marshal's office or the local fire protection unit, if such deviations would not jeopardize the safety of building occupants or the ability to provide adequate fire protection.
E. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves, and all other supply improvements shall be installed before any final paving of a street shown on the subdivision or land development plan and plat.
F. Fire hydrants shall be located two (2) feet behind the back of the curb line, or eight (8) feet from the edge of the paved area on non-curbed roadways, unless otherwise approved by the local fire protection unit.
G. Fire hydrants shall be located or protected from possible mechanical damage. The means of protection shall not interfere with the connection to, operation of, or the maintenance of

hydrants. Bollards used to protect hydrants shall be at least three (3) feet from the hydrant on all sides.

H. Fire hydrants shall be located, so as not to be obstructed by parking spaces, dumpsters, signs, mailboxes, utility poles, bushes, or any other structures or materials. The location of fire hydrants is subject to approval by the local fire protection unit.
I. Fire hydrants shall be installed at street intersections, where possible. Hydrants located mid-block shall be aligned with the extension of a property line, where possible. Hydrant spacing shall be measured parallel to approved vehicular access routes.
J. An auxiliary gate valve shall be installed at the main line tee to permit the repair and replacement of the hydrant without disruption of water service.
K. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
L. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia Fire Marshal and the local fire protection unit with primary responsibility.
M. Fire hydrants set in the right-of-way shall be located two (2) feet back of the sidewalk or in accordance with the standards of the controlling Public Service District.
N. Fire hydrant colors shall comply with National Fire Protection Association (NFPA) standards.
O. Dry hydrants may be installed in lieu of pressurized hydrants. Where installed, dry hydrants shall meet NFPA standards. Dry hydrants must be within one thousand (1,000) feet of any structure within the proposed development. Subdivisions or land development with central water systems that do not meet the standards required for the installation and operation of fire hydrants shall provide proper tap connections at the storage site to permit water draws by pumper or tank trucks.

Section 7.4 Easements

A. Design, signage, use, management, maintenance, and cost-sharing may be prescribed or limited by private covenants, conditions, or restrictions, provided that such restrictions are not in violation of Harrison County Ordinances or other applicable law. For any subdivision or land development that involves a shared access easement, no obstruction of the full use of the easement shall be permitted. A note to this effect shall be placed on all plats and plans.
B. All easements for all public facilities (e.g. water, sewer, stormwater management, or drainage) or public service-type facilities (e.g. telephone, electric, gas, cable) that serve the subdivision or land development shall be set forth on the plan and plat or in the deed. Such easements shall be located in street rights-of-way, alleys, or side or rear yards, in accordance with the particular plans and layout of the utility or other service providing company. All easements shall provide for access without notification to the property owner for the maintenance, repair, or other work needed in the easement or to the facility in the easement.
C. *Utility Easements*. A utility easement shall be a minimum of fifteen (15) feet wide. Easements that fall on shared side or rear lot lines, unless specifically authorized by the County, shall be of equal dimensions on both lots involved. Where attached housing types are involved and yards are enclosed or very narrow, easements shall be in front or rear yards.
    1. All subdivisions and land development shall grant easements to local utilities. The applicant shall consider these rights-of-way when planning the development. Future utilities that may affect the development shall also be considered. Utilities shall be designed to not infringe upon the Special Flood Hazard Area, unless necessary to provide service. All services shall be installed on each lot. Surety release will not be granted until rights-of-way agreements with all utility entities are filed with the Planning Department Staff and recorded in the office of the Clerk of the County Commission.
    2. Where possible, water and sewer lines that are installed parallel to subdivision or land development roads shall be laid within the road rights-of-way.

3. Poles for electric service or telephone poles shall be placed in easements provided along rear or side lot lines, as agreed upon with the public utilities concerned, wherever practicable.
4. Underground conduits for electric service shall be placed in easements provided along rear lot lines or alongside lot lines, or along subdivision or land development streets, as agreed upon with the public utilities concerned, wherever practicable.

D. *Stormwater Easements*. All stormwater management facilities shall be located on open space land, easements on the lots, or public rights-of-way. Easements shall run in favor of the homeowner's association, business owner's association, and any of the public service providers using the easement. Drainage easements shall be provided on all lots to ensure that stormwater channels remain clear of development. Where attached housing types are involved and yards are enclosed or very narrow, drainage easements shall be placed on lots to convey surface water to storm sewers located on the street or to surface drainage channels located in easements or open spaces, as topography and grading dictate. Easements shall be designed for a ten (10) year storm event and in no case shall be less than fifteen (15) feet wide.

E. *Open Space Deed Restrictions and Covenants*. Deed restrictions and covenants can be established to preserve open space, protect natural resources, and protect land held in common or used for recreation or open space. All areas subject to deed restrictions or covenants shall be restricted from further development and shall run in favor of all lot owners in the development or the homeowner's association.

F. *Encroachments and Structures*. No permanent encroachments, structures, or fences shall be permitted within any easement area. The homeowner's association, business owner's association, and any of the public service providers shall have the right to remove any encroachment, structures, fencing, or any other improvements placed upon such public easements.

G. *Maintenance Access Easements*. Maintenance access easements shall be a minimum of fifteen (15) feet wide and are primarily intended to provide access to public utilities or drainage areas that need to be maintained regularly. Should the homeowner's association, business owner's association, any of the public service providers, or other agency with facilities in the easement need to do work in an easement, an attempt shall be made to notify the resident and owner. If time allows, the landowner shall be permitted to remove any structure or planting. However, because the work may involve an emergency, the homeowner's association, business owner's association, any of the public service providers, or other contractors may do the work, including removal or destruction of structures or landscaping. The only obligation the homeowner's association, business owner's association, public service provider, or contractors have is to restore the ground cover if disturbed in the process of the work. Any other costs shall be borne by the landowner. A maintenance easement of five (5) feet shall be designated on all lot lines adjacent to the zero lot line boundary to ensure ready access to the lot line wall at reasonable periods of the day for normal maintenance. This easement shall be recorded on the adjacent lot or parcel along the length of the zero lot line boundary.

H. In no case shall easements for individual septic or water systems or any easement or area designated as a septic reserve area be permitted to encroach on any building lot other than the lot that is served by the individual septic or water well system or which the septic reserve area is intended to serve.

I. Where a subdivision or land development is traversed by an open watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way of not less than ten (10) feet in width conforming substantially to the line of such watercourse or of such width needed to preserve the riparian zone.

J. For safety purposes and to facilitate pedestrian access, pedestrian access easements not less than ten (10) feet in width shall be required where essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

K. For lots fronting curvilinear streets, the rear easement must consist of straight lines with a minimum of deflections.
L. The construction of buildings or structures within easements shall be prohibited.

Section 7.5 Residential Lot Size and Access

A. All residential lots, including those located within a factory-built home community, shall be a minimum of one quarter (0.25) acres in size for lots with public sewer and water. For lots without public water or public sewer, a minimum lot size of one (1) acre is required.
B. All lots shall have sufficient width and depth to provide adequate open space, building area, and off-street parking. Minimum lot width at the front property line shall be fifty (50) feet.
C. Irregularly shaped lots designed solely for the purpose of access to a street are prohibited. All lots shall have frontage upon an existing or proposed public or private street.

Section 7.6 Utilities

All utility transmission lines (e.g., electric, phone, cable, water, sewer) and service lines within the subdivision or land development project shall be underground.

Section 7.7 Driveways and Parking, Materials

Driveways and parking provided from gravel roads may be constructed of gravel or paved. Driveways and parking provided from paved roads shall be paved.

Section 7.8 Landscaping, Screening, and Buffer Yard Requirements

A. Buffer areas required by this Ordinance are intended to separate different land uses from each other at a reasonable distance in order to minimize or eliminate potential nuisances such as dirt, litter, noise, odor, light, glare, danger from fire and explosions, signs, buildings, and parking areas.
B. A buffer area, when and if required by this ordinance, shall be provided along the perimeter of a lot for any given use and shall not be located in any portion of a public right-of-way or proposed right-of-way.
C. Buildings shall not be permitted in a buffer area.
D. Parking lots and parking spaces shall not be permitted in a buffer area.
E. Storage of any kind shall not be permitted in a buffer area.
F. Stormwater management facilities, public utility facilities, picnic areas, or pedestrian walkways and sidewalks shall be permitted in a buffer area.
G. A buffer area may be part of a front, rear, or side yard.
H. *Landscaped buffer areas.*
    1. Twenty-five (25) foot wide landscaped buffer areas are the preferred method of buffering between a commercial use and a residential use.
    2. Twenty-five (25) foot wide landscaped buffer areas are the preferred method of buffering between a multi-family residential use and a single-family or two-family residential use.

3. Three hundred (300) foot wide landscaped buffer areas are the preferred method of buffering between an industrial use and any other use or public right-of-way.
4. All species within a landscaped buffer area shall be indigenous or otherwise well-suited to the County, except that trees with large leaves that could clog storm drains; are brittle, disease prone, or have low, spreading branches or shallow root systems; drop large fruit or sap; or are otherwise unsightly shall also be avoided.
5. Hedges shall be kept trimmed so that branches do not extend into the public road or upon the lands of an adjoining owner more than eighteen (18) inches over the dividing line.
6. At least one (1) tree for each fifty (50) linear feet shall be planted in the buffer area in addition to other planting materials.
7. Landscaping shall be at least five (5) feet wide and at least three and one half (3.5) feet high, along the entirety of the landscaped buffer area, subject to height limitations contained within this section.

I. Where a buffer area is considered to be impracticable or inappropriate, an opaque fence at least six (6) feet in height, in the rear or side yard or four (4) feet in height in the front yard so as to restrict a clear view beyond said buffer may be substituted in whole or in part for a natural buffer.
J. Landscaped buffer areas shall be continually maintained by the landowner. Any plant material that does not survive shall be replaced within six (6) months. All landscaping shall be kept free of refuse and debris.
K. Buffer areas shall not be required where the lot abuts an area of existing natural vegetation that effectively screens the lot from casual observation to a height of at least six (6) feet.

Article 8. INFRASTRUCTURE AND GRADING

Section 8.1 Street Grade

A. No street shall exceed fifteen (15%) percent grade at any point.
B. Streets shall not have grades greater than three (3%) percent in the first fifty (50) feet leaving an intersection in any direction.
C. Street grades shall not be less than five tenths (0.5%) percent grade in order to prevent pooling of water in traveled areas.

Section 8.2 Curb and Gutter

A. Curb and gutters shall be required for all major subdivisions and major land development unless the applicant shows that curb and gutters are not practicable, in which case shoulder and ditches are required.
B. Curbs, when required, shall be constructed on both sides of the interior of streets.
C. Road curbs shall conform to West Virginia Department of Transportation (WVDOT) specifications as to materials utilized. The curb reveal shall be no less than six (6) inches in height above the finished road surface. The base of curbs shall be a minimum of seven and three eighths (7.375) inches measured in cross-section. Curb sides may be sloped inward to join a rounded edge having a radius of one and one-half (1.5) inches or more. Alternative designs may be recommended by a West Virginia licensed engineer and approved by the Planning Commission.
D. Vertical curb height at driveway entrances may be reduced to a minimum of one and one half (1.5) inches for driveway entrances along streets where curbs are required.
E. Curb ramps must be installed in accordance with ADA requirements.

F. Drainage gutters shall be provided at the curb and road surface interface. Gutters shall be designed to carry peak water flows expected from a ten (10) year frequency storm occurring over the entire contributing watershed. Storm drain inlets on residential roads shall have bicycle-safe grates.

Section 8.3 Right-of-way Width

A. *General Provisions.*
   1. All requirements set forth in this Section are minimum requirements.
   2. The applicant shall be responsible for providing each lot within the proposed subdivision and land development access by deeded right-of-way and road that meets the standards set forth in this Ordinance. The applicant may be required to provide more than one access to a public road for the subdivision or land development.
   3. All subdivisions and land development with frontage on a state road shall dedicate twenty-five (25) feet from the centerline of the existing road to WVDOH. All required setbacks shall be measured from the edge of the dedication.
   4. Any proposed subdivision or land development that is not adjacent to a public highway shall be connected to a public highway by a deeded right-of-way and a road that meets the standards set forth in this Ordinance.
   5. Rights-of-way shall be maintained clear of all obstructions.

B. *Residential Rights-of-way.* All proposed residential vehicular rights-of-way shall be at least forty (40) or fifty (50) feet in width depending on the requirements set forth in Table 8.3(B). The improvements required in residential subdivisions, which include or involve any new street, easement, or right-of-way, whether public or private, shall be governed by the following table.

Table 8.3(B): Standards for Residential Subdivision Streets

	Roads Serving				
Avg. Lot Size*	*1-4 lots*	*5-9 lots*	*10-19 lots*	*20-49 lots*	*50+ lots*
0-1 acre	A	B	B	B	C
1.01-2 acres	A	B	B	B	C
2.01-5 acres	A	A	B	B	B
5.01-10 acres	A	A	A	B	B

Road Types:
A = Local street with rock base and forty (40) feet of right-of-way.
B = Local street paved and forty (40) feet of right-of-way.
C = May require local thoroughfare-paved and fifty (50) feet of right-of-way.
*Rounded to nearest one-hundredth (0.01).

C. *Commercial Rights-of-way.* All commercial streets or streets that will service any commercial development, even if combined with residential development, shall be paved with a fifty (50) foot right-of-way.

D. *Alleys.* Alley rights-of-way shall be at least fifteen (15) feet in width with at least twelve (12) feet surfaced travelway.

Section 8.4 Pavement, Materials, and Compaction Testing

A. *General Provisions.*
   1. All requirements set forth in this Section are minimum requirements.
   2. Streets shall be surfaced with gravel or paved with asphaltic or cement binder to provide for a durable surface and shall be graded and drained to dispose of water accumulation.

3. Ingress and egress roads between a subdivision or land development and a public street shall be paved to a point no less than seventy-five (75) feet from the point of intersection.
4. Curbs and gutters shall be installed and roadways surfaced only after sewer and water utilities have been installed.

B. *Gravel.* Rock-base streets shall consist of crushed aggregate no less than twenty-four (24) feet in width and six (6) inches in compacted depth with stabilized shoulders on each side consisting of crushed aggregate two (2) feet in width and four (4) inches in depth. Class I crushed aggregate base course shall be used in accordance with West Virginia Division of Highways (WVDOH), Specifications, Sections 307 and 704. This crushed aggregate shall be placed in two (2), three-inch lifts, each lift to be individually compacted to ninety-five (95%) percent of maximum density. The crushed aggregate base shall also be fully underlaid by engineering fabric in accordance with WVDOH Specifications, Section 715.11. See related requirements for compaction testing below.

C. *Paving.*
1. Class I crushed aggregate base course in accordance with WVDOH Specifications, Sections 307 and 704, surfaced travelway shall be no less than twenty-four (24) feet in width and eight (8) inches in compacted depth. The crushed aggregate shall be placed in two (2), four-inch lifts and each lift shall be individually compacted to ninety-five (95%) percent of maximum density. A hot laid bituminous concrete wearing course eighteen (18) feet in width and two (2) inches in depth and in accordance with WVDOH Specifications, Sections 400 and 700, shall overlay the crushed aggregate base course. The base course shall be fully underlain by engineering fabric in accordance with WVDOH Specifications, Section 715.11; or
2. Portland cement concrete in accordance with WVDOH Specifications, Sections 501 and 701 (associated materials: welded wire fabric in accordance with WVDOH Specifications, Section 709.4, coated dowel bars in accordance with WVDOH Specifications, Section 709.15, and joint tie bolt assemblies in accordance with WVDOH Specifications, Section 709.7) shall be no less than twenty-four (24) feet in width and six (6) inches in depth with a roughened surface. The Portland cement concrete shall be fully underlain by engineering fabric in accordance with WVDOH Specifications, Section 715.11.
3. All other street construction materials shall meet the standards set forth in the current "West Virginia Division of Highways Standard Specifications - Roads and Bridges." All subdivision and land development approvals will be subject to the corresponding sections and procedures of subsequent editions of the Standard Specifications in effect at the time of approval.

D. *Compaction Testing.* The applicant shall be responsible for compaction testing on the subbase, base course, and pavement course in accordance with WVDOH Testing Procedures MP 207.07.20, MP 712.21.26, and MP 700.00.24. The testing shall be conducted by an independent material-testing firm experienced in this type of quality control. A copy of the compaction reports and test results shall be provided to the Planning Commission.

Section 8.5 Private Roads

Construction of private roads may be permitted, subject to the following requirements:

A. Private roads shall be constructed of the same material and with the same design characteristics as required in this Article, except that the minimum travel way surface width of a private drive may be fifteen (15) feet.
B. For minor subdivisions and land developments, common and joint maintenance by all owners, present and future, of the lots served by the private roads shall be made a part of the deed of each of the lots, stipulating adequate maintenance and ensuring ingress and egress.
C. For major subdivisions and land developments, for residential and commercial condominium-type developments, a Homeowners Association (HOA) or Commercial Owners Association (COA) shall be established to address maintenance of all roads and commonly owned land within the subdivision or land development. Developers shall dedicate all roads and common lands to the association once all improvements are completed, and membership in the association is mandatory for all property owners within the subdivision or land development. A Common Interest Ownership Agreement must be developed in accordance with the Uniform Common Interest Ownership Act of West Virginia, Chapter 36B of the West Virginia Code.
D. When private roads are utilized, provisions shall be made on the lots for the off-street parking of at least two (2) automobiles for each lot served by the private roads. Such additional off-street parking may be provided in a common and shared lot on the premises.
E. When the Planning Commission approves the use of private roads in the subdivision or land development, such approval shall be entered in writing in the Planning Commission minutes, together with a copy of the deed restrictions required by subsection (C).

Section 8.6 Sidewalks

A. Where required in residential areas, sidewalks shall be four (4) feet wide and four (4) inches thick. Where required in commercial areas, sidewalks shall be seven (7) feet wide and four (4) inches thick.
B. All new sidewalks shall be compliant with all laws regarding accessibility.
C. Sidewalks shall be required in areas where the volume of pedestrian or automobile traffic make such facilities necessary for safety. These areas will typically be streets immediately surrounding and leading to a school or other traffic generator, such as a community center or shopping center.
D. Sidewalks may be paved with asphalt or Portland cement concrete. Other suitable materials for surfaces may be used as appropriate for local conditions or aesthetics.
E. Procedures for asphalt concrete mixing, proportioning, and placement shall be designed by a licensed engineer acceptable to the Planning Commission.
F. Portland cement concrete sidewalk paving shall have expansion joints at all intersections with other sidewalks and structures.
G. Concrete sidewalks shall be at least four (4) inches thick, except under driveways for which at least six (6) inches of concrete must be used.

Section 8.7 Street Signage

A. *Street Signs*. All subdivision and land development streets shall be clearly identified by permanent street signs, in compliance with the Harrison County Addressing Ordinance.
B. *Street Names*. No street names shall be used that, in the opinion of the County, may be confused with the names of existing streets. Streets that are extensions of, or in alignment with, existing named streets shall bear the names of the existing streets.

Section 8.8 Dead Ends, Turnarounds, and Half Streets

A. All dead-end streets shall terminate in a circular turn-around having a minimum right-of-way diameter of sixty (60) feet, unless the Planning Commission approves an alternate "T" or "L" turnaround.
B. A temporary T- or L-shaped turnaround may be required on temporary deadend streets, and the land outside the normal street right-of-way shall revert to abutting property owners whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of these regulations.
C. Half streets shall be prohibited except where it is necessary to provide the remaining half of a previously approved half street. Wherever there exists a half street adjacent to a tract to be subdivided or developed, the other half shall be platted within such tract.
D. Proposed streets shall be extended to the boundary lines of the tract to be subdivided or developed, unless prevented by topography or other physical conditions, or unless the Planning Commission determines such extension is not necessary or desirable for the coordination of the layout of the subdivision or land development with the existing layout.

Section 8.9 Railroads and Limited Access Highways

Between residential subdivisions or land development and railroad rights-of-way or limited access highways, a buffer area at least twenty-five (25) feet in depth shall be provided adjacent to the railroad right-of-way or limited access highway. This buffer strip shall be part of the platted lots and shall be designated on the plat:

"This strip is reserved for screening. The placement of structures on this land is prohibited."

Section 8.10 Single-family Dwelling and Multi-family Residential Development Requirements

A. *Setbacks.* Structures shall be set back from front lot lines twenty (20) feet and from side and rear lot lines five (5) feet on lots with a single-family dwelling or multi-family development.
B. *Parking.* Two (2) parking spaces at least ten (10) feet by twenty (20) feet in size shall be provided for each single-family dwelling. One (1) space at least ten (10) feet by twenty (20) feet in size shall be provided per dwelling unit in multi-family development.

Section 8.11 Provisions for Maintenance and Operation

A. One purpose of a homeowner's association is to provide for the operation and maintenance of all public facilities within the subdivision, including roads, sidewalks, recreation facilities, and sewer and water systems, where central systems exist.
B. The applicant shall create, prior to approval of the final plan for a major subdivision or land development by the Planning Commission, a homeowner's association that will operate and maintain common facilities, as needed. Such homeowner's association shall be funded initially by the applicant and shall be sustained by assessment of the property owners. Provisions for the homeowners' association and the covenants in the proposed deed shall be reviewed and approved by the Planning Commission.
C. When a subdivision or land development contains park areas, tot lots, streets, or other physical facilities necessary or desirable for the welfare of residents that are of common use and benefit, the HOA shall be responsible for maintenance and upkeep of those facilities.

D. Membership is mandatory for all lot owners. The association shall have the power to place liens on properties and improvements in the subdivision if necessary, to collect delinquent assessments. The constitution, by-laws, and any other provisions of all homeowner's associations must be approved by the Planning Commission as part of final approval to ensure compliance with this Ordinance.

E. A homeowner's association or business owner's association must be established without delay as soon as fifty (50%) percent of properties are sold. The applicant shall dedicate all common lands (SWM Basin, roads, rights-of-way, etc.) to the association. A note to this effect is required on the final plan and plat.

F. A Common Interest Ownership Agreement must be established prior to final plan and plat approval to provide for the maintenance of commonly owned land, including, but not limited to the private road system within the subdivision or land development. This Common Interest Ownership Agreement must be developed in accordance with the Uniform Common Interest Ownership Act of West Virginia.

Article 9. WATER AND WASTEWATER FACILITIES

Section 9.1 General Provisions for Water and Wastewater

A. *General Requirements*. If the subdivision is not serviced by a public sewage system or an approved central collection and treatment system, a copy of the Harrison County Health Department Subdivision septic system pre-approval for each proposed lot in the subdivision shall be obtained and submitted. Should central sewage collection & treatment be available or proposed, then one copy of the approved state permits and plans must be included with the application.

Individual Water Wells. In all subdivisions and land development to be served by individual wells, all such wells shall comply with the provisions of Title 64 of the West Virginia Code of State Rules, Series 19, Series 46, and Series 77, as applicable.

B. *Central Water and Sanitary Sewer Systems*.

i. A centralized water system shall be required for all subdivisions and land development that contain thirty (30) or more dwelling units.

ii. Nonresidential subdivisions and land development shall be served by central water systems with fire hydrants sufficient to meet all requirements of the West Virginia State Fire Marshal's regulations.

iii. For wastewater treatment plants, a copy of the West Virginia Department of Environmental Protection's waste load allocation and discharge permit shall be provided prior to approval of a plan and plat.

iv. If a central water or sanitary sewer system is required, then the applicant shall enter into a binding legal agreement with the appropriate Public Service District for the construction and operation of such systems. The terms and conditions of such agreement must be acceptable to the Public Service Commission and in compliance with all pertinent rules and regulations of the West Virginia Public Service Commission.

v. Where centralized water or sanitary sewer systems are provided in a subdivision or land development, a note shall be placed on the final plan and plat stating:

"Private wells or private septic systems for domestic use are prohibited when central water or sanitary sewer service is available."

vi. Where possible, water and sewer lines that are installed parallel to subdivision and land development roads shall be laid within the road rights-of-way. Otherwise, utility easements shall be provided as deemed necessary to provide for access and maintenance. A note shall be placed on the final plan and plat stating:

"An easement is granted to the appropriate Public Service District in all road rights-of-way for construction and maintenance of water and sanitary sewer lines."

vii. A note shall be placed on plans and plats stating that:

"Any required service laterals to individual lots or sites shall be installed prior to construction of the finished road surface."

viii. The installation of water and sanitary sewer utility lines and appurtenances shall be inspected and certified by the Public Service District that will own and operate the system. In the event the Public Service District is not able to perform the inspections, an independent professional engineer licensed in West Virginia shall inspect and certify that the system is installed in accordance with the approved plans and permits.

ix. The plan and plat shall contain and show the following features and information: existing sewers, water mains, culverts, and other underground structures within the tract and immediately adjacent thereto with pipe sizes, fire hydrants, and grades. Plans and plats must be approved by the Harrison-Clarksburg Health Department and the Public Service District servicing the area for water and sewer.

Section 9.2 Water Supply Improvements

The following requirements shall govern water supply provisions and improvements:

A. All water supply sources and distribution systems, whether on a public or individual lot, shall meet or exceed the minimum requirements, in effect at the time of submitting a completed application, of Title 64 of the West Virginia Code of State Rules, Series 19, Series 46, and Series 77, as applicable.
B. The Planning Commission shall require written approval or a permit from the EED that the minimum requirements for water supply sources have been met.
C. If a proposed subdivision or land development is to utilize private wells and septic systems, the well shall be located and constructed according to standards that shall demonstrate the production of safe, potable drinking water, and in no case may be closer than fifty (50) feet from a septic tank, home aeration unit, vault privy, or drain fields.
D. The proposed location of the well on each individual lot shall be shown on the plans and plats. All proposed locations for well and septic systems shall be approved by the Harrison County Health Department.

E. *Mapping of Facilities*. The location of all fire hydrants, valves, all water supply improvements, and boundary lines, indicating all improvements proposed to be served, shall be shown on all subdivision and land development plans and plats.

F. *Construction Plans*. Construction plans for public water facilities shall be drawn to an appropriate scale. Plan and profile sheet shall include the water main, all valves, fire hydrants, and other appurtenances. Plan scale shall be one-inch equals fifty feet (1" = 50') or smaller; profile scale shall be one-inch equals ten feet (1" = 10') vertical or smaller and one inch equals fifty feet (1" = 50') horizontal or smaller. Variation to the scale may be approved in writing by authorized agent of Harrison County Planning Commission.

G. Construction plans shall also show existing and proposed topographic features along with existing and proposed utilities. Profiles must include all proposed and existing utility crossings, required casings, etc. Plans shall be certified as to their completeness and conformance with applicable regulations by a professional engineer.

H. The water lines shall be AWWA C-900, ASTM Class 250 pipe, or two (2) times the water pressure if more stringent. Bedding of crushed stone or sand shall be placed four (4) inches under the pipe in soil conditions to the spring line or mid-point of the pipe. In rock, the bedding shall be six (6) inches below the pipe to six (6) inches over the pipe. In no case shall any backfill larger than two (2) inches in diameter be placed within one (1) foot of the water main. A water main shall have a minimum of thirty-six (36) inches of cover to the top of the main and not more than sixty (60) inches unless shown as necessary by a professional engineer. If the water line is to be extended more than one thousand (1,000) feet from an existing fire hydrant, the line shall be six (6) inches in diameter. Blue metallic caution tape shall be placed one (1) foot below finished grade for all water facilities.

I. *Required Permits*. If required, a permit to construct, alter, or renovate a public water supply system must be obtained from the West Virginia Bureau for Public Health prior to subdivision or land development approval.

J. *Design Requirements*.
    1. In general, the water system will be designed and installed in accordance with the West Virginia Bureau for Public Health.
    2. All end of line not connected, i.e. loop system, shall have a "blow-off" installed.
    3. Any water lines deeper than twelve (12) feet shall be constructed of ductile iron.
    4. All installation of water systems shall be in strict conformity with plans approved by necessary agencies.
    5. Upon completion, a set of "as-builts" for the project shall be delivered to the Planning Department Staff in paper and electronic format.

B. Every public water system in each subdivision and land development shall be provided with a complete water distribution system adequate to serve the area being platted, including a connection for each lot and appropriately spaced fire hydrants. The entire water system shall be designed to meet the approval of the West Virginia Health Department and the applicable Public Service District.

Section 9.3 Sanitary Sewer Improvements

The following requirements shall govern sanitary sewage disposal:

A. All sanitary sewage disposal systems, whether public or individual, shall meet the minimum requirements of the West Virginia's Environmental Engineering Division (EED) of the Office of Environmental Health Services.

B. Written approval or a permit from the EED stating that the minimum requirements for public or individual sanitary sewage disposal systems have been met must be submitted.
C. When a proposed development is within two hundred and fifty (250) feet of an existing public sanitary sewer system, connection may be required to the public sanitary system sewers.
D. When a public sanitary sewer system is not available, a water-carried sewage disposal system approved by the EED to serve the entire subdivision or land development may be installed.
E. If individual, on-lot sewage disposal systems are proposed, written approval from the Harrison-Clarksburg Health Department must be obtained. Sewage disposal systems, drain fields, and any required septic reserve areas shall be setback a minimum of one hundred (100) feet from any known sinkhole.
F. *Construction Plans*. Construction plans for sewerage facilities shall be drawn to an appropriate scale no larger than one-inch equals fifty feet (1"= 50') and shall include plan and profile of the sanitary sewer, all manholes, cleanouts, manhole invert elevations, and other appurtenances. Construction plans shall also include existing and proposed topographic features along with existing and proposed utilities. Profiles shall include all proposed and existing utility crossings, required casings, etc. Plans must be certified as to their completeness and conformance with applicable regulations by a professional engineer.
G. *Required Permits*. If required, a permit to construct a sanitary sewer system must be issued by the Office for Environmental Health Services, Bureau for Public Health for the state of West Virginia. For individual septic systems, permits must be issued by the Harrison-Clarksburg Health Department. All permits must be issued prior to the subdivision or land development plan and plat approval by the county.
H. *Septic System Requirements*. If the subdivision or land development is not serviced by a public sewage system or an approved central collection and treatment system, a copy of the Harrison-Clarksburg Health Department subdivision or land development septic system pre-approval for each proposed lot in the subdivision or land development shall be obtained and submitted. This subdivision or land development pre-approval shall guarantee one (1) suitable area to establish a residence, well, and septic system, with reserve area within the boundaries of the lot. The size of the septic system shall meet the standards determined by the Harrison-Clarksburg Health Department. To be approved, all such lots shall contain a minimum on-site and reserve area of not less than _____ square feet, which shall be set aside for the installation of required septic tank, soil absorption system, and future expansion or replacement area if needed for a failing drain field. Each proposed lot shall be evaluated with a six (6) foot observation pit and percolation test, in accordance with West Virginia Health Department regulations. Should central sewage collection and treatment be available or proposed, then one (1) copy of the approved state permits and plans must be included with the subdivision or land development application.

Article 10. STORMWATER MANAGEMENT

Section 10.1 General Provisions for Stormwater Management

A. *Purpose and Findings*. The purpose of this Section is to provide adequate measures for the retention, detention, and distribution of stormwater in a manner that minimizes the possibility of adverse impacts on both water quantity and water quality.
B. *Stormwater and Surface Water Drainage*. The applicant shall provide the subdivision or land development with an adequate storm sewer system whenever the applicant fails to provide engineered evidence to the Planning Commission that the natural surface drainage is adequate or

will continue to be adequate after development. When the surface drainage is adequate, easements for such surface drainage shall be provided. The plans for a stormwater sewer system must be approved by the Planning Commission prior to final subdivision or land development approval.

C. The applicant shall provide for adequate stormwater and surface water drainage giving particular attention to the protection of filled land, prevention of water ponding (except as approved by the Planning Commission), and protection of sewer and water conduits and structures from damage caused by improper drainage.

D. Wherever cuts and fills are to be made in a subdivision or land development, the applicant shall provide for the interception and diversion of surface waters away from the tops of the cuts and fills and into approved drainage ways.

E. Terraces shall not be permitted in subdivisions or land development when geological evidence shows the possibility of pressure heads developing in shale layers beneath the terrace surfaces; provided that the Planning Commission may approve, or require as a condition of approval, the construction of retaining walls where necessary to retain cut or fill slopes within rights-of-way or easements.

F. Drainage easements for primary runoff shall be a minimum of fifteen (15) feet in width. When a channel is provided, the width of the easement shall be the width of the channel plus ten (10) feet.

G. Where a subdivision or land development is traversed by a watercourse, there shall be provided a drainage easement or right-of-way of not less than fifteen (15) feet conforming substantially to the line of such watercourse.

H. *Storm Drainage*. All subdivisions and land development shall be related to the drainage pattern affecting the areas involved, with proper provision to be made for adequate storm drainage facilities. Storm drainage plans shall reflect potential surface runoff within the drainage area after development.

I. A West Virginia licensed engineer of the applicant's choosing shall show drainage systems showing the disposition of surface drainage with the following:
    1. Typical cross sections of all proposed stormwater management ponds and ditches.
    2. Drainage easements through onsite and offsite lots.
    3. Road culvert profiles.
    4. The location, size, and invert elevations of storm sewers and appurtenances thereto.

J. Where applicable, storm sewers shall be designed in accordance with West Virginia Department of Highways (WVDOH) criteria.

K. A licensed engineer shall certify that roads are designed or built not to exceed the maximum grade required and that all ditches, culverts, and other stormwater and erosion control measures are designed or built to meet West Virginia Department of Environmental Protection Stormwater Management requirements. Culverts must have a capacity to carry the runoff from a 1-year frequency drain as determined by West Virginia Erosion and Sediment Control Manual.

L. *Stormwater Permitting*. The West Virginia National Pollutant Discharge Elimination System (NPDES) Stormwater Program requires operators of construction sites that disturb one (1) acre or greater, including smaller sites that are part of a larger common plan of development, to obtain authorization to discharge stormwater under an NPDES Construction Stormwater General Permit (General Permit) through the West Virginia Department of Environmental Protection.

M. All major subdivision and land development shall:
    1. Not result in any new or additional expense to any person other than the applicant;
    2. Not increase flood elevations or decrease flood conveyance capacity upstream or downstream of the area under the ownership or control of the applicant;

3. Degrade surface or sub-surface water quality; and
4. Maintain an overland flow path or a storm sewer pipe and inlet sized for the base flood, at the downstream limit of the property, that will pass the base flood flow without increasing damage to structures or property.

Section 10.2 Site Runoff Requirements

A. The applicant shall make adequate provisions for storm and floodwater runoff, including the installation of drainage improvements and dedicated drainage easements. Such easements shall be at least fifteen (15) feet in width.
B. Stormwater facilities shall be required and designed so that runoff exits the site at a point where it existed prior to the subject development and in a manner such that flows will not increase flood damage to adjacent property.
C. Stormwater systems shall be sized to carry the base flood without causing additional flood damage.
D. Design runoff rates shall be calculated using acceptable event hydrograph methods.

Section 10.3 Site Runoff Storage Facilities

A. The design for all stormwater detention facilities shall be in accordance with professionally accepted hydraulic engineering practices and meet all state and federal agencies' erosion and sedimentation control standards and requirements.
B. The facilities shall be located in perpetual, unobstructed public easements of appropriate width and shall be accessible and easily maintained. Stormwater facilities shall be shown on the subdivision or land development plan and plat.
C. The applicant must provide documentation that the property owners will assume all liability for the maintenance and operation of the stormwater facilities.
D. The facility shall provide two (2) feet of freeboard for water surface depths above the base flood.
E. All design detention volume shall be provided above the seasonal high groundwater table or invert elevation of the groundwater control system.
F. Storage facilities shall facilitate sedimentation and catchment of floating material.
G. Storage facilities shall minimize impacts of stormwater runoff on water quality by incorporating best management practices.
H. Storage facilities shall maximize the distance between inlets and outlets, to the extent possible.
I. Storage facilities shall be designed to provide an emergency spillway in the event that the existing pre-development peak runoff rate from the 100-year, 24-hour duration rainfall is exceeded, assuming the primary restrictor is blocked, and the design detention volume is not effective (basin filled).
J. Storage facilities with single-pipe outlets shall have a minimum inside diameter of twelve (12) inches.
K. If design release rates necessitate a smaller outlet, structures such as perforated risers, or flow control orifices shall be used. Outlets shall be designed for peak runoff rate using the 25-year, 24-hour duration rainfall.
L. Appropriate treatment for ditch lines shall be applied as required by the West Virginia Division of Highways.

Section 10.4 Hydrology

The following table shall be used in determining average 24-hour precipitation for the various frequencies:

	Frequencies (years)						
Years	1	2	5	10	25	50	100
Inches	2.4 inches	2.77 inches	3.56 inches	4.10 inches	4.75 inches	5.25 inches	5.68 inches

Section 10.5 Stormwater Peak Flow Basis

A. Stormwater drainage and erosion controls shall be provided based on peak flows resulting from the year frequencies occurring over the contributing watersheds as noted:
    1. Control - Use 10-year frequency and entire contributing watershed.
    2. Floodplains - Use 100-year frequency and the entire contributing watershed.
    3. Storm Drain Pipes and Ditch lines - Use 10-year frequency and the entire contributing watershed.
B. All lots, tracts, or parcels shall be graded to provide proper drainage away from buildings and dispose of surface water without ponding, and all land within a development shall be graded to drain and dispose of surface water without ponding, except where approved by the Harrison County Planning Commission.
C. All drainage facilities shall be of such design to adequately handle the surface runoff and carry surface water to the nearest suitable outlet, such as a curbed street, storm drain, or natural watercourse. Where drainage swales are used to divert surface water away from buildings, they shall be sodded, planted, or laden with shot rock or riprap, as required, and shall be of such slope, shape, and size as to conform to the requirements of this Ordinance.
D. Every subdivision and land development shall be provided with a stormwater sewer or drainage system adequate to serve the area being platted and otherwise meeting the approval of the Planning Commission.
    1. The stormwater drainage system shall be provided with inlets or catch basins constructed normally in pairs, one (1) on each side of the street, not more than four hundred (400) feet apart. Inlets or catch basins shall be constructed of an approved size and material.
    2. Storm sewers shall be provided with manholes, not more than four hundred (400) feet apart. Storm sewer manholes shall be constructed of ASTM approved pre-cast concrete or equivalent.
    3. No stormwater runoff or natural drainage water shall be so diverted as to overload existing drainage systems or create flooding or the need for additional drainage structures on other private properties or public lands without proper and approved provisions being made for taking care of these conditions.
    4. A ditch or brook right-of-way shall be offered for dedication for drainage purposes. Such right-of-way shall be shown on the drainage plan and in the final plan and plat and shall be of sufficient width to include a ten (10) foot access strip in addition to the width of the

ditch or brook as measured from bank top to bank top. Where a subdivision or land development is traversed by a watercourse, drainage-way, or street, there shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse, and such further width or construction, or both.

E. All applicants shall show how stormwater will be conveyed. The Stormwater Management Plan shall include how the applicant is going to control and convey including:
    i. Pre- and post-development runoff calculations using a twenty-five (25) year storm, twenty-four (24) hour duration storm event.
    ii. Drawings showing the layout of stormwater retention and conveyance system.
    iii. Elevations of intake and outfall of pipes.
    iv. Details of retention system, including elevations, emergency spillway design, and stage storage requirements.
    v. Any applicable permits that may be necessary for outfall structures into drainage-ways.
    vi. A narrative with a construction sequence to ensure proper installation of the system.
    vii. A maintenance plan for the retention and conveyance system.

F. The following requirements shall apply to all land development that proposes a total lot coverage by all impervious surfaces in excess of seventy-five hundred (7,500) square feet and to all major subdivisions and factory-built home communities.
    1. The applicant shall prepare a Stormwater Management Plan in accordance with the standards of the publication "Urban Hydrology for Small Watersheds," Technical Release No. 55, U.S. Department of Agriculture, Soil Conservation Service, June 1986, as amended, or another equivalent engineering or technical design program.
    2. The stormwater management plan for a subdivision or land development plan shall be designed to assure that post-development stormwater does not leave the property at a greater velocity or volume per second than pre-development stormwater.

G. *Required Drainage Systems*. The Planning Commission shall not approve any plan or plat that does not make adequate provisions for stormwater or flood water runoff by use of channels or basins based on whether the stormwater analysis shows stormwater detention is necessary. Detention structures shall be designed in such a manner that the post-construction peak runoff rate of flow shall be equal to or less than the pre-construction peak runoff rate of flow for 2-year/24-hour and 10-year/24-hour storms.

H. When an analysis indicates stormwater detention is necessary for an expansion to an existing subdivision or land development that has no detention structures, a peak runoff reduction of ten (10%) percent from the preexisting peak runoff rate of flow must be achieved. However, no reduction shall be required for the expansion beyond the peak runoff rate of flow that would occur from the parcel in its natural, undeveloped state.

I. Stormwater detention structures shall have a maximum of a ten (10) foot total water depth. Stormwater detention system and structure shall be designed by an engineer. A licensed engineer shall submit a written certification that the construction of the stormwater detention system and structure meets the requirements and standards of this Ordinance as well as the current edition of the United States Natural Resource Conservation Service's manual for ponds.

J. If a detention structure that exceeds a ten (10) foot total water depth is necessary, the structure shall be designed by an engineer with geotechnical experience and shall be constructed to meet the requirements and standards of this Ordinance as well as the current edition of the United States Natural Resource Conservation Service's current manual for ponds.

K. The current edition of the West Virginia Department of Transportation Standard Specifications for Roads and Bridges and Supplemental Revisions is hereby referenced for material and construction specifications for activities governed by this Ordinance. The current edition of the West Virginia Department of Transportation Drainage Manual is hereby referenced as the Stormwater Design Manual in its entirety.

L. A stormwater management facility shall be constructed in a common area in the subdivision or land development and shall be maintained by the applicant until the common area becomes the responsibility of the homeowners' association.

M. The Planning Commission may require a third-party engineer of its choice to review the stormwater management plans submitted by the applicant and must approve the plans prior to the Planning Commission granting major subdivision or land development approval and prior to the start of construction. When the construction is completed, an engineer shall submit a final as-built drawing and a certification that the stormwater management plan meets the requirements of this Ordinance. The third-party engineer shall perform a post-construction certification review at the completion of construction. Final plan and plat approval shall not be granted until the third-party engineer approves the construction drawing and/or plan of the stormwater drainage system and the certifications submitted by the engineer.

N. *Stormwater Analysis*. A stormwater analysis by an engineer shall be conducted to determine the accommodation of upstream drainage areas and the effect on downstream drainage areas.

Section 10.6 Nature of Stormwater Facilities

A. If a public storm sewer is currently in the planning stages, the applicant shall make arrangements for future stormwater disposal by a public utility system at the time the plan and plat receives final approval. Provisions for such connection shall be incorporated by inclusion in the surety required for the subdivision or land development plan and plat.

B. *Effect on Downstream Drainage Areas*. The applicant shall also study the effect of each subdivision or land development on existing downstream drainage facilities outside the area of the subdivision or land development. Where it is anticipated that the additional runoff from the subdivision or land development may overload an existing downstream drainage facility, the Planning Commission may withhold approval of the subdivision or land development until provisions have been made for the improvement of said potential condition as the Planning Commission shall determine. No subdivision or land development shall be approved unless drainage will be provided to an adequate drainage watercourse or facility as determined by the Planning Commission.

C. *Areas of Poor Drainage and Floodplain Areas.* Where the major subdivision or land development lies partially or completely in the 100-year flood zone area, the plan and plat shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites; the Base Flood Elevation; and the delineation of the floodplain areas as depicted on the Federal Emergency Management Agency (FEMA) map.

D. Development of areas of extremely poor drainage shall be discouraged. The applicant or their engineer shall design the subdivision or land development so that drainage from undeveloped lots shall not be directed onto developed lots.

Article 11. RECREATIONAL VEHICLE PARKS AND CAMPGROUNDS STANDARDS

Section 11.1 General

Recreational vehicle parks and campgrounds shall comply with the requirements as set forth in this Ordinance and applicable sections of this Article.

Section 11.2 Recreational Vehicle Parks

The following design standards shall apply to all recreational vehicle parks:

A. The area of each site shall be a minimum of two thousand (2,000) square feet not to include road rights-of-way. Each site shall have a minimum road frontage width of twenty (20) feet along a platted road right-of-way.
B. Each site shall provide an adequate stand for the placement of a unit. A site stand shall be at least fifteen (15) feet by twenty-five (25) feet in size, shall be evenly surfaced, and shall not exceed a three (3%) percent slope in any direction. No more than one (1) unit shall be placed on or above a site.
C. Setbacks shall be a minimum of fifteen (15) feet for each site in all directions.
D. All recreational vehicle parks must comply with the Harrison County Department of Health requirements.
E. Water and sewerage connections must be provided at each site and each recreational vehicle in use on the site must hook up to the water and sewerage at all times while on the site.
F. Streets within recreational vehicle parks shall be at least twenty-four (24) feet in width with a maximum grade of ten (10%) percent for collector streets, at least twenty-two (22) feet in width with a maximum grade of ten (10%) percent for local streets, and at least twenty (20) feet in width with a maximum grade of twelve (12%) percent for other internal roads. All streets in recreational vehicle parks shall meet the requirements set forth in this Ordinance. Curbs and gutters are not required for recreational vehicle parks.
G. Convenient off-street parking (on each site or in designated parking areas) shall be provided at the rate of two (2) spaces per site. Each parking space shall have a minimum dimension of ten (10) feet by twenty (20) feet. Designated parking areas may not be used for overnight camping or occupancy.
H. Each site shall be provided with a sanitary, covered garbage receptacle.
I. A recreational vehicle park shall provide at least one (1) solid waste disposal collection facility.
J. All power lines to individual lots shall be underground. The installation of overhead main lines may be allowed.

Section 11.3 Campgrounds

A. The area of each campsite shall be a minimum of two thousand (2,000) square feet, not including road rights-of-way. Each campsite shall have a minimum road frontage (width) of twenty (20) feet along a platted road right-of-way.
B. Setbacks shall be a minimum of fifteen (15) feet for each campsite.
C. All streets within campgrounds shall meet the requirements set forth in this Ordinance. Curbs and gutters are not required for campgrounds.
D. Convenient off-street parking (on each campsite or in designated parking areas) shall be provided at the rate of two (2) spaces per campsite. Each parking space shall have a minimum dimension of

ten (10) feet by twenty (20) feet. Designated parking areas may not be used for overnight camping or occupancy.

E. Each campsite shall be provided with a sanitary, covered garbage receptacle.
F. A tent may be placed on any campsite. In addition, however, a special tent area may be set aside and marked in a campground for the random location of tents. The number of tents allowed in a tent area shall be limited to twenty-five (25%) percent of the number of designated campsites (including the maximum number of such tent sites) within a campground. A tent area need not be served directly by water or sanitary facilities, provided a comfort station is located nearby. The size of a tent area shall be based on five hundred (500) square feet per eligible tent.
G. A campground shall provide at least one (1) sanitary sewerage dump station, one (1) water refill station, and one (1) solid waste disposal collection facility.
H. All power lines to individual lots must be underground. The installation of overhead main lines may be allowed.

Article 12. FACTORY-BUILT HOME COMMUNITY REQUIREMENTS

Section 12.1 General

Factory-built home communities, whether the individual lots are to be leased or sold, shall comply with the requirements set forth in this Ordinance.

Section 12.2 Design Standards

The following design standards shall apply to all factory-built home communities.

A. Each factory-built home community shall contain a minimum of five (5) acres, including open space.
B. Each factory-built home community shall have a minimum buffer area of twenty-five (25) feet around the perimeter of the property. Such buffer area shall not be occupied by or counted as part of any individual site for a single factory-built home.
C. Each factory-built home community shall provide a common entrance or entrances. Access to all homes within a factory-built home community shall be from streets within the factory-built home community. Homes within a factory-built home community shall not have individual, direct access to a public street or highway.
D. Each individual site for a single factory-built shall abut a street. Side site lines laid out in rectangular blocks shall be diagonal to the street at an angle no greater than thirty (30) degrees from perpendicular. Front and rear slot lines in rectangular blocks shall be straight and continuous. In cul-de-sac arrangements, the side lot lines shall be radial to the street.
E. Factory-built homes on corner sites site be situated to permit the required building setback from both streets and allow adequate sight distance.
F. Each factory-built home site shall be a minimum of six thousand (6,000) square feet. Minimum site width shall be sixty (60) feet. Each site shall be clearly defined by monuments or markers in accordance with the requirements of this Ordinance.
G. Each site shall be designed to fit the dimensions of the factory-built homes anticipated, as well as provide all public utilities, pads, hookups, appurtenant structures, and other appendages.
H. Factory-built home setbacks shall not be less than twenty-five (25) feet from any street, common parking area, common area, or built structure within the factory-built home community.

I. Side and rear setbacks shall be a minimum of ten (10) feet in width for each designated site. If the rear of an individual site abuts the twenty-five (25) foot perimeter buffer area, the rear setback may be reduced to five (5) feet.
J. All streets in a factory-built home community shall meet the requirements set forth in this Ordinance. Curbs and gutters are not required for factory-built home communities.
K. Off-street parking shall be provided in accordance with Section 8.10(B).
L. Each factory-built home site shall be provided with a connection to a water and sewer system approved by the applicable Public Service District.
M. All telephone, electrical, and other distribution lines shall be installed in underground conduits. No overhead lines shall be permitted. All underground utilities, sanitary sewers, and drainage structures installed in streets shall be constructed prior to the surfacing of such streets.
N. Accessory structures may be permitted in the rear yard no closer than five (5) feet from the rear or side site lines of individual site
O. Outdoor collection stations shall be provided for garbage and trash removal when curbside collection is not provided. Collection stations shall be located to avoid emitting offensive odors and shall be screened from view with fencing or landscaping.

Article 13. FLOOD-PRONE AREAS

Section 13.1 Flood-prone Areas

The purpose of establishing special requirements for flood-prone areas is to reduce the public cost and personal damage caused by flood events. Flood-prone areas are encouraged to remain undeveloped or as open space, whenever possible.

Section 13.2 Flood-prone Area Requirements

A. Areas within the Special Flood Hazard Area (SFHA) including the regulatory floodway, as determined by the Federal Emergency Management Agency (FEMA), shall be delineated on all subdivision and land development plans and plats.
B. Construction of structures and septic and well facilities shall adhere to the current Harrison County Floodplain Ordinance requirements.
C. Planning Department Staff shall verify that a proposed subdivision or land development plan and plat complies with the current Harrison County Floodplain Management Ordinance.
D. In SFHAs, an improvement location permit is required prior to the erection, relocation, or alteration of a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use; and prior to any land altering activity.
E. If a proposed subdivision or land development lies in the SFHA, the applicant shall examine the FEMA flood insurance rate maps (FIRM maps) for the area and provide each prospective purchaser, before any commitment to purchase is made, and an identical provision shall appear or be referenced in every deed by which any such lot is conveyed, either by the applicant or by a future owner, a reference to the Harrison County Floodplain Ordinance and a written statement stating the following:

> *"All or some of this real estate lies within an officially designated flood zone. The legal ramifications of this are significant and use of this land may be limited. Details may be obtained from the Harrison County Planning Commission."*

F. All Special Flood Hazard Areas, including the regulatory floodway, must be shown on the final plans and plats before final approval and recording, based on the most recent FEMA flood maps.

G. The applicant of a subdivision or land development shall submit a site plan to the Harrison County Floodplain Administrator and shall include the following information:
    1. Names of engineer, surveyor, or other qualified person responsible for providing the information required in this section.
    2. A map showing the location of the proposed subdivision or land development with respect to the county's floodplain areas; proposed lots and sites; fills; flood or erosion protective facilities; and areas subject to special deed restriction. In addition, all subdivision and land development proposals and other proposed new development with property located in a FEMA designated SFHA greater than fifty (50) lots or five (5) acres, whichever is less, shall include base flood elevation data. The applicant shall have the base flood elevations certified by a registered professional engineer or surveyor, based on hydrologic and hydraulic studies.
    3. Where the subdivision or land development lies partially or completely in the floodplain areas, the plan map shall include detailed information giving the location and elevation of proposed roads, public utilities, and building sites.
    4. Subdivision and land development lots shall be designed in a manner so that, where possible, a portion of the lot will be located outside the SFHA.

Article 14. HILLSIDE DEVELOPMENT

Section 14.1 Hillside Development General

Hillsides with slopes of fifteen (15%) percent or more are sensitive areas that are not as suitable for development as flatter land. The instability of such areas requires careful planning and design before development takes place. Natural slopes, trees, rock formations, and other features, such as views, can best be preserved if subdivision and land development are allowed to be flexible and creative. In general, the integrity and durability of a hillside are inversely related to the amount of construction activity (particularly earthwork) that takes place on the hillside.

Section 14.2 Hillside Development Review Standards

Planning Commission review of hillside subdivision and land development proposals shall be guided by the following considerations:

A. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.
B. Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas are left undeveloped. Utilize the cluster development concept.
C. Create narrow rights-of-way and roads (possibly one-way roads with convenient pull-offs) so that earthwork may be minimized.
D. Install roadside parking bays.
E. Design and construct roads that are parallel to contour lines. Preferably design and construct roads on ridges and in valleys to minimize cuts and fill. Use retaining walls to minimize cuts and fill.
F. Lot layouts that minimize on-lot grading and earthwork for access, parking, and building construction.
G. Design, engineer, and construct entrances to individual lots before lots are sold.
H. Select building sites and areas for the construction of septic system drain fields before lots are sold.
I. Include provisions within deeds of sale that require property owners to protect the hillside, woodlands, etc., from destruction.

J. Special measures shall be taken to provide safe and adequate building sites with proper access and reliable utilities.
    1. All graded slopes adjacent to a roadway shall be a maximum of two (2) horizontal units of measurement to one (1) vertical unit of measurement, excluding existing topography or slopes constructed in rock. Manufactured slopes of less than two (2) horizontal units of measurement to one (1) vertical unit of measurement may be permitted where adequate slope control measures are utilized, such as retaining walls, riprap, sodding, or other protective embankments. The slope shall not exceed the natural angle of repose of the material. Cut and fill slopes shall be constructed to eliminate sharp angles of intersection with the existing terrain and shall be rounded and contoured as necessary to blend with the natural topography to the maximum possible extent.
    2. Terracing with manufactured slopes or suitable retaining walls is preferable to stilted dwellings. Such terraces shall be designed to impede runoff.
    3. All manufactured or disturbed natural slopes, other than those constructed in rock, shall be planted or otherwise protected from the effects of erosion and shall be benched or terraced as required to provide for adequate stability.
    4. The design of storm drainage facilities shall ensure the acceptance and disposal of storm runoff (based on a 10-year frequency) without damage to the street or to adjacent properties. The use of special structures to accept storm runoff shall be incorporated into the street design where appropriate.
    5. All streets shall be constructed to carry the anticipated traffic load without deterioration over the design life of the roadway.
    6. Driveways shall be designed to a grade and alignment that will provide maximum safety and in a manner that will not interfere with drainage or public use of the street or street area.

Article 15. WETLANDS

Comprehensive plan maps related to floodplains and other general soils and hydric soils information may be used as a reference for determining the general location of major wetland areas. Final wetland delineations shall be through a Jurisdictional Determination by the U.S. Army Corps of Engineers. At the time of applications, wetlands shall be verified through a Jurisdictional Determination by a U.S. Army Corps of Engineers representative, and all wetlands boundaries surveyed. If no wetlands are present on-site, a letter stating such shall be submitted by a qualified third party. Wetland boundaries shall be established with a buffer area of fifteen (15) feet along any delineated wetland. Wetland disturbance shall be permitted, provided the U.S. Army Corps of Engineers has permitted any such disturbance.

Article 16. ADMINISTRATION AND ENFORCEMENT

Section 16.1 Administration

A. The Planning Department Staff shall be responsible for the daily administration of these regulations.
B. The Planning Commission and the Planning Department Staff may, if necessary, seek the advice of professionals or state agencies regarding proposals for subdivision and land development.
C. The Planning Commission and the Planning Department Staff shall cooperate and coordinate with other governmental agencies affected by the subdivision and development of land. A final plan and plat shall not be approved by the Planning Commission in the case of major subdivisions and land development or by the Planning Department Staff in the case of minor subdivisions and land

development until the final plan and plat has been stamped or certified as approved by all regulatory agencies whose jurisdiction involves items related to the proposed subdivision or land development.

D. In order to effect a timely and orderly processing and review of any plan or plat, prior to advancement of a final plan or plat, the Planning Department Staff and representatives of other agencies shall review the project and make recommendations regarding approval to the Planning Commission.

Section 16.2 Improvement Location Permit Process

Any person, corporation, association, or other owner of real property shall apply for an improvement location permit in writing to the Planning Department Staff prior to the commencement of the construction of new structures, land altering activities, floodplain development, or improvements to or changes in use of land and existing structures.

Section 16.3 Waivers

A. Waivers from the minimum standards in this Ordinance, including process and procedural waivers, may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:
    1. The design of the project will provide public benefit in the form of a reduction in County maintenance costs, greater open space or park land, or a benefit of a similar nature;
    2. The waiver, if granted, will not adversely affect the public health, safety, or welfare, or the rights of adjacent property owners or residents;
    3. The waiver, if granted, will be in keeping with the intent and purpose of this Ordinance; and
    4. The waiver, if granted, will result in a project of better quality or character.
B. *Applicant.* An application for a waiver may be made by anyone with a legal interest in a property, or their authorized agent. The owner is responsible for providing all information and justification for the waiver request.
C. *Application.* An application for a waiver shall be filed with the Planning Commission. An application for the waiver shall be submitted, along with the required fee, on the appropriate form. In addition to that basic information, the following information shall be submitted to support the application:
    1. Plat and plan for the property depicting parcel information, proposed layout, and, where applicable, all proposed modifications.
    2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of these provisions, and any known prior uses.
    3. A description of the specific portions of these provisions for which relief is being sought.
    4. A narrative describing how the proposed waiver will increase public benefits.
    5. Any application to vary technical requirements of this Ordinance shall include sufficient evidence for making the required determinations under subsection 16.3(A).
D. *Public Notice for Waiver Request.* The applicant must post, at least twenty-one (21) days prior to the public hearing, and thereafter maintain until the conclusion of the public hearing, a sign giving notice of the date, time, and place of the public hearing, which will be provided to the applicant, and shall be placed by the applicant on the property such that the information is clearly legible from the public right-of-way. The applicant shall notify, by certified mail, the owners and homeowner's association of any abutting property owners at least fourteen (14) days prior to the public hearing.

E. *Approval.* All waiver requests shall be reviewed by the Planning Department Staff, with recommendations made to the Planning Commission. The Planning Commission shall make a decision within forty-five (45) days of the receipt of a completed request for waiver.
F. *Conditions of Approval.* In granting a waiver, the Planning Commission may prescribe any conditions and safeguards that it finds are appropriate and in conformity with this Ordinance. All waivers and conditions of approval associated with the waiver shall be documented on all subsequent plats or plans. Granting of a waiver does not abrogate the applicant of any requirements found in this ordinance other than that which was explicitly granted through the waiver process.

Section 16.4 Enforcement and Penalties

The Planning Commission, County Commission, and the Planning Department Staff may enforce this Ordinance in the manner provided for in this section and by applicable law, including but not limited to West Virginia Code Section 8A-6-3 and West Virginia Code Section 8A-10-1 et seq.

A. Upon learning of a potential violation of this Ordinance, the Planning Department Staff shall investigate to determine whether a violation has occurred.
B. If a violation has occurred, the Planning Department Staff shall notify the violator by means of a written violation notice. The violation notice shall specify the nature of the violation and request that the violation cease or be corrected within fifteen (15) days from the date appearing on the notice. Failure to terminate or correct the violation within this time period shall be cause for the Planning Commission, County Commission, or the Planning Department Staff to:
    1. Seek an injunction in the Circuit Court of Harrison County to restrain the violator from continuing the violation, including but not limited to requests for the removal of structures or land uses from the property involved; and
    2. Seek a misdemeanor conviction in magistrate court or circuit court.
C. A person who violates any provision of this ordinance is guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (50) dollars nor more than five hundred (500) dollars, plus all court costs, including reasonable attorney fees incurred by the County as a result thereof. Each day that a violation continues shall constitute a separate violation.
D. The circuit court, upon petition, may grant an order of stay, upon cause shown, tolling the per diem judgment pending a final adjudication of the violation and judgment.
E. Nothing contained in this Section shall be construed or interpreted to grant to any person or entity other than the County the right to commence any action for enforcement pursuant to this Section.

Section 16.5 Appeals

An appeal of a decision of the Planning Commission or staff regarding subdivision or land development decisions shall be taken directly to Circuit Court of Harrison County, West Virginia, within 30 days after the date of the denial. The petition must specify the grounds of the appeal in writing.

Appendix B

DEVELOPERS AGREEMENT

MADE this _____ day of _____, 20__ by and between _____ (hereinafter "Developer") and Planning Commission of Harrison County, West Virginia (hereinafter "the County or the County Planning Commission").

WHEREAS, Developer is the owner of a certain parcel of land situate within the County, said parcel of land being more particularly described in Exhibit "A" attached hereto; and WHEREAS, Developer desires to develop said lands under a Land Development Plan captioned _____ and dated _____, 20___, (hereafter "Plan"), as the same was approved by the Harrison County Planning Commission on _____, copies of which plan are marked Exhibit "B" and attached hereto; and

WHEREAS, in the application to the County for approval of the Plan the Developer indicated his intention to construct at his sole cost and expense (including but not limited to engineering inspection and review expenses incurred by the County in connection with the Plan) all those improvements required by the Plan or by any conditions attached thereto, more particularly described in Exhibit "C" attached hereto; and

WHEREAS, Developer has agreed to deliver to the County a bond, renewable Irrevocable Letter of Credit or other form of surety (in form and substance to be approved by the County Planning Commission) from an institution licensed to do business in West Virginia in the amount of $_____ to guarantee the installation of the improvements and reimbursement of the County for expenditures that may be directly incurred in connection with the completion of the improvements should the Developer default.

NOW, THEREFORE, IT IS AGREED:

1. Developer covenants, promises and agrees to build, construct and install all improvements in accordance with the specifications of the County and in the manner provided and approved by the County, on or before the _____ day of _____, 20__.

2. Developer shall enter into contract(s) with such person or persons necessary to construct the improvements. Developer shall provide the County with a construction schedule for all required public improvements which satisfies the completion date agreed upon in Paragraph 1 immediately above, a schedule of job site meetings, and the name and address of the supervisory point of contact for the contractor. The Developer agrees that the construction or installation of the improvements is subject to the inspection and approval of the County.

3. Developer concurrently delivers to the County its surety, in the amount of $_____. The amount of financial security required shall be in the amount of 115% of an estimate of the cost of completion of the required improvements, based upon the prevailing wage rates, submitted by the Developer and prepared by a Professional Engineer licensed as such in the state of West Virginia and certified by such Engineer to be a fair and reasonable estimate of such cost. The County Planning

Commission may refuse to accept such estimate for good cause shown. Exhibit C of this Agreement may be used for the purpose of documenting the needed surety or any other form prescribed by the County.

The bond, Letter of Credit or other surety shall be posted as security for performance of this agreement, including the construction of the improvements as shown on the approved Final Plan. The term of such surety shall be for the period agreed upon for the completion of construction of the improvements and, if required by the County Planning Commission, will include an "evergreen" clause which will allow for an automatic extension of term to cover any extended period of construction. The Planning Commission shall have authority on its own initiative and after thirty (30) days notice to the principal, to increase the amount of surety at any time, over and above five percent (5%), if in its judgment and sole discretion, such increase is found to be appropriate. The Planning Commission must justify such decision by a demonstrable increase in costs, which must be disclosed to the principal.

In the event Developer shall fail to construct the improvements in a manner acceptable to the County or by the time agreed upon in this agreement or amendment thereto, the County shall notify the Developer of said circumstance in writing and, when possible, allow forty-five (45) days from the date of said notification to correct the deficiencies.

In the event that the developer fails to correct said deficiencies to the satisfaction of the Planning Commission, the County may, at its option call the bond or other surety and construct said improvements at the Developer's expense. In such case, any bond or other surety balance remaining after construction shall be returned to the surety.

In the event the funds secured by said surety shall not be sufficient to satisfactorily construct the improvements or reimburse the County for its cost and expense to construct the same, the County may file an appropriate legal action against Developer based upon this agreement for the balance of the funds required to so construct the improvements or reimburse the County for the same.

4. As the work of installing the required improvements proceeds, the party posting the financial security may request that the County release or authorize the release, from time to time of such portions of the financial security necessary for the payment to the contractor or contractors performing the work. Any such request shall be in writing addressed to the County Planning Commission, and the County Planning Commission shall have 60 days from receipt of such request within which to certify in writing that such portion of the work upon the improvements has been completed in accordance with the approved plat. Upon such certification the County Planning Commission may authorize a reduction in the financial security by the lending institution by an amount as estimated by the County Planning Commission fairly representing the value of the improvements completed.

5. All construction shall be in accordance with the construction plans, County Ordinances and other applicable regulation. Unless otherwise specified by applicable regulation, if a conflict exists between the plans and ordinances, the stricter of the two will be used. The Developer is responsible, as necessary, to correct any unforeseen conditions that are caused by the installation of these improvements.

6. Developer shall grant and convey, to third parties if appropriate, by Deed of Dedication all easements for rights-of-way (including maintenance) shown on the Preliminary and Final Plans. In the event easements are required from third parties, it shall be the duty of the Developer to obtain them at his sole cost and expense.

7. When the County's report indicates approval of all required improvements, the surety may be reduced to an amount not less than fifteen percent (15%) of all required improvements, at the inception of the project. Upon completion of the one (1) year period, a performance inspection shall be performed. If all is acceptable, the surety shall be released in full.

8. In addition to the aforesaid requirements, the Developer agrees that he will at his own expense:

A. Pay to the County any fees required by outside/third party agencies hired by the County and as agents thereof for inspecting construction of public improvements and for fees and other expenses such as, but not limited to, the payment for Engineers, additional applications and approvals, as may be required by the ordinances and regulations of the County or other government entities.

B. Connect any underground springs or other waters encountered during construction to the proposed storm sewers or to a proper outlet as designated by the County Engineer.

C. Upon completion of the construction, the Developer shall ensure removal from the site and disposal of all brush, rubbish, refuse and debris, leaving the area free and clear of same.

E. Remove all temporary buildings or structures within one month after final acceptance of the Improvements by the County.

THIS AGREEMENT shall be binding upon the heirs, executors, administrators, successors and assigns of Developer and the County.

DEVELOPER

_____ _____ ATTEST

HARRISON COUNTY, WEST VIRGINIA

_____ _____ ATTEST Chairman (or Designee)

United States of America

State of West Virginia

County of Harrison, ss:

Clerk's Fiduciary Report

Estate from Wednesday, January 27, 2021, through Tuesday, February 2, 2021

The County Commission of Harrison County this day proceeded to examine the report of the Clerk of the Commission of the Fiduciary and Probate matters had before his during the vacation of the Commission, and it appearing to the Commission that all of the proceedings had therefore ordered that the said report and matters thereto contained be and the same is hereby ratified and confirmed. Said report is in words and figures as follows, to -wit:

On, Wednesday, January 27, 2021, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **ANNA JOSEPHINE HALSTEAD**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

ISAAC FRANCIS THOMAS JR, who was named in the last will and testament of **ANNA JOSEPHINE HALSTEAD**, deceased, as EXECUTOR thereof, qualified as such. No bond was required.

More than 31 days since the date of death or the surviving spouse or heir, upon a motion, **MICHAEL WAYNE WAUGH** was appointed and qualified as ADMINISTRATOR of the estate of **PAUL LEE WAUGH**, deceased. Bond was 80,800.00.

On, Thursday, January 28, 2021, the following matters were disposed of in the presence of the Clerk:

More than 31 days since the date of death or the surviving spouse or heir, upon a motion, **AMBER AMANDA COLLINS** was appointed and qualified as ADMINISTRATRIX of the estate of **LARRY A COLLINS**, deceased. No bond was required.

On, Friday, January 29, 2021, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **RALPH EDWARD RUSSELL**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

MARGARET MARIE RUSSELL, who was named in the last will and testament of **RALPH EDWARD RUSSELL**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

A duly certified copy of the last will and testament of **MARY E ORNDORFF**, deceased, late a resident of UPSHUR, WEST VIRGINIA, was admitted to record.

On, Monday, February 1, 2021, the following matters were disposed of in the presence of the Clerk:

More than 31 days since the date of death or the surviving spouse or heir, upon a motion, **CHARLES HUFF** was appointed and qualified as ADMINISTRATOR of the estate of **LEWIS R MORRIS JR**, deceased. Bond was 20,000.00.

The last will and testament of **ROGER NEIL MARTENY**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

LISA LYNETTE MARTENY, who was named in the last will and testament of **ROGER NEIL MARTENY**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

The last will and testament of **SHARON SUE MARTENY**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

LISA LYNETTE MARTENY, who was named in the last will and testament of **SHARON SUE MARTENY**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

On, Tuesday, February 2, 2021, the following matters were disposed of in the presence of the Clerk:

The last will and testament of **DONALD L WEBSTER**, deceased, was proved by the affidavit of the attesting witnesses and the same was admitted to probate and record.

DANIELLE LYNN JOHNSON, who was named in the last will and testament of **DONALD L WEBSTER**, deceased, as EXECUTRIX thereof, qualified as such. No bond was required.

John R Spires
Clerk of the Harrison County Commission

Wednesday, February 10, 2021

Confirmed

F

Jim Justice
Governor of West Virginia

January 21, 2021

The Honorable Susan Thomas
Harrison County Commission
301 Main Street
Clarksburg, WV 26301

Dear President Thomas:

Thank you for your application to the Community Development Block Grant CARES Act funding (CDBG-CV) program for the COVID-19 Emergency Assistance Project.

Your request has been approved in the amount of $75,000.00. This funding will help West Virginia residents to prevent, prepare for, or respond to the coronavirus outbreak in Harrison County.

The West Virginia Development Office will be administering these funds and will be in contact with you. Should you have any questions, please call Ryan Halsey of the West Virginia Development Office at 304-558-2234.

I am pleased to assist with these efforts for the citizens of Harrison County.

Sincerely,

Jim Justice
Governor

JJ:sr

William A."Willie" Parker

From: William A."Willie" Parker
Sent: Friday, February 05, 2021 10:05 AM
To: Jeffrey Barnhart
Cc: Todd Somers; Susan Ford; Ryan Holcomb; Randy Watson; Jessica L. Sell; David Hinkle; Patsy Trecost II; Susan Thomas
Subject: RE: Commission Agenda

Good Morning
****

FYI – During the December 9th meeting the Commission approved $75,000 donation for the Town of West Milford towards the repair – improvement – replacement of fire hydrants. If you desire to appear you are more than welcome but this would not be required since already approved. All our office needs is and invoice(s) from vendors to pay directly or an invoice(s) paid by the Town of West Milford (copy of invoice and check) and the County can issue a check for reimbursement. If you still desire to appear let me know. Please forward documentation to my attention for payment or reimbursement. Any questions let me know.

Thanks
William A. "Willie" Parker
Harrison County Administrator
Phone: (304) 624-8500
Cell: (304) 695-0535
Fax: (304) 624-8673
wparker@harrisoncountywv.gov

"Do not let what you cannot do interfere with what you can do" - John Wooden

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-----Original Message-----
From: Jeffrey Barnhart [mailto:jbarnhartinsure@aol.com]
Sent: Thursday, February 04, 2021 9:57 AM
To: William A."Willie" Parker <wparker@harrisoncountywv.gov>
Cc: Todd Somers <toddsomers@yahoo.com>; Susan Ford <townofwestmilford@yahoo.com>; Ryan Holcomb <rholcomb@thethrashergroup.com>; Randy Watson <rwatson@thethrashergroup.com>
Subject: Commission Agenda

CAUTION: This email originated from outside the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Willie
I called the office and they advised you were out today.

In speaking with Thrasher, there have been talks with the commissioner's regarding the $75,000 for our town water project. I would like to request myself, Mayor Somers, along with Ryan Holcomb and Randy Watson with Thrasher to the agenda. This would be to request the funding in advance of the loan from USDA

Please confirm with me

Thanks in advance

Jeff Barnhart, Recorder
Town of West Milford



HARRISON COUNTY COURT HOUSE

Harrison County Commission

301 WEST MAIN STREET
CLARKSBURG, WEST VIRGINIA 26301
304-624-8500
FAX 304-624-8673

COMMISSIONERS
DAVID L. HINKLE
PATSY TRECOST II
RONALD R. WATSON

At the regular meeting of the County Commission of Harrison County held on Wednesday December 9, 2020, Commissioners Ron Watson, David Hinkle and Patsy Trecost II were present. Also present were Susan Thomas, County Clerk, Willie Parker, County Administrator, and Jessica Sell, Assistant County Administrator. Commissioner Watson opened the meeting and Jeff Barnhart, City Recorder of West Milford led those present in prayer. Todd Summers, Mayor of West Milford, led in the Pledge of Allegiance to the Flag. All motions passed unanimously unless otherwise noted.

10:00 A.M. - Todd Summers – Mayor - Jeff Barnhart – Recorder – Town of West Milford

1. Water Project – Loan Request of $300,000 Interest Free - Jeff Barnhart explained what has transpired regarding the water project and the cost of the projected water project. Ryan Holcomb, ~~from~~ The Thrasher Group ~~Engineering~~, spoke on the details and scope of the project. Total cost of the project is $600,000. Trecost asked about the possibility of applying for grants to help with the cost. Representatives from Thrasher Group and the Town of West Milford advised that the project was not eligible for grant funding due to rates being low in comparison to the Median Household Income (MHI). Todd Summers and Jeff Barnhart advised the Commission that all the funding was available through the USDA but would require a substantial rate increase for the 288 customers on the system. ~~Discussion was held about applying money through USDA~~. Trecost asked Willie Parker to get with representatives and review different funding options. ~~them and look at options.~~ Hinkle asked if the Town of West Milford ~~they~~ had looked at the state level for funding assistance ~~yet for options.~~ Summers & Barnhart ~~They~~ stated the Town of West Milford had not approached the state. ~~they had not.~~ Discussion was held on fire hydrants and the cost associated for repairs. Hinkle made a motion to authorize up to $75,000 to fix hydrants before details being finalized on the funding options. Motion carried.

2. Request Assistance with Improvements at Park along West Fork River – Todd Summers spoke about what they were proposing with improvements and expansion. Total cost of the project is $247,900. Trecost spoke about looking at funding options such as funding

through the land and water conservation grant. Watson asked about possibility of doing the work in stages or phases. **County administrative staff will follow up with Jeff Barnhart on available grants and assistance in preparation of applications.**

10:30 A.M. – Hearing for Delinquent or Unprogressed Estates – Susan Thomas explained the process of administratively closing the estates.
Willie Parker spoke about a letter from the creditor for the estate of Patricia Oliverio. Hinkle made a motion to keep the estate open. Motion carried.
Davis Funeral Home requested the estates of Janie Feit, Aubrey Arnett, Randi Lockwood, Elaine Post, and John Lough remain open. Hinkle made a motion to keep the estates open. Motion carried.
David Arnett spoke in regards to the Estate of Barbara Arnett and spoke about expenses and repairs needed on the house and the agreement on transferring ownership of the house. Trecost made a motion to keep it open. Motion carried.
Earl Frazier spoke about his request to keep the Estate of Mike Frazier and the Estate of Earl Frazier open. Hinkle made a motion to keep the estates open. Motion carried.
Paul Christopher, representing Sandy's Hardware, spoke about keeping the Estate of Samuel Anthony Mazzie open. Trecost made a motion to keep the estate open. Motion carried.
Trecost made a motion to close all other delinquent and unprogressed estates noted on the list. Motion carried.

11:00 A.M. – Proclamation for Veterans of Foreign Wars – President Watson read the proclamation.

Watson read a letter from the Governor appointing David Hinkle to serve on the WV Regional Jail and Correctional Facilities Authority Board. Watson swore in David Hinkle for the oath of office.

NEW BUSINESS

1. Public Comment Period – None

2. Consent Agenda – Hinkle made a motion to approve. Motion carried.

3. Payroll Change Notices:
    1. Honey Williams – New Hire – Tax Office- Effective Date 12-14-2020
    2. Theodora J. Williams – Retirement – Effective Date 12-10-2020
    3. Andy Bailey – Promotion to Communications Manager – 911 – Effective 12-10-2020
    4. Chris Cutright – Promotion to Communications Manager – 911- Effective 12-10-2020
    5. Paul Rasmussen – Captain – 911 – Effective 12-10-2020
    6. Mike Coffee – Captain – 911 – Effective 12-10-2020
    7. Travis Miller – Captain – 911 – Effective 12-10-2020
    8. Becca Martin – Lieutenant – 911 – Effective 12-10-2020
    9. Cathy Willis – Lieutenant – 911 – Effective 12-10-2020
    10. Lorenda Russell – Lieutenant – 911 – Effective 12-10-2020

11. Heather Mick – Reinstatement to Sergeant – 911 – Effective 12-10-2020
12. Gary Keith – Sergeant – 911 – Effective 12-10-2020

Willie Parker explained the staffing plan at the 911 center that Jim Copenhaver referenced at a previous meeting. Paul Bump explained they will have 5 openings for hiring and training. Trecost asked about Heather Mick's reinstatement to sergeant. Watson made a motion to approve payroll change notices. Motion carried.

4. Exonerations – Corrective Tickets – Joint Property Applications – Hinkle asked to defer until further explanation could be given. Allen Ferree, from the Assessor's Office, explained the assessment of the former Palace Furniture Building which is now being used by a developer as a low income housing project and eligible for certain tax assessments. Hinkle made a motion to approve. Motion carried.

5. Consolidations of Land – Segregations of Land – None

6. Consideration of approval of a Project Fund Requisition for the payment of costs associated with the project to be financed from the proceeds of the Series 2019 Bonds issued for the Charles Pointe Economic Opportunity Development District, Series 2015 A & B (Development District No. 3 White Oaks Project No. 2) & Series 2008 A (Charles Pointe Project No. 2 – North Land Bay Improvements) – Willie Parker explained about the two expenses. The first was for $1,055,091.53 to Wolfe Excavating, Bear Contracting, and Civil Environmental Consultants and the second one was for $52,754.58 to Genesis Partners. Hinkle made a motion to approve. Motion carried. ~~Trecost asked again about the demotion and reinstatement of Heather Mick under payroll notices. Discussion was held about the phone lines at the 911 center.~~

7. Consideration of Approval of Project Fund Requisitions for the payment of costs associated with the General Services Administration Building Project to be financed from proceeds of the Series 2020 Bonds issued for the Harrison County Building Commission – None

8 Review – Discuss – Consider Resolution Accepting the WV Courthouse Facilities Improvement Funds; Adopting All Understandings Contained in the Grant Documents; Committing Funds to the Project Appointing the President of the Harrison County Commission to Administrator Said Program – Willie Parker explained acceptance of funds allocated in the amount of $56,000 with a 20% match required for the replacement of certain parts of courthouse windows that previously had air conditioner units. Trecost made a motion to accept. Motion carried.

9. Review – Discuss – Consider Second Amendment to Forbearance Agreement – Charles Pointe Enhancement District and Charles Pointe Enhancement District Reallocation of Assessments – Mr. Parker explained the agreement as it relates to residential property development. Tom Aman, ~~on Zoom from~~ Steptoe & Johnson, appeared via Zoom and

explained the tax years 2017-2020. Tom Aman ~~talked about~~ discussed and reviewed three tracts of land in question for residential development by Dan Ryan Builders. Hinkle asked if the agreement was not signed, what would be the outcome. Tom Aman said properties would not be able to be transferred from Genesis to Dan Ryan. Property taxes would still be paid, but this would be tied to the assessment for the bonds. Trecost asked about the TIF revenue. Hinkle made a motion to approve. Watson & Hinkle approved. Trecost voted no. Motion carried with two in favor and one against.

10. Review – Discuss – Consider Motorola Solutions Dispatch Console Proposal for the E911 Center – Willie Parker explained that after review with Paul Bump, E911 Director, it is still the recommendation of staff to proceed with the $195,000 proposal. Mr. Parker believes it is eligible for funding reimbursement by the CARES Act. Mr. Parker recommended using current COVID monies and supplementing with levy funds for the purchase and then seek for reimbursement from the CARES Act. Hinkle asked about the requirement for the COVID grant. Mr. Parker stated he doesn't see any reimbursement issue and would expect reimbursement the first part of next year. Hinkle asked if Motorola would take the equipment back if the grant is not accepted. Hinkle asked about asking other cities to contribute monies. ~~They~~ The Commission would be ~~asking for~~ requesting reimbursement of $95,000 from the state. Hinkle asked if ~~they~~ staff had talked with Taylor County about possibly contributing monies. Paul Bump will contact Taylor County. Hinkle made a motion that it be postponed until next meeting in order to allow time to contact Taylor County. Motion carried.

11. Review – Discuss – Consider Proposals for Construction Quality Assurance and Testing Services
    - Civil and Environmental Consultants
    - Thrasher Group
    - Triad Engineering, Inc.

    Mr. Parker explained the bid of scope work in the~~ir~~ proposals. Both in-county firms (Thrasher Group & Civil Environmental Consultants) have the capabilities and personnel to do the project as outlined. The proposal from CEC was slightly higher, but the firm ~~they~~ submitted a lower proposal after the bids were submitted last week. Parker advised the revised proposal was not considered due to bids already being received by staff. Ryan Haws, representative with CEC, spoke about opportunity to be considered for the project. Charles Riley, The Thrasher Group ~~from Thrasher Engineering~~, spoke about the opportunity to be considered for the project. Clayton White, The Thrasher Group ~~from Thrasher Engineering~~, also spoke about the firm's ~~their~~ past projects and qualifications. Willie Parker stated that both firms are equal and comparable, but The Thrasher Group ~~felt Thrasher Engineering~~ would be the staff's recommendation based on a lower price. Trecost made a motion to accept the recommendation from staff. Motion carried.

12. Review – Discuss – Consider Grant Agreement with Appalachia HIDTA – Willie Parker explained the continuation of $40,000 grant award. Trecost made a motion to approve. Motion carried.

13. Review – Discuss – Consider Appointment – Procedures – Process for the Upcoming Opening in the Office of the Clerk to the County Commission – Hinkle would like to see the future Commission take time to appoint this vacancy and allow people to present cause why they deserve the job. Hinkle would like to make a motion that the Commission appoint Watson for period of 30 days while the new Commission takes information in to determine who the new County Clerk will be, pending a resignation from Susan Thomas, County Clerk. Trecost asked that Commissioner Watson recuse himself and remove himself from the room. Watson left the room. Hinkle voted yes. Trecost voted no. Motion failed **with one in favor and one against – Watson not present and not voting.**
Mr. Parker stated a special meeting will be held on January 6th at 9:00 am. This would be an organizational meeting. Mr. Parker discussed legal counsel's opinion~~s~~ as to if County Clerk's office could remain open if no resignation is received from the County Clerk by January 1, 2021. There was discussion on the possibility of a special meeting on January 4, 2021 to appoint an interim County Clerk. Trecost made a motion to have special meeting on January 4th. Trecost voted for. Hinkle voted against. Motion failed **with one in favor and one against – Watson not present and not voting. After which, Commissioner Watson returned to the meeting chambers.**

14. Review – Discuss – Consider Administrative Order Rescheduling Rule to Show Cause Hearing – 9:00 a.m. on December 15, 2020 – Mr. Parker stated all three judges have signed the order. Patrick Henry, **legal counsel for the Commission,** is working on a response. A hearing will be before Judge Matish on December 15th via Microsoft Teams. Hinkle asked for an extension or dismissal be filed after January 1, 2021. Willie Parker will relay information to counsel.

15. Review – Discuss – Consider Improvements Performed on the Shinnston Rail Trail on Property Owned by Private Individuals or Firms – Hinkle has not been able to determine if work on the rail trail was on personal property. Willie Parker said according to the tax maps, the area in question appears to be owned by a private firm or individual. Willie Parker said all work done on other rail trails ~~have~~ has not been done on property owned by individuals, but was owned by city, county, or other public entity. Willie Parker said he will work on a memorandum of understanding with Planning Commission and City of Shinnston. Hinkle discussed insurance liability.

16. Review – Discuss – Consider Extending the Second Amended and Restated Option to Purchase Real Property between the Harrison County Development Authority & Harrison County Commission – Harrison County Development Authority & ESC Harrison County Power, LLC

- Third Option Would Expire December 31, 2021 – Would Include a Ninety (90) Day Notice to Terminate the Option

Willie Parker explained current option expires December 31, 2020. A request has been made from ESC to extend the agreement to December 31, 2021. Watson made a motion to extend option thru December 31, 2021 with a ninety (90) day termination notice to end the option. Motion carried.

17. Review – Discuss – Consider Clarification of Action Last Week on Transfer of Sick Leave from Previous Employer
    - Maximum is 480 hours (60 days) from the Most Recent Previous Employer (Not More Than One Employer) Enrolled as a Member of Plan Govern by the Consolidated Public Retirement Board

    Mr. Parker said ~~he~~ certain items needed to be clarified ~~needed to clarify some assumption~~ after last week's meeting. Mr. Parker stated some of the county employees might have worked for more than one employer enrolled in the Consolidated Public Retirement Board. Clarification was made that it is the most recent employer. Trecost asked if sick hours given will be based on what the rate was when they earned the hours or at the current rate. Staff noted the transfer hours would be at the current rate of compensation. Hinkle made a motion to make "most recent employer enrolled in the Consolidated Public Retirement Board" part of the motion from last week. Trecost voted ~~was~~ no. Motion carried with two in favor (Hinkle & Watson) and one against (Trecost).

18. Commissioner Comments – Questions

    Trecost discussed the server and switches at community corrections department. Trecost asked if the County had established their Facebook page ~~established yet~~. Trecost asked if Elizabeth Keough, Director of Animal Control, could take care of that matter. Hinkle also stated he would like to see a Facebook page. Jessica Sell suggested going through a firm or develop a marketing arm within the Commission.

Trecost made a motion to adjourn.
With no further business to come before the Commission, meeting adjourned.

Ronald Watson

Ron Watson, President

APPROVED
DECEMBER 30, 2020

Date