

AGENDA FOR THURSDAY, OCTOBER 1, 2009

Y/ N/ NA

APPOINTMENTS:

- 1. 9:30 a.m. - Pledge of Allegiance
Approval of Minutes
Approval of Purchase Orders
Approval of Accounts Payable
- 2. 9:40 a.m. - Public Comment
- 3. 9:45 a.m. - Bonding and Activity Report
- 4. 10:00 a.m. - Robert C. Tabb - Restrictions on a Market to Sell Farm Products - Discussion/Action
- 5. 10:45 a.m. - Stephanie Grove - Legal Update and Report
- 6. 11:00 a.m. - Jennifer S. Maghan - County Clerk's Report
- 7. 1:30 p.m. - County Commission Workshop - Architectural Workshop for the Proposed Judicial Building
- 8. 2:30 p.m. - Department Head Evaluation

OLD BUSINESS:

- 9. Legislative Issues
- 10. Report on Federal Stimulus Funds - Discussion

NEW BUSINESS:

- 11. Approval of Employment - Margaret Fazenbaker - Assessor's Office
- 12. Appointment to Sheriff's Civil Service Commission
- 13. County Administrator Reports
- 14. County Commission Reports

INFORMATION:

- 15. Reminder of Zoning Referendum on November 7, 2009.
- 16. Reminder of Public Hearing on Proposed Increase to Emergency 911 Wireline Fee on Monday, October 5, 2009, at 7:00 p.m.
- 17. Reminder of appointment to the Eastern Panhandle Transit Authority on October 8, 2009.
- 18. Financial summary for the 4th quarter of FY 2009 received from the Development Authority.
- 19. Correspondence received from the Berkeley/Jefferson Day Report Center concerning funding.
- 20. Memorandum received from the Jefferson County Emergency Services Agency concerning distribution of funds.
- 21. Correspondence received from the City of Ranson concerning the Urban Growth Boundary.
- 22. Correspondence received from Peter L. Chakmakian concerning the County Administrator's evaluation.
- 23. Correspondence received from Tessa Reed concerning Leslie Smith.
- 24. Correspondence received from Joan Mercer concerning Leslie Smith.
- 25. Information received from Lt. Thomas H. Hansen concerning the federal equipment grant.
- 26. Correspondence received from the Comcast concerning updates.
- 27. Information received from the County Commissioners' Association concerning regional jail per diem.
- 28. Reminder received from the Association of Counties of the Fall Board Meeting.
- 29. Correspondence received from the Horsemen's Benevolent and Protective Association concerning the West Virginia Breeders Classics.
- 30. Correspondence received from the American Conservation Film Festival concerning their traveling festival.

- 31. Information received from the Association of Counties concerning Recovery Zone Bonds.
- 32. Correspondence received from Municipal Emergency Services, Inc. concerning consolidation of warehouses.
- 33. Weekly settlement report for the Charles Town Races received from the West Virginia Lottery.
- 34. Miscellaneous

CORRESPONDENCE:

- 35. Correspondence received from Gil N. Garcia concerning the Planning Commission agenda.

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

#4

17 Sept 2009

I, Robert C Tabb of 1855 DARKE LANE, KEARNEYSVILLE
WV 25430 Tel. 304-725-1252 cell 304-676-7564 do
hereby request an appointment with the Jefferson County
Commission to discuss restrictions on a Market to
Sell farm products (FARM MARKET) and to seek
a resolution to the discrepancy between the current
ordinance and the zoning certificate I have been
issued by the Department of Planning and Zoning;

Respectfully,
Bob Tabb

RECEIVED

SEP 17 2009

Jefferson County Commission

Appointments

#ZC09-06

**JEFFERSON COUNTY
DEPARTMENT of ZONING
ZONING CERTIFICATE**

This is to certify that the use cited on this form is a Permitted Use in the Zone where it is proposed, by virtue of the following justification. This use is subject to the conditions imposed below and any requirements of the Jefferson County Land Use Ordinances. This includes a site plan.

- *Principal Permitted Use in stated Zone.
- *Nonconforming Grand-fathered Use in stated Zone.
- *Change in Nonconforming Use approved by Public Hearing in stated Zone.
- *Change in Nonconforming Use approved by Zoning Administrator in stated Zone.

PROPERTY DESCRIPTION

OWNER/DEVELOPER'S NAME: ROBERT C. TABB
 ADDRESS: 1885 Darke Lane; Kearneysville, West Virginia 25430
 TELEPHONE NUMBER: (304) 725-1252

PHYSICAL ADDRESS: Referenced above.

TAX DISTRICT: MIDDLEWAY - 07
 TAX MAP NUMBER: 15
 PARCEL NUMBER: 2
 DEED BOOK NUMBER: 923 PAGE NUMBER: 552
 PROPERTY SIZE: 82.991 acres

COPY

ZONE: RURAL / AGRICULTURAL

PROPOSED USE: FARM MARKET.

RESTRICTIONS: The proposed farm market shall not exceed a 1,500 sq. ft. area, must have a 50 ft. front yard setback, maintain off-street parking, and is restricted to the sale of products grown on the farm.

CONDITIONS: Any future change in use or expansion will require processing through the Jefferson County Departments of Planning, Zoning and Engineering to update this Certificate, and insure compliance with all applicable County regulations.

This certification in no way relieves the Owner, Applicant or User from the documented requirements of the Jefferson County Ordinances unless the appropriate variances are granted by corresponding County authorities.



[Signature]

 Zoning Administrator
 Department of Planning and Zoning Seal

September 15, 2009

 Date of Issuance

shall not be permitted within 2,500 feet of a lot with an existing adult use or a lot with a sign advertising an adult use.

3. All elements of any use described in Article 5, Section 5.6(h), including parking areas, shall be located at least 1,500 feet from any lot, regardless of its zoning classification, that contains a dwelling unit, a school, a church or house of worship or an institution for human care, regardless it is separated by a public road or railroad right-of-way.

This provision does not apply to any specific existing use that legally qualifies as a nonconforming use; provided, however, that an existing nonconforming use cannot add any of the uses described in Article 5, Section 5.6(h) to their operations as existing at the time of the adoption of this section.

Section 5.7 Rural District

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the rural District are subject to Section 5.7d Maximum number of lots allowed. The Development Review System does allow for higher density a Conditional use permit is issued. [AMENDED BY ACT OF THE COUNTY COMMISSION ON MAY 18, 1996]

(a) Principal Permitted Uses

1. Agriculture as defined in Article 2; provided any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6(a).
[AMENDED BY ACT OF THE COUNTY COMMISSION ON JULY 15, 1993]
2. Churches and private or public elementary, middle or secondary schools and specialized or accredited educational and training facilities for adults in a campus setting, including classroom buildings, dormitories, cafeterias, gymnasiums (whose use is limited to the students, participants and instructors at said school or training facility), and administrative buildings.
[AMENDED BY ACT OF THE COUNTY COMMISSION EFFECTIVE, OCTOBER 14, 1999 AND SEPTEMBER 28, 2006]
3. Single family dwelling, including mobile homes provided that they are utilized as single family dwelling units on the minimum lot size specified in Section 5.15.
4. Home Businesses as specified in Articles 2 and 4A.
[AMENDED BY ACT OF THE COUNTY COMMISSION ON MAY 18, 1996]
5. Private riding stables

6. Child or elderly care facilities with six (6) or less individuals in single family detached dwellings only; not counting the operator's children or parents
[AMENDED TWICE BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999 AND OCTOBER 3, 2005]
7. Fire stations, ambulance and rescue squads, publicly supported.
8. Fish, game or poultry hatchery
9. Forestry
10. Library, museum, or similar institution of a noncommercial nature
11. Markets for the sale of farm products, and products incidental to farm products; provided that floor area does not exceed 1,500 square feet, a front yard setback of fifty feet (50) from the street right-of-way be maintained, and off street parking be provided
[AMENDED BY ACT OF THE COUNTY COMMISSION ON MAY 18, 1996]
12. Horticultural nurseries and commercial greenhouses
13. Hospital
14. Public utilities uses, specified in Section 4.7 incident to any principal permitted uses
15. Accessory buildings and uses customarily incident to any principal permitted uses
 - (a) Accessory Uses for Hunting, Shooting and Fishing Clubs
 1. Private restaurant that seats no more than 80 patrons that are members and guests of members.
 2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.
 3. Private lodge facilities of up to 50 units that serve members and guests.
[AMENDED BY ACT OF THE COUNTY COMMISSION ON SEPTEMBER 28, 2006]
16. Group Residential Facility
17. Bed and Breakfasts (no more than 7 bedrooms) 4 receptions per year with no more than 1 tent per reception.
[AMENDED TWICE BY ACT OF THE COUNTY COMMISSION ON JULY 15,

#9

**Jefferson County, West Virginia
Job Description**

Position Title:	Chief County Engineer	Grade Level:	VII
Department	Engineering Department	Date:	April 16, 2009
Reports to:	County Commission	FLSA Status:	E

Statement of Duties: Manages the Engineering and Permits and Inspection functions of the County and performs civil engineering and related application of engineering principles, practices and theories. Employee is required to perform all similar or related duties.

Supervision Required: Employee works under the policy direction of the County Commission, and exercises authority over total operations of the county in conformance with general directives and objectives set forth by the governing body. Seeks counsel of governing body only on matters of policy adjustment or where required by law.

Supervisory Responsibility: Employee is responsible for the management of ten (10) full time employees. Responsibilities include the direction and success of department programs, preparing and administering budgets, developing short and long-range objectives; and overseeing personnel functions, including or effectively recommending hiring, training, and disciplining of employees.

Confidentiality: Employee has access to department personnel files, law suits, criminal records, and department records.

Accountability: Consequences of errors or poor judgment may include adverse public relations, missed deadlines, monetary loss, legal repercussions, labor/material costs, injury to self or others, and/or jeopardize programs.

Judgment: Guidelines only provide limited guidance for performing the work. They may be in the form of administrative or organizational policies, general principals, legislation or directives that pertain to a specific department or functional area. Extensive judgment and ingenuity are required to develop new or adapt existing methods and approaches for accomplishing objectives or to deal with new or unusual requirements within the limits of the guidelines or policies. The employee is recognized as the department or functional area's authority in interpreting the guidelines, in determining how they should be applied, and in developing operating policies and practices.

Complexity: The work consists of employing many different concepts, theories, principles, techniques and practices relating to an administrative field. Assignments typically concern such matters as studying trends in the field for application to the work; assessing services and recommending improvements.

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

Engineering Department
Chief County Engineer
4/16/09

Jefferson County, West Virginia
Job Description

Nature and Purpose of Public Contacts: Relationships are constantly with co-workers, the public and with groups and/or individuals who have conflicting opinions or objectives, diverse points of view or differences where skillful negotiating and achieving compromise is required to secure support, concurrence and acceptance or compliance. The employee may represent to the public a functional area of the county on matters of procedures or policy where perceptiveness is required to analyze circumstances in order to act appropriately.

Occupational Risks: Duties generally do not present potential risk of injury to the employee. Minor injury could occur, however, through the employee's failure to follow safety precautions or procedures. Examples of injury include minor bruises from falls, minor cuts or burns or minor muscular strains from lifting or carrying equipment or materials. Special safety precautions, training, or protective clothing such as gowns, coats, gloves, glasses, hard hats or boots may be required.

Essential Functions:

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

1. Plan, organize, coordinate, direct and supervise the Engineering Department and the Office of Permits and Inspections.
2. Responsible for the supervision of personnel, including but not limited to: recruitment, selection, assignment, motivation, training, performance, evaluation and coaching.
3. Collaborate the development of the budget for the Engineering Department and the Permits and Inspections Office.
4. Review community impact statements, commercial site plans, residential and commercial preliminary and final plats, minor subdivision plats and third-party engineering inspection and testing reports for content, statutory compliance and conformance with professional engineering design practices to ensure submittals are in accordance with ordinances.
5. Coordinate site work inspections for land development projects.
6. Oversee the construction bond functions, including but not limited to reviewing bond estimates, bond reduction and bond release inspections and bond extension requests.
7. Oversee compliance with the Flood Plain ordinance and perform flood plain delineations and flood plain determinations.

Engineering Department
Chief County Engineer
4/16/09

Jefferson County, West Virginia
Job Description

8. Meet with developers, consultants, contractors and citizens to discuss ordinances and answer questions.
9. Provide staff support for all activities of the Property Safety Enforcement Agency, and the Building Code Board of Appeals including but not limited to maintaining all documentation, performing inspections, ensuring service of petitions/complaints, meetings with citizens, presenting evidence and testimony and overseeing contracted services.
10. Respond to and resolve public inquiries and complaints to ensure a high standard of customer service to employees of the county, elected officials, members of the public, governmental agencies, and others served by the Engineering Department.
11. Provides testimony in litigation involving Jefferson County's Engineering, Planning, and Zoning Departments.
12. Makes oral and written presentations to the County Commission, Planning Commission, Board of Zoning Appeals and other public and private groups; represents the department and the County with other government agencies.
13. Analyzes proposed legislation, regulations, and ordinances for their impact on the department and county operations and for their adherence to engineering principles.
14. Ensure the training, testing and certification by the International Code Council, the West Virginia State Fire Marshal's Office and other regulatory organizations of the department staff.
15. Determine future department resource needs, conduct research and provide budget estimates.
16. Work on process improvement with the staff to increase office efficiency.
17. Attend training courses, continuing education courses, professional society meetings and meetings on community related issues to meet requirements of the West Virginia Board of Registration for Professional Engineers, remain current on issues related to the department and the County and remain informed on legal, technical and administrative trends in civil engineering.

Recommended Minimum Qualifications:

Education and Experience: Bachelor's degree with more than ten (10) years related work experience in the area of engineering and building construction; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

Engineering Department
Chief County Engineer
4/16/09

**Jefferson County, West Virginia
Job Description**

Special Requirements:

West Virginia Professional Engineer License and Building Code Official and Building Inspector Certification (W.V. State Fire Marshall; WV State Code, Title 87-7), Certified Floodplain Manager (Association of Floodplain Managers) ,and a valid Motor Vehicle Operator's License

Knowledge, Abilities and Skill

Knowledge: Application of Civil Engineering principles, practices and theory, knowledge, understanding and administration of the International Building Codes, knowledge and understanding of building construction process and methods, understanding of the FEMA National Flood Insurance Program and rules, knowledge and understanding of heavy site construction process and methods.

Abilities: Ability to read and understand construction drawings and specifications. Ability to establish and maintain effective working relationships with department staff, contractors doing business for the county as well as state regulatory authorities. Ability to establish and maintain a work reporting system and other related records.

Skill: Proficient written and oral communications skills, computer and technology skills, excellent management skills.

Physical and Mental Requirements

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

Physical Skills: Work requires some agility and physical strength, such as moving in, about construction sites, or over rough terrain, or standing or walking most of the work period.

Motor Skills: Duties may involve assignments requiring application of hand and eye coordination with finger dexterity and motor coordination. Examples include operating a motor vehicle, using a personal computer or climbing a ladder.

Visual Skills: Visual demands require the employee to constantly read and interpret documents for general understanding and analytical purposes; employee also routinely reviews non-written materials (e.g. maps and blueprints).

JEFFERSON COUNTY PERFORMANCE EVALUATION

The Jefferson County written performance evaluation was established to provide, at least annually, a scheduled opportunity for an employee and his/her supervisor to meet and mutually discuss, identify and document the job performance and accomplishments of an employee during a specified period.

Performance review is an integral part of an effective and productive work environment.

The following definitions apply to each criteria.

- E** **Excellent** – Performance consistently exceeds established standards and expectations. Requires minimal or no direction.

- AA** **Above Average** – Performance usually exceeds established standards and expectations. Minimal direction is required.

- S** **Satisfactory** – Performance consistently meets established standards and expectations. Moderate direction is required.

- NI** **Needs Improvement** – Performance sometimes meets established standards and expectations but not on a consistent basis. Requires more than moderate direction.

- U** **Unsatisfactory** – Performance is consistently below established standards and expectations. Frequent direction is required. Substantial improvement is necessary to maintain employment.

- NA** **Not Applicable**

Procedure:

The performance criteria provide a method to evaluate how effectively the employee performs the essential functions outlined in the employee's job description. As such, the evaluator shall refer to the employee's job description when completing the evaluation and share the evaluation results with the employee. In addition, the evaluator shall provide a written explanation in any instance in which the employee is given either a below average or excellent rating. Both the evaluator and the employee should sign the evaluation. The employee signature indicates that he/she has seen the evaluation but does not necessarily indicate the employee concurs with the evaluation. The employee should be given a copy for his/her records. The original evaluation form(s) shall be retained for six years following separation of the employee.

Employee Name:	
Job Title:	
Department:	
Supervisor:	
Date Hired:	
Last Review Date:	
Date:	

Please evaluate the employee's job performance by checking the appropriate box next to each attribute based on the following scale.

U=unsatisfactory; NI=needs improvement; S=satisfactory; AA=above average; E=excellent; NA=not applicable

***To insert a checkmark on this form press "CTRL and C"*

PERFORMANCE CRITERIA	U	NI	S	AA	E	NA
Knowledge of Work – Learns, understands & retains aspects of work assignments & duties. Remembers & grasps instruction of job tasks without repeated orders of supervisor.						
Productivity – Volume of work regularly produced, speed & consistency of output, uses time effectively & efficiently.						
Quality of Work – Extent to which employee carries out assignments to completion & accurately accomplishes job duties. Results are consistently dependable.						
Adaptability – Capacity to adapt to new situations. Readily adapts to changes in routines, work load and work assignments.						
Initiative – Capacity to undertake & perform job duties independently in obtaining objectives of the job. Self-starter & only seeks guidance when necessary. Contributes new ideas & improved methods to the job.						
Dependability – Reliability in following assigned work schedules & attendance standards. Satisfactorily completes assignments in a timely manner & can be relied upon.						
Ability to Work With Others – Extent to which employee effectively interacts with others in the performance of job duties.						
Supervisory Ability – Ability to effectively delegate & monitor work & follow up with employees; effectively communicate with, reward & discipline employees						
Planning – Develops plans & goals to meet department requirements consistent with established priorities.						
Organization of Work – Structures work in order to promote productivity, analyze work, effectively allocate resources & schedules, and implement tasks.						
Decision Making – Ability to identify problem/issue, make decision and act to rectify said problem/issue.						
Overall Employee Performance						

EVALUATOR COMMENTS:

What are employee's shortcomings and weaknesses?

What are the employee's outstanding and strongest points?

Significant changes or accomplishments since last evaluation.

What can the employee do to be more effective or make needed improvements?

EVALUATOR COMMENTS (CONTINUED)

What additional training or equipment would be helpful?

In what way could the job be modified to make better use of employee skills and abilities?

Additional evaluator comments:

EMPLOYEE COMMENTS:

What are your most important job accomplishments since the last review?

What are your weakest areas, or those that need improvement?

What steps could you take to improve?

What can your supervisor do to support your efforts to improve?

EMPLOYEE COMMENTS (CONTINUED)

What are your supervisor's strengths and weaknesses in managing your work?

Work related issues you would like to discuss?

General comments concerning the evaluation of your performance?

Additional employee comments:

Next Review Date: _____

Areas targeted for improvement:

Evaluator Signature: _____

Date: _____

Employee Signature: _____

Date: _____

Employee signature indicates that he/she has seen the evaluation and does not necessarily indicate concurrence with the evaluation.

Jefferson County Department of Planning and Management
Capital Projects Management

TO: Ms. Leslie Smith

From: Kirk Davis

REF: Architectural meeting with Sillings Architects

DATE: 10 Sept. 2009

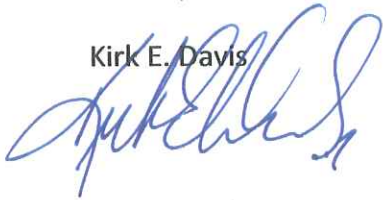
Ms. Smith,

Please place on the County Commission meeting agenda for the 17th of September at 1:30 pm at a Architectural workshop for the proposed "Judicial Building".

The required with the Architectural presentation and the Financial presentation would require about 90 minutes.

Thank you,

Kirk E. Davis



called Kirk 1548

- cannot schedule until at least

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SEP 10 2009

Jefferson County Commission

#11

ASSESSOR OF JEFFERSON COUNTY

104 East Washington Street
Charles Town, WV 25414

Angela L. Banks

728-3224

September 24, 2009

Jefferson County Commission
PO Box 250
Charles Town WV 25414

RECEIVED

SEP 24 2009

Dear County Commissioners:

I would like employment approval for Margaret Fazenbaker. This is a temporary position in the Assessor's Office for data entry.

JEFFERSON COUNTY COMMISSION

This is not a new position. I currently have 2 part-time employees and last year at this time the office had 4.

Sincerely,



Angela L. Banks

new business

NOTICE OF INTENT TO APPOINT

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, **October 1, 2009**, or as soon thereafter as the Commission may decide:

**Sheriff's Civil Service Commission - One 4 year term ending
September 29, 2013**

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

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

SHERIFF'S CIVIL SERVICE COMMISSION

James B. Crawford, III
P.O. Box 711
Charles Town, WV 25414
w: 725-3426 / h: 725-8929
4 years 09/29/2009
Appointed by: Bar Association

Frank Rosario
518 Morison Street
Charles Town, WV 25414
728-7241
4 years 09/29/2009
Appointed by: County Commission

Ginger Burcker
954 Maplewood Court
Harpers Ferry, WV 25425
h: 725-9773
4 years 09/29/2011
Appointed by: Deputy Sheriff's Association

7-14-3

September 11, 2009

Leslie D. Smith
County Administrator
The County Commission of Jefferson County
124 East Washington Street
Charles Town, WV 25414

RECEIVED

SEP 11 2009

JEFFERSON COUNTY COMMISSION

Dear Ms. Smith:

Thank you for your letter dated September 2, 2009 in reference to my term expiring with the Sheriff's Civil Service Commission.

Yes, I am interested in being considered for another term.

Sincerely,

A handwritten signature in cursive script that reads "Frank Rosario".

Frank Rosario
518 Morison Street
Charles Town, WV 25414-1143

1062 Duncan Rd.
Harpers Ferry, WV 25425
September 19, 2009

RECEIVED

Attn: Letter of Intent for Sheriff's Civil Service Commission
Jefferson County Commission
P O Box 250
Charles Town, WV 25414

SEP 22 2009

Jefferson County Commission

To Whom It May Concern:

I would like to give back to the community, and feel I have the background to contribute to the Sheriff's Civil Service Commission of Jefferson County.

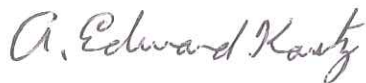
My experience has been as a Park Operations Manager with the State of Pennsylvania for 33 years with increasing responsibility for operations and management of park facilities. The 8 years prior to my retirement I supervised 55 full-time and seasonal personnel and administered personnel under the PA Civil Service Commission regulations including hiring, promotion, discipline and termination. With over 30 years dealing with PA Civil Service Administration, I think this would give me a solid background for Sheriff's Civil Service Commission.

I had arrest powers and management responsibility for one Ranger Supervisor (Chief), 7 Park Ranger II's with arrest powers and 4 Park Ranger I's without arrest powers.

Requalification and update training were required yearly for all law enforcement personnel in Crimes Code, Vehicle Code, Fish and Game Regulations, as well as court procedures, firearms and first aid.

With this background I feel I could attain the necessary policies and procedures of the Jefferson County Civil Service Commission and provide a positive impact. If additional information is needed, I can be contacted at 304 876-8117 or email at kautzenator@gmail.com

Sincerely yours,



A. Edward Kautz

John T. Studinarz

609 Prospect Hill Blvd., Charles Town WV 25414
Office: 202-372-2899 Home: 304-725-0060 Email: jtstudinarz@hotmail.com

September 21, 2009

RECEIVED

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

SEP 22 2009

Jefferson County Commission

To Whom It May Concern:

I am interested in filling an appointment on the Sheriff's Civil Service Commission for a four year term ending September 29, 2013.

As noted in my attached resume, I have a substantial background in law enforcement and the management of personnel, equipment and operations. I also have specialized experience in the assessment, management, evaluation and establishment of safety training standards and programs.

My experience shows both a "proven ability" to generate fresh ideas and creative solutions to seemingly intractable problems, along with "superior" leadership, communications and negotiation skills.

Thank you for reviewing my qualifications. I will make my self available should you need to arrange a time to discuss how my experience and abilities meet the requirements of the Sheriff's Civil Service Commission.

Sincerely,



John T. Studinarz

JOHN THOMAS (JT) STUDINARZ
609 Prospect Hill Boulevard
Charles Town, West Virginia 25414
(304) 725-0060

jtstudinarz@hotmail.com

JT.Studinarz@dhs.gov

SUMMARY OF QUALIFICATIONS

Over 32 years of Federal Service; 27 years Law Enforcement, with broad background in air and marine interdiction and the supervision of Customs and Border Protection Aviation and Marine assets and personnel.

Demonstrated experience applying management principles, evaluating trends and planning programs. Successful track record in large-scale operations involving preparedness, national response, security and deployment. Completed National Incident Management System (NIMS) ICS-200 Basic, ICS-300 Intermediate and ICS-400 Advanced.

Provided infrastructure and oversight during Hurricanes Katrina and Rita for over 470 personnel and 23 aircraft.

Highly proficient in planning, designing, developing, conducting and evaluating air and marine training programs as well as foreign and domestic operations. Proficient in authoring and producing operations manuals and scripts for related training programs.

Effective problem solver with excellent interpersonal, management and supervisory skills.

Excellent communicator, orally and in writing.

TS-SCI Clearance

PROFESSIONAL EXPERIENCE

Deputy Executive Director, The Interdiction Committee, GS-1801-15/4 February 2008 to Present

Headquarters, United States Coast Guard
2100 2nd Street S.W. Room 4409, Washington, DC 20593
Supervisor: Executive Director, Capt. Robert M. Dean (202) 372-2890.

Develop interagency recommendations for integrating detection, monitoring, and law enforcement with interdiction efforts. Review operations of the National Task Forces (Joint Interagency Task Force South, West and the Air and Marine Operations Center). Discuss and resolve issues related to the coordination, oversight, and integration of international, border, and domestic drug interdiction efforts in support of the National Drug Control Strategy. Review the annual National Interdiction Command and Control Policy and provide advice to the Director, Office of National Drug Control Policy and the United States Interdiction Coordinator concerning that plan and any unresolved issues. Advise on operational adequacy, integration and utilization of interdiction assets and provide strategic planning and policy development advice.

Director of Air and Marine Operations, GS-1801-15/3 September 2004 to February 2008

Customs and Border Protection, New Orleans Air and Marine Branch
400 Judge Leon Ford Drive, Hammond, LA 70401
Supervisor: Assistant Commissioner Michael Kostelnik, (202) 344-3899.

As Director, I establish and implement specific action plans for accomplishing the goals and objectives of the Customs and Border Protection, Office of CBP Air and Marine. This includes detection, interdiction and prevention of acts of terrorism by combating unlawful movement of people and illegal substances like drugs and other contraband; enforcing Federal law in air space above our borders and along our coastlines.

Develop procedures and techniques for effective administration and provide policy guidance to subordinate supervisors. Participate in strategic and long-range planning. Utilize information technology to conduct continuous studies of aviation and marine operations and evaluate their effectiveness and the impact on organizational development.

Manage resource allocation, budget and finance and human capital and determine which programs should be initiated or curtailed and the amount of resources to devote to them. Adjust and realign manpower and workloads to best meet existing needs and priorities. Review proposed related legislation to determine the potential affect on operations and submit recommendations to higher headquarters. Oversee funding and approve releases on all purchase orders and acquisitions of equipment for the New Orleans Air and Marine Branch. Technical representative for major acquisitions.

Aviation Group Supervisor, GS-1801-15 June 2000 to September 2004
Acting Field Director/Albuquerque-El Paso Air Branch November 2003 – September 2004
Bureau of Immigration and Customs Enforcement, Albuquerque/El Paso
6812 Northrop Drive, El Paso, Texas 79925
Supervisor: Charles E Stallworth II, (202) 344-3947X1928.

Principal staff officer in matters pertaining to the overall conduct of flight operations for an aviation unit employing both fixed wing and rotor aircraft. Planned and coordinated the deployment of personnel, aircraft and related equipment to accomplish Branch and Higher Headquarters objectives. Ensured that personnel scheduled for flight operations were properly trained, current, and appropriate for the assigned mission and that they were briefed in detail for the proper and safe conduct of the flight. Taking into account operational, environmental, equipment and human factors, I assessed and determined the risks involved and functioned as the launch/clearance authority.

Senior Special Agent, GS-1811-13/5 January 1998 to June 2000
United States Customs Academy
C/O FLETC, Building 70, Glynco, GA 31524
Supervisor: F. Gary White, (Retired).

Assigned as the lead Criminal Investigator Course Developer/Instructor for various blocks of instruction including Interdiction (air, sea, and land), Miscellaneous Investigations, and Emergency Response Driving and developed policy for the Office of Training and Development, United States Customs Service Academy.

Developed and implemented a continuing criminal investigation that the students begin on day one of their ten-week Customs Basic Enforcement School training. They established their investigative priorities and criminal case methodology for an investigation into a smuggling conspiracy. Throughout their investigation they gained hands-on experience receiving information from a confidential informant, conducting surveillances, planning tactical operations, seizing narcotics and assets, and arresting and processing suspects. They were also required to appear before the actual Federal Magistrate to testify in a suppression hearing.

Aviation Enforcement Officer, GS-1801-12/13 August 1992 – January 1998
Customs National Aviation Center
5020 South Meridian Avenue, Oklahoma City, OK. 73119
Supervisor: Stephen W. Barnes, (Retired).

Planned, developed, coordinated, monitored, analyzed and evaluated the performance

capabilities of various aviation operations, including support from Customs Aviation Branches/Units and other Federal and local agencies. Determined the appropriate amount of personnel and equipment required to accomplish a mission. Also designed, developed, conducted and evaluated Tactical and Standardization programs critical to Officer Survival and Safety of Flight as well as supervised a staff of 15 instructors and all students attending training.

Assigned to the staff of Congressman Jim Kolbe, Chairman, House of Representatives Appropriations Sub-Committee on Treasury, Postal Service, and General Government. Researched and developed position papers and briefings on a variety of topics involving current and proposed laws and bills as well as recommendations for appropriations.

Criminal Investigator/Air Interdiction Officer, GS-1811-5/7/9/11

Miami Aviation Branch, Homestead AFB, Miami FL **May 1987 to June 1990**

Tucson Aviation Branch, Davis Monthan AFB, Tucson AZ **June 1990 to August 1992**

Supervisor: Scott Eshelman, (Retired).

Performed same duties in two consecutive locations.

Performed airborne interception, tracking, surveillance and apprehension of known or suspected violators through the utilization of highly sophisticated radar, forward looking infrared (FLIR), night vision and other electronic surveillance devices. Initiated, planned and conducted criminal investigations and enforced Customs and related laws. Apprehended violators found engaged in airborne smuggling. Served as a crewmember on aircraft used in customs enforcement and certified as a covert tracking device installer.

MILITARY EXPERIENCE

United States Marine Corps, Captain. Active Duty: 1971 to 1978 and 1981 to 1984.

EDUCATION

Ten semester hours towards Masters of Education with a minor in Criminal Justice, Troy State University Graduate School, Troy, Alabama.

Bachelor of Arts, Psychology and Sociology, 1974. Widener College, Chester, Pennsylvania.

Diploma, Marist High School, 1970. Bayonne, New Jersey.

CERTIFICATION AND TRAINING

National Incident Management Systems (NIMS) ICS-200 Basic, ICS-300 Intermediate, and ICS-400 Advanced.

Certificate of Management in Aviation Safety and Security, 2002. Embry-Riddle Aeronautical University, Aviation Safety Program, Prescott, Arizona.

Certificate of Completion, 258 hours course in Basic Training for Local Law Enforcement Officers, 1979, Illinois Local Government Law Enforcement Officers Training Board.

PROFESSIONAL ACCOMPLISHMENTS, PUBLICATIONS AND ASSOCIATIONS

2006 Graduate, Senior Executive Fellows Program, Kennedy School of Government, Harvard

Air Smuggling Investigator's Association, President, 1998 to 1999.

Graduate of the USDA Graduate School's 1997 Executive Potential Program.

Published articles in *Customs Today* and *Police Magazine* (details available upon request).

Member, Illinois Vietnam Veterans Memorial Committee.

#16

NOTICE OF PUBLIC HEARING
PROPOSED INCREASE
EMERGENCY 911 WIRELINE FEE

The County Commission of Jefferson County will hold a public hearing on Monday, October 5th, 2009, in the Jefferson County Meeting Room located on the Ground Floor of the Old Charles Town Library, 200 East Washington Street, Charles Town, West Virginia beginning at 7:00 p.m.

The purpose of the meeting will be to hear public comment on the proposed increase in the Emergency 911 Wireline Fee from the current fee of \$2.90 monthly to the proposed new fee of \$3.25. The public is invited to provide written or oral comment at this hearing.

No decision will be made at the hearing.

By Order of The County
Commission of Jefferson County
Dale Manuel, President

Information

NOTICE OF INTENT TO APPOINT

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, October 8, 2009, or as soon thereafter as the Commission may decide:

Eastern Panhandle Transit Authority - One unexpired term ending January 31, 2012

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, prior to the proposed date of appointment.

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

EASTERN PANHANDLE TRANSIT AUTHORITY BOARD OF DIRECTORS

Fred Blackmer

191 Wild Hare Road

Harpers Ferry, WV 25425

h: 725-6754

3 years 1/31/2012

Resigned 8/21/09

Eugene D. Pearson

John Rissler Road

P.O. Box 1005

Charles Town, WV 25414

304-725-1746

3 years 1/31/2012

George Rutherford

P.O. Box 411

Ranson, WV 25438

725-9610 gruther1@msn.com

3 years 1/31/2012

Jefferson County Development Authority

#18

P.O. BOX 237 • CHARLES TOWN, WV 25414 • (304) 728-3255 • FAX (304) 725-3133 • E-mail: info@jcda.net

Executive Director

September 16, 2009

RECEIVED

SEP 17 2009

Jefferson County Commission

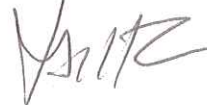
Ms. Leslie D. Smith
Jefferson County Administrator
Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Dear Leslie:

Enclosed please find six (6) copies of the financial summary for the Jefferson County Development Authority for the 4th quarter for FY 2009.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Thomas Bayuzik, Jr.
Executive Director

Enclosures



**JEFFERSON COUNTY
DEVELOPMENT AUTHORITY**

FINANCIAL STATEMENTS

For the year ended June 30, 2009

CONTENTS

	<u>Page</u>
INDEPENDENT ACCOUNTANTS' COMPILATION REPORT ON FINANCIAL STATEMENTS	3
FINANCIAL STATEMENTS	
Statement of Net Assets	4-5
Statement of Revenues and Expenses and Changes in Net Assets	6

DECKER & COMPANY PLLC
CERTIFIED PUBLIC ACCOUNTING

1020 Winchester Avenue • Martinsburg, WV 25401

INDEPENDENT ACCOUNTANTS' COMPILATION REPORT ON FINANCIAL STATEMENTS

To the Board of Directors
Jefferson County Development Authority
Charles Town, West Virginia

We have compiled the accompanying statement of net assets of the Jefferson County Development Authority as of June 30, 2009 and the related statement of revenues and expenses and changes in net assets for the year then ended, in accordance with Statements on Standards for Accounting and Review Services issued by the American Institute of Certified Public Accountants.

A compilation is limited to presenting in the form of financial statements information that is the representation of management. We have not audited or reviewed the accompanying financial statements and, accordingly, do not express an opinion or any other form of assurance on them.

Jefferson County Development Authority has elected to omit substantially all of the disclosures and the statement of cash flows required by generally accepted accounting principles. If the omitted disclosures and the statement of cash flows were included in the financial statements, they might influence the user's conclusions about the Authority's financial position, results of operations, and cash flows. Accordingly, these financial statements are not designed for those who are not informed about such matters.

Decker & Company PLLC

August 26, 2009

Jefferson County Development Authority

STATEMENT OF NET ASSETS

June 30, 2009

ASSETS

CURRENT ASSETS

Cash and temporary investments	\$ 1,702,522
Notes receivable (due in one year)	46,212
Prepaid expenses	<u>2,214</u>
Total current assets	<u>1,750,948</u>

RESTRICTED ASSETS

Cash - Telecenter	4,744
Cash - Agriculture Development	8,781
Rents receivable - Telecenter	<u>64,823</u>
Total restricted assets	<u>78,348</u>

PROPERTY AND EQUIPMENT

Furniture, fixtures, and equipment	321,651
Less accumulated depreciation	<u>(235,952)</u>
Total property and equipment	<u>85,699</u>

OTHER ASSETS

Land and development	7,854,154
Debt issuance costs	39,485
Loan receivable - daycare	<u>20,000</u>
Total other assets	<u>7,913,639</u>
Total assets	\$ <u>9,828,635</u>

See independent accountants' compilation report.

Jefferson County Development Authority
STATEMENT OF NET ASSETS (continued)

June 30, 2009

LIABILITIES

CURRENT LIABILITIES

Accounts payable - trade	\$ <u>11,882</u>
Total current liabilities	<u>11,882</u>

CURRENT LIABILITIES PAYABLE FROM RESTRICTED ASSETS

Accounts payable - Telecenter	13,029
Notes payable - Telecenter	<u>16,553</u>
Total current liabilities payable from restricted assets	<u>29,582</u>

LONG-TERM LIABILITIES

Due to Jefferson County Commission - park infrastructure	200,000
Notes Payable	<u>6,364,658</u>
Total long-term liabilities	<u>6,564,658</u>
Total liabilities	<u>6,606,122</u>

NET ASSETS

Invested in capital assets, net of related debt	1,480,892
Restricted for Telecenter operations	39,985
Restricted for Agriculture Development	8,781
Unrestricted	<u>1,692,855</u>
Total net assets	<u>3,222,513</u>
Total liabilities and net assets	\$ <u>9,828,635</u>

See independent accountants' compilation report.

Jefferson County Development Authority

STATEMENT OF REVENUES AND EXPENSES AND CHANGES IN NET ASSETS

For the year ended June 30, 2009

OPERATING SUPPORT AND REVENUES

Support from Jefferson County Commission	\$ 353,637
Option Income	20,000
Other	<u>1,004</u>
Total operating support and revenues	<u>374,641</u>

OPERATING EXPENSES

Advertising/Marketing	26,045
Amortization	43,059
Contract labor	1,940
Depreciation	2,603
Dues and subscriptions	5,217
Employee benefits	62,899
Internet	454
Maintenance	2,000
Other operating	21,544
Professional fees	51,969
Rent	5,338
Salaries	207,986
Seminars/conferences	4,885
Supplies	1,313
Travel	<u>18,463</u>
Total operating expenses	<u>455,715</u>

Operating support and revenues less operating expenses (81,074)

NON-OPERATING SUPPORT AND REVENUES (EXPENSES)

Interest income	58,942
Telecenter interest income	101
Interest expense	(64,835)
Gain on sale of land	1,495
Telecenter grants and revenues	266,860
Telecenter expenses	(285,174)
Agriculture Development grants and revenues	50,000
Agriculture Development expenses	<u>(630)</u>

Total non-operating support and revenues (expenses) 26,759

Loss before capital contribution (54,315)

Contribution in aid of construction - HUD Grant 223,673

Change in net assets 169,358

Net assets at beginning of period 3,012,866

Prior-period adjustment - sale of parcel of land not previously recorded 40,289

Net assets at beginning of period as restated 3,053,155

Net assets at end of period \$ 3,222,513

See independent accountants' compilation report.



Phone: 304-267-5000 ext. 3961
Fax: 304-263-6092

Berkeley/Jefferson Day Report Center

RECEIVED

SEP 15 2009

Joseph P. Sacchet
Berkeley/Jefferson Day Report Center
406 South Raleigh St.
Martinsburg, WV 25401
September 14, 2009

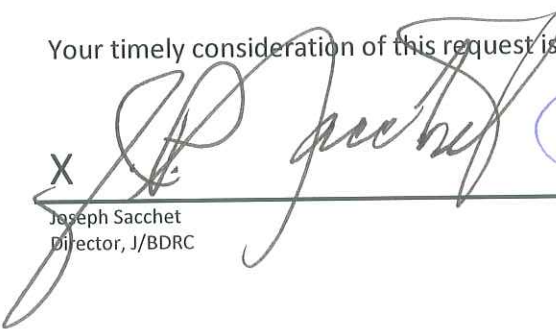
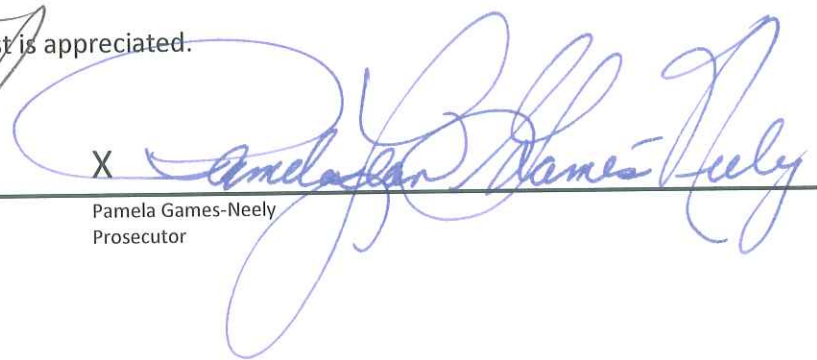
Mr. Dale Manuel
President Jefferson County Commission
PO Box 250
Charles Town, WV 25414

Jefferson County Commission

The Berkeley and Jefferson County Commissions in June each advanced a cash amount of \$37,500.00 to the Berkeley/Jefferson Day Report Center. This was approved by each Commission to enable the Center to pay invoices by the close of the fiscal year. The West Virginia Criminal Justice Services in Charleston hasn't processed our expenditures for the months of May and June. Once these monies are received, each county will be reimbursed without delay the amount owed.

I have delayed making the following request because I first wanted to meet by obligation to reimburse each county for their June advance. Since monies have not been received from Charleston, I am requesting that the local grant funds from Berkeley and Jefferson Counties for this fiscal year be allocated in one full payment. This will provide an ongoing working fund needed to meet daily operating expenses while waiting for each month's reimbursement payment from the West Virginia Criminal Justice Service. The amount each County is responsible for in this year's grant is \$22,677.00 for a total local match of \$45,354.00.

Your timely consideration of this request is appreciated.

X 	X 
Joseph Sacchet Director, J/BDRC	Pamela Games-Neely Prosecutor

Cc: Marsha Kelley, Director of Finance
Deborah Hammond, County Administrator
Sheriff Kenneth LeMasters, Treasury Community Corrections Board



JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

M E M O R A N D U M

MEMO

SEPTEMBER 11, 2009

TO: COMMISSIONER DALE MANUEL

PRESIDENT, JEFFERSON COUNTY COMMISSION

FROM; R. M. (PETE) KELLEY *Rmk*

PRESIDENT - JCESA

ATTACHED IS A COPY OF THE LETTER OF CLARIFICATION I REQUESTED AT THE
DIRECTION OF THE JCESA BOARD . THIS MAY HELP IN THE COMMISSION'S QUESTIONS
RELATING TO THE DISTRIBUTION OF FUNDS AND OTHER TOPICS.
PLEASE ADVISE IF YOU HAVE ANY QUESTIONS.

600 Quarrier Street
Charleston, West Virginia 25301
(304) 347-1100

7000 Hampton Center
Morgantown, West Virginia 26505
(304) 285-2500

5th Floor, United Square
501 Avery Street
Parkersburg, West Virginia 26101
(304) 485-8500

Brian M. Peterson
Telephone — (304) 264-4223
Facsimile — (304) 267-3822

Jefferson County Emergency Services Agency
c/o R. M. Pete Kelley, President
208 South Mildred Street
Ranson, West Virginia 25438



Bowles Rice

McDAVID GRAFF & LOVE LLP

ATTORNEYS AT LAW

101 South Queen Street
Martinsburg, West Virginia 25401

Post Office Drawer 1419
Martinsburg, West Virginia 25402-1419
(304) 263-0836

www.bowlesrice.com

September 10, 2009

333 West Vine Street, Suite 1700
Lexington, Kentucky 40507-1639
(859) 252-2202

480 West Jubal Early Drive
Suite 130
Winchester, Virginia 22601
(540) 723-8877

2400 Cranberry Square
Morgantown, West Virginia 26508
(304) 594-1000

E-Mail Address:
bpeterson@bowlesrice.com

BY FACSIMILE: (304) 728-7128

AND U.S. MAIL

Re: Distribution of funds to member fire departments

Dear Pete:

This letter comes in response to your question regarding whether the newly-created Jefferson County Emergency Services Agency (JCESA) may receive and distribute to the various member fire departments the funds it receives from the county commission.

The answer to the question is yes, the JCESA may distribute the money to the member fire companies as it deems appropriate.

The County Commission created the JCESA by ordinance pursuant to Senate Bill 224 (passed Mar. 8, 2008). Under SB 224, "the [joint emergency services] agency shall possess all of the rights and responsibilities conferred upon emergency ambulance service authorities, county fire associations and county fire boards that are not otherwise inconsistent with state law and local ordinance." So, wherever the West Virginia Code confers powers to county fire boards, it also confers the same powers to your agency.

The county commission clearly maintains the power to contribute funds to county fire boards. West Virginia Code § 7-17-16 states that "[t]he county commission and any municipality therein, or any one or more of them, jointly and severally, may contribute by appropriation from any funds available, to the cost of the operation and projects of the county fire board." Section 7-17-17 further states that "Contributions may be made to the county fire board from time to time by the county commission of the county or any municipal corporation therein, and by any persons, firms or corporations which desire to do so."

Bowles Rice
McDAVID GRAFF & LOVE LLP

Jefferson County Emergency Services Agency
September 10, 2009
Page 2

West Virginia Code § 7-17-10, which outlines the powers of county fire boards, expressly grants the following powers relevant to redistribution of county funds to the member fire departments:

The county fire board may:

* * *

(4) Generally do any and all things necessary or convenient for the purpose of improving fire service protection within the area to be served;

(5) Borrow money, apply for, **receive and use grants-in-aid, donations and contributions from any source or sources** and accept and use bequests, devises, gifts and donations from any person, firm or corporation;

* * *


(9) **Expend its funds in the execution of the powers and authority herein given**, which expenditures, by the means authorized herein, are hereby determined and declared as a matter of legislative finding to be for a public purpose and use, in the public interest and for the general welfare of the people of West Virginia.

W.Va. Code § 7-17-10 (emphasis added).

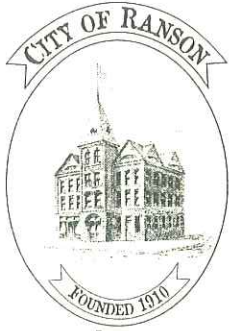
Thus, the JCESA has plenary power to expend its funds based on the prioritized needs of the member departments. However, if the County Commission chooses to earmark certain funds for certain departments, it may do so. Section 7-17-11 provides the following limitation on all powers granted in 7-17-10: "County fire associations and county fire boards shall be subject to the authority of the governing body in which said association and boards are primarily located." Thus, the County Commission maintains the ultimate authority over the JCESA, including its distribution of funds to member fire departments.

If you have any further questions about this, please feel free to contact me.

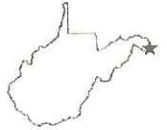
Very truly yours,


Brian M. Peterson

BMP/mc



City of Ranson



Office of the Mayor

312 South Mildred Street
Ranson, West Virginia 25438-1621
Phone (304) 724-3874 FAX (304) 728-8579
E-mail: mayor@cityofransonwv.net

Council Members

Kim Biddle
Scott Coulter
Donnie Haines
Duke Pierson
Howard Shade

Paul D. Mills - City Manager Ray A. Braithwaite - Recorder

RECEIVED

September 16, 2009

SEP 18 2009

The County Commission of Jefferson County
Dale Manuel - President
PO Box 250
Charles Town, WV 25414

Jefferson County Commission

Re: Resolution #09-014 - A Resolution of the City Council of Ranson,
West Virginia Supporting the Adoption of the Ranson Urban
Growth Boundary

Dear Dale:

Please find enclosed a copy of the above-mentioned Resolution, which was approved at our September 15th Council meeting. As stated in the Resolution the Council of the City of Ranson supports the adoption of an Urban Growth Boundary by the Jefferson County Commission on the Jefferson County Zoning Map so long as it is consistent with the Urban Growth Boundary adopted by the City of Ranson in 2004, as discussed during the negotiations surrounding Senate Bill 256.

If the Council or I can be of any further assistance, please do not hesitate to contact me at your convenience.

Sincerely,

A. David Hamill
Mayor

enclosure

RESOLUTION #09-014

A RESOLUTION OF THE CITY COUNCIL OF RANSON, WEST VIRGINIA SUPPORTING THE ADOPTION OF THE RANSON URBAN GROWTH BOUNDARY.

WHEREAS, the City Council of Ranson adopted an annexation policy in 2004 for the purposes of ensuring that the City of Ranson grows in an organized and methodical manner, is in compliance with West Virginia law, and to provide an orderly means by which the legal boundaries of the City can be extended and keep pace with the growth of the actual urban community;

WHEREAS, consistent with the aforesaid policy, the City of Ranson favors annexation for the following reasons:

- a. The fiscal impact of new urban areas can be better provided for if the residents of the new area are subject to appropriate taxes and fees to cover the cost to provide said services.
- b. A City's zoning classification may be more appropriate for high density urban development in the suburban area, ensuring orderly future growth and a mix of housing stock.
- c. Suburban residents are given a voice in the government of the larger community in which they live.
- d. The provision of essential municipal services, either directly or indirectly, in adjacent unincorporated suburban areas can be avoided.
- a. Annexation increases a city's size and thereby its ability to attract desirable residential, industrial, and commercial development.

WHEREAS, the City's 2004 annexation policy adopted an Urban Growth Boundary to properly define the area in which the City encourages annexation. In real terms, the Urban Growth Boundary was established as follows:

BEGINNING OF BOUNDARY DESCRIPTION - Beginning at a point on Fairfax Boulevard on the common corporate boundary of Charles Town and Ranson and extending in an northeasterly direction along this common boundary on the same axis through the Charles Town Races and Slots property and further along this axis across Flowing Springs Road (Rt. 18) and further along this axis bisecting the Jefferson Crossing Shopping Center to Route 9, then proceeding in a southerly direction along Route 9 to its intersection with Route 340, then proceeding in a easterly direction along Rt. 340 until its intersection with County Club Rd., then proceeding in a northern direction along Country Club Rd. to its intersection with Flowing Springs Rd. (Route 18), then proceeding in a easterly direction along Flowing Springs Rd. to its intersection with Daniels Rd, then proceeding in a northern direction along Daniels

Road to its intersection with Shenandoah Junction Road (Route 20), then proceeding in a westerly direction along Shenandoah Junction Road (Route 20) to its intersection with Route 9 and further along the same western axis to the outer boundary of the Burr-Bardane Industrial Park, then proceeding in a southern and westerly direction along the outer boundary of the Burr-Bardane Industrial Park until its intersection with Brown Shop Road (Route 8), then proceeding in a southern direction along Brown Shop Road (Route 8) until its intersection with Leetown Road (Route 15), then proceeding in a southeasterly direction to its intersection with Ambler Road, then proceeding in a southern direction along Ambler Road to its intersection with Route 51, then proceeding in a southeasterly direction along Route 51 until its intersection with the B&O Railroad, then proceeding in a southeasterly direction along the B&O Railroad to its intersection with the CSX Railroad, then proceeding in a southern direction along the CSX Railroad to its intersection with the common corporate boundary between Charles Town and Ranson, then proceeding in a northeasterly direction along the common corporate boundary until its intersection with the starting point at Fairfax Boulevard. – END OF BOUNDARY DESCRIPTION

WHEREAS, under the policy, the City gives priority consideration to annexation petitions within the Urban Growth Boundary. Areas outside the Urban Growth Boundary are considered in conjunction with the Jefferson County Commission. Those bodies working together will evaluate the proposed annexation outside the Urban Growth Boundary to determine if it is in the best interest of the City and the County to approve the petition;

WHEREAS, the West Virginia Legislature passed Senate Bill 259 during the 2009 Legislative session amending the Code of West Virginia, 1931, as amended, by adding a new section, designated Section 8-6-4a; and to amend and reenact Section 8A-7-2 of said code, all relating to urban growth boundaries; definitions; providing new procedures for annexation without election and annexation by minor boundary adjustment for municipalities in growth counties that have an adopted countywide zoning ordinance which includes urban growth boundaries; setting requirements; and permitting urban growth boundaries in county zoning ordinances;

WHEREAS, the aforesaid piece of Legislation permits the City to annex properties by election or by minor boundary adjustment within the Urban Growth Boundary without approval by the County Commission and permits annexation outside the Urban Growth Boundary with prior agreement by the County Commission;

WHEREAS, Senate Bill 256 is consistent with the City's 2004 annexation policy and the urban growth boundary on the proposed Jefferson County Zoning Map is consistent with the City's established Urban Growth Boundary;

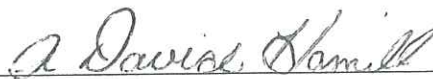
WHEREAS, an established Urban Growth Boundary and annexation procedures pursuant to Senate Bill 256 will assist both the City and County in comprehensive land planning; promote and direct urban development and redevelopment into the Urban Growth Boundary; assist in increasing the City's tax base; manage leapfrog or sprawling development; protect natural resources and farmland so that it is viable for modern agricultural operation; and manage expenditures for urban services including road maintenance, water and sewer service operations, and police and fire protection;

THEREFORE, THE CITY OF RANSON RESOLVES:

Section 1. The Council of the City of Ranson supports the adoption of an Urban Growth Boundary by the Jefferson County Commission on the Jefferson County Zoning Map so long as it is consistent with the Urban Growth Boundary adopted by the City of Ranson in 2004, as discussed during the negotiations surrounding Senate Bill 256.

Section 2. The Mayor is authorized to speak on behalf of Council in support of the establishment of an Urban Growth Boundary so long as it is consistent with the Urban Growth Boundary established by the City in 2004.

Signed and approved this 4th day of September, 2009.



A. David Hamill
Mayor

ATTEST:



Ray A. Braithwaite
Recorder



22

LAW OFFICES
PETER L. CHAKMAKIAN, L.C.
108 NORTH GEORGE STREET
P. O. BOX 547
CHARLES TOWN, WEST VIRGINIA 25414

PETER L. CHAKMAKIAN
ALICE A. CHAKMAKIAN

TELEPHONE (304) 725-9797
TELEFAX (304) 725-3643

September 16, 2009

RECEIVED

SEP 18 2009

Jefferson County Commission

Dale Manuel, President
Jefferson County Commission
P.O. Box 250
124 East Washington Street
Charles Town, WV 25414

Dear Commissioner Manuel,

I am writing to formally request on behalf of Leslie D. Smith, my client and your county administrator, that her employee evaluation be rescheduled. It is currently set for September 17, 2009.

As you may recall, Ms. Smith was originally scheduled to have her evaluation on August 13, 2009. I was present on that date at the appointed time at the request of Ms. Smith, only to watch the Commission vote to "defer for one week" that evaluation until it could hire David Hammer for his more experienced representation. This vote was rather abruptly done and without any courtesy shown to Ms. Smith. Because this vote of the Commission was not noticed to the public on the agenda of the 13th, the Commission reconsidered its prior action on August 20, 2009. On that date, the Commission voted to rescind the previous week's motion and put it on the next week's agenda. Again, the evaluation was not conducted and there was no courtesy shown to Ms. Smith as to when it would be rescheduled. The Commission did not meet on August 27, 2009, so at the next meeting on September 3, 2009, the Commission voted to hire David Hammer. After inquiry by Commissioner Widmyer, Ms. Smith inquired of Mr. Hammer when he would be available to conduct future evaluation on September 8, 2009, and has not received any response. This lack of consideration and courtesy regarding when her evaluation might be conducted has reasonably caused some doubt for my client as to its actual occurrence, the Commission having moved it from week to week upon its own motion and without consultation with Ms. Smith.

Ms. Smith has the right to bring whomever she chooses to sit in on the evaluation and she has requested the accompaniment of her counsel. A scheduling conflict has arisen in the ensuing weeks that my client has waited for her employee evaluation to be conducted. I would not think that this would require a formal letter to try to compel the Commission to change the date, but would be a courtesy given the treatment Ms. Smith suffered the last few weeks.

I understand that the next available Thursdays when the Commission could take up the matter are October 8 and October 15, 2009. Neither date creates any scheduling conflict for my client. Please let us know when this will be rescheduled. Thank you in advance for your attention in this matter.

Sincerely,

A handwritten signature in cursive script that reads "Alice Anne Chakmakian".

Alice A. Chakmakian

cc. Leslie D. Smith
Ralph Lorenzetti
David Hammer

201

LAW OFFICES
PETER L. CHAKMAKIAN, L.C.
108 NORTH GEORGE STREET
P. O. BOX 547
CHARLES TOWN, WEST VIRGINIA 25414

PETER L. CHAKMAKIAN
ALICE A. CHAKMAKIAN

TELEPHONE (304) 725-9797
TELEFAX (304) 725-3643

September 16, 2009

RECEIVED

SEP 21 2009

Dale Manuel, President
Jefferson County Commission
P.O. Box 250
124 East Washington Street
Charles Town, WV 25414

Jefferson County Commission

Dear Commissioner Manuel,


I am writing to formally request on behalf of Leslie D. Smith, my client and your county administrator, that her employee evaluation be rescheduled. It is currently set for September 17, 2009.

As you may recall, Ms. Smith was originally scheduled to have her evaluation on August 13, 2009. I was present on that date at the appointed time at the request of Ms. Smith, only to watch the Commission vote to "defer for one week" that evaluation until it could hire David Hammer for his more experienced representation. This vote was rather abruptly done and without any courtesy shown to Ms. Smith. Because this vote of the Commission was not noticed to the public on the agenda of the 13th, the Commission reconsidered its prior action on August 20, 2009. On that date, the Commission voted to rescind the previous week's motion and put it on the next week's agenda. Again, the evaluation was not conducted and there was no courtesy shown to Ms. Smith as to when it would be rescheduled. The Commission did not meet on August 27, 2009, so at the next meeting on September 3, 2009, the Commission voted to hire David Hammer. After inquiry by Commissioner Widmyer, Ms. Smith inquired of Mr. Hammer when he would be available to conduct future evaluation on September 8, 2009, and has not received any response. This lack of consideration and courtesy regarding when her evaluation might be conducted has reasonably caused some doubt for my client as to its actual occurrence, the Commission having moved it from week to week upon its own motion and without consultation with Ms. Smith.

Ms. Smith has the right to bring whomever she chooses to sit in on the evaluation and she has requested the accompaniment of her counsel. A scheduling conflict has arisen in the ensuing weeks that my client has waited for her employee evaluation to be conducted. I would not think that this would require a formal letter to try to compel the Commission to change the date, but would be a courtesy given the treatment Ms. Smith suffered the last few weeks.

I understand that the next available Thursdays when the Commission could take up the matter are October 8 and October 15, 2009. Neither date creates any scheduling conflict for my client. Please let us know when this will be rescheduled. Thank you in advance for your attention in this matter.

Sincerely,



Alice A. Chakmakian

cc. Leslie D. Smith
Ralph Lorenzetti
David Hammer

23

TESSA YVONNE REED

516 South George Street, #B6 • Charles Town, WV 25414
304-724-5743

TessaYvonneReed@msn.com

Rec
9/24/09
JCL

September 24, 2009

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

Dear Commissioners:

Though I have only worked for Ms. Smith for 6 years, I've never had the pleasure of working with someone with such high morals, ethics and dedication. Does Ms. Smith close the office when "staffing conflicts" arise, NO! Does Ms. Smith devote much of her PERSONAL time to this County, YES! Weekends, late nights, early mornings, and holidays -you name it; she's here! There was an occasion several weeks ago I was ill and called in at 5:40 a.m. with the self-assumption I would speak to voice-mail; Ms. Smith answered the phone - amazing! Who else within this county can you accredit to giving so much time and attention to their job? NO ONE! Why? Because one, she is devoted and committed to this Commission and the citizens of this county. Two, because this Commission, both past and present has tasked her with immeasurable responsibilities that you yourselves have admitted are extreme. Has she asked for additional help - NO! Has she failed you - NO! Has she failed this counties workforce to include elected officials and department heads - NO!!! - SHE HAS NOT. Has this Commission failed, both its workforce and its citizens, majority opinion says, "INDEED YOU HAVE", in more ways than one.

So could you "LEADERS" answer the questions in many of our minds - WHY do you find it necessary to contemplate her termination much less execute it? Is the county going to cease all operations in her absence while finding an educated, qualified and committed replacement? GOOD LUCK WITH THAT. I firmly believe that in terminating Ms. Smith's employ; you'll also lose many other dedicated employees!

Putting aside my employ, as a citizen of this county and a citizen of this country I wish to exercise my right to, "freedom of speech" and feel compelled to say:, the actions of this Commission have lead me to conclude, "Power has replaced principles and malicious has replaced morals!" As a Commissioner of this County, you were voted upon to serve the citizens, not power hungry egos!

Furthermore, let it be said, I can NOT comprehend why people are so content on ruining someone that has done absolutely NOTHING wrong...unless being honest, moral, ethical and devoted are traits to be condemned!!!!!! - The way I was raised; I THINK NOT! I'm sorry, but without sounding repetitious; I ask of you, as elected officials, where IS your sense of fairness and good judgment?

Please, again not only as an employee but as a citizen of this county; DO WHAT IS RIGHT! Not only for Jefferson County as a whole; but for yourselves!

Respectfully,
Tessa Yvonne Reed

24

RECEIVED

September 21, 2009

SEP 22 2009

Dear County Commissioners:

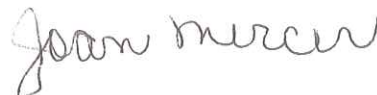
Jefferson County Commission

I have worked in County Government since 1980 and I have never been so embarrassed by our County Commissioners. Some of you were part of the witch hunt for Paul Raco. He was and still is an intelligent, honest, hard working young man, but you didn't like him so out he went. Soon after that hunt you started in on Leslie Smith. Who is next? You paid Mr Schiavone to take over the budget from Leslie simply because he needed something to do. He had no training henceforth he made a mess. Instead of harassing him you continued to harass Leslie. Does that make sense? You simply don't like Leslie so out she goes.

Three of you, Jim Surkamp, Frances Morgan and Lyn Widmyer passed up a chance to put zoning on the ballot in November 2008 because you thought the people of Jefferson County were not intelligent enough to decide for themselves about zoning. November 6, 2009, the county will have to pay for a special election so the people can decide. How smart is that? By the way I will vote against the zoning bill because anything the three of you are behind can't be for the good of the county.

I hope at least one of the three of you will change your opinion about firing Ms. Smith, she is a decent, intelligent, hard working human being and deserves to be treated as such.

Sincerely



Joan Mercer

25

Leslie D. Smith

From: thansen [thansen@jeffersoncountywv.org]
Sent: Friday, September 18, 2009 9:35 AM
To: 'Leslie D. Smith'

Leslie
FYI
The second federal equipment grant for 15889 was approved today
Tom

Lieutenant Thomas H. Hansen
Jefferson County Sheriff's Office
102 Industrial Blvd
Suite 100
Kearneysville, WV 25430
Office: 304-728-3205
Fax: 304-728-3299
Blackberry: 304-886-2912
thansen@jeffersoncountywv.org

"IN VALOR THERE IS HOPE" *Tacitus*



RECEIVED September 11, 2009

Ms. Leslie Smith
Jefferson County Administrator
124 East Washington Street
Charlestown, WV 25414

SEP 21 2009

Jefferson County Commission

Dear Ms. Smith,

We are pleased to inform you that this fall Comcast will update our on-screen Cable Guide for our Digital Cable customers in Jefferson County. This update will improve customers' experience when using Comcast's on-screen Guide and will also include many new features like links to high definition (HD) programming, improved Digital Video Recorder (DVR) management and more.

More than 80% of our DVR customers also have our high-speed Internet service – and with this update, they will be able to manage and schedule their DVRs online, from any computer with Internet access. In addition, we're taking a feature that used to be only for DVR customers and, so it can be available to more Digital Cable customers, extending it to On Demand. When watching an On Demand program all customers will be able to skip ahead or back in five-minute increments.

Perhaps the most anticipated new feature coming to customers is "Watch in HD." This feature tested the highest in customer interest. It will enable customers with an HD set-top or DVR to quickly jump from the standard definition channel to the simulcast HD channel. No more scrolling through the channel listings.

In order to make these improvements for our customers in Jefferson County this fall we will update how our customer's set-top boxes identify certain channels. This change will not impact customer's pre-recorded and saved programs. However, customers will have to reset their preferences on 1) Parental Controls by channel, 2) DVR recording settings, 3) Reminders and 4) Favorites listings for each affected channel.

To ensure customers in Jefferson County are aware of this update, we will send all affected customers a message to their set-top converters that they can read on their TV screens, and will place a telephone call to them over the next few weeks. Below are examples of the converter and telephone messages customers will receive.

Converter

"On [X/09] a Guide update will require you to reset your settings for Parental Control by channel, DVR recordings and Favorites on up to [XX] channels. See channels impacted at www.comcast.com/guide."

Telephone Message

"This is Comcast calling with an important message about an update that may impact your parental control settings. Tonight at [insert time] we will be updating your Digital Cable Guide to improve performance. After this upgrade, several of your guide settings will need to be reset. Please reset your guide settings to ensure parental controls are on the channels you want locked. You should also check your reminders, DVR recording settings, and your favorites lists. We apologize for any inconvenience this causes and thank you in advance for your understanding. If you need immediate assistance, press zero now to speak with an agent, or call us at anytime at 1-800-266-2278. To hear this message again, press one now or visit www.comcast.com/guide."

We understand how important features like parental controls and DVR settings are to our customers in Jefferson County. To help you answer any questions you may receive about this update I have included instructions on what customers will have to do to reset their parental control and DVR settings after December 2, 2009.

If you have any questions or simply need more information about this update please feel free to call me directly at (540) 974-5123 or visit www.comcast.com/guide for more information and a list of channels that may be affected in your area.

Sincerely,

Paul Comes

A handwritten signature in black ink that reads "Paul Comes" with a stylized flourish at the end.

Director of Government and Community Affairs

Steps to take after A28 Upgrade

Parental Controls:

- Channel Locks for the affected channels will default to unlocked. You must set up new Channel Locks for channels affected.
- You may also want to take this opportunity to look for other channels that you may want to lock.
- Though not impacted by this update, you also may wish to confirm that Content Locks (locks for violence, language, etc.) are set up the way you want them.
- Do this for every digital set-top box in your home – don't forget, each box has independent Parental Control settings.

Reminders and Recordings:

- Reminders and DVR recordings set from the channels affected will have to be reset. You'll need to delete and recreate your Series and Individual recordings on those channels, and re-set any Reminders.
- *Before* the Upgrade, we suggest writing down your DVR Series Recordings titles, in priority order. This step will help jog your memory when making updates later.
- *After* the Upgrade, use your list to set up your Series Recordings again that take place on any of the affected channels, and put them back in Priority order where you want them.

Favorites Lists:

- If you have Favorites Lists that include any of the affected channels listed, you will want to add those channels back to your Favorites List.


Informative how-to videos on Parental Controls, DVR features and more are available at no additional cost On Demand in the Help & Services section; in addition, online help is available at Comcast.com/support.

Navigating Parental Controls

Quick Setup

The easiest way to set Parental Controls quickly is to set Movie Rating and TV Rating Locks. These locks block On Demand and TV shows with ratings you select.

Access the Parental Controls Menu

Press **Menu** button to display Quick Menu and select the Lock  icon.

Set Controls

- Access Parental Controls Menu
- Create a Locks PIN
- Choose categories to restrict

Set Content Locks

- Access Parental Controls Menu
- Select TV Content Locks
- Choose content to restrict

Hide Titles

- Access Parental Controls Menu
- Select Hide Titles
- Choose from categories

Lock Program Purchases

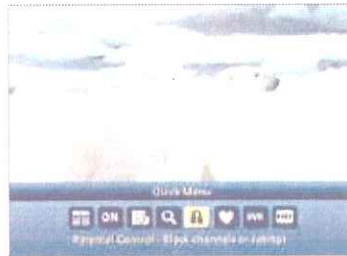
- Access Parental Controls Menu
- Choose PINs Setup
- Set Purchase PIN

Block On Demand Access

- Access Parental Controls Menu
- Select Service Locks

Master Locks


- Access Parental Controls Menu
- Select Master Locks
- Choose to Bypass or Clear Locks



Parental Controls



Parental Controls allow you to keep your kids from seeing programs you don't want them to watch. You can block specific channels, titles or shows according to their ratings. You can also hide adult titles so they won't appear in the on-screen program guide. Another feature is the ability to prevent your children from purchasing On Demand programs or Pay-Per-View Events without your consent. After setting a personalized four-digit code, you can set Parental Controls either from the on-screen program guide or while you are watching television.

Set Parental Controls

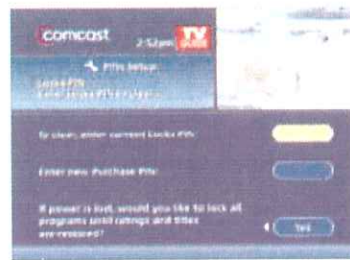
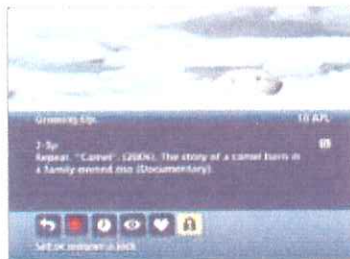
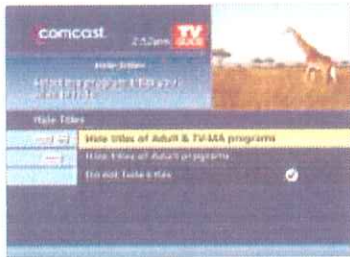
1. Press the **Menu** button to display the Quick Menu and select the Lock  icon to access the Parental Controls Menu.
2. Setting locks for the first time, you will be prompted to create a Locks Personal Identification Number (Locks PIN). This ensures your settings cannot be modified without your consent. Enter your four-digit Locks PIN.
3. Use the **▲▼◀▶** buttons on your remote to choose your selections, including locks by Movie Rating, TV Rating, TV Content or Channel and select **OK Select**. A Lock icon will appear next to the ratings you locked as well as the ratings that are more restrictive.

Set Parental Controls by TV Content

TV Content Locks allow you to lock TV ratings that are concerning to your family and do not apply to On Demand programming. TV Rating Locks allow you to block all shows with a specific rating.

1. Select the Parental Controls Menu through the Quick Menu by pressing **Menu** on your remote and select the Lock  icon.
2. Select TV Content Locks, then select the corresponding menu item of your choice. You can lock by: Violence, Suggestive Dialogue, Sexual Situations and Language.
3. Use the **▲▼◀▶** buttons on your remote to scroll up and down the list. To lock a highlighted content level, press **OK Select** on your remote. A Lock  icon will appear next to the levels locked.

Navigating Parental Controls



Hide Adult and TV-MA Titles

In addition to hiding the titles of adult-rated programs in the Movies category, parents can also hide the titles of mature audience programs rated TV-MA within television listings. The title of the program is replaced with the words "Adult Programming" or "TV-MA Programming" in the guide and within program descriptions.

1. From the Parental Controls Menu select Hide Titles.
2. Select the category of your choice and press **OK Select**.
3. Select **Exit** to return to your current programming or **Last** to return to the Parental Controls Menu.

Set Parental Controls Using the Program Information Screen

1. Highlight a show in TV Listings that you want to lock, press the **Info** button to access the Program Information screen and select the Lock **🔒** icon or press the Lock **🔒** button on your remote.
2. Enter your four-digit Locks PIN.
3. Select the Lock **🔒** icon to lock the program by title, channel or rating and press **OK Select** on your remote to confirm.

Set Locks for Purchased Programs

A four-digit Purchase Personal Identification Number (Purchase PIN) can also be set to restrict unauthorized orders of On Demand programs and Pay-Per-View Events; this PIN is different from your Locks PIN.

1. Press the **Menu** button on your remote to bring up the Quick Menu and select the Lock **🔒** icon.
2. Choose PINs Setup. Follow the on-screen instructions to set your Purchase PIN. Your Purchase PIN must be entered before any On Demand program or Pay-Per-View Event can be purchased.
3. If you forget your Purchase PIN or Locks PIN, call Comcast customer service at 1-800-COMCAST to reset either PIN. Once your PIN is reset, you can enter a new PIN.

Defining the TV Ratings System

In 1996 a rating system was designed to give parents information about the content of television programs. This system provides parents with information about the content and age-appropriateness of television programs. These ratings can be used in conjunction with parental controls in cable set-top boxes to filter out unwanted programs.



All Children



Older Children



Older Children-Fantasy Violence



General Audience



Parental Guidance Suggested



Parents Strongly Cautioned



Mature Audience Only

For more information on your Parental Control options, visit our website at comcast.com/parentalcontrols or call 1-866-781-1888.

Leslie D. Smith

From: WV County Commissioners' Bulletin Board [CCAWV-L@listserv.wvu.edu] on behalf of Vivian [vivian@RAPIDNET.COM]
Sent: Monday, September 21, 2009 11:20 AM
To: CCAWV-L@listserv.wvu.edu
Subject: Fw: FY 2010 Per Diem
Attachments: stampa_hand_draw_en.gif; Letter Per Diem FY 2010.pdf

Good morning folks,

Attached is a letter from Terry Miller, Regional Jail Authority Director, verifying the RJA's **formal vote** on keeping the regional jail per diem for **FY 2010 at the current per diem level of \$47.50 per day**. Director Miller shared this proposal with our membership in August at our annual meeting, and now the Authority has formally adopted the proposal. We appreciate Terry's willingness to work with us and his efforts at keeping us informed.

Vivian

-----Original Message-----

From: Ashley Richmond
Date: 9/21/2009 11:08:25 AM
To: 'Caroline Stoker'; 'vivian parsons'; 'Patti Hamilton'; 'Lisa Dooley'; melissa@wvsheriff.org; janie.moore@courtswv.gov
Cc: tmiller@wvrja.state.wv.us; arichmond@wvrja.state.wv.us
Subject: FY 2010 Per Diem

Please find attached a scan of a letter from the Regional Jail and Correctional Facility Authority's Executive Director, Terry L. Miller, regarding the Per Diem Rate for FY 2010. The original letters are being mailed today via the USPS.

Thank you,

Ashley H. Richmond
Executive Assistant
WV Regional Jail Authority
304-558-2110

FREE Animations for your email - by IncrediMail!



STATE OF WEST VIRGINIA



WEST VIRGINIA REGIONAL JAIL AND CORRECTIONAL FACILITY AUTHORITY

JOE MANCHIN III
Governor

1325 Virginia Street, East
Charleston, WV 25301-3011
(304) 558-2110
FAX: (304) 558-2115

TERRY L. MILLER
Executive Director

September 21, 2009

Janie L. Moore, Director
Magistrate Services
Administrative Office of the Courts
Capitol Complex
Building 1, Room E-100
Charleston, WV 25305-0830

Vivian Parsons, Executive Director
County Commissioner's Association of West Virginia
2309 Washington Street, East
Charleston, WV 25311

Patricia Hamilton, Executive Director
West Virginia Association of Counties
2211 Washington Street, East
Charleston, WV 25311-2118

Lisa Dooley, Executive Director
West Virginia Municipal League
2020 Kanawha Blvd., East
Charleston, WV 25311

Melissa Garretson, Executive Director
West Virginia Sheriffs' Association
P.O. Box 3031
Charleston, WV 25331

Ladies:

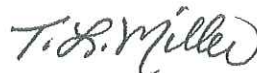
The West Virginia Regional Jail and Correctional Facility Authority Board held their annual meeting on September 15, 2009.

The Board voted to set the Regional Jail Inmate Per Diem Rate at \$47.50 for FY 2010. The vote was unanimous.

Please provide this information to whomever necessary within your respective organizations or agencies that may be responsible for the collection of or the payment of Regional Jail Per Diem Fees.

Please contact me if I can be of any further assistance.

Sincerely,



Terry L. Miller
Executive Director
WV Regional Jail Authority

TLM/ahr

Original: By U.S. Mail

CC: By Email



5cc
 9/18/09
 mo
 Pros Atty
 Co Comm
 Co Clerk
 Assessor
 Sheriff

2211 Washington Street East
 Charleston, WV 25311-2118
 Phone: (304) 346.0591
 Fax: (304) 346.0592

FAX

Patricia L. Hamilton
 Executive Director

To: County Officials of Jefferson, Berkeley, and Morgan Counties

From: Patti Hamilton

Re: Reminder of Invitation to Participate in WVACO Fall Board Meeting

Date: September 21, 2009

So far we have over 55 county officials registered for the Board of Directors meeting of the West Virginia Association of Counties to be held at The Inn at Charles Town, October 4th - 6th. We recently sent you an invitation to participate as our guest and hope that you can fit it into your schedule.

Due to our large crowd, we do need to know if you will be joining us for lunch on Monday, dinner on Monday, and/or the breakfast meeting on Tuesday so we can have an accurate count for our meal confirmation.

Please fax the following RSVP to 304-346-0592:

_____ I will be attending lunch on Monday at the Epic Buffet Dining Room at Charles Town Races & Slots.

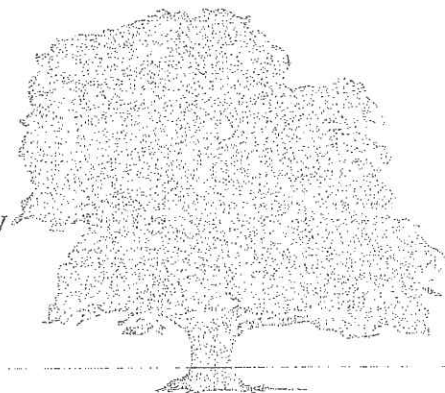
_____ I will be joining you for the group dinner on Monday, Oct. 5th. (Location to be determined)

_____ I will be joining you for the "Issues and Eggs" breakfast meeting on Tuesday, Oct. 6th at the Shenandoah meeting room at the Inn.

Name _____

Thank you! We look forward to seeing you!

WVACo Fall Board Meeting Agenda
 October 4 - 6, 2009
 The Inn at Charles Town, Jefferson County



Sunday, October 4th

3:00 - 6:00 Registration

Dinner - On Your Own

Member Associations Relations Committee Meeting - 5:00 p.m.

Compensation Committee Meeting - Time to be Determined

Monday, October 5th

8:00 a.m.

Brief Annual Meeting Committee Meeting

8:00 - 9:00 a.m.

Registration & Continental Breakfast

9:00 - Noon

General Session

Invocation & Pledge of Allegiance

Welcome from Jefferson County Officials

Welcome from the President

Report from Executive Director

Business Meeting - See Business Agenda

*Meeting Room -
 Shenandoah
 Room at the Inn.*

10:30 a.m. Committee Discussions on Legislative Issues (attendees sign up for committees when registering)

Committee A - Taxation/Finance/Revenue

Committee B - Justice/Jails/Law Enforcement

Committee C - County Government Generally

Committee D - Personnel & County Officials Issues

Noon - Luncheon

Area Legislators Invited

Epic Buffet at the Racetrack

1:00 p.m.

Continue Committee Discussions (if needed) and Committee Reports

2:30 p.m.

Member Associations Meet / Finalize Legislative Agenda presentation

3:30 p.m.

Free Time - Enjoy the Area.

6:30 p.m.

Group Dinner - *To Be Announced!*

Tuesday, October 6th

8:30 a.m.

"Issues and Eggs" Breakfast Meeting

Adopt Legislative Agenda - Report from each Member Association

Other Business

10:30 a.m.

Adjourn



CHARLES TOWN

HORSEMEN'S Benevolent and Protective Association Inc.

HBPA - PO BOX 581 - CHARLES TOWN, WV 25414

PHONE 304-725-1535

FAX 304-728-2113

EMAIL cthbpa@yahoo.com

29

RECEIVED

Commissioner Dale Manuel
PO Box 250
Charles Town, WV 25414

SEP 21 2009

September 17, 2009

Jefferson County Commission

Dear Commissioner Manuel,

In celebration of the twenty third running of the West Virginia Breeders Classics races, the Charles Town HBPA (CTHBPA) will share in this celebration by offering three stakes races on Friday evening, October 16, 2009. This year, we are honoring the five cities/towns, their mayors and the Jefferson County Commission by sponsoring the following races:

The HBPA Governor's Cup Stakes

The HBPA Municipalities Stakes

The HBPA Jefferson County Commission

We cordially invite you to join us in the Terrace Dining Room of the Charles Town Races & Slots for dinner at 6:00 p.m. and to participate in the trophy presentation to the winner of the HBPA Jefferson County Commission Stakes. Two seats have been reserved for you at our HBPA tables.

Sincerely,

Patricia M. Evans
Executive Secretary
CTHBPA

RSVP requested by October 9, 2009



**AMERICAN
CONSERVATION
FILM FESTIVAL**

September 15, 2009

Dale Manuel, President
Jefferson County Commission
P.O. Box 250,
124 E. Washington Street
Charlestown, WV 25414

Dear Mr. Manuel:

Looking for an interesting, educational and fun event for your organization? Do your members and community enjoy good films? Hoping to reach a larger community? Looking for an effective fundraising activity? The American Conservation Film Festival's Traveling Festival enables your organization to host your own conservation film festival whenever and wherever you choose. You are invited to attend the annual American Conservation Film Festival (ACFF) in November to see first-hand how you could bring the best independent conservation films to your own community.

Based in Shepherdstown West Virginia, 70 miles from Washington DC, ACFF is entering its 7th year of presenting high quality films that explore the intersection of people and the environment. Every year we search throughout the United States and internationally for new films that explore the distinctive connections between people and place. We find the best, most insightful films from independent and public producers as well as a few select films created for broadcast. After our annual film festival each November, we make many of these films available to you to create your own film festival in your community.

With our help, you decide the types of films that are right for your group and choose your films. We'll make sure you have everything you need, including marketing materials, screening equipment, and an ACFF Ambassador, to bring the American Conservation Film Festival to your theater.

In order to provide you with a preview of upcoming films that will be available to our traveling festival participants we would like to invite you to join us in picturesque Shepherdstown, West Virginia on November 5 thru 8, 2009 for our annual festival. Attached are two complimentary festival passes that will allow you free access to all of our events, including film screenings, the *Conservation in Context* speaker series, receptions to meet filmmakers, and much more.

Please visit our website, www.conservationfilm.org, to view the schedule of events. Please RSVP to Candi Byrne at cbyrne@conservationfilm.org or 304-876-7373. We hope that you will be able to join us at this year's festival.

Sincerely,

Tatiana Petrone
Festival Manager
tpetrone@conservationfilm.org

30 PO Box 889

Shepherdstown, WV 25443

Phone: 304-876-7373

www.conservationfilm.org

RECEIVED

SEP 21 2009

Jefferson County Commission

31



2211 Washington Street East
Charleston, WV 25311-2118
Phone: (304) 346.0591
Fax: (304) 346.0592

FAX

Patricia L. Hamilton
Executive Director

To: All County Commissions

From: West Virginia Association of Counties

Re: Recovery Zone Bonds

Date: September 18, 2009

Included with this fax are two articles from the latest issue of the State Journal. Both articles do a good job of explaining the Recovery Zone Bonds. Enabling legislation is needed for counties to make use of these bonds but it was not put on the call for the August special session due to some concerns which the articles explain.

The Governor's office has requested some input from counties as to what types of projects they have planned that could be funded with recovery zone bonds. You can provide the information to me or send it directly to the Governor's office to the attention of Jim Pitrolo, Legislative Director. This will help them decide whether to make this issue an item for a special session.

Thank you!

GOVERNMENT

www.statejournal.com
September 18, 2009 • Page 7

Counties Miss Out on Millions Due to Legislative Inaction

By WALT WILLIAMS

williams@statejournal.com

Kanawha County Commissioner Kent Carper has many ideas about what his county could do with nearly \$18 million in additional money.

It could be put to use fixing a decaying parking garage, or upgrading the voter registration office, or installing new windows in government buildings — all of which would put people back to work in a county that has seen a significant rise in unemployment during the past year.

"They are sensible, shovel-ready projects that I can put people to work in today, in projects that would benefit everyone," Carper said.

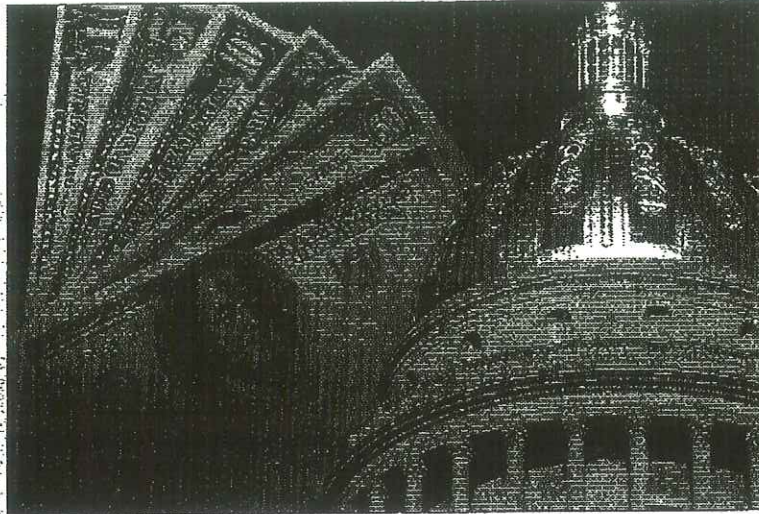
The catch is state lawmakers won't let Kanawha, or any county, tap into that pot of funding.

The state Legislature has so far refused to pass enabling legislation that would let most counties tap into \$225 million in additional funding for infrastructure upgrades and putting unemployed workers back to work. It's a resource provided through the economic stimulus package passed by Congress earlier this year. And if the money isn't used by the end of 2010, then counties lose it.

"No decision is just a disservice to every citizen in the state, especially if you don't live in a city" that needs it, Carper said.

Recovery zone bonds were a significant component of the federal economic stimulus bill for local governments. The bonds didn't provide additional money directly to cities and counties, but rather gave them expanded bonding capacity under favorable-lending conditions.

The problem for some coun-



a strong coal industry ineligible for bonds, while other counties are now entitled to millions.

The coal industry has experienced a decline in employment since the economic snapshot was taken, so even though coal-producing counties such as Mingo and Logan are struggling under high unemployment rates, they are ineligible for recovery zone bonding.

At the same time, Berkeley County is eligible for more than \$30 million, because its rise in unemployment coincided with the time period federal lawmakers considered.

Not that it will be able to make use of it. West Virginia government is set up in such a way that counties must first have the state Legislature give them the authority to issue the additional bonds.

"The federal government allocates (the funding) by county,"

said David Warner, executive director of the state Economic Development Authority. "Our state doesn't have a mechanism to allocate

sary paperwork in hopes of one day getting the additional bonds, only to find a lot of red tape in the way. Ronald Collins, president of the Berkeley County Commission, said one proposal for renovations at the county courthouse had to go through three levels of federal review.

"It is a kind of farce," he said. "They count the stimulus funds, and yet you can't get them, you can't use them."

Asked about the allegations of red tape, Jessica Tice, spokeswoman for Sen. Jay Rockefeller, D-W.Va., said recovery zone bonds were "an important tool included in the economic recovery legislation, and Sen. Rockefeller is working to make sure these dollars reach West Virginia communities as quickly as possible."

The hang-up at the state legislative level seems to be in part a result of misunderstanding of how the money was allocated, with some lawmakers concerned that certain counties were not eligible for recovery bonds. Still, Art Kirkendoll, president of the Logan County Commission, said he doesn't want to see any county lose out just because his county won't receive addi-

WEBextra

To see a county-by-county breakdown of how much money could be available, go to www.statejournal.com

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federal payment subsidy — 45 percent of the interest — finance a broad range of quality economic development projects such as job training and educational programs, according to the U.S. Treasury Web site.

The second are recovery facility bonds that are a type of traditional tax-exempt private activity bond that may be issued by private businesses in designated recovery zones to finance a broad range of capital projects.

Both are made available to counties, but not necessarily in the amounts they can use. Some counties are eligible for less than \$1 million in additional bonding capacity, and Sen. Brooks Caber, D-Kanawha, said it is hard to do the underwriting on issue bonds for those amounts.

He has proposed legislation to give the counties the authority to use the bonds, and said

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given they need to pay the bonds back with interest.

So far Gov. Joe Manchin hasn't proposed taking up the issue in special session. McCabe believes it shouldn't wait until the regular session next year, given the time limit counties have to use the funds.

"In my opinion, if we do have the special session, we



Carper



said David Warner, executive director of the state Economic Development Authority. "Our state doesn't have a mechanism to allocate



McCabe



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32

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SEP 23 2009

Jefferson County Commission

September 17, 2009

MES Customer,

Following a year long trial on how to best serve you our customer, we have decided through overwhelming customer feedback to consolidate our Maryland warehouse and customer service team into our regional super center in Charlotte, NC. This change allows us to put more people in one place providing superior service to you our customer. Our local sales and technical service teams live in Maryland, Pennsylvania, Virginia and Delaware communities and will continue to service your account locally. We value you as our customer and appreciate the support we receive from you on a daily basis. It is our intent to continue to invest, grow and provide the products and services that you have come to expect from MES.

Some of our competitors will take this strategic decision as an opportunity to depict that MES has abandoned our customer base in Maryland, Pennsylvania, Virginia and Delaware. Please contact any of our team listed below or me personally if you have any concerns about how this might affect your relationship with MES.

Thanks you for your support.

Tom Hubregsen
President
203 364-0620

Jody Brown
VP Eastern Region
800-868-8584

Russell Bolden
Sales Mgr
276-226-0166

Outside Sales

Bill Dunn	301-573-9654
Frank Delinski	301-399-6313
Dave Harman	301-573-7869
Scott Ward	443-783-3636
Peggy Ward	410-968-3473
Jack Richards	540-379-4909

Service Technicians

Steve Records	301-418-2460
Alex Swain	301-573-5671

33

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

Week Ending Date	Week Ending
	September 19, 2009
	FY10
To be Deposited on:	September 25, 2009
Amount Played	73,374,378.20
Amount Won	65,768,867.21
Amount Promo	270,175.00
MWAP Contribution	<u>42,611.53</u>
Adjusted Gross Terminal Revenue	<u>7,292,724.48</u>
Administrative Costs @ 4%	291,708.98
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>7,001,015.48</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
Track Share of Capital Reinvestment @ 42% - 96%	\$ -
Track Share of Capital Reinvestment @ 42% - 4%	\$ -
Adjusted Net Terminal Revenue	<u>7,001,015.48</u>
Racetrack @ 46.50% / 42%	3,255,472.20
Lottery Fund @ 30% / 0%	2,100,304.65
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	980,142.17
Workers' Compensation Debt Reduction @ 7%	0.00
Employee Pension Fund @ 1% / .5%	70,010.15
Greyhound Development @ .75%	52,507.62
Thoroughbred Development @ .75%	52,507.62
Racing Commission @ 1%	70,010.15
County/Municipality @ 2%	140,020.30
3% Funds:	
Tourism Promotion Fund @ 1.375%	86,263.96
Development Office Promotion Fund @ .375%	26,253.81
Research Challenge Fund @ .5%	35,005.08
Capitol Renovation and Improvement Fund @ .6875%	48,131.98
2004 Capitol Complex Parking Garage Fund @ .0625%	4,375.63
1% Funds:	
State Capitol Complex Parking Garage @ 1%	0.00
Cultural Facilities and Capitol Resources @ .5%	35,005.08
Capitol Dome and Capitol Improvements @ .5% / 1%	<u>35,005.08</u>
	<u>7,001,015.48</u>

WEST VIRGINIA LOTTERY

First Benchmark

Charles Town

County / City Split

Fiscal Year 2009

Charles Town
 1999 Net Terminal Revenue \$ 45,603,174
 Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 12.42%	CHARLES TOWN 34.56%	HARPERS FERRY 3.65%	RANSON 35.08%	SHEPHERDS TOWN 14.29%
4 days ending: 7/1/09- 7/4/09	\$ 128,262.42	\$ 128,262.42	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week ending:								
07/11/09	\$ 168,815.08	\$ 168,815.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/18/09	\$ 160,652.98	\$ 160,652.98	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/25/09	\$ 158,869.08	\$ 158,869.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/01/09	\$ 174,493.08	\$ 174,493.08	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/08/09	\$ 155,848.74	\$ 138,408.80	\$ 17,437.94	\$ 2,165.79	\$ 6,026.55	\$ 636.48	\$ 6,117.24	\$ 2,491.88
08/15/09	\$ 162,444.28	\$ 81,222.14	\$ 81,222.14	\$ 10,087.79	\$ 28,070.37	\$ 2,964.61	\$ 28,492.73	\$ 11,906.64
08/22/09	\$ 152,520.62	\$ 76,260.31	\$ 76,260.31	\$ 9,471.53	\$ 26,355.56	\$ 2,783.50	\$ 26,752.12	\$ 10,697.60
08/29/09	\$ 160,845.84	\$ 80,472.92	\$ 80,472.92	\$ 9,994.74	\$ 27,811.44	\$ 2,937.26	\$ 28,229.90	\$ 11,499.58
09/05/09	\$ 161,596.30	\$ 80,798.15	\$ 80,798.15	\$ 10,035.13	\$ 27,923.84	\$ 2,949.13	\$ 28,343.99	\$ 11,546.06
09/12/09	\$ 172,573.84	\$ 86,286.92	\$ 86,286.92	\$ 10,716.84	\$ 29,820.76	\$ 3,149.47	\$ 30,269.45	\$ 12,330.40
09/19/09	\$ 140,020.30	\$ 70,010.15	\$ 70,010.15	\$ 8,695.26	\$ 24,195.51	\$ 2,555.37	\$ 24,559.56	\$ 10,004.45
Subtotal	\$ 1,897,040.56	\$ 1,404,552.03	\$ 492,488.53	\$ 61,187.08	\$ 170,204.03	\$ 17,975.82	\$ 172,764.99	\$ 70,376.81

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

35

Leslie D. Smith

From: JCC [info@jeffersoncountywv.org]
Sent: Monday, September 21, 2009 9:21 AM
To: Idsmith@jeffersoncountywv.org
Subject: Fw: pc Agenda

-----Original Message-----

From: "gil narro garcia" <gilnarrogarcia@comcast.net>
Sent: 9/18/2009 8:43:57 PM
To: info@jeffersoncountywv.org
Subject: Re: pc Agenda

The known on the street and, as you call it "Main Street" is that the JC Commissioners are pushovers for any request by any developer. I cant' imagine any circumstance under which you would approve an extension. When citizens file for timed approvals of projects and they then change their plans, we are assessed penlaties. So, it's very simple. For the following request, "Request by B.C. Partners, Inc for a variance to extend the file expiration date of the Breckenridge", just say no and charge them fees if they want an extension. They are big boys and girls and must understand that their antics are outdated and will not be tolerated Enuf said---grow up!

Gil N Garcia

HF, WV

304-535-2235

----- Original Message -----

From: Jefferson County Alerts
To: jeffersoncountycommissionalerts@jeffersoncountywv.org
Sent: Friday, September 18, 2009 4:39 PM
Subject: pc Agenda

*****Please do not reply to this email. If you have questions or need assistance, please email info@jeffersoncountywv.org or call the County Commission office at 304-728-3284.*****

Correspondence